

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

10th OCTOBER 2007

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

07/1731/FUL

**Ingleby Barwick Romano Park, Open Space Of Lamb Lane, Ingleby Barwick
Creation of a park including the provision of play equipment, multi-use games facilities, and
Skateboard Park BMX track and field based sport provision. The park will have a
constructed mound as a central focal point with viewing platform and a grassed earth
constructed amphitheatre, new paths, CCTV and security fencing where needed around
play facilities.**

Expiry Date 1 October 2007

SUMMARY

The application site lies in close proximity to the centre of Ingleby Barwick and incorporates several areas of existing open space which predominately lie to the rear of the existing commercial/community facilities at Ingleby Barwick Centre. The site extends from Barwick Way in the east to the boundaries of Talybont Grove and Cribyn Close to the west

Planning consent is sought for the creation of a central park to incorporate a range of facilities for local residents including play equipment; Multi use games facilities; Skateboard Park and BMX track and is proposed to have a Roman theme given the evidence of a historical Roman villa within the local area.

The application is put before members of planning committee given the number of objections received to the proposed development.

It is considered that the location of the proposed park within the centre of Ingleby Barwick is ideal, given it is accessible to the vast majority of the local population. The development is considered to be an important resource that is lacking within Ingleby Barwick, will be an asset to the local community, accords with relevant planning policies and is recommended for approval.

RECOMMENDATION

Planning application 07/1731/FUL be Approved with Conditions subject to

01 *The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.*

Plan Reference Number	Date on Plan
SBC0001	6 June 2007
SBC0002	6 June 2007

Reason: *To define the consent.*

02. *Notwithstanding any description contained within this application, prior to the commencement of the hereby approved development full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. These details shall include finished levels or contours of earthworks, pedestrian access and circulation areas; hard surfacing materials and construction methods; minor artefacts and structures (e.g. incidental buildings, street furniture and all associated play equipment/facilities).*

Reason: *In the interests of amenity and the maintenance of landscaping features on the site.*

03. *A detailed scheme for landscaping and tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is commenced. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species 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.*

04. *Notwithstanding any description contained within this application full details of the proposed CCTV camera(s) and associated mounting pole(s) shall be submitted to and approved in writing with the Local Planning Authority. These details shall include a scheme to ensure that the occupants of the surrounding residential properties do not suffer any adverse impacts from the CCTV equipment. The camera(s) and mounting pole(s) shall be retained in the position(s) as outlined in the approved scheme for the life of the development, unless otherwise agreed in writing with the Local Planning Authority.*

Reason: *In the interest of visual amenity and in the interests of the occupants of the neighbouring properties.*

05. *Details of all external lighting, including that of any play areas shall be submitted to and agreed in writing with the Local Planning Authority before such lighting is erected. Such details shall include details of the spread of light and where appropriate such lighting shall be shielded and aligned to avoid the spread of light, in accordance with a scheme to be submitted to and approved by the Local Planning Authority. The agreed scheme shall be installed on site prior to the opening of the hereby approved play areas and be maintained and adjusted, when necessary, to the satisfaction of the Local Planning Authority.*

Reason; *To avoid light pollution in the interests of the visual amenities of the area.*

06. *No development approved by this permission shall be commenced until the pond contained within this site has been surveyed for amphibians in accordance with a*

methodology which has been submitted to and approved in writing by the Local Planning Authority. If amphibians are found, a scheme for the conservation of the species must be agreed with the Local Planning Authority prior to the commencement of any construction works.

Reason; To ensure a satisfactory form of development by ensuring full consideration of the nature conservation value of the pond and its terrestrial habitat.

07. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason; To prevent the increased risk of flooding.

08. Details of a scheme in accordance with BS5837, 2005, to protect existing trees and vegetation shall be submitted and agreed in writing with the Local Planning Authority. Such an agreed scheme and mitigation measures shall be in place prior to construction commencing and shall be retained on site for the entire construction period, unless otherwise agreed in writing with the Local planning Authority.

Reason; In the interests of amenity and the maintenance of landscaping features on the site.

09. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be agreed with the Local Planning Authority before the development commences. Such means of enclosure as agreed shall be erected before the development hereby approved is occupied.

Reason: In the interests of the visual amenities of the locality.

10. No construction activity shall take place on the site outside the hours of 8.00am - 6.00pm Monday to Friday, 8.00am - 1pm Saturday and nor at any time on Sunday's or Bank Holiday's.

Reason: To avoid excessive noise and disturbance to the occupants of nearby premises.

The Proposal has been considered against the policies below and it is considered that the scheme accords with these policies and there are no other material considerations which indicate a decision should be otherwise.

Policy GP1 – General Principles, EN6 – Protected Species, EN11 – Cleveland Community Forest, EN32a Flood Risk, ED1 – Education and REC4 – Park at Ingleby Barwick

PROPOSAL

Planning consent is sought for the creation of a central park to incorporate a range of facilities for local residents including play equipment; Multi use games facilities, Skateboard Park and BMX track. The proposal is to also include new pathways, security fencing and planting and is to include a Roman theme given the historical evidence of a Roman settlement and villa within the local area.

CONSULTATIONS

The following Consultations were notified and any comments received are set out below: -

Parish Council

The Town Council supports this proposal, which is a much needed facility for Ingleby Barwick. Concerns are raised however that there may be parking issues on Lamb Lane, with people using the road to park their cars when accessing the Park. It is suggested that the whole area should be fenced for security reasons, with the gates open as required to allow access. It should be ensured that the area is well lit and covered by CCTV. It is suggested that the play area adjacent to St. Francis House be restricted to young children only. The provision of a dedicated Ranger would be advantageous.

Urban Design

General Summary

We support this application in principle subject to comments listed below.

Highways Comments

I have no objections to make on this application.

Access is achieved by existing cycle and footways. Considering the recreational objectives of the proposed development, car parking provision would take away from the proposed scheme, however, there appears to be no disabled parking proposed for this facility. In the first instance it may be beneficial to implement some advisory disabled bays in the lay-by on Lamb Lane. These are relatively easy to install, as they do not involve the need for a Legal Order. The situation could then be monitored once the park is open to see if there is a further need for more formal disabled bays.

I would not support the implementation of disabled bays on Barwick Way, as this road is a local distributor, which carries a relatively high volume of traffic and is subject to a 40mph speed restriction. This section of Barwick Way also has reduced forward visibility due to a slight change in the gradient. Hard-standing one side of Barwick Way would also involve vehicles travelling in the opposite direction moving over onto the opposite carriageway to access them. I would not support the reduction of the speed limit along this section of Barwick Way as it may encourage general traffic to use other more inappropriate built-up routes (e.g. Beckfields Avenue).

Landscape & Visual Comments

I have no objections to the application on landscape and visual grounds, however details of the hard and soft landscaping proposal, boundary treatments and tree protection are required. Full details should be provided.

Built Environment Comments

No comments

Sport England

It is considered that the proposal is consistent with the following policy objective:

To support the development of new facilities, the enhancement of existing facilities and the provision and/or improvement of access to the natural environment which will secure opportunities to take part in sport and which can be achieved in a way which meets sustainable development objectives.

Sport England therefore wishes to broadly support this application

The Environment Agency

Thank you for referring the above Planning Consultation which was received by the Agency on the 12 July 2007.

Flood Risk

The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning conditions are imposed:

CONDITION

No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

REASON

To prevent the increased risk of flooding.

The Agency advises that Sustainable Drainage Systems (SUDS), such as swales and soakaways, are used to mitigate against increased runoff. Information about SUDS can be seen on the Flood Risk pages of www.pipernetworking.com.

The Agency would view it as best practice for the surface water discharge to be regulated to the greenfield run-off from a 1 in 1 year storm. The design should also ensure that storm water resulting from a 1 in 100 year event although surcharging the drainage system can be stored on the site without risk to people or property and without overflowing into the watercourse.

Biodiversity

CONDITION

No development approved by this permission shall be commenced until the pond contained within this site has been surveyed for amphibians in accordance with a methodology which has been submitted to and approved in writing by the Local Planning Authority. If amphibians are found, a scheme for the conservation of the species must be agreed with the Local Planning Authority prior to the commencement of any construction works.

REASON

To ensure a satisfactory form of development by ensuring full consideration of the nature conservation value of the pond and its terrestrial habitat.

Natural England

As you will be aware, Natural England can only comment concerning a proposal after receipt of sufficient information. Unfortunately, your consultation did not contain sufficient information. As a result we are unable to provide informed and substantive advice regarding whether this proposal may have an adverse effect on legally protected species.

We therefore suggest that the Local Planning Authority seeks advice from their in house ecologist or undertakes this screening process using principles and procedures covered in *Planning for Biodiversity and Geological Conservation: A Guide to Good Practice* (March 2006).

PUBLICITY

Neighbours were notified and comments received are summarised below : -

S P Walker - 22 Cribbyn Close' Ingleby Barwick

Object to the proposed development due to the impact on their privacy, increase in noise, disturbance and anti-social behaviour and consider that a better site should be found.

Mr And Mrs Housley - 26 Cribyn Close' Ingleby Barwick

Raise concerns in relation to anti-social behaviour, vandalism and noise from the Skateboard Park, BMX track and amphitheatre.

The residents also suffer from anti-social behaviour problems and considered that the development may worsen the existing situation.

Mr And Mrs Mark Crofts - 10 Talybont Grove' Ingleby Barwick

Raise concerns over the proposed development as a Skateboard Park and BMX track do not belong at the centre of a housing estate and will be a magnet for youths and will increase the risk of noise, security, vandalism and anti-social behaviour.

Questions are raised in relation to long-term management, CCTV and Health and Safety.

Mr Ian Sampson - 11 Talybont Grove' Ingleby Barwick

Objects to the proposed development as Ingleby barwick has a diverse population covering all ages and considers that the main features are offered toward the teenage age group.

Concerns are also raised in relation to anti-social behaviour, the operation of CCTV camera's, light intrusion and management issues.

Mr And Mrs R Drysdale - 20 Cribyn Close' Ingleby Barwick

Object to the development as the BMX track is immediately adjacent the houses in Cribyn Close and youths will be attracted to congregate in this area and encourage anti-social behaviour.

Concerns are also raised in relation to the breach of hedgerows and loss of property values.

Mr C Scott - 24 Cribyn Close' Ingleby Barwick

Object to the development as the plans are not to scale, will increase anti-social behaviour, location is not suitable for these types of activity and concerned over maintenance and access for emergency services.

Martin Klincke - 64 Beacons Lane' Ingleby Barwick

Objects to the proposed development as most parks/play area in Teesside have problems with youths being loud and will attract more youths to the area and worsen existing problems.

Mary-Louise Bell via email

Expresses concern about anti-social behaviour, damage to property and loss of open space.

PLANNING POLICY

The relevant development plan in this case is the adopted Stockton on Tees Local Plan.

Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 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).

The following planning policies are considered to be relevant to the consideration of this application: -

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 EN6

Development proposals likely to result in harm to a protected plant or animal species or its habitat will not be permitted unless satisfactory provisions for these species have been made.

Policy EN11

The planting of trees, of locally appropriate species, will be encouraged within the area indicated on the proposals map as community forest. In considering applications for planning permission in the community forest area, the Local Planning Authority will give weight to the degree to which the applicant has demonstrated that full account has been taken of existing trees on site, together with an appraisal of the possibilities of creating new woodland or undertaking additional tree planting. In the light of the appraisal the Local Planning Authority will require a landscaping scheme to be agreed which makes a contribution to the community forest.

Policy EN32a

Proposals for new development will not be permitted within Flood Zones 2 or 3 as shown on the Proposals Map, or other areas identified as at risk of flooding, unless the applicant can demonstrate by means of a Flood Risk Assessment and sequential tests that:-

- i) there is no alternative site at no risk or at lower risk of flooding; and
- ii) there will be no increased risk of flooding to the development; and
- iii) there will be no increase in risk of flooding elsewhere as a result of the development.

Where permission is granted for development in flood risk areas, or for development that would increase the risk of flooding, appropriate flood alleviation or mitigation measures, to be funded by the developer, must be undertaken.

Policy ED1

The primary school will be extended on land at the major centre area, Ingleby Barwick

Policy REC4

A Park will be provided as part of the major centre area at Ingleby Barwick

SITE AND SURROUNDINGS

The application site lies within the centre of Ingleby Barwick and incorporates several areas of existing open space, the majority of the site lies to the south of the commercial premises within Ingleby Barwick centre including the Tesco store, the Bannatyne Health Club and Day Nursery.

The site extends from Barwick Way in the west to the boundaries of Talybont Grove and Cribyn Close to the west. Barley Fields Primary School, Ingleby Nursing Home and St Francis of Assisi Church and the residential properties of Thirlwall Drive and Harbottle Close; lie to the south of the site

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations of this application are the impacts on the character of the area, amenity of neighbouring residents, access and highway safety, flood risk and nature conservation.

Principle of development;

The whole of the application site does not have a specific designation under the adopted Stockton on Tees Local Plan; however, various different elements of the site are covered by different designations and policies including ED1, REC4 and EN11. Policies ED1 and REC4 address service provision within Ingleby Barwick centre with policy REC4 specifically addressing the need for a park, whilst policy EN11 deals with the encouragement of planting trees. Policies GP1, EN6 and EN32a are also relevant to the determination of the application.

National planning guidance in the form of Planning Policy Guidance 17: Planning for open space, sport and recreation sets out Government objectives. The document outlines that open space, sport and recreation all underpin people's quality of life and have a role to play in achieving the governments wider objectives in delivering urban renaissance/renewal, social inclusion and community cohesion, health and well being and sustainable development. Local Planning Authorities are encouraged to remedy deficiencies in provision of open space/recreation areas and to locate new areas of open space, sports and recreational facilities in areas which are; Easily accessible through walking, cycling and public transport; in sites where they can contribute to town centre vitality and viability; improve the quality of the public realm; avoid any significant loss of amenity to residents; provide the opportunity for social inclusion; and meet the recreational needs of visitors and tourists.

Although part of the application site falls outside the allocated area for a park within the adopted Local Plan it is considered that the proposed development meets the aims of policy REC4. Equally, given its central location within Ingleby Barwick it is considered that the site is highly accessible and allows for inclusion for all and has suitable existing infrastructure to walk/cycle to the site. The principle for development on the site is therefore considered to be acceptable and is in accordance with policies GP1, REC4 and PPG17.

Character of the area;

At present the area of open space is partly landscaped and includes some children's play provision. Much of the existing landscaping and landscaping features are to be retained and the additional tree planting should help to improve the overall appearance of the site. Any earthworks and additional play equipment are not judged to have a detrimental impact on the character of the area. The development is therefore considered to be in accordance with policy GP1 of the adopted Local Plan.

Amenity of the neighbouring properties;

The site is presently an area of open space it is used by local residents for informal play and activities and a certain level of noise and disturbance is currently experienced. It is considered that the proposed development and additional facilities will not significantly worsen the existing situation so as to justify a refusal of the application.

Some residents have raised concerns that the development will have an impact on their privacy, whilst these concerns are appreciated. However, given the nature of the proposal the proposed development is not considered to worsen the levels of privacy currently experienced or to a level that would justify refusal of the application.

Although no lighting is detailed within the application it is considered reasonable to imposed a planning conditions for these details to be provided and for screening/alignment of any lighting should any be installed/required so as not to have a detrimental impact on the neighbouring properties.

Access and Highway Safety;

The Urban Design section have no objections to the proposed development although refer to the possibility of marking disabled bays on Lamb Lane in the future. This has been discussed with the urban design manager and it has been agreed that, due to the development being a Council scheme there is not the requirement for a planning condition on this matter.

Flood Risk;

The Environment Agency has commented that they have no objections to the proposed development in terms of flood risk. They have however, requested that a planning condition be imposed to limit surface water run off.

Habitat/Nature conservation;

A statement has been provided in terms of the potential impacts of the development on Great Crested Newts, the pond is area not included within the application’s red line boundary and will remain fenced off. Additional landscaping and planting are also likely to improve the overall habitat for the Newts. It is therefore considered that the development will not have any significant impacts on protected species, which are also protected by law. However, it is considered reasonable that a planning condition should be imposed for the protection of amphibians.

Residual concerns;

Several objections/concerns have been raised in relation to anti-social behaviour, the management of the park and the monitoring of CCTV. The park shall be maintained and managed by Stockton Borough Council with all gates locked on an evening (although a time has yet to be determined), security of the site shall done through the Councils Security & Surveillance section through the CCTV and Councils Enforcement Officers would be available in regard to issues of anti social behaviour, as necessary.

One of the comments received relates to the main features being offered towards the teenage age group. It is however considered that there is a range of facilities which caters for all ages including a play area for age ranges 3-5, 5-8 and 8-14.

Concerns regarding the potential loss of property value to neighbouring residential properties are not a material planning consideration and have not been considered as part of the determination of the application.

CONCLUSION

In conclusion it is considered that the location of the proposed park within the centre of Ingleby Barwick is ideal given it is accessibility to the vast majority of the local population. The development is considered to be an important resource that is lacking within Ingleby Barwick and will be an asset to the local community. The proposal is therefore deemed to be in accordance with policies GP1, EN32a, EN6 and the principle aims of policy REC4 of the Local plan. The proposed development is therefore recommended for approval

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Simon Grundy Telephone No 01642 528550**

WARD AND WARD COUNCILLORS

Ward	Ingleby Barwick West
Ward Councillor	Councillor K Dixon
Ward	Ingleby Barwick West
Ward Councillor	Councillor L Narroway

**Ward
Ward Councillor**

**Ingleby Barwick West
Councillor R Patterson**