

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 12 SEPTEMBER 2012

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

12/1537/COU

Leven Camp, Low Lane, High Leven

Proposed residential caravan site consisting of 34 chalets.

Expiry Date 27 August 2012

SUMMARY

The application site lies within the Leven Valley and lies to the immediate south-west of Ingleby Barwick. The site slopes steeply down toward the River Leven (in the north-south plane) with a more gradual slope also occurring (in the west-east plane). The site is accessed off Leven Bank Road, with the highway running past the neighbouring property, Meadowbrae and the entering the site adjacent to Leven Bridge Mill.

The application site previous operated as a seasonal chalet site and was often referred to as the 'Leven camp' or 'Leven Hutments. It is understood that the site was first developed in the inter-war period. As a result of the 1960 Caravan Licensing Act all camping and Caravan site required planning permission. Consequently on 1st February 1961, planning permission was granted for the use of the site for 80 seasonal chalets and caravans. Following a long period of inactivity and use the site became vacant with many of the chalets falling into serious disrepair, However, in 2007 two applications for a certificate of lawfulness (ref 07/0865/CPE & 08/3573/CPE) were both refused by the Council and following several appeals and then challenges in the High Court a decision by the High Court Judge was made that the 1961 permission remained valid.

Planning permission is sought for a change of use of the land to a residential caravan site consisting of 34 chalets. The submitted site plan details the provision of the chalet positioned across the site along with parking spaces and the access road serving the development.

Although the proposed development does not strictly accord with the development plan and it's adopted planning guidance there is an extant permission for 80 seasonal chalets and caravans. The proposed change of use results in a reduced form of development and as a result it is considered that the benefit to the landscape setting and highway network would be sufficient to outweigh any conflict with current planning policy guidance. The proposed indicative chalets are considered to be visually acceptable and subject to appropriate conditions including landscaping to soften the development and the chalets are considered unlikely to have any significant impacts on surrounding residents in terms of appearing overbearing or causing a significant loss of privacy.

RECOMMENDATION

That planning application 12/1537/COU be approved subject to the following conditions and informative(s):

Approved plans;

- 01 ***The development hereby approved shall be in accordance with the following approved plan(s);***

Plan Reference Number	Date on Plan
5186/C/02 A	30 July 2012
5186/C/01	22 June 2012

Reason: To define the consent.

Landscaping;

- 02 ***A detailed scheme for a phased programme landscaping including tree and 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 occupied. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas across the site and detail a phased programme for implementation of the agreed landscaping scheme. The works shall be carried out in the first planting and seeding season following the occupation of the chalet or the completion of each phase of the development whichever is the sooner. Any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation***

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

Landscape Maintenance;

- 03 ***Prior to occupation of the hereby approved development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation and be carried out in accordance with the approved schedule.***

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

Means of Enclosure

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

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

Construction Activity;

- 05 ***No construction activity or deliveries shall take place on the site outside the hours of 8.00 am - 6.00 pm Monday to Friday, 8.00 am – 1 pm 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.

Foul Drainage/ Septic tank

- 06 The applicant shall satisfy the Local Planning Authority (LPA) of the adequacy of the proposed means of drainage prior to the development commencing. Any septic tank to be employed shall be built in accordance to BS 6297 1983 and shall discharge over a biological filter unit, the final effluent from which shall be discharged in a manner approved by the Environment Agency and the Building Control Officer. Full details of the size and manner of construction of the septic tank shall be agreed in writing with the Local Planning Authority prior to development commencing. The proposed development shall not commence until a trial hole has been excavated in the region of any proposed new outfall and reveals to the satisfaction of the Local Planning Authority the adequacy of the subsoil drainage in the regions of the proposed outlet, otherwise drainage to a cesspool will be required. Suitable access shall be maintained for the regular emptying of any septic tank or cesspool. Any septic tank shall be desludged at not less than 12 monthly intervals

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

Light Intrusion

- 07 Adequate screening shall be provided to protect residential properties from light intrusion from the development. The lighting provided shall be arranged so as not to shine directly towards any dwelling and shall be shielded to prevent light spillage beyond the boundary of the property.

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

Refuse collection:

- 08 *Notwithstanding any information contained within this application full details of the methods of refuse/recycling collection and any bin storage facilities shall be submitted to and agreed in writing with the Local Planning Authority before the hereby approved development is occupied.*

Reason: To ensure a satisfactory form of development.

Open burning;

- 09 No waste products derived as a result of carrying out the business hereby approved shall be burned on the site except in a properly constructed appliance of a type and design previously approved by the Local Planning Authority.

Reason: To prevent pollution of the environment and in the interests of the amenities of the neighbouring residents.

Removal of PD Rights - All Householder

- 10 *Notwithstanding the provisions of classes A, B, C, D & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, nor any ancillary buildings or means of enclosure erected within the curtilage without the written approval of the Local Planning Authority.*

Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based.

Removal of PD rights – Means of Enclosure

- 11 ***Notwithstanding the provisions of class A Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order), the building hereby approved shall not erect any means of enclosure within the curtilage of the property without the written approval of the Local Planning Authority.***

Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Summary Reasons and Policies

The proposed development will introduce a development of a residential nature onto the site. Whilst contrary to elements of the policies below, there is a significant material planning consideration as a result of the extant planning permission for 80 seasonal caravans and chalets. This application would result in a reduced form of development that will be of benefit to the landscape setting and highway network that are considered to be significantly sufficient to outweigh any conflict with planning policy guidance below;

Core Strategy policies;

Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

Core Strategy Policy 10 (CS10) - Environmental Protection and Enhancement

Saved Local Plan policies;

Saved Policy EN4

Saved Policy EN 7

Requirement for a site licence:

The applicant is advised that although the site has a historic site licence any new development would have to be re-licensed by the Private Sector Housing Division to reflect the updated use of the site for the 34 Chalets and the Council standards for residential caravan sites which are based the national model standards. To discuss this matter please contact the Council Private Sector Housing team on 01642 527797.

Advisory One Way system:

The applicant is advised that given vehicular parking is not spread across the site, vehicles may park along the internal road making it difficult for 2 cars to pass one another, therefore consideration should be given to making the main loop of the internal road an advisory one way route.

BACKGROUND

1. The application site previous operated as a seasonal chalet site and was often referred to as the 'Leven camp' or 'Leven Hutments. It is understood that the site was first developed in the inter-war period. As a result of the 1960 Caravan Licensing Act all camping and Caravan site required planning permission. Consequently on 1st February 1961, planning permission was granted for the use of the site for 80 seasonal chalets and caravans and subject to three conditions.

1. *A minimum of 20 sites shall be reserved for touring caravans.*

Reason: In order to provide facilities for touring caravanners, which is considered an essential service in this case.

2. *Detailed plans of any proposed buildings (including building materials) and/or details of any overhead electricity lines shall be submitted to and approved by the Local Planning Authority before the development is commenced.*

Reason: To reserve the rights of the Local Planning Authority with regard to these matters.

3. *The site shall only be used during the period 1st March – 31st October in each year.*

Reason: In order to ensure that the site does not become residential.

2. Planning permission has also been granted *on the site* for the following in connection with the extant permission for the; stationing of residential caravan for Mr B R Boal (ref; 3128); Use of an approved residential caravan by the caretaker of Leven Bridge Caravan Site (ref; 3128A); Provision of camp site toilets (ref; 2863A); Erection of toilet accommodation and provision of a septic tank (ref; 2863B).
3. Following a long period of inactivity and use the site became vacant with many of the chalets falling into serious disrepair, many of which had collapsed. However, in 2007 the current applicant and associates wished to resurrect the planning permission that was granted in 1961 and consequently submitted two planning applications for a certificate of lawfulness (ref 07/0865/CPE & 08/3573/CPE). Both were refused by the Council on the following basis;
 1. *On the balance of probabilities the evidence submitted does not satisfy the Local Planning Authority that, at the date of the application, the planning permission granted in 1961 as extant, therefore the land is not considered to have a lawful use as a caravan site.*
4. This resulted in several appeals being lodged with the Planning Inspectorate and then challenges to these decisions being made in the High Court. Ultimately the Council's challenge on grounds the 1961 permission had been 'abandoned' failed with the Council being advised there would be limited prospects of this being won in the Court of Appeal. The decision of the High Court was that as the planning permission had been implemented it remained extant, provided that it is in full accordance with the conditions imposed on the 1961 planning permission.
5. Although the site is also covered by a Woodland Tree preservation Order, the extant planning permission overrides this meaning that trees can be removed without the need for any planning consent provided this is required in association with the implementation of the planning permission.

SITE AND SURROUNDINGS

6. The application site lies within the Leven Valley and lies to the immediate south-west of Ingleby Barwick. A bridleway from Challacombe Crescent runs through the site and connects to Leven Bank Road. Several properties bound the site from the Ingleby Barwick development these include properties upon Woolcotts Close, Oulverton Close, Holnicote Close and Martinhoe Close.

7. The site slopes steeply down toward the River Leven (in the north-south plane) with a more gradual slope also occurring (in the west-east plane) toward Meadowbrae and Leven Bank Road.
8. The site was heavily overgrown with trees and bushes with evidence of the remains of a wooden hut, toilet block and two caravans. However, much of the site has now been cleared of self seeded trees and low lying vegetation, revealing the original terraced areas and much of the work has proceeded largely in accordance with the extant planning permission.
9. The site is accessed off Leven Bank Road, with the highway running past Meadowbrae and the entering the site adjacent to Leven Bridge Mill.

PROPOSAL

10. Planning permission is sought for a change of use of the land to a residential caravan site consisting of 34 chalets. The submitted site plan details the provision of the chalet scattered across the site along with parking spaces and the access road serving the development. Indicative details have also been provided in respect of the appearance of the chalets, though the final decision regarding appearance will be subject to those interested in purchasing a chalet.
11. The submitted site plan has been amended since the original submission, removing two chalets to allow for the provision of a dwelling house for the applicant. This dwelling is being dealt with under a separate application (ref 12/1871/FUL). A report detailing an investigation and assessment of the stability of the land and gabions (inc calculations) has also been submitted in support of the application.

CONSULTATIONS

12. The following Consultees were notified and comments received are set out below:-

Tees Archaeology

There are a number of sites of archaeological interest in the surrounding area, including a Bronze Age cemetery (HER 2882) 200m to the north, the deserted medieval settlement of Cold Ingleby (HER 1832) 250m to the north-west along with an Iron Age settlement (HER 4985) and an Anglo-Saxon cemetery (HER 4986) 400m to the east. Judging from the known resource the area has a high archaeological potential.

I appreciate that this is a change of use application, however as far as I can tell the site is largely regenerated woodland. The proposal will include the laying out of a loop of highway standard road and I presume that significant levelling etc will be required to set the bases for the proposed chalets. These sorts of operations would cause significant damage to archaeological remains if they were present.

I would be grateful if the developer could confirm the engineering works that the laying out of the proposal will entail, i.e. depth of excavation for roads and services and how the residential units are founded/levelled. I couldn't find this information in the submissions.

This will help me to establish the likely impact of the proposal on below ground deposits and provide the necessary planning advice.

Head of Technical Services

I refer to your memo dated: 9/07/12

General Summary

Technical Services do not support this application however there are insufficient grounds to object in this instance as detailed in the comments below.

Highways Comments

This site benefits from an extant planning permission for 80 seasonal chalets and caravans (with a minimum of 20 sites being reserved for touring caravans) from 1961; this permission was declared extant by the High Court in 2009

It is proposed to take access from an existing access on Leven Bank Road which is subject to a 40 mph speed limit. Access into the actual site is down a private road and whilst the access arrangements but not meet with the Councils current design guide standards the level of development utilising the access is less than that of the extant consent and will also remove the hazard of touring caravans making right turns in/out of the access onto Leven Bank. As a consequence the access arrangement whilst not ideal are judged to be satisfactory in this instance.

No details of construction traffic have been provided; it is unclear whether the chalets are delivered prefabricated or constructed on site and whether a crane is required. It is therefore necessary that full details of all construction traffic/methods are provided.

The internal road layout is 5m wide at the entrance into the site which will allow 2 cars to pass easily; it then reduces to 3.7m throughout the rest of the site. The chalets have 1 allocated parking space each with 3 visitor spaces provided. The visitor spaces are not spread throughout the site and having only 3 spaces is considered to be inadequate to serve 34 dwellings. The lack of visitor parking could result in vehicles parking along the internal road making it difficult for 2 cars to pass therefore the main loop of the internal road should be an advisory one way route.

No details have been provided of where refuse and recycling will be stored or how it will be collected. This should be addressed by the applicant and full details provided.

Public Bridleway No. 14 runs within the curtilage of site. Therefore, confirmation is required that the bridleway route will not change according to the 'Definitive Map'. If the landowner is considering diversion of bridleway No. 14, they will have to apply for a diversion by contacting Highway Network Management. In addition, the applicant should be made aware that the granting of planning permission does not entitle developers to obstruct a public right of way. If the planned works will restrict and affect the usage of public bridleway, appropriate temporary diversion of bridleway would be required to protect the users of the footpath during the full period of works.

Although there are concerns regarding the intensification of the existing substandard access, consideration needs to be given the historic planning permission. As a consequence the potential impact of 34 residential chalets will be less than the extant permission for the 80 seasonal caravans therefore subject to the issues above being addressed there are insufficient grounds to object in this instance.

Landscape & Visual Comments

There are no landscape and visual objections to the principle of the development.

To accommodate the initial site re-grading works for the development to establish the levels of the former caravan park, most of the existing tree planting that established on the site after the caravan park was no longer occupied (roughly 1961) has been cleared opening up views into the site.

New planting must be provided to soften the development and this should consist largely of native tree and shrub planting to suite the rural nature of the site. Of particular importance is the screen planting on the north east and north west boundaries which should be comprised of native planting and a high proportion of evergreen planting is favoured to screen the site throughout the year.

It should be noted that all new tree planting will be protected by the existing tree preservation order to maintain the tree cover on the site.

Any boundary treatments should be comprised of rural style fencing such as timber post and rail or timber post and wire types. Metal fences would not be suitable. It is understood gabion walls are required to retain the slopes on the site and these should be constructed in a natural stone material - details are requested so they can be assessed on a landscape and visual basis only.

Lighting details should aim to be low key and reduce glare into the countryside.

The access road could be in tarmac but any access paths to the caravans should be a more subtle material such as gravel to complement the rural nature of the site.

Condition wording relating to this application is attached in the informative section.

Local Ward Councillors (Councillors Dixon, Harrington and Patterson)

From speaking to our residents and viewing comments available on the Planning Website from our community, whilst there is a desire from people for the site to remain as it was (undeveloped), there appears to be mixed views/appreciation that the proposed change of use application would provide a better, more up-to-date development than the original 1961 Application. As Ward Councillors, we acknowledge that this is not possible for the site to remain undeveloped as the developer has a fallback position of invoking his 1961 Planning Permission if he is unsuccessful in obtaining this COU application. We note that some residents from our community support the change of use application and certainly the 5 residents who attended a meeting with the Developer (7.8.12), they would much prefer to see the COU application developed.

However, concern remains from the wider community regarding access to/from Leven Bank from this development. The Developer is suggesting that chalet owners would only have one car per unit. Do the SBC criteria of two cars per home apply to this development? The Planning Committee would need to be satisfied that any additional car parking for visitors could be accommodated safely within the grounds of the site.

The wider community share the concerns of Ward Councillors regarding road safety at this junction at Low Lane which we class as very dangerous road given the amount of traffic at the moment. Low Lane gives blind views to the entrance of this proposed development from both directions and has been the scene of a lot of accidents, it should also be noted that the hump back bridge has recently been closed for a long period for repairs and that both banks are susceptible to the elements and are regularly close in inclement weather. Within the last 5 years, the speed limit on Low Lane was reduced and the crawler lane removed from Leven Bank. Street Lighting is non-existing in this area. Ward Councillors are concerned about the safety of all road users and in particular vehicles turning right in to the development on Low Lane/Leven Bank from Ingleby Barwick. Likewise, leaving the site and turning right towards Yarm. Whilst we acknowledge that the original 1961 Planning Application omits any forms of traffic measures (this road was not carrying the volume of traffic it does today 51 years ago), the Planning Committee need to be satisfied that the safety of all road users isn't compromised. Who would be held responsible should a serious RTA occur here?

Other areas of concern raised by residents relate to the concern is land slip, because the amount of trees/foliage that has been taken away which residents believe stabilises the bank the fear is that the land will slip damaging houses nearby. As an example, the bridle path has been closed because of land slip with Gabions are being put in place to rectify this.

In closing, whilst there is some support in the community for this change of use application, the overall concern of traffic and road safety remains unanswered. We look to SBC to remedy this.

Environmental Health Unit

I have no objection in principle to the development; however, I do have some concerns and would recommend the following informatives are added.

- ' Drainage - septic tank/ cesspool
- ' Light Intrusion
- ' Open burning
- ' Construction Noise
- ' Unexpected land contamination

Private Sector Housing - Mr Dave Dawson

The Private Sector Housing Division has no objections to make but would make the following comments. Although the site has a historic site licence any new development would have to be re-licensed by the Private Sector Housing Division to reflect the updated use of 36 Chalets and the Council standards for residential caravan sites which are based the national model standards. Should the application be approved and prior to any works on site the applicant should contact the Private Sector Housing Division to discuss the conditions of any potential licence and how this may affect any development of the site.

PUBLICITY

13. Neighbours were notified and comments received are summarised below :-

Support Comments:

Mr Ian Skidmore - 3 Holnicote Close Ingleby Barwick

Supports the development of 36 chalets since this would be a better option than a caravan park consisting of 80 caravans.

Concerns are expressed in relation to the boundaries marked on the Leven Camping Site Planning Application, impact of boundary fencing/planting on loss of light and that appropriate measures are put in place to prevent land slippage.

Mr John Cavanagh - 6 Dulverton, Close Ingleby Barwick

Whilst it would be preferred that no development takes place of this area recognises the certificate of lawfulness for another development, and considers this application preferable to the "caravan" option. Would seek assurances that there will be of a high standard of landscaping and protection against landslip.

Concerns remain with regards to the access to the development, and feel that further development will increase the risk and occurrence of accidents, at the bottom of Leven Bank.

Mr Steven Grant - 5 Holnicote Close, Ingleby Barwick

Supports the proposal for the 36 chalet development as they believe this is a better option for the area than 80 caravans and live in property that is directly affected by this proposal as their house backs onto the proposed development. Seek assurances that the developer shores up the areas immediately behind our houses to prevent further land slippage and prevent subsidence. Also comments that he would like to see fencing and planting of trees to give privacy but not to affect

the light reaching the garden. As well as limits on the hours of construction to normal working hours as the noise can be very intrusive.

Mr Nigel Dawson - 5 Woolcotts Close Ingleby Barwick

In principle supports the change of use from a 60 static and 20 touring caravan park to the new 36 residential chalet development. Raises concerns in relation to boundaries/landownership, that all works are completed in full, that appropriate working hours are adhered to that controls be placed to prevent burning of waste.

Mrs Tracy Ann Lupton - 4 Woolcotts Close, Ingleby Barwick

Recognises that the land has already been granted a certificate of lawfulness, meaning that planning permission is not necessary for the developers to place 60 to 80 holiday caravans on this land. Whilst the certificate of lawfulness being granted was a surprise and they are upset by this decision and consider the 36 owned residential dwellings would be far more acceptable than 60 - 80 holiday caravans to 'rented by the weekend'.

Mr Ian Waller - 4 Holnicote Close Ingleby Barwick

We broadly support the application based on a reduction in traffic through the site relative to 80 touring caravans, a reduction in visual impact, an improvement to the potential impact on the privacy, an improvement in design and appearance and local environment. Concerns are raised in relation to land ownership, maintenance of privacy, control of working hours and burning of waste, impact on flora and fauna, risk of landslide and adequate insurance cover being in place. Would also like to see boundary fence style, design and appearance to be agreed with them.

Neutral Comments:

Susan Marie Buckle - 3 Woolcotts Close Ingleby Barwick

Considers that the development will spoil the peace and tranquillity of the surroundings and reduce the variety of wildlife within the area. Is concerned the chalets are too close and wonders if it would be possible to restrict the development to over 55's and prevent subletting. Would also like to see more trees being planted on the site. Would prefer 36 chalets on the site to the 80 caravans, although considers this excessive .

Mrs Marianne Holt - 1 Bridgewater Leven Bank

Raises concerns in relation to is the access from the bottom of Leven Bank being wide enough for one vehicle and does not want Bridgewater being used as a waiting area for the caravans and cars. Concerns are also raised in relation to why development has proceeded and then an application submitted. Also comments that when the Planning was granted 50 odd years ago, there was little traffic and the cars and caravans were much smaller.

Objections (in summary):

Janice Graham - 10 Battersby Close, Yarm

Objects to the application on the grounds of close proximity, the development not being suitable for area, the means of access and impact on the highway and has concerns for the residents in Ingleby Barwick whose properties are adjacent to this site.

Mrs Jane Croisdale - 6 Bridgewater Leven Bank

Objects to this application as access from Leven Bank is extremely dangerous and there have been a number of accidents in recent months. Also 36 chalets will create a lot more traffic, noise and disruption.

Mr Andrew Piasecki - 3 Bridgewater Leven Bank

Objects on the basis that the access unsuitable for traffic and it will compound the already congested traffic area of Leven Bank which has seen a number of road traffic accidents in recent months and will further increase the risk of accidents. Concerns are also raised with regards to the clearance of woodland and negative impact on wildlife.

Mr Colin Mellis - Leven Bank Boarding Kennels and Cattery Low Lane

Objects on principle to developers who move in to clear a site deliberately before any planning application has been granted, notes the site has already been cleared over the last three or four days of approximately two to three acres of woodland.

Miss Sarah Roberts and Simon Pain - 11 Garsdale Close Yarm

Object to the proposed development on the basis of anti-social behaviour/crime; the development not being suitable for the area; drainage; loss of open space; noise; the scale/size of the development and being an over-development of the site; and access and impact on traffic and highways.

Mr Malcolm Robinson - 60 Mount Leven Road Yarm

Strongly objects to both this proposal and the original development on the basis of highway safety; landslip; destruction of the landscape and the countryside; destruction of the wildlife; and the area being protected under policy CS10 and being part of the Tees Heritage Park.

Mr Peter Donaldson - 9 Glaisdale Road Yarm

Objects to the proposed development as the site is classed as green wedge and the land cannot fulfil this function of separation if it is built upon. Concerns are also raised with reference to the site being levelled and trees being felled ahead of any permission as are concerns in relation to access and highway safety.

Mrs Janice Graham - 10 Battersby Close Yarm

Recognises the fact the land has planning permission and there is little that can be done to stop to development but strongly objects to the proposal on the basis wildlife in the area has been seriously affected by this development. Concerns are also raised in relation to the proximity of existing housing and possibility for de-stabilisation of the land and access to the site

Mr Ian Thorp - 50 Heddon Grove Ingleby Barwick

Objects to the proposed development as it will create a precedent for future applications on the green wedge and contravenes Core Strategy Policy CS10 and Saved policy EN7. Concerns are also raised in respect of increased traffic congestion on a recognised accident black. Also considers that the previous approval of the caravan/cabins should not count towards gaining planning approval because the situation has changed due to the local area since being urbanised.

Mr Glen Cooper - 19 Carew Close Yarm

Objects to the proposal as traffic through Leven Bank will increase significantly and there have already been a number of traffic accidents at the bottom of Leven Bank. Another reason for objecting is the loss of woodland and impact on wildlife.

Mrs Marilyn MacLean - 9 Fowler Close Yarm

This is not suitable for this area.

Ward -15 Washford Close Ingleby Barwick

Objects to the development on the basis of loss of wildlife habitat and the dramatic loss of woodland

Mrs Christine Mundy - 28 Crosswell Park Ingleby Barwick

Objects to the proposed development as despite having prior consent from 1961 it would be in contravention of current Council Policies and Strategies CS10 and policies within the preferred issues and options of the Regeneration & Environment document. Concerns are also raised in respect of the passing of time and highway considerations with the access to this development

being precarious, adding in the proximity to the Bridgewater development and proposed Retirement Village the highways situation is just a fatality waiting to happen.

Also comments that the site is still within the Tees Heritage Park and Green Wedge with the decimation to the landscape and destruction of woodland that has already occurred is nothing short of catastrophic for the ecology and wildlife of the valley. Concerns are also raised with respect to pollution and disposal of waste from the site and that the proposal is an over-development of the site.

Helen Jaques - 7 Bankside, Yarm

Objects to the proposed development as the land is green wedge. Considers that the scarring of the landscape has already caused is a huge threat to wildlife and is considered over the impacts of the development in terms of an increase in traffic on what is already a dangerous road. So much has changed to this area in the 50 years since the original permission was granted including increased traffic and increased awareness of conservation issues.

Mr Paul Anthony Seed - 3 Friarswood Close Yarm

The high risk of accidents in addition to the constant incidents we already experience on Leven Bank must be obvious; even the minor traffic to/fro Bridgewater and the strange road alignment is quite a risk factor but nothing like the proposal which joins in a hairpin format. It would be totally unsafe and the fatal accident we all hope will never happen must be much more likely. In view of the other proposed development in the vicinity and concerns it raises over preserving the environment this proposal is inappropriate.

Mr Richard Finch - 57 Lingfield Road Yarm

See my comments relating to the Mount Leven Farm Development (Retirement Village) ref: 12/1546/OUT. The above comments also apply to this development. When is this madness going to stop & when are the planners, politicians etc going to take notice of the residents / electorate?

L Heron - 14 Lansdowne Road, Yarm

Objects to the proposed development as a result of increased traffic/highway safety, potential for flooding/landslip, impact on wildlife, loss of open space and impact on character of the area and change in circumstances since approval for development was given.

PLANNING POLICY

14. 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 Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan
15. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.
16. The following planning policies are considered to be relevant to the consideration of this application:-

Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide.

Further guidance will be set out in a new Supplementary Planning Document.

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

8. Additionally, in designing new development, proposals will:

_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;

_ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;

_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;

_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement

3. The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of:

i) Strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George.

ii) Green wedges within the conurbation, including:

_ River Tees Valley from Surtees Bridge, Stockton to Yarm;

_ Leven Valley between Yarm and Ingleby Barwick;

_ Bassleton Beck Valley between Ingleby Barwick and Thornaby;

_ Stainsby Beck Valley, Thornaby;

_ Billingham Beck Valley;

_ Between North Billingham and Cowpen Lane Industrial Estate.

iii) Urban open space and play space.

7. Initiatives to improve the quality of the environment in key areas where this may contribute towards strengthening habitat networks, the robustness of designated wildlife sites, the tourism offer and biodiversity will be supported, including:

i) Haverton Hill and Seal Sands corridor, as an important gateway to the Teesmouth National Nature Reserve and Saltholme RSPB Nature Reserve;

ii) Tees Heritage Park.

Saved Policy EN4

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.

Saved Policy EN7

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

National Planning Policy Framework;

Paragraph 14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking;

For decision-taking this means:

approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or-
- specific policies in this Framework indicate development should be restricted.

The following sections of the National Planning Policy Framework (NPPF) are considered to be acceptable;

- Section 6: Delivering a wide choice of high quality homes
- Section 7: Requiring good design

MATERIAL PLANNING CONSIDERATIONS

17. The main planning considerations of this application are compliance with planning policy and the impacts of the development on land stability, the character of the area, amenity of neighbouring occupiers, access and highway safety and features of archaeological interest, these are addressed below;

Principle of development;

18. The application site lies within the limits to development and has a number of designations that include Special Landscape Area (in part), Site of Nature Conservation Importance (in part) and the Green wedge. The site also forms part of the Tees Heritage Park. Core Strategy policy CS10(3) sets out that the separation between settlements will be maintained through the protection and enhancement of the openness and amenity value of green wedges, which includes the Leven Valley between Yarm and Ingleby Barwick. CS10(7) also promotes initiatives to improve the quality of the environment such as the Tees Heritage Park. Saved Policy EN7 also states that development which harms the landscape value of special landscape areas will not be permitted.
19. In view of the planning policy context (set out above) there is a significant degree of protection offered to the site through its designations as green wedge and a special landscape area, Although, the above planning policy considerations have significant weight they need to be considered and balanced against the fact that the decision of the High Court was that the 1961 planning permission (for 80 seasonal chalet/caravans) had been implemented and therefore remained extant, which is also a material planning consideration.
20. Although several objections raise concerns over the passing of time and change in circumstances these policies cannot be applied retrospectively as the permission for the seasonal caravan and chalet development has already been granted planning permission. Furthermore, this valid planning permission for a seasonal caravan and chalet development for up to 80 no. units (20 of which would be for touring caravans) would mean that there would

already be an impact upon the both the openness and landscape character of this part of the Leven Valley, contrary to the aims of the above planning policies. Although the proposed development would introduce a permanent residential nature to the site, it would also have the benefit of providing fewer units. Although the chalets are likely to be larger than typical static caravans, greater separation distances are provided between units, thus offering greater opportunities to soften and screen the development and likely reducing the impacts of any development on the site.

21. Therefore, whilst the proposed development does not accord with the development plan and its adopted planning guidance, there is a significant material planning consideration in the extant planning permission for 80 seasonal chalets and caravans. Consequently the proposal would result in a reduced form of development (albeit with a permanent residential use) and it is considered that this benefit would be sufficient to outweigh any conflict with current planning policy guidance. The principle of development for 34 no. residential chalets is therefore considered to be acceptable subject to the material planning considerations set out below;

Land stability;

22. At the request of the Technical Services department a technical report regarding the land stability of the site has been submitted by a Consulting Civil and Structural Engineer on behalf of the applicant for consideration.
23. The report sets out that the land consists of a firm light brown sandy clay and that the gabion baskets being placed on concrete foundations. The report sets out that that the weight of the chalets; concrete bases and retaining walls are less than the soil removed giving a net decrease in soil weight. Furthermore a slope stability analysis of circular slippage shows a suitable factor for safety.
24. Consequently it is not considered that the proposed development nor the earthworks /gabion walls carried out on the site will result in any significant movement. Should any land slippage and subsequent damage to property occur then this would be a civil issue between the developer and the adjacent landowners.

Character of the area;

25. Although the actual siting of the chalets would not require planning permission, the submitted site plan gives a strong indication of how the site will be laid out; some micro-siting may be required when the units are positioned though this is likely to be minor. In all cases the siting of the units will need to meet with the current licensing controls. Indicative examples of how the chalets would look have been provided as part of the application, these are all single storey and will comprise of wooden style chalets typically consisting of two caravans. The specific design is a matter for each individual and discussions are on-going with the developer to agree a product range in order to have a degree of consistency across the site.
26. Several objectors raise concerns in relation to the loss of woodland on the site. However, much of this loss of woodland has been as a result of works required in association with the implementation of the valid permission for the 80 seasonal caravans and chalets. Although much of the site has been stripped of ground cover and certain trees, the applicant has stated that they will be landscaping the site once the chalets have been positioned. The use of appropriate planting will help to soften the development from wider views and will also provide a degree of screening from those immediate neighbours. The Council's Landscape Architect has advised that this should consist largely of native tree and shrub planting given the rural nature of the site. Given that it is likely the development will proceed in a series of stages as and when plots/chalets are sold, it is considered reasonable that the required landscaping is carried out in phases, therefore an appropriate planning condition is recommended in this regard. Further conditions are also recommended in respect of boundary treatments, lighting details, hard landscaping details and planting maintenance arrangements.

Amenity of neighbouring occupiers;

27. As a result of the fairly isolated and the sloping nature of the application site, the main impacts of the development are likely to be on the residential properties of Ingleby Barwick from the top row of chalets. Other properties affected by the development are those which surround the site including the 'Bridgewater development (formerly the Cross Keys site), Meadowbrae and Leven Mill.
28. The properties closest to the application site within Ingleby Barwick are; 3, 4 & 5 Holnicote Close; 5 & 6 Dulverton Close; and 4 & 5 Woolcotts Close, predominately the side elevations for these properties face the application site with the exception of No.'s 4 & 5 Holnicote Close. The site plan shows a minimum separation of 6 metres between the chalets and these properties. In places there are also some significant level changes across the site. The levels changes between the site and the neighbouring properties varies from between 1m (adjacent to 4 & 5 Woolcotts Close) to approximately 7 metres (adjacent to 3, 4 & 5 Holnicote Close). In combination with existing and additional landscaping/boundary treatments views between the chalets and the neighbouring residents are therefore likely to be limited and it is not considered the proposed development will have any significant impacts on the amenity of the neighbouring residents. Given the change in levels across the site and the single storey nature of the remainder of the chalets are considered unlikely to have any significant impacts on surrounding residents in terms of appearing overbearing or causing a significant loss of privacy to those residents within Ingleby Barwick. Although these neighbouring residents are likely to suffer from some increased noise and disturbance as a result of the development, it is considered that the impacts will be significantly less than those which could occur through the development of the site for up to 80 chalet/caravans.
29. The properties of Leven Mill and Meadowbrae are situated at the bottom of Leven Bank closest to the entrance to the caravan site. At closest, the side elevation of Leven Mill will be 6m to the nearest chalet and 13 metres from the front elevation to the nearest chalet. Given the single storey nature of the chalets, the angle between them and Leven Mill it is not considered they will have an overbearing impact on these residents. Whilst the distances are limited in terms of privacy and overlooking, existing boundary treatments and vegetation provide some protection which could be further enhanced through appropriate landscaping. On balance therefore the proposed development is not considered to result in any significant loss of privacy when compared to the extant planning permission to justify a reason for refusal on this basis. Meadowbrae is situated well in excess of the Council's 21 metre habitable room to habitable room distance and it is not considered that the residents of this property will suffer from any significant loss of privacy or residential amenity. Given the proximity to the entrance into the site, these properties are also likely to suffer from some increased disturbance as a result of passing traffic. However, any associated traffic is likely to be significantly less than that of the extant planning permission. Consequently any impacts upon these residents are not considered to be significant enough to justify a refusal of the application.
30. The new dwellings on the Bridgewater site are situated over 170 metres from the site and although there may be views of the chalets from these properties it is not considered that any impacts as a result of the proposed development will result in any significant harm to levels of residential amenity. A degree of noise and disturbance from vehicles entering/leaving the site may occur, however, this is likely to be significantly less than that of the extant planning permission. Consequently any impacts from passing traffic upon these residents are not considered to be significant enough to justify a refusal of the application.
31. It is expected that during construction works there will be degree of noise and disturbance to the neighbouring occupiers. It is therefore considered reasonable to impose a degree of control on the working hours on the site. A planning condition is recommended according.

32. As a consequence it is considered that, on balance the reduced number of chalets will have a lesser impact on the immediate residential properties than that of the extant development of up to 80 (seasonal) chalets/caravans in terms of the impacts on residential amenity.

Access and Highway Safety;

33. The Head of Technical Services has noted the planning history to the caravan site and note the extant planning permission. Whilst some concerns remain over the access arrangements into the site, it is acknowledged that the level of development utilising the access is less than that of the extant consent and will also remove the hazard of touring caravans making right turns in/out of the access onto Leven Bank. As a consequence there is a degree of 'betterment' and the access arrangements whilst not ideal are judged to be satisfactory in this instance.
34. The concerns over the internal road width/lack of visitor parking are noted and an informative has been added to draw the applicant's attention to this issue and suggest that the main loop of the internal roadway be an advisory one-way route.
35. No details have been provided of where refuse and recycling will be stored or how it will be collected, consequently a planning condition is recommended for such details to be submitted and approved to the Local Planning Authority.
36. It is noted the Public Bridleway No. 14 runs within the curtilage of site, the developer has indicated that this will remain. Appropriate agreements have been reached with the Public Rights of Way Officer regarding an emergency closure whilst works are ongoing to stabilise the land and an application for a temporary closure of the bridleway has been submitted and is under consideration for the remainder of the construction works.
37. Although there are concerns regarding the intensification of the existing substandard access, consideration needs to be given the historic planning permission. As a consequence the potential impact of 34 residential chalets will be less than the extant permission for the 80 seasonal caravans therefore subject to the issues above being addressed there are insufficient grounds to object in this instance.

Features of Archaeological Interest;

38. Tees Archaeology have made a number of comments in relation to the development it is noted that there are a number of sites of archaeological interest in the surrounding area and as a consequence there is a high archaeological potential for the site.
39. Whilst Tees Archaeologies comments are noted much of the work carried out on site has seen the removal of undergrowth and self seeded woodland and some minor levelling works to the existing terraces. Further excavations have occurred to the rear of some of the terraces to enable gabion walls to be incorporated. However, there have not been significant earth works which would affect any archaeological remains if they were present. It is not therefore considered that the proposed development would have any adverse impacts on any remaining features of archaeological interest that would warrant a refusal of the application.

Residual Issues;

40. Several of the neighbouring residents have raised issues with the boundaries of the site and land ownership. The applicant is aware of the extent of his land ownership and any issues in relation to this matter are a civil issue and not for consideration as part of this application.
41. Many objections also raised concerns in relation to the impacts of the development on wildlife whilst these concerns are duly noted, no protected species are known to reside on the site and any impacts are no greater than those that could arise out of the valid planning permission for the 80 seasonal chalets/caravans.

42. The Environmental Health officer has requested that a condition be imposed for any unexpected land contamination. As the site already has an established use as a caravan site and minor works are being carried out to the existing terraces, such a condition is not deemed to be appropriate or necessary. The landscape officer has recommended a planning condition be imposed for details of any external lighting, however, given that the lighting bollard detailing is considered to be acceptable and forms part of an approved plan, it is considered unnecessary to impose a planning condition in this regard. Equally conditions in relation to hard surfacing materials are also considered to be unnecessary given the nature of the site and development.

CONCLUSION

43. As set out within the above report, the proposed development does not strictly accord with the development plan and its adopted planning guidance, however, the extant planning permission for 80 seasonal chalets and caravans is a significant material planning consideration. The proposed change of use results in a reduced form of development and as a result it is considered that the benefit to the landscape setting and highway network would be significantly sufficient to outweigh any conflict with current planning policy guidance.

44. The proposed indicative chalets are considered to be visually acceptable and subject to appropriate conditions regarding landscaping to soften the development the proposal is visually acceptable. Furthermore, given the single storey nature of the development and the change in levels across the site, the chalets are considered to be unlikely to have any significant impacts on surrounding residents in terms of appearing overbearing or causing a significant loss of privacy.

45. As a consequence the proposed development is considered acceptable and it is recommended for approval subject to the planning conditions set out earlier within the report.

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

WARD AND WARD COUNCILLORS

Ward Ingleby Barwick West
Ward Councillor Councillors K Dixon, R Patterson & David Harrington

IMPLICATIONS

Financial Implications.

Section 143 of the Localism Act as set out in report

Environmental Implications.

As report.

Community Safety Implications.

Section 17 of the Crime and Disorder Act 1998 has been taken into account in preparing this report and it is not considered the proposed development would not be in conflict with this legislation.

Human Rights Implications.

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report and the proposed development will not contravene these human rights.

Background Papers

Stockton on Tees Core Strategy

Stockton on Tees Local Plan Alteration

Draft National Planning Policy Framework (NPPF)