

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/17/01621/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Construction of a portal framed industrial building (B2 and B8) and associated development</b>
<b>NAME OF APPLICANT:</b>	<b>Kevin Gay on behalf of PWS Distributors Ltd</b>
<b>ADDRESS:</b>	<b>Proposed Paint Line Building, Land To The North Of Heighington Lane, Aycliffe Business Park, Newton Aycliffe, DL5 6AH</b>
<b>ELECTORAL DIVISION:</b>	<b>Aycliffe East</b> <b>Laura Eden</b>
<b>CASE OFFICER:</b>	<b>Senior Planning Officer</b> <b>03000 263980</b> <a href="mailto:laura.eden@durham.gov.uk">laura.eden@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site lies to the north of Heighington Lane, Newton Aycliffe in an area defined as a general industrial estate by policy IB2 of the Sedgfield Borough Local Plan. The surrounding area is predominantly within industrial usage. Approximately 270m to the west of the site on the opposite side of Heighington Lane lies the Locomotion One Public House, a Grade II listed building and Grade II listed signal box at Heighington Station.
2. The application site lies to the north of Heighington Lane and to the east of Spring Road. It is roughly 'L' shaped and wraps round the back of the existing PWS building located off Spring Road. The site area extends to 1.49ha. The southern portion of the site is greenfield and relates to an undeveloped portion of the industrial estate which benefits from landscaping in the form of boundary hedgerows and there are numerous mature trees. Demon's Beck follows the northern and western boundaries and small sections of the site surrounding this are within flood zones 2 and 3. The northern portion of the site relates to existing hard surfaced areas associated with the adjacent PWS building.
3. PWS is recognised as one of the leading UK Distributors of Kitchen Components. In addition to the development site they occupy other units immediately to the north, west and northwest. Car parking is allocated on two sites within the PWS complex with site wide provision for 340+ vehicles.

#### The Proposal

4. Planning permission is sought for the erection of an industrial building and associated development including demarcated parking spaces, access arrangements, works to

the waterway and landscaping. The building would measure approximately 120m wide by 43m long and would extend to 7,600sqm. It would be comparable in terms of height and materials used to the existing PWS building immediately to the north of the site being 13.5 metres high and constructed from metal cladding panels to the south, east and west elevations, profiled metal cladding to the north elevation and powder coated aluminium windows and doors. The materials would be various shades of grey.

5. The proposals would also include a new vehicular access being created onto Heightington Lane as well as pedestrian and vehicular crossing points over Demon's Beck. There would be new car parking provision including disabled bays, vehicle charging point and cycle storage.
6. This application is being referred to the Planning Committee as the proposed floor area for the developments exceeds 5,000sqm.

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## **PLANNING HISTORY**

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7. Whilst there is no planning history associated with this site there have been a number of planning applications relating to the wider PWS site. Most recently consent was granted by Members of the South West Planning Committee for the demolition of existing warehouse and construction of new warehouse DM/17/00942/FPA.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
10. The following elements are considered relevant to this proposal;
11. *NPPF Part 1 Building a Strong, Competitive Economy*. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
12. *NPPF Part 4 – Promoting Sustainable Transport*. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.

13. *NPPF Part 7 – Requiring Good Design*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
14. *NPPF Part 10 Meeting the Challenge of Climate Change, Flooding and Coastal Change*. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
15. *NPPF Part 11 – Conserving and Enhancing the Natural Environment*. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
16. *NPPF Part 12 – Conserving and Enhancing the Historic Environment*. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

*The above represents a summary of the NPPF considered most relevant the full text may be accessed at:*

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

## **LOCAL PLAN POLICY:**

### Sedgefield Borough Local Plan

17. Policy IB2 (Designation of Type of Industrial Estate) Outlines the designated industrial estates across the borough.
18. Policy IB6 (Acceptable Uses in General Industrial Estates) Sets out acceptable uses within General Industrial Areas, taking account the purposes of such areas.
19. Policy IB13 (Extension to Industrial and Business Premises) States a presumption in favour of such proposals provided adjacent industrial and business premises are not adversely affected, the site is not over intensively developed and there are no negative impacts in respect of residential amenity, area character or traffic generation.
20. Policy D1 (General Principles for the layout and design of new developments) Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
21. Policy D2 (Design for people) Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.

22. Policy D3 (Designed with pedestrians, cyclists, public transport) Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
23. Policy D4 (Layout and Design of new Industrial and Business Development) Sets out that the layout and design of all new industrial and business development will normally be expected to have a high standard of building design, accommodate traffic generated by the development without causing danger or inconvenience to other road users and have an appropriate standard of landscaping including screening of open storage areas.
24. Policy E15 (Safeguarding woodlands, trees and hedgerows) Sets out that the Council expect development to retain important groups of trees and hedgerow and replace any trees which are lost

#### Great Aycliffe Neighbourhood Plan

25. The site falls within the geographical scope of the Great Aycliffe Neighbourhood Plan. This plan received support through a recent referendum and now has development plan status.
26. Policy GANP R3 (Supporting Local Job Opportunitues) Sets out that support will be given to the development of employment activities in suitable and appropriate locations.
27. Policy GANP CH3 (Existing Amenity Open Spaces & Recreational Areas) Sets out that existing open spaces, sports and recreational buildings and land including playing fields and amenity open space not identified in GANP CH2 should not be built upon unless certain criteria are met.
28. Policy GANP E4 (Existing Tree Retention and Removal) Sets out that new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the need for, and benefits of, the proposal clearly outweigh the loss. If this is the case mitigation planting will be required.
29. Policy GANP E5 (Protection of existing trees within new development) Sets out that new development will be expected to safeguard existing trees where appropriate and integrating them fully into the design and protecting them during construction having regard to their management requirements and growth potential.

#### **RELEVANT EMERGING POLICY**

##### The County Durham Plan

30. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

31. *Great Aycliffe Town Council* – No comments received
32. *Highways Authority* – No objection subject to the imposition of an informative
33. *Northumbrian Water* – No comments to make
34. *Environment Agency* – No objection however offer advice in relation to protecting groundwater resource from pollution

### INTERNAL CONSULTEE RESPONSES:

35. *Policy* – Do not consider that paragraph 14 of the NPPF is engaged
36. *Travel Plan Advisor* – The travel plan does not currently meets the required DCC standards therefore a condition is required
37. *Landscape Section* – Whilst the compensatory planting proposed is likely to give a satisfactory level of screening concerns are raised in relation to the existing hedge. Further clarification is required in this regard.
38. *Tree Officer* – Disappointed that trees will be lost as part of the proposal many of which are good specimens and contribute to the amenity of the area
39. *Design and Conservation Section* – Whilst it is not considered that the development would affect the setting of the nearby listed building and signal box concerns are raised regarding the form and detailed design of the building as well as the loss of existing landscape.
40. *Drainage* – No objection
41. *Ecology* – No objections to the proposals subject to the imposition of conditions to secure the adherence to mitigations measures outlined in the submitted ecology report and a landscaping scheme incorporating mitigation for the habitat lost including its future maintainence
42. *Environmental Health (Contaminated Land)* – Is satisfied with the submitted Phase 1 Desk Top Study and agrees with the risk assessment and recommendations. Due to its findings a contaminated land condition is required.
43. *Environmental Health (Noise)* – Unlikely to have any significant adverse impacts given location within industrial estate however as assessing the plant which is required to ensure this is the case
44. *Environmental Health (Air Quality)* – No objections however advise that the business would require an environmental permit
45. *Sustainability* – No objections
46. *Archaeology* – No objections

## **PUBLIC RESPONSES:**

47. The application has been advertised by a press notice, on site and neighbouring residents were notified. No letters of representation have been received.

## **APPLICANTS STATEMENT:**

48. None received

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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49. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development; access and highway safety, impact on surrounding land users, visual, heritage and landscape impact, drainage and flooding and other considerations.

### Principle of development

50. The site is designated under Policies IB2 and IB6 of the SBLP as an existing general industrial area Class B1, B2, and B8 (storage and distribution) are acceptable uses under Policy IB6. Despite the ages of the SBLP, the Employment Land Review identified that this area should continue to be allocated for B1, B2 and B8 uses. The policies are not therefore out of date and remain consistent with NPPF Part1, which encourages the building of a strong, competitive economy.

51. The Great Aycliffe Local Plan fully support the continued functioning of the business park as a major employment site with the potential to contribute significantly to the economy of the County. Policy R3 of the GANP aims to support local job opportunities which this proposal would develop.

52. The site is identified in the Open Space Needs Assessment (OSNA) 2010 as an area of amenity open space however has not been allocated as a 'Woodland/and or Grassed area' or a 'Local Green Open Space' within the GANP. Due to the specific site circumstances and considering it does not form an area of amenity open space it is questioned whether the area has been correctly identified in the OSNA and for the purposes of this application should not be considered as such. For these reasons it is not considered policy CH3 of the GANP is engaged.

53. The proposed development would support a successful established local business and employer within the area. It is wholly in accordance with the NPPF, Sedgefield Local Plan and Great Aycliffe Local Plan. It is therefore considered that the principle of development is acceptable, subject to the acceptability of detailed matters.

### Access and Highway Safety

54. The access and egress arrangements onto Heighington Lane are considered acceptable by the Highway Authority. Furthermore, the proposal would provide for sufficient car parking spaces including ones with electric charging points and cycle storage in line with DCC adopted standards.

55. The submitted Travel Plan does not currently meet the required DCC standard therefore a condition is required in this regard.

56. The proposal accords with policies D1, D3 and D4 of the SBLP in terms of highway and access issues.

#### Visual, Heritage and Landscape Impact

57. Part 7 of the NPPF deals with good design generally advising that it is a key aspect of sustainable development, indivisible from good planning that can lead to making places better for people. Policies D1 and D4 of the SBLP expect development proposals to include an appropriate standard of design. Policy E15 seeks to retain important groups of trees where possible and replace any trees which are lost. GANP Policies E4 and E5 outline similar requirements.

58. There is no question that the building would be large and visible from adjacent roads. It is also unfortunate that some of the trees within the site will be lost. However, the site is located firmly within an industrial landscape and the proposed building would be comparable in scale and appearance to others in the area, so it would not be incongruous in this setting. The existing hedgerow will be retained and there will be some opportunities for new landscaping within the site.

59. The Design and Conservation Section has commented that it may be possible to view the proposed building from the Grade II Listed Locomotion PH and signal box at Heighington Station, which lies further to the west along Heighington Lane and therefore consider that regard should be given to their setting as required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, the setting of the Locomotion PH and signal box at Heighington Station is very narrowly defined because it sits within the industrial estate already surrounded by large industrial buildings. Their significance is in relation to the railway line, not the surrounding area. The application site being much further away, in a separate part of the industrial estate, could not be considered to fall within the setting of these listed buildings and it is doubted that the proposed building would even be seen from the railway crossing because of the road geometry and existing buildings and trees.

60. Taking all the above into account, it is considered that the proposed development is appropriate to its context and would not cause any significant harm to the character and appearance of the surrounding area, or significance of nearby heritage assets. The loss of some trees on the site is the only minor negative, but is significantly outweighed by the economic benefits of the proposal. There is no significant conflict with policies D1 and D4 of the SBLP, Policies E4 and E5 of the GANP, and part 7 of the NPPF.

#### Other Issues

61. The Lead Local Flood Authority has been consulted and accepts the submitted drainage design with regards to surface water management. The Environment Agency and Northumbrian Water have no objections, but the Environment Agency recommend informatives relating to best available technology and practice being employed to protect groundwater resources from pollution.

62. The submitted Phase 1 Contaminated Land Report makes recommendations for further Phase 2 Site Investigation. The Contaminated Land Section is satisfied that this can be dealt with by a condition.

63. The Ecology Section has no objection subject to the mitigation detailed in the submitted ecological report and appropriate landscaping to provide some new compensatory habitat, which can be included as part of the overall landscaping scheme.

64. The Air Quality section have highlighted that the proposed use requires an environmental permit, but this is administered outside the planning process and can therefore be left to an informative.
65. The proposals includes a Sustainability Report which outlines how the development will embed sustainability to support the NPPF aims of reducing greenhouse emissions.

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## **CONCLUSION**

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66. The proposal involves works to improve the operational efficiency and competitiveness of an established business and local employer on the Aycliffe Business Park. It is considered that the site represents a suitable and sustainable location for further industrial development both in principle and in detailed terms. There is no conflict with the policies of the Sedgefield Local Plan, Great Aycliffe Neighbourhood Plan and NPPF.

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## **RECOMMENDATION**

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That the application be APPROVED subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of 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. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Drg. no. 16.02/01 location plan received 26/05/2017  
Drg. no. 16.02/03 proposed site layout rev. A received 26/05/2017  
Drg. no. 16.02/04 proposed ground floor plan received 03/07/2017  
Drg. no. 16.02/05 Rev. A proposed roof plan received 03/07/2017  
Drg. no. 16.02/06 Rev. B proposed office floor plans received 10/07/2017  
Drg. no. 16.02/07 Rev. B proposed elevations received 10/07/2017  
Drg. no. 16.02/08 Rev. A proposed cross section received 10/07/2017  
Drg. no. 16.02/10 proposed security fence received 15/05/2017  
Drg. no. 16.02/11 rev. A drainage strategy received 26/05/2017  
Drg. no. 16.02/12 proposed car parking plan rev. A received 27/06/2017  
Drg. no. 16.02/14 site sections received 15/05/2017  
Drg. no. 1706.02B planting received 10/07/2017  
Drg. no. 17.024 SK1 proposed bridges received 31/05/2017  
Desk Study Phase 1 Geoenvironmental Investigation dated March 2017  
Flood Risk Assessment received 15/05/2017  
Water Vole Survey by Dendra Consulting Ltd dated 21/04/2017  
Ecological Appraisal by Dendra Consulting Ltd dated 03/05/2017  
Great Crested Newt Survey by Dendra Consulting Ltd dated 18/05/2017  
Great Crested Newt Mitigation Addendum by Dendra Consulting Ltd dated 30/06/2017  
Air Quality Assessment by N-E-M-S dated May 2017  
Sustainability Statement by Sine Rev 2 dated June 2017

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with E15, D1 and D4 of the Sedgfield Borough Local Plan and Policies E4 and E5 of the Great Aycliffe Neighbourhood Plan.

3. No development shall commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following, unless the Local Planning Authority is satisfied that the site is suitable for the proposed use and dispenses of any such requirements, in writing:

#### Pre-Commencement

(a) A Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

(b) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

#### Completion

(c) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

4. The development shall not be occupied/brought into use until a detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of planting species, sizes, layout, densities, numbers, protection during establishment and long term maintenance arrangements.

The approved landscaping scheme shall be completed in the first planning season following the substantial completion of the development. Any trees or plants which die, fail to flourish or are removed shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of the appearance of the area and to comply with policies E15, D1 and D4 of the Sedgfield Borough Local Plan.

5. The development shall be carried out in accordance with Section E (Mitigation and Compensation) of the Great Crested Newt Report by Dendra dated 18/05/2017.

Reason: To ensure the preservation and enhancement of species protected by law in accordance with Part 11 of the National Planning Policy Framework.

6. Within 6 months of occupation a Final Travel Plan, conforming to the ethos and direction of the National Specification for Workplace Travel Plans, PAS 500:2008, Bronze level, shall be submitted to and approved in writing by the Local Planning Authority. Once approved the Travel Plan must be implemented for the lifetime of the development.

Reason: In order to encourage sustainable means of travel in accordance with part 4 of the NPPF.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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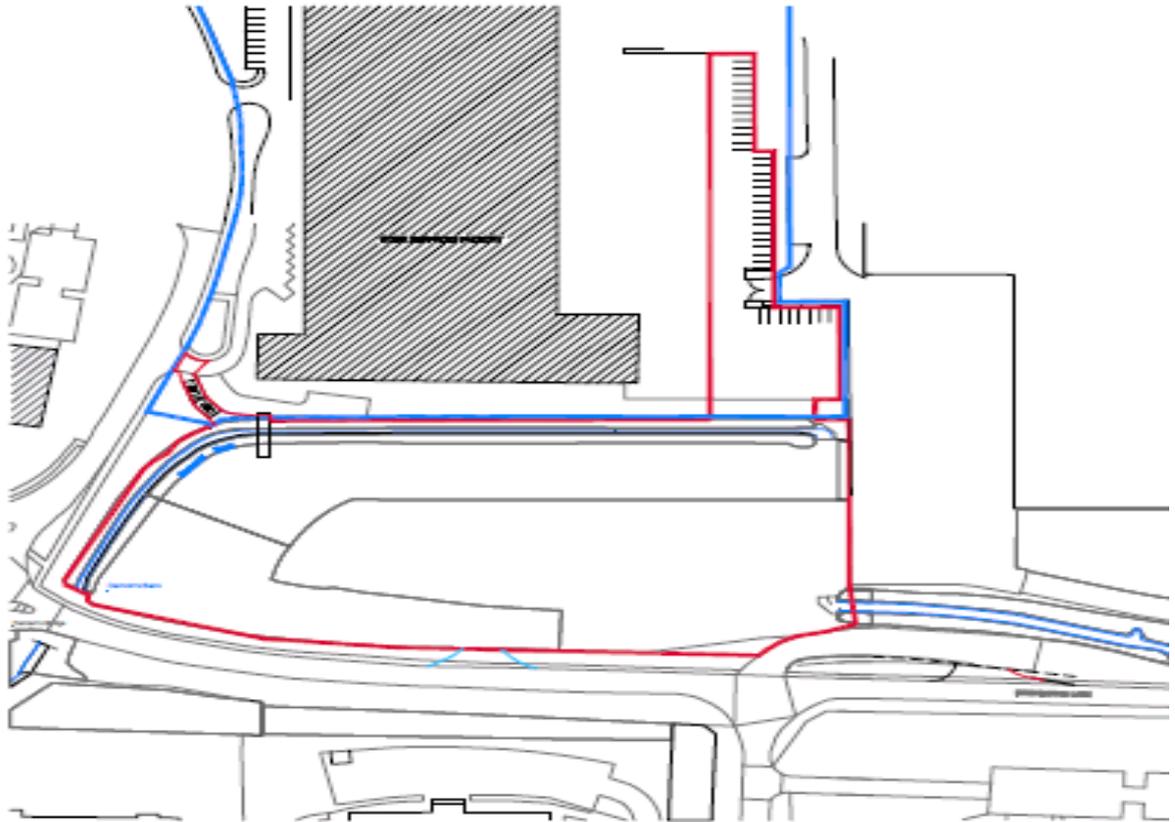
The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. Pre-commencement conditions have only been used where details are required at the start of the development process. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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## **BACKGROUND PAPERS**

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- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- Sedgefield Borough Local Plan
- Evidence Base Documents
- Statutory, internal and public consultation responses



**Planning Services**

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 Proposed Paint Line Building, Land To The North Of Heighington Lane, Aycliffe Business Park, Newton Aycliffe, DL5 6AH  
 Ref: DM/17/01621/FPA**

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**Date**  
**20<sup>th</sup> July 2017**