



County Planning Committee

Date Tuesday 3 January 2017
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 6 December 2016 (Pages 3 - 12)
5. Applications to be determined
 - a) DM/16/01417/FPA - University Hospital of North Durham, North Road, Durham (Pages 13 - 28)
Two storey Emergency Department and surface car parking and demolition of old hospital buildings.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
7. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

Part B

Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)

8. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
21 December 2016

To: **The Members of the County Planning Committee**

Councillor K Davidson (Chairman)
Councillor B Moir (Vice-Chairman)

Councillors D Boyes, J Clare, P Conway, M Dixon, G Holland,
I Jewell, A Laing, R Lumsdon, C Marshall, H Nicholson,
G Richardson, A Shield, P Taylor and R Young

Contact: Ian Croft

Tel: 03000 269702

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 6 December 2016 at 1.00 pm**

Present:

Councillor K Davidson (Chairman)

Members of the Committee:

Councillors D Boyes, J Clare, P Conway, M Dixon, G Holland, I Jewell, B Moir (Vice-Chairman), H Nicholson, G Richardson and R Young

1 Apologies for Absence

Apologies for absence were received from Councillors A Laing, R Lumsdon and A Shield.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 1 November 2016 were agreed as a correct record and signed by the Chairman.

5 Applications to be determined

a 1. DM/16/01937/MIN and 2. DM/16/01943/VOCMW - Kilmondwood Quarry, Boldron

The Committee considered a report of the Senior Planning Officer regarding applications for (1) eastern extension for the winning and working of 5 million tonnes of Carboniferous limestone and the importation of 192,000 cubic metres of inert materials, with restoration to broadleaved woodland, low nutrient grassland, calcareous grassland, hedgerow and natural regeneration on exposed limestone over 26 years and 6 months and (2) variation to Planning Permission No. 8/PRA/2013/6/1 to allow eastern extension to quarry at Kilmondwood Quarry, Boldron (for copy see file of Minutes).

C Shields, Senior Planning Officer gave a detailed presentation on the applications which included a site location plan, an aerial photograph, a view of the site access, a view of the existing quarry, a view of the extension area and details of the three

phases of the site extension. Members of the Committee had visited the quarry site and surrounding area the previous day and were familiar with the site and its setting.

The Senior Planning Officer informed the Committee that although the submitted noise and dust assessments were considered to be acceptable, the Environmental Health Officer recommended that a background noise assessment be carried out at South Flatts prior to the commencement of the extension and the data used to inform the noise action plan required through Condition. The applicant volunteered to carry out this survey in advance of the Committee meeting today, given the concerns of the residents of South Flatts Farm. The results of this were as follows:

Site No.	Location	Average Measured Noise Levels	
		dB L _{Aeq}	dB L _{Aeq}
SF1	South Flatts (north side of the house)	59	52
SF2	South Flatts (south side of the house and east of the barn)	60	38

The calculated worst-case daytime noise level for the proposed routine operations at the Extension Scheme during Phase 3 (the most easterly phase) for location SF1 was 48 dB L_{Aeq}, 1hr. The worst-case daytime noise level associated with routine operations at the Extension Scheme in relation to location SF2 would be below that calculated for location SF1 due to the intervening noise barrier attenuation that would be afforded by South Flatts House and barn respectively to the north and west of this location. In this respect, the predicted worst-case daytime noise level for locations SF1 and SF2 was below 55 dB L_{Aeq}, 1hr and not in excess of background (LA90) plus 10 dB LAeq, 1hr. In addition, this calculated worst-case daytime noise limit for routine operations during Phase 3 did not allow for the increased stand-off that had been achieved by pulling back the eastern limit of excavation further away from South Flatts by at least 15 metres from that originally proposed. The proposed stand-off from the eastern limit of excavation to South Flatts was approximately 340 metres distant, with land falling away from the Extension Site to the east.

The Senior Planning Officer informed the Committee that the proposed Condition 24 should be amended as follows to include reference to the 10dB(A) above background tolerance:

Except when soil handling operations are taking place, the noise emitted from operations on the site shall not result in noise levels greater than 55dB LAeq, 1hour (freefield) or not exceed the LA90 (1h), as determined by baseline noise level results gathered in accordance with Condition 3, by more than 10dB (A), whichever is lower, at East Roods, West Roods, Kilmondwood Farm, Jock House and South Flatts.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity Paragraphs 123 and 144 of the NPPF).

Councillor R Bell, local Member was unable to attend the Committee but had made the following representation on the application:

‘Broadly I welcome this application as fulfilling a real need for materials and securing local jobs.

However, the occupants of South Flatts Farmhouse, the closest property not financially linked to this scheme, have raised their concerns with me regarding this application.

The development could be contrary to the Teesdale Saved Local Plan which states that *Development will be permitted provided that it complies with each of the following criteria:*

E). It would not unreasonably harm the amenity of occupants of adjoining sites and

N). It would not be unacceptably detrimental to public health.

The request by the Alexanders for a wider buffer zone at the eastern end of the development to protect them and the other five properties at the eastern end, from noise and dust seems a reasonable request for mitigation of an important scheme. The buffer zone at the eastern end in the proposal is 15 metres, which seems very small.

I understand the closest property will be only 50 metres from the quarry in phase 3. The Alexanders are asking for 250 metres which is a figure quoted in the Saved Local Mineral plan. Perhaps the width of the buffer zone should be decided neither by the developer nor by the objectors, but is a key matter to be decided by Committee.

Alternatively, I note that Bowes Parish Council has requested that the development be reduced to extraction of 2.5 million tonnes over a 10 year period stating that many Local Authorities have a policy of limiting the working time for mineral applications in order to take account of ongoing and possible future legislation which they cannot anticipate at the present time. This seems an appropriate suggestion and would limit the scheme to phases 1 and 2 which is still a significant development to meet the needs clearly identified in the report, at which point we would have experience to guide us in any new submission which would then be applied for.’

Mr Alexander of South Flatts Farmhouse addressed the Committee to object to the application. South Flatts Farmhouse was the only property at the eastern end of the proposed quarry extension which was not financially linked to the scheme.

Mr Alexander informed the Committee that he had tried to negotiate with the developer to moderate phase 3 at the eastern end of the scheme but had almost totally failed.

Mr Alexander had been left with no choice but to appeal to the Committee to protect not just his family’s health and quality of life, but also that of the residents of the

other four houses at the eastern end even though they had not objected because they were all financially linked to the scheme. These four houses were owned by the applicant and his family but this may not always be the case given this was a 26 year programme.

The application was a major extension to Kilmond Wood Quarry and would result in huge amounts of valuable stone being removed. Unfortunately this could not be done without producing noise and dust. The direction of working, the direction of haul and the prevailing wind direction all combined to mean that any limestone dust leaving the void would end up at the eastern end. One house was only 50 metres from the edge of the quarry in phase 3. Originally there was no buffer zone proposed at this end at all but after Mr Alexander raised this issue with the planning officer the application was amended to include a 15 metres barrier planted up soon after permission was granted.

The proposed buffer zone of 15 metres was not sufficient to afford protection from a quarry that stretched almost two kilometres from west to east, a quarry which would 12 hours a day, 6 days a week with the wind blowing directly towards South Flatts Farmhouse.

The County's Landscape Team had confirmed that buffer zones did mitigate the effects of noise and dust. The Saved Local Mineral Plan stipulated a set back distance of 250 for noise and dust and 500 metres for blasting to a group of ten residential properties. Mr Alexander failed to understand why ten should be protected and six not. The Welsh government imposed a 200 metre buffer zone on all hard stone quarries in Wales, Derbyshire 200 metres, Oxfordshire 100 metres, Gloucestershire 250 metres and Cumbria 250 metres. Mr Alexander could find no evidence that any authority in the UK had imposed just 15 metres on a hard stone quarry where blasting and stone crushing took place. He had asked for 250 metres, or halting the scheme at the historic quarry, which provided a natural break, since March. Ten days ago before submitting his objection Mr Alexander rang the developer's agent to raise this again, to request that this be put to his client. The agent had said that he would, but that he wasn't hopeful that his client would agree. When asked why a modest barrier of 250 metres that didn't in any way threaten the viability of the scheme would be rejected he answered that his client wanted to maximise his return on his investment.

Mr Alexander informed the Committee he was making representations to maximise the protection of his family and future families at the eastern end of Kilmond Wood Quarry. He urged the Committee to err on the side of caution and impose a condition to increase the 15 metre buffer zone at the eastern end in line with the Council's saved local mineral plan and those of other authorities. This was vitally important to Mr Alexander due to a serious medical condition of his son which made him dangerously at risk from increased dust levels in the atmosphere.

The planning officer had stated that no dust should leave the quarry void but Mr Alexander informed the Committee that it did. If noise and dust action plans were broken enforcement was always retrospective and by then the damage would be done. The dust action plan was revised in September 2016 and yet on the 15 September he had observed several breaches of this plan in 15 minutes. The

applicant argued it was an important scheme which outweighed any nuisance it may cause. While it was an important scheme Mr Alexander questioned whether it was more important than his son's health and the quality of life of the people living at the eastern end.

The financial success of this scheme would not be jeopardised by an increased buffer zone of 250 metres, which was a reasonable request. This would ensure the NPPF's statement that local planning authorities should ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source was achieved.

The 250 metre buffer zone would alleviate concern among residents and could only improve quality of life. While not opposing the scheme in general, Mr Alexander simply asked for it to be sensibly and responsibly moderated. The additional noise survey readings which had been referred to were taken last week and the data only received this morning so it had come too late for Mr Alexander to properly consider it in his evidence to the Committee.

Mr J Dickinson of WYG Planning, acting on behalf of Kearton Farms Limited addressed the Committee in support of the applications.

Kearton Farms proposed an eastward extension to Kilmondwood Quarry for the winning and working of 5 million tonnes of Carboniferous limestone over 26 years and 6 months.

The extension scheme had been assessed in relation to a comprehensive range of environmental matters, including noise, air quality and dust, which were matters raised by Mr Alexander of South Flatts in relation to their property some 340 metres distant from the eastern limit of excavation. In this respect, it was concluded that the extension scheme would be environmentally acceptable subject to planning conditions.

No statutory or internal DCC consultees had objected to the scheme.

The many benefits of the Extension Scheme included:

- the extraction of 5 million tonnes of carboniferous limestone to supply industrial markets and meet an identified need in the forthcoming Local Plan period to 2033;
- some 8 full time jobs, 4 existing and 4 new, for the duration of the extension scheme with the payment of approximately £5.9 million in salaries over the life of the site;
- businesses, including local companies, would be able to supply goods and services throughout the extension scheme;
- the restoration and aftercare proposals for the extension scheme had been designed to achieve the creation of habitat and species biodiversity appropriate to the locality and a long term landscape that could be managed in a sustainable manner.

It was considered that great weight should be attached to the benefits that would flow from the extension scheme, which would clearly help achieve economic growth and outweigh the likely impacts.

It was concluded that the extension scheme comprised sustainable development which accorded with the development plan and other material planning considerations including the NPPF.

Kearton Farms Limited requested that Members follow the Officer recommendation to grant permission for the Extension Scheme and the related revisions to the Periodic Review conditions.

Councillor Davidson sought clarity on the proposal made by Councillor R Bell that the buffer zone should be increased and the application be limited to a 10-year working time period.

N Carter, Planning and Development Solicitor informed the Committee that there was no relevant saved Local Plan Policy which prescribed a buffer zone distance in relation to the objector's situation. Officers were satisfied that the proposed conditions to the planning permission on noise and dust would adequately address amenity impacts and therefore there was no need for an increased, or indeed any, tree belt area in planning terms. The 15 metre tree belt area was being offered up by the applicant on a voluntary basis. As for the suggested reduction in the lifespan of operation of the quarry and quantity of material to be extracted, this would be a radical change to the application being considered by the Committee and it was not possible for the Planning Authority to make such a change unilaterally. The Committee must determine the application as presented to it. However, the Planning and Development Solicitor invited the Senior Planning Officer to comment further on the policy situation.

The Senior Planning Officer informed the Committee that the nearest residential property at Kilmond Wood Farm was 100 metres from the quarry. Policy M37 of the Minerals Local Plan referred to a 250m standoff distance from a group of 10 or more properties unless it was proved to be environmentally acceptable if closer. In this case Policy M37 was not applicable as the nearest group of 10 or more properties to the quarry was at Boldron which was some 600 metres away. It was also explained that the standoff distance was not an absolute and smaller distance could be acceptable if the application demonstrated that amenity would be protected. As part of this application it had been assessed that the quarry could operate without an increased buffer zone to the nearest property at Kilmond Wood Farm, which was some 100 metres away. The monitoring which had shown the proposed quarry extension to be acceptable had taken place without the proposed tree planting scheme on the 15 metre tree belt area.

Councillor Jewell informed the Committee that the proposed quarry extension would develop a large bowl long-term. The Drainage and Coastal Protection Officer had stated that water must be prevented from leaving the site and Councillor Jewell asked how this could be achieved and whether there was a risk of ponding.

The Senior Planning Officer replied that drainage occurred naturally through shale at the floor of the quarry and a hydrology assessment had shown this not to be an issue.

Councillor Boyes **moved** approval of the application, which accorded with NPPF Parts 3, 11 and 13 as well as Policy ENV 3 of the Teesdale Local Plan. However, he referred to the dust action plan and asked whether anything could be done over and above what was proposed to mitigate dust in light of the medical condition referred to by Mr Alexander.

The Senior Planning Officer replied that the Committee needed to consider the proposed scheme in its totality rather than individual aspects of it. An additional dust monitoring point would be added at South Flatts Farm and dust suppression measures would be in place in the quarry. With reference to the breaches of the dust action plan referred to by Mr Alexander, the Senior Planning Officer informed the Committee that these had recently been received and were being investigated.

Councillor Davidson informed the Committee that dust monitoring at South Flatts Farm and a further 5 sites would take place for the duration of working and added that dust could also be generated from traffic using the nearby A66.

Councillor Richardson informed the Committee that he considered the objector was not asking for too much in his request for a larger buffer zone because of his son's health condition. Councillor Bell, in his submission to the Committee, had referred to a buffer zone of 250 metres in the saved Local Mineral Plan. Councillor Richardson considered that there was a need for the quarry operators to be a good neighbour and he felt uneasy about the proposed buffer zone width. Councillor Richardson asked why the buffer zone could not be increased.

The Senior Planning Officer replied that the quarry site did not trigger the 250 metre buffer zone requirement because there were not 10 properties within 250 metres of the quarry. He added that the objector's property at South Flatts Farm was some 330 metres from the quarry site in any event.

Councillor Dixon informed the Committee that sites around the quarry would be constantly monitored to ensure that there was no impact from dust generation. He referred to the AONB Partnership raising no objections to the proposal subject to lighting being kept within the quarry void and asked how this would be achieved as it was not covered by condition.

The Senior Planning Officer replied that lighting was part of the working plan for the quarry. Lighting would only be around areas which were being worked and the quarry face was some 20 metres high which should keep lighting within the quarry void.

Councillor Dixon **seconded** approval of the application.

Councillor Davidson asked where monitoring currently took place. The Senior Planning Officer replied this was at Kilmond Wood Cottage and South Flatts Farm.

Councillor Clare informed the Committee that the only way the Committee could impose a wider buffer zone would be by condition but there were no grounds to do this. The Committee could not refuse planning permission because it met all planning requirements for approval. The application came with a strong emotional and moral impact, but any amendment would require the applicant to amend the application.

Councillor Holland agreed with Councillor Clare. He had been impressed with the high quality of operation of the quarry when on the Committee site visit and the officer report stated the case for approval of the application. There was no case for the Committee to refuse the application or increase the buffer zone as this would mean altering the application and that couldn't be done for just one person. There was an economic need for this development in the area. Councillor Holland added that when purchasing a house which was located near to a quarry, some noise and dust must be anticipated.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the Conditions contained in the report, as amended.

b 1. DM/14/02371/VOCMW and 2. DM/14/02372/WAS - Land at Birtley Quarry, Station Lane, Birtley

The Committee considered a report of the Senior Planning Officer regarding applications for (1) variation of Conditions 1 (approved documents), 5 and 6 (matters requiring subsequent approval), 7 and 8 (completion date), 9 (future works required) 13, 14, 17-21 (topsoil stripping and bunding works), 23 and 24 (method of working), 29 (equipment), 30 (noise), 32 (site maintenance), 34 (archaeology), 35 and 36 (removal of site compound, access & haul roads), 37 (provision of surface features) and 41 (maintenance of hedges and trees) of Planning Permission 2/88/116CM, and (2) remediation works using recovered inert waste materials to achieve suitable and stable restoration profiles for northern and southern faces of the quarry at Birtley Quarry, Station Lane, Birtley (for copy see file of Minutes).

C Teasdale, Principal Planning Officer gave a detailed presentation on the applications which included a site location plan, aerial photographs and views of the existing quarry.

The Principal Planning Officer informed the Committee that the conditions contained in the report had been amended and a new set of Conditions for each application were proposed. These had been circulated to Committee Members and would be placed on the Minutes file for the meeting.

Councillor Holland informed the Committee that he accepted the professionalism of officers in the recommendations in the report. He **moved** approval of the applications.

Councillor Boyes agreed with Councillor Holland and **seconded** approval of the applications.

Resolved:

That the applications be approved, subject to the amended Conditions as circulated and completion of a planning obligation in respect of application DM/14/02371/VOCMW.

This page is intentionally left blank

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/01417/FPA
FULL APPLICATION DESCRIPTION:	Two storey Emergency Department and surface car parking and demolition of old hospital buildings.
NAME OF APPLICANT:	County Durham & Darlington NHS Foundation Trust
ADDRESS:	University Hospital of North Durham, North Road, Durham
ELECTORAL DIVISION:	Nevilles Cross
CASE OFFICER:	Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises of the University Hospital of North Durham located in Durham. The main hospital building sits to the north of the site. Car parking areas and detached hospital buildings make up the south of the hospital site. Dryburn House which is a Grade II listed building is located directly opposite the A&E department. The site is surrounded by mature trees to the north, east and west, which are covered by Tree Preservation Orders.

The Proposal

2. Planning permission is sought for the construction of a two storey extension to the emergency department including introduction of additional car parking and the demolition of old hospital buildings. The Hospital Trust has identified an urgent requirement for the provision of a new Emergency Care and Urgent Care facility. The Hospital Trust have indicated that there is an urgent need to address the unprecedented demand upon its services through a redevelopment of its Accident and Emergency Department.
3. The proposed building will occupy 4506m² of gross internal area. The majority of the development is clinical space located at the ground floor with two corridors linking back to the existing hospital facilities. At the first floor there will be admin/staff facilities and the plantroom block required for the operation of the new Emergency Department.
4. This application is referred to the Planning Committee as the application is a major application.

PLANNING HISTORY

5. In June 2015, Members of the Central East Planning Committee resolved to approve listed building consent for the demolition of Dryburn House. This listed building application was subject to the completion of a Section 106 Legal Agreement to ensure no demolition is carried out until planning permission has been granted for the redevelopment of the A&E department at the hospital and contracts and development timescales are in place for the subsequent redevelopment. The listed building consent for the demolition of Dryburn House will be issued once the Section 106 legal agreement is signed.

PLANNING POLICY

NATIONAL POLICY:

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
8. The following elements are considered relevant to this proposal;
9. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
10. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. *NPPF Part 8 – Promoting Healthy 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.
12. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
13. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA’s should require applicants to describe the significance of

the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

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

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

LOCAL PLAN POLICY:

City of Durham Local Plan

14. *Policy E14 (Trees and Hedgerows)* sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
15. *Policy E16 (Protection and Promotion of Nature Conservation)* is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
16. *Policy E23 (Listed Buildings)* seeks to safeguard Listed Buildings and their settings from unsympathetic development.
17. *Policy H13 (Residential Areas – Impact upon Character and Amenity)* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
18. *Policy T1 (Traffic – General)* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
19. *Policy T10 (Parking – General Provision)* states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
20. *Policy T20 (Cycle facilities)* seeks to encourage appropriately located, secure parking provision for cyclists
21. *Policy T21 (Safeguarding the Needs of Walkers)* states that the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network is established throughout the City; that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Wherever possible, footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development which directly affects a public right of way will only be considered acceptable if an equivalent alternative route is provided by the developer before work on site commences.

22. *Policies Q1 and Q2 (General Principles Designing for People and Accessibility)* states that the layout and design of all new development should take into account the requirements of all users.
23. *Policy Q3 (External Parking Areas)* requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.
24. *Policy Q5 (Landscaping General Provision)* sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
25. *Policy U5 (Pollution Prevention)* states that development that may generate pollution will not be permitted where it would have unacceptable impacts upon the local environment, amenity of adjoining land and property or cause a constraint the development of neighbouring land.
26. *Policy U8a (Disposal of Foul and Surface Water)* requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
27. *Policy U11 (Development on Contaminated Land)* sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.
28. *Policy U13 (Development on Unstable Land)* will only be permitted if it is proved there is no risk to the development or its intended occupiers, or users from such instability, or that satisfactory remedial measures can be undertaken.
29. *Policy U14 (Energy Conservation – General)* states that the energy efficient materials and construction techniques will be encouraged.
30. *Policy C1 (Re-development of the Dryburn Hospital Site)* states that extensions to the new hospital will be of a scale and materials that compliments the existing buildings and any loss of on-site parking facilities resulting from new buildings will be replaced by appropriate on-site provision and additional provision.

EMERGING POLICY:

County Durham Plan

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

32. *County Drainage Team* has not raised any objections to the proposed scheme.
33. *Northumbrian Water* has not raised any objections subject to a condition requiring a scheme for the disposal of surface and foul water to be agreed prior to development.
34. *Historic England* do not object to the application but does request that a legal agreement is entered into to ensure that the building is not demolished without surety of its replacement for the use of a hospital.
35. *County Highways Authority* has indicated that the additional demand resulting from the proposal will at times increase queuing and delay in the local network. The likely outcome of increasing demand in this area will be to increase peak spreading as drivers attempt to avoid the busiest periods.

INTERNAL CONSULTEE RESPONSES:

36. *Landscape* has not raised any objections however concerns have been made over the vulnerability of some of the surrounding trees.
37. *Tree Officer* has not raised any objections to the proposed scheme.
38. *Public Rights of Way* have confirmed that there are no public rights of way through the site.
39. *Environmental Management (Noise)* has not raised any objections to the proposed scheme.
40. *Ecologist* has not raised any objections.
41. *Design and Conservation* has not objected to the scheme. It has been concluded, as with the loss of any heritage asset the outcome is highly regrettable. In this case it is considered that following a robust appraisal of all of the options put forward, including in these discussions medical professionals who clearly understand the aims of the new model of emergency care and its operation, the public benefits outweigh the harm.
42. *Environmental Management (Contamination)* has not raised any objections however conditions are recommended with regards to further contamination works.
43. *Sustainability* has not raised any objections however a condition is required for a scheme to embed sustainability and minimise Carbon from construction to be submitted for approval prior to development commencing.

PUBLIC RESPONSES:

44. The application has been advertised on site and in the local press. Neighbouring residents were also notified individually of the proposed development. One letter of representation has been received indicating that it would be beneficial for ambulances to be able to access the hospital from Southfields Way.

APPLICANTS STATEMENT:

45. This proposal represents a significant capital investment for County Durham and Darlington NHS Foundation Trust. The current A&E Department was built to provide care for approximately 30,000 patients per year. It already sees around 60,000 and this increase in attendances is unlikely to diminish in the future and indeed is likely to come under further pressure as a result of an aging and growing population.
46. To address this unprecedented demand upon its services it proposes the construction of a new Emergency Care extension and the provision of a fully integrated care model with paediatric, medical and surgical assessment being provided as close to the 'front door' as possible. The proposal also seeks to address the deficiencies in the car parking on the site with the provision of over 200 new car parking bays and will improve the access into the Emergency Department for the ambulance service.
47. In summary the proposal will deliver significant improvements to the delivery of Emergency Care at the University Hospital of North Durham and the proposals are commended to the Committee for approval.

PLANNING CONSIDERATIONS AND ASSESSMENT

48. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to principle of development; design and materials; highway considerations; and impact on surroundings.

Principle of development

49. The proposed development is for an extension to the existing A&E department at the University Hospital of North Durham. The Hospital Trust has identified an urgent requirement for the provision of a new Emergency Care and Urgent Care facility. The Hospital Trust have indicated that there is an urgent need to address the unprecedented demand upon its services through a redevelopment of its Accident and Emergency Department. Given the site is currently a hospital operation the proposed extension is considered to be acceptable in principle and in accordance with policy C1 of the local plan.

Design and materials

50. The proposed building has been designed with the operation of the internal use at the forefront. The user experience has also heavily influenced the design and the use of natural light and glazing to utilise calming views of the landscape is welcome and a great improvement over the current situation. The glazing will also provide lit orientation after dark and direct users to the main entrance. The proposal looks to incorporate the use of ochre colour detailing on parts of the building. This colour detailing will be very striking and bold and will certainly give the building some identity.
51. Due consideration has been given to the proposed materials with robustness, speed of construction and context coherence in mind. The submitted design and access statement indicates that masonry construction was considered for the development

and this would have likely been the most appropriate solution however this was dismissed due to viability and speed of delivery. A quality fibre cement rainscreen cladding, a natural material with robust characteristics is proposed for the scheme. The proposed colours have been selected from the existing colours of the hospital including grey, buff and red but enriched proposing dark grey, ochre orange and white to accentuate the new A&E building.

52. The size, scale and massing of the proposed building is consistent with the scale of the existing building. The proposed building would not be overly dominant in relation to the existing building however it does provide a presence which would attract visitors to the new main entrance.
53. Overall, it is considered that the proposed new A&E building extension would be acceptable in design and materials and would not be contrary to policy H13 of the local plan.

Highway considerations

54. As part of the proposed extension, the scheme also proposes new parking provision. An additional 222 parking spaces are proposed. Inefficiencies in the existing parking layout are proposed to be addressed by separating the staff and visitor parking. On entering the hospital site the main staff parking spaces will be on the right and all the visitors parking spaces will be the current existing parking on the left. Emergency vehicles access will be maintained via the Dryburn Road roundabout but the egress will be transferred to the Southfield Way creating a one way system for ambulances through the site.
55. A transport statement along with an assessment on the surrounding traffic network has been submitted with the proposed application. The County Highways Manager has been consulted and it has been indicated that the existing highway network suffers from severe peak hour congestion in the vicinity of the hospital and the addition of any development traffic would therefore add to this congestion. The distribution of trip on the network has been assessed through a modelling exercise. As required, the base validated models indicate that the network is at capacity at Sniperley and County Hall roundabouts. The addition of development flows at whatever levels inarguably increases queuing and delay at those junctions. Whilst the transport consultant for the application has suggested that only a small percentage of traffic is being added, queuing and delay will nevertheless increase. The levels of instability at these junctions are such that traditional computer modelling cannot accurately predict queuing and delay. Therefore levels of queues predicted in the model outputs must be treated with considerable caution. The Highways Manager considers it is not possible to take a quantifiable approach to predicting network effects in saturated conditions. It is accepted that the demands from the hospital development are low and within expected daily variation. The Highways Manager view is that the additional demand will at times increase queuing and delay in the local network. The likely outcome of increasing demand in this area will be to increase peak spreading as drivers attempt to avoid the busiest periods.
56. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It is also considered that the benefits of providing a new A&E facility would have significant benefits to the population of the County and beyond which would outweigh the negative impacts the proposal would have on the surrounding traffic network.

57. In order to support sustainable travel objectives and encourage sustainable modes of travel to the hospital, a condition is recommended for a travel plan to be submitted for approval and for a Travel Plan Co-ordinator to be appointed. A condition is recommended accordingly.
58. Overall it is considered that the residual impact on the highway network resulting from the proposed development is not considered severe and therefore not sufficient to warrant approval.

Impact on surroundings

59. It is noted that the proposed A&E extension would result in the loss of Dryburn House which is a listed building. The demolition of this listed building has previously been considered by the Central East Planning Committee and it was determined that the loss of the listed building was acceptable. The committee report for the loss of the listed building concluded:
60. *It is clear that Dryburn House as a listed building is worthy of retention, as it still retains important features, both internally and externally, and the heritage significance of the building still remains. The demolition of the listed building does therefore contradict policy E23 of the local plan as well as a number of sections within the NPPF. The NPPF does however states that the loss of a designated heritage asset, such as a listed building, can be considered acceptable if substantial public benefits outweigh that loss. Through the submissions made in this application, it is clear that there are substantial public benefits in providing a much improved emergency care centre, which will benefit a large section of the population of County Durham. Various different options to provide the emergency care centre at the hospital have been fully investigated and assessed by Officers from the Council and other heritage professionals. Officers are satisfied that the loss of Dryburn House is the only viable option to provide a new emergency care centre which will meet clinical requirements. On balance, it is therefore considered that the significant public benefit of an improved emergency care centre at the hospital would justify the loss of the designated heritage asset, Dryburn House, in this particular instance. The proposal is therefore considered to be in accordance with paragraph 133 of the NPPF.*
61. As stated above it has been considered that the loss of the listed building, Dryburn House, is considered to be in accordance with paragraph 133 of the NPPF. Paragraph 136 of the NPPF further states that local planning authorities should not permit loss of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. The submission of this application for the new A&E extension building is a step to ensuring the development will proceed following the loss of the listed building. It is also noted the listed building application was minded to be approved subject to the signing of a Section 106 legal agreement. This Section 106 legal agreement ensures that mechanisms are in place to ensure that Dryburn House will not be demolished until planning permission has been granted for the redevelopment of the A&E department at the hospital and contracts and development timescales are in place for the subsequent redevelopment. The listed building will not be removed until the legal agreement requirements have been satisfied which also satisfies Historic England's concerns over the loss of the listed building. In addition to this an appropriate record of the building will be made and archived appropriately to a level 3 Historic England standard, and this will be conditioned as part of the listed building consent. It is considered that the loss of the heritage asset is in accordance with paragraph 133 and 136 of the NPPF and would comply with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

62. The hospital site is fairly contained and the proposed A&E extension would not be highly visible from outside the site. The proposed extension would be sufficient distance away from neighbouring residential properties to ensure that residential amenity would not be compromised.
63. The proposed A&E extension would result in the loss of several trees which are protected under Tree Preservation Orders. These TPO trees are located within the centre of the development area and there would be no way of retaining the trees while allowing the development to proceed. Again the significant benefits of introducing a new A&E development would outweigh the loss of the TPO trees. A landscape scheme has been submitted with the application which indicates that new trees are proposed to be planted in order to mitigate the loss of the protected trees. The County Tree Officer has not raised any objections to the loss of the trees and the introduction of new trees are welcomed.
64. The Councils Drainage Officer and Northumbrian Water have not raised any objections to the proposed scheme. Further details are required to determine the disposal method for foul and surface water. A suitable condition is recommended for drainage details to be submitted prior to works commencing. It is not considered that the proposed development would have any adverse impacts in terms of drainage or flooding.
65. The Council's Environmental Management Team have been consulted on the proposals and no objections have been received in respect of noise and contamination. Further details are required in relation to contamination however these details can be sought through planning conditions. A condition relating to contamination is recommended accordingly. It is not considered that the proposal would have an adverse impact in terms of noise impacts or contamination.
66. The Councils Sustainability Officer has been consulted on the proposed development. No objections have been raised however a condition is requested to ensure the development embeds sustainability into the scheme and reduces carbon emissions. A condition is recommended accordingly.
67. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2010 have established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations it is an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.
68. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and also consider these tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions the Local Planning Authority must consider a detailed assessment against the 3 no. "Derogation tests" of the Habitats Directive.
69. A bat survey of the buildings to be demolished has been submitted with this application. This survey indicates that there is no records of bats in any of the

buildings and no bats roosts were identified. Dryburn House and its ancillary buildings are therefore classed as a low risk for use by roosting bats. The survey acknowledges that there is limited opportunity for bats to gain access to the fabric of the building, however some precautionary mitigation measures are recommended during the demolition of the buildings. The submitted assessments have been analysed by the County Ecologist. The County Ecologist has confirmed that there are no objections to the findings of the assessment or the proposed mitigation measures. A condition is recommended ensuring that the mitigation measures are adhered too, and this condition is recommended accordingly. Subsequently it is not considered that the proposed development would have an adverse impact on protected species or their habitats and would be in accordance with part 11 of the NPPF.

CONCLUSION

70. The size, scale and massing of the proposed building is consistent with the scale of the existing building. The proposed building would not be overly dominant in relation to the existing building however it does provide a presence which would attract visitors to the new main entrance. The proposed materials are considered acceptable and the colour detailing will be very striking and bold and will give the building some identity. The proposed design and materials are considered acceptable and would not be contrary to policy H13 of the local plan.
71. The scheme provides 222 additional car parking spaces and there will be reconfiguration of the existing car parking allowing for additional visitor car park spaces. The existing access for emergency vehicles and ambulances will be retained however a one way system will be introduced to allow emergency vehicles to leave the site onto Southfield Way. The submitted Transport Statement does indicate that the proposed development would increase traffic which would have a residual impact on the surrounding highway network. It is considered that the significant benefits of introducing a new A&E building would outweigh the negative impacts on the surrounding highway network. It is also considered that the impact on the surrounding highway network would not be considered severe and a refusal on traffic grounds could not be substantiated. The proposal is considered to be in accordance with section 4 of the NPPF.
72. The demolition of the listed building has been agreed by a separate planning committee. On balance, it is considered that the significant public benefit of an improved emergency care centre at the hospital would justify the loss of the designated heritage asset, Dryburn House, in this particular instance. It is considered that the loss of the heritage asset and the introduction of a new A&E extension building is in accordance with paragraph 133 and 136 of the NPPF and would comply with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
73. The proposed extension is sufficient distance from neighbouring residential properties to ensure that the residential amenity would not be adversely compromised. The proposal would therefore be in accordance with policy H13 of the local plan.
74. The proposed A&E extension would result in the loss of several trees which are protected under Tree Preservation Orders. It is considered however that the significant benefits of introducing a new A&E development would outweigh the loss of the TPO trees. The introduction of new trees are proposed on the site to mitigate the loss of the TPO trees.

75. A bat survey of the proposed buildings to be demolished has been submitted which indicates that there is no evidence of bats or bat roosts. The County Ecologist is satisfied with the findings of the bat survey. It is therefore considered that the proposed demolition of the buildings in this application would not compromise protected species or their habitats. The proposal would therefore be in accordance with policy E16 of the local plan.

76. The Council Drainage Officer, Environmental Management Team, Sustainability Officer and Northumbrian Water have not raised any objections to the proposed development. It is considered that the proposal would not compromise drainage or flooding in the area; and would not have any adverse impacts in terms of contamination. The proposal would be in accordance with policies U5, U8a, U11 and U14 of the local plan.

RECOMMENDATION

That Members **APPROVE** the application subject to the following conditions;

1. The demolition hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Plan Ref No.	Description	Date Received
105 B	Proposed Site Plan	21/11/2016
B01/034 A	GA Elevations Proposed	21/11/2016
802 D	External Works	21/11/2016
030 A	Proposed Ground Floor Plan	21/11/2016
033 A	Proposed GA Sections	21/11/2016
106 B	Demolition Plan	21/11/2016
9016-013/101 B	Landscape Proposals	21/11/2016
031	Proposed First Floor Plan	03/05/2016
101 A	Location and Existing Site Plan	03/05/2016
032	Proposed Roof Plan	03/05/2016
	Aroboricultural Impact Assessment	05/12/2016

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. No demolition hereby approved shall take place unless in accordance with the mitigation, recommendations and conclusions within the protected species reports, Bat Survey Report February 2015 and the Bat Reasoned Risk Assessments March 2015 by Barrett Environmental Ltd.

Reason: To conserve protected species and their habitat in accordance with criteria within the NPPF.

4. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following

Pre-Commencement

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

Completion

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

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

5. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

6. Prior to the commencement of the development a scheme to embed sustainability and minimise Carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the building is in existence.

Reason: In order to minimise energy consumption and to comply with the aims of the NPPF.

7. Notwithstanding any details of materials submitted with the application no development shall commence until details of the external walling, roofing materials, windows details and hardsurfacing have been submitted to and approved in writing by the Local Planning Authority. Thereafter 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 H13 of the City of Durham Local Plan.

8. Prior to the commencement of development hereby approved a detailed landscaping scheme shall submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of the amenity of the area and to comply with policies Q5 and H13 of the City of Durham Local Plan.

9. All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which within a period of 5 years from the completion die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the appearance of the area and to comply with policy H13 of the City of Durham Local Plan.

10. Before the development hereby approved is brought into use the University Hospital of North Durham Travel Plan should be revised with stretch targets aimed at offsetting additional car trip demand. The revised travel plan should conform to the ethos and direction of the National Specification for Workplace Travel Plans, PAS 500:2008, bronze level, and shall be submitted to and approved in writing by local planning authority. The approved Travel Plan shall be implemented for the lifetime of the development.

Reason: In order to encourage sustainable means of travel in accordance with section 4 of the National Planning Policy Framework.

11. No development shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The construction of the development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to accord with policy T1 of the City of Durham Local Plan.

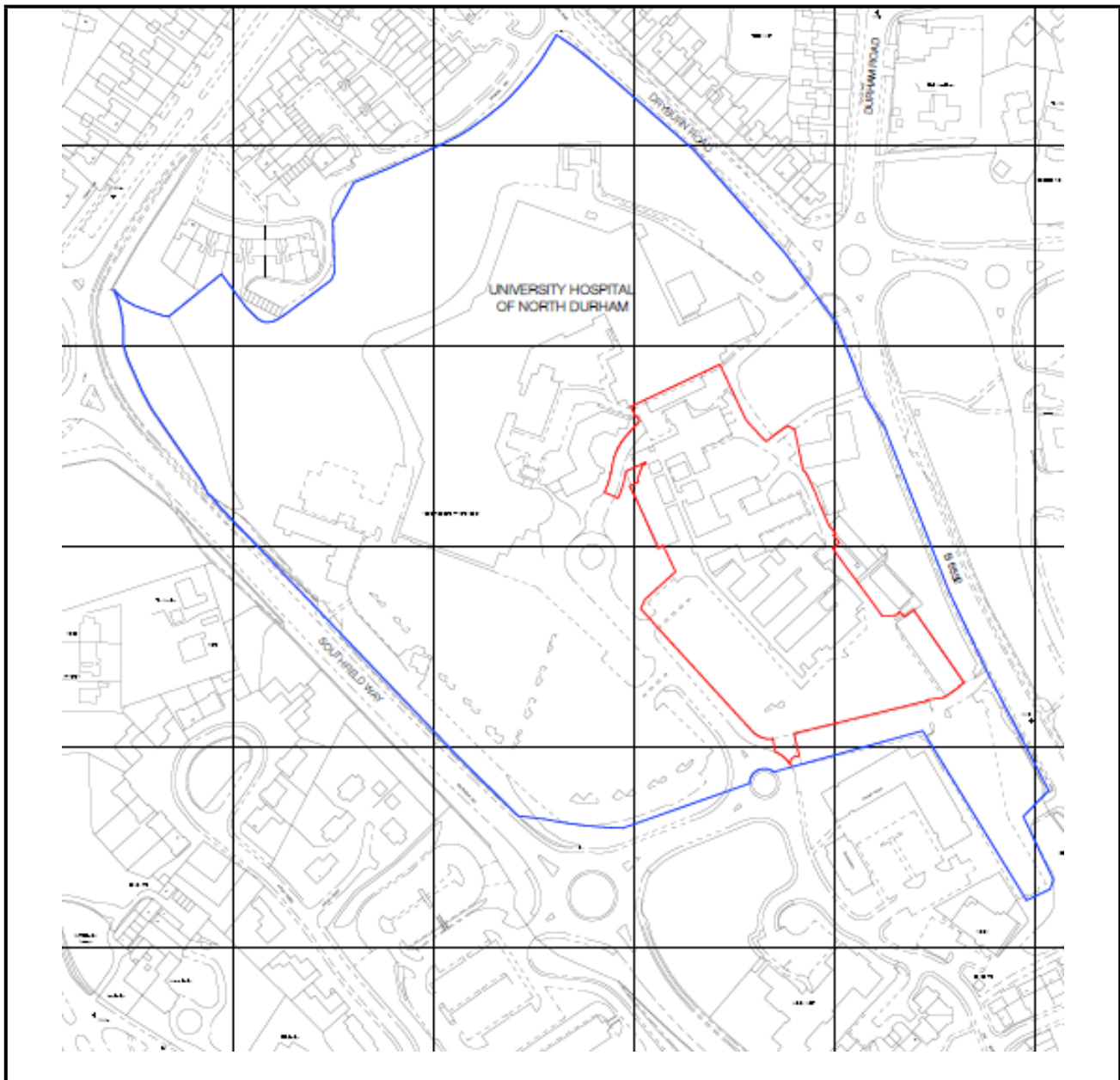
STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision 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. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
City of Durham Local Plan 2004
National Planning Policy Framework
Internal consultee responses
Public responses
Responses from statutory and other consultees
National Planning Policy Guidance
Emerging County Durham Plan





Planning Services

Two storey Emergency Department and surface car parking and demolition of old hospital buildings at University Hospital of North Durham, North Road, Durham Ref: DM/16/01417/FPA

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005

Date
3rd January 2017

This page is intentionally left blank