

DELEGATED

AGENDA NO .

PLANNING COMMITTEE
19th April 2006

REPORT OF CORPORATE DIRECTOR
OF DEVELOPMENT AND
NEIGHBOURHOOD SERVICES.

06/0586/FUL

LAND AT 5 FORELAND POINT, INGLEBY BARWICK
ERECTION OF DETACHED BUNGALOW
Expiry date: 21st April 2006

Summary:

The application site has been subject to a previous planning application in early 2004, outline planning consent was sought for the erection of 1no. dwellinghouse. An appeal was subsequently lodged and dismissed.

Planning permission is now sought for the erection of a 11m x 7.1m two-bedroom bungalow reaching a maximum height of 4.5m to the east of the host property. The proposal also includes extensive planting on the most southern part of the slope to replace existing course grass

In light of the previous appeal decision it is considered that the proposed development does not overcome previous concerns and that the plot is not of a sufficient enough size to accommodate a residential dwelling. The development is therefore considered to be contrary to policies GP1, HO3, HO11 and EN7 of the adopted Stockton on Tees Local Plan.

Recommendations:

RECOMMENDED that planning application 06/0586/FUL be refused for the following reasons:

01. The erection of a dwellinghouse as proposed would have an adverse impact on the Special Landscape area of the Leven Valley and would therefore be contrary to the provisions of Policy EN7 of the adopted Stockton on Tees Borough Council Local Plan.

02. In the opinion of the Local Planning Authority, the application site is contrary to Policy GP1 and HO3 of the Stockton on Tees Local Plan as it is of insufficient size to satisfactorily accommodate the proposed dwelling and would result in lower amenity standards for the residents of the host property.

Policies GP1, H03, H011 and EN7 of the adopted Stockton-on-Tees Local Plan and Planning Policy Guidance No.3: Housing were considered relevant to this decision.

History

1. The application site has been subject to a previous planning application in early 2004, outline planning consent was sought for the erection of 1no. dwellinghouse. This application was refused for the reason outlined below;

“The erection of a dwellinghouse as proposed would have an adverse impact on the Special Landscape area of the Leven Valley and would therefore be contrary to the provisions of Policy EN7 of the adopted Stockton on Tees Borough Council Local Plan.”

2. An appeal was subsequently lodged and dismissed with the inspector concluding that the dwellings in the area sit on the ridge and only the garden area extend into the Valley thereby remaining free and open from development and that the proposed bungalow would be out of character with the surrounding area (Appendix A).

The Proposal

3. The application site is situated on Foreland Point and the southern edge of Ingleby Barwick, adjacent to the Leven Valley. The site is surrounded to the west and north by residential properties, whilst the southern edge of the site slopes steeply towards the River Leven.
4. Planning permission is sought for the erection of an 11m x 7.1m two-bedroom bungalow reaching a maximum height of 4.5m, a hard standing area is also proposed off Foreland Point to serve the dwelling with a car parking area. The proposal also includes extensive planting on the most southern part of the slope to replace existing coarse grass
5. Vehicular access to the proposed property is via the bottom of the existing cul-de-sac of Foreland Point.

Consultations

6. The following responses were received from those departments and organisations consulted on this application.

Engineers And Transportation

I have no adverse comments to make regarding this application; however, the applicant will need to contact Service Stockton regarding the requisite dropped kerb crossing.

Parish Council

Ingleby Barwick Parish Council object to this proposal. Building another dwelling within the site would result in over-development of the plot. Consideration should be given to any comments from No. 43 Challacombe Crescent, as the proposed bungalow would deprive them of their view of the Leven Valley. It is suggested that Stockton Borough Council undertake a site visit.

Landscape Officer

The bungalow is proposed to be located to the eastern side of No.5 Foreland point and to the south of no.43 Challacombe Crescent. This area of the existing garden of no. 5 Foreland Point is level maintained lawn and I would envisage that the proposed floor level of the bungalow would be similar to that of no. 5.

A middle-aged ash tree is present within the garden area and is located adjacent to the top of the slope of the valley. This tree provides some maturity to the site and assists in reducing the visual impact of the bungalow when viewed from across the valley. If consent is granted, this tree should be protected and retained throughout the construction period in accordance with BS 5837 Trees in relation to Construction 2005.

The proposed location of the bungalow would appear to be associated within the overall building line of the existing properties along this side of the Leven Valley. Due to the building also being single storey, its visual prominence would be reduced when viewed against a backdrop of the existing properties.

Nos. 41 and 43 Challacombe Crescent will have clear views of the bungalow, when viewed from the first floor windows, however the 1.8m high timber fencing along the boundary will effectively screen views from ground floor rooms. My main concern regarding overlooking is the close proximity of the bungalow to the rear garden of no.41 Challacombe Crescent, however, I also note that the proposal is to incorporate opaque glass to the window on the east side.

The overall visual impact of the development will be minimised by the proposal to carry out extensive planting to the south side and if consent is granted, full landscape details should be provided to the following minimum standard:

- A. A detailed landscape plan for hard construction indicating materials and construction methods
- B. Full boundary treatments
- C. A detailed planting plan indicating soil depths, plant species, numbers densities, locations and sizes, planting methods, maintenance and management.
- D. Full details of the tree protection measures should be submitted for approval and should be erected, to the satisfaction of the Council, prior to any works commencing on site.

Overall, I have no objection to the application.

I trust you find this in order, however should you have any queries or require further information please do not hesitate to contact me.

Environmental Health Unit

Further to your memorandum regarding the above, I have no objection in principle to the development, however, I do have concerns regarding the following environmental issues and would recommend the conditions as detailed be imposed on the development should it be approved.

- Possible land contamination
- Construction noise

Development Plans Officer

Outline permission for one detached dwelling was refused by the Council in 2004 and upheld at appeal. The Main concerns being related to the impact of the proposed dwelling on the special landscape area adjacent to the site.

I note that this proposal is for full Planning Permission and that the applicant has relocated the dwelling away from the slope in an attempt to reduce the impact on the special landscape area. Although I recognise the attempt made by the applicant policy EN7 of the plan it could still be argued that the development could have an adverse impact on the special landscape area and it should be noted that this policy is still a material consideration.

EN7: "Development which harms the landscape value of the following special landscape area will not be permitted: -

- a) Leven Valley
- b) Tees Valley
- c) Wynyard Park"

It would therefore seem that the only other issues relating to this proposal are related to the actual functioning of a dwelling in this location and the resultant impacts on other properties, an aspect of the proposal, which I am sure you will be able to consider. However; I do have concerns regarding the close proximity of the proposed property to the existing dwelling, the reduction in usable private amenity space of no.5 Foreland Point and the fact that the only amenity space available for number five will be impinged upon by car parking and pedestrian access for the proposed dwelling.

Given the above, I recommend that the application be refused.

English Nature

No comments to make on this application

7. The latest neighbour consultation period expires on the 11th April 2006. At present a total of 15 letters of objection have been received from the local residents. The main issues are detailed as follows.

- Loss of open views
- Impacts on traffic, access arrangements and highway safety.
- Over-development of the site
- Overbearing on neighbouring properties
- Issue of setting a precedent
- Impacts of wildlife
- Impact on character of the area
- Loss of privacy
- Loss of community resource
- Cause a loss of daylight to neighbouring properties
- Does not accord with national or local planning policy guidance
- The development would encroach onto the Leven Valley
- Loss of value to the property
- Issue of covenants on the land, with regards to new buildings
- The location of the proposed parking impinges on the "protected" Leven valley landscape as outlined in Local plan Policy EN7 and En14
- The parking area is isolated from the proposed development and would re-present a loss of privacy to no 5 Foreland point.
- The hard standing area could de-stabilise the valley wall

Planning Policy Considerations

8. Where an adopted or approved development plan contains relevant policies, Section 54A of the Town and Country Planning Act 1990 (as amended) requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plans are the Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP).
9. The following planning policies are considered to be relevant to the consideration of this application:

Stockton-on-Tees Local Plan

Policy GP1:

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (i) The external appearance of the development and its relationship with the surrounding area;
- (ii) The effect on the amenities of the occupiers of nearby properties;
- (iii) The provision of satisfactory access and parking arrangements;
- (iv) The contribution of existing trees and landscape features;
- (v) The need for a high standard of landscaping;
- (vi) The desire to reduce opportunities for crime;
- (vii) The intention to make development as accessible as possible to everyone;
- (viii) The quality, character and sensitivity of existing landscapes and buildings;
- (ix) The effect upon wildlife habitats;
- (x) The effect upon the public rights of way network.

Policy HO3:

Within the limits of development, residential development may be permitted provided that:

- (i) The land is not specifically allocated for another use; and
- (ii) The land is not underneath electricity lines; and
- (iii) It does not result in the loss of a site which is used for recreational purposes; and
- (iv) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
- (v) It does not result in an unacceptable loss of amenity to adjacent land users; and
- (vi) Satisfactory arrangements can be made for access and parking.

Policy HO11:

New residential development should be designed and laid out to:

- (i) Provide a high quality of built environment, which is in keeping with its surroundings;
- (ii) Incorporate open space for both formal and informal use;
- (iii) Ensure that residents of the new dwellings would have a satisfactory degree of privacy and amenity;
- (iv) Avoid any unacceptable effect on the privacy and amenity of the occupiers of nearby properties;
- (v) Pay due regard to existing features and ground levels on the site;
- (vi) Provide adequate access, parking and servicing;

(vii) Subject to the above factors, to incorporate features to assist in crime prevention.

Policy EN7:

Development which harms the landscape value of the following special landscape area will not be permitted:-

- (a.) Leven Valley
- (b.) Tees Valley
- (c.) Wynyard Park

Policy EN14:

Within the following green wedges, development will not be permitted which detracts from the open nature of the landscape so as to threaten, by itself or Cumulatively; the local identity of the areas separated by the green wedge.

- (a.) River Tees floodplain from Surtees Bridge, Stockton, to Yarm;
- (b.) Leven Valley between Yarm and Ingleby Barwick;
- (c.) Bassleton Beck Valley between Ingleby Barwick and Thornaby;
- (d.) Stainsby Beck Valley, Thornaby;
- (e.) Billingham Beck Valley;
- (f.) Between North Billingham and Cowpen Lane Industrial Estate.

Material Planning Considerations

10. It is considered that the main issues of this application are its potential impact on the character of the area, amenity of the neighbouring residents and access and highway safety.

Principle of Development.

11. The proposed development is situated in the eastern garden of a property in a modern open plan estate built in the mid 1990's, whilst the southern edge of the garden area provides a break between the housing development and the Leven Valley.
12. As the site lies within the settlement limits the development is subject to the provisions of policies GP1, HO3 and HO11 of the adopted Stockton on Tees local plan.
13. As the site abuts both a special landscape area and an area of green wedge policy EN7 and En14 are also considered to be relevant. Policy EN7 of the adopted Local Plan states that development which harms the special landscape value of the Leven valley will not be permitted. Equally policy EN14 states that development will not be permitted which detracts from the open nature of the landscape so as to threaten, by itself or cumulatively; the local identity of the areas separated by the green wedge.

Impact on the Character of the Area

14. Whilst the agent may have amended the scheme to try and reduce the impact of the development on the special landscape area and overcome both the Local Planning Authorities and the Planning inspectorates previous decision it is considered that the cumulative impact of the proposal and the parking area would still have a negative and detrimental impact on the character and appearance of the special landscape area.
15. The Planning Inspectorate in the appeal decision concluded that whilst a bungalow may often grater choice and soften the edge between the a

bungalow at the turning head would be out of character with two-storey properties and the street scene. Whilst the development may now be situated behind the host property, the dwelling proposed does project out beyond the host property would remain visible in the street scene. It is therefore that the inspectors view is still considered relevant and that the development is contrary to policy GP1 of the adopted Local Plan.

Impact on Amenity

16. It is considered that the proposed development cannot be adequately located within the application site, this is highlighted by the lack of private amenity space that would remain for the host property as this is to proposed to mainly be to the front of the existing dwelling. It is considered that the development therefore represents an over-development of the site.
17. Equally of concern is that a proposed window in the second bedroom would front out onto the existing dwelling. The host property would be located approximately 2 metres from this window and would in itself be overbearing on the future residents of this property. The proposed access to the proposed dwelling would also cut across the front garden of the host property and reduce the current level of privacy the residents of this property can reasonably expect to enjoy, contrary to policies GP1, HO3 and HO11 of the adopted Local Plan
18. Concerns are also raised by the neighbouring properties in terms of the impacts of privacy and loss of daylight. The proposed dwelling is however, considered to be an adequate distance away from the neighbouring properties and will not have a detrimental impact on these residents amenity.

Impacts on wildlife

19. Objections were received in relation to the impacts on the wildlife of the area; however, English Nature had no comments to make regarding this application.

Access and Highway safety

20. Many of the objectors have raised the issue of the access and parking arrangement for the proposed dwelling being inadequate for the proposal and raised concerns over highway safety. However, the Head of Integrated Transport and Environmental policy have no objections to the proposed development, it is therefore considered that there are no significant impacts on access or highway safety.

Other issues

21. Many of the objects have raised other issues such as the impact on property values, loss of view, the impacts on slope stability and covenants on the land. These concerns are however, not material planning considerations.

Conclusion.

22. In light of the previous appeal decision it is considered that the proposed development does not overcome previous concerns and that the plot is not of a sufficient enough size to accommodate a residential dwelling. The development is therefore considered to be contrary to policies GP1, HO3, HO11 and EN7 of the adopted Stockton on Tees Local Plan and is recommended for refusal.

Corporate Director of Development & Neighbourhood Services
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Financial Implications

As report.

Environmental Implications

As Report

Community Safety Implications

N/A

Human Rights Implications

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

Background Papers

Stockton-on-Tees Local Plan

PPG 3.

Planning Application 04/0203/OUT

Ward and Ward Councillors

Ingleby Barwick West Ward

Councillors K Dixon, L Narroway, R Patterson