

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**DATE 22 JULY 2009**

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

**09/1343/FUL  
Ingleby Manor, Crosswell Park, Ingleby Barwick  
Erection of 2 No. dwelling houses.**

**Expiry Date 30 July 2009**

**SUMMARY**

The application site is an area of front garden land belonging to an existing property Ingleby manor (formerly Close Paddock).

Planning consent is sought for the erection of 2no. detached dwellings. The proposed dwellings will measure approximately 12.5m x 10.5m reach a maximum height of approximately 9 metres.

This application comes before members for determination due to the number of objections received. However, given the extant planning consent that exists the principle for additional residential development on the site is considered to remain acceptable. The design and layout of the proposed dwellings are judged to be acceptable and are in line with the Council's standards.

**RECOMMENDATION**

**Planning application 09/1343/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.***

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>SBC0001</i>	<i>4 June 2009</i>
<i>01 REV A</i>	<i>4 June 2009</i>
<i>200 REV A</i>	<i>4 June 2009</i>
<i>201 REV A</i>	<i>4 June 2009</i>
<i>202</i>	<i>4 June 2009</i>

***Reason: To define the consent.***

**02     *The commencement of the development authorised by this permission shall not begin until:***

- a. ***the local planning authority has approved in writing a full scheme of works of improvement to:***  
***(i) the widening of the existing access track to 4.2m***  
***(ii) the widening and/or removal of the entrance gates with Crosswell Park to 4.2m***  
***and***
- b. ***the approved works have been completed in accordance with the local planning authority's written approval and have been certified in writing as complete on behalf of the local planning authority; unless alternative arrangements to secure the specified works have been approved in writing by the local planning authority.***

***Reason: To ensure a satisfactory form of development in the interests of Highway Safety.***

- 03 ***Construction of the external walls and roof shall not commence until details of the materials to be used in the construction of the external surfaces of the structures hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.***

***Reason: To enable the Local Planning Authority to control details of the proposed development.***

- 04 ***None of the dwellings shall be occupied until works for the disposal of surface water and foul drainage have been submitted to and approved in writing by the Local Planning Authority. The drainage shall be implemented in accordance with these details and retained for the life of the development, unless otherwise agreed in writing with the Local Planning Authority.***

***Reason: To achieve a satisfactory form of development.***

- 05 ***Development shall not begin until drainage works have been carried out in accordance with details to be submitted and approved in writing to the Local Planning Authority.***

***Reason: To enable the Local Planning Authority to control details of the proposed development.***

- 06 ***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.***

- 07 ***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 not at any time on Sunday's or Bank Holiday's.***

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

- 10 ***The trees and shrubs indicated to remain shall be retained and not felled, lopped or topped without the previous written consent of the Local Planning Authority. Any***

***trees removed without such consent or dying or being severely damaged or becoming severely diseased shall be replaced with trees of such a size and species as may be agreed with the Local Planning Authority.***

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

- 10. *Details of a scheme in accordance with BS5837, 2005 to protect the existing trees and vegetation shall be provided to the satisfaction of the Local Planning Authority. Such a scheme shall include details of a protective fence of appropriate specification extending three metres beyond the perimeter of the canopy, the fence as approved shall be erected before construction commences and shall be maintained to the satisfaction of the Local Planning Authority throughout the entire building period.***

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

- 11 *Soft landscape works shall include planting plans and written specifications (including cultivation and other operations associated with plant and grass establishments), schedules of plants, noting species, plant sizes and proposed numbers/densities.***

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

- 12. *No storage of building materials shall take place underneath the crown spread of the tree(s) to be retained on site.***

***Reason: To preserve the said trees in the interests of the amenities of the area.***

- 13. *In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works.***

***Reason: To ensure proper restoration of the site.***

***INFORMATIVE;***

**The proposal is considered to be visually acceptable and does not pose a significant risk to flooding, highway safety the amenity of neighbouring occupiers. The development has been considered against the policies below and it is considered that the scheme accords with these policies as the development is considered not be to the detriment of the amenity of the neighbouring properties or highway safety and there are no other material considerations which indicate a decision should be otherwise.**

**GP1 – General Principles, HO3 – Development on Unallocated Sites and HO11 Design and Layout.**

## **BACKGROUND**

1. In August 1999 a previous application for outline consent for the erection of 2 no. dormer bungalow which was subsequently amended to one dormer bungalow was refused as it was considered that the additional dwellings would further increase the level of vehicle generation which will result in unacceptable hazardous conditions for vehicles gaining access and egress and the ensuing appeal was dismissed in February 2000
2. In March 2002 a similar outline application for the erection of a dormer bungalow on the site was also refused on the same grounds as above and the appeal was also dismissed, highlighting issues relating to the width of the private access.
3. Following on from changes in the Council's Highways Design Guide a subsequent outline application for 2no. detached dwellings where the siting and means of access were considered was approved by members of the planning committee in 2005 subject to a Grampian condition to ensure the access is widened in a minimum of 4.2 metres prior to development commencing. This was followed by further planning application (06/2489/FUL), which was subsequently approved.

## **PROPOSAL**

4. Since the outline consent was granted the footprint of the dwellings has changed and therefore full planning consent is sought for the erection of 2no. detached dwellings. The proposed dwellings will measure approximately 12.5m x 10.5m reach a maximum height of approximately 9 metres, include an integral garage (7m x 5.5m) and provide 6no bedrooms.
5. A letter has also been submitted with the application requesting that the timescale for implementing the development be increased from 3 to 5 years, to enable financing and construction to occur.

## **CONSULTATIONS**

6. The following Consultations were notified and comments received are summarised below:-

### **Parish Council**

No comments

### **Northumbrian Water Limited**

No objections

### **Northern Gas Networks**

According to our records Northern Gas Networks has no gas mains in the area of your enquiry. However, our records indicate that gas mains owned by other Gas Transporters may be present in this area.

### **CE Electric UK**

No objections but refer the developer to the Health and Safety Executives publications on working in and around electricity.

### **Tees Archaeology**

I did express an interest in a similar scheme submitted in 2002. However our knowledge of the archaeology of the area has moved forward since this date and I can confirm that we no longer have any interest in this particular area. I therefore have no objection to the application and no further comments to make.

## **Head Of Technical Services**

I refer to your memo dated: 10/06/09

### General Summary

We have no objections to this application subject to comments listed below.

### Highways Comments

Previous approvals 04/3943/out and 06/2489/ful have been granted on this site and the applicant states that this proposal is identical to that approved under 06/2489/ful.

All previous highway conditions as per decision notice 06/2489/ful should be applied.

### Landscape & Visual Comments

We have no objections to the application but request that all surrounding vegetation including hedges on the northern, southern and eastern edges is retained.

As much planting as possible should be retained on the western site boundary on either side of the drives to soften the new development.

## **Environmental Health Unit**

I have no objection in principle to the development, however, I do have some concerns and would recommend the conditions as detailed be imposed on the development should it be approved.

### Construction Noise

All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 6.00 p.m on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.

### Unexpected land contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works.

## **PUBLICITY**

Neighbours were notified and comments received are summarised below:-

### **Abdul Majid - 45-47 Kensington Road, Linthorpe**

I fully Support this application

### **Mr And Mrs Westerman - 14 Crosswell Park, Ingleby Barwick**

We moved to this property 9 years ago and selected it for the quiet rear aspect with just a bungalow situated behind. A few years ago Mr Iqbal brought the property and obtained planning permission to convert it into a 3 storey property even though there was objections from us and neighbours. We then suffered with noise and disruption for nearly a year whilst the building work was on going.

Since Mr Iqbal and his extensive family have moved in we have had to put up with high noise levels and listen to shouting and swearing in the garden. In addition to this the property is accessed by a number of taxi's which speed into the property entrance at the end of our road and then precede to leave engines running and load music playing from radio's in the car. On a least one occasion I have very nearly been in a car accident as they don't seem to look when they leave the driveway.

Mr Iqbal has allowed the trees which border his property with ours to grow above the height of our house and reduced the amount of light into our garden drastically, when he was asked to cut them

down he refused saying that he wouldn't cut them down because we objected to his application to build 2 properties on the land.

We strongly object to this application as Mr Iqbal and his family have already turned this quiet area into an area when on certain days it is not possible to sit in our back gardens due to the noise and disgusting language that we have to hear and would reduce the value of our property.

**Mr and Mrs E Parkin - 8 Crosswell Park, Ingleby Barwick**

We do NOT approve of the planning application as we purchased our property because of the beautiful, peaceful outlook from the rear of the property, for this to go ahead would devalue our property because of the huge visual impact imposed and would also have a huge impact on our privacy the ground is seriously waterlogged which gushes into our garden, so drainage is an issue, the access road to these properties is not wide enough, traffic and parking issues.

**Mr and Mrs J Edge - Ingleby Close Farm, Crosswell Park**

Objects to the proposal as since the last consent was granted both the Cottage and Ingleby Manor has been extended and increased in size and traffic has increased considerably down the access lane, which will only increase further with this development.

In addition Ingleby Close Farm, The Cottage and Ingleby Manor are all served by a septic tank which may not be able to accommodate the additional traffic.

Concerns are also raised in relation to impacts on wildlife.

**Mohammed Shabir - Close Paddock, Crosswell Park**

I support the application

**Mrs Curtis - 6 Crosswell Park' Ingleby Barwick**

The land slopes downwards to my bungalow and these two large houses will overlook my property, therefore leading to a lack of privacy. I would request that one storey properties are considered.

Other points to be noted are 1) the land floods in wet weather as there is very poor drainage  
2) There are a lot of mature trees and a hedge home to various birds and other wildlife which should not be removed

3) There is already a lot of traffic on the access lane to the 3 existing properties and even more would create a bigger hazard to the pedestrians & car drivers using Crosswell Park at this entrance.

4) In the previous permission granted, the access road had to be widened. There is electric cabling running down the length of the access road which was severed when the trench for the gas pipe was dug. Northern Electric state that ground cover must not be altered above their cables

**Mr N & Mrs L McDonald - 12 Crosswell Park' Ingleby Barwick**

We wish to object to the application for the following reasons:

since the last application for these 2 x 4 bedroom houses the dormer bungalow at the end of Crosswell Pk has been extended into a 6 bedroom house whilst Ingleby Manor now supports over 10 bedrooms (albeit some are so called music rooms and gym) with several cars using the property. The private road to these properties is already over capacity for the number of houses/extensions and traffic has increased considerably. Surely this narrow road cannot support any more cars (isn't it 3 per each 4 bedroom houses?) and given the recent extensions to Ingleby Manor and the dormer bungalow is not in the best interests of current residents. The speed and noise of cars using this road causes serious concern. Furthermore, whilst extensions to Ingleby Manor were carried out the contractors/owners did not comply with the working hours agreed by LPA and I have serious concerns as to whether they would with this development, should LPA be minded to approve. There would be a loss of wildlife, trees and a lovely habitat to the rear of our property and I have concerns re: being overlooked, lack of privacy and reduction in house value.

We are also concerned regarding building upon a frequently wet/waterlogged area and where this water will be displaced i.e. into our gardens.

Additionally, I am concerned that the (single?) septic tank would not be able to cope with the increased demand of recent extensions and now these proposed 4 bedroom x 2 no houses.

**Mr and Mrs Swan - 10 Crosswell Park' Ingleby Barwick**

We object to the above planning application for the following reasons

The Cottage has now been extended from a 3 bedroomed property to a 6 bedroom property Ingleby Manor is now an 11 bedroom property albeit they call the rooms by different names which causes a considerable increase in traffic including taxis

The above is served by a septic tank which we do not believe can service a further 2 5 bedroomed property's.

The land floods in wet weather and as the drainage is already poor this over flows into our garden Electric cabling is running the length of the access rd these were severed at one point N.E. state ground cover must not be altered above their cables.

For these reasons we object to the application

**PLANNING POLICY**

7. 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 is the Stockton on Tees Local Plan (STLP), Tees Valley Structure Plan (TVSP) and the Regional Spatial Strategy (RRS).

8. 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 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.

Planning Policy Statement 1; Delivering Sustainable Development

Planning Policy Statement 3; Housing

Planning Policy Guidance 13: Transport

## **SITE AND SURROUNDINGS**

9. The application site is an area of front garden land belonging to an existing property Ingleby manor (formerly Close Paddock). The site is surrounded to the north and north-west by The Bungalow, No.'s 3 and 4 Blenheim Court and Betty's Close Farm. No's 6 - 14 Crosswell Park surround the site to the east, while the existing property is located to the south of the proposed dwellings.

## **MATERIAL PLANNING CONSIDERATIONS**

10. The main planning considerations of this application are the impacts on the character of the area, access and highway safety and the amenity of the neighbouring properties.

### **Principle of development;**

11. The principle of further residential development on the site was previously established as being acceptable during the outline planning application (04/3943/OUT) and the later detailed approval (06/2489/FUL), which expires on the 26th September 2009, this consent therefore remains extant.

12. With regards to the extension of time request, it is considered that there are no material planning considerations that would indicate that this request be unreasonable for a period of 5 years.

13. Given the above the principle of development is therefore considered to be acceptable, subject to policies GP1, HO3 and HO11 of the Stockton-on-Tees Local Plan.

### **Character of the area;**

14. Within the immediate locality there are a mix of property styles and sizes ranging from two-storey dwellings to bungalows with the majority of dwellings being both modern and of a two-storey nature. The design of the dwellings is considered to be acceptable and given the wide variety of housing styles the proposed two-storey dwelling would not appear out of character with the surrounding area and would therefore not harm the visual amenities of the locality.

15. In order to help integrate the development into its surroundings the Council's Landscape Officers have requested that all surrounding vegetation including hedges on the northern, southern and eastern edges are retained and that as much planting as possible should be



retained on the western site boundary on either side of the drives to soften the new development. These issues can be addressed via a planning condition.

**Amenity of the neighbouring properties;**

16. The rear wall of each of the proposed dwellings would be at nearest approximately 23 metres from the rear of the properties situated on Crosswell Park. This is greater than the recommended rear-to-rear distance of 21 metres in the Council's Householder Extension guide. It is therefore considered that the proposed dwellings will not result in a significant loss of privacy or amenity to the residents of the properties on Crosswell Park to justify a refusal of the application.
17. The front of the host dwelling Ingleby Manor (formerly Close Paddock) will also be situated approximately 17 metres from the side of dwelling No. 2. Again this greater than the minimum side to front/rear distance of 11 metres and in the opinion of the Local Planning Authority the privacy and amenity of the residents of the host dwelling will not be compromised by the construction of the 2 no. additional houses.
18. Saved Policy HO11 requires that new properties have a sufficient level of both formal and informal amenity space. It is considered that the proposal sizes offer an adequate amount of both formal and informal amenity space, particularly to the rear whilst still allowing the host property sufficient formal amenity space. The arrangement and layout of the dwellings is therefore judged to be in accordance with saved policy HO11 of the adopted Stockton on Tees Local Plan.
19. Concerns have been raised from the neighbouring properties in relation to noise and disturbance during the construction of the proposed development, it is considered that by imposing a planning condition to reasonably restrict the times of construction activity that the neighbouring residents' amenity can be preserved to a reasonable level.

**Access and Highways Safety;**

20. The Head of technical Services has noted the previous approvals granted on the site and that this current scheme is identical to that approved under application 06/2489/FUL
21. During the previous applications a Grampian condition was imposed on the development to ensure that a satisfactory width to the drive way could be achieved and provided prior to development commencing on the site. The Head of Technical Services has therefore requested that all highway conditions be re-applied to any approval issued.

**Residual Issues;**

22. Concerns raised in relation to general noise and disturbance from Ingleby Manor are a separate issue from this planning application. It is considered that the noise impacts from any future residents of the scheme should be minimal and should problems arise then this would be any issue for the Environmental health unit.
23. Concerns raised over a loss of property value are duly noted but not a material planning consideration.
24. Questions raised over the suitability of drainage would be an issue for Building Control and the details can be controlled via planning conditions.

**CONCLUSION**

25. Given the extant planning consent the principle for additional residential development is considered to remain acceptable. The design and layout of the proposed dwellings are judged to be acceptable and are in line with the Council's standards. Visually the scheme is

acceptable and will not be detrimental to the amenity of the neighbouring properties. The proposed development is therefore considered to be acceptable and is in accordance with saved policies GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan and is consequently recommended for approval.

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

**Financial Implications.**

None

**Environmental Implications.**

As report.

**Community Safety Implications.**

As 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.

**Background Papers.**

Stockton on Tees Local Plan

Tees Valley Structure Plan

Planning Policy Statement 1; Delivering Sustainable Development

Planning Policy Statement 3; Housing

Planning Policy Guidance 13: Transport

Planning Applications 04/3943/OUT & 06/2489/FUL

**WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Ingleby Barwick West</b>
<b>Ward Councillor</b>	<b>Councillor K Dixon</b>
<b>Ward</b>	<b>Ingleby Barwick West</b>
<b>Ward Councillor</b>	<b>Councillor R Patterson</b>