

DELEGATED

AGENDA NO

PLANNING COMMITTEE

10th October 2007

**REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

07/2392/ARC

**Land South Of Durham Tees Valley Airport, Middleton St George, Darlington
Application under Section 73 for variation of Condition 8 of planning approval 95/1999/P
(varied by 2 no. subsequent planning permissions - 02/1963/P and 05/0957/ARC to extend
the period for submission of reserved matters) to allow general employment uses falling
within use classes B1, B2 and B8 of the Town and Country Planning Act (Use Classes)
Order 1987 as subsequently amended, on 20 hectares of the site.**

Expiry Date: 12th November 2007

SUMMARY:

Land to the south of Durham Tees Valley Airport (DTVA) was granted outline planning permission by the Secretary of State in 1999 for a development consisting of Freight Handling, Distribution and Packaging, Freight Forwarding and Light Industrial/Commercial Assembly on 70ha of land known as Southside.

The permission was subject to conditions. Condition 2 sets out the timeframe for the submission of the reserved matters. This condition has been varied by two subsequent planning permissions (2002 and 2005) the latter of which extended the period for submission of reserved matters to July 2008 (02/1963/P and 05/0957/ARC). Each of these permissions is subject to the remaining conditions, which were attached to the original outline consent.

This application seeks to vary Condition 8 which currently restricts the type of uses and occupiers to airport related activities and to occupiers requiring a location at or adjacent to an airport. The condition also imposes a vetting procedure, whereby all potential occupiers must be approved by the Local Planning Authority.

Since the 2005 consent the draft replacement Regional Spatial Strategy (RSS) for the North East has reached an advanced stage in its preparation. Its provisions have been subject to public examination and its recommendations taken into account in the publication in March 2007 of the Proposed Changes to the draft. Given the advanced stage towards adoption, the provisions of the draft replacement RSS is a material consideration in the decision making process.

The emerging RSS contains a number of policies and principles that are relevant to the consideration of this application. Policy 18: Employment Land Portfolio, allocates land for

employment development. Within an overall provision of general employment land for Stockton on Tees Borough, 20 ha of the allocation is specifically to be provided on land at DVTA.

Policy 21: Airports, makes provision for an additional 80 ha of airport-related development on land to the South of DVTA and in paragraph 3.45 of the Proposed Changes document establishes a list of airport-related uses.

In addition to the above there are other factors relevant to this proposal, which have changed since the current planning permission was granted in 2005. The initial phase of the growth of DVTA is now committed. Plans for the expansion of DVTA to accommodate 3 million passengers and 26,000 tonnes of cargo per annum, together with the North side Business Park were agreed by Stockton And Darlington Borough Councils in 2006. The delivery of these developments, which will be set out in a forthcoming Master Plan, is due to commence later this year.

In view of the economic significance of Southside; its potential to create jobs, stimulate economic regeneration in the Tees Valley, and support the further growth of DVTA as a key economic driver, English Partnerships (EP), One North East (ONE) and Tees Valley Regeneration (TVR) have entered into a joint venture with DVTA to deliver the scheme.

This application proposes to take into account the provisions of the emerging RSS outlined above by a variation of Condition 8 to allow for unrestricted occupation (or general employment use) on 20 ha of the site. This allows for a more flexible approach to the occupation of buildings at Southside. The applicant states that this flexibility is necessary in order to attract the funding from the joint venture partners needed to deliver site infrastructure and facilitate the first phase of development. It will, therefore, facilitate the delivery of much needed economic regeneration and job creation in the Tees Valley.

It is considered that the application is acceptable subject to a condition restricting the remainder of the land to uses that are aviation/airport related.

The development remains a departure from the development plan, as the land is still not formally allocated for airport related industrial purposes.

The strategic nature of the site in such a prestigious location will once developed makes a substantial and important contribution to the local economy through the facilities it will provide and the jobs it will create.

RECOMMENDATION

That Members be minded to approve the application subject to the conditions below and the application be referred to the Government Office for the North East as a departure from the approved development plan.

01. The premises hereby permitted shall be used only for Airport-related activities and/or general employment uses falling within use classes B1, B2 and B8 of the Town and Country Planning Act (Use Classes) Order as subsequently amended. No more than 20 hectares of the total site area including infrastructure shall be made available for general employment uses. Prior to the occupation of any building or phase of the 20 hectares of the site for general employment uses, the Local Planning Authority shall be provided with details of the nature of the operation and such details shall specify whether the said building or phase comprises airport related activities and/or general employment uses (including details of the hectareage of each use). None of the buildings subsequently approved in any reserved matters for the remaining hectareage of the site shall be occupied until the applicant has submitted details of the proposed use and has obtained the written approval of the Local planning Authority that the occupier requires a location at or adjacent to an airport. In the

event that any of the approved occupiers vacates any of the approved buildings, or parts of a building, subsequent occupation shall not take place until further written approval has been obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to satisfactorily control the development and seek to protect the site from non- airport related uses in order to guarantee potential future expansion of the airport and assist in the realisation of brownfield mix use and employment sites in other locations in accordance with emerging Regional Spatial Strategy policy.

02 This approval relates solely to this application to vary condition 8 and does not in any way discharge the conditions contained in planning approval 95/1999/P which conditions apply to this consent.

Reason: For the avoidance of doubt

Informative

To assist the applicant in the compliance with the above condition the following uses are ones which the Local Planning Authority considers may require a location at, or adjacent to, an airport:

Operational Infrastructure, Runways

Taxiways

Aircraft Apron

Control Tower

Fire Station

Internal Highways

Service Vehicle Maintenance

Aviation Fuel Farm

Vehicle fuel storage

Terminal Facilities, Airline Sales, Reservations and Booking

Passenger Facilities, including Catering Passenger Retail Facilities Public Transport Facilities

Car Hire

Public Car Parking

Staff Parking

Petrol Filling Station

Maintenance Facilities, Aircraft Maintenance

Avionics Maintenance and Supply

Offices, Ancillary Uses

Supporting Functions

Warehousing/distribution, Freight Forwarding

Freight Agents

In-flight Catering Facilities

Flight Packaging and Provision Facilities

Airline Training Centres

Related Training Centres

Hotel Accommodation, Conference and Ancillary Activities

The Proposal has been considered against the policies below and it is considered that there are no other material considerations which indicate a decision should be otherwise.

Policies 18 and 21 of Regional Spatial Strategy for the North East, policies STRAT1 and EMP6 of the Tees Valley Structure Plan and TR21 of the adopted Stockton on Tees Local Plan.

BACKGROUND

1. The application site is an area of land located immediately to the southeast of the terminal buildings and runway of DVTA. The principle of the development of the site has been established through the formal grant of outline planning permission in 1999. This is still extant following the submission of subsequent applications to vary condition 2; the latest of these was granted in 2005. This has had the effect of extending the period for the submission of reserved matters pursuant to this outline until July 2008.

THE PROPOSAL

2. This is an application submitted under Section 73 of the Town and Country Planning Act 1900 to vary condition no.8 of planning permission 95/1999/P (varied by 2 no. subsequent planning permissions - 02/1963/P and 05/0957/ARC) to allow general employment uses falling within use classes B1, B2 and B8 of the Town and Country Planning Act (Use Classes) Order 1987 as subsequently amended, on 20 hectares of the site. The 1995 consent was an Outline application for freight handling, distribution and packaging, freight forwarding and light industrial commercial assembly.

3. Condition 8 presently reads:

“The premises shall be used only for airport related activities. None of the buildings subsequently approved in any reserved matters submission shall be occupied until the applicant has submitted details of the proposed use and has obtained the written approval of the local planning authority that the occupier requires a location at or adjacent to an airport. In the event that any of the approved occupiers vacates any of the approved buildings, or parts of a building, subsequent occupation shall not take place until further written approval has been obtained from the local planning authority.”

4. Condition 8 currently restricts the type of uses and occupiers to airport related activities and to occupiers requiring a location at or adjacent to an airport. The condition also imposes a vetting procedure, whereby all potential occupiers must be approved by the Local Planning Authority.

5. This application proposes to vary the condition to read:

“The premises hereby permitted shall be used only for Airport-related activities and/or general employment uses falling within use classes B1, B2 and B8 of the Town and Country Planning Act (Use Classes) Order 1987 as subsequently amended. 20 ha of the site shall be made available for general employment uses. Prior to occupation of any building or phase of development, the Local planning Authority shall be provided with details of the nature of the operation and such details shall specify whether the said building or phase comprises airport related activities and/or general employment uses (including details of the hectareage of each use).

CONSULTATIONS

6. Local residents have been individually notified of the application and it has also been advertised on site and in the local press. The following Consultations were notified and any comments received are set out below: -

7. Middleton St George Parish Council

Middleton St George Parish Council objects to this planning application, which is clearly in conflict with development, plan policy and which has implications for the long term future of land adjacent to the airport.

In their supporting letter Turley Associates argue that:

- The principle of the development of Southside as part of the expansion of the airport is well established. The application does not affect the principle of development.
- Condition 8 is unduly restrictive and would affect new investment at the airport.
- The proposed variation is in accordance with Government advice on planning conditions.
- The proposed variation complies with the provisions of the emerging RSS.

We disagree with these points and we would urge the Borough Council to retain the wording of Condition 8 in its present form.

The Southside development was originally approved in 1999 and comprises 80 hectares of land to the south of the airport. The permission is for “freight handling and distribution and packaging, freight forwarding and light industrial/commercial assembly”. Condition 8 restricts the use of the site to airport-related activities. The development of land in this location for general employment uses, outside the limits to development of Stockton defined in the adopted Local Plan and with very poor road access, would be unacceptable in planning terms. The Southside development was only considered acceptable by the Secretary of State in 1999 because of its direct relationship with the airport, and with a restriction on the type of uses allowed.

Condition 8 was acceptable to the Council and to the applicant when it was imposed by the Secretary of State. It is not an unduly restrictive condition. It simply sets out the basis for the Council to judge if a proposed use is appropriate on the grounds of being airport-related. There is no reason to suppose that this condition would deter airport-related uses from developing on the site. A variation of Condition 8 is not necessary to enable development of an airport-related business park to proceed.

Turley Associates refer to Circular 11/95 on Planning Conditions, and in particular to paragraph 32. They take the view that Condition 8 is a form of ‘vetting procedure’ that is discouraged in paragraph 32. However, it should be noted that Condition 8 was imposed by the Secretary of State in 1999 in the full knowledge of Circular 11/95. Therefore it complies with the Circular. Our interpretation of Condition 8 is that the condition satisfies the test of precision required by the Circular. The condition is enforceable. It does not require a vetting procedure for prospective occupiers. It simply seeks the written approval of the local planning authority that an occupier requires a location at or adjacent to the airport. Airport-related uses are helpfully defined in Table 2 in paragraph 3.44 of the RSS Proposed Changes Document. Using this list the Council will be able to quickly judge and give written approval that a proposed use is airport-related. The existing condition is entirely appropriate for this purpose.

Turley Associates place great emphasis on the Proposed Changes to the draft RSS (May 2007) in arguing for the proposed relaxation of Condition 8, in particular the reference to the footnote in the table under Policy 18 to the provision of 20 hectares of Stockton’s 235 hectares of general employment land on land to the south of Durham Tees Valley Airport. This reference must be read in the wider context of the RSS. Chapter 3 acknowledges that significant land is allocated for airport-related uses at the airport. Policy 21 states that relevant LDFs should safeguard land currently allocated for airport-related uses but not yet developed for airport-related uses (80 hectares at Durham Tees Valley Airport). It is clear that the whole of the 80 hectares south of the airport is still intended to be reserved for airport-related uses. The emerging RSS does not take away the requirement for employment uses in this location to be airport-related.

As defined in the RSS document, general employment uses comprise all employment land that is not for brownfield mixed use or prestige employment sites. Therefore it must include land intended for airport-related uses. It is not clear why the table in Policy 18 distinguishes between the 20 hectares of land south of the airport and the remainder of the 80 hectares of land south of the airport. However, a wider reading of the RSS document shows that it is not the intention of Policy

18 and Policy 21 to favour general employment uses south of the airport that are not airport-related.

The uses appropriate to an airport location are clearly defined in the Proposed Changes Document. The only exceptions that may be allowed are if a valid planning case can be made (paragraph 3.46) and it is a matter for the Council to decide if other uses are appropriate in relation to Condition 8. The Panel Report on the RSS Examination concluded that the allocation of general employment land at the airports could seriously undermine the realisation of brownfield mixed use and prestige employment sites.

The proposed variation of Condition 8 would be contrary to the development plan. Policy TR21 of the adopted Local Plan only allows development at the airport for uses related to aviation or for the operational needs of the airport. Policy EMP9 of the more recently adopted Tees Valley Structure Plan encourages the future development of the airport but only by businesses and industries that require an airport location. It states that the land surrounding the airport is, by definition, scarce and other companies that do not require an airport location will be directed to a range of other industrial locations.

The recently approved North side Business Park was granted planning consent in the light of these development plan policies and with a condition restricting uses to those that are aviation/airport related. It was approved despite serious concerns expressed by Middleton St George Parish Council to Darlington Borough Council. The Parish Council believes strongly that it would not be acceptable for Stockton Council to apply different planning policies to the Southside development. The Parish Council supports the expansion of Durham Tees Valley Airport that was recently approved but it believes that relaxing Condition 8 would not have any benefits for the development of the airport. It would allow the inappropriate development of land that is reserved for airport-related uses and it would detract from the development of other land for general employment uses in more suitable locations in the Borough. There is no justification in planning terms for the proposed variation and we would urge the Council to refuse this application.

8. Environmental Health Unit

No objection to this application.

9. Natural England

Based on the information provided, Natural England has no comment regarding the proposal.

10. Highways Agency

As the proposal would be considered in conformity with RPG1 and proposed changes to RSS I would raise no objections to the proposals for 20 hectares of the 80 hectare site within the boundary of Stockton-on-Tees Borough to be classified as general employment land, however any further reclassification would, in my opinion require a full TA to support the application.

11. Egglescliffe Parish Council

This council has no comment to make on the above application for variation of condition 8 of planning approval for land south of Durham Tees Valley Airport.

12. Long Newton Parish Council

The Council do not agree to the removing of the veto that the Local Authority has at present. Stockton Borough Council have been given the opportunity of vetting any proposed businesses

and to veto those businesses they felt are inappropriate for the location, these conditions were imposed when the planning permission was granted. The Council fully support this condition.

This application seeks to remove that veto, substituting merely a requirement to notify Stockton Borough Council of what businesses there are going on site without Stockton Borough Council having the right to prevent it. The Council strongly object to this proposal.

The Council would prefer the industrial class to remain the same, but would not have great issues if this part of the application was allowed, so long as Stockton Borough Council retained their veto.

13. Councillor J Fletcher

My comments below are based on what I know and are subject to amendment in the light of what I may learn.

The wording of Paragraph 1 of Page 2 of Turley Associates' letter of 7-8-07 is unclear. The second & third sentences appear simply to give different amounts of general employment land for this Borough. Does the Footnote to Policy 18 of the emerging RSS say that the 20ha in this Borough for general employment use is to be within the Airport? Furthermore, what is "an additional 80ha of airport-related development on land to the South of DVTA"? The next sentence appears to say that the Application Site is part of the previously mentioned 325ha, 20ha & 80ha. This Application appears to be about land within the Airport, not to the South of it, which is part of the land already allocated to airport-related development.

Unless we are bound by something which is in the emerging RSS & is now incapable of alteration, I am unhappy with removing the "airport-related" stipulation. There is ample development land available elsewhere in this Borough. We would not normally sanction employment land in the country half way between Stockton & Darlington, but some years ago we, Darlington BC & the former Durham CC agreed that airport-related development was a special case.

I leave it to planners & lawyers to advise on the question of the vetting procedure.

It is desirable that SBC & Darlington BC reach consensus on their respective parts of the South Side.

14. Darlington Borough Council

The Council considers the proposal to be consistent with the emerging Regional Spatial Strategy and therefore has no further comment to make.

15. Urban Design

The variation is acceptable in Urban Design Terms. Further detail on this application is noted below:

Highways Comments

The variation is acceptable. It is my understanding that the £250,000 S106 contribution previously agreed under the original application for highway infrastructure will now apply to this variation.

Landscape & Visual Comments

The variation is acceptable in Landscape and Visual terms.

Built Environment Comments

The variation is acceptable

16. Network Rail

I can confirm that Network Rail have no observations to make.

17. Civil Aviation Authority

The airport licensee holds responsibility for aerodrome safeguarding issues, unless any future development involves structures of a height of at least 200 feet, I have no associated observations.

18. Northern Gas Networks

No objection and standard mains record enclosed.

19. CE Electric UK

Standard mains record enclosed.

20. The Ramblers Association

We thank the council for consulting the Ramblers' Association on the application. We would ask that changes in use which would detract from the enjoyment of users of the path following the perimeter of the airport should not be allowed.

21. Tees Valley Regeneration

As you will be aware, the progression of the Southside at Durham Tees Valley Airport is one of the five key strategic development projects adopted by Tees Valley Regeneration to contribute to the economic step change for the Tees Valley sub-region. We have been working closely with the majority owner of the Airport, Peel Holdings, and along with our stakeholders ONE North East and English Partnerships are jointly progressing the development at the south side of the airport.

The application recently submitted by the Airport is an intrinsic part of the development proposals for the Southside, and is aimed at bringing the existing outline permission into line with the position of the emerging RSS and our aspirations for the project. Therefore I can confirm that Tees Valley Regeneration is fully supportive of this application made by the Airport, as part of the progression towards establishing the Southside project.

22. Government Office For The North East

In response to Stockton BC's consultation on the above s.73 application, it would be inappropriate for us to comment on the merits of the application itself. This is because the Secretary of State has a quasi-judicial role in the planning process and we must not prejudice the Secretary of State's position in the event of the application being called-in or of any appeal against the Council's decision.

We understand the Council intends to notify the Secretary of State formally of the application in line with the Departures Direction, if it is minded to grant planning permission.

23. One North East

Thank you for requesting the Agency's comments on the above planning application as part of One NorthEast's new statutory consultee role in accordance with the provisions of the Town and Country Planning (General Development Procedure)(England)(Amendment) Order 2003.

It is considered that the proposed development falls within the following notification criteria, which were sent to Local Authorities in October 2005:

- C. All retail, casino and leisure, theme park, sports venues, employment or industrial and commercial development of over 10 hectares and / or 2,500 sq m floor space; and,
- G. All applications for alternative uses of land currently allocated for port, airport or chemical industry uses

The following comments reflect the view of One NorthEast acting in its role as statutory consultee. As such they are provided only in accordance with the provisions of the above regulations and relate to the effects that the proposals are considered to have upon the Regional Development Agency's strategic regional investment or employment policies.

As you are no doubt aware, the access strip forming the north eastern portion of the site was purchased by the Agency for the creation of a road to the application site. You will also be aware that One NorthEast and Tees Valley Regeneration are working with Peel Holdings Plc to realise the further expansion of Durham Tees Valley Airport via a Joint Venture. The airport is one of Tees Valley Regeneration and the Agency's five strategic regeneration sites in Tees Valley. Part of the plan includes the development of a business park comprising up to 18,600m² (Use Class B1), 4,200m², 100 bed hotel (Use Class C1) and 560m² Restaurant / Public House (Use Classes A3 / A4) associated car parking and structural landscaping.

The Secretary of State's proposed changes to the Regional Spatial Strategy (RSS) *View: Shaping the Region*, were published on the 28th May 2007. Policy 21 requires relevant Local Development Frameworks to safeguard land currently allocated for airport related uses but not yet developed (80 hectares of land at Durham Tees Valley Airport) for airport-related uses.

Policy 18 of the proposed changes to the RSS allocates 235 hectares of general employment land at Stockton. The supporting text indicates that 20 hectares of the 235 hectares general employment land is to be provided on land to the south of Durham Tees Valley Airport.

The Agency supports the role that the airports play as local employment centres and views the expansion of this role as an economic priority for the region. Clearly the exploitation of land assets around the airports has the potential to bring significant economic benefits and the Agency would wish to support such development.

One NorthEast supports the role that the airports play as local employment centres and views the expansion of the airports, we also recognise that airports are attractive sites for development in their own right as businesses are attracted by either the proximity to the airport and / or the prestige of an airport location amongst other factors.

Whilst the Agency supports the recognition of the essential need to enable development that is required to accommodate growth of the core business of the airports, we also recognise that airports are attractive sites for development in their own right as businesses are attracted by either the proximity to the airport and/or the prestige of an airport location amongst other factors.

The Agency recognises that there is a market in the provision of accommodation for uses which, whilst not directly related to the function of the airport site would not locate elsewhere in the region and instead would seek an airport location elsewhere.

Turning specifically to Durham Tees Valley Airport the Agency recognises that the airport is an attractive place for businesses to locate for a range of not directly airport related reasons. We believe that Durham Tees Valley Airport should be able to capitalise on this position for the benefit of the regional economy. Accordingly, in respect of the above planning application, One NorthEast is supportive of the proposals

As you are aware the Regional Economic Strategy promotes the need for quality of place within existing and proposed development. With this in mind, the Agency would request the Local Planning Authority to encourage the developer to pursue the highest standards of quality in the development of this site, e.g. BREAM, Building for Life and Secured by Design.

In line with Government objectives to generate 10% of electricity from renewable energy sources by 2010 the application should also provide details regarding the provision of renewable energy measures within the scheme.

24. The Environment Agency

The Agency has no objection to the variation of Condition 8.

25. North East Assembly

Under section 38 (3) of the Town and Country Planning Act (2004), the RSS is part of the statutory development plan. Under the plan-led system, this means that the determination of planning applications will be made in accordance with the RSS and other development plan documents, unless material considerations indicate otherwise. In advance of having an adopted RSS, it is necessary to appraise the conformity of the planning application with both the RPG1 and the RSS proposed changes.

RPG1 Policy T17 identifies the need to protect land adjacent to airports from inappropriate development. However, inappropriate development is not adequately defined and it is accepted that adoption of RPG1 would pre-date the publication of the Air Transport White Paper in 2003.

The emerging RSS proposes a definition of airport related uses that would be acceptable at the areas defined as this type of 'restricted' employment land. This has been revised following the Examination in Public of the submission draft RSS in 2006. The list that now appears in proposed changes to RSS reflects the intention to restrict the range of activities permitted on land adjacent to the airport. This list includes a range of facilities including those relating to freight handling and distribution, ancillary uses and supporting functions.

Policy 18 of proposed changes to RSS refers explicitly to the site, stating that:

'20ha of Stockton's 235ha general employment land and 5ha of Darlington's general employment land is to be provided on land to the south of Durham Tees Valley Airport.'

This policy stance clearly refers to the site in question and makes provision for 20 hectares of the 80 hectare site within the boundary of Stockton-on-Tees Borough to be classified as general employment land. Therefore, amending condition 8 as proposed would ensure that the wording of the planning application and the development plan in relation to this site are better aligned.

The application is to vary condition 8 of the extant outline planning consent for development of the 80 hectare site to the southeast of Durham Tees Valley Airport. In determining the application, the

local planning authority would have to consider the implications of permitting the development of up to 20 hectares as general employment land. Provision is made in the proposed changes to the RSS that 20 hectares of the general employment land supply in Stockton-on-Tees will be provided on land to the south of Durham Tees Valley Airport. The change to condition 8 of the extant planning approval for this site would better reflect the RSS as the latest available component of the development plan. Therefore, the proposal would be considered in conformity with RPG1 and proposed changes to RSS.

26. Elton Parish Council

The Parish Council believe that the proposed change to condition 8 would seriously affect Stockton Borough Council's ability to control the development of the land to the south of Durham Tees Valley Airport. In particular the ability to vet individual occupiers should be retained.

There is land allocated at Allens West for general commercial development and the council also believe that the original condition 8 limiting development to airport related activities is perfectly adequate.

PLANNING POLICY CONSIDERATIONS

27. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plans are: - *the Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP)*.

28. Regard also has to be given to Regional Spatial Strategy for the North East (RPG1) and Submission Draft Regional Spatial Strategy for the North East (RSS).

29. RPG1 Policy T17 identifies the need to protect land adjacent to airports from inappropriate development. However, inappropriate development is not adequately defined and it is accepted that adoption of RPG1 would pre-date the publication of the Air Transport White Paper in 2003. RPG1 encourages the sustainable development and expansion of DTVA for airport-related development, both to improve links to Europe and beyond and because the airports themselves can support and attract new development to the region and are significant sources of employment

30. The emerging RSS proposes a definition of airport related uses that would be acceptable at the areas defined as this type of 'restricted' employment land. This has been revised following the Examination in Public of the submission draft RSS in 2006. The list that now appears in proposed changes to RSS reflects the intention to restrict the range of activities permitted on land adjacent to the airport. This list includes a range of facilities including those relating to freight handling and distribution, ancillary uses and supporting functions.

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This policy stance clearly refers to the site in question and makes provision for 20 hectares of the 80 hectare site within the boundary of Stockton-on-Tees Borough to be classified as general employment land.

31. The role of the airport as a key economic driver is recognised in policy statements at all levels. The White Paper (Future of Air Transport) comments that airports play an important role on regional economies to: -

“Provide and important impetuous to regeneration and a focus for new commercial and industrial development” and “increasingly act as a focal point for clusters of business development.....attracting inward investment to the region...”

32. The White Paper also encourages the development of local supply chains and expansion of the aviation sector. This approach is reflected in a number of policy statements that promote regeneration and competitiveness and recognises the role of regional airports in key international investment decisions in the high technology sectors and just in time deliveries and production.

33. The Northern Way Growth Strategy, published in February 2004, acknowledges that airports are important economic assets, which can deliver significant regeneration benefits. The Northern Way recognises the importance of airports both as key economic drivers and to successful city regions, in terms of the transport of leisure and business passengers and freight.

34. The Regional Economic Strategy (RES) for the North East also recognises the important role of airports in improving business competitiveness, encouraging entrepreneurship, and attracting investment. The RES notes that DTVA has a crucial role to play and that it should play its full potential in terms of passenger movements and should be encouraged to develop freight and maintenance services.

35. At the sub regional level the role of the airport is recognised in The Tees Valley Vision a key aspect of the policy is a commitment to developing the role and contribution of the DTVA with improved surface access and expansion of services. The airport is one of Tees Valley Regeneration’s five strategic regeneration sites in Tees Valley.

36. The Tees Valley Structure Plan, which was adopted in February 2004, sets out the locational strategy for the Tees Valley sub-region. The Structure Plan supports the growth of DTVA, recognising that it has potential to bring further wealth and prosperity. The Plan encourages further development of the airport for freight and passengers.

37. The Stockton-on-Tees Local Plan recognises that the Airport is an important asset to Teesside, and the Council seeks to protect the Airport from any development that would interfere with its operation. The Plan also states that the Council will view sympathetically development proposals that would help secure the long term future of the operation of the Airport. Policy TR21 in the Plan identifies land for airport-related uses.

MATERIAL PLANNING CONSIDERATIONS

38. The principle of the development of the site has been established through the formal grant of outline planning permission in 1999. This is still extant following the submission of subsequent applications to vary condition 2; the latest of these was granted in 2005. This has had the effect of extending the period for the submission of reserved matters pursuant to this outline until 7 July 2008.

39. Since the outline planning permission was granted DTVA has submitted two planning applications for the expansion of the Airport, comprising: Expansion of the operational airport, including extensions to the terminal, and a new business park, including offices, hotel and pub/restaurant. These proposed developments are separate from and do not affect the South Side development. They were the subject of a full Environmental Impact Assessment, the results of which were presented in an Environmental Statement (ES) which accompanied those applications. This ES acknowledged that South Side has planning permission and will be developed. Drawing on the findings of the ES, which accompanied the South Side proposals, it considers the economic and environmental impacts of the expansion of the Airport, the construction of North Side Business Park and the implementation of the permitted South Side scheme. The ES therefore ensures that

full account is taken of the permitted South Side scheme in consideration of the proposed expansion of the Airport.

40. It should be noted that the Long Newton interchange improvement scheme is under construction and the completion of these works will address safety concerns and environmental impacts associated with the current junction arrangements and facilitate the full implementation of the South Side permission.

41. The purpose of the application is to remove the restriction imposed on the site by the existing condition which currently only permits development that is related to the adjacent site. Condition 8 presently reads:

“The premises shall be used only for airport related activities. None of the buildings subsequently approved in any reserved matters submission shall be occupied until the applicant has submitted details of the proposed use and has obtained the written approval of the local planning authority that the occupier requires a location at or adjacent to an airport. In the event that any of the approved occupiers vacates any of the approved buildings, or parts of a building, subsequent occupation shall not take place until further written approval has been obtained from the local planning authority.”

42. Condition 8 currently restricts the type of uses and occupiers to airport related activities and to occupiers requiring a location at or adjacent to an airport. The condition also imposes a vetting procedure, whereby all potential occupiers must be approved by the Local Planning Authority.

43. This application proposes to vary the condition to read:

“The premises hereby permitted shall be used only for Airport-related activities and/or general employment uses falling within use classes B1, B2 and B8 of the Town and Country Planning Act (Use Classes) Order 1987 as subsequently amended. 20 ha of the site shall be made available for general employment uses. Prior to occupation of any building or phase of development, the Local planning Authority shall be provided with details of the nature of the operation and such details shall specify whether the said building or phase comprises airport related activities and/or general employment uses (including details of the hectarage of each use).

44. The applicant states that the proposed condition would take in to account and better reflect the provisions of the emerging RSS in terms of the reference to DTVA in policies 18 and 21. The proposals would introduce a degree of flexibility over the nature of the uses on Southside from aviation-related only by allowing 20 ha of general employment use. The applicant states that this flexibility is necessary in order to attract the funding from the joint venture partners needed to deliver site infrastructure and facilitate the first phase of development. It will, therefore, facilitate the delivery of much needed economic regeneration and job creation in the Tees Valley.

45. Policy 18 of proposed changes to RSS refers explicitly to the site, stating that:

‘20ha of Stockton’s 235ha general employment land and 5ha of Darlington’s general employment land is to be provided on land to the south of Durham Tees Valley Airport.’

This policy stance clearly refers to the site in question and makes provision for 20 hectares of the 80 hectare site within the boundary of Stockton-on-Tees Borough to be classified as general employment land. Therefore, amending condition 8 as proposed would ensure that the wording of the planning application and the development plan in relation to this site are better aligned and would better reflect the RSS as the latest available component of the development plan. Therefore, the proposal would be considered in conformity with RPG1 and proposed changes to RSS.

46. Condition 8 currently imposes a vetting procedure, whereby all potential occupiers must be approved by the Local Planning Authority. The applicant contends that paragraph 32 of Circular 11/95: The Use of Conditions in Planning Permission advises Local Planning Authorities against the use of the vetting procedure implied in condition 8, unless there are special planning grounds, because it interferes with the occupation of land and buildings, which is outside of normal planning control. More importantly, however, such procedures may serve to dissuade potential investors and businesses from locating in the area because of the delays and uncertainty intrinsic to the decision making process. The danger is that in a highly competitive and footloose market place, developers/occupiers initially attracted to DTVA may choose instead to invest in the numerous UK and European airport locations which do not have such onerous restrictions in place.

47. The applicant considers that the proposed wording whereby the details of the occupiers of all buildings would be submitted to the Local planning Authority together with an informative listing the uses RSS establishes of airport-related uses would allow the Local Planning Authority to retain appropriate control over the future uses at Southside.

48. In determining the original application the Secretary of State considered that the attachment of a condition to ensure, as far as possible, that the development would be used for airport related activities is essential. Furthermore the imposition of the condition by the Secretary of State was made with regards to Circular 11/95 and the emerging RSS proposes a definition of airport related uses that would be acceptable at the areas defined as this type of 'restricted' employment land. This has been revised following the Examination in Public of the submission draft RSS in 2006. The list that now appears in proposed changes to RSS reflects the intention to restrict the range of activities permitted on land adjacent to the airport. This list includes a range of facilities including those relating to freight handling and distribution, ancillary uses and supporting functions.

49. It should be noted that DVTA was subject to significant debate regarding the sustainability of the site for non-airport related uses at the Examination in Public on RSS. The Panel Report on the RSS examination stated that, "the allocation of what would amount to general employment land at the airports, could seriously undermine the realisation of the brownfield mixed use and prestige employment sites".

50. It is considered that a condition requiring the written approval of the Local Planning Authority to ensure that an occupier requires a location at or adjacent to the airport is reasonable and accords with the circular and from the planning standpoint it is considered important that the site is retained for airport related purposes.

CONCLUSION

51. It is considered that the provision of general employment uses on 20 ha of the site would facilitate the growth of DTVA as a key economic driver and would make a substantial and important contribution to the local economy through the facilities it will provide and the jobs it will create.

52. Provision is made in the proposed changes to the RSS that 20 hectares of the general employment land supply in Stockton-on-Tees will be provided on land to the south of Durham Tees Valley Airport. The change to condition 8 of the extant planning approval for this site would better reflect the RSS as the latest available component of the development plan. Therefore, the proposal would be considered in conformity with RPG1 and proposed changes to RSS.

53. With the imposition of a condition requiring the written approval of the Local Planning Authority to ensure that occupiers of the remaining site require a location at or adjacent to the airport will ensure that the site is retained for airport related purposes and assist in the realisation of brownfield mix use and employment sites in other locations.

54. In conclusion the proposal will enhance the role of the airport as a key economic driver in the Tees Valley area with significant employment creation and investment implications and is consequently recommended for approval.

CORPORATE DIRECTOR OF DEVELOPMENT AND NEIGHBOURHOOD SERVICES

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Financial Implications - Stockton on Tees Borough Council together with the other local authorities in the Tees Valley share a 25% shareholding in the airport. Any increase in the usage of the airport may have a financial implication on the value of the shareholding.

Environmental Implications - As report

Community Safety Implications - As report

Background papers - Stockton on Tees Local Plan (June 1997), Adopted Tees Valley Structure Plan (February 2004), Draft Regional Spatial Strategy, Application files 95/1999/P, 02/1963/P and 05/0957/ARC.

Human Rights Implications - The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

WARD AND WARD COUNCILLORS

Ward Eaglescliffe
Ward Councillors Councillor A L Lewis, Councillor J. A. Fletcher, Councillor Mrs M. Rigg