

# Planning Services

## COMMITTEE REPORT

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### APPLICATION DETAILS

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APPLICATION NO:	PL/5/2011/0354
FULL APPLICATION DESCRIPTION	LIGHT INDUSTRIAL COMMERCIAL DEVELOPMENT COMPRISING OF 37 INDIVIDUAL UNITS
NAME OF APPLICANT SITE ADDRESS	PHILADELPHIA STRUCTURES 5 PALMER ROAD, PETERLEE SR8 2HU
ELECTORAL DIVISION CASE OFFICER	Shotton Laura Martin laura.martin@durham.gov.uk 03000261960

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### Site:

- 1 The site relates to approximately 2ha of brownfield industrial land, previously the site of a single large light industrial unit, which has since been demolished. The site now consists of a blank concrete slab hard standing with associated roads and landscaping which has been left from the previous development. The site is almost totally enclosed with security fencing, the only exception being the southwest perimeter, which has an adopted highway entrance.

#### Proposal:

- 2 Full planning permission is sought to erect 35 new build light industrial units (B1 use), one unit for general industrial (B2) use and one for storage/distribution (B8) use with associated highways and parking facilities. The units would range in size from 465 square metres to 120 square metres offering a wide variety of options for different uses of the premises.
- 3 The units would be arranged in 4 sections with a private road allowing access around the site. The units would measure 7 metres in height being constructed from brickwork up to damp course level and a steel frame with silver and white cladding in a striped design to the upper section. Pedestrian access would be via double doors with a canopy feature and vehicular access via a roller shutter type door. Each unit would be fitted out with a kitchen and toilet facilities with the rest of the unit open to allow the end user to decide upon the finished layout. 124 car parking spaces are proposed in conjunction with the application along with bicycle parking. Additional security fencing is proposed to the east and west of the application site.

- 4 As part of the application it is proposed to fence and block off a section of adopted highway and remove 2 No. lighting columns. This is dealt with under a separate section of the Town and Country Planning Act 1990, Section 257, for which a separate Stopping Up Order would be required in order to facilitate such works if planning permission is granted.
- 5 The application is reported to the committee as it has a floor area of over 1000 square metres and is classified as a major development.

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## **PLANNING HISTORY**

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None relevant to the application.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

- 6 Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.
- 7 Planning Policy Statement 4- Planning for Sustainable Economic Development proposes a responsive and flexible approach to planning which provides sufficient employment land and makes better use of market information. The PPS is designed to establish a national planning policy framework for economic development at regional, sub-regional and local levels for both urban and rural areas.
- 8 The emerging National Planning Policy Framework (NPPF), currently in draft form, is a material consideration in the determination of planning applications, and advances a presumption in favour of sustainable development to encourage economic growth.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>*

### **REGIONAL PLAN POLICY**

- 9 Policy 2 - Seeks to embed sustainable criteria through out the development process and influence the way in which people take about where to live and work; how to travel; how to dispose of waste; and how to use energy and other natural resources efficiently.
- 10 Policy 3 -The RSS recognises that climate change is the single most significant issue that affects global society in the 21st century. Policy 3 will seek to ensure that the location of development, encouraging sustainable forms of transport, encouraging and supporting use of renewable energy sources, and waste management all aids in the reduction of climate change.
- 11 Policy 35 - Seeks to identify opportunities to control and manage floodwater and the potential for the extension of managed washlands along with managing the risk from tidal effects, surface water and fluvial flooding.

- 12 *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.*
- 13 In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies by making Orders under Section 109 of the Localism Act 2011. Both the RSS and the stated intention to make the necessary Orders are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS.

#### **LOCAL PLAN POLICY:**

##### District of Easington Local Plan

- 14 Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
- 15 Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
- 16 Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
- 17 Policy 53 - General industrial estates are designated for B1, B2 and B8 uses at Peterlee North East, Peterlee North West, Peterlee South West and Dalton Flatts, Murton. Retail will be allowed in accordance with policy 105.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

- 18 Parish Council- no comments received.
- 19 Environment Agency- raise no objections subject to appropriate conditions relating to land contamination and surface water, due to the sites location on a magnesian limestone aquifer and ground water protection zone.

- 20 Northumbria Water- raise no objection subject to conditions relating to sewerage diversion and surface water run off.
- 21 Police Architectural Liaison Officer- no comments received

**INTERNAL CONSULTEE RESPONSES:**

- 22 Tree officer- raises no objections subject to conditions relating to landscaping and its implementation.
- 23 Highways Section- raises no objections
- 24 Planning Policy- no comments received.
- 25 Low Carbon Officer- raises no objections
- 26 Environmental Health Section- raises no objections
- 27 Landscape Section- raises no objections subject to conditions relating to landscaping and its implementation.
- 28 Ecology Unit- raises no objections
- 29 East Durham Business Service- no comments received.

**PUBLIC RESPONSES:**

- 30 The application was advertised by means of a press and site notice and by a further 9 letters of notification. No letters of representation have been received in respect of the above development.

**APPLICANTS STATEMENT:**

- 31 We strongly believe the development makes best use of the land with hugely beneficial implications to the area for jobs and commerce (some units have already been let!). The development would also negate the serious trespass issues raised by the local police authority.
- 32 Some developments by others have tended to plough through the Planning processes (regarding it as a paper exercise), however we have actively undertaken all of the best practice guidance, which has come about from yourselves (and makes a better site!). We will only proceed with the next stage of detailed design once we have the positive feedback from this first process.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=115289>*

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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The main planning considerations in the determination of the application are: -

- Principle of development
- Highways Issues
- Design and Scale
- Sustainability
- Environmental Issues

### **Principle of Development**

- 33 The site is within the defined industrial employment area for Peterlee and is allocated as such within the Local Plan. Policy 53: General Industrial Estates protects sites uses within the 'B' use classes and establishes a principle against redevelopment of the site for other incompatible uses.
- 34 PPS 4, Policy EC2: Planning for sustainable economic growth states that development should seek to make the most efficient and effective use of land, prioritising previously developed land which is suitable for re-use. In addition development should reflect the different location requirements of businesses, such as the size of the site required, site quality, access and locally available workforce. Therefore in this respect the application is taking advantage of a previously developed site and providing units of a smaller scale, which the applicant has advised is a market driven factor in deciding upon the size of the units applied for.
- 35 Up until recently, the site was occupied by a double height warehousing business. The building was demolished in 2010 due to vandalism and anti-social behaviour taking place at the site.
- 36 The principle of the proposed redevelopment of the site for business, industrial and warehousing uses (Use classes B1, B2 and B8) accords with national, regional and local planning policy, in that it will bring a now vacant/previous employment site back into use. The proposed development will provide new high quality employment floor space in the Peterlee area, which has seen little investment since the late 1990's with the expansion of Caterpillar. In addition to providing investment the proposal will provide important opportunities for local businesses and employment benefits.

### **Highways Issues**

- 37 In support of the application a Transport Assessment and Travel Plan have been submitted. A full highway safety assessment has been made by the applicant and it was concluded that there does not appear to be any location where there are existing, inherent highway safety issues and that the increase in traffic associated with the proposed development will not materially affect highway safety on the surrounding road network. In respect of access to the units, the site is well served by the existing cycle and pedestrian network and the closest bus stops from the site entrance are approximately 4 minutes walk away. A Framework Travel Plan has been submitted as part of the application, however as end users of the premises are yet to be identified full details of how sustainable modes to work are to be achieved are not yet known. Therefore as part of the Framework Travel Plan it has been agreed that once 50% of the units are occupied a full Travel Plan will be submitted

and the appointed Site Travel Plan Co-ordinator will oversee its implementation and management.

- 38 As previously noted at the start of the report, there is a section of adopted public highway contained within the application site, which will need to be formally 'Stopped up' in order to facilitate the development. This is dealt with under Section 257 of the Town and Country Planning Act 1990 and would require a separate application to be submitted to the Authority before any such works commence.
- 39 It is therefore considered that there are no highways or transportation reasons to warrant refusal of the application.

## **Design and Scale**

- 40 In terms of the overall scale and design, it is considered that the proposed buildings are acceptable, taking into account the broader site context and the previous building at the site. As stated earlier the building that was previously on site had fallen into a state of disrepair and had become an eye sore within the industrial estate. It is considered that the modern design would allow more effective working within smaller units whilst being located amongst compatible uses. The striped design with the use of white and grey cladding will help to visually break up the mass of the buildings along with their formation in rows rather than just one large block.
- 41 Within the proposed site layout there is minimum opportunity for soft landscaping owing to the nature of the site and the nature of the proposed uses. Some areas of planting are proposed to the west and at the entrance to the site, however a full landscaping scheme and its implementation would be conditioned as part of any approval at the site.
- 42 By virtue of the siting and design of the buildings within a defined industrial area with no neighbouring residential properties, there will be no impact on the visual and residential amenities of surrounding properties.

## **Sustainability**

- 43 A Sustainability Report and Energy Assessment have been submitted with the application. As outlined in the Sustainability Report a variety of measures to promote sustainability, both in the construction and the operational phase of development, will be achieved, for example by:
- Reuse of construction waste;
  - Optimising the use of previously developed land;
  - Adoption of a Travel Plan prepared to assist in the promotion of sustainable transport;
  - Development will be designed to meet BREEAM 'Good' standards;
  - Use of low energy fittings
  - Green construction materials
- 44 The applicants have agreed to achieve a BREEAM (Building Research Establishment Environmental Assessment Method) certification of 'Good'. BREEAM takes into account factors such as contribution of renewable energy technologies to on site energy requirements, sustainable transport methods, grey water recycling, building installation, solar gain, and sustainable sourcing of building materials and disposal of construction waste to determine their accreditation system.

- 45 Although the above commitments are welcomed, the proposal will be required to demonstrate a reduction of 10% in carbon emissions, achieved through the use of onsite renewable energy technology as part of the proposed development. Specific proposals for the inclusion of renewable technology should be included, and justification provided to demonstrate that this requirement would be met; therefore it is recommended that this be conditioned.

## Environmental Issues

- 46 The existing site has historically been used for wood coating and manufacturing of wood and timber based products. In addition the site lies within an area of high environmental sensitivity, as the Magnesian Limestone principal aquifer underlies the site and the site lies within Zone 2 of a currently designated groundwater Source Protection Zone. Due to this and in consultation with the Environment Agency it is considered that additional information is required in respect of Land Contamination, and as such as part of any approval at the site additional survey works would be required. This additional survey work would not only identify what contamination is on site but a further verification report (also dealt with via condition) would also ensure that there was no risk to controlled waters as part of the works.

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## CONCLUSION

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- 47 The redevelopment of this former Brownfield industrial site for employment purposes is welcomed as it will suitably consolidate the function of this defined employment area and will enhance the economic viability and job creation potential of this part of the county in line with PPS4. The siting, built form, design and appearance of the development and its associated access arrangements are considered acceptable. The proposal would also be compatible with adjoining land-use activities and would not detract from current levels of amenity as enjoyed by nearby premises.
- 48 The proposal is considered to be consistent with the existing national strategic, regional and local planning guidance regarding new employment development. It is therefore recommended that planning permission be granted subject to the conditions outlined below.

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## RECOMMENDATION

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- 49 That the application be **APPROVED** subject to the following conditions;
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
  2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; No. Planning Statement, Flood Risk Assessment ref MD0557/rep/001, Design and Access statement, Extended Phase 1 and protected species Survey prepared by E3 Ecology Ltd ref 2421 ExP1 R01, Sustainability/Energy Statement Rev A dated 14 December 2011, Transport Assessment prepared by S.A.J Transport Consultants, Drawing Number MD0557.PS.01, MD0557.PS.02, MD0557.PS.03, MD0557.PS.04, MD0557.PS.06,

MD0557.PS.07, MD0557.PS.08, MD0557.PS.09, MD0557.PS.10, MD0557.PS.11, MD0557.PS.12, MD\_PE\_001 all received 03 January 2012 and MD0557.PS.05, MD0557.PS.13 and Framework Travel Plan Rev A dated February 2012 all received 21 February 2012.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1 & 35 of the District of Easington Local Plan.

3. The mitigation strategy as detailed within Section D3 of Extended Phase 1 and protected species Survey prepared by E3 Ecology Ltd ref 2421 ExP1 R01 shall be completed in accordance with the approved details prior to the use of the building commencing.

Reason: To conserve protected species and their habitat in accordance with Planning Policy Statement 9 - Biodiversity and Geological Conservation.

4. No development shall commence until a detailed landscaping scheme has been submitted to, and approved in writing by, the Local Planning Authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The landscape scheme shall include accurate plan based details of the following: Trees, hedges and shrubs scheduled for retention. Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers. Details of planting procedures or specification. Finished topsoil levels and depths. Details of temporary topsoil and subsoil storage provision. Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage. The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc. The local planning authority shall be notified in advance of the start on site date and the completion date of all external works. Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.

5. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.

6. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.



7. Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

all previous uses; potential contaminants associated with those uses;  
a conceptual model of the site indicating sources, pathways and receptors;  
potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To prevent pollution to controlled waters and to comply with saved policy 35 of the Easington Local Plan.

8. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To prevent pollution to controlled waters and to comply with saved policy 35 of the Easington Local Plan.

9. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: Unsuspected contamination may exist at the site which may pose a risk to controlled waters and to comply with saved policy 35 of the Easington Local Plan.

10. Development shall not commence until a detailed scheme for the diversion of Northumbrian Water's apparatus or redesign of the proposal to avoid building over by the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason: Two public sewers cross the site and are shown built over on the application. Northumbrian Water will not permit a building over or close to its apparatus. Diversion or relocation of the apparatus may be possible at the applicant's full cost.

11. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details. 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 Planning Policy Statement 25 "Development and Flood Risk" .

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## **REASONS FOR THE RECOMMENDATION**

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1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN  
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PLANNING POLICY STATEMENT/GUIDANCE  
PLANNING POLICY STATEMENT/GUIDANCE  
REGIONAL SPATIAL STRATEGY  
REGIONAL SPATIAL STRATEGY  
REGIONAL SPATIAL STRATEGY

ENV35 - Environmental Design: Impact of Development  
ENV36 - Design for Access and the Means of Travel  
GEN01 - General Principles of Development  
IND53 - Existing General Industrial Estates  
PPS1 - Delivering Sustainable Development  
PPS4 - Planning for Sustainable Economic Growth  
Policy 2 - (Sustainable Development)  
Policy 3 - (Climate Change)  
Policy 35 - (Flood Risk)

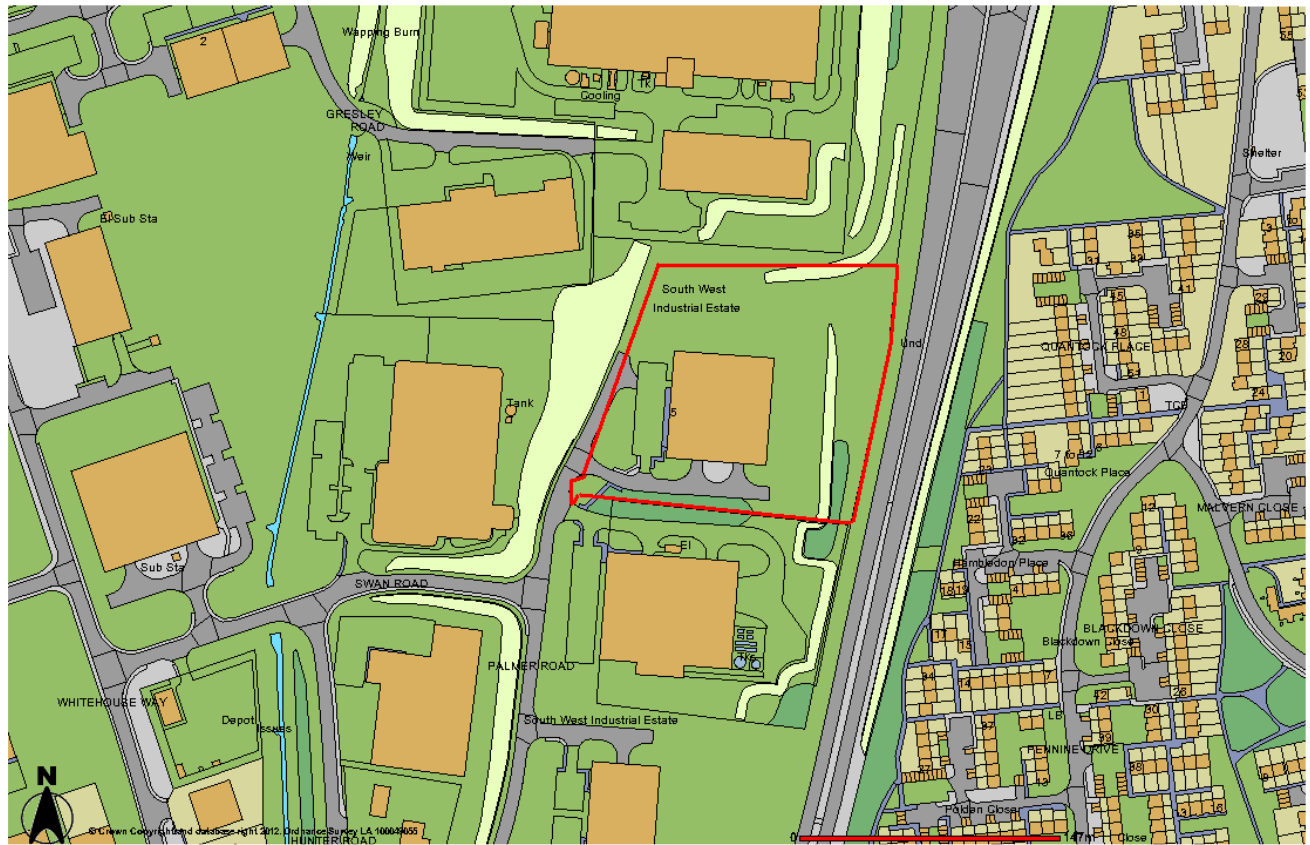
2. In particular the development was considered acceptable having regard to consideration of issues of policy, highway safety, design, sustainability, landscape and contaminated land.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
- Consultation Responses



**Planning Services**

**Proposed LIGHT INDUSTRIAL COMMERCIAL DEVELOPMENT COMPRISING OF 37 INDIVIDUAL UNITS at 5 PALMER ROAD, PETERLEE SR8 2HU PL/5/2011/0354**

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**Comments**

**Date** 28 Febuary 2012

**Scale** 1:2500