

DELEGATED

AGENDA NO 9

PLANNING COMMITTEE

DATE 5 NOVEMBER 2008

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

08/2931/FUL

**Land To The Rear Of Glenmarlen, Darlington Road , Long Newton
Erection of 1 no. Dwellinghouse (demolition of existing stables and storage
buildings)**

Expiry Date 19 November 2008

UPDATE REPORT

Since the report was prepared further information has been received regarding the proposed scheme which requires a change to the original recommendation to a refusal of planning permission.

RECOMMENDATION

Planning application 08/2931/FUL be Refused for the following reasons;

- 1. *The apple tree proposed to be removed provides a major contribution to the street scene being of a special amenity value, the loss of which will have a detrimental effect on the amenity of the residential area contrary to Policy GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan.***
- 2. *The proposed car parking for the development does not provide sufficient manoeuvrability and turning facility for vehicles to be able to exit the property in forward gear. This would result in vehicles manoeuvring and reversing out onto the highway, which would be detrimental to highway safety, contrary to Policy GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan.***

Background

Members will note from the main report that revised plans were requested to overcome concerns over the submitted scheme which followed the approval on appeal for a house on land to the rear of Glenmarlen, Darlington Road, Long Newton. Subject to the receipt of those revised plans approval had been recommended.

The applicant has confirmed that the plans will not be amended as indicated on the previous report and the application should be considered as submitted.

Material Considerations

The submitted scheme gives rise to two main concerns - landscaping and access/highway safety. These concerns are set out in some detail in the main report and are summarised below.

Landscaping.

When determining the appeal, the inspector concluded “The illustrative plan shows that the proposed building would not impinge on its canopy and this aspect could be secured by condition. I am satisfied that the proposal would not harm the existing tree”.

The applicant has submitted a tree report, which states that the tree is a category C1 tree (which in accordance with British Standard 5837:2005, should not necessarily constitute a development restraint) and has indicated its removal.

The tree has been inspected by the Council’s Arboricultural Officer who is of the opinion that the tree still functions as amenity value and is worth of retention. It is cropping well and if Ivy growing up it is removed and the ground protected during construction it possibly has 30 years life left in it.

It is therefore considered that there is no justification for the removal of this tree and a scheme should be submitted that would include the retention of this apple tree.

The hard and soft landscaping as proposed is not to an acceptable standard however this would not in itself warrant refusal of an application. Should the applicant appeal against a refusal of this application, conditions can be suggested to the Planning Inspectorate which can include a requirement for the hard and soft landscaping to be submitted and agreed with the local planning authority prior to the commencement of development.

Access and highway safety.

The Head of Technical Services considers the proposed parking layout as not being acceptable, as it does not provide a sufficient manoeuvrability and turning area for vehicles to be able to exit the property in a forward gear.

The proposal would result in cars reversing approximately 100 metres to exit the site, which is considered to be unacceptable and would have an adverse effect on pedestrian and highway safety.

Residual Concerns

The Lime Tree at the entrance to the site

Longnewton Parish Council commented that the tree report submitted with the application stated that the lime tree at the entrance to the property may need the crown to be lifted to allow passage of delivery vehicles and plant to the site. The Parish Council do not agree that protected trees should be pruned for this reason and if Stockton Borough Council’s arborist does agree to pruning it should be kept to a minimum and supervised.

The lime tree is outside the application site boundary and is not in the ownership of the applicant. The applicant has confirmed that no works are envisaged, however should any works be necessary, these would be subject to a separate application and considered accordingly.

Conclusion

The application is recommended for refusal due to the adverse impact on the amenity of the area likely to result from the loss of the apple tree and the unacceptable car-parking layout, which is considered detrimental to highway safety.

Corporate Director of Development and Neighbourhood Services

Contact Officer Mrs Elaine Atkinson Telephone No 01642 526062

Financial Implications:

None

Environmental Implications:

See report

Human Rights Implications

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications

None

Background Papers:

Application files: 08/2931/FUL

Ward and Ward Councillors:

Ward	Western Parishes
Ward Councillor	Councillor F. G. Salt