

DELEGATED

AGENDA NO

PLANNING COMMITTEE

10th October 2007

**REPORT OF CORPORATE DIRECTOR OF
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

UPDATE REPORT

SUMMARY

This report updates the report for agenda item 4. A further consultation response has been received and is set out below.

CONSULTATIONS AND VIEWS RECEIVED

1. One further letter has been received from Durham County Council, which can be summarised as follows.

Durham County Council stresses the general principle that development at airports should be determined in relation to Policy 21 of the RSS (Proposed Changes), which defines airport related development. The RSS EiP Panel commented in their report (para 5.40) "We feel that the allocation of, in effect what would amount to general employment land at the airports could seriously undermine the realisation of the brownfield mixed use and prestige employment sites". The Panel therefore recommended that the policy in the submission draft RSS be modified to exclude the section dealing with non-airport related uses and this has been carried through into the proposed changes.

The NEA have taken the view that the proposal is in general conformity with RSS because of the footnote to Policy 18, which refers to 20ha of Stockton's general employment land to be provided on land to the south of Durham Tees Valley. Whilst the footnote would seem to be at odds with the principles expressed in Policy 21, I would accept that the NEA is the determining authority in judging conformity in this matter.

However, the interpretation of the footnote by the applicant in the proposed rewording of condition 8 to state "no **less** than 20 hectares" shall be made available for general employment, rather than no **more** than 20 hectares, would further undermine the principle of reserving land at airports for airport-related development, which is to the benefit of the region as a whole. The County Council considers the variation of the condition as proposed would mean that 20 hectares of the airport site would be restricted to general employment

use even if it became needed for airport use and, potentially, it would allow general employment to take up much more than 20 hectares of the airport site.

CONCLUSION

2. In terms of assessing the conformity of the development proposal with regional planning policy, the North East Assembly has considered the proposal and commented that 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.

3. For clarification it should be noted that the variation being proposed has been amended to read, “**No more** than 20 hectares of the site shall be made available for general employment uses”.

4. The additional response does not alter the recommendation of the main report, which is that the application be approved with conditions.

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