

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Tuesday 10 January 2023** at **9.30 am**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

Councillors A Bell, L Brown, I Cochrane, J Cosslett, S Deinali, J Elmer, P Jopling (substitute for LA Holmes), D McKenna, J Quinn, K Robson, K Shaw and A Surtees

1 Apologies for Absence

Apologies for absence were received from Councillors C Kay, LA Holmes and C Marshall.

2 Substitute Members

Councillor P Jopling substituted for Councillor LA Holmes.

3 Minutes

The minutes of the meeting held on 13 December 2022 were confirmed as a correct record by the Committee and signed by the Chair.

Councillor J Elmer entered the meeting at 9.35am

4 Declarations of Interest

Councillor L Brown noted, in respect of Item 5a, she was one of the Local Members and therefore had been contacted in respect of the proposals relating to the Little Angels Memorial Garden. She added that she was a member of the City of Durham Trust, however he was not a Trustee and had not been party to their submissions in objection.

The Chair, Councillor D Freeman noted, in respect of Item 5a, he was a member of the City of Durham Trust, however he was not a Trustee and had not been party to their submissions in objection.

5 Applications to be determined by the Area Planning Committee (Central and East)

5a DM/22/02388/FPA - University Hospital North Durham, North Road, Durham, DH1 5TW

The Senior Planning Officer, Jennifer Jennings (JJ) gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for the erection of two storey Emergency Department and surface car parking with associated demolition of Dryburn House and other existing outbuildings and was recommended for approval, subject to the conditions as set out in the report.

The Senior Planning Officer (JJ) noted that there was a separate Listed Building application, yet to be determined, in respect of the demolition of the Grade II Listed Building, Dryburn House. She explained it was pending approval, subject to a Section 106 Legal Agreement being finalised. She explained as regards representations received from one of the Local Members and City of Durham Trust in respect of the Little Angels Memorial Garden and the loss of the Grade II Listed Building. The Senior Planning Officer (JJ) added that a third representation received had noted potential issues for ambulances accessing the Emergency Department as a consequence of increased traffic levels from new housing development in the area. Members were informed that there had been both Full Planning approval and Listed Building approval for a largely similar scheme in 2017, however, those approvals had since lapsed. It was added that the new applications were considered against the adopted County Durham Plan (CDP) and Durham City Neighbourhood Plan (DCNP), different policies than those which the 2017 application had been considered against. The Senior Planning Officer (JJ) noted explained that it was considered that the current application was acceptable in principle and while there was some conflict in terms of Policy 29 and BREEAM, there had been a lot of work by the NHS in terms appointing a BREEAM professional and targeting zero carbon, as well as passive measures including skylights to allow natural light to enter, improved insulation, photovoltaic (PV) panels, and electric vehicle (EV) charging points. She added there was a condition relating to further details being required on such measures.

She concluded by explaining that while there was partial conflict with Policy 29, that it was felt on balance the positive aspects of the application outweighed any negative aspects and reiterated that the recommendation was for approval, subject to conditions.

The Chair thanked the Senior Planning Officer (JJ) and noted there were several NHS staff and their Planning Agents in attendance to answer any questions that Members may have. He asked the Committee for their comments and questions.

Councillor P Jopling asked, if the application were approved today, what the timescales were in terms of construction. She noted the report referred to extra Emergency Department (ED) capacity and asked if the proposals were such to meet current demands and predicted future demand, noting an aging population and increasing number of residents within the area. The Chair asked if representatives on behalf of the applicant could respond.

Dr Shafie Kamaruddin MBE, Deputy Medical Director for County Durham and Darlington NHS Foundation Trust (CDDFT) noted the forecasts for attendance at the ED and explained that the proposals, with a capacity of 90,000 per year, were such to cope with expected demand. He added that the existing ED would be repurposed and explained as regards the workforce, different ways of working and various other measures to help mitigate any concerns in terms of capacity. He noted current figures of around 190 to 220 attendances per day, which would put annual figures in excess of 60,000. M Heaps, Senior Project Manager explained that the demolition phase would take around 20 weeks, with construction scheduled to take approximately 80 weeks. Councillor P Jopling asked, if the application was approved, whether works would commence as soon as possible, the Senior Project Manager noted, should permission be granted, work would commence as soon as conditions were satisfied.

Councillor L Brown noted for clarification she had not objected to the application, rather she had raised issues on behalf of residents. She noted the main issues raised related to the loss of the Grade II Listed Building and the Little Angels Memorial Garden. She noted as regards Beamish Museum showing interest in terms of the materials from the listed building and the details of the proposed sympathetic move of the memorial garden. She added that the University Hospital of North Durham (UHND) had not been fit for purpose since 2001, not having sufficient space and explained that therefore she would be delighted to move approval of the application.

Councillor A Surtees explained she had a number of concerns relating to the application and asked for clarification in terms of the Listed Building application, noting her experience with a listed building in her Electoral Division that had taken 23 years before demolition took place.

She asked if the Listed Building was separate and agreed, or was subject to consultation with Government, or a Section 106 Agreement or at an early stage. She asked if that application was not agreed, what impact would there be on the application being considered. She noted she would come back with further questions relating to the memorial garden.

The Principal Planning Officer, Paul Hopper noted that the Listed Building application was pending consideration, recommended for approval, subject to details relating to the s106 being agreed. He noted the approval would be for the Council under delegated authority, not for Government. The Senior Planning Officer (JJ) noted there had been some discussions with Beamish Museum around the time of the lapsed application, but although the NHS Trust had tried to contact the Museum, they had not had recent discussions. She noted that the proposals included provision for the Listed Building to be fully recorded and the historic elements of it stored with a hope that Beamish may be in a position at a later date to receive them. She added that there would not be a condition relating to this on the Listed Building application, as it would not be deemed necessary as part of the approval and was not included in the previous Listed Building permission.

Councillor J Quinn noted he had read the report and listened to the Officer's presentation and felt that the pros outweighed the cons and therefore he would be happy to second Councillor L Brown's motion for approval.

Councillor A Bell noted he agreed with Councillor J Quinn and recalled he had been a Member of the Committee that had approved the original 2017 application. He noted that he hoped that the application would be approved today, and that work would commence sooner rather than later. He noted the relocation of the Little Angels Memorial Garden, however, he asked if the original site would be built upon.

The Operation Director, CDDFT, Paul Frank explained that regardless of whether Beamish were interested in the Listed Building, there would be a record made of what was there. He explained that the site of the existing memorial garden would be effectively in the middle of the new ED and it may be possible for plaque to mark the location.

Councillor J Elmer noted it was great to see an application to bring forward the much needed facility, however, it was important to get the details right. He noted that the application failed to meet the requirements of Policy 29, however, Officers had stated that the application was acceptable. He noted that further energy efficiency measures would help to reduce ongoing costs and therefore he felt that it was short-sighted not to have gone further. He noted that it had been stated that a redesign was not viable and added that it had been a few years since the CDP had been in place and therefore he was frustrated the application had not gone further in terms of energy efficiency.

The Senior Project Manager noted that the BREEAM process was complex and noted that the scheme would be Part L compliant with the inclusion of low carbon heating, PV cells and significantly improved air-tightness, demonstrating efficiency. He added that the BREEAM process was such that if credits were missed from the beginning of the process they could not be made up later in the process. He added there would be no tangible benefit from beginning the process again and that the delays would not make the building any more energy efficient, noting the proposals were energy efficient. Councillor J Elmer noted he felt there had been plenty of time since the last application to have been able to cover the issues he raised. Councillor J Quinn asked if there would be battery storage linked to the photovoltaic cells to store and excess energy, and if not would it be considered. The Senior Project Manager explained that there were no plans for battery storage and explained that while there was as much PV as possible within the scheme, it would still not be sufficient to meet the energy demands of an ED and provided additional energy that could be stored.

Councillor K Shaw noted that all would recognise the importance of the extension to the ED and the need, however, he had real concerns as regards the Listed Building, impact on existing parking and the destruction of the Memorial Garden. He added that therefore he could not agree to the application in its current form as it would not protect the Memorial Garden and therefore he would be voting against the application.

Councillor A Surtees noted she was not 100 percent certain as regards the position with the Listed Building and what the position would be, if those proposals were not approved by Government, and the Committee were minded to approve this application. She agreed wholeheartedly that the extension to ED was needed, however, she shared the concerns raised by the public and would move deferral of the application until there was resolution in respect of the Little Angels Memorial Garden. She explained that a Listed Building in her Electoral Division had taken around 40 years to be demolished, adding she would prefer more details in respect of the Listed Building aspect.

The Principal Planning Officer noted that if the Listed Building consent was not agreed, the scheme before Committee could not be carried forward. As regards the Little Angels Memorial Garden, he noted there had been a lot of discussion as regards relocation of the garden, though still within the larger hospital site. He added that the precise details were required by condition to be agreed by the Local Planning Authority prior to construction commencing.

The Operation Director noted that Dryburn House was effectively the full width of the proposed new ED and therefore if Listed Building consent was not given, the scheme could not go ahead.

He referred Members to the proposed site plans and explained that, if retained in the current location, the memorial garden would be landlocked. He noted discussions had taken place with a number of the families affected as regards the way forward. He added that subject to approval by the Committee, the applicant would act at pace as regards relocation, though with appropriate sensitivity. He noted that the applicant was open to further discussions as regards issues such as the relocation of plaques and events at the new memorial garden. He explained that the new garden would be secure and fit for the future, with security cameras, noting incidents of items having been taken from the current memorial garden. The Operation Director noted that discussions had also taken place involving the hospital's chaplaincy service and local undertakers in terms of the memorial garden.

Councillor A Bell noted the proposal regarding deferral, however, noted that if the memorial garden was not relocated then the proposed scheme could not be brought forward. He noted that the new facility was much needed.

Councillor K Shaw noted that if he had been concerned initially, he was now more concerned. He noted there were remains in the memorial garden and could not understand why the site had not been designed around the garden. He added he felt the way children's remains were being dealt with was abhorrent.

The Chair noted there had been a proposal for approval by Councillor L Brown, seconded by Councillor J Quinn and upon a vote being taken it was:

RESOLVED

That the application be **APPROVED**, subject to the conditions as set out within the report.

Councillor I Cochrane entered the meeting at 10.22am

5b DM/22/02314/FPA - Land south of Bowburn Sewage Works and west of A688, Bowburn, DH6 5NP

The Senior Planning Officer, Steve France (SF) gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for the erection of a Care Home with associated vehicle parking, landscaping and infrastructure and was recommended for approval, subject to the conditions as set out in the report.

The Senior Planning Officer (SF) noted an addendum to the report, if Members were minded to approve the application, the landscaping plan reference would need updating to reflect the latest plan, Condition 4 would be altered as details relating to the means of enclosure had been received and agreed, and paragraph 75 referred to a condition relating to servicing hours, they would be added to an additional condition, between the hours of 8.00am and 6.00pm.

The Chair asked the Committee Services Officer to read out a statement from the Local Member, Councillor J Blakey.

"I fully support this planning application for the care home in Bowburn as it is another phase of the multi-million pound development that I, and the community, have been consulted on over the last 11 years. I do agree with the conditions applied in the report and hope that when it is opened it will provide residents in the county more locally based service for families in the area and help free up bed space within the NHS".

The Chair thanked the Committee Services Officer and asked the Committee for their comments and questions.

Councillor A Bell noted he felt that all in all the application was a brilliant scheme, with the location being suitable and added value to the larger Integra 61 site. He therefore proposed approval of the application, subject to the amendments and additional condition as referred to by the Senior Planning Officer (SF).

Councillor J Elmer noted he broadly supported the proposals, especially as there was a demonstrated need. He noted concerns as regards the national system in terms of biodiversity net gain, in particular with having habitat moved off-site. He noted recent studies that showed that many applications where biodiversity provision had been agreed off-site, that provision had never materialised. He noted capacity issues within Local Authorities in terms of enforcement and asked what reassurance Members could be given that such a situation in terms of off-site provision would not occur. The Senior Planning Officer (SF) explained that the preference in this case was for provision to be met on-site. He added that the Council was improving in terms of s39 and s106 Agreements and conditions relating to 30 year management plans. He noted that the Senior Ecologist had noted that the site merged with the wider landscape of the Integra 61 site. He noted he had taken on the role of following up on several reserved matters with the wider Integra 61 site and explained that that the current application helped in terms of several issues, including the SuDS pond and Swift box that met the request from the Cassop-cum-Quarrington Parish Council and Durham Bird Club. He added that any application would be closely monitored in terms of any triggers and management plans.

Councillor A Surtees asked as regards the name of the site 'land south of Bowburn sewer works' and whether there would be any issues in terms of odour. The Senior Planning Officer (SF) noted an odour assessment had been carried out and that the wider Integra 61 site was a very large site, referring Members to the site plan for the application, with the sewer works being a significant distance from the application site.

Councillor L Brown noted she supported the application and would second Councillor A Bell's motion. Upon a vote being taken it was:

RESOLVED

That the application be **APPROVED**, subject to the conditions as set out within the report with the amended and additional condition as referred to by the Senior Planning Officer.

6 Appeal Update

The Chair noted an appeals update report had been provided for Members' information, with all the appeals having been dismissed.

RESOLVED

That the report be noted.