

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2011/0073
FULL APPLICATION DESCRIPTION	EXTENSION OF TIME LIMIT FOR IMPLEMENTATION OF PLANNING PERMISSION REF NO. PLAN/2008/0102 FOR INDUSTRIAL UNITS (B1, B2 AND B8 USE) INCLUDING SMALL RETAIL UNIT (OUTLINE)
NAME OF APPLICANT	KANS AND KANDY (PROPERTY) LTD
SITE ADDRESS	LAND AT MILL HILL, PETERLEE
ELECTORAL DIVISION	EASINGTON
CASE OFFICER	Barry Gavillet 0191 5274305 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 The application site is located within the North West Industrial Estate in the northern part of Peterlee. It is situated just off the A19 which runs through Peterlee and is therefore within a key sustainable industrial estate, with good links to both the north and south.
- 2 The site in question is situated on Mill Hill, and is surrounded by occupied industrial units, but is currently a piece of undeveloped land. The land is currently at a lower level relative to the road surrounding it and has sloping banks at its edges which are populated by trees along the northern and eastern edges. The total area of the site is about 2.5 hectares (6.19 acres).

Proposal:

- 3 This application seeks permission to extend the time limit to implement a planning application, which was approved in 2008. The 2008 application secured outline planning permission for B1, B2 and/or B8 uses as well as an ancillary retail unit on the undeveloped land. The proposal was for small to medium units ranging between 65 sq metres (700 sq ft) to 557 sq metres (6000 sq ft) on the northern part of the site with larger units proposed for the rear area. It was expected that there would be trade counters on site, as ancillary to the main use, along with a small scale retail unit.

- 4 The application is reported to the Planning Committee as it constitutes major development based on the proposed floorspace.

PLANNING HISTORY

PLAN/2008/0102 - INDUSTRIAL UNITS (B1, B2 & B8 USE) INC. SMALL RETAIL UNIT (OUTLINE). Approved

PLANNING POLICY

5 NATIONAL POLICY:

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

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.

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 PLANNING POLICY:

Regional Spatial Strategy for the North East

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 it is a matter for each Planning Authority to decide how much weight can now be attached to this intention.

Policy 1 - Strategies, plans and programmes should support a renaissance throughout the North East

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.

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.

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.

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.

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.

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.

7 LOCAL PLAN POLICY:

District of Easington Local Plan

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.

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.

Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

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.

Policy 105 - Retail development on industrial estates will only be allowed if it is of small scale or relates to the sale of items manufactured on the premises or the same estate where the sale is subsidiary to their manufacture and accords with policy 104.

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

8 STATUTORY RESPONSES:

Environment Agency – no objections, informal advice offered

East Durham Business Services – no objections

9 INTERNAL CONSULTEE RESPONSES:

Environmental Health – no objections

Highways Officer – no objections subject to original conditions being repeated. No need for legal agreement which was required by original approval

Landscape Officer – no objections

Planning Policy – Policy remains largely unchanged, no objections

10 PUBLIC RESPONSES:

The application was advertised by means of press and site notices, and by letters to individual occupiers in the vicinity. No comments have been received as a result of this publicity.

11 APPLICANTS STATEMENT:

I would confirm the site at Mill Hill in its entirety has been actively marketed for several years, both by Sanderson Weatherall & DTZ and now solely by Frew Pain & Partners. You will be fully aware that the downturn within the economy has had an adverse effect on development overall and this site is no exception. Nevertheless there are some positive enquiries within the market place at present which all points towards a recovering market.

It is clear that there are limited sites of this size and location within the area, which once developed can and will attract new investment and job creation into Peterlee.

It is therefore imperative that the application is kept alive to ensure that when the market improves and recovers further that the site can be developed quickly and effectively to completion.

The renewal of this planning permission which is being requested, is not contentious in anyway and would further complement and support existing businesses and uses with 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://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=112819>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

This application seeks to extend the time limit to implement an outline planning application which was approved in 2008. As such, the key consideration is whether there have been any significant changes to planning policy that would warrant a different decision being made.

12 Legislative Background

On 1st October 2009, the Department for Community and Local Government brought into force legislation allowing the extension of implemented planning permissions via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 (SI 2009 No. 2261). This measure has been introduced in order to make it

easier for developers and Local Planning Authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. This procedure allows applicants to apply to the Local Planning Authority for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development.

Government guidance states that in current circumstances, Local Planning 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 extension of time 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 s.38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities should, in making their decisions, focus their attention 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.

However, this process is not a rubber stamp. Local Planning Authorities may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably. Equally, the primary legislation with regards to the imposition of conditions remains unchanged meaning that members can apply different conditions to those originally attached if they so wish.

13 Changes in Planning Policy

The circumstances that led to the original planning permission relating to this scheme have not significantly changed, other than the publication of PPS1 Delivering Sustainable Development and PPS4 Planning for Sustainable Economic Development.

The North West Industrial Estate is designated as a General Industrial Area within the Easington Local Plan, where business, general industry and warehousing and distribution are acceptable uses under Policy 53. The primary objective of general industrial areas is to encourage manufacturing industry. The applicant proposes the development of industrial units, all of which are intended to be used for B1, B2 or B8 purposes. Consequently, this application conforms to the objectives of the local plan.

The Policy position remains largely unchanged since the merits of the previous application were assessed. The development of industrial units (within the B1, B2 & B8 use classes) on this allocated employment site is in accordance with the development plan and national planning advice.

The publication of the updated national guidance has led to the requirements for an additional planning condition to be attached to any grant of planning permission (No. 5 below). The additional condition secures the provision of renewable energy on the site.

Notwithstanding the Government's intention to abolish Regional Spatial Strategies, the approach toward sustainable development in the Regional Spatial Strategy for the North East echoes that of national planning guidance and saved Local Plan Policies. In these circumstances, it is considered that the recommendation and decision on this application would not be affected by the current uncertainty over the RSS.

CONCLUSION

- 14 In this instance the circumstances that led to the original planning permission relating to this scheme have not significantly changed. The proposals remain in accordance with planning policy and if brought forward, would bring about economic development in a sustainable location and would lead to the creation of new employment opportunities. Accordingly this application is supported subject to the details previously submitted and agreed in relation to the planning permission Ref PLAN/2008/0102, and subject to the revised set of conditions below.

RECOMMENDATION

- 15 That the application be **APPROVED** subject to the following conditions;

Conditions:

1. Approval of the details of access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the local planning authority before the development is commenced.
Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. Application for approval of reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
 - a) the expiration of five years from the date of this permission; or
 - b) the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
3. The retail premises hereby permitted shall be for a maximum of 50 square metres floorspace and shall not be used for the sale of any goods or items other than food and convenience goods nor for any other activities included in use class A1 as defined in the Town and Country Planning (Use Classes) Order 2005 (amendment) without the prior written consent of the Local Planning Authority.
Reason: To ensure that the development serves the daily needs of workers on the adjacent industrial estates and does not adversely affect the vitality or viability of existing shopping centres, in accordance with policy 105 of the District of Easington Local Plan.
4. The floorspace allocated to particular industrial uses shall not exceed the following: Use Class B1 - 200 square metres, Use Class B2 - 2000 square metres.
Reason: To limit parking requirements in the interests of highway safety and to comply with saved policy 36 of the District of Easington Local Plan.
5. Notwithstanding any information submitted, development shall not commence until a scheme demonstrating how CO₂ reduction and energy efficiency measures will be

incorporated into the approved development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented and retained in accordance with the approved scheme thereafter.

Reason: In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1 and 3.

6. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Site Location Plan submitted with application ref: PLAN/2008/0102, received on 14.2.2008

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.

REASONS FOR THE RECOMMENDATION

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
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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
SHO105 - Retailing on industrial estates
PPS1 - Delivering Sustainable Development
PPS4 - Planning for Sustainable Economic Growth
Policy 1 - (North East Renaissance)
Policy 2 - (Sustainable Development)
Policy 24 - (Delivering Sustainable Communities)
Policy 3 - (Climate Change)
Policy 4 - (Sequential Approach)
Policy 6 - (Locational Strategy)
Policy 7 - (Connectivity and Accessibility)

2. In particular the development was considered acceptable having regard to consideration of issues of planning policy, amenity of surrounding occupiers and highway safety.

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

