

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/21/03348/FPA
<b>APPLICATION DESCRIPTION:</b>	Hybrid planning application for the development of NETPark phase 3a
<b>NAME OF APPLICANT:</b>	Durham County Council
<b>ADDRESS:</b>	Land to the North West of Discovery Offices, William Armstrong Way, NETPark, Sedgefield, TS21 3FH
<b>ELECTORAL DIVISION:</b>	Sedgefield
<b>CASE OFFICER:</b>	Colin Harding Senior Planning Officer 03000 263945 <a href="mailto:colin.harding@durham.gov.uk">colin.harding@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application relates to a 15.3ha parcel of land located to the north-west of the existing NETPark development and immediately to the north-east of the A177. The site was formerly in agricultural use, although this use has since ceased on much of the site following the installation of initial development infrastructure in the form of an access road as part of the partial implementation of a previous planning permission. The majority of the site remains in vegetated coverage with some existing hedgerows remaining.
2. To the north-west of the site lies Lizards Farm which host a livery business and 3no. residential properties, the closest of which lies within 350m of the site. Approx. 200m further to the east lie residential properties on the recent Hardwick Grange development. Sprucely Farm lies approx. 300m to the west of the site, beyond the A177.
3. The site contains no statutory or locally designated landscapes or ecological sites, no heritage assets and there are no designated public rights of way within the site. It is noted however, an area of woodland lies immediately to the north of the site, adjacent to the River Skerne.

## The Proposal

4. The application comprises a hybrid proposal seeking full planning permission for some elements of the development, and outline planning permission for the remainder. These comprise a detailed application for research and development (Class E) use with associated landscaping, drainage and parking, as well as an outline application with all matters reserved apart from site access for research and development use (Class E) and ancillary (Class E) uses.

## Detailed Application

5. The detailed element of the application comprises 18,628sq.m of research and development floorspace split between 5 small and 2 medium sized two-storey units of 2,279sqm and 3,596sqm located on the southern part of the site. Small amounts of parking would be provided adjacent to the units, however, a larger car park to east would provide 344 spaces to serve units 3-9. It is proposed that the units would be within a landscaped setting, including Sustainable urban Drainage System (SuDS) infrastructure.
6. The units themselves have been designed to provide a flexible approach to manufacturing, warehouse and ancillary accommodation at the rear, with the front and sides of the units providing opportunities for office and laboratory space.
7. The units would make use of the existing access infrastructure, with the addition of the surface car park.

## Outline Application

8. The outline element of the application comprises up to 19,822sqm of research and development floorspace and up to 2,700sqm of ancillary floorspace (Class E).
9. Although all matters other than access have been reserved for future consideration in relation to this element, it is expected that all buildings would be up to two storeys in height, with the exception of a hub building which could be up to 3 storeys in height.
10. The outline elements of the application are generally accommodated on the northern and eastern parts of the site, with the exception of the proposed ancillary hub which the masterplan indicates would be most likely located at the southern end of the application site in close proximity to the existing NETPark development.
11. The applicant has indicated that the proposed development would be expected to generate up to 1,250 skilled jobs, adding over £625 million GVA to the County Durham economy. It is expected that a further 2,200 jobs could be created in the supply chain.
12. The application is being reported to the County Planning Committee as it comprises a major non-residential development on a site in excess of 2ha.

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## **PLANNING HISTORY**

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13. A large part of the site is contiguous with the site boundary of planning permission DM/16/04042/FPA which comprises a hybrid planning permission for NetPark Phase 3a. This comprised full planning permission for a new spine road, new access from the A177, drainage works including a pipe bridge, associated landscaping and

infrastructure, and outline planning permission for up to 14 two-storey buildings providing circa. 1,670sq.m of B1 floorspace. This permission was granted in March 2017 and has been partially implemented, with the A177 access and spine road having been constructed.

14. A previous outline application (7/1999/0422/DM) for a Class B1 business park development of up to 24,400sq.m of floorspace was approved in December 1999 on land to the south and comprises the current NETPark development.
15. Application DM/21/01984/FPA is currently under consideration on land approximately 160m to the east of the application site. This comprises a community athletics track facility with associated floodlights, access, car parking, drainage and landscaping.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

16. A revised National Planning Policy Framework (NPPF) was published in July 2021. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
17. The following elements of the NPPF are considered relevant to this proposal.
18. *NPPF Part 2 - Achieving Sustainable Development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
19. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
20. *NPPF Part 6 – 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 a low carbon future.
21. *NPPF Part 7 Ensuring the Vitality of Town Centres* - Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
22. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. *Developments* should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

23. *NPPF Part 9 – 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.
24. *NPPF Part 11 – Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
25. *NPPF Part 12 – Achieving well-designed places* 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.
26. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
27. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - 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.
28. *NPPF Part 16 - Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/guidance/national-planning-policy-framework>

29. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; determining a planning application; flood risk and coastal change; healthy and safe communities; historic environment; land affected by contamination; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities; town centres and retail; travel plans, transport assessments and statements; use of planning conditions; viability and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

## LOCAL PLAN POLICY:

### The County Durham Plan

30. *Policy 2 – Employment Land* Supports business, general industrial and storage and distribution development within specified employment allocations and also protects other existing employment sites from being changed to non-employment uses, unless appropriate marketing has been undertaken or that the use would not compromise the main employment use and would comply with retail Policy 9 where main town centre uses are being proposed. Where a non-employment development is proposed on the protected employment sites, any existing jobs on site must be relocated. Specific further protection and safeguarding is outlined for land north of NETpark, at Integra 61 and Project Genesis, Consett.
31. *Policy 6 Development on Unallocated Sites* states that the development of sites within the built up area that are not allocated in the plan or in a neighbourhood plan will be permitted provided they accord with all relevant development plan policies and meet specific criteria in relation to existing permitted uses, coalescence of settlements, loss of land with identified value such as in relation to ecology or recreation, is appropriate, is not prejudicial to highway safety, has good access to sustainable modes of transport to relevant services and facilities, does not result in the loss of the settlements last community building, minimises vulnerability and provides resilience to impacts resulting from climate change, maximises the effective of previously developed land and where appropriate reflects priorities for urban regeneration.
32. *Policy 9 Retail Hierarchy and Town Centre Development* seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the County.
33. *Policy 21 - Delivering Sustainable Transport*. Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
34. *Policy 25 - Developer Contributions*. Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
35. *Policy 26 – Green Infrastructure*. States that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
36. *Policy 28 – Safeguarded Areas*. Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted where it can be demonstrated that it would unacceptably adversely affect public safety, air traffic safety, the operation of High Moorsley Meteorological Officer radar.

37. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
38. *Policy 31 - Amenity and Pollution.* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
39. *Policy 32 - Despoiled, Degraded, Derelict, Contaminated and Unstable Land.* Requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
40. *Policy 35 - Water Management.* Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
41. *Policy 36 - Water Infrastructure.* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
42. *Policy 39 – Landscape.* Proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
43. *Policy 40 - Trees, Woodlands and Hedges.* Proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain

existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.

44. *Policy 41 - Biodiversity and Geodiversity.* Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
45. *Policy 43 - Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
46. *Policy 44 - Historic Environment.* Seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
47. *Policy 56 Safeguarding Mineral Resources.* Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.

#### **NEIGHBOURHOOD PLAN POLICY:**

##### The Sedgefield Plan (SNP)

48. *Policy G1a – Development within the Built-up Area Boundary.* Development within the Built-up Area Boundary will be supported providing it accords with national and local planning policies.
49. *Policy T1 – Cycling and Walking Access.* The improvement of existing and the development of new walking and cycling routes will be supported.
50. *Policy E1 Visual and Spatial Impact.* States that development should enhance the visual and spatial characteristics of the plan area. Particular consideration should be given to the impact of development upon significant views of heritage assets.
51. *Policy E4 Listed Buildings, Scheduled Monuments and Heritage Assets.* States that proposals which affect designated and non-designated heritage assets will be considered in relation to the NPPF which seeks to protect them subject to certain criteria.

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

52. *Sedgefield Town Council* – The Town Council does not object to the application but would like assurance that the views of the County Council’s Ecology Officer will be taken into account to ensure that there will not be any adverse impact upon the nearby woodland and wildlife corridor.
53. *Highway Authority* – Raises no objections. The submitted Transport Assessment has been reviewed and found to be acceptable in terms of traffic impact on the highway network. The Transport Assessment indicates a parking provision of 604 spaces based upon a 40% allocation of the gross floor area, which is agreed as an exceptional allowance reflective of the proposed usage. It is noted that the 672 spaces are annotated which is welcomed. However, a condition is suggested in order to require the employment area of the units to be restricted to avoid potential future parking issues.
54. *Drainage and Coastal Protection* – Raise no objections. The submitted Flood Risk Assessment and Drainage Strategy are acceptable. Precise details of the following will be required, however; an engineering plan indicating all cover, invert and floor levels; the construction details of all SuDS features; details of permeable paving; digital formal of hydraulic calculations for auditing purposes.

### INTERNAL CONSULTEE RESPONSES:

55. *Spatial Planning Policy* – Raise no objections. The proposals largely accord with the NETPark allocation in Policy 2. This allocates the site specifically for research & development (R&D) uses. It is noted that the proposals do not exactly accord with the allocation and a small area is located in the safeguarded land. This is however minor and does not alter the overall strategy for NETPark as set out in the CDP. The application does propose a small element that falls outside of the R&D use class and whilst the applicant is unable to determine the end user, the levels of floorspace are not considered to compromise the functioning of NETPark and could potentially support the science park and make it more attractive. This element has also been considered against Policy 9 and whilst the justification from the applicant is limited, it is acknowledged that it would be illogical to consider whether it could or should be located in the nearby local centres of Fishburn or Sedgefield. The site lies within a mineral safeguarding area, but as the site is allocated, the need for non-minerals development has been demonstrated in this instance.
56. *Archaeology* – Raise no objections. The proposed development area has been fully evaluated for below-ground heritage assets and no further evaluation is needed and no mitigation is necessary therefore there is no archaeological objection.
57. *Design and Conservation* – Raise no objections. Conclusions reached in the submitted heritage statement in relation to impact upon heritage assets are accepted. Impacts on wider vistas should be acceptable subject to the delivery of the proposed woodlands screening. The proposed development builds upon the original concepts of NETPark, and the contemporary design solution is welcomed. The content of the proposed design code for the outline element is also welcomed.
58. *Ecology* – Raise no objections. It is accepted that the bat survey found no evidence of active roosts in trees on the site, but some trees do have suitable features. It is recommended that any tree felling works be undertaken to a suitable bat method statement. The contents of the submitted Preliminary Ecological Appraisal are

acceptable and the mitigation within this report should be conditioned. With regards to biodiversity net gain, it is noted that Planning Officers have advised as the application site forms part of an extant permission, the existing provided greenspace is deemed to be sufficient to compensate for biodiversity impacts. The submitted landscape masterplan appears to provide some areas of species-rich grassland and native tree/scrub planting, however detail of the proposed target habitat types, seed mixes, management regime should be provided pre-determination.

59. *Environment, Health and Consumer Protection (Air Quality)* – Raise no objections. The information submitted demonstrates that the proposed development will be in compliance with national air quality objectives and of EU Limit Values, subject to the implementation of the mitigation measures contained within the report. A dust action plan should be devised as part of a wider construction management plan during the construction phase.
60. *Environment, Health and Consumer Protection (Pollution Control)* – Raise no objections. The submitted information demonstrates that the application complies with the thresholds set out in the TANS, which would indicate that the development would not lead to an adverse impact. The proposed natural ventilation system is not envisaged to generate a significant noise level.
61. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections but note that the submitted reports do not cover the entirety of the site. Whilst significant contamination is not expected, conditions requiring further assessment are suggested.
62. *Landscape* – Raise no objections. It is stated that some harm to the character, quality and distinctiveness of the local landscape would occur due to the transformative nature of the development upon the existing open farmland. However, a proposed landscaping scheme would mitigate impact albeit this would take some years to have a substantial effect but would progressively mature as the site was built out. The combined effect of the proposed landscaping and the layout and massing of the buildings would result in an impact similar to that considered acceptable under the approved development DM/16/04042/FPA. The proposals for the landscaping and public realm themselves are well considered.
63. *Landscape (Trees)* – Raise no objections. The submitted proposals identify the removal of six hedgerows and approximately twelve trees. However, retention of a larger number of trees is identified, in the southwest corner, western and northern boundaries of the site. The submitted landscape masterplan identifies the planting of over 130 individual trees, as well as new woodland planting along the western edge of the site and to the north of Franklin Way. The net gain in trees on site will more than off-set the loss of those identified for removal.

#### **EXTERNAL CONSULTEE RESPONSES:**

64. *Northumbrian Water Limited* – Raise no objections subject to a condition requiring a detailed scheme of surface and foul water disposal to be agreed.

#### **PUBLIC RESPONSES:**

65. The application has been advertised by way of press notice, site notice, individual notification letters to neighbouring residents and publication on the weekly list of planning applications.

66. One letter of representation has been received on behalf of the occupiers of The Lizards farmhouse raised the following objections.

- The site includes land which is not allocated land, only safeguarded land for future expansion beyond 2035 which should not be released now and land is available within the allocation itself for further development. The parcel of safeguarded land being lost to the development is estimated as being in excess of 2ha
- On the adjacent athletics track, DCC Regeneration and Development confirmed that the safeguarded land was not required for some considerable time
- Concerns of the landscape impact of the development including the absence of a Landscape and Visual Impact Assessment
- The proposal includes main town centre uses and impact has not been considered
- Ancient woodland adjoins the site to the north and has not been considered
- Ecological constraints are identified potentially impact by the cumulative impacts of this proposal and the athletics track, and ecological inconsistencies between the applications should be addressed
- Issue is drawn with the response of Ecology who it is stated would appear have underestimated the amount of greenfield, safeguarded land being developed
- The submitted Heritage Statement fails to give consideration to The Lizards farmhouse
- Contrasting arguments are being made in relation to this proposal and the athletics track

*The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: <https://publicaccess.durham.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>*

#### **APPLICANTS STATEMENT:**

67. The Durham County Council Plan 2020-2023 includes the ambition 'to create more and better jobs' by supporting businesses emerging from lockdown and by developing a pipeline of projects and investment plans at major employment sites across the county. NETPark Phase 3 is highlighted in the Plan as a key employment site which will cement the County's position as a premier place in the region to do business.
68. Since opening in 2004, NETPark had big ambitions to become one of the UK's leading science parks and it is well on its way to achieving that goal with over 40 companies and 600 people employed on-site. This includes Kromek, Filtronic, IBEX Innovations and Polyphotonix, employing a total of over 600 staff specialising in fields such as nanotechnology, X-Ray technology, forensics and semiconductor technology. The success of NETPark is such that expansion space is needed so that companies can reach their full potential.
69. Space at NETPark is at a premium, with 100% of the available laboratory, office and clean room accommodation currently occupied or reserved by science, engineering and technology companies. The masterplan for Phase 3a is situated on land allocated for employment use and will create an additional 41,109sqm of floorspace at NETPark. The additional space will help to accommodate growing demand, both from businesses already established within the park and from companies looking to relocate or expand their operations to this thriving science community.
70. The masterplan has been developed to achieve key targets of the Council Plan including the creation of up to 1,250 skilled jobs adding over £625 million GVA

(Gross Value Added) to the County Durham economy. A typical business taking space on NETPark Phase 3 would provide a broad range of job opportunities including scientists, technicians, administration, accounting, marketing, IT and logistics.

71. The Proposed Development will also support a further 2,200 jobs in the supply chain and with evidence across the country showing that new jobs at a science park can generate twice the national average GVA, an additional annual £125 million GVA into the County economy. Alongside economic benefits, the proposals will also result in significant social and environmental benefits. The masterplan will deliver a unique business park, set within a maturing green space with a generous amount of external amenity space which will encourage walking, cycling and improved wellbeing. The design team are also working towards achieving a net zero carbon development.
72. In conclusion, the Proposed Development will contribute significantly to the Council's employment land supply, will enable the delivery of an allocated employment site and will build on the success of NETPark. In addition to compliance of the Proposed Development with relevant policies in the adopted plan, there are significant other material considerations which further endorse the fact that planning permission should be granted without delay.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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73. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development; visual and landscape impact; pollution and residential amenity; highways issues; ecology; and flood risk and drainage. Other matters are also discussed.

### The Principle of the Development

74. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
75. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
  - c) approving development proposals that accord with an up to date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,

- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### *Employment Uses*

- 76. CDP Policy 2 relates to employment land and allocates 15.84ha of land for the future expansion of NETPark, and a further 15.93ha of land is safeguarded for further expansion beyond the end of the plan period (2030). The allocation is broadly contiguous with the application site boundary of the extant 2017 planning permission for NETPark Phase 3a.
- 77. The CDP identifies NETPark as a regionally significant centre for research and development (R&D), playing a vital role in unlocking the research potential of North East universities and colleges. The importance of continuing the success of NETPark through future phases of development for R&D and technology transfer activity is highlighted and the allocation set out according.
- 78. The current success of NETPark is highlighted within the application, with it being noted that over the last twenty years the science park has grown to accommodate a range of early stage and growing science and technology businesses. Around 40 businesses are currently located at NETPark, including Kromek, Filtronic, IBEX Innovations and Polyphotonix with over 600 staff employed in a range of fields including nanotechnology, x-ray technology, forensics and semiconductor technology.
- 79. It is further highlighted that NETPark has strong links with Durham University, with the University's Centre for Advanced Instrumentation being partially located on the site. Meanwhile, CPI manage and operate a number of facilities from NETPark including the National High Value Manufacturing Catapult, National Formulations Centre, National Centre for Healthcare Photonics and National Centre for Printable Electronics.
- 80. The North East Local Enterprise Partnership (NELEP) has highlighted in its Strategic Economic Plan that innovation is central to a long-term ambition to build an economy in the North East with improved productivity and better skilled and paid jobs. NETPark is identified as a key location in the North East to support these aims. More recently the NELEP Health and Life Science Strategy has cited NETPark as an essential part of the region's innovation infrastructure and a key location where the health and life sciences sector are clustering.
- 81. Having regards to this context, the applicant has indicated that the extant permission is not suitable for the current market, resulting in this new proposal. The reconsideration of the approach to development has resulted in the present application having an altered application site boundary, which means that a portion of the north-eastern elements of the allocation now lie outside of the present application site, and a portion of the safeguarded land is instead included. In approximate terms the application site is 15.28ha, comprising 13.06ha of the Policy 2 allocation, and 2.2ha of safeguarded land. This would lead to a residual 2.78ha of the allocation available for future development, along with 13.71ha of safeguarded land, not taking account of any other current development proposals within the safeguarded land area.
- 82. In principle, the development of the area of the site that lies within the Policy 2 allocation is considered to be acceptable, as it would form an extension to the existing NETPark development and contain research and development uses of a nature sought by the allocation, and in line with the general economic strategy of the region, including NELEP's Health and Life Science Strategy. The overall vision for the development is that Phase 3a would allow existing companies at NETPark with proven technology and

a growing customer base to relocate in order to develop a pilot plant with an opportunity to create a scalable, adaptable manufacturing facility, incorporating offices, laboratories, clean-room manufacturing and warehousing.

83. The part of the site that is located within safeguarded land is also considered to be acceptable in principle with regards to CDP Policy 2. The safeguarded land is neither a specific allocation within the plan period nor part of an existing protected employment site. However, with the intention of the safeguarded land being to consider future expansion of NETPark beyond the CDP plan period, it is considered that bringing a relatively small part of this area forward at an earlier point for this very purpose, would not undermine this rationale. In addition, it should also be noted that due to the variation in the application site boundary, that a portion of the CDP Policy 2 allocation would remain and would be broadly commensurate in size to the safeguarded land lost to development. Overall, therefore, it is considered that the proposed development would not compromise the ability of NETPark to extend further beyond the current plan period, and this element of the development would be in accordance with CDP Policy 2 overall, as a result.
84. Nevertheless, as that part of the site within the safeguarded area is unallocated land, an assessment against CDP Policy 6 is also necessary.
85. CDP Policy 6 advises that the development of sites which are not allocated and are either within the built-up area or outside the built-up area but well related to a settlement will be permitted provided the proposal accords with other relevant development plan policies and subject to a series of detailed criteria. In summary, this criteria being that the proposal must be compatible with and would not be prejudicial to existing with adjacent land uses including allocations; does not result in unacceptable coalescence, ribbon or backland development; does not result in loss of land of recreational, ecological, or heritage value which cannot be adequately mitigated; is appropriate in scale, design etc. to the character of the area or settlement; is not prejudicial to highway safety; provides access to sustainable modes of transport; retains a settlement's valued facilities (i.e. pub); considers climate change implications; where relevant, makes use of previously developed land; and where appropriate, reflects priorities for urban regeneration.
86. Within The Sedgefield Plan (SNP) the application site is identified as being within the built-up area boundary and therefore in turn for the purposes of CDP Policy 6 the site is within the built-up area of a settlement. Therefore, whilst greenfield, the land is not deemed countryside and no assessment against the content of CDP Policy 10 is required.
87. It should be noted that the detailed impacts of the varying aspects of these proposals, such as heritage, landscape and others will be considered separately in the relevant sections later in this report.

#### *Ancillary Uses and Hub Building*

88. The proposed outline element of the proposed development includes a hub building and ancillary unit. CDP Policy 2 allows for an element of ancillary use on employment sites, provided the main use of the site is not compromised, and that the proposed uses accord with CDP Policy 9.
89. The application proposes that the up to 2,700 sqm of Class E floorspace would be delivered, and whilst no occupiers have been identified, it is expected that such uses could include retail (no unit to exceed 400 sqm), gym or day nursery facilities. This nature of use would constitute 'main town centre' uses as defined by NPPF.

90. CDP Policy advocates a sequential approach to site selection for the location of main town centre uses in accordance with NPPF and, requires a sequential assessment to be carried out where such uses are proposed outside of a defined town or local centre.
91. However, it is well established that the operator's requirements should inform the sequential site search, and only suitable sites should be considered. Additionally, the courts have established that disaggregation of multi-use or multi-occupier schemes should not be required beyond reasonable flexibility.
92. The applicant has advised that they consider that disaggregation would not be appropriate in this instance, as locating the ancillary uses with the local centres of Sedgfield and Fishburn would not directly support the proposed employment uses on the site. Both local centres are around a 30-minute walk from the site and therefore do not offer the convenient and quick access that users working within NETPark would require. The applicant contends that the disaggregation of the ancillary uses away from NETPark would mean that they would fail to support the development in the way that is intended, and consequently, that even in applying reasonable flexibility, that disaggregation is not appropriate in this instance, and officers agree with this conclusion. Ultimately, although of 2,700 sqm, the ancillary uses proposed would represent only 6.7% of the overall total floorspace proposed by the application, and in this context, it is clear that they would indeed remain ancillary to the employment development. It is common to find daily services available in employment locations where convenience and time constraints are critical to those consumers who are employed in the locality.
93. With it having been concluded that disaggregation would not be appropriate in this instance, consideration should be given to the location of the proposals within a defined town or local centre. The conclusion reached by the applicant is that there are no sites within either Fishburn or Sedgfield town centre capable of locating the proposed development in its entirety.
94. With regards to a retail impact assessment, as no retail unit would exceed 400sqm, the threshold for a retail impact assessment has not been reached in this instance.
95. Having regards to the above, therefore, it is considered that the proposed development would comply with CDP Policy 9, and therefore also CDP Policy 2 in this respect.

#### Landscape and Visual Amenity

96. CDP Policy 39 states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. It further advises that proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.
97. Much of the site benefits from allocation for employment purposes under CDP Policy 2, and a high-level assessment of the potential landscape and visual effects of the development of this site was carried out as part of this process, so in principle terms it is accepted that the site is generally suitable for this form of development, and the application site is not within an Area of High Landscape Value.
98. However, the specific effects of the development proposed require consideration, whilst being mindful that an element of the application remains in outline form, with matters relating to scale and landscaping reserved for later consideration.

99. Key visual receptors are identified as being the A177 which forms the western boundary of the site, and residential properties to the north-east. Additionally, the development would have the potential to be read in longer views from higher ground to the north of the site.
100. Generally, the site falls from a relatively flat plateau at the southern end of the site towards the north, as the land forms a shallow valley around the River Skerne and Lizards Farm, before the topography climbs again towards Fishburn.
101. Discussions with the Council's Landscape Team has established that the most sensitive views are likely to be those from the A177, as this is the most public and well-used point at which the site would be visible. It is also the closest receptor to the development. With this in mind the applicant has indicated that the western edge of the site would be robustly landscaped and those units within the area of the site for which full planning permission is sought would be orientated so as to appear with the narrowest point of the buildings addressing the road. As a result, it is considered that the development would appear as buildings punctuating the western boundary, as opposed to forming a more solid wall of development. The restriction of the proposed buildings to two storeys in height will aid with in mitigating potential visual impacts.
102. It is accepted that due to topography, that some parts of the site would appear prominent when viewed from the vicinity of Hardwick Grange and Lizards Farm. However, the location of the development on the shoulder of a hill means that it is considered unlikely that the entirety of the development would be visible, and furthermore these views would not be widely appreciated by the public due to a lack of publicly accessible viewpoints as there are no public rights of way in this particular location.
103. However, it is acknowledged that those units for which outline planning permission on the east and north of the site will require careful consideration in relation to site levels during the detailed design process, and these details can be secured by means of planning condition.
104. Impacts of the proposed development would be further mitigated by the distance between the development and existing properties, and although the proposed development would undoubtedly be visible, it would not, it is considered, be unreasonably harmful, and would remain in accordance with CDP Policy 39.
105. Public representations make reference to ancient woodland being present to the immediate north of the site around the River Skerne and that the application submissions do not take account of this. Woodland in this area does appear on some ancient woodland registers. However, it is not registered as such on the DCC inventory or within the CDP proposals map. The reason for this is that that map regressions show that there hasn't been continuity of woodland since the 1850s. All parts of the woodland appear to have been cleared at some point – although there has always been some woodland there in one part or another at any one time. It is for this reason that DCC have not confirmed the area as having a status of ancient woodland. Irrespective, the advice within CDP Policy 40 is that development resulting in the loss or deterioration of ancient woodlands as shown on the policies map, will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists and that proposals affecting ancient woodland (including planted ancient woodland sites) not previously identified as such, will be subject to the same considerations. The submitted landscape masterplan submissions include areas of additional buffer tree planting adjacent to the woodland adjacent to the River Skerne and no direct or indirect harmful impacts are identified.

106. Landscape Officers have raised no objections to the development and whilst they highlight that transformative impacts would occur as a result of the development the mitigation proposed is acceptable and the detail of the submitted landscaping and public realm proposals is well considered.
107. Additionally, the proposed development would be visible from a minor road on high to the north of the site, however this would be a longer view, and the development would be read in the context of existing development, particularly as it would generally be situated on lower ground. This is particularly important when considering potential impacts upon the Grade I listed Church of St Edmund in the centre of Sedgefield Conservation Area which sits prominently on higher ground. Such views are afforded protection by SNP Policy E1, whilst SNP Policy E4 also relates to heritage assets, reiterating the messages of protection contained within Part 16 of the NPPF and CDP Policy 44, which amongst its advice, states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
108. Furthermore, the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Any such harm must be given considerable importance and weight by the decision-maker. Under the Act, special attention to the desirability of preserving or enhancing the character and appearance of a conservation area must be equally considered.
109. With the difference in topography, and the level of intervening development against which this proposed development would be read, it is considered that there would not be any unacceptable impact upon the valued views of the Church of St Edmund, which would retain its prominence of high ground and in turn the character, appearance and setting of Sedgefield Conservation Area would be preserved in accordance with CDP Policy 44, SNP Policies E1 and E4 and Part 16 of the NPPF.
110. The Lizards is considered a non-designated heritage asset given its age, however, taking into account the distances to the development and impacts of intervening landscaping it is considered that impacts would be negligible.
111. Archaeology have raised no objections. The proposed development area has been fully evaluated for below-ground heritage assets and no further evaluation is needed and no mitigation is necessary therefore there is no archaeological objection.

#### Layout and Design

112. CDP Policy 29 requires new development to achieve well designed buildings and places, which have a positive contribution to an area's character, are adaptable to changing conditions, minimise greenhouse gas emissions where viable, minimise the use of non-renewable and unsustainable resources, and provide high standards of amenity and privacy. All major non-residential development is required to achieve a BREEAM rating of 'very good'.
113. The detailed of the proposed development exhibits a collegiate feel reflective of the existing NETPark development which has a strong character of commercial buildings located in a parkland setting. Although not seeking to slavishly reflect this character,

and having a clear character of its own, this element of the proposed development is considered to achieve a successful contemporary approach to a landscape-led development, with the proposed buildings situated within green and blue infrastructure. Additionally, vehicular movement and parking has been carefully considered in order to ensure the pedestrian routes in and around the proposed buildings are prioritised over other infrastructure. Indeed, a majority of the required car parking provision would be located remotely to the east, across the main access road. The design of the units themselves is also considered to be successful in achieving an acceptable quality of design, for what are relatively large, functional buildings.

114. With the remainder of the proposed development currently only in outline form, it is not possible to formally assess that approach to development on these areas at present, albeit the applicant has provided indicative layouts as to how the quantum of development proposes could be accommodated. However, the applicant has provided a proposed design code for these areas of the site which sets out details of vision, frontages, form, public realm, landscaping, servicing and building appearance and materiality. The design code has been assessed by the Council's Design and Conservation Team who have indicated that they welcome its content. Overall, it is considered that a scheme of at least equal quality to that proposed in detail at present should be achievable.
115. With regards to a response to climate change and sustainability, the applicant has indicated that the development is working towards a zero-carbon approach using passive design measures, and that buildings will seek to deliver insulation values comparable to PassivHaus Buildings. Other measures including LED lighting, natural ventilation, heat recovery, a detailed carbon life cycle assessment, a minimisation of construction emissions, waste management plans, low-flow sanitaryware, air source heatpumps and roof-mounted PV amounting potentially to 107kWp are proposed. It is also confirmed that the development will be seeking to achieve a BREEAM rating of 'Very Good'.
116. Overall, it is considered that the proposed development would be in accordance with CDP Policy 29.

#### Flood Risk and Drainage

117. Policies 35 and 36 of the emerging CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of fluvial flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
118. The application is accompanied by a Flood Risk Assessment and Drainage Strategy (FRA), which highlights that the application site is within flood zone 1 with a low flood risk probability. Permeable hard surfaces are proposed to treat surface water runoff which will be attenuated in a reservoir layer beneath the surface. Additional storage is provided by partial green roofs, ponds, a basin, swales and attenuation tanks. Rain gardens are also proposed to attenuate and treat run off from some of the external

areas. The proposed drainage is proposed to ensure that no flooding will occur under storm events up to and including the 1 in 100 year return period with a 40% climate change allowance. Surface water is proposed to discharge via connections into either the surface water drainage system which was installed for the connection of this development during an earlier phase or directly into the un-named watercourse which borders the northern boundary. Discharge rates are proposed to not exceed those that were agreed during the 2017 planning application. Foul Water is proposed to connect into the foul water sewer which was also designed and installed during the earlier phase for the connection of this development.

119. Drainage and Coastal Protection officers, and Northumbrian Water offer no objections though conditions in the event of approval would be necessary to agree some precise details.
120. No objections to the development on the grounds of flood risk or drainage are raised having regards to Policies 35 and 36 of the CDP and Part 14 of the NPPF.

#### Access and highway safety issues

121. CDP Policies 6 and 29 require development proposals to achieve a satisfactory means of access onto the wider highway network in order to protect highway safety and be safely accessed by a choice of modes of transport including cyclists, pedestrians. Similarly, Policy 21 requires developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. SNP Policy T1 encourages the development of new walking and cycling routes. The NPPF at Paragraph 110, requires that safe and suitable access can be achieved for all users. Paragraph 111 of the NPPF sets out that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
122. The applicant has indicated that the proposed buildings would be flexible in nature, but due to their purpose for R&D, it is noted that the internal floorspace may have a mix of uses, for example offices, laboratories, warehousing and manufacturing. It is also stated that the nature of the use means that it is likely that a single employee might make use of different elements of the building in the course of a normal working day. Accordingly, the submitted transport assessment and parking layouts utilise an assumption that each unit would effectively comprise of 40% office space and 60% other uses.
123. Regarding network operation, the submitted TA utilises trip rates previously agreed in the previous partially implemented planning permission, which is a committed development. The TA concludes that the development now proposed would represent a reduction in potential vehicular movements over the previously approved development, in the order of around 110 peak hour trips. The Highway Authority has raised no concerns with the methodology used, nor the conclusion reached in the TA in this respect.
124. With regards to parking, the Highway Authority accept the proposed approach, although it has been noted that the future use of the proposed buildings should be controlled to some extent, particularly as they would remain in Class E use, and therefore could be used for a number of purposes without the need for further planning permission, and which may not reflect the exceptional case put forwards with regards to floor areas and parking provision. As with many developments, officers consider that a balance should be struck between overproviding parking which can result in a car-dominated development, and underproviding parking which can lead to antisocial or even dangerous parking.

125. Being mindful of this, as well as the desire of the applicant to retain a degree of flexibility, a planning condition is proposed restricting the overall office space across the site to no more than 40% of gross floor area, unless supported by a review of parking to demonstrate sufficient parking capacity.
126. Access to the development is to be taken by means of existing infrastructure, which is considered to be acceptable.
127. In terms of sustainable travel, it is noted that NETPark is currently served by a number of bus services including the X12 Newcastle – Middlesbrough (2 per hour), X21 Darlington - Peterlee (1 per hour), X22 Middlesbrough - Peterlee (1 per hour), 113 Sedgefield – Ferryhill (1 per hour) and 86 Toft Hill – Bishop Auckland (1 per hour), with the site within 400m of the closest bus stop.
128. Additionally, the proposed development would incorporate a total of 124 cycle parking spaces, two electric car club vehicles, 30 active EV charging spaces, 60 passive EV points, 60 car-share spaces and 30 accessible parking spaces.
129. Overall, it is considered that the proposed development would accord with CDP Policies 6, 21 and 29 regards to access and highways impacts.

## Ecology

130. Collectively policies 6, 26, 35, 41 and 43 of the CDP seek to protect land of ecological value, secure net gains for biodiversity and coherent ecological networks. Policy 43 advises in relation to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
131. The application is accompanied by a preliminary ecological assessment (PEA) and a bat survey.
132. The PEA identifies that the site is predominantly unmanaged semi-improved grassland, of generally poor ecological condition. However, it is acknowledged that it is likely to remain a local wildlife resource within a farmland setting. Other habitats on the site include amenity grassland and hedgerow. The hedgerows are noted as being unmanaged and dominated by Blackthorn and Hawthorn, and can be considered to be UK Priority Habitat, but would not be considered to be 'important' under the Hedgerow Regulations 1997. A number of trees exist within, and adjacent to the site notably at the southern extent where there are deciduous trees and a copse of Scots Pine.
133. In terms of protected species, no evidence of badger were found within the application site. Equally no evidence of reptiles or Great Crested Newt was encountered with the site considered to form unsuitable habitat. Although Otters have previously been recorded along the River Skerne, no evidence was found within the application site. No evidence of Dingy Skipper butterflies was recorded.
134. Ash trees within the existing hedgerows are identified as having the potential to support roosting bats, although suitability was considered to be low. A subsequent bat survey recorded no bats returning to roost in any trees and concluded that bats are likely absent from all of the trees on site.
135. A barn owl and a pair of kestrels were found to be utilising two dead trees within the site for roosting purposes, and low numbers of Skylark were noted in the northern part of the site.

136. The PEA identifies that the proposed development would lead to the loss of approximately 7.5ha of semi-improved grassland, 2ha of arable farmland, the loss of mature ash trees and the removal of 420m of hedgerow. Additionally, potential impacts upon breeding birds during the breeding season are possible, and the existing kestrel nesting site and barn owl roosting site would be lost.
137. In order to mitigate these impacts, the PEA proposed no ground clearance or vegetation removal occur between April to September to avoid breeding birds, unless appropriate checks are carried out, and that alternative nesting structures be provided for kestrel and barn owl through the provision of boxes in a local off-site location. Although no dingy skipper butterflies were recorded on site, they have been recorded in the local area and it is proposed that landscaping proposals include a proportion of suitable foraging species.
138. CDP Policy 41 requires new development to deliver biodiversity net gain. Usually this is achieved by calculating the biodiversity value of the existing site and comparing it to the biodiversity of the development once complete. In this instance, the existence of the previous partially implemented and therefore extant planning permission means that a judgement call is required with regards to establishing a baseline of biodiversity value. The introduction of built infrastructure means that the current biodiversity value of the site is likely reduced from the original baseline when the entirety of the site was unmanaged agricultural land.
139. However, the partially implemented planning permission, although pre-dating the use of a biodiversity calculator did incorporate biodiversity mitigation within the approved layout, in order offset any impacts, however as the development has not progressed beyond the infrastructure stage, this mitigation has not been delivered.
140. Accordingly, it is proposed that it would be appropriate to ensure that as a minimum, that the development now proposed delivers on-site biodiversity mitigation in line with the previous approval, as this would achieve mitigation of biodiversity impacts against the original baseline, as opposed to present condition of the site. The extant planning permission also constitutes a strong fallback position that should be afforded weight. Accordingly, no biodiversity net gain calculation is proposed in this instance.
141. It is also acknowledged that the site boundaries of the two applications are not wholly identical, however the site sizes remain similar, and the land concerned is of similar character. Overall, it is considered that the difference in potential biodiversity value is unlikely to be significant in this instance.
142. The County Ecologist has not raised any objections to this approach, nor to the findings of the submitted reports, subject to the relevant mitigation being secured by means of a planning condition.
143. Accordingly, it is considered that the application accords with relevant advice within CDP Policies 6, 26, 35, 41 and 43 and Part 15 of the NPPF. No interference with European protected species (such as the loss of a bat roost) is identified as a result of the development and therefore a European Protected Species Licence is not required nor an assessment having regards to the Habitats Directive brought into effect by the Conservation of Habitats and Species Regulations 2017.

#### Pollution and Residential Amenity

144. CDP Policy 31 is the principal CDP policy in respect to amenity and pollution and in summary advises that development will be permitted where it would result in no unacceptable impacts upon the health, living or working conditions or the natural

environment and that can be integrated effectively with any existing business and community facilities. CDP Policy 29 requires, amongst its advice, that development minimises impact upon nearby occupiers and contributes towards healthy neighbourhoods, considering the health impacts of development and the needs of existing and future users. Furthermore, CDP Policy 6 advises that development proposals should not be prejudicial to any existing allocated or permitted use of adjacent land. Part 8 of the NPPF provides advice on how development can achieve healthy, inclusive and safe places. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.

145. In terms of nearby property and sensitive receptors Maggie's Well Cottage and Holdforth Farm are each located approximately 200m and 300m north of the site but the heavily wooded banks of the River Skerne are on intervening land. To west of the A177 the property Sprucely is located approximately 280m away. The Lizards farmhouse and associated farm cottage properties are located to the north-east and come to within approximately 200m of the site. The Hardwick Grange estate lies approximately 300m to the east.
146. Though the development proposed is a significant one, factoring in the nature and scale of the buildings proposed, the distances between properties and the site and in some cases intervening landscape features, no unacceptable adverse impacts are considered to result from the development in terms of visual dominance, loss of light, outlook or privacy.
147. In regard to noise, it is acknowledged that, during the operational phase, there is the potential for noise from the proposed business units including associated comings and goings to affect nearby sensitive receptors including residents but also in acknowledgement of nearby livery usage. There would also be the temporary effects associated with the construction phase of a major development.
148. Environment, Health and Consumer Protection, have raised no objections and have stated that the submitted information demonstrates that the application complies with the thresholds set out in the Technical Advisory Notes (TANS), which would indicate that the development would not lead to an adverse impact inclusive of the proposed natural ventilation system. Officers agree and consider in amenity terms that no unacceptable noise impacts from both the operational and construction phase of the development would occur.
149. The development would involve lighting including external lighting which would serve the car parks, roads and external public realm areas. At the distances involved to receptors, however, impacts would not be significant or harmful.
150. With regards to air quality, the applicant has provided an air quality assessment, which concludes that based upon the level of traffic likely to be generated by the development inclusive of a future 2027 full build out scenario. The conclusions reached are that the impact of the development is predicted to be negligible at all sensitive receptors that were assessed. Air quality effects are therefore considered to be not significant. Mitigation measures would comprise of a travel plan and electric vehicle charging spaces and these can be ensured via conditions. It is acknowledged that there would be a medium risk of dust being generated during construction, and as a result a planning condition is suggested in order to secure a dust and construction management plan. Environment, Health and Consumer Protection have again reviewed the air quality submissions and implications and raised no objections.

151. In regard to the potential for contaminated land on which CDP Policy 32 advises, Environment, Health and Consumer Protection have raised no objections but note that the submitted reports do not cover the entirety of the site. Whilst significant contamination is not expected, conditions requiring further assessment are suggested and can be included.
152. In conclusion, the development of the proposed facility would have the potential for some pollution and amenity impacts in both the operational and construction phases, however, none of these impacts have been identified as being significant or unacceptable and as a result the application is considered to remain compliant with relevant amenity, health and pollution advice within CDP Policies 6, 29, 31 and 32 and Parts 8, 12 and 15.

#### Other Issues

153. Consideration has been given to the potential for cumulative impacts with the nearby pending proposal of the athletics track under application DM/21/01984/FPA and the impact of that development upon this proposal. Potential impacts would include but not be restricted to the cumulative amenity impacts and landscape and visual impacts. It is considered that the conclusions in regard to each relevant material planning consideration (that the proposals are acceptable) would not change and no unacceptable cumulative impacts would occur nor any unacceptable impact of this proposal upon the athletics track.
154. Southern sections of the site are underlain with glacial sand and gravel. Policy 56 relates to safeguarding mineral resources and seeks to ensure that non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area is resisted unless certain exception criteria apply. The majority of the application site within the mineral safeguarding area forms a part of the CDP Policy 2 employment land allocation with the remaining portion within the adjacent safeguarded land. Given the majority of the affected land is within the employment allocation coupled with the site have previously also had planning permission for a scheme of similar nature it is considered that there is a clear need established for the development and this meets one of the Policy 56 criteria.
155. CDP Policy 14 requires development proposals relating to previously undeveloped land to demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice. A soil management strategy accompanies the application and can be approved under condition.
156. CDP Policy 28 relates to safeguarded areas and requires consultation, where necessary, in regard to the likes of hazardous sites and pipelines, airports/airfields and the Meteorological Office radar site at High Moorsley. The site does fail within the relevant proximity zones to both Fishburn airfield and the Met Office radar site, however, the proposal involves development beneath the height at which consultation is required.

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## **CONCLUSION**

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157. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has an up-to-date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c). Where a planning application conflicts with an up-to-date development plan, paragraph 12 of the NPPF advises that

permission should not usually be granted, however, Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

158. Much of the site is allocated for employment purposes through CDP Policy 2 and the proposed development would be in accordance with this policy. However, approx. 2ha of the site is situated within unallocated land and therefore requires assessment against CDP Policy 6. The site is located within a built-up area, as defined by the SNP so consideration against the criteria of CDP Policy 6 is therefore required.
159. Having regards to each criteria of CDP Policy 6, as well as the assessment above, it is considered that the development would not be prejudicial to any existing, allocated or permitted use of land (a), would not result in coalescence or ribbon development (b), it has been established that any loss of ecological value can be adequately mitigated and that there would be no impact on heritage assets (c). Furthermore, the development would be appropriate in scale, design, layout and location (d), would not be prejudicial to highway safety (e), would be accessible by sustainable modes of transport (f) and would not result in the loss of valued facilities (g). Finally, the proposed development would minimise vulnerability to climate change (h).
160. Overall, therefore, with the application in accordance with CDP Policy 6, as well as CDP Policy 2 and all other relevant planning policies, including the Sedgfield Neighbourhood Plan, the application is recommended for approval.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the following conditions:

Conditions relating only to the element of the application for which full planning permission is sought:

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.*

Conditions relating only to the element of the application for which outline planning permission is sought:

2. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters.

*Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

3. Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority before any development is commenced other than remediation works.

*Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

Conditions relating to all elements of the application:

4. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Reference	Version Number	Received
Swept Path Analysis Area 1	NETP-1500-P1	18/01/22
Landscape Masterplan Narrative	NETP-0001-P1	18/01/22
Landscape Masterplan	NETP-2100-P9	18/01/22
Site Zone Diagram		24/09/21
Existing Trees and Vegetation to be Retained/Removed	NETP-2105-P2	24/09/21
Site Location Plan	NETP-0100-P2	24/09/21
Proposed Landscape Masterplan	NETP-0101-P2	24/09/21
Circulation	NETP-2106-P1	24/09/21
Indicative Contours and Levels	NETP-2110-P2	24/09/21
Grid Setting Out and Coordinates	NETP-2200-P2	24/09/21
Site Sections - Sheet 1	NETP-2700-P3	24/09/21
Site Sections - Sheet 2	NETP-2701-P2	24/09/21
Site Sections - Sheet 3	NETP-2702-P1	24/09/21
Split Unit - GA Plan - Level 0	NETP-3000-P3	24/09/21
Split Unit - GA Plan - Level 1	NETP-3001-P3	24/09/21
Split Unit - GA Plan - Roof	NETP-3002-P3	24/09/21
Small Unit - GA Plan - Level 0	NETP-3010-P3	24/09/21
Small Unit - GA Plan - Level 1	NETP-3011-P3	24/09/21
Small Unit - GA Plan - Roof	NETP-3012-P3	24/09/21
Medium Unit - GA Plan - Level 0	NETP-3020-P3	24/09/21
Medium Unit - GA Plan - Level 1	NETP-3021-P3	24/09/21
Medium Unit - GA Plan - Roof	NETP-3022-P3	24/09/21
Large Unit - GA Plan - Level 0	NETP-3030-P3	24/09/21
Large Unit - GA Plan - Level 1	NETP-3031-P3	24/09/21
Large Unit - GA Plan - Roof	NETP-3032-P3	24/09/21
Spilt Unit - GA Elevations	NETP-3600-P3	24/09/21
Small Unit - GA Elevations (1 of 2)	NETP-3610-P3	24/09/21
Small Unit - GA Elevations (2 of 2)	NETP-3611-P3	24/09/21
Medium Unit - GA Elevations (1 of 2)	NETP-3620-P3	24/09/21
Medium Unit - GA Elevations (2 of 2)	NETP-3621-P3	24/09/21
Large Unit - GA Elevations (1 of 2)	NETP-3630-P3	24/09/21
Medium Unit - GA Sections	NETP-3820-P3	24/09/21
Large Unit - GA Elevations (2 of 2)	NETP-3631-P3	24/09/21
Spilt Unit - GA Sections	NETP-3800-P3	24/09/21
Small Unit - GA Sections	NETP-3810-P3	24/09/21
Large Unit - GA Sections	NETP-3830-P3	24/09/21
Detailed Strip Sections	NETP-3920-P1	24/09/21
Detailed Strip Sections	NETP-3921-P1	24/09/21
Detailed Strip Sections	NETP-3922-P1	24/09/21
Planting Strategy	NETP-7000-P4	24/09/21
Spilt Unit - GIA Plan	NETP-9200-P2	24/09/21
Small Unit - GIA Plan	NETP-9210-P2	24/09/21
Medium Unit - GIA Plan	NETP-9220-P2	24/09/21
Large Unit - GIA Plan	NETP-9230-P2	24/09/21
Bat Survey Report – NETPark Sedgefield 02/09/21		24/09/21
Construction Management Plan NETPark Phase 3A	V1	24/09/21
Design Code NETPark Phase 3a		24/09/21
External Lighting Strategy		24/09/21
Preliminary Ecological Assessment July 2021		24/09/21
Flood Risk Assessment & Drainage Strategy NETPark 3A	NETP-JKC-00-ZZ- RP-C-0001	24/09/21
High Level Soil Management Strategy NETPark Durham	TOHA/21/3461/HS	01/10/21

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 2, 6, 9, 21, 25, 26, 28, 29, 31, 32, 35, 36, 39, 40, 41, 43, 44 and 56 of the County Durham Plan and Parts 2, 4, 6, 7, 8, 9, 11, 12, 14, 15 and 16 the National Planning Policy Framework.*

## Proposed Uses

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no more than 40% of the gross floor area across the site shall be utilised as office space under Class E(g)(i) unless a review of parking provision and accessibility to demonstrate there is sufficient parking capacity on site has been submitted to and agreed in writing by the Local Planning Authority.

*Reason: In the interests of ensuring that sufficient car parking is available in accordance with Policy 21 of the County Durham Plan.*

## Contaminated Land

6. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 1 preliminary risk assessment (desk top study).

If the Phase 1 assessment identifies that further investigation is required a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

*Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.*

7. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.*

## Ecology

8. The development shall be carried out only in accordance with the mitigation detailed in Preliminary Ecological Assessment (NETPark Phase 3a, July 2021).

*Reason: In the interests of ensuring no protected species are adversely affected by the development in accordance Policies 41 and 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

## New Buildings

9. Prior to any construction above ground level on any particular building, full details of the make, colour and texture of all walling, roofing and glazing materials to be used in the construction of that building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the building materials used are compatible with surrounding area from the outset.*

10. No new buildings hereby approved shall be occupied until details of the surface treatment and construction of all hardsurfaced areas in and around the new buildings has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details prior to first occupation.

*Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

11. No new buildings hereby approved shall be occupied until details of all means of enclosure of the new dwellings has been submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details thereafter.

*Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

12. No new building hereby approved shall be occupied until a detailed landscaping scheme for each building and the surrounding public areas has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include the following:

- Any trees, hedges and shrubs scheduled for retention, including method of protection.
- Details soft landscaping including planting species, sizes, layout, densities, numbers.
- Details of planting procedures and/or specification.
- Finished topsoil levels and depths.
- Details of temporary topsoil and subsoil storage provision.
- The timeframe for implementation of the landscaping scheme.
- The establishment maintenance regime, including the replacement of vegetation which die, fail to flourish within a period of 5 years from planting.
- A plan showing the public/structural landscaping and private/in-curtilage landscaping.
- Full details of the management, maintenance and accessibility of all areas of open space in perpetuity.

The approved landscaping scheme shall thereafter be undertaken in accordance with the approved details and timeframes.

*Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

13. Prior to the commencement of the any new building hereby approved detailed drawings, including sections, showing the existing and proposed site levels, and the finished floor levels of the proposed development and those of existing neighbouring buildings (if any), has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details thereafter.

*Reason: In the interests of the amenity of the surrounding areas and neighbouring properties, in accordance with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the implications of changes in level are properly considered and accounted for in the development.*

#### Drainage

14. No development other than ground clearance or remediation works shall commence until a scheme for the provision of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016. The development thereafter shall be completed in accordance with the details and timetable agreed.

*Reason: To ensure that surface and foul water are adequately disposed of, in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.*

#### Landscape

15. Prior to the commencement of the development, full details of the proposed tree removal and protection of retained trees shall be submitted to and approved in writing. The details submitted should include the itemised listings and plans of the trees to be removed together with details and plans of the proposed protection measures to be installed during the construction and operational phases of the development. Once agreed, the development should be undertaken in accordance with the approved details and where appropriate required retained in perpetuity.

*Reason: In the interests of minimising tree loss, protecting existing trees and the visual amenity of the area and to comply with Policies 29, 31, 40, 41 and 44 of the County Durham Plan and Parts 12, 15 and 16 of the National Planning Policy Framework.*

16. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1300 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

## Energy Reduction

17. Prior to the occupation of any building hereby approved, a sustainability assessment demonstrating that a BREEAM Rating of "Very Good" has been achieved for that building shall be submitted to and agreed in writing by the Local Planning Authority.

*Reason: In order to ensure that the proposed development achieves the required sustainability rating in accordance with Policy 29 of the County Durham Plan.*

## Sustainable Travel

18. Within 6 months of the occupation of the development, a Final Travel Plan, conforming to 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 the interests of sustainable travel in accordance with Policy 21 of the County Durham Plan.*

19. Prior to any part of the development hereby approved being brought into operation the development, a scheme indicating the locations of 30no. active and 60no. passive electric car charging points across the site shall be submitted to and agreed in writing by the Local Planning Authority, with charging points installed to an agreed timetable. The charging points shall be retained for use in perpetuity thereafter.

*Reason: In order to encourage sustainable means of travel in accordance with Policy 21 of the County Durham Plan and with the aims of Part 9 of the NPPF.*

20. Prior to any part of the development hereby approved being brought into operation the development, a scheme indicating the locations of 124no. cycle parking points across the site shall be submitted to and agreed in writing by the Local Planning Authority, with the cycle parking points installed to an agreed timetable. The cycle parking points shall be retained for use in perpetuity thereafter.

*Reason: In order to encourage sustainable means of travel in accordance with Policy 21 of the County Durham Plan and with the aims of Part 9 of the NPPF*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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.

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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 (2021)
- National Planning Practice Guidance notes.
- County Durham Plan (2020)
- North East Local Enterprise Partnership – Strategic Economic Plan (2019)
- North East Local Enterprise Partnership – Health and Life Sciences Strategy (2021)
- Statutory, internal and public consultation response

