

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**27 JANUARY 2016**

**REPORT OF CORPORATE DIRECTOR,  
DEVELOPMENT AND NEIGHBOURHOOD  
SERVICES**

**14/2019/FUL**

**12 Teesbank Avenue, Eaglescliffe, Stockton-on-Tees**

**Part retrospective application for works to rear garden to provide H section steel uprights with wooden sleepers and living wall planting and placing of soil from house extension foundations to be placed to rear of sleepers**

**Expiry Date: 15 October 2015**

#### **SUMMARY**

This proposal was considered at Planning Committee on the 14<sup>th</sup> October 2015 and due to an on-going planning Enforcement appeal at the site at the time, members resolved to defer the determination of this application until the outcome of the appeal. The full committee report from the 14<sup>th</sup> October is detailed at appendix 1 and 2.

The appeal decision relative to the enforcement notice was issued on the 8<sup>th</sup> December 2015 and is detailed at appendix. 3. The planning Inspector overturned the councils Enforcement Notice and in doing so, allowed the development which is the subject of this application.

Officers have invited the applicant to withdraw the application in view of the appeal decision having granted permission for the content of this application. This invitation has been declined. As such, in view of planning committee seeking to determine the application post appeal decision, the application is being reported back to committee for determination. In view of the appeal decision already having granted permission for the works which are the subject of this application, the determination of this application is now a formality and would not alter the outcome or allowances granted by the appeal decision.

In line with the previous recommendation, officers remain to recommend approval of the development. The planning Inspector, in reaching his decision, determined that no conditions were required other than one which limited the height of the fence between 11 and 12 Teesbank Avenue to 2m for a stretch of that boundary. The fence did not form part of this application and in any event, permitted development rights only allow for such a fence to be 2m in height. As such, a condition controlling the fence is not required. In view of these matters, this application is now being put to committee with only a single condition relating to the approved plans.

#### **RECOMMENDATION**

***That planning application 14/2019/FUL be approved subject to the following condition and informative;***

***Approved Plans***

**01** *The development hereby approved shall be completed in accordance with the following approved plans;*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
SBC0001	14 <sup>th</sup> October 2015
1425/L/100	2 <sup>nd</sup> October 2015
1427.2.2.100F	2 <sup>nd</sup> February 2015

*Approved plan 1427.2.2.100F as detailed above is only approved in relation to the extent of earthworks and any details of the retaining structure as shown in section on that plan are not part of the approved details. The approved heights and details of the retaining structure are shown on approved plan 1425/L/100 as received on the 2<sup>nd</sup> October 2015.*

*Reason: To define the consent.*

### **INFORMATIVE OF REASON FOR PLANNING APPROVAL**

#### ***Informative: Working practice***

*The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.*

### **BACKGROUND, PROPOSAL, PUBLICITY and CONSULTATION**

As per officer report to committee on the 14<sup>th</sup> October 2015 (see appendix. 1)

### **MATERIAL PLANNING CONSIDERATIONS**

The officer considerations remain as per the 14<sup>th</sup> October report at appendix 1, in that although the development undertaken has notably changed the appearance of the area and the area is a Special Landscape Area adjacent to the Green Wedge, the amendments made during the course of the application have reduced the scale of the works to a point which is considered to accord with policy. Please see Material Planning Considerations at Appendix 1 for full extent of considerations.

Permission has been granted as a result of the Planning Inspectorates decision and this is clearly a material planning consideration.

Notwithstanding the objections as considered in the report at appendix 1, which remain to be considerations, in view of the officers considerations within that report and the Planning Inspectors decision issued on the 8<sup>th</sup> December 2015, it is considered that the application now needs to be determined and should be approved in view of there being no basis on which a refusal of the scheme could be substantiated.

### **CONCLUSION**

The proposed works, in their revised form, are considered to have a reduced impact from the works which were in place at the time of issuing the Enforcement Notice and although they will have an urbanising and formalising impact on the semi natural riverbank which is part of a 'Special Landscape Area' designated under saved Local Plan Policy EN7, it is considered that the extent of works detailed within the application are adequately in line with this and other relevant policies. It is recommended that the application be Approved with Condition for the reasons specified above.

**Corporate Director of Development and Neighbourhood Services  
Contact Officer Mr Andrew Glossop Telephone No 01642 527796**

**WARD AND WARD COUNCILLORS**

Ward	Eaglescliffe
Ward Councillor	Councillor Phillip Dennis
Ward Councillor	Councillor Stefan Houghton
Ward Councillor	Councillor Laura Tunney

**IMPLICATIONS**

**Financial Implications:**

There are no known financial implications in determining this application.

**Legal Implications:**

There are no known legal implications in determining this application.

**Environmental Implications:**

The development detailed within the application is considered to have an impact on the character and appearance of the surrounding area although changes to the scheme through the course of the application have resulted in officers now considering the development to be of an impact to an acceptable level. Whilst there may have been impacts on wildlife and biodiversity, these would have largely occurred prior to the Local Planning Authorities involvement with the site.

**Human Rights Implications:**

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report. The detailed considerations within this report take into account the impacts on adjacent residential properties and have taken in to account comments made.

**Community Safety Implications:**

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report. The development is on private land adjacent to the river and it is considered that there are no impacts on the scheme which would unduly affect community safety.

**Background Papers:**

Core Strategy Development Plan  
Local Plan