

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 6 February 2008

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APPLICATION REF. NO:	07/01064/FUL
STATUTORY DECISION DATE:	28 January 2008
WARD/PARISH:	HURWORTH
LOCATION:	Skipbridge Brickworks Site, Neasham Road, Hurworth Moor, Darlington
DESCRIPTION:	Leisure Park for the stationing of static caravans and associated facilities (Amended description and amended details received 14 December 2007) (Amended site plan and proposed junction layout and additional information regarding access road, drainage and facilities for the elderly and disabled and others received 14 January and 25 January 2008)
APPLICANT:	WARD HADLAND ASSOCIATES

INTRODUCTION

At the Planning Applications Committee on 9 January 2008 members resolved to defer this application until they had visited the site and also for additional information to be provided. The Members' site visit took place on 1 February 2008. Further details and amendments to the application have been made which are covered in the relevant sections of the report below. The report is therefore re-presented to Members for determination.

APPLICATION AND SITE DESCRIPTION

The application site comprises some 4.8 hectares of land situated at Skipbridge, midway between Darlington and the village of Neasham and forms part of the former brickworks site.

The site is irregular in shape and consists of large areas of hardstanding and scrub. Two buildings occupy the site, a large single storey brick building and a residential mobile home.

It is bounded to the north by farmland, and to the east and southeast partly by farmland and a range of former agricultural buildings, now converted to dwellings (The Potteries) and a complex of existing agricultural buildings. A small field adjoins the southern boundary, beyond which lies Neasham Road (C38). A pond and further remains of the former brickworks site are located along the western boundary. Planning permission was granted in January 2005 for the use of this land for recreational purposes, including an equestrian centre and improvements to the pond but has not yet been implemented.

The application seeks to redevelop the land for a static caravan park with associated leisure facilities and incorporates the following: -

- The provision of 80 static caravans for holiday provision
- Conversion of the existing single storey building, including the construction of a first floor to provide; storage and workshop for grass cutting tractors and landscaping equipment; changing rooms for outdoor activities; café, children's indoor recreation; and poolroom/recreation area.
- Erection of a single storey building to provide a shop with storage area and office. The dimensions of which would be 13.6m in length, 8m in width and 5.5m in height at ridge level.
- The erection of a single storey service block, incorporating male and female toilets, showers and laundry room, measuring 17.8m in length, 4.9m in width and 4.5m in height at ridge level.
- Outdoor play area for children.
- Two tennis courts.

The proposal scheme incorporates extensive tree and shrub planting around the perimeter of the site including a landscaped mound along the eastern boundary of the site adjacent to the residential properties known as the Potteries.

The application also seeks the permanent occupation of one of the static caravans for the manager of the site.

A new vehicular access is proposed to the west of the existing access the position of which has been revised subsequent to the consideration of the application at the January Committee meeting.

Supporting documents with the application are: -

- Transport Assessment;
- Technical Assessment of Foul Drainage;
- Environmental Survey;
- Ecological Report; and
- Justification for site managers dwelling.

PLANNING HISTORY

The application site has an extensive planning history. Only the most recent and relevant entries in the planning register are included below: -

91/457 – In February 1992 planning permission was refused for the development of a new village comprising residential development, parks and community uses.

92/755 – Planning permission was refused in March 1993 for the development of a new settlement comprising residential development, access, parks and community uses. An appeal was lodged against this decision and dismissed in May 1994.

01/689 – Planning permission was granted in November 2001 for the conversion of the former gatehouse building to form a dwelling, including extension and alterations.

02/345 – In June 2002 planning permission was refused for the erection of a four bedroomed dwelling to replace the former demolished gatehouse building. A subsequent appeal was dismissed in July 2003.

02/660 – In January 2002 planning permission was granted for the use of land for recreational purposes including equestrian centre with associated improvements to existing pond and landscaping.

04/1190 Planning permission was granted in February 2005 for the use of land for the siting of a mobile home for a temporary period of one year in connection with building operations, involving the conversion of former agricultural buildings to dwellings at nearby Brickyard Farm.

06/0102 – In April 2006 planning permission was refused for the conversion of an existing building on the site to provide three dwellings, including garages and associated car parking.

06/1006 – Planning permission was granted in March 2007 for a further temporary period of one year for the stationing of a mobile home in connection with building operations at Brickyard Farm.

07/214 – A similar application to the current one was submitted in March 2007 which was subsequently withdrawn in June 2007.

PLANNING POLICY BACKGROUND

The following policies of the Borough of Darlington Local Plan are relevant: -

- E2 – Development Limits
- E4 – New Buildings in the Countryside
- E7 – Landscape Conservation
- E12- Trees and Development
- E14 –Landscaping of Development
- E17- Landscape Improvement
- E27- Flooding and Development
- E28 –Surface Water and Development
- E47- Contamination and Unstable Land and Development
- H7 - Areas of Housing Development Restraint
- TO6-Camping and Caravans
- T12 –New Development Road Capacity
- T13 –New Development Standards

National Planning Policy

- PPS7 -Sustainable Development in Rural Areas.
- PPS23 –Planning and Pollution Control
- PPS25-Development and Flood Risk

RESULTS OF CONSULTATION AND PUBLICITY

Forty eight letters including one from a Ward Councillor have been received to the application as originally submitted objecting to the development on the following grounds: -

It is a commercial development in what is a rural area.

- *Newbus Grange caravan site is currently running between 60% & 70% capacity throughout the season. Where is the justification to warrant another caravan leisure park in the area?*
- *The Government is quite rightly committed to moving developments progressively towards sustainable type to minimise the impact on the environment. It is difficult to envisage how a caravan park in a rural area located off a narrow country road in any way satisfies that requirement.*
- *The site appears to be in an Area of High Landscape Value as identified by Policy E17 of the Local Plan. The development would be contrary to the objectives of this policy, which aim to minimise the impact on the landscape within the Area of High Landscape Value. The proposal fails to do this.*
- *Rushpool cottage has flooded several times in the past, the drains in this area are in disrepair, due to age, collapse and damage from tree roots. The Council has had the drains surveyed so there should be a report available on this particular problem.*
- *The drain, which runs through Rushpool Cottage, is a public one which has malfunctioned twice in recent years, causing serious damage to the property resulting in major compensation from its owners. If the drain cannot function with this limited discharge, the ability of handling the major development proposed must be seriously questioned.*
- *Neasham has experience problems of flooding in the past as a result of increased surface water. It is unreasonable to increase the potential problem by allowing permission for this site.*
- *This proposal appears to add to the flooding threat by increased rapid flow into Kent Beck. Water catchment ponds could alleviate the possible significant damage to Neasham if they are managed correctly. Anti flooding provision should be a planning condition.*
- *Contaminated land at the old brickworks will be a health and safety problem for all people concerned.*
- *The current site is neighboured on one side by an actively gassing landfill sill producing high levels of methane; any development would run the risk of being a migration route for the gas as well as a potential source of ignition.*
- *Previous developments for this area have been rejected due to methane levels from neighbouring landfills.*
- *There is already a great strain on the utility supplies in the area. The site would place a great strain on electric and water supplies.*
- *The Government has launched a joint consultation on regulations to set minimum standards for water efficiency in new homes and new commercial buildings. How can the planning team ensure that the minimum standards would be adhered to?*
- *What evidence is there that the proposed development has taken account of carbon emissions? If approved the development would be contrary to the Government's commitment to reduce carbon dioxide emissions.*
- *What controls are there to be in place for energy consumption? It is unlikely that the owners of the site will make an effort to ensure that the development is energy efficient.*
- *The existing road infrastructure specifically the C38 is unable to handle existing traffic flows during the heavy periods; further traffic will only exasperate this problem. Additionally traffic leaving and entering the site would pose a significant threat to road users due to blind corners. It is for these reasons I believe the Police will also be objecting.*

- *There is some question over the width of the access road – is it legally wide enough? Who owns the road? Who will pay for the road widening if it is required? Can we be sure it won't be Council taxpayers?*
- *The application gives no indication of how any emergencies would be handled. No designated emergency areas. No features for emergency exit/access for Fire or Ambulance services. It indicates only one way in and out.*
- *There are no footpaths linking the site with Hurworth or Neasham consequently this will mean that occupiers of the site will need to walk along the roadways which would be hazardous for pedestrians and motorists alike. There have been a number of accidents on the road network in the vicinity of the site some being fatal.*
- *There are no official cycle paths linking the proposed development to anywhere. The only route would be to use Neasham Road which would be dangerous.*
- *The site is not readily accessible by public transport. The applicant states that buses pass the site which is not the case. The two bus routes go to Neasham village via Croft and Hurworth villages. The second route goes via Roundhill Road to Hurworth and Neasham villages, returning by the same route.*
- *This second application for the proposed leisure park still proposes more problems than the previous application that has been made. Not only has the road layout been changed but it seems to be close to adjacent properties and overhead cables i.e. BT cables.*
- *Noise generated by traffic movements, occupiers of the caravans and associated leisure facilities.*
- *Light pollution*
- *There would be an adverse affect on the privacy and amenities of adjoining residents.*
- *The proposed landscaped mound will be an ideal vantage point and play area for the youngsters on the site to cycle and walk on causing an even bigger problem of being overlooked and loss of privacy. How will the developers prevent this?*
- *We are concerned about the proposed earth mound adjacent to the properties. What would be contained in the mound? Will it be properly and safely constructed? Will it contain rubble and contaminated materials? What size and height will it be? What provision for drainage will be made, as the mounding could affect the whole water table in the area? If not properly designed the tarmac forecourt to the Potteries complex could be flooded and lifted by uncontrolled surface water form the mound.*
- *At weekends in the summer parking in the village of Neasham becomes impossible due to visitor's cars being parked anywhere and everywhere. This caravan park would only add to this problem.*
- *I moved to Hurworth, as it was a quiet rural village. At the moment there is a large problem of parking. Please do not add to this problem by passing plans for the development.*
- *There is a problem of disturbing the environment and wildlife, which frequent the area.*
- *It is not clear what harmful effect the development will impose on the wildlife on the site around the pond area (newts and bats). There has not been a survey here carried out by the Wildlife Trust, which should be carried out before any Council decision. Badgers are known to use the hedges and adjoining fields.*
- *The open pond is a danger to children of all ages.*
- *Neasham is a small village with one pub, which would struggle to cope with such a possibly large influx of visitors resulting in problems of anti social behaviour associated with youngsters, including under age drinking.*
- *There is a high percentage of elderly residents living in Neasham and they would certainly feel very uneasy with a major increase in young people walking around the village at night.*
- *The surrounding areas will be subject to litter.*

- *There is a potential of trespass by residents from the leisure park to adjoining properties and farms. This is great concern, especially to local people who have been the victims of burglary, damage to property and theft in the past.*
- *Who is to say where the people will come from to inhabit these caravans, but I think it is inevitable that there will be an increase in crime if purely from the increase in numbers of people.*
- *I note that on the plan it indicates 80 hard paved pitches, not 80 chalets. If this is the case I am very concerned that the Travelling Community could easily set up home on the site, with all the resulting problems that goes with it. What, if anything, has been put in place to safeguard this from happening?*
- *If the proposal is granted I trust there is a limited occupancy condition so that the caravans are used for tourism only. The term of use should be limited to a maximum 9 months per year.*
- *Does a 6 month licence allow single tenants so that it can become a travellers camp or is there a maximum 28 day occupancy restriction?*
- *We recognise that the old brickworks need to be cleaned up and sympathetically developed and would suggest that as a brownfield site it would best be compulsory purchased by the Council and developed for executive housing for 10-14 dwellings and would be more in keeping with the area and existing properties. This type of pressure would relieve pressure on the local green belt.*
- *It is my understanding that the owners of the site do not own the entrance and access could be denied in future.*
- *The site will generate a huge amount of waste what facilities will there be to deal with this?*
- *There are likely to be problems of smell from the toilet blocks.*
- *The submitted plans are extremely short on detail, timescales, family sizes, landscaping, finish of vans and buildings*
- *Claims on the Council for blighted property values will increase due this proposal.*
- Five further letters of objection have been received to the most recent amendments at the time that this report was written reiterating grounds of objection raised previously.
- Thirty eight letters have also been received in support of the application and the following points made: -
 - *It could bring people to Darlington and provide jobs for young people.*
 - *It will be advantageous to the village of Hurworth.*
 - *The improvement of the area is long overdue and the park will bring benefits for local businesses.*

Hurworth and Neasham Parish Councils have raised the following objections: -

- *As it is twenty years since Crossleys closed the brickyard, a perfect natural wildlife habitat has been formed in the area around the ponds. Has any survey been carried out for newts, bats etc?*
- *Entrance to the site on a dangerous blind bend.*
- *Traffic problems generated by a development of this size onto a minor road (C38).*
- *No lighting, bus stop service or footpath on this road.*
- *Surface water created will flow via Creebeck to Neasham.*

- *No mains sewage facilities in the area. Sewage and water infrastructure would be unable to cope with the demands of the development. Septic tank solution is not a solution for the numbers involved.*
- *Bowater Crossleys village was rejected on various grounds including migrating methane gas.*
- *Narrow access road not owned by the applicant.*
- *Devaluation of houses nearby and in adjacent villages will certainly occur.*
- *Long standing surface water problems in the Skipbridge and Rushpool area will be aggravated.*
- *No need for a further caravan site in the area as the existing one at Newbus always has spare capacity.*
- *Residents feel very strongly but will not write in for fear of reprisals.*
- *Noise pollution.*

The Campaign to Protect Rural England has objected to the proposed development on a number of grounds: -

- *The site is large with a very high density and large numbers of caravans and buildings, which are totally out of keeping with the rural setting.*
- *The development overall will have a severe impact on the residential amenity of nearby residents. It is accepted some units near to the housing have been removed in this version of the proposals, but there are now concerns the screening bund will bring problems and there are still a large number of units on the site.*
- *The development will increase light pollution.*
- *The development will have a detrimental effect on wildlife.*
- *Will the existing utilities, such as water, sewerage, electricity, etc, be able to cope with the additional demand? People living in the locality advise us they are already inadequate.*
- *Will the access be able to cope with the number of vehicle movements the site will generate?*
- *We are advised there is currently no bus route past the entrance to the site. The nearest current bus stop will entail users walking down an unlit winding country road, with no footpath, with the dangers that will bring.*
- *The lack of a footpath on Neasham Road is a road safety hazard for pedestrians.*
- *An application for a children's centre in early 2007 was, we understand, turned down partly because of concerns for the road safety of children and youths on a similarly close road. We consider this application to be similar.*
- *We do not find any secondary escape route from the site, which could be used in the event of an emergency. Is there an alternative to the one entrance given in the plans?*
- *Whilst there is some merit in a residential caravan park we consider this proposal to be an over development of the site and the large numbers of caravans to be detrimental to the area. In addition we are advised that Newbus Caravan Park has spare capacity so alternative facilities already exist in the area.*

In view of all the above we respectfully request that the application be refused.

PLANNING ISSUES

The main issues to be considered in the determination of this application are: -

- Planning Policy
- Contaminated Land

- Foul and Surface Water Drainage
- Ecology Issues
- Need for site Manager's dwelling
- Highway Matters.

Planning Policy

National Planning Policy

PPS7 Sustainable Development in Rural Areas

Paragraph 39 makes a statement on how planning authorities should consider development proposals for caravan parks:

In considering planning policies and development proposals for static holiday and touring caravan parks and holiday chalet developments, planning authorities should:

- (i) carefully weigh the objective of providing adequate facilities and sites with the need to protect landscapes and environmentally sensitive sites, and examine the scope for relocating any existing, visually or environmentally-intrusive sites away from sensitive areas, or for re-location away from sites prone to flooding or coastal erosion;*
- (ii) where appropriate (e.g. in popular holiday areas), set out policies in LDDs on the provision of new holiday and touring caravan sites and chalet developments, and on the expansion and improvement of existing sites and developments (e.g. to improve layouts and provide better landscaping);*
- (iii) ensure that new or expanded sites are not prominent in the landscape and that any visual intrusion is minimised by effective, high-quality screening.*

Taking each criterion in turn the following comments are made:-

- (i) The proposals are for the regeneration of an area of poor and degraded landscape character therefore the area is not environmentally sensitive. The flooding aspect is covered further on in this report.
- (ii) The Local Plan has a specific policy TO6 Camping and Caravans which is expanded upon below.
- (iii) The location of the site is such that it will not be overly prominent in the landscape. In the foreground, to the west of the site there is a complex of unsightly industrial buildings and yards. The southern perimeter of the site is the nearest to any public viewpoint (Neasham Road) and this is set back from the public highway by some 145m. In addition an element of screening is presently afforded on this boundary by a group of mature poplar trees. Any visual intrusion that could potentially occur should be minimised by the provision of the proposed landscaping scheme.

The Development Plan

The main policies that need to be discussed to establish whether the site is an acceptable location for a caravan park are Policies E17 and TO6 of the Borough of Darlington Local Plan.

POLICY E17 (Landscape Improvement) states: -

“OPPORTUNITIES WILL BE SOUGHT FOR THE IMPROVEMENT OF AREAS OF POOR OR DEGRADED LANDSCAPE CHARACTER BY:

- 1) THE EARLY RECLAMATION OF LAND WHICH BECOMES DERELICT; AND
- 2) THE ENHANCEMENT AND MANAGEMENT OF UNUSED AND UNDER-USED LAND THROUGH TREE PLANTING, LANDSCAPE CREATION AND WILDLIFE HABITAT CREATION. THE RECLAMATION AND RESTORATION OF THE DARCHEM WASTE TIP AT WEST AUCKLAND ROAD, SKIPBRIDGE BRICKWORKS, SADBERGE RESERVOIR AND LAND OFF HERON DRIVE WILL BE SOUGHT”.

The proposals offer the opportunity for the definitive improvement of the Skipbridge site through redeveloping the partially degraded land on the site. The proposals include the provision of extensive planting and landscaping on the site along with the incorporation of the existing pond into the landscaping and planting. The use of the land as a caravan park will mean that the site will be effectively managed in the future as an ongoing business.

Overall the proposals for the caravan park offer an ideal opportunity to improve an area of poor and degraded landscape character and ensure that the site is effectively managed in the future. Therefore the proposals are in accordance with policy E17.

The policy TO6 Camping and Caravans is discussed below:

POLICY TO6 - Camping and Caravans

THE DEVELOPMENT OF SITES IN THE COUNTRYSIDE FOR CHALETS, CAMPING, TOURING AND STATIC HOLIDAY CARAVANS AND CARAVAN STORAGE WILL NORMALLY BE PERMITTED PROVIDED THAT ALL OF THE FOLLOWING CRITERIA ARE MET:

- 1) THE SITE IS NOT PROMINENT EITHER IN THE COUNTRYSIDE OR THE AREA OF HIGH LANDSCAPE VALUE NOR OF ACKNOWLEDGED NATURE CONSERVATION VALUE;
- 2) THE SCHEME DOES NOT, EITHER BY ITSELF OR TOGETHER WITH OTHER EXISTING OR PERMITTED SIMILAR SCHEMES, MATERIALLY DETRACT FROM THE LANDSCAPE, NATURE CONSERVATION INTERESTS OR THE AMENITIES OF NEIGHBOURING OCCUPIERS;
- 3) THE SCHEME IS COMPREHENSIVELY PLANNED ON A SITE WHERE TREES OR OTHER SCREENING COMPATIBLE WITH THE LANDSCAPE ADEQUATELY CONCEAL PERMANENT DEVELOPMENT THROUGHOUT THE YEAR. WHERE THE TREE COVER GIVES EFFECTIVE SCREENING ONLY WHEN IN LEAF, TOURING CARAVANS, TENTS AND ASSOCIATED FACILITIES MAY BE ACCEPTABLE PROVIDED THAT THEY ARE REMOVED AT THE END OF EACH SUMMER SEASON;
- 4) FREESTANDING CHALETS, CARAVANS OR TENTS ARE CONCEALED IN WOODLAND OR WITHIN ESTABLISHED GROUPS OF BUILDINGS;

5) THE DESIGN, MATERIALS AND COLOUR OF CHALETS AND STATIC CARAVANS ARE CHOSEN TO MERGE WITH THE SURROUNDINGS”.

Applying each of the stated criteria the following comments area made.

- 1) The site in itself is not in a prominent location with regard to the local countryside or an area of high landscape value. Adequate natural and additional screening is provided with the proposals and the site already is relatively naturally secluded from the local main road.
- 2) The proposals appear to present a site that will be effectively screened from the other surrounding land uses and that effective boundaries will be established to ensure discrete site boundaries. Bearing in mind that the site is in an area of poor and degraded landscape character, the development of the site will actually enhance the landscape interests and should enhance the environment for neighbouring occupiers. The layout of the site and proposal to incorporate a landscaped mound adjacent to the nearest residential properties to the east (the potteries) should ensure that there would be no adverse effects to the amenities currently enjoyed by the occupiers of those dwellings. It is noted that a number of questions have been raised by objectors regarding the mound namely its height and surface water runoff, no specific details of which have been submitted with the application. Nevertheless should members be minded to grant planning permission these issues can be addressed by way of a condition. Those elements of the scheme, which may have the potential to give rise to some noise, i.e. the children’s play area and tennis courts would be situated on the western side of the site adjacent to the existing pond some 105 m away from the Potteries and 110m from the nearest dwellings to the south alongside Neasham Road. In view of this separation it is considered that no material harm would be caused to neighbouring residents from noise associated with these activity areas. Again there is unlikely to be any adverse impact on the amenities of the occupiers of the properties adjacent to the proposed access, as a consequence of traffic movements.
- 3) The development site is in an area of poor and degraded landscape character, this is identified by policy E17 in the Local Plan. The proposals indicate a comprehensively planned site, including elements of natural screening, with additional screening being provided where necessary.
- 4) The proposed layout of the development site incorporates well designed areas of woodland trees and additional new native woodland planting to conceal and provide a natural setting for the static caravans and freestanding chalets. The proposed buildings on the sites such as the office and toilet block are also set in newly planted areas to partially conceal them and minimise their impact.
- 5) The proposed buildings on the plans indicate materials that are to be used to be in keeping with the adjoining existing cottages, farmhouses and outbuildings. The proposed buildings on the site are of a similar design and as a result they create their own style and be in fitting with their surroundings.

It is clear that the proposals for the caravan park development are in accordance with the principles set out in policy TO6 in the Local Plan.

It has been claimed that caravan sites are an unsustainable form of development in terms of governmental policy as they are mainly reliant on the car and are likely to be required in rural locations that are some distance from other communities and their attendant services. However, to enforce this policy rigidly would deny a use altogether which public policy has endorsed as

having a continuing role to play in the development of tourism, and therefore lack of sustainability is not considered to be a determining issue.

To ensure that the caravans are not used for permanent residential occupation any approval will need to be conditioned appropriately to prohibit this. In this instance the applicants are seeking occupation for ten months of the year. Thereby a condition prohibiting occupation for the remaining two months would address this issue.

Contaminated Land

Part of the site covers a former landfill site and a further landfill site is within adjacent land to the northwest. In considering this issue Planning Policy Statement 23: Planning and Pollution Control Annex 2 paragraph 2.42 states: -

“Where contamination is known or suspected or the proposed use would be particularly vulnerable, LPA’s should require the applicant to provide with the application such information as is necessary to determine whether the proposed development can proceed. In doing so, they should adopt a balanced approach. It would be disproportionate and unnecessary to require every applicant to carry out a detailed and expensive site investigation. However sufficient information should be provided to determine the existence or otherwise of contamination, its nature and the risks it may pose and whether these can be satisfactorily reduce to an acceptable level

Consequently the applicants have commissioned a Phase 1 Environmental Survey, which is submitted with the application and the Council’s Public Protection Division have made the following comments:

This report addresses the proposed future use of the site as a leisure park with static caravans and has reviewed the historical information including previous site investigations on the site and adjoining land. FWS Consultants Ltd have also carried out a site walkover, developed a conceptual model and carried out a preliminary risk assessment details of which are contained within the report. The report has identified possible pollution linkages the main being the risk of contamination in soil/shallow groundwater and ground gases affecting future site occupants and the migration of mobile contaminants in soil/leachate to shallow groundwater and Cree Beck. My main concern with this site has always been with regard landfill gas. Previous monitoring has not detected significant level of ground gases on the site in question however gas monitoring carried out on behalf of Darlington Borough Council on the north-western part of the landfill has detected significant concentrations of methane and carbon dioxide. The historical landfill gas measurements taken on the site as part of two previous site investigations do not meet current guidance CIRIA 659 on frequency of monitoring, measurements taken i.e. no flow rates and exploratory techniques. Any development of this site, which included buildings, would introduce a receptor to risks from landfill gas but if the site is to be redeveloped the end use of a leisure park is more appropriate than other potential end uses. Static caravans have an air gap between the ground surface and the bottom of the caravan and will be positioned on a concrete slab both of which will act as protection against ground gases however potential preferential pathways may exist from services such as drainage. There are also proposed buildings on site including toilet block, office and shop etc. As referred to in the report the land contamination and landfill gas will need further investigation/risk assessment and remediation work will be required and will need to be agreed by the Local Planning Authority. The report has outlined future works with regard to site investigation/risk assessment and concluded that it is unlikely that overall potential contamination associated with the site occupation would prevent the site

being developed as a Leisure Park. Following guidance within PPS23 I am satisfied that the site can ultimately be developed and remediated to make it suitable for its intended end use as a Leisure Park with static caravans. However the standard contaminated land condition J2 will need to be placed on any planning permission granted.

Foul and Surface Water Drainage

It is proposed to discharge both surface and treated foul water from the development to the adjoining pond, which is in the applicant's control, from where it will flow into the local drainage system. The proposals include the installation of a hydro break to provide a regulated drainage flow and to ensure that the drainage system is not overloaded to avoid flooding of neighbouring properties and flooding problems elsewhere. The Environment Agency is satisfied with this arrangement and also that the pond has adequate capacity to take both foul and surface water from the development. Nevertheless they have requested the imposition of a number of conditions including precise details of the proposed regulating system and attenuation measures. In terms of the sewage treatment a private package treatment plant is proposed which consists of three stages prior to discharging into the pond which will also require a separate consent from the Environment Agency.

Since the application was deferred at the January Committee the applicant has submitted revised details for the disposal of surface and treated foul water. Originally it was sought to direct water from the pond via an existing drain, which passes through Rushpool Cottage before eventually connecting to the adopted mains. The amended details indicate that this existing connection will be removed and a new drainage connection will be provided between the pond and an existing drain adjacent to Brickyard Farm to the northwest. This would ensure that the connecting pipework is on land within the applicants 'control. The Environment Agency have expanded on their previous comments by stating that they are aware of residents concerns about localised flooding but that it appears to be related to sewer or drain flooding and is therefore outside their remit. In terms of foul drainage they have recommended a condition to remove the existing drain connection through Rushpool Cottage to remove the existing drainage problem and to prevent any flooding of the Cottage.

Northumbrian Water have raised no objections to the scheme subject to the imposition of a condition requiring a scheme for the disposal of surface water (SW) to be submitted and approved in consultation with themselves. They have also made the following comments: -

"There is a history of internal property flooding at a property in Hurworth via a private SW sewer downstream. NWL are currently investigating through its feasibility process the hydraulic and structural capabilities of the sewer."

Ecological Issues

The site has been surveyed for wildlife and a report is submitted with the application which indicates that there is no presence of Great Crested Newts and that there are suitable locations for bat roosts. Based on the evidence that has been provided Natural England has not raised any objections to the proposed development.

Site Manager's Dwelling

It is proposed to retain the existing mobile home on the site as accommodation for a site manager.

Policy H7 (Areas of Housing Development Restraint) Criterion 1 states that new housing in the countryside will only be permitted for the proper functioning of a farm or forestry worker to live

at or in the immediate vicinity of his or her work place. In respect of this application it is considered that if a similar justification can be put forward for what is essentially a form of business operation often established in the countryside then such dwelling could be acceptable.

A functional justification and financial forecast to cover a three year period has been submitted in support of this element of the application.

Another consideration of relevance is that if approved the static caravans, which will in most respects be similar in appearance could remain here permanently and be occupied for ten months of the year. Nevertheless, since this would be a new caravan site which has yet to prove its long term financial viability it would be prudent to provide a temporary permission of three years for the manager's accommodation until the business has proved itself to be financially sound.

Highway Matters

With regard to the original application that was withdrawn the existing access was considered to be unacceptable to serve the development by the Council's highways engineer and the Police in that a satisfactory visibility splay at its junction with Neasham Road could not be provided. The revised scheme originally indicated a new junction located immediately to the west of the existing one. However this has now been revised again to address the concerns raised by the Highways Officer at the January meeting of the planning committee. A separation distance of 75m is provided between the mid points of the existing and proposed accesses that is acceptable. The Police have also confirmed that they have no objections to the revised access arrangement.

The Transport Statement, which accompanies the application, indicates that the development will not generate significant levels of traffic movement and therefore no objection is raised on highway grounds with regard to this aspect of the proposal.

The Highways Engineer has commented that the occupiers of the site are likely to want to make use of local facilities in Hurworth and Neasham i.e. shops and public houses and that it should not be assumed that all trips to the villages will be made by the private car but that the opportunity will be taken to take advantage of the rural setting by either walking or cycling to the villages. The most direct routes to both villages are along the local road network, which have no footways running alongside. The highways engineer has stated that Neasham Road has poor forward visibility over most of its length between the site and Neasham and is therefore not suitable for pedestrian use and is a poor cycle route. The Transport Policy Section has raised similar concerns regarding suitable access by way of these forms of transport mode. Furthermore it is added that the site is not easily accessible by public transport in that no bus service runs past the site. The Countryside Section in their consultation response to the application as originally submitted commented that the scheme provided little connectivity to the surrounding public rights of way network.

Following these initial comments the applicant has revised the scheme to include a footway link to the existing rights of way network linking the site to Burma Road to the West and Footpath No.1 on the opposite side of Neasham Road, which extends to Church View Hurworth, and is agreeable to the Countryside Section. The Council's highways engineer has expressed the following view on the proposed amendment: -

The information supplied indicates the extent of the public footpath network in the vicinity of the site. Direct footpath links are available to the south to Hurworth and north to Firthmoor and Yarm Road Industrial Estate. The latter, however, does require crossing of the A66(T) at a point where vehicles are travelling at speed. The footpath to south is unmetalled with stiles.

The link to the north is metalled over part of its length (Burma Road) with the remainder unmetalled with stiles. These links are ideal for recreational use, they are not however suitable for use by the elderly, people in wheelchairs, persons with wheelchairs etc. Also, they are unlit, there use would therefore be restricted to daytime hours.

There is no direct link to Neasham, there will therefore still be a temptation for visitors to the site to walk along Neasham Road to access this village.

I acknowledge that pedestrian access to the site is available, however the footpaths do not provide access for all and the times that they can be used will be limited. There will therefore still be a temptation for pedestrians to walk along Neasham Road to the north and to the south. It should be borne in mind that the pedestrian link between Neasham and Hurworth was a concern of the local residents for many years and it was not until a roadside footpath was provided that it was considered to be safe to walk between the two villages.

Consequently the Highways Officer considers that the application could be refused on this ground alone.

Nevertheless Officers are of the opinion that the proposal provides a more direct and safe route for pedestrians to Hurworth, which offers a wider range of local facilities for occupants of the site, unlike Neasham, which has only a public house. It is also considered that in view of the distances to both villages persons in wheelchairs and more elderly persons would be more inclined to use the motor vehicle. The footpath connection to the wider network also provides alternative routes, albeit less direct, to Neasham. It is acknowledged that the site is not easily accessible by public transport but holidaymakers occupying caravan parks are more than likely to find this form of transport unsuitable often due to the requirement to bring quantities of food, bedding and other large items such as bicycles for recreational pursuits and therefore the need for the site to be on a bus route is not considered to be of significance for this form of tourist accommodation.

In order to address the concerns raised by the Highways Officer and Transport Policy Section regarding accessibility to local services/facilities other than by the private car, the applicant proposes to provide a minibus with disabled rear access. This is to be made available both morning and afternoon on a regular basis, 7 days a week. It would also be available for emergencies and for special occasions such as visits in the evening to the local villages. Both the Highways Officer and Transport Policy Section have commented that this proposal would contribute to making the site more sustainable.

If Members decide to grant permission for the development it will be necessary to condition any approval to secure the provision of this facility and also to secure the permanency of the footpath link from the site to Burma Road and also the provision of associated kissing gates.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

The site is identified in the Local Plan as one where the Council will seek the opportunity for environmental improvements. The proposals for the caravan park provide an effective opportunity to redevelop and environmentally improve a site of environmental degradation and ensure that its effective management will continue in the future. The application raises no issues in relation to contamination or foul or surface water drainage. Vehicular access to the site is acceptable and levels of traffic generated by the development are unlikely to give rise to conditions that would prejudice highway safety nor is the development likely to result in any material harm to the amenities of neighbouring residents or adversely affect the appearance of the locality. The development does not raise any issues in respect of crime prevention. Whilst the site is not accessible to all forms of sustainable modes of transport and that links to local services are not ideal it is considered that on balance the proposed development is acceptable in this location.

Taking into all material considerations officers are of the view that the application be approved.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS: -

- 1) A3 Implementation Limit (Three Years)
- 2) Prior to the commencement of development, the developer shall provide to the Council the proposed arrangements, in writing, for dealing with the following matters as part of the development:
 - a) A dedicated public right of way from the western edge of the site to Burma Road and Neasham Road to include a kissing gate at the section ending at Burma Lane and a further kissing gate on the section linking to Neasham Road.
 - b) The provision of a minibus of an accessibility design to transport occupants of the caravan park to local services/facilities.

The development shall not commence until the Local Planning Authority has approved the arrangements in writing.

REASON – To ensure that a satisfactory footpath link is provided between the site and the wider public rights of way network and to provide a safe pedestrian route to the village of Hurworth.

- 3) B4 Details of Materials (Samples)
- 4) B5 Detailed Drawings (Accordance with Plan)
- 5) E1 Submission and Implementation
- 6) E5 Boundary Treatment Submission

- 7) E11 Tree Protection
- 8) F7 Maintain Vehicular Sightlines
- 9) J2 Contamination
- 10) No caravan on the site shall be occupied between 1 December in any one year and 31 January in the succeeding year.

REASON - To ensure that the static caravans are not used for permanent residential accommodation in order not to prejudice Local Plan Policy of development in the open countryside.

- 11) The site manager's accommodation hereby approved shall limited for a period expiring on 9 January 2011 when the mobile caravan shall cease to be used as a permanent dwelling and shall be restricted to seasonal occupation as stated in condition 5 above.

REASON: The Local Planning Authority is of the view that as the business operation is not yet established a temporary period is only appropriate. At the end of the period the Local Planning Authority would wish to review the condition at the end of the period in light of the operation of the use.

- 12) Notwithstanding anything shown in the application precise details of the access road (to include measures to ensure that vehicles entering or leaving the site shall do so by only by the new access) shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of development. The approved access road and associated measures shall be constructed and in place prior to the occupation of the first static caravan being placed on site.

REASON - In the interests of highway safety.

- 13) Notwithstanding anything contained in the application, precise details of the landscape mounding along the eastern boundary of the site, to include cross sectional detail and means of drainage, shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of development. The development shall not be carried out otherwise than in accordance with the approved details.

REASON: In order that the Local Planning Authority may be satisfied as to the details of the development and in the interests of visual and residential amenity.

- 14) No development shall commence until precise details of each static caravan have been submitted to, and approved by, the Local Planning Authority and the development shall not be carried out otherwise than in accordance with the approved details.

REASON: In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of visual amenity.

- 15) No development shall commence until precise details of any external lighting scheme have been submitted to, and approved by, the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

REASON - In order that the Local Planning Authority may be satisfied as to the details of the development and to safeguard adjoining properties from light pollution.

- 16) No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system including attenuation has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The scheme shall be implemented prior to the commencement of any other work unless otherwise agreed in writing by the Local Planning Authority. The existing drainage connection which passes through Rushpool Cottage shall be permanently closed off upon the completion of the approved scheme.

REASON - To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 "Development and Flood Risk" and complies with the Hierarchy of Preference within the revised part H of the Building Regulations 2000.

- 17) No development approved by this permission shall be commenced until a scheme for the conservation of ponds and wetlands has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be completed in accordance with the approved plans.

REASON - To protect and conserve the existing aquatic nature conservation interest at the site.

- 18) No development shall be commenced until a scheme for the disposal of drainage has been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority

REASON - To prevent pollution of the water environment.

- 19) The recreational facilities and shop within the development hereby approved shall be used solely in connection with the primary use and shall not be operational between 1 December in any one year and 31 January in the succeeding year.

REASON - To ensure that there is no independent use of the facilities which would be contrary to recognised policies in the Development Plan in view of the isolated location of the site.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The site is identified in the Local Plan as one where the Council will seek the opportunity for environmental improvements. The proposals for the caravan park provide an effective opportunity to redevelop and environmentally improve a site of environmental degradation and ensure that its effective management will continue in the future. The application raises no issues in relation to contamination or foul or surface water drainage. Vehicular access to the site is acceptable and levels of traffic generated by the development are unlikely to give rise to conditions that would prejudice highway safety nor is the development likely to result in any material harm to the amenities of neighbouring residents or adversely affect the appearance of

the locality. The development does not raise any issues in respect of crime prevention. Whilst the site is not accessible to all forms of sustainable modes of transport and that links to local services are not ideal it is considered that on balance the proposed development is acceptable in this location.

Borough of Darlington Local Plan 1997

E2 – Development Limits
E4 – New Buildings in the Countryside
E7 – Landscape Conservation
E12- Trees and Development
E14 –Landscaping of Development
E17- Landscape Improvement
E27- Flooding and Development
E28 –Surface Water and Development
E47- Contamination and Unstable Land and Development
H7 - Areas of Housing Development Restraint
TO6-Camping and Caravans
T12 –New Development Road Capacity
T13 –New Development Standards

National Planning Policy

PPS7 -Sustainable Development in Rural Areas
PPS 23 – Planning and Pollution Control
PPS25 – Development and Flood Risk

INFORMATIVE

The Applicant is advised that works are required within the public highway that will need to be subject of a Section 278 Agreement (Highways Act 1980) and contact must be made with the Highways Manager Mr A Ward 01325 388743) to discuss this matter. To arrange for the works to be carried out or to obtain authority under Sec.184 of the Highways Act 1980 to execute the works.

The applicant is advised that contact must be made with the Highways Manager (contact Ms P Goodwill 01325 388760) in relation to naming and numbering of the development.