

Item 5

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

7/2005/0826/DM

APPLICATION DATE: 30 March 2006

PROPOSAL: **ERECTION OF 9 NO. INDUSTRIAL/WAREHOUSE UNITS WITH ANCILLARY OFFICES AND ASSOCIATED FORECOURT AND SERVICE YARD**

LOCATION: **LAND AT LONG TENS WAY/MILLENNIUM WAY NEWTON AYCLIFFE DL5 6AP**

APPLICATION TYPE: Detailed Application

APPLICANT: Easter Properties (Newton Aycliffe) Ltd
4 Grosvenor Place, London, SW1X 7ES

CONSULTATIONS

1. GREAT AYCLIFFE TC
2. DCC Landscape
3. GO N.E.
4. DCC (PROWS)
5. POLICE HQ
6. LANDSCAPE ARCH
7. DESIGN
8. ECONOMIC DEV
9. L.PLANS
10. ENV. HEALTH
11. ENGINEERS
12. Lee White
13. ENV AGENCY
14. BUILDING CONTROL
15. AIP - OWNERS
16. ENGLISH NATURE
17. NORTHUMBRIAN WATER
18. DCC (TRAFFIC)
19. DCC (PLANNING)
20. Cllr. Mr. J.K. Piggott
21. Cllr. W.M. Blenkinsopp
22. Cllr. J.P. Moran
23. WILDLIFE TRUST
24. HEALTH & S.E.
25. Terry Coult
26. ENGLISH NATURE
27. WILDLIFE TRUST
28. Countryside Team
29. WILDLIFE TRUST
30. DCC (PROWS)
31. ENGLISH NATURE
32. ENGLISH NATURE
33. WILDLIFE TRUST
34. Lee White

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59.	WILDLIFE TRUST
60.	Countryside - DCC
61.	ENGLISH NATURE
62.	Terry Coult

NEIGHBOUR/INDUSTRIAL

BOROUGH PLANNING POLICIES

D4	Layout and Design of New Industrial and Business Development
E14	Safeguarding Plant and Animal Species Protected by Law
E15	Safeguarding of Woodlands, Trees and Hedgerows
E17	Protection of Archaeological Remains
IB1	Types of Industry and Business Areas
IB5	Acceptable uses in Prestige Business Areas
T6	Improvements in Road Safety
T7	Traffic Generated by New Development
D1	General Principles for the Layout and Design of New Developments
D4	Layout and Design of New Industrial and Business Development

THE PROPOSAL

This application seeks full planning permission for development on a 3.91 hectare site at Long Tens Way, Newton Aycliffe. The application seeks permission for:

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- the erection of 9 Industrial units providing a total floor space of 14,695sqm to be used for any purpose within Class B1 light industrial, Class B2 (general industrial) and Class B8 (storage and distribution).
- Car park, forecourt and servicing facilities for each unit comprising a total of 282 car parking spaces (12 disabled spaces), 20 loading bays for lorries and trucks and 40 cycle spaces.
- A mix of hard and soft landscaping including soft landscaping along the eastern boundary of the site and the enhancement of a shelterbelt that surrounds the site.

Following initial screening of the application it was considered that an Environmental Impact Assessment was required as the proposal may have significant environment impacts. As such the applicant undertook a full detailed environmental assessment and a detailed Environmental Statement and Traffic Impact Assessment have been submitted with the application. The environmental statement covers a wide variety of issues including ecology and nature conservation, archaeology, transportation and access and water resources and flood risk.

The application site is bound to the north by a waste transfer station, Long Tens Way to the east, Millennium Way and an electricity sub station and open fields to the south and the railway line to the west. The application site is a Greenfield site and consists of 4 fields that are currently used for grazing land with a small area to the south of the site that is not used for grazing and which supports long grass and ruderal herbs. The site is divided into fields by hedgerows / shrubs and wire fencing and there are a several crab apple trees located in the centre of the site. Access to the development is proposed via three locations off Long Tens Way.

CONSULTATION AND PUBLICITY

Great Aycliffe Town Council has no observations or objections regarding the proposal.

The County Engineer originally expressed comments the Traffic Impact Assessment, cycle parking and routes, the Travel Plan, junction radii and location of the junction. The applicant was informed of these comments and following discussions between the County Council and the applicant's engineer's further details and amended plans were provided. As such no objections are now raised regarding the development.

Durham County Council Rights of Way Officer has advised the public bridleway No 11 on the southern boundary, public bridleway No 6 on the eastern boundary and public footpath No 5 on the northern boundary, all of Great Aycliffe Parish would not be affected but it should be ensured that they are not obstructed or damaged.

The Environment Agency has raised no objections but advised should planning permission be granted several conditions be imposed relating to surface water run off and contaminated land.

Durham County Council Policy Section advised that the application site lies within a Prestige Business Area as identified in Policy IB5 of the Sedgfield Borough Local Plan, that there should be a high standard of landscaping, layout and building design and that as there are two ponds on the site that presence of Great Crested Newts are assessed.

Durham County Council Archaeological Section originally requested that the results of an archaeological evaluation of the site are provided in support off the planning application. This

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work was undertaken by the applicant and which indicated that there were no features of significant archaeological interest that would require further mitigation. As such no objections to the development are raised.

English Nature originally objected to the application as insufficient information had been provided with the application to demonstrate whether or not the development would have an adverse effect on species especially protected by law. Of particular concern was the impact of the proposed development to Great Crested Newts. The applicant was informed of English Nature's reason for objection and the need for further information. In June 2006 a full detailed Great Crested Newt and Bat Survey was submitted and, based on the information provided, English Nature withdrew their previous objection subject to a condition being imposed stating that the no development shall be carried out unless in accordance with the mitigation detailed within the submitted report.

Durham Wildlife Trust originally objected to the application as no up to date information had been provided and that the mitigation proposal put forward were inadequate. However, following the submission of the Great Crested Newt and Bat Survey the objection was withdrawn although the Trust considered that it would be preferable if a method statement could be produced to guide contractors as to the correct course of action if bats are found in trees on site.

Site notices were erected, an advertisement placed in the local press and letters were sent to neighbouring occupiers advising of the application and to date no letters of representation have been received.

PLANNING CONSIDERATIONS

Compliance with National Planning Policy and Guidance and Local Plan Policies.

The land that is subject to this application is designated under Policy IB2 'Designation of Type of Industrial Estate' of the Borough Local Plan as an existing prestige business area. The primary objective of prestige business areas is to encourage the manufacturing and service industries. Class B1, B2, and B8 are acceptable uses under Policy IB5 'Acceptable Uses in Business Areas'. In all cases a high standard of site layout, building design and landscaping is required as set out in Policy D4 and SPG 2 'Development on Prestige Business Areas'. In this instance it is considered that the proposal is in accordance with these policies.

Policy 19 of the County Durham Structure Plan (CDSP) supports this view by stating that, when developing prestige employment sites for industrial uses, developments should incorporate high standards of layout, landscaping and building design should be maintained. It also emphasises that Prestige industrial estates are major, strategically important sites where high standards of layout, building design and landscaping is sought.

PPG4 (Industrial, commercial development and small firms) sets out locational factors for development of this nature to be considered against. As this location is well separated from the residential areas of Newton Aycliffe, and having excellent transport links to national routes, the site performs well against the locational requirements set out in PPG4.

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Policy DP1 of RPG1 sets out the sequential approach to the identification of sites for development, recognising the need to make the best use of land and optimise the development of previously developed land and buildings in sustainable locations

Given the above the development represents an acceptable use within a prestige business area, where the principle of industrial development on the site has been firmly established through the Local Plan process.

Ecology and Nature Conservation

Circular 06/2005 'Biodiversity and Geological Conservation Statutory Obligations and Their Impact Within The Planning System' that accompanies Planning Policy Statement 9 'Biodiversity and Geological Conservation' states that *'the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat'* (Para 98).

Circular 06/2005 also advises that 'it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted'.

Given the existence of a population of great crested newts on the business park and adjacent land a strategy for the great crested newts on the business park and for the future Heighington Lane West area was commissioned and a survey of 13 ponds within the area was carried out in spring 2004. It was found that great crested newts were found in all but ponds 1, 2, 3 and 4 of which ponds 3 and 4 are located on the application site. This survey was then repeated in March, April and May 2006 and no great crested newts were found and as such no mitigation considered necessary.

As part of this application it is proposed to remove the existing ponds and despite the absence of great crested newts from the site the applicant proposes several measures to improve the remaining habitat for the benefit of this species. These improvements include:

- The replacement of the two on site ponds with two new better designed, deeper and well maintained ponds
- Establishing two hibernacula close to the new ponds
- Planting a new hedgerow along the shelterbelt around the site to provide continuity of habitat and a better environment for great crested newts than currently exists on the site.

In addition to the great crested newt survey a bat survey was also conducted in 2006 and involved the inspection of trees by an arborist and a licensed bat worker. The bat survey identified that most of the potential roosting habitats within trees identified from the ground were physically unsuitable or did not exist on closer inspection. No signs of any past or current bat use were found on site and so the potential impacts to bats as a result of the development are likely to be negative to neutral of low to no significance.

In terms of other protected species the application site was assessed for the presence of badgers, dormice, birds and reptiles and it was concluded that there would be no detrimental impact to these species although a condition ensuring that no work is undertaken in summer months in order that development does not impact on any breeding birds. As such the proposal

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is considered acceptable and from the information submitted there would be no detrimental impact to any protected species.

Regarding hedgerows on the site there are four hedgerows that contain several trees that are considered to be species poor and have suffered from long term under management and their removal is considered to be acceptable under the Hedgerow Regulations 1997. However, there are three crab apple trees that are of significant maturity and, following the submission of this application, were protected by a Tree Preservation Order. Given the importance of these trees it is considered that they must be retained. Two trees are currently sited in the middle of the site and are therefore a significant constraint in the development of the site. Following detailed discussions with the Council's Tree Preservation Officer it has been agreed that the two crab apple trees located in the middle of the site can be relocated to the northwest corner of the application site. A detailed method statement to facilitate the successful relocation of these two trees has been agreed with the developer and the implementation of this method statement would be a condition of consent for the development. Highly experienced contractors will carefully excavate the tree rooting system and the entire tree and root ball will be lifted by crane onto a vehicle. The trees would then be transported across the site and lifted by crane into a specially prepared receptor site where the trees will be secured temporarily in place by guide ropes. Maintenance and watering will then be carried out for 2 years following the relocation.

Archaeology

The archaeological potential of the site was assessed using information held at the Durham Sites and Monuments Record, from a site walkover undertaken in January 2006 and an intrusive archaeological field evaluation undertaken in June 2006. The history of the site was reviewed by the applicant by a study of documents and although historic aerial photographs and the site visit identified remains of ridge and furrow earthworks and following completion of the field evaluation, the site has been shown to have limited archaeological potential. It was found that there is negligible archaeological interest for the southern part of the site and low potential for features not associated with medieval and post medieval / modern agricultural land management for the northern part of the site. The residual impacts of the development are therefore considered to be negligible and no mitigation measures are considered necessary.

Transportation and Access

The Traffic Impact Assessment has shown that the development would have a negligible impact on the local transport infrastructure during construction and once completed. The existing highway infrastructure can adequately accommodate the development at the assumed opening year of 2007. Improvements to cycle and pedestrian routes and facilities would be made with the provision of a shared pedestrian / cycle footpath across the site and 40 cycle spaces would be provided. It is considered that the proposed parking and servicing areas are acceptable.

In addition, to encourage sustainable transport choices by future employees of the units a travel plan would be developed to help reduce car use and promote sustainable travel choices.

Water Resources and Flood Risk

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The impact of the development on surface water and groundwater and also potential risk of flooding has been considered by the applicant and a flood risk assessment was carried out. It is considered that the overall impact on groundwater and surface water is negligible during the construction phase. During the sites operation the risk of flooding is negligible as is the potential impact on groundwater flows as a result of drainage and service runs. In terms of surface water it is considered that because the additional surface water runoff from areas of hardstanding would be collected in a tank before being discharged the impacts on surface water would be negligible.

Design and Layout

The application proposes a mix of 9 industrial units constructed with a steel superstructure and a mix of cladding systems and all the units would be constructed from the same materials to create colour and design uniformity. Given the overall scale of the buildings initial concern was raised with the applicant regarding the visual impact of the development particularly in respect of the scale and roof profile of units 8 and 9 and for the elevational treatment of the gables fronting Long Tens Way and the roof profile. In order to address these concerns the applicant has amended the scheme by increasing the amount of glazing and adding coloured cladding into the side elevations of units 8 and 9 and inserting glazing into the side elevation of unit 3 thereby creating a clear outward looking frontage towards Long Tens Way. In addition, by increasing the amount of glazing in the side elevations also contributes to reducing the overall scale and bulk of the buildings.

On units 8 and 9 the roof profile was amended so that roof pitch was reduced thereby in turn reducing the overall ridge height of the buildings from 14 metres to approximately 13 metres. This has therefore resulted in the overall scale and bulk of the building being minimised with less dominance to Long Tens Way. It should also be noted that in order to reinforce the fact that units 8 and 9 are separate distinct buildings as opposed to one large building, particularly if viewed from a distance, the distance between these units has been increased.

Externally it is proposed there would be a mix of hard and soft landscaping with soft landscaping proposed along the eastern site boundary, which would be maintained as rough grass and saplings. In addition, the shelterbelt that surrounds the site would be retained and enhanced by the addition of native species. The southern area of the site would remain undeveloped.

CONCLUSION

It has been demonstrated that the proposed development would have a negligible impact on a wide range of issues identified above and is in accordance with national and local plan policy. The proposed development would result in a high quality development and of a high architectural standard representative of its location in a prestige business area. As such the proposed development is considered acceptable.

HUMAN RIGHTS IMPLICATIONS

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It is considered that in general terms the provisions of the Human Rights Act 1998 have been taken into account in dealing with the above application.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

RECOMMENDATION

It is recommended that planning permission be granted subject to the following conditions:

1. The development hereby approved shall be begun not later than the expiration of 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out only in accordance with the submitted application, as amended by the following document(s) and plans:

Elevations - Plan numbers 22048 PL06 - 9 Rev B

Floor Plans - Plan numbers 22048 PLO3-5 Rev B

Site layout Plan 22048 PLO2- received 8/9/06 Rev D

PL11 Sample Elevation indicating materials and colours

Environmental Statement 1st issue dated March 2006

Addendum 1st issue dated August 2006.

Traffic Assessment Report dated March 2006

Archaeological Evaluation dated July 2006

Great Crested Newt Survey and Bat Survey Version 4 (contained in the Addendum) and extended phase 1 survey March 2006 showing only the location of existing ponds.

Reason: To ensure that the development is carried out in accordance with the approved documents.

3. Notwithstanding any description of the materials in the application, no development shall be commenced until details of the materials and detailing to be used for the external surfaces, including the roof and render colour, of the building have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details to the satisfaction of the Local Planning Authority.

Reason: To enable the Local Planning Authority to control details of the development in the interests of visual amenity, and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

4. 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 trapped gullies installed in accordance with a scheme previously submitted to and approved by the Local Planning Authority. Roof water shall not pass through the gully.

Reason: To prevent pollution of the water environment and to comply with Policy D13 (Development Affecting Watercourses) of the Sedgefield Borough Local Plan.

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5. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: To prevent pollution of the water environment and to comply with Policy D13 of the Sedgefield Borough Local Plan.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The landscaping shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.

7. No development shall be commenced until trees T3 and T4 of Tree Preservation Order 39/2006 have been satisfactorily relocated following the agreed Tree relocation method statement (0615-EH-MS004) produced by BEA Landscapes.

Reason: To ensure the long-term protection of the trees and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.

8. No development shall be commenced until T2, T3 and T4 of Tree Preservation Order 39/2006 have been satisfactorily protected by the installation of fencing as outlined in British Standard 5837:2005.

Reason: To ensure the protection of the trees and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.

10. The car park shown on the plan hereby approved shall be marked out and made available for use prior to the development hereby approved being brought into operation, in accordance with details to be agreed with the Local Planning Authority. The car park shall be retained and maintained in accordance with the approved details for as long as the use remains.

Reason: To make proper provision for off-street parking and to comply with Policy T9 (Provision of Car Parking) of the Sedgefield Borough Local Plan.

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11. Prior to the commencement of development a detailed plan indicating the location of material storage and employee parking on site shall be submitted to and approved in writing by the Local Planning Authority. These areas shall be available and used at all times during construction.

Reason: In the interest of amenity during the construction of the development and to comply with Policy D10 (Location of Potentially Polluted Developments) of the Sedgfield Borough Local Plan.

12. Prior to the commencement of development on site a vehicle wheel washing facility shall be installed at the main exit from the site. All construction traffic leaving the site must use the facility and it must be available and maintained in working order at all times.

Reason: In the interest of amenity and to reduce the amount of mud on the roads and in accordance with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgfield Borough Local Plan.

13. Before any works are commenced, detailed drawings showing the existing and proposed site levels and the finished floor levels of the proposed new buildings and those (if any) neighbouring properties shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed entirely in accordance with these approved details.

Reason: To ensure the existing ground and landscape conditions are protected from undue disturbance and to safeguard the amenity of neighbouring occupiers and to comply with Policy D5 (Layout of New Housing Development), of the Sedgfield Borough Local Plan.

14. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and detail.

Reason: To prevent pollution of the water environment and to comply with Policy D13 of the Sedgfield Borough Local Plan.

15. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA) shall be carried out until the applicant has submitted, and obtained written approval from the LPA for, an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with the approved details in the interests of protection of Controlled Waters.

16. No development shall take place unless in accordance with the mitigation detailed within paragraphs 13.0 - 16.0 and Appendices V - VI of the protected species report entitled Land at Long Tens Way, Newton Aycliffe, Durham - Great Crested Newt and Bat Survey, version 4 (Michael Woods Associated July 2006) including, but not restricted to provision of habitat mitigation and enhancement works, undertaking confirming surveys; adherence to precautionary working methods.

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Reason: To safeguard species protected by law and to comply with Policy E14 Safeguarding Plant and Animal Species Protected by Law.

17. During the construction period, and where relevant post construction, any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment and to comply with Policy D13 of the Sedgefield Borough Local Plan.

18. Prior to the commencement of the development full construction details of the proposed ponds within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details.

Reason: To safeguard species protected by law and to comply with Policy E14 Safeguarding Plant and Animal Species Protected by Law.

19. There shall be no site clearance or ground disturbance during the months of March and August inclusive unless it can be proven by a suitably experienced person that no nesting birds are utilising the site on the day such clearance is due to take place.

Reason: In order to safeguard protected species in accordance with Policy E14 (Safeguarding Plant and Animal Species Protected by Law) of the Sedgefield Borough Local Plan.

INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSION

In the opinion of the Local Planning Authority the proposal is acceptable in terms of its location, design, use of materials, layout, amenity, highway safety and car parking.

INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISION

The decision to grant planning permission has been taken having regard to the key policies in the Sedgefield Borough Local Plan as set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

Policy E14 Safeguarding Plant and Animal Species Protected by Law

Policy E15 Safeguarding of Woodlands, Trees and Hedgerows

Policy E 17 Protection of Archaeological Remains

Policy IB1 - Types of Industry and Business Areas

Policy IB5 - Acceptable Uses in Prestige Business Areas

Policy T6 Improvements in Road Safety

Policy T7 - Traffic Generated by New Development

Policy D1 - General Principles for the Layout and Design of New Developments

Policy D4 - Layout and Design of New Industrial and Business Development

SPG 2 'Development on Prestige Business Areas'

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