

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 19 November 2008**

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<b>APPLICATION REF. NO:</b>	<b>08/00733/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>31 October 2008</b>
<b>WARD/PARISH:</b>	<b>Middleton St George</b>
<b>LOCATION:</b>	<b>Proposed Business Park (DTVA Ltd) Durham Tees Valley Airport, Middleton St George, Darlington.</b>
<b>DESCRIPTION:</b>	<b>Application to vary condition 13 (Landscaping/landscaping bund) of outline planning permission 04/01428/OUTE dated 21 February 2007 for development of site to provide a business park comprising B1 office development, hotel and pub restaurant, land at Durham Tees Valley Airport, Middleton St George, Darlington</b>
<b>APPLICANT:</b>	<b>Durham Tees Valley Airport Limited</b>

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**APPLICATION AND SITE DESCRIPTION**

This is an application submitted under Section 73 of the Town and Country Planning Act to vary condition 13 attached to the recent grant of outline planning permission (Ref: 04/01428/OUTE) for the erection of a business park at Durham Tees Valley Airport, which included office development and the provision of a hotel.

Condition 13 requires the provision of a landscaped bund along the boundary between the approved business units (Plots A to D) and adjoining residential properties to the north on the Oak Tree estate, and also along the western boundary of Plot E that lies further north near the roundabout which forms the main site access to the airport. The purpose of the bund is to reduce the impact of the business units and associated car parking areas on the amenities of neighbouring residents. The condition stipulates that the bund should be constructed prior to the commencement of any of the approved development, which not only includes the business units but also the hotel and pub/restaurant.

In a supporting letter the applicant states that the original intention with the outline approval was to proceed with the construction of the business units as the first phase of the development but due to present market conditions this is unlikely to take place for some time. However an operator has been established for the hotel and therefore the applicant is keen to proceed with this element of the development first.

Consequently the applicant proposes the replacement of condition 13 with two new conditions, which would allow for the elements of the development on the eastern side of the main airport access road to proceed prior to the business units but requiring the landscaped bund to be in place before any work commences on the business on plots A to E.

A Reserved Matters application for the hotel element of the approved business park appears elsewhere on this agenda under application ref no: 04/01428/RM1.

## **PLANNING HISTORY**

The airport complex has a lengthy planning history none of which has any particular relevance to this application other than the outline application mentioned above.

## **PLANNING POLICY BACKGROUND**

The following policies of the Borough of Darlington Local Plan are relevant:-

H15 - Amenity of Residential Areas

## **RESULTS OF CONSULTATION AND PUBLICITY**

**Middleton St George Parish Council** has made the following comments:-

*“ The bund must be in place to protect Oak Tree Avenue from construction works and completed hotel as no date has been specified for commencement of the Business Park.”*

## **PLANNING ISSUES**

The main issue to be considered is whether the proposal is likely to result in conditions that would prejudice the amenities of residents living on the Oak Tree estate.

The proposed hotel and pub restaurant elements of the business park development are situated some distance from the nearest residential properties unlike the office units which would adjoin the boundaries of a number of residential properties. The hotel scheme itself would be sited approximately 100m from the dwellings to the west and screened to a large degree by substantial tree planting close to these properties and also by an existing building complex at Oak Tree Farm immediately to the north of the tree planting. Given this context it is unlikely that there would any significant impact on the amenities enjoyed by occupiers of those dwellings. It should be noted that the requirement of condition 13 would not provide any screening between the hotel and the residential properties to the west. Officers are of the view therefore that the proposal set out by the applicant is acceptable.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

## CONCLUSION

The proposed variation of Condition 13 to enable other elements of the business park development to proceed prior to the commencement of any work on the B1 office units is considered acceptable and should not cause any material harm to the amenities currently enjoyed by residents on neighbouring Oak Tree estate.

## RECOMMENDATION

THAT VARIATION OF CONDITION 13 OF OUTLINE PLANNING PERMISSION REF NO 04/01428/FULE FOR DEVELOPMENT OF SITE TO PROVIDE A BUSINESS PARK COMPRISING B1 OFFICE DEVELOPMENT, HOTEL AND PUB RESTAURANT BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS: -

- 1) No development shall take place on Plots A to D on approved Master plan drawing MP07 until details of the landscaped works to the northern boundary of Plots A to D and the western boundary of Plots A to D have been submitted to, and approved in writing by the Local Planning Authority. The approved details shall provide for a landscaped bund to create a visual and acoustic screen from adjoining houses. The approved landscaped works shall be carried out in full before any of the buildings on Plots A to D are occupied.

REASON – To ensure appropriate visual and landscape mitigation for the proposed development and to protect the amenity of occupants of nearby housing as set out in the Environmental Statement.

- 2) No development shall take place on Plot E on approved Master plan drawing MP07 until details of the landscaped works to the western boundary of Plot E have been submitted to, and approved in writing by the Local Planning Authority. The approved details shall provide for a landscaped bund to create a visual and acoustic screen from adjoining houses. The approved landscaped works shall be carried out in full before any of the building on Plots E is occupied.

REASON – To ensure appropriate visual and landscape mitigation for the proposed development and to protect the amenity of occupants of nearby housing as set out in the Environmental Statement.

## SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The proposed variation of Condition 13 to enable other elements of the business park development to proceed prior to the commencement of any work on the B1 office units is considered acceptable and should not cause any material harm to the amenities currently enjoyed by residents on neighbouring Oak Tree estate. The proposal is considered to comply with the relevant policies in the development plan set out below:

**Borough of Darlington Local Plan 1997**  
H15 - The Amenity of Residential Areas