

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**DATE 2 SEPTEMBER 2009**

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

**09/1340/REM**

**17 Plots, Bettys Close Farm, Ingleby Barwick**

**Reserved matters application for 17 no. self-build housing plots and the creation of a country park/local nature reserve.**

**Expiry Date 21 September 2009**

#### **SUMMARY**

The application site is a large area of former agricultural land situated to the south-west of Ingleby Barwick. Residential properties are situated to the east of the application site while the River Leven and River Tees bound the site to the south and west, with further former agricultural land to the north.

Outline planning consent was granted in June 2006 for 17 no. houses and the provision of a nature reserve/riverside park (06/1064/OUT). Following on from the Outline Planning Approval, planning permission is sought under a reserved matters application for 17 no. self build housing plots and the creation of a riverside park/local nature reserve.

The application seeks approval for all matters (Access, Appearance, Landscaping, Layout and Scale). Various other pieces of information have also been submitted in support of the application including a development brief that sets out basic design principles. It should however, be noted that although the application is for self build plots, detailed house types have been submitted in order to keep the permission extant.

Although concerns have been raised from local residents regarding the need for further housing land and the impact on the green wedge, it is important to recognise that this application is seeking reserved matter approval and that the principle of residential development on the site was established in approving the outline planning application.

The design and layout of the proposed development is generally considered to be acceptable and the provision of the Country/Riverside Park to will help provide an excellent community resource and bring a scheduled ancient monument back into public ownership. Given some additional/revised details are required it is recommended that the application is delegated to the head of planning for approval subject to all outstanding issues being resolved.

#### **RECOMMENDATION**

**Planning application 09/1340/REM be Delegated to the Head of planning for approval with conditions subject to all outstanding issues being resolved prior to the 21<sup>st</sup> September 2009**

**If the issues are unresolved by 20<sup>th</sup> September 2009 the application be refused.**

**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.**

<b>Plan Reference Number</b>	<b>Date on Plan</b>
<b>SBC0001</b>	<b>19 June 2009</b>
<b>100</b>	<b>19 June 2009</b>
<b>101</b>	<b>19 June 2009</b>
<b>103</b>	<b>19 June 2009</b>
<b>104</b>	<b>19 June 2009</b>
<b>105</b>	<b>19 June 2009</b>
<b>106</b>	<b>19 June 2009</b>
<b>10</b>	<b>19 June 2009</b>
<b>12</b>	<b>4 June 2009</b>
<b>102</b>	<b>19 June 2009</b>
<b>HS70017-D-104</b>	<b>4 June 2009</b>
<b>HS70017-D-105</b>	<b>4 June 2009</b>
<b>HS70017-D-114</b>	<b>4 June 2009</b>
<b>HS70017-D-115</b>	<b>4 June 2009</b>
<b>HS70017-D-116</b>	<b>4 June 2009</b>
<b>HS70017-D-103</b>	<b>4 June 2009</b>
<b>11</b>	<b>4 June 2009</b>

**Reason: To define the consent.**

**02 Notwithstanding the submitted details the proposed development shall be carried out in full accordance with the submitted SJR 'Development brief' (March 2009) unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: To allow the detailed proposals to be considered against an approved Design Guidance document and to enable the Local Planning Authority to satisfactorily control the development.**

**03 Notwithstanding any description of the materials in the application, precise details of the materials to be used in the construction of the external walls and roofs of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the external walls and roofs of the building(s).**

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

**04 No development approved by this permission shall be commenced until a desk study report providing information on the previous land uses and an evaluation as to whether land contamination is likely to be present is submitted and approved by the Local Planning Authority (LPA). If the site has a contaminative use a site investigation including risk assessment report and full details of the proposed method for the removal/treatment shall be submitted and a validation report shall be submitted upon completion of the works and approved by the LPA. All works referred to above shall be carried out by or under direct supervision of a qualified environmental consultant.**

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

- 05** *Notwithstanding any description contained within this application, prior to the occupation 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 car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials and construction methods; minor artefacts and structures (eg. incidental buildings, public art and street furniture).*

*Reason: In the interests of visual amenity.*

- 06** *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 completed. 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 completion of access road serving the proposed development 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. 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: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.*

- 07** *A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.*

*Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.*

- 08** *No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details and implemented prior to the completion of the access road.*

*Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.*

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

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

- 10** *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that*

**order) no garden fences, walls or other means of enclosure shall be erected between the highway and any wall of the dwelling(s) which front onto the highway, without the prior written consent of the Local Planning Authority.**

**Reason: In order that the Local Planning Authority may exercise further control in this locality in the interests of the visual amenity of the area.**

- 11 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a detailed scheme showing existing ground levels, finished ground levels, finished floor levels for dwelling houses and road levels. Thereafter the development shall be completed in accordance with the approved details.**

**Reason: In order that the Local Planning Authority may exercise further control in the interests of the visual amenity of the area and the amenity of adjoining and future residents.**

- 12 Prior to commencement of development a scheme for the removal of all detritus arising from the construction of the proposed dwellings shall be submitted for consideration and approval by the Local Planning Authority. Those details, shall be submitted in writing and amongst others include schemes for the management of dust and noise including wheel washing facilities. The approved scheme(s) and details shall be implemented in full.**

**Reason: To prevent dust and noise nuisance, ensure removal of existing leisure centre, ensure safe and secure pedestrian and vehicular access to the store hereby permitted and in the interests of visual amenity, highway safety and the amenity of the occupants of neighbouring occupiers.**

- 13 Notwithstanding the information submitted as part of the application details of the existing and proposed site levels and finished floor levels shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.**

**Reason: To define the consent**

- 14 No construction activity shall take place on the hereby approved housing site outside the hours of 8.00 a.m. - 6.00 p.m. Monday to Friday, 8.00 a.m. - 1 p.m. 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.**

- 15 Prior to the commencement of development, a detailed method statement for the removal or long-term management /eradication of giant hogweed (*Heracleum mantegazzianum*) on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures to prevent the spread of giant hogweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.**

**Reason: Giant hogweed is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread as a**

**result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring.**

- 16 Prior to the commencement of development a plan is required for the protection and/or mitigation of damage to populations of water vole, a protected species under The Wildlife and Countryside Act 1981 (as amended), and its associated habitat during construction works and once the development is complete. Any change to operational; including management responsibilities shall be submitted to and approved in writing by the local planning authority. The water vole protection plan shall be carried out in accordance with a timetable for implementation as approved.**

**Reason: This condition is necessary to protect the water vole and its habitat within and adjacent to the development site. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in Planning Policy Statement 9 and Planning Policy Statement 1. The applicant could also be liable to criminal prosecution under the Wildlife and Countryside Act 1981 (as amended).**

- 17 Prior to the commencement of development a scheme for the provision and management of a buffer zone alongside the watercourse shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:**

- plans showing the extent and layout of the buffer zone**
- details of the planting scheme (for example, native species)**
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term**
- details of any footpaths, fencing, lighting etc.**

**Reason: Development that encroaches on watercourses has a potentially severe impact on their ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.**

- 18 No development shall take place on the Riverside Park until full details of both hard and soft landscape works for the Riverside Park have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include (car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures, refuse or other storage units, signs and lightings etc.) retained historic landscape features and proposals for restoration, where relevant**

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

- 19 Notwithstanding any information submitted as part of this application details are required to be provided and agreed with the local planning authority prior to commencement of the development regarding the creation and ongoing**

**management of the proposed Riverside park/local nature reserve in relation to pond creation and scrub/tree and hedge management.**

**Reason: To address conflicting reports submitted as part of the application.**

- 20 No development shall take place unless in accordance with the mitigation detailed within the protected species reports An otter and water vole survey at Betty's Close Farm, Ingleby Barwick E3 Ecology Ltd. R01 Draft 31.05.2006; An Ecological Assessment of Land at Betty's Close Farm, Ingleby Barwick, E3 Ecology Ltd. R01 Final 04-04-2006 including, but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance; undertaking confirming/checking surveys as stated; adherence to precautionary working methods.**

**Reason: To maintain the favourable conservation status of protected species**

### **INFORMATIVES;**

The proposal is also considered to be visually acceptable and does not pose a significant risk to highway safety, flood risk, protected species or the amenity of neighbouring occupiers. The development has been considered against the policies below and it is considered that there are no other material considerations that indicate a decision should be otherwise.

**Local Plan policies GP1, HO3, HO11, REC8, REC20 and REC 21, EN 4, EN 7 EN 11, EN14, EN 29 and EN30, PPS1, PPS3, PPS9, PPS25 and PPG17**

**The developer is advised that they may need to obtain a Natural England licence prior to commencement of works.**

### **BACKGROUND**

1. The application site has been subject to several applications in recent years all which have included the provision of a country park and housing development. In 2000 an application was originally submitted for 98 dwellings, though later amended to 60 dwellings and a country park (00/0741/P), this application was refused in December 2000 for the following reason;

*“The proposed development with an area designated as Green wedge in the adopted Stockton on Tees Local Plan would be contrary to the provisions of Policy EN14 of the adopted Local Plan which 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.”*

2. A further application was received in 2001 (App No. 01/1132/P) which reduced the area of land occupied by the housing and included a large area of planting to separate the proposed housing from the country park. This application was determined by the Planning Committee and it was resolved that the Council were minded to approve the application. However, the application was referred to Government Office North East (GONE) as a Departure to the Development Plan and the application was “called-in” for determination by the Secretary of State. The application was then withdrawn before it was determined at public inquiry.
3. More recently a application for the erection for 19 no. self build properties (05/3047/OUT) was submitted and withdrawn. This scheme differed from the previous applications in that in that the number of houses was reduced although the actual area shown on the plans submitted did largely follow a similar area to the two previous applications for much larger housing numbers.

4. Following on from this, another application for housing development and the country park was submitted (06/1064/OUT). This application differed in that housing numbers were reduced down to 17 no. executive style self build plots, the amount of land proposed for housing was also reduced and a detailed section 106 agreement for providing the Country Park was submitted. This application was subsequently approved by the Planning Committee.

### **PROPOSAL**

5. Following on from the Outline Planning Approval, planning permission is sought under a reserved matters application for 17 no. self build housing plots and the creation of a country park/local nature reserve.
6. The application seeks approval for all matters (Access, Appearance, Landscaping, Layout and scale). Various other pieces of information have also been submitted in support of the application including a development brief that sets out basic design principles. It should however, be noted that although the application is for self build plots, detailed house types have been submitted in order to keep the permission extant.
7. Access into the application site is proposed to be via the existing residential roads of Nevern Crescent and Ramsey Gardens, a link road will link these two existing roads together within the site and serve the proposed residential properties and provide access to a small car park serving the country park.

### **CONSULTATIONS**

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

#### **Natural England**

Thank you for consulting Natural England on the above proposal. Your letter was received by this office on 23 July 2009 together with the supporting documentation entitled Survey for Great Crested Newts at Ingleby Barwick, E3 Ecology Ltd RO1 Final report 05.06.06; An otter and water vole survey at Betty's Close Farm, Ingleby Barwick E3 Ecology Ltd. R01 Draft 31.05.2006; An Ecological Assessment of Land at Betty's Close Farm, Ingleby Barwick, E3 Ecology Ltd. R01 Final 04-04-2006

This letter should be read in conjunction with Natural England's response of 15 May 2006 based upon the receipt of: An Ecological Assessment of Land at Betty's Close Farm, Ingleby Barwick; E3 Ecology Ltd, R02 Final 22/3/06; Planning Application Supporting Statement and Outline Management Plan; Wardell Armstrong, April 2006; Landscape Management Plan, Wardell Armstrong, April 2006.

#### **Great Crested Newts**

It is understood from the Survey for Great Crested Newts at Ingleby Barwick, E3 Ecology Ltd RO1 Final report 05.06.06 that Great Crested Newts are unlikely to be present. Natural England welcomes the enhancement proposals such as pond creation contained within the proposal.

There is no new information presented that clarifies the following points raised in English Nature's letter of 15 May 2006 which should still be made a condition of the development:

Before any works to facilitate the development commence greater details are provided regarding the creation and ongoing management of the proposed SUDS system. The details provided should be sufficient to reasonably demonstrate that the biodiversity benefits identified in the Ecological Assessment report will be delivered.

Before any works to facilitate the development commence greater details are provided regarding the creation and ongoing management of the proposed country park/local nature reserve to address the following inconsistencies between the documents currently submitted:

- o The mitigation section of the Ecological Assessment Report proposes pond creation with the objective of increasing local amphibian populations. The Wardell Armstrong Landscape Management Plan makes no reference or provision for pond creation or ongoing management of ponds.
- o The mitigation section of the Ecological Assessment Report proposes that scrub clearance or tree felling will not be carried out during the bird breeding season (March to September inclusive). The Wardell Armstrong Landscape Management Plan Management Summary Table for Existing Hedgerows (Pg 15) proposes biannual trimming of hedgerows in March.

The Landscape Management Plan has not been newly submitted with revisions to contain a management summary table for New Grassland for Years 1 - 5

Reason: To conserve protected species and their habitat.

Based on the information provided, Natural England advises that the above proposal is unlikely to have an adverse effect in respect of species especially protected by law, subject to the following conditions (with reasons):

#### Otters

Otters are likely to use the site to move along both the River Tees and Leven. We note that Section E of An otter and water vole survey at Betty's Close Farm, Ingleby Barwick E3 Ecology Ltd. R01 Draft 31.05.2006 describes good practice working methods during construction of the new landing stage to minimize disturbance of the habitat together with a 5m buffer zone. This also includes checking surveys, so that if a resting site or holt were located, a 30m buffer zone would be used. Natural England request the Local Planning Authority that a condition be attached to planning permission (if granted) to this effect.

Reason: To conserve protected species and their habitat.

#### Water Voles

We note that Section E of An otter and water vole survey at Betty's Close Farm, Ingleby Barwick E3 Ecology Ltd. R01 Draft 31.05.2006 proposes to set up 5m buffer zones if water vole activity is recorded and working methods devised. Natural England request the Local Planning Authority that a condition be attached to planning permission (if granted) to this effect.

Reason: To conserve protected species and their habitat.

#### Bats

The project ecologist has identified trees on site with a moderate to high risk of supporting bat roosts and has provided a method statement to be followed if works on trees are necessary. If the applicant plans to fell or undertake major works to any trees, a full emergence survey should be undertaken in the active bat period by a qualified ecologist prior to any works to the tree(s) and any necessary mitigation will be adhered to in full as described within Appendix A An Ecological Assessment of Land at Betty's Close Farm, Ingleby Barwick, E3 Ecology Ltd. R01 Final 04-04-2006 . Natural England request the Local Planning Authority that a condition be attached to planning permission (if granted) to this effect.

Reason: To conserve protected species and their habitat.

#### Birds

Any works to the trees or scrub should avoid the bird breeding season (March - end of August), unless an appropriately qualified person undertakes a checking survey immediately prior to

clearance and confirms that no breeding birds are present. Natural England request the Local Planning Authority that a condition be attached to planning permission (if granted) to this effect.

Reason: To conserve protected species and their habitat.

The protection afforded these species is explained in Part IV and Annex A of ODPM Circular 06/2005 Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System.

The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular.

An Informative should be attached to any planning permission granted advising that the developer may need to obtain a Natural England licence prior to commencement of works. The developer should be advised by their ecologist with respect to this issue.

The issues raised in this correspondence represent Natural England's advice at the planning application stage and considers potential harm to populations of protected species from the proposed development. The later decision on a licence application (if required) is a more detailed assessment and usually requires additional survey information, population assessment and specific details relating to the likely effectiveness and workability of the mitigation proposals before works can proceed.

As otters and bats are European Protected Species, Natural England would further advise that, subject to these conditions, the proposals will not be detrimental to the maintenance of the population of the species at a favourable conservation status in its/their natural range (as defined in Regulation 44 of the Habitat Regulations).

I would be grateful if you could provide me with a copy of the conditions if this application is granted planning permission.

We would be happy to comment further should the need arise. In the meantime, if you have queries regarding any of the above, please do not hesitate to contact me.

### **Head of Technical Services**

I refer to your memo dated: 29/06/09

#### General Summary

Regarding the development comments are made regarding the latest layout as listed below.

#### Highways Comments

The Development should be designed and constructed in accordance with the Design Guide and specification and supplementary Planning Document 3: Car Parking in New Developments.

This development has outline permission for 17 dwellings, a double drive and double garage is assigned to each property, the drive length of plot 4 is of insufficient length to be classed as a parking space as the property has six bedrooms, this should be revised as 4 parking spaces are required. The minimum drive length is 6 metres, however should roller shutter garage doors be fitted, then this can be reduced to 5 metres, subject to this revision the car parking for the residential development is acceptable.

The shared surface arrangements are acceptable, where footpaths are proposed, along the access road, they should be a minimum of 2 metres wide.

Details of how the proposed pumping station is to be accessed should be submitted. This also includes the surfacing material proposed.

The developer is required to enter a S38 agreement with the Highway Authority in order to ensure the roads are constructed to adoptable standards.

The developer proposes a wide grass verge that should be adopted as part of the S38 agreement. A commuted lump sum for maintenance of this area will be required within this agreement.

The proposed parking area for the Country Park is acceptable.

It will be necessary for wheel washing facilities to be provided on site during the construction period of this development, to ensure that no mud and debris is carried onto existing highway.

### Landscape & Visual Comments

Regarding the latest plans (as ref above) I make the following comments:

#### *Drainage and pumping station'*

The drainage drawing (ref above) does not show the location of the pumping station – as has been previously discussed with the developer this should not be on land of which the council will take title transfer as the council will not want assume responsibility for the pumping station.

The conditions for the easement need to be discussed with the council where it crosses land to be title transferred.

The hedge section removed to carry out the drainage should be reinstated to its former position following work completion. The outfall to the river Tees must be designed to be attractive in the landscape and not over engineered.

#### *Road 1;*

The road verge to the east of road 1 will be adopted as part of the highways section 38 agreement. The tree species selected for a boulevard are listed as ash *Fraxinus excelsior* and Rowan *Sorbus aucuparia*. Ash is not a suitable tree for a boulevard having an irregular shape and we recommend the use of a more rounded tree in this case Small leaved lime *Tilia cordata* 'Green spire' would be our choice. Where the trees are close to existing dwellings the smaller Rowan should be used otherwise we would wish to see the larger tree the Lime as the main tree. Trees should be of minimum size 18-20 cm girth as indicated on the drawing as advanced nursery stock.

A commuted sum should be provided for the maintenance of the trees as part of the section 38 agreement. Before the sum can be agreed a detailed planting plan showing the tree types specification and location should be provided and I will run this plan past Stuart Hibbet so that correct distances to the existing houses re the tree locations can be achieved.

I am happy with the use of beech hedging to form the boundaries of the gardens fronting on to road 1 together with the 1800 mm high brick wall on the rear garden boundaries. Again the hedge should be fully detailed on a planting plan as mentioned above for the boulevard tree planting.

#### *Proposed kick about area and associated open space;*

I have discussed this area which lies to the north of the most northerly dwelling with Sarah Edwards of Parks and Green space and comments as follows- the actual area for the kick about should be moved away from housing and a square area used to informally define the actual rather than a circular form. Tree/ shrub planting should be used to screen the garden of the house from the kick about area. Landscape details are required for this area including the proposed car parking area.

Some form of motor cycle/vehicle barrier must be provided to prevent unauthorised vehicle access on to the proposed riverside park. This could either be done by Stockton council or by the developer.

*Proposed car park;*

Details of this are required as indicated on dwg. Reference sjr/06:79 12.

*Screening mound;*

A detailed planting plan of the mound should be submitted using the species listed on page 24 of the landscape management plan entitled oak and ash mix with 10% of alder (*alnus glutinosa*) include in the mix in lieu of some of the oak and ash.

The mound should be extended past the drainage easement to help screen plot 17.

Possible wording for conditions is provided in the informative section below:

**INFORMATIVE**

LANDSCAPING – HARDWORKS

LANDSCAPING – SOFTWORKS

ENCLOSURE

**Northumbrian Water Limited**

Thank you for consulting Northumbrian Water on the above proposed development. We have the following comments to make:

The application has been examined and Northumbrian Water has no objections to the proposed development.

It is important that Northumbrian Water is informed of the local planning authority's decision on this application. Please send a copy of the decision notice.

**Northern Gas Networks**

No Objections

**CE Electric UK**

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

**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.

**Ingleby Barwick Town Council**

No comments

## **The Environment Agency**

Thank you for referring the above application which was received on 29 June 2009.

In the absence of a flood risk assessment (FRA), we **OBJECT** to this application and recommend refusal of planning permission on this basis for the following reasons:

**Reason:** The application lies within Flood Zone 1 defined by Planning Policy Statement 25 as having a low probability of flooding. However the proposed scale of development may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed. Paragraph E9 of PPS25 requires applicants for planning permission to submit a FRA when development on this scale is proposed in such locations.

In the absence of a FRA, the flood risks resulting from the proposed development are unknown. The absence of a FRA is therefore sufficient reason in itself for a refusal of planning permission. This reflects the precautionary approach to development in flood risk areas set out in paragraphs 10 and E9 of PPS25, or details of the proposed discharge rate to the River Tees.

As condition 22 attached to the outline permission 06/1064/OUT specifically requires the use of SUDS, we would expect the FRA to detail how this is to be implemented.

Should the above objection be resolved, we would request that the following **CONDITIONS** be imposed on any planning permission:

**Condition:** Prior to the commencement of development, a detailed method statement for the removal or long-term management /eradication of giant hogweed (*Heracleum mantegazzianum*) on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures to prevent the spread of giant hogweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

**Reasons:** Giant hogweed is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring.

**Informative:** Previous landscape management plans for the area have shown the presence of giant hogweed, which if unmanaged, will have a negative impact on the proposed development.

**Condition:** Prior to the commencement of development a plan is required for the protection and/or mitigation of damage to populations of water vole, a protected species under The Wildlife and Countryside Act 1981 (as amended), and its associated habitat during construction works and once the development is complete. Any change to operational; including management responsibilities shall be submitted to and approved in writing by the local planning authority. The water vole protection plan shall be carried out in accordance with a timetable for implementation as approved.

**Reasons:** This condition is necessary to protect the water vole and its habitat within and adjacent to the development site. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in Planning Policy Statement 9 and Planning Policy Statement 1. The applicant could also be liable to criminal prosecution under the Wildlife and Countryside Act 1981 (as amended).

**Informative:** Water voles have been sighted on previous surveys that were done within this area. The applicant should note that a licence will be required from Natural England to survey for, and, where any proposals are made as a last resort, to re-locate legally protected species.

**Condition:** Prior to the commencement of development a scheme for the provision and management of a buffer zone alongside the watercourse shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:

- plans showing the extent and layout of the buffer zone
- details of the planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term
- details of any footpaths, fencing, lighting etc.

**Reasons:** Development that encroaches on watercourses has a potentially severe impact on their ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

With regards to foul drainage, an acceptable method of foul drainage disposal would be connection to the foul sewer. The Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

### **Tees Archaeology**

Thank you for the consultation on this planning application.

My interest in this site lies within the Country Park element of the scheme rather than the housing. I understand that issues relating to the park will be addressed at a later date. I will be happy to assist in promoting access and interpretation of the Scheduled castle site which lies within the park.

### **English Heritage**

I am writing to confirm that we would have no objections to the proposed housing development regarding this project. The area has been subjected to archaeological evaluation and I would support the Tees Archaeological view that there would be no impact on any significant archaeological features.

Also Request that further consultation with English Heritage is carried out once details for the Nature Reserve/Country Park have been submitted for consideration.

### **PUBLICITY**

9. Neighbours were notified and at total of 58 objections have been received. The comments received are shown below (in summary):-

- ❑ Concerns raised over the difference in the outline plan and reserved matters plan
- ❑ Ingleby is already much larger than originally intended/too developed
- ❑ No need to built on Green belt
- ❑ Proposal is based on greed and not community benefit
- ❑ Access already exist to the river in and around the Betty's Close Farm area so Country park is unnecessary
- ❑ Increase traffic through small cul-de-sac
- ❑ Increase parking problems
- ❑ Noise and disturbance from development and increased traffic
- ❑ Loss of privacy
- ❑ Length of time for construction works
- ❑ Dirt and dust on roads
- ❑ Concerns over security of existing properties
- ❑ Loss of property value
- ❑ Developer does not own land required for access
- ❑ No need for further housing
- ❑ Anti-social behaviour
- ❑ What are the provisions for security i.e. lighting/CCTV/hours for access
- ❑ Impact on pedestrian safety
- ❑ Impact on residential amenity/daylight
- ❑ The land is green wedge
- ❑ Set precedent
- ❑ Drainage issues
- ❑ No demand for further self built developments
- ❑ Impact on wildlife
- ❑ Car parking in inadequate for proposed development
- ❑ Park not in suitable area for all residents
- ❑ Proposed park land is susceptible to flooding
- ❑ Contrary to policies EN7, EN14 and REC9
- ❑ Development falls outside original boundaries of Ingleby
- ❑ Visual impact of the housing development
- ❑ Area of development has increased since the outline planning application
- ❑ Existing road system cannot cope with current development
- ❑ Loss of view due to proposed mounds

## **PLANNING POLICY**

10. 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).

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.

### **Policy REC 8**

Land along the Tees and Leven Valleys will be designated as a country park.

### **Policy REC 20**

The following footpath and cycle routes are proposed:

- (a.) A footpath from Yarm to the borough boundary along the south bank of the tees;
- (b.) A footpath from Leven bridge (at low lane, near Yarm) to its junction with the tees, then a combined footpath and cycle route along the east bank of the tees to the Thornaby bypass bridge;
- (c.) A cycle route along the southern boundary of Eaglescliffe golf course;
- (d.) A combined footpath/cycle route on the west and north banks of the tees from Preston lane to the barrage;
- (e.) A footpath from the proposed Thornaby bypass bridge (south bank) along the east bank of the tees to Surtees Bridge;
- (f.) A combined footpath/cycle route from Surtees Bridge (south bank) through Teesdale to the barrage and the borough boundary.

### **Policy REC 21**

The following sites are identified as suitable locations for bridges for combined pedestrian and cycle use:

- (a.) Immediately south of the Eaglescliffe Golf Club;
- (b.) Preston park;
- (c.) Across the Leven river, immediately upstream of its junction with the tees.

**Policy EN 4**

Development which is likely to have an adverse effect upon sites of nature conservation importance will only be permitted if:-

- (i.) There is no alternative available site or practicable approach; and
- (ii.) Any impact on the site's nature conservation value is kept to a minimum. Where development is permitted the council will consider the use of conditions and/or planning obligations to provide appropriate compensatory measures.

**Policy EN 7**

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 EN 11**

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 EN 14**

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.

**Policy EN 29**

Development which will adversely affect the site, fabric or setting of a scheduled ancient monument will not be permitted.

**Policy EN 30**

Development which affects sites of archaeological interest will not be permitted unless:

- (i.) An investigation of the site has been undertaken; and
- (ii.) An assessment has been made of the impact of the development upon the remains; and where appropriate;
- (iii.) Provision has been made for preservation 'in situ'. Where preservation is not appropriate, the local planning authority will require the applicant to make proper provision for the investigation and recording of the site before and during

Other material planning considerations;

Planning Policy Statement 1; Delivering Sustainable development

Planning Policy Statement 3; Housing

Planning Policy Statement 9; Biodiversity and Geological conversation

Planning Policy Statement 25; Development and Flood Risk

### **SITE AND SURROUNDINGS**

11. The application site is a large area of former agricultural land situated to the south-west of Ingleby Barwick. Residential properties are situated to the east of the application site while the River Leven and River Tees bound the site to the south and west, with further former agricultural land to the north.

### **MATERIAL PLANNING CONSIDERATIONS**

12. The main planning considerations of this application are compliance with planning policy, provision of a country park, the impacts on the character of the area, amenity of neighbouring occupiers and access and highway safety.

#### **Principle of development;**

13. This current application seeks to build upon the previously granted extant outline planning permission for the erection of 17 no. self build properties and the provision of a country park. Given the existing outline planning consent the principle of residential development and a country park on the site remains acceptable.
14. Although concerns have been raised with regards to the need for further housing and the extensions of Ingleby Barwick's boundaries, members should be aware that the proposed development already has outline approval and the principle of development has been considered acceptable.
15. On this basis the proposed development is determined against Local Plan policies GP1, HO3, HO11, REC8, REC20 and REC 21, EN 4, EN7 EN 11, EN14, EN 29 and EN30.

#### **Provision of the Riverside Park**

16. Saved policy REC8 of the adopted Local Plan states that land alongside the Tees and Leven valley will be designated as a country park, the scheme clearly makes a contribution towards achieving this goal as well as the aims of saved policy REC20(b).
17. Concerns have also been raised as to why a private developer should provide such as scheme and although residents may currently use the land for recreational purposes, the land is in private ownership and has no right of access for public use at present. The development of a small-scale housing scheme therefore offers the benefit of the land required for a Country Park, being passed into the Council's ownership. This allows for public access; the enhancement of the area through regular grass/woodland management and tree planting; improved access through new footpaths; educational/cultural benefit through the use of interpretation panels; and enhanced recreational space, including an informal kick about area. All of which is provided for through a section 106 agreement previously entered into following the outline approval of the development.
18. The provision of a country/riverside park will also help to achieve the wider aims of a 'Tees Heritage Park which aim to both enhance and provide access along both sides of the River Tees from Stockton to Yarm as detailed in the Publication draft of the Core Strategy, (Core Strategy Policy 10 (CS 10)),
19. Given the above the proposed development is considered to accord with saved policies REC8 and REC20 and the emerging policy CS 10 of the Core Strategy. The view therefore remains that potential community benefits in the provision of the Country/Riverside Park and mooring provides significant benefit and that this would outweigh any harm caused by the loss of greenfield land and green wedge.

### **Impact on the open character of the area and the green wedge**

20. Saved policy EN14 of the adopted Local Plan states that developments in the green wedge will not be permitted where they detract 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.
21. The reserved matters application follows the layout of the previously approved housing area. The proposals also show the large mound to the west of the housing area, aimed to screen the development from the River Tees corridor and provide a green edge to the hard outline of the built up area on the edge of Ingleby Barwick. The submitted sectional drawings demonstrate that this will screen existing and future development from the banks of the River Tees. However, the Council's Landscape architects have requested that the mound is extended northwards to screen plot 17, and this can be addressed via a planning condition. Equally the provision of additional landscaping will also mean that the development would also help to achieve some of the aims of the Community Forest designation outlined under saved policy EN 11 of the Local Plan
22. In addition the housing area remains only a small part of the application site and the vast majority of the site remains open, given this and the wider plans for the provision of the Country/Riverside Park it remains the case that the residential development will not encroach into the green wedge the landscaping provided within the site will enhance the existing natural state of the land and improve the quality of the River Tees and Leven Corridors.
23. Many objectors have stated that they are concerned over the potential loss of green wedge and existing open nature of the site at the hands of the proposed development. These concerns are duly noted and it is considered that the proposal offers great community benefit and will help enhance the area as a whole as detailed in both this section and the previous section of this report.

### **Site of Archaeological Importance**

24. Both Tees Archaeology and English Heritage have commented that they have no objections to this reserved matters application and that their interests in the site lie within the Country Park element of the scheme given the scheduled ancient monument
25. The implementation of the proposed development would result in the Scheduled Ancient Monument being brought back into public ownership where it can be maintained and enhanced for the enjoyment of the general public.
26. As part of the section 106 agreement of the outline application monies towards the Interpretation signage will also be provided adding to the educational and cultural offer within the area and borough as a whole. Through the imposition of planning conditions details for all works to the Country/Riverside Park can be agreed to ensure the preservation and enhancement of the scheduled monument, As such the proposal is judged to accord with policies EN 29 and EN30 of the Local Plan.

### **Impact on the character of the area**

27. Various house types have been submitted as part of the reserved matters application. All of which are of a simple and traditional design. The properties are considered to be well proportioned and in keeping with both the scale and character of the neighbouring housing estate. The use of appropriate materials will play a significant factor in ensuring that the development integrates well into its surroundings and this can be controlled via a planning condition.
28. Although full details have been submitted for this reserved matters application, it is important to note that this is principally to do with keeping the permission alive. Therefore it remains highly likely that the appearance of the properties may change to suit each self build occupier's tastes

and requirements. However, a design brief has been submitted in order to ensure that there is some cohesion between the each property and sets out basic requirements such as build area, roof pitch, window and door details, boundary treatments and dwelling proportions. On this basis it is therefore important that the submitted development brief is conditioned is ensure some consistency between individual properties, creating a sense of place.

29. A number of objectors have raised concerns in relation to differences between the outline plan and reserved matters plan. It is however, important to note that the layouts shown on the outline application were indicative only and all matters are to be considered under this outline application.
30. The proposed development is therefore deemed to be acceptable and is in accordance with saved policies GP1, HO3, HO11, EN7 and EN14 of the adopted Local Plan in this respect.

#### **Impact on residential amenity.**

31. At present the gable end of plot 1 of the development is situated approximately 13 metres from the rear of No. 4 Caldey Gardens. Whilst this is in excess of the Council's minimum standard concerns remain over its overbearing nature given the height of the property. The applicants' agents are working on the proposed revision to either reduce the bulk of the proposed dwelling in this location or to set the property further away from the property to reduce it impacts on the resident of this property.
32. In terms of the remaining residential properties, a distance of approximately 20 metres would separate the proposed development from the side elevations of the neighbouring properties and vice versa. . Where a front elevation for the development fronts onto a rear elevation this is either approximately 30 metres or greater. Furthermore a landscaping belt of a minimum of 5m to a maximum of 11m would separate the development from the existing houses on the western edge of the Roundhill estate. As these distances exceed the Council's minimum side-to-habitable room and habitable room-to-habitable room distances of 11 and 21 metres respectively it is considered that there would not be a significant loss of privacy or amenity caused to the surrounding residents.
33. The location of the proposed car park would also be in excess of 20 metres from the rear of No.'s 17-15 Newgale Close, and the nearest parking space being approximately 10 metres from the side elevation of No. 20 Newgale Close And is located a sufficient enough distance away from the existing properties in planning terms so as not to justify a reason for refusal
34. Issues with construction traffic and noise have also been raised. It is accepted that if the application was given approval that it would be likely that there would be instances of noise and disturbance during construction of the proposed dwellings and Country Park. However, this is likely to only be a short to medium term issue and planning conditions could be imposed to restrict the hours of construction to limit any potential noise and disturbance issues.

#### **Issues of Flood Risk**

35. The application site falls within flood risk zones 2 and 3 as outlined by the Environmental Agency. However, the housing element of the proposed development is located away from these flood risk zones due to the topography of the land. The proposed Country park element is however considered to be a water compatible use.
36. The Environment Agency has been consulted on the proposed development and has at present raised an objection to the proposed development, due to the lack of a flood risk assessment. The applicant is currently working towards resolving this issue, and this is the reason the application is recommended to be delegated to the Head of Planning for determination.

### **Impacts on wildlife habitats**

37. It is accepted that the application site has been returning to a more natural state in recent times and it is likely that there is a variety of wildlife species and wildlife habitats in the area, all of which may potentially be affected by the proposed development. This is reflected in comments received which object to the proposed development.
38. The applicants have submitted an ecological survey of the site and English Nature have commented that they have no objection to the proposed development subject to the imposition of planning conditions to ensure that there is minimum impact on the protected species within the area. The proposed development is therefore in accordance with policy EN 4 of the adopted Stockton on Tees Local Plan.

### **Impact of Traffic and Highway safety**

39. The Head of Technical Services has considered that application against the Council's Design Guide and specification and supplementary Planning Document 3: Car Parking in New Developments.
40. It is noted that the development has outline planning approval permission for 17 dwellings and both the access arrangement within the site and shared surface arrangements are also considered to be acceptable
41. The parking arrangements within the site are acceptable, with the exception of plot 4. The drive length of plot 4 is of insufficient length to be classed as a parking space as the property has six bedrooms. The applicants' architects are currently working on addressing this issue. The proposed parking area for the Country Park is also judged to be acceptable.
42. Whilst local residents concerns in relation to the increased traffic volumes, perceived on-street parking issues with the development and pedestrian safety are noted. The Head of Technical Services has no objections to the proposed development, the proposed development is therefore not considered to pose any significant threat to either highway or pedestrian safety.
43. Some residents have raised concerns in relation to dirt and dust being deposited on the surrounding roads. The concerns are noted and it is considered necessary by the Head of Technical Services for wheel washing facilities to ensure that no mud and debris is carried onto existing highway

### **Residual issues;**

44. Several objectors have also raised the issue of the potential impact the proposed development may have on property prices in the area. The potential impacts of proposed developments on property prices is not a material planning consideration and cannot therefore be taken into consideration in the determination of the this planning application.
45. Several objections have been received in relation to the impacts of the proposed development over a potential loss of views from the existing residential properties. Whilst these concerns are appreciated under planning law no one person has a right to a view and these concerns cannot be considered as material planning considerations.
46. Concerns raised in relation to drainage are noted, however, Northumbrian Water has considered the information supplied and are satisfied that the drainage arrangements are acceptable. During construction of the development drainage issues would also be a matter to be considered under building regulations.

## **CONCLUSION**

47. Although concerns have been raised from local residents regarding the need for further housing land and the impact on the green wedge, it is important to recognise that this application is seeking reserved matter approval and that the principle of residential development on the site was established in approving the outline planning application.
48. The design and layout of the proposed development is generally considered to be acceptable and will not have any significant impacts on residential amenity or highway safety. In addition the provision of the Country/Riverside Park will help achieve the aims of saved policy REC 8 of the adopted Local Plan and provide an excellent community resource and bring a scheduled ancient monument back into public ownership.
49. Subject to revised details being both received and acceptable the proposed development is judged to be acceptable and in accordance with policies GP1, HO3, HO11, REC8, REC20 and REC 21, EN 4, EN7 EN 11, EN14, EN 29 and EN30 of the Local Plan. The proposed development is therefore recommended for to be delegated to the head of planning for approval subject to all outstanding issues being resolved.

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

### **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**

Regional Spatial Strategy (RSS)

Tees Valley Structure Plan

Planning Policy Statement 1; Delivering Sustainable development

Planning Policy Statement 3; Housing

Planning Policy Statement 9; Biodiversity and Geological conversation

Planning Policy Statement 25; Development and Flood Risk

Planning Policy Guidance 17: Planning for open space, sport and recreation

Stockton-on-Tees Adopted Local Plan (1997)

Planning Applications 00/0741/P, 01/1132/P, 05/3047/OUT and 06/1064/OUT

## **WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Ingleby Barwick West</b>
<b>Ward Councillor</b>	<b>Councillors K Dixon, R Patterson &amp; J Kirby</b>