



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 4/11/00050/FPA

FULL APPLICATION DESCRIPTION: Application for replacement planning permission 4/07/01220FPA (erection of 14 no. industrial units including vehicular access and parking) to extend time period for implementation

NAME OF APPLICANT: Northern Trust Company Ltd

SITE ADDRESS: Land to north of Oakway Court
Littleburn Road
Meadowfield
Durham

ELECTORAL DIVISION: Brandon

CASE OFFICER: Andrew Inch, Senior Planning Officer
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DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site comprises an open greenfield site extending to some 0.79ha and which is located at the southern end of Littleburn Industrial Estate. To the north of the site is an existing plant hire business occupying a two-storey pitched roof building, while immediately to the south lies Oakway Court, a development of 12 no. small single storey business units. Further undeveloped land lies to the west, while to the east is an existing factory. A number of semi-mature trees and vegetation bound the southern edge of the site, and while the site itself is relatively level it is set above the road level.

2. Planning permission is sought to erect 14 no. small business units, with a total floorspace of some 2818sqm together with associated site access parking provision and service areas. The site will be laid out such that there will be two blocks situated along the northern and southern site boundaries with a central access and parking area (54 spaces, including 9 disability spaces). The buildings are to be constructed of facing brickwork to front and side elevations with the remainder in horizontal and vertical composite cladding in various shades of grey and blue. The buildings are intended for uses falling within Classes B1, B2 and B8 of the Use Classes Order, these being offices, general industry, and storage and distribution uses.

3. Although an application to replace an extant permission, the extent of the development proposed is such that it constitutes major development and is therefore referred to Committee for determination.

PLANNING HISTORY

4. Planning permission was granted for 14 no. industrial units in March 2008.

PLANNING POLICY

5. NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development sets out the overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Statement 4: Planning for Sustainable Economic Growth outlines the Government's objectives to help achieve sustainable economic growth including the positive approach to be taken to development that helps to build prosperous communities, promote regeneration and tackle deprivation.

Planning Policy Guidance note 13: Transport seeks to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

Planning Policy Guidance note 14: Development on Unstable Land, explains the effects of land instability on development and land use and the responsibilities of the various parties to development are considered and the need for instability to be taken into account in the planning process.

Planning Policy Statement 22: Renewable Energy sets out the planning policies for renewable energy, which planning authorities should have regard to when preparing local development documents and when taking planning decisions.

Planning Policy Statement 23: Planning and Pollution Control, contains the policies and the advice that are material to decisions on individual planning applications and where proposals involve development on land likely to be contaminated, applications shall be accompanied by a survey of the site to assess the likely extent, if any, of contamination.

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>

6. REGIONAL POLICY:

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.

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 intension. The following policies are considered relevant:

Policy 4 (The Sequential Approach to Development) provides that a sequential approach to the identification of land for development should be adopted to give priority to previously developed land and buildings in the most sustainable locations.

Policy 7 (Connectivity and Accessibility) 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.

Policy 8 (Protecting and Enhancing the Environment) seeks to promote measures such as high quality design in all development and promoting development that is sympathetic to its surroundings.

Policy 24 (Delivering Sustainable Communities) 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.

Policy 38 (Sustainable Construction) sets out that in advance of locally set targets, major developments should secure at least 10% of their energy supply from decentralized or low-carbon sources.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at:
<http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>*

7. LOCAL PLAN POLICY:

Policy E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals that would affect trees and hedgerows. The loss of ancient woodland will not be permitted. Tree preservation orders will be designated as necessary. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost.

Policy E15 (Provision of New Trees and Hedgerows) states that the Council will encourage tree and hedgerow planting.

Policy EMP8 (General Industrial Sites) seeks to promote the overall quality of the Districts General Industrial estates while permitting development falling only within classes B1, B2 and B8 of the Use Classes Order.

Policy T1 (Traffic Generation – General) states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.

Policy T10 (Parking – General Provision) states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.

Policies Q1 and Q2 (General Principles Designing for People and Accessibility) state that the layout and design of all new development should take into account the requirements of all users.

Policy Q3 (External Parking Areas) requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.

Policy Q5 (Landscaping – General Provision) sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.

Policy Q7 (Industrial and Business Development) seeks to promote an attractive image of the District and thereby stimulate inward investment through the provision of well-designed buildings which are appropriate to their designation.

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.cartoplus.co.uk/durham/index.htm>)

CONSULTATION AND PUBLICITY RESPONSES

8. STATUTORY RESPONSES:

The Highway Authority raises no objection to the application.

The Coal Authority considers that the content and conclusions of the geotechnical report and coal mining search report are sufficient to meet the requirements of PPG14, and raise no objection but recommend a detailed informative.

Northumbrian Water Limited raises no objection to the application.

9. INTERNAL CONSULTEE RESPONSES:

There have been no internal responses.

10. PUBLIC RESPONSES:

The application has been publicised by way of both press and site notices and no representations have been received.

11. APPLICANTS STATEMENT:

The proposed development will provide 14 industrial units within Meadowfield to compliment the existing employment opportunities within the area.

The proposed units will be appropriate to this location and will provide good quality, flexible accommodation for small and medium sized businesses. This will serve to enhance the employment offer within Meadowfield and provide opportunities for new businesses to start-up, grow and expand.

Northern Trust are committed to providing new employment opportunities and the development at Oakway Court will compliment the existing commercial floorspace within the area and the portfolio Northern Trust operate and manage throughout the UK (currently in the region of 8 million sq ft of industrial and commercial floorspace).

Therefore, the proposed development will provide additional job opportunities and represent a positive contribution to the growth, development and regeneration of the area.

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://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=11/00050/FPA> Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATIONS AND ASSESSMENT

12. Extensions to the time limits for implementing extant planning permissions was brought into force on 1 October 2009 via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009, and is a measure introduced to make it easier for developers and Local Planning Authority's to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve.

13. In introducing this recent procedure, DCLG has published associated guidance, *Greater flexibility for planning permissions*, which advises that in assessing such applications, local authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for an extension of the time period for implementation will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are advised that in making decisions, attention should be focused primarily on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission.

14. In this case, whilst the Policies saved in the City of Durham Local Plan 2004 remain in force as they did at the time of granting of planning permission in March 2008, the development plan now includes the Regional Spatial Strategy for the North East (RSS), which was adopted in July 2008. Whilst the weight of the RSS has been called into question recently, given the undoubted intention to abolish regional strategies, it is nonetheless considered to carry significant weight as part of the development plan. The proposed scheme, whilst remaining consistent with relevant Local Plan Policies, would also be consistent with the strategic approach to development set out at Policies 4, 7 and 24 of the RSS in terms of the provision of employment opportunities to strengthen the economy. Where the scheme would not demonstrate consistency with the RSS is in respect of Policy 38, Sustainable Construction, and the requirement for the scheme to secure at least 10% of its energy supply from decentralised and renewable or low-carbon sources. DCLG guidance advises that if appropriate, different conditions could be imposed or some conditions could be removed, for example, in order to make the scheme acceptable in the light of new policies. It is considered therefore, that the introduction of a condition requiring the submission of details to meet the requirements of Policy 38 would ensure the scheme is consistent with that policy as well as the aims of PPS22, and therefore acceptable in planning terms.

15. Other relevant material considerations include the statutory consultee role of the Coal Authority. The application site falls within a defined Coal Mining Development Referral Area, on the basis that there are coal mining features and hazards within and surrounding the application site. At the time of the original application, the scheme was accompanied by a detailed geoenvironmental appraisal, and is now in addition accompanied by a Coal Mining Search Report. Whilst there has been some underground mining on the site at a shallow

depth, the appraisal identified a significantly larger rock cover than the seam thickness, and that the coal mining legacy does not pose a significant risk to the development. The Coal Authority shares these conclusions and raises no objection to the proposals, finding that the approach is entirely consistent with PPG14 and the requirements placed upon applicants to demonstrate that land is suitable for development.

CONCLUSION

16. In conclusion, the proposed industrial units remain compliant with relevant Local Plan Policies and subject to the introduction of an additional condition relating to sustainable construction, fully consistent with the RSS which has been adopted since the original planning permission was granted. The proposed units are therefore considered to be acceptable in their context and will further assist in the improvement and overall quality of Langley Moor/Littleburn Industrial Estate and encourage inward investment in the area.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. The development to which this permission relates shall be begun not later than 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 permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission. Reason: To ensure that a satisfactory form of development is obtained in accordance with Policies EMP8 and Q7 of the City of Durham Local Plan 2004.
3. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme. Reason: In the interests of visual amenity in accordance with Policies EMP8 and Q7 of the City of Durham Local Plan 2004.
4. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details. Reason: In the interests of visual amenity in accordance with Policies EMP8 and Q7 of the City of Durham Local Plan 2004.
5. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme. Reason: In the interests of visual amenity in accordance with Policies EMP8 and Q7 of the City of Durham Local Plan 2004.
6. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter

alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation. Reason: In the interests of visual amenity in accordance with Policies EMP8, Q3 and Q7 of the City of Durham Local Plan 2004.

7. All surface water runoff shall be collected before it reaches the adopted highway. Reason: In the interests of highway safety in accordance with Policy T1 of the City of Durham Local Plan 2004.

8. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include at least 10% decentralised and renewable energy or low carbon sources. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and thereafter retained in perpetuity. Reason: Reason: In order to minimise energy consumption and to comply with RSS Policy 38 and Policy U14 of the City of Durham Local Plan 2004.

REASONS FOR THE RECOMMENDATION

1. The application proposes to extend the life of an extant planning permission, and in view of the limited changes in the thrust of the development plan or any other material considerations to indicate otherwise, the development is considered to be acceptable and in accordance with Policies EMP8, T1, T10, Q1, Q2I Q3, Q5 and Q7 of the City of Durham Local Plan 2004 (which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004), and Policies 4, 7, 24 and 38 of the North East of England Plan - Regional Spatial Strategy to 2021.

2. The mains issue considered related to the substantive material differences of the development plan in terms of the introduction of the RSS in the intervening period and the requirements relative to sustainable construction, as well as issues of land stability.

3. There have been no objections to the proposals.

BACKGROUND PAPERS

Submitted Application Form

Plans submitted with 07/01220/FPA

Coal Mining Search Report

North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008

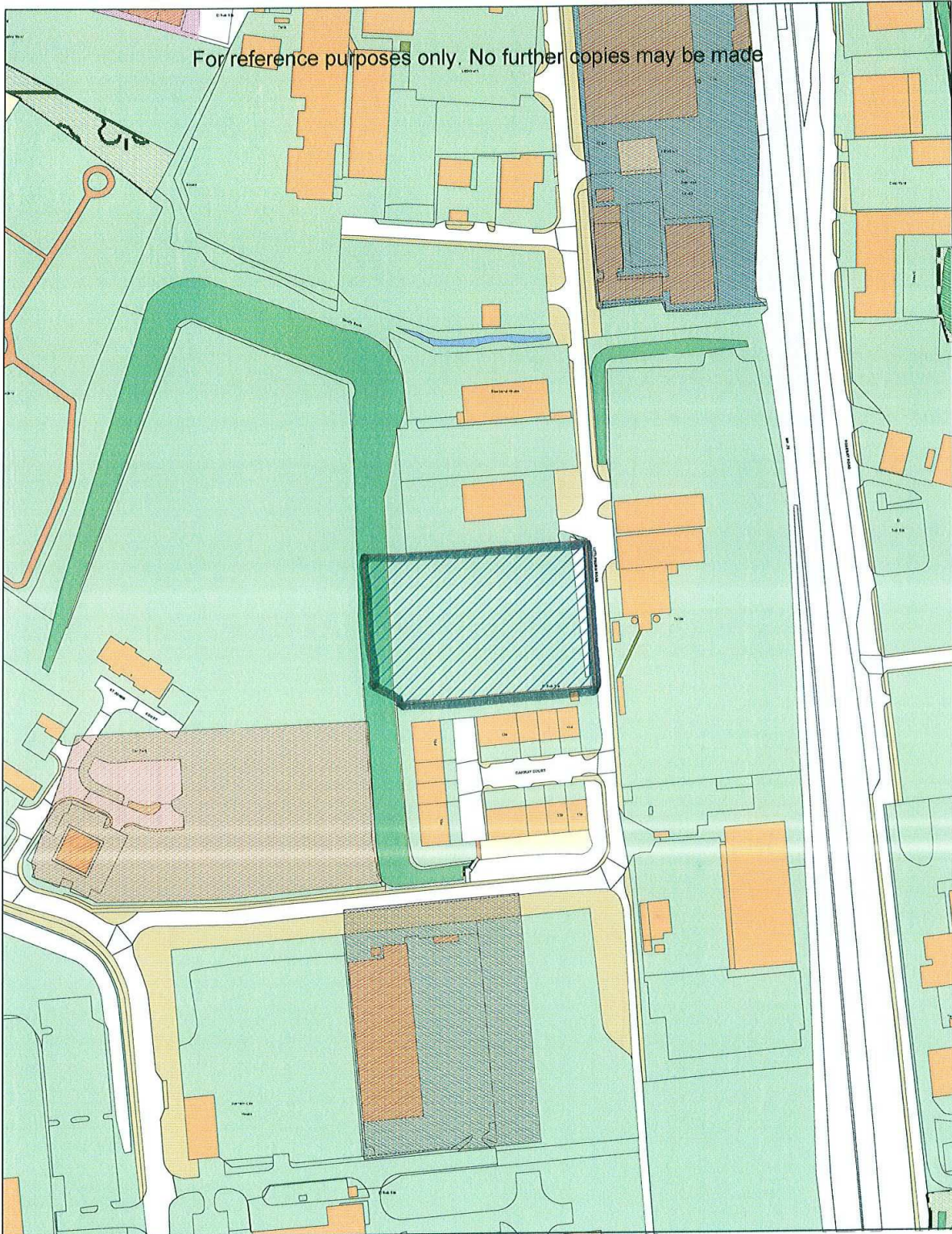
City of Durham Local Plan 2004

Planning Policy Statements/Guidance: PPS1, PPS4, PPG13, PPG14, PPS22 and PPS23

Responses from Highway Authority, Coal Authority and Northumbrian Water Limited



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4/11/00050/FPA

Land To North Of Oakway Court, Littleburn Road

Comments

Date

29 March 2011

Scale

1:2500