

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

4th October 2006

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

06/2100/REM

Portus Bar, Ingleby Barwick, Stockton on Tees

Reserved matters application for residential development comprising 35 no. dwelling houses

Expiry date 4th October 2006

SUMMARY

A reserved matters application has been submitted for the erection of 35no. residential dwellings on a site within Village 6 of Ingleby Barwick. The scheme proposes large detached dwellings, which include a total of eight different house types focussing around the central spine road, which runs through the site and connects with other areas of the wider Ingleby housing development.

Both outline planning approval and a subsequent reserved matters application have been approved on the site, the latter of which remains valid. This proposal relates to a section of the earlier approved reserved matters application ref 03/0875/P for 208 dwellings. The principle of residential development of the site is therefore established.

A total of four letters of objection have been received from residents of adjoining properties to the site. Objections are based on the development of the site to such a high density, having insufficient space around dwellings and inadequate distancing between properties within the development and existing ones surrounding. It is perceived by residents that this would result in a loss of privacy and sunlight whilst being generally intrusive. It is also considered that the road network cannot cope with the existing levels of traffic at Ingleby, which this development will further add to. The site is indicated as being home to rabbits and other wildlife.

Several matters relating to spacing of dwellings, highways issues and landscape details have been addressed through the submission of a revised plan. See appendix reference 1.

The proposed development is considered to be acceptable in principle with adequate internal spacing and design detail to meet the requirements of planning policy. The highways aspects of the proposed development are accepted following amendment whilst provision of open space was considered under the earlier approval reference 03/0875/P. It is considered that the development would have a negative impact on some of the existing dwellings adjoining the site as a result of spacing, however, not to a degree, which would justify the refusal of planning permission.

In view of the above it is considered the proposed development accords with policies GP1, HO1f, HO3 and HO11 of the Stockton on Tees Borough Local Plan.

RECOMMENDATION

Recommended that application 06/2100/REM be approved subject to the following conditions;

- 01. *The development hereby approved shall be carried out in accordance with the following approved plan(s): unless otherwise agreed in writing with the Local Planning Authority.
Drawing Number(s): -
Site Location Plan: SBC001
Site Layout: IB/E/PLO1 rev.c,***

House Types: 1699-23 & 24, 2269-23 & 24 & 25 & 26, 2108-23 & 24 & 25 & 26, 1520-23 & 24 & 25, 1929-23 & 24 & 25 & 26, 1957-17 & 18 & 23 & 24, 2088-23 & 24 & 25 & 26, 1902-23 & 24 & 25 & 26.

Garage Type: IB/E/04

Reason: To define the consent.

- 02. Notwithstanding any description of the materials in the application, no above ground construction of the buildings shall be commenced until precise details of the materials to be used in the construction of the external walls and roof of the buildings have been approved in writing by the Local Planning Authority.**
Reason: In order to allow the Local Planning Authority adequate control over the appearance of the development.
- 03. Full details of the proposed means of disposal of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted and shall be provided in accordance with the approved details before the development is brought into use.**
Reason: To achieve a satisfactory form of development.
- 04. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a scheme for hard and soft landscaping and its maintenance, details of ground modelling, protection of existing trees, drainage runs and street furniture of all open space areas. The work shall be carried out during the first planting and seeding season following the substantial completion of the development, and any trees or plants which within a period of five years from the date of planting, die are removed or become seriously damaged, shall be replaced with others of a similar size and species in the next planting season unless the Local Planning Authority gives written consent to any variation.**
Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.
- 05. Notwithstanding details hereby approved the highways within the site shall be constructed in accordance with a scheme of traffic calming to be submitted to and approved in writing with the Local Planning Authority prior to commencement of the construction of the highways.**
Reason: In the interests of highway safety.
- 06. No Development hereby approved shall commence on site until a Phase 1a+b desk study investigation to involve hazard identification and assessment has been carried out, submitted to and approved in writing by the Local Planning Authority. The study must identify industry and geologically based contaminants and include a conceptual model of the site. If it is likely that contamination is present a further Phase 2 site investigation scheme involving risk estimation shall be carried out, submitted to and approved in writing by the Local Planning Authority prior to any development hereby approved commences on site.**
Reason: To ensure the proper restoration of the site.
- 07. No development hereby approved shall commence on site until a remediation scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. No Development hereby approved shall commence until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance which will be carried out in accordance with the requirements of the report.**
Reason: To ensure the proper restoration of the site.

08. **No development hereby approved shall commence until a scheme of insulation to mitigate against noise generated by the adjoining site has been submitted to and approved in writing by the Local Planning Authority and the development. The development shall be carried out in accordance with these approved details unless agreed otherwise in writing with the Local Planning Authority.**
Reason: In order to achieve adequate amenity for the future occupiers of the proposed dwellings.
09. **During construction of the scheme hereby approved there shall be no development works undertaken outside the hours of 8.00a.m. - 6.00p.m. weekdays, 8.00a.m. - 1.00p.m. Saturdays and at no times on Sundays or bank holidays.**
Reason: To avoid excessive noise and disturbance to the occupants of nearby properties.
10. **Notwithstanding the provisions of classes A, B, C, D & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, nor any ancillary buildings or means of enclosure erected within the curtilage without the written approval of the Local Planning Authority.**
Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based.
11. **Notwithstanding details shown on the plans hereby approved, prior to any works commencing on site, a scheme of ground levels and finished floor levels for all properties within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.**
Reason: To take into account the sites location in respect to surrounding development.

BACKGROUND

1. The application site is part of the larger outline approval, which covers Ingleby Barwick as well as application 03/0875/P, a reserved matters approval for 208 houses. This site currently being considered falls within the northern corner of this previously approved larger site.

PROPOSAL

2. Planning permission is sought for the erection of 35 detached dwellings, the associated highway infrastructure and ancillary elements.
3. There is a total of eight different house types within the development as well as handed versions of each. All properties have two storey elevations having either 4 or 5 bedrooms and a mix of integral and detached garages. Properties are served off the main spine road, off which lies several cul de sac turning heads as well and shared driveways

CONSULTATIONS

The following Consultations were notified and any comments they made are below:-

Councillors

Cllr Patterson

Summarised:

Ingleby Barwick suffers badly with lack of play provision. The site allows for 167 bedrooms and provides no facilities for children. Bearing in mind the number of children living there it may be appropriate to have some form of children's play area on the site. Residents in Lullingstone crescent are suffering as a result of insufficient play space and children playing on the grass verges.

Ingleby Barwick Parish Council

Approval should not be given for any more houses until the Traffic Model is available so we can ascertain the impact developments will have on the road network.

More variation of development is required i.e. there is a lack of bungalows in Ingleby Barwick.

The proposed plots are too small for executive houses of this size.

What is the density of the site and does it meet guidance requirements?

There is a lack of public open space within the development.

The Parish Council has concerns in respect of the shared pathway to the rear of plots 399, 400 and 401 as it has the potential to cause problems.

It is noted that the feature landscaping is to be agreed with the LA, will the Parish Council be consulted?

Head of Integrated Transport and Environmental Policy

Following receipt of the revised plan I have no adverse comments in relation to this application. A condition should be put on the proposed development in relation to traffic calming of the major road through the development.

Environmental Health Unit

No objection in principle subject to conditions being imposed relating to land contamination, Construction noise, Noise disturbance from adjoining properties and working hours.

Cleveland Archaeologist Section

An archaeological strategy was agreed for this area of Ingleby Barwick and implemented in 2001. I therefore have no objection to the application and no further comments to make.

Northumbrian Water Limited

General comments relating to surface water and drainage connections.

Northern Gas Networks

Northern Gas networks has no gas mains in the area of the enquiry although gas pipes owned by other gas transporters may be present in the area.

NEDL

no objections

Landscape Officer

Summarised:

Overall no objection is raised to the proposed development. There is a need for detailed landscaping plans showing tree planting, ground modelling, hard surfacing, street furniture etc.

Care For Your Area

Neighbours were notified and any comments received are below (if applicable):-

Paul March

10 Brougham Close, Ingleby Barwick

The additional houses which mirror existing house types will reduce the values of the existing properties and home owners were told Charles Church would not be developing another site on this development. Ingleby is far too big and traffic is already a major problem with mile long tailbacks along the new road.

Mr and Mrs Walsh

16 Brougham Close, Ingleby Barwick

summarised:

The resubmitted plans do not in any way take into account the initial concerns with respect to plot 417. The property to the rear (417) is far too close to my garage and garden affecting privacy and sunlight.

This section of the proposed development could be redesigned to be more sympathetic. When we bought the property Charles Church showed us layout plans, which showed gardens to the rear of our property. We would have chosen another plot had we been fully aware of the changes to Portus Bar.

Mr and Mrs Nolan
18 Brougham Close, Ingleby Barwick

Summarised:

I have looked at the revised plans and I still strongly object to these. Plot 419 will block a lot of light to our property having a brick wall adjacent to the garden boundary, which will be very intrusive. Previous indications were that there would be a garden behind the property. For the size of the property there should be more space around them. Would it not be possible to have the dwellings set out the same as they are from plot 410 to 416 or something similar.

Nick Matthews
20 Brougham Close, Ingleby Barwick

Summarised:

I note the amendment to plot 419 and still object as due to the design of my property it would still block an unreasonable amount of light to my living room. We brought our house on the understanding that there was not to be a house directly behind the property. We were shown initial drawings in the sales office, which showed a house and garage a good distance away from our property. The site is currently home to rabbits and other wildlife, with one sighting of a skylark.

PLANNING POLICY CONSIDERATION

Where an adopted or approved development plan contains relevant policies, section 54A of the Town and Country planning Act requires that an application for planning permission shall be determined in accordance with the Plan, unless material planning considerations indicate otherwise.

The relevant development plan in this case is the adopted 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 HO1

The following commitments to residential developments are reaffirmed
Ingleby Barwick
(f) Villages 4 - 6

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.

MATERIAL PLANNING CONSIDERATIONS

Principle of development

- 4. In view of the longstanding outline approval for Ingleby Barwick and the more recent reserved matters approval for a larger site to that which is being considered and which included this site currently being considered, the principle of residential development is accepted.
- 5. The site area is 2.05 hectares, which results in a density of 17 dwellings per hectare. This is below the 30 to 50 dwellings per hectare guidance of PPG 3. The previous reserved matters approval for this area of the larger site resulted in a density of 19 dwellings per hectare. In considering the density of the proposed development, account needs to be taken of the density of the wider residential areas, which does include higher density areas. In view of the existing permission, which is a material planning consideration and this site being part of a much larger development, the density is considered to be acceptable.

Layout and Design

- 6. The proposed development incorporates a wide variety of property types which have varied footprints and variations in projecting gables, bay windows, porches, chimney details, dormer windows and roof lights as well as the detailing of windows and roof shapes. As such it is considered there will be a good level of contrast throughout which will assist in breaking up the massing and impact of the development.
- 7. Objection has been made that there is insufficient variation within the scheme and that there is a lack of bungalows within Ingleby. In view of comment in the paragraph above it is considered there is adequate variation throughout the scheme with respect to design and appearance, although there are no bungalows proposed within the development. This in itself is not considered to be a significant issue or one which requires addressing taking into account the previous approval for the site which similarly allowed for detached two storey housing and which remains valid for implementation.
- 8. Specific objection has been made in respect to the plots being too small for properties of such a scale. The properties are relatively large and in scale with the surrounding development, which incorporates several identical house types. Although each property has been attributed with adequate garden amenity space and distanced adequately from one another to prevent any undue impact on amenity and privacy it is considered that the site would benefit visually from being more open. However, this would result in a reduced density and therefore being less compliant with Government Guidance, which seeks to achieve higher levels of density across development sites.
- 9. Some minor amendments have been achieved in respect to the reduction and marginal realignment of fencing which reduces the vertical emphasis of the development whilst widens the highway corridor through the site, allowing a greater level of landscaping within these areas to be achieved.

10. As a result of these minor amendments, the provision of adequate curtilages to each property and the variation of design throughout, it is considered the overall layout and design of the scheme would be in accordance with Policies HO3 and HO11 of the Stockton on Tees Local Plan.

Impact on adjoining properties

11. Properties within the proposed development generally achieve adequate levels of spacing from both surrounding and proposed dwellings and therefore achieve adequate amenity and privacy, i.e. 21m between main opposing elevations and 11m between a main elevation and a side elevation. In view of the site being relatively dense and spacing being at what is considered to be the limitation of suitability, it is considered necessary to remove future permitted development rights from the dwellings.
12. Several objections have been raised from existing residents of Brougham Close with respect to the proximity of proposed dwellings to existing dwellings in Brougham Close, in particular those properties on plots 417, 419 and 423 and their impact on privacy and sunlight and generally as a result of them being intrusive. The property type on these three plots are all the same (Blenheim, see appendix reference 3) which, due to their orientation at right angles to the existing properties on Brougham Close, results in a side elevation of reasonable length being within close proximity to the rear garden boundaries of these plots. The proposed layout has been marginally amended to move the properties on plots 417, 419 and 423 further away from the adjoining rear garden boundaries and properties. The amended plans achieve the following;

| Plot | Distance between elevation of new house to adjoining boundary | Distance between side elevation of new house and main section of rear elevation of existing adjoining house |
|----------|---|---|
| Plot 417 | 2m | 13.5m |
| Plot 419 | 3.25m | 15.25m |
| Plot 423 | 3.25m | 18m |

See appendix reference 2 for layout plan.

13. The Blenheim Property type has kitchen, utility and WC windows at ground level and en-suite and bathroom windows at first floor level, the later of which would be obscurely glazed. In view of these factors, it is considered adequate levels of privacy would be achieved for properties backing onto these plots.
14. The properties on plots 417 and 419 run approximately half of the width of the rear garden boundaries with the adjoining properties having garden area running the remainder. The councils Adopted Supplementary Planning Guidance on householder extensions advises a distance of 11m is required between the main elevation of a property and the side elevation of another property. In view of the properties on plots 417 and 419 only spanning approximately half of the garden boundary with the adjoining property and achieving in excess of 11m between elevations it is considered that the scheme would retain adequate openness and daylight to the adjoining properties.
15. The property on plot 423 runs almost the entire width of the existing adjoining rear garden. Part of the property on this plot is single storey with a room in the roof and therefore having a reduced ridgeline from the main dwelling. Furthermore, the distance between opposing elevations is 18m. This is considered sufficient to mitigate against and prevent any undue impact on privacy or amenity on the existing adjoining property on Brougham Close.

Highways related matters

15. The Head of Integrated Transport and Environmental Policy has raised no objection to the scheme following the submission of amended plans and it is therefore considered that the level and nature of parking and layout and provision of highway for the site is acceptable.

16. The Head of Integrated Transport and Environmental Policy has advised that a condition should be put on the proposed development in relation to traffic calming of the major road through the development. A condition has been recommended to address this request.
17. The Parish council have suggested the scheme should not be approved until the Traffic Model for Ingleby is available so that its impact is fully taken into account. The Head of Integrated Transport and Environmental Policy has made no objection in respect of this whilst there is already a greater number of dwellings approved for the site under application reference 03/0875/P. As such, the impact of traffic on the wider road network is considered to be acceptable.

Landscaping

18. The layout plan shows indicative areas of feature planting around the dwellings in key areas, which in conjunction with more general planting should assist in adequately greening the environment. The Councils Landscape Officer has raised no objection to the proposed development although has advised of a requirement for a detailed landscaping scheme to be submitted. This has been conditioned accordingly.

Play space

19. The site forms part of a larger site, which has previously been granted approval for the erection of 208 dwellings. This previous application included within it an area of open space, which was considered to be adequate provision. As such, in view of this application relating to the development of a section of the earlier approval, which in itself is a material planning consideration, it is considered that the provision of open space has already been dealt with.

Other Matters

20. The Environmental Health Officer has indicated a need for several conditions to be attached to any approval relating to the control over working hours, the need of properties to be suitably insulated from the adjoining golf course and its extension as well as land contamination. These issues form part of the recommended conditions of this report.

CONCLUSION

21. The proposal results in a low-density development of large properties, which are adequately spaced from one another and existing surrounding properties. The scheme incorporates a good mix of house types, which are experienced elsewhere within the adjoining estate and as such is generally considered to be in keeping with its surroundings.
22. Other issues relating to highways and boundary treatments have been amended through the submission of revised plans and are considered to be acceptable.
23. In view of the above it is considered the proposed development accords with Policies GP1, HO1f, HO3 and HO11 of the Stockton on Tees Local Plan.

Human Rights Implications

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

Corporate Director of Development and Neighbourhood Services

Contact Officer Mr Andrew Glossop

Telephone No 01642 527796

Email address development.control@stockton.gov.uk

| | |
|------------------------|-------------------------------|
| Ward | Ingleby Barwick West |
| Ward Councillor | Councillor K Dixon |
| Ward Councillor | Councillor L Narroway |
| Ward Councillor | Councillor R Patterson |

Appendix Reference 1 06/2100/REM – Portus Bar, Ingleby Site Layout



Appendix Reference 2
06/2100/REM – Portus Bar, Ingleby
Zoomed Layout showing plots 417, 419 and 423 and
their relationship with existing properties to the rear.



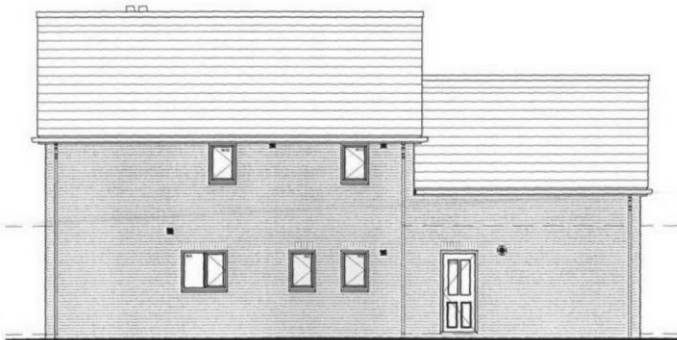
Appendix Reference 3
06/2100/REM – Portus Bar, Ingleby
Blenheim House Type specified for plots 417, 419 and 423



Front Elevation



Side Elevation



Rear Elevation



Side Elevation