

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/11/00256/FPA
FULL APPLICATION DESCRIPTION:	Application seeking new planning permission to replace extant permission 07/00375 (erection of new office units and conversion of existing buildings to offices plus 720 car parking spaces) in order to extend time period for implementation.
NAME OF APPLICANT:	Mandale Commercial Limited.
ADDRESS:	Former Philips Components site, Belmont Industrial Estate, Belmont, Durham.
ELECTORAL DIVISION:	Belmont.
CASE OFFICER:	Peter Herbert, Senior Planner, 0191 3018723, peter.herbert@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The former Philips Components site lies within the heart of the Belmont Industrial Estate and has benefited from a number of planning permissions for its redevelopment for office use with associated car parking.
2. Phase 1 of this scheme has been completed, but as a result of the necessity for significant off site highway improvements, required to accommodate the additional traffic generated by the approved development, phase 2 has yet to commence.
3. The applicants wish to extend the life of the phase 2 planning permission while negotiations continue with the respective Highway Authorities, and this is the subject of this application.

PLANNING HISTORY

4. Planning permission was granted for the erection of 10 office units and associated restaurant and parking in 2006 (Phase 1 of the site's redevelopment).
 5. Planning permission was granted for the erection of further office units, the conversion of former Philips buildings, and the creation of additional associated car parking in 2007 (Phase 2 of the site's redevelopment).
 6. A variation of condition no's 14 (a percentage for art provision) and 17 (off site highway improvements requirement) was granted in 2010 allowing the phasing of the former, and a proportion of office building to take place in line with what capacity remains within the
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existing and unimproved Trunk road system at Junction 62 of the A1(M).

PLANNING POLICY

7. NATIONAL POLICY:

Planning Policy Statement (PPS) 1: Delivering Sustainable Development - sets out the Governments overachieving planning policies on the delivery of sustainable development through the planning system.

Planning Policy Statement (PPS) 4 Planning for Sustainable Economic Growth - encourages economic growth and job creation that displays longevity rather than short termism

Planning Policy Statement (PPS) 13 Transport - promotes sustainable choices in respect of the movement of people and freight.

Planning Policy Statement (PPS) 22: Renewable Energy - outlines Government policy in regard to new development being encouraged to incorporate a sustainable energy strategy that both reduces the consumption of energy and encourages that energy to be consumed to be from renewable sources to as large a degree as possible.

8. REGIONAL PLANNING POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, set out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS set 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 signaled 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. Policies of particular relevance to these applications include the following:

Policy 1 (North East Renaissance) seeks to achieve and maintain a high quality of life for all, both now and in the future, requiring a major economic, social and environmental renaissance throughout the Region

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

9. LOCAL PLAN POLICY:

Policy EMP6 (Prestige Industrial Development) at Belmont identifies the application site within a location allocated for B1 (Employment) and B2 (General Industrial) development.

Policy T1 (Traffic Generation – General) precludes development proposals likely to lead to a level of traffic generation prejudicial to highway safety.

Policy T10 (Parking – General Provision) requires an appropriate level of off street parking that will avoid hazardous on street parking, yet encourage the use of a variety of transport modes.

Policy Q7 (Layout and Design – Industrial and Business Development) requires a high standard of layout and design in respect of such development.

Policy U14 (Energy Conservation) encourages energy efficiency in building design.

Policy U15 (Renewable Resources) encouraging energy consumption from renewable resources.

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/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

10. STATUTORY RESPONSES:

The Highway Authority offers no objection to the life of this planning permission being extended, subject to the original highways related planning conditions being retained.

The Highways Agency offers similar comment, having no objection to the planning permission's being renewed provided that previously required highways related conditions are honored.

The Environment Agency offers no objections.

One North East recognizes the Government's wish for greater flexibility in regard to planning

permissions, but draws attention to the need to recognize increasingly high sustainable energy requirements. Accordingly, 10 % minimum renewable energy use, and an electric vehicle charging point are recommended.

11. INTERNAL CONSULTEE RESPONSES

The County Council's Senior Public Protection Officer has requested an assessment of the impact upon air quality likely to arise from this proposal, together with proposals for mitigation. This follows the recent creation of an Air Quality Management Area within Durham City

The Design and Historic Environment Section offer no objection.

12. PUBLIC RESPONSES:

None

APPLICANTS STATEMENT:

It is the applicants' contention that material planning considerations have not changed since planning permission was originally granted. Accordingly, its merits and overall acceptability remain as before, offering no reason why an extension of planning permission should be denied.

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=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

13. 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.

14. 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 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.

15. 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 favorably. 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.

16. In the case of this proposal, there has been no material change in respect of the planning criteria against which this development must be judged.

17. Furthermore, no objections have been received regarding a further planning permission being granted.

CONCLUSION

18. The merits of this economically beneficial development were clearly established when planning permission was originally granted, and these have not changed.

19. The implementation of the scheme has been delayed mainly due to the prohibitive cost of required off site highway works. However, this will hopefully soon be resolved.

20. The County Council wishes to encourage such investment in high quality business development. Therefore, subject to appropriate planning conditions, this application is fully supported.

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. 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 Policy Q7 of the City of Durham Local Plan 2004.

3. 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 Policy Q7 of the City of Durham Local Plan 2004.

4. 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 Policy Q7 of the City of Durham Local Plan 2004.

5. No development shall take place until a scheme showing the means by which foul sewage and surface water generated as a result of the development are to be catered for has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out in accordance with the approved details before any part of the development is occupied. Reason: To ensure that proper means are provided for the disposal of foul sewage and surface water from the development in accordance with Policy U8a of the City of Durham Local Plan 2004.

6. Before development is commenced details of all flues, vents, and extracts shall be submitted to, and approved in writing by the Local Planning Authority, being thereafter implemented to the satisfaction of the said Authority. Reason: To ensure that proper means are provided for the disposal of foul sewage and surface water from the development in accordance with Policy U8a of the City of Durham Local Plan 2004.

7. 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 Policy Q7 of the City of Durham Local Plan 2004.

8. The existing trees and hedges on the site shall be retained and shall not be felled, lopped or topped without the written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced in the same position with trees of the same species and, as nearly as possible, of the same maturity as those removed having regard for current arboricultural practice. Reason: In the interests of visual amenity in accordance with Policy Q7 of the City of Durham Local Plan 2004.

9. There shall be no storage in the open of goods, materials, equipment or waste materials, except in areas to be approved in writing by the Local Planning Authority. Reason: In the interests of visual amenity in accordance with Policy Q7 of the City of Durham Local Plan 2004.

10. The development hereby permitted shall not begin until full details of the matters listed below have been submitted to and approved by the Local Planning Authority. The development shall then be carried out in accordance with the approved details:

- (i) Facilities for the storage and collection of refuse, to be provided before the use commences;
- (ii) Equipment for the treatment and extraction of fumes and odors, to be provided before the use commences. Reason: In the interests of visual amenity in accordance with Policy Q7 of the City of Durham Local Plan 2004.

11. The equipment referred to in Condition (ii) shall be operated and maintained in accordance with the manufacturer's instructions. Reason: In the interests of visual amenity in accordance with Policy Q7 of the City of Durham Local Plan 2004.

12. 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 LPA. Roof water shall not pass through the interceptor. Reason: To prevent pollution of the water environment in accordance with Policy U8a of the City of Durham Local Plan 2004.

13. 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 consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficiency measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and retained thus in perpetuity. Reason: In the interests of sustainable construction and energy generation to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1, 3 and 22. Reason - In the interests of sustainable construction and energy generation to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1, 3 and 22.

14. No development shall commence until a scheme for the delivery of a "percent for art", in accordance with the objectives and provisions of Policy Q15 of the City of Durham Local Plan 2004, has been agreed in writing with the Local Planning Authority. The agreed scheme shall thereafter be implemented within a timescale that will form part of the aforementioned agreement. Reason: To achieve the objectives of Local Plan Policy Q15.

15. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA ref no W11141/L18/001-C) and the following mitigation measures detailed within the FRA: Limitation of the surface water run - off generated by the development as described by the table in paragraph 4.2.2 on page 6. Reason: To prevent flooding by ensuring the satisfactory disposal of surface water from the site, in accordance with the objectives of Local Plan Policy U8A.

16. Prior to first use or occupation of any part of the development, if the improvements at Junction 62 of the A1(M) shown in principle on RPS Drawing No.TR03 have not already been implemented or are not already in the process of being implemented, then these same improvements to Junction 62 of the A1(M), as illustrated on RPS Drawing No.TR03 shall be completed in accordance with the approved drawings. The works shall also include the southbound exit slip road marking improvements as shown on WSP Drawing No.0882/GA/07 Rev A. The highway works would need to be procured via a Section 278 Agreement with the Highways Agency and would require a Stage 3 (completion of construction) Road Safety Audit. The Audit shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the local planning authority and Highways Agency. Reason: In the interests of safety and the free flow of traffic on the A1(M) and its junctions and to ensure that the A1 continues to fulfil its purpose as part of a national system of routes for through traffic, in accordance with section (2) of the Highways Act 1980.

17. Prior to first use or occupation of any part of the development, if the improvements at Junction 62 of the A1 shown in principle on RPS Drawing No.TR03 have already been implemented or are in the process of being implemented, then the additional road marking improvements to the southbound exit slip road shown on WSP Drawing No.0882/GA/07 Rev A shall be completed in accordance with the approved drawings. The highway works would need to be procured via a Section 278 Agreement with the Highways Agency and would require a Stage 3 (completion of construction) Road Safety Audit. The Audit shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the local planning authority and Highways Agency. Reason: In the interests of safety and the free flow of traffic on the A1(M) and its junctions and to ensure that the A1 continues to fulfill its purpose as part of a national system of routes for through traffic, in accordance with section (2) of the Highways Act 1980.

18. Prior to first use or occupation of any part of the development, the Travel Plan document shall be finalised and agreed in writing by the local planning authority and Highways Agency. The Travel Plan shall include person trip generation, mode share targets and outcomes (within the specified timescales), which have been agreed by the local planning authority and Highways Agency. Reason: In the interests of reducing the traffic impact of the development.

19. Prior to first use or occupation of any part of the development, a Travel Plan Co-ordinator shall be appointed and contact details for this individual shall be provided to the local planning authority. This post shall remain for as long as the site is occupied, and the local planning authority shall be informed immediately of any personnel changes in this role. Reason: In the interests of reducing the traffic impact of the development

20. A detailed travel survey shall be undertaken on an annual basis (at the same time of year) for as long as the development remains occupied. The results of these surveys shall be provided to the local planning authority, and used to identify appropriate corrective measures should the Travel Plan fail to comply with the trip generation, mode share targets and outcomes (within the specified timescales) that have been agreed in the Travel Plan (refer to Condition 18). Reason: In the interests of reducing the traffic impact of the development.

21. Prior to first use or occupation of any part of the development, if the highway improvements indicated in the RPS Transport Assessment – Addendum 1 (DDT1050), Appendix F, have not been implemented or are not in the process of being implemented, then these same improvements to the highway junctions at Belmont Business Park Access Road junction with Broomside Lane, A690 Southwest Bound Off Slip Road junction with Broomside Lane and Broomside Lane and Alma Place miniroundabout, shall be completed in accordance with the approved drawings. In addition the Belmont Business Park Access Road junction with Broomside Lane shall be further improved as indicated in WSP Drawing No. 11170882/0882/GA/06/RevF. Reason: In the interests of reducing the traffic impact of the development.

22. Prior to first use or occupation of any part of the development, if the highway improvements indicated in the RPS Transport Assessment – Addendum 1 (DDT1050), Appendix F, have been implemented or are in the process of being implemented, then the Belmont Business Park Access Road junction with Broomside Lane shall be further improved as indicated in WSP Drawing No. 11170882/0882/GA/06/RevF. Reason: In the interests of reducing the traffic impact of the development.

23. Prior to first use or occupation of any part of the development, the footway/cycleway alongside Broomside Lane shall be extended as shown on WSP Drawing No. 11170882/0882/GA/06/RevF. Reason: In the interests of reducing the traffic impact of the development.

24. Prior to first use or occupation of any part of the development, the improvements to bus infrastructure shown on Figure 52 of WSP Transport Assessment 11170882 shall be implemented. Reason: In the interests of reducing the traffic impact of the development.

25. Prior to the occupation of the approved buildings, the bus service referred to in the submitted Travel Plan shall be fully operational, and continue as such for at least 5 years from the date of first building occupation. Reason: In the interests of reducing the traffic impact of the development.

26. Prior to the first occupation of the approved development, an electric vehicle charging point shall be installed and operational within the site, full details of which shall be agreed in writing with the Local planning authority prior to installation. Reason: In the interests of reducing carbon emissions.

27. Prior to development commencing, an assessment of the proposal's impact upon air quality, with mitigation measures where appropriate, shall be agreed in writing with the Local Planning Authority. Reason: In the interests of improving air quality, an objective of the recently designated Durham City Air Quality Management Area

REASONS FOR THE DECISION

1. The proposed development is considered acceptable having regard to Policies EMP6, T1, T10, Q7, U14, and U15 of the City of Durham Local Plan 2004:

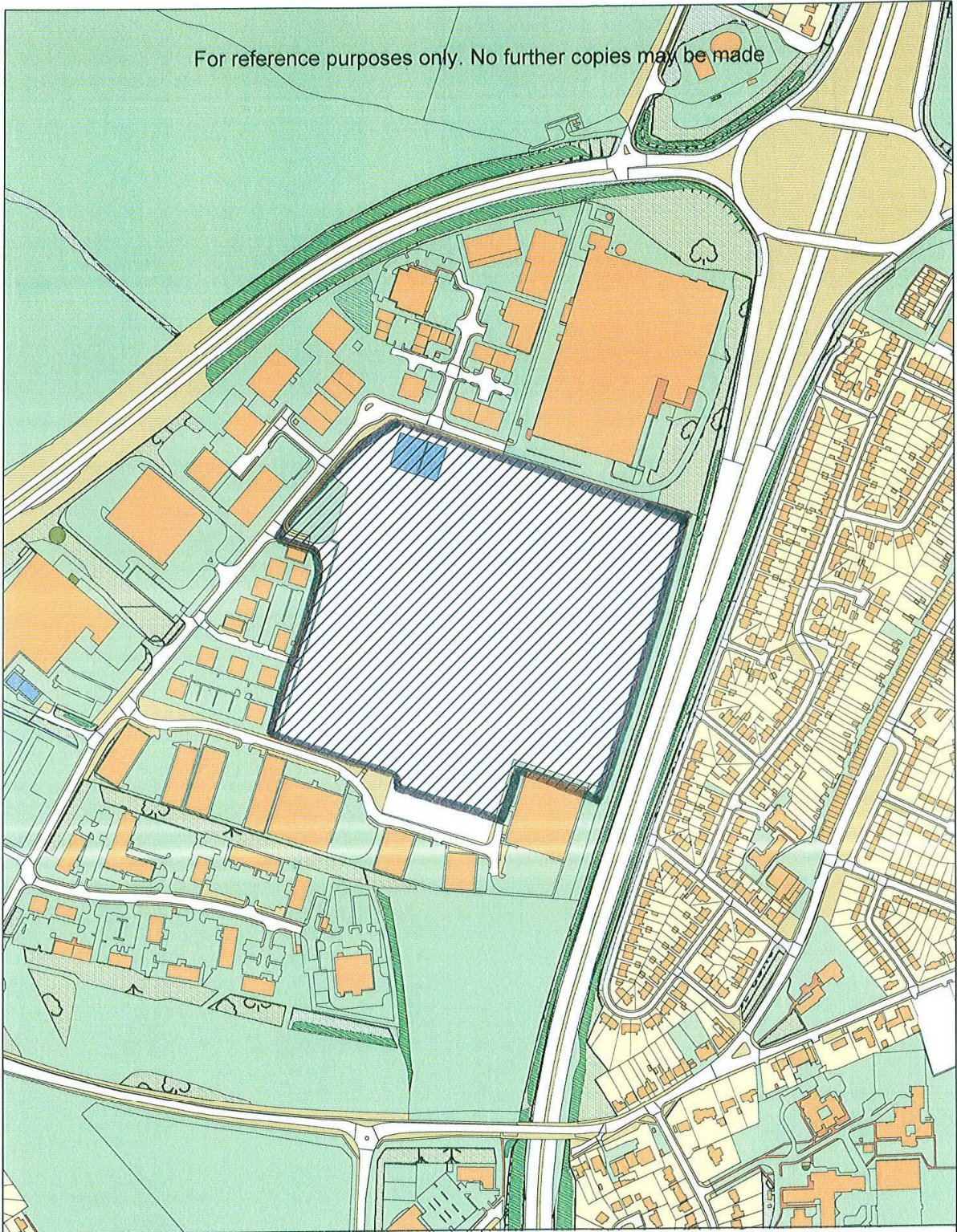
2. More specifically, this proposal seeks to extend the life of an extant planning permission, the material considerations of which have not changed since the original consent was granted.

3. No objections have been raised to this proposal by any party.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Planning permission 4/07/00375/FPA
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- City of Durham Local Plan 2004
- Planning Policy Statements PPS1, PPS4, PPS13, and PPS22
- Response from County Highway Authority
- Response from Highways Agency
- Response from Environment Agency
- Response from Environmental Health
- Response from Design and Conservation
- Response from One North East
- Durham City Air Quality Management Area

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4/11/256/FPA

Vacant Philips Components Ltd, Belmont
Industrial Estate

Comments

Date

26 May 2011

Scale

1:5000