

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2011/0473
FULL APPLICATION DESCRIPTION	VARIATION OF TIMESCALE TO CARRY OUT HIGHWAY WORKS TO THE A182 AS REQUIRED BY CONDITION NO. 14 OF PLANNING PERMISSION REF NO. PLAN/2005/0955 (RESUBMISSION)
NAME OF APPLICANT SITE ADDRESS	DURHAM COUNTY COUNCIL HAWTHORN INDUSTRIAL ESTATE, MURTON
ELECTORAL DIVISION CASE OFFICER	MURTON Barry Gavillet 03000261958 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 Between November 1999 and November 2001, One NorthEast (ONE), through English Partnership's National Coalfields Programme reclaimed and remediated some 76 hectares of land at the former Hawthorn Colliery & Cokeworks at Murton, East Durham. The remediation was necessary in order to eliminate potential statutory liabilities associated with ground contamination and the possibility of off-site migration of contaminants.
- 2 Of the 76 ha site, 42 ha was deemed unsuitable for development. However some 26 ha became a defined 'Central Development Zone' (CDZ) which was assessed to establish its capability of supporting a future commercial end use. An application was submitted and approved in 2006 for Industrial development comprising B1 Business Use, B2 General Industrial Use and B8 Storage and Distribution on 22.1 hectares of the CDZ.
- 3 The approved development comprises a high quality business park, designed to a planned layout. A total of twenty five units will be developed in a series of phases. Other features comprise a central boulevard, public art feature, a pond/ water feature, new tree planting, together with parking and service areas. Access to the proposed development is from a new link road, facilitating direct access from the A19 to the site.

Proposal:

- 4 As part of the original planning consent a condition was imposed which required highway improvement works to roundabouts on the A182 and the B1285. This condition stipulated that the works must be carried out and implemented by the first day of 2012 to ensure free flowing traffic on the A19.
- 5 As no development has taken place on the site, apart from the construction of the link road, the applicants argue that the works are not yet required. As such, this application seeks to vary the condition requiring the highway improvement works. The new proposed condition would require the highway improvement works to be carried out after a certain number of units are built, rather than being required on a time related basis.
- 6 This application is being reported to committee as it relates to a major application.

PLANNING HISTORY

PLAN/2005/0955 – Industrial development comprising B1 Business Use, B2 General Industrial Use and B8 Storage and Distribution. Approved

PL/5/2011/0325 – Variation of timescale to carry out highway works to the A182 as required by condition no. 14 of planning permission ref no. PLAN/2005/0955 - Withdrawn

PLANNING POLICY

NATIONAL POLICY:

- 7 Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.
- 8 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.
- 9 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:

- 10 *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.

- 11 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 when the forthcoming Local Government Bill becomes law, and weight can now be attached to this intention.
- 12 Policy 1 - Strategies, plans and programmes should support a renaissance throughout the North East
- 13 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.
- 14 Policy 4 - National advice and the first RSS for the North East advocated a sequential approach to the identification of sites for development, recognising the need to make the best use of land and optimize the development of previously developed land and buildings in sustainable locations.
- 15 Policy 6 - Plans, strategies and programmes should support and incorporate the locational strategy to maximise the major assets and opportunities available in the North East and to regenerate those areas affected by social, economic and environmental problems.
- 16 Policy 7 - Seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.
- 17 Policy 8 - Seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.
- 18 Policy 13 - Aims to deliver sustainable economic activity and provide development and investment opportunities that will ensure the long-term development and regeneration of the North East.
- 19 Policy 24 - Refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.
- 20 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.

- 21 Policy 54 - Seeks to support the delivery of improved public transport throughout the Region, the promotion of travel plans and the provision and pricing of parking will be essential. Key elements include the marketing of public transport, cycling, walking and car sharing in trying to influence travel behaviour.

LOCAL PLAN POLICY:

District of Easington Local Plan

- 22 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.
- 23 Policy 3 - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
- 24 Policy 18 - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
- 25 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.
- 26 Policy 45 - New development will only be allowed on or near colliery sites if it is proved that there is no risk to that development or its intended occupiers or users from migrating mine gas, or that satisfactory remedial measures can be undertaken.
- 27 Policy 74 - Public Rights of Way will be improved, maintained and protected from development. Where development is considered acceptable, an appropriate landscaped alternative shall be provided.

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>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

- 28 Highways Agency – no objections to suggested conditions

INTERNAL CONSULTEE RESPONSES:

- 29 Highways Officer - no objections to suggested conditions

PUBLIC RESPONSES:

- 30 The application has been advertised by way of site notice, press notice and letters to surrounding occupiers.
- 31 One letter has been received on behalf of Dalton Park who operate the factory outlet shopping centre to the north. They were initially concerned that the northbound slip road onto the A19 had not been assessed. However, they are now satisfied that the wording of the new conditions is acceptable.

APPLICANTS STATEMENT:

- 32 In support of the application to vary the planning condition on Hawthorn requiring the Cold Hesledon Junction to be signalised, please see below the applicants supporting statement.
- 33 The application to develop the former Hawthorn Colliery site as a Prestige Industrial Estate was submitted in 2005 and at that time it was envisaged that development of the estate would start once planning approval was granted and that it would continue over the following 10 years. Had this situation materialised then the volume of traffic using the A182 Cold Hesledon Junction would have increased steadily and the junction would have required signalising in 2012 to cope with traffic growth and the additional traffic generated by the Hawthorn Development. Due to funding problems with Stage 1 of the East Durham Link Road, that provides access to the Hawthorn Site, the site was not developed from 2006 onwards and as a result additional development traffic was not generated therefore pressure on the A182 junction did not arise. The condition imposed on the Hawthorn Planning Approval to signalise the junction in 2012 was imposed on the basis of the original development timetable and as this timetable has now changed with development still not started on Hawthorn due to the current economic climate it was decided to apply to vary the condition to put back the signalisation.
- 34 Rather than request a time based condition for the signalisation it was decided to request a Grampian condition to link the signalisation with a volume of generated traffic so the condition would be imposed at the appropriate level of development. The request to vary the condition is in order to ensure that the junction improvement is constructed when the traffic generated by the development is sufficient to warrant the improvement and not before.

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=116628>

PLANNING CONSIDERATION AND ASSESSMENT

- 35 As this application seeks to vary a condition relating to the timing of highways improvement works, the only planning considerations are the highways issues.
- 36 Since the time of the original approval there have been no significant changes to planning policy that would warrant a different decision being made. The development remains acceptable in all respects including the principle of development, scale, design and layout, ecology, contaminated land and flood risk.

Highways Issues

- 37 As part of the original planning consent a Transport Assessment was prepared in accordance with the 'Guidelines for Traffic Impact Assessment' document published in 1994 by the Institution of Highways and Transportation. This assessment was undertaken in two separate sections; the main body of the report looked at the potential impact of the site on the existing local road network and the Annex dealt with the impact of the proposed site on the trunk road network, in particular the A19/B1285 and A19/A182 junctions. In order to provide means for traffic management to and from the A19, traffic signal control was suggested at the A182 / A19 and B1285 / A19 junctions.
- 38 At the time of the original consent it was envisaged that the majority of the development would by now be complete and occupied. However, due to the downturn in economic conditions, apart from the completion of the new link road, the development has not yet begun. As such, the applicant argues that the highways improvement works required by the condition are not yet needed. The Highways Agency, who are responsible for the management of the A19, have agreed with this view and suggested replacement conditions which would require the works to be carried out after a certain number of units had been built. Specifically the highways improvement works would be required when floor areas of B1 (Offices, Research and Light Industry) have reached 10567 square metres, or when B2 (General Industry) and B8 (Warehousing and Distribution) have reached 33852 square metres. This would allow flexibility in the condition and require the highways improvement works to be carried out after building works take place.
- 39 Both the Highways Agency and the Council's Highways Officer agree that this variation of the original condition is acceptable.

CONCLUSION

- 40 Hawthorn Business Park will deliver considerable benefits in terms of social, economic and environmental factors. In particular the area would benefit from the provision of new and accessible facilities, improved access arrangements, the provision of employment uses that respond to current market demand, the recycling of previously developed land and the development of a modern built form of exemplar design.
- 41 The variation of the condition requiring highways improvement works will give more flexibility to enable the applicant to carry out the works when the current financial climate improves and work begins on site.

RECOMMENDATION

- 42 That the application be **APPROVED** subject to the following conditions;
1. Notwithstanding the submitted information, approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site shall be obtained in writing from the Local Planning Authority.
Reason: In the interests of the amenity of the area in accordance with saved policies 1 and 35 of the District of Easington Local Plan.

2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before construction of any buildings commences, samples of the desired materials being provided for this purpose.

Reason: In the interests of the amenity of the area in accordance with saved policies 1 and 35 of the District of Easington Local Plan.

3. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before construction of any buildings commences.

Reason: In the interests of the amenity of the area in accordance with saved policies 1 and 35 of the District of Easington Local Plan.

4. No development approved by this planning permission shall be commenced until:

- a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.

- b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and

- refinement of the Conceptual Model, and

- the development of a Method Statement detailing the remediation requirements.

- c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.

- d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This shall be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Planning Policy Statement 23 - Planning and Pollution Control.

5. The development of the site should be carried out in accordance with the approved Method Statement required by condition 4 above.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Planning Policy Statement 23 - Planning and Pollution Control.

6. 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 addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Planning Policy Statement 23 - Planning and Pollution Control.
7. Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Planning Policy Statement 23 - Planning and Pollution Control.
8. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Planning Policy Statement 23 - Planning and Pollution Control.
9. Before construction of any buildings commences, full details shall be submitted to and approved in writing by the Local Planning Authority, indicating a site layout that incorporates replacement wetlands using Sustainable Drainage Systems. Such a scheme shall be implemented within two years of the commencement of the development hereby approved.
Reason: In the interests of preserving protected species in accordance with Planning Policy Statement 9 - Biodiversity and Geological Conservation and saved policy 18 of the District of Easington Local Plan.
10. Before construction of any buildings commences, full details of a flood risk assessment will be submitted to and approved in writing by the Local Planning Authority and implemented thereafter.
Reason: To ensure proper drainage of the site in accordance with Planning Policy Statement 25 - Development and Flood Risk.

11. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 19th June 2006.
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.
12. Before the occupation of the buildings hereby approved, a Travel Plan Co-ordinator shall be appointed who will be responsible for preparing a Travel Plan in association with the Local Planning Authority.
Reason: To comply with saved policy 36 of the District of Easington Local Plan.
13. The following levels of development shall not be exceeded until such time as the highway works shown on the Jacobs Babbie drawing number 10780/P/T/01 Rev B are constructed and open to traffic to the satisfaction of the Local Planning Authority in consultation with the Highways Agency, to ensure the satisfactory operation of the A19/A182/B1285 junction.
Maximum permissible levels of development:
 - 10,567 m2 Gross Floor Area [GFA] of Use Class B1; with
 - 33,852 m2 GFA of Use Classes B2/B8.
 Reason: To ensure that the A19 continues to serve its purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the trunk road network resulting from traffic entering and emerging from the application site and in the interests of road safety.
14. Prior to the first occupation of any building on the Hawthorn Industrial Estate (former Hawthorn Colliery Site) the highway works shown on the Jacobs Babbie drawing number 10780/P/T/02 Rev A are to be constructed and open to traffic to the satisfaction of the Local Planning Authority.
Reason: To ensure the satisfactory operation of the B1285/A19 Northbound Merge junction.

REASONS FOR THE RECOMMENDATION

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

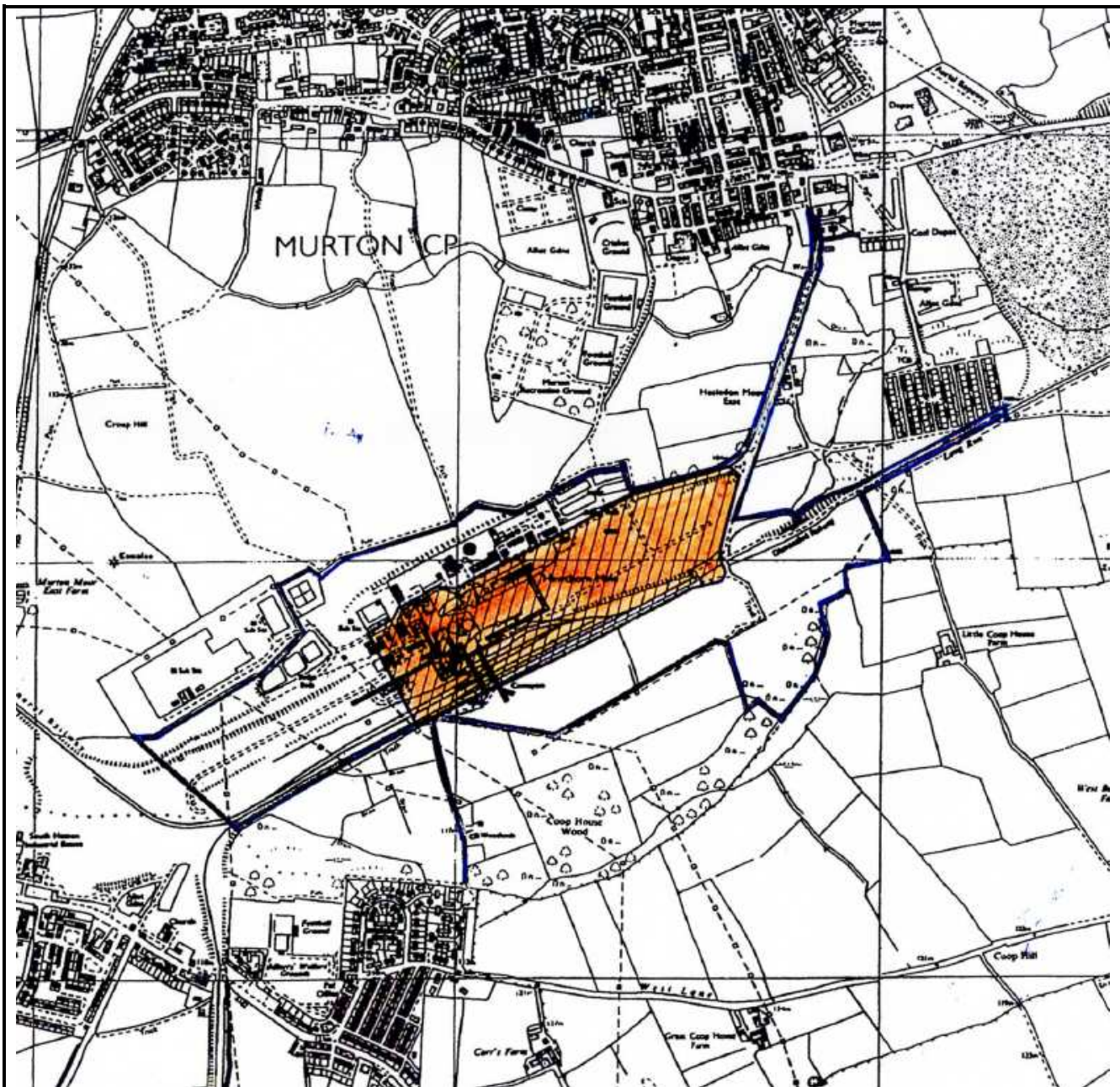
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 DISTRICT OF EASINGTON LOCAL PLAN

ENV03 - Protection of the Countryside
 ENV18 - Species and Habitat Protection
 ENV35 - Environmental Design: Impact of Development
 ENV45 - Development on or near Colliery Sites
 GEN01 - General Principles of Development
 PPS4 - Planning for Sustainable Economic Growth
 Policy 1 - (North East Renaissance)
 Policy 13 - (Brownfield Mixed-use Locations)
 Policy 2 - (Sustainable Development)
 Policy 24 - (Delivering Sustainable Communities)
 Policy 35 - (Flood Risk)
 Policy 4 - (Sequential Approach)
 Policy 54 - (Parking and Travel Plans)
 Policy 6 - (Locational Strategy)
 Policy 7 - (Connectivity and Accessibility)
 Policy 8 - (Protecting and Enhancing the Environment)
 TAC74 - Footpaths and other public rights of way

2. In particular the development was considered acceptable having regard to consideration of issues of traffic, drainage and flooding, the landscape and the environment in general.

BACKGROUND PAPERS

- 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
- Consultation Responses



Planning Services

Proposed **VARIATION OF TIMESCALE TO CARRY OUT HIGHWAY WORKS TO THE A182 AS REQUIRED BY CONDITION NO. 14 OF PLANNING PERMISSION REF NO. PLAN/2005/0955 (RESUBMISSION) at HAWTHORN INDUSTRIAL ESTATE, MURTON PL/5/2011/0473**

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Comments

Date 7 February 2012

Scale