



## Area Planning Committee (Central and East)

**Date** Tuesday 10 January 2023  
**Time** 9.30 am  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meeting held on 13 December 2022  
(Pages 3 - 26)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee  
(Central and East)
  - a) DM/22/02388/FPA - University Hospital North Durham, North Road, Durham, DH1 5TW (Pages 27 - 54)  
Erection of a two storey Emergency Department and surface car parking with associated demolition of Dryburn House and other existing outbuildings.
  - b) DM/22/02314/FPA - Land south of Bowburn Sewage Works and west of A688, Bowburn, DH6 5NP (Pages 55 - 72)  
Erection of a Care Home with associated vehicle parking, landscaping and infrastructure.
6. Appeal Update (Pages 73 - 76)
7. Such other business as, in the opinion of the Chair of the meeting, is of sufficient urgency to warrant consideration

**Helen Lynch**  
Head of Legal and Democratic Services

County Hall  
Durham  
21 December 2022

To: **The Members of the Area Planning Committee (Central and East)**

Councillor D Freeman (Chair)  
Councillor L A Holmes (Vice-Chair)

Councillors A Bell, L Brown, I Cochrane, J Cosslett, S Deinali,  
J Elmer, C Kay, D McKenna, R Manchester, C Marshall,  
J Quinn, K Robson, K Shaw and A Surtees

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**Contact: Martin Tindle**

**Tel: 03000 269 713**

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**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 13 December 2022** at **9.30 am**

**Present:**

**Councillor D Freeman (Chair)**

**Members of the Committee:**

Councillors L A Holmes (Vice-Chair), A Bell, I Cochrane, S Deinali, J Elmer, C Kay, D McKenna, C Marshall, J Quinn and K Shaw

**Also Present:**

Councillors J Blakey, C Hood, G Hutchinson, B Kellett and R Ormerod

**1 Apologies for Absence**

Apologies for absence were received from Councillors L Brown, K Robson and A Surtees.

**2 Substitute Members**

There were no Substitute Members.

**3 Minutes**

The minutes of the meeting held on 8 November 2022 were confirmed as a correct record by the Committee and signed by the Chair.

**4 Declarations of Interest**

The Chair, Councillor D Freeman noted he was a Member of the City of Durham Parish Council, however, he was not a member of their Planning Committee and had not been party to their submissions in objection. He noted he was also a member of the City of Durham Trust, however he was not a Trustee and had not been party to their submissions in objection.

In respect of Item 5c, Councillor J Quinn noted that, through his membership of Ferryhill Town Council, he knew that applicant and therefore would leave the Chamber at that point and take no part in that item.

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

**a DM/22/01830/FPA - Taylormade Timber Products, Old Colliery Yard, Sherburn Hill, Durham, DH6 1PS**

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 Senior Planning Officer (JJ) advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for a replacement sawmill to west of site, construction of co-products bunkers to north at former Cooks Hold Farm site, new access road from site entrance to co-product bunkers, with associated landscape, drainage and car park and was recommended for approval, subject to the conditions as set out in the report.

The Senior Planning Officer (JJ) noted since the publication of the report, an additional objection to the proposals had been received, citing issues including the impact of light, noise, 40 tonnes vehicles traveling along the roads at speed, and numerous complaints from residents in the area. She added that an additional condition relating to security lighting to be retained would be required, should Members be minded to approve the application.

The Chair thanked the Senior Planning Officer (JJ) and asked Councillor B Kellett, Local Member, to speak as regards the application.

Councillor B Kellett thanked the Chair and Committee and explained he had lived in Low Pittington for 45 years and recalled when the business in question had been a small company, with only a trickle of traffic generated at that time, that had now grown to a gigantic amount. He added the proposals represented a blot on the landscape that while they may be screened by additional tree planting, it would be in around 10-25 years by the time the trees matured to give that screening. He explained that he received numerous complaints from residents as regards the issues associated with the business, including with light, noise and traffic.

Councillor B Kellett noted around two years ago, on a visit to the public right of way (PROW) alongside the site, all those present had experienced particulates and were required to clean a layer of sawdust from their glasses. He noted the dangers of dust disease and his concern for local residents in that regard. He referred to the report mentioning the removal of '*low value hedges*', however he believed all hedgerows were of value and that damage to the environment should be prevented with those that had attended the site visit having been able to see the potential impact. In respect of the PROW, he noted that the people of Sherburn Hill were being deprived as what was thought to be temporary rerouting of the PROW was now in fact permanent.

In relation to traffic from the site, Councillor B Kellett noted that it had gotten increasingly worse and worse over time, going through the centre of the village, and the Members on the site visit had witnessed two large HGV travelling along the road at considerable speed. He noted that such traffic was 24 hours a day, 7 days a week, citing an example of one such vehicle travelling past his home at 4.35am. He added that last summer, residents had been unable to open their windows due to the level of noise. He noted that the previous owner of the business had signed a statement that they would abide by conditions and explained that he hoped the new owner would abide by the conditions should the application be approved. Councillor B Kellett explained that residents had previously not been respected and reiterated that the issues raised were serious and that it was residents that were having to live with the noise and disruption.

Councillor B Kellett concluded by noting that jobs were important, and they were welcomed, however, not to the detriment of local residents and that therefore any conditions imposed must be enforced.

The Chair thanked Councillor B Kellett and asked L Thompson, representing the applicant, Taylormade Timber, to speak in support of the application.

L Thompson thanked the Chair and Committee and explained she was General Manager for Taylormade Timber Products and that the site operated a sawmill and secondary processing facilities with around 160 employees, the majority being County Durham residents. She explained that the application was essential, in order to replace obsolete equipment and to maintain a competitive edge in terms of the business, mitigating the risk to jobs by modernising the facility. She added that the application would improve the facility in terms of being a business and noted that it showed a commitment in terms of helping mitigate in respect of the objections raised. She noted there had been seven letters of objection, not a large number, however she stressed that the concerns they raised were taken very seriously.

L Thompson noted that the application would help improve the current situation with decreased noise levels through a combination of new equipment, sound deadening material, and works to create bunds. She explained that there was around £4 million of investment and that the proposals would represent a reduction in working hours, with no Sunday operation. She added there had been £2 million investment in terms of the new treatment and environmental improvements, with the removal of reverse beepers and subsequent replacement safety equipment costing around £150,000. She noted that other improvements included new roller doors and acoustic fencing. She reiterated the reduced hours of operation and noted that Saturday operations would only be when needed.

L Thompson noted the objections referred to transport on the roads and explained the company had worked with residents to ensure the application did not represent an increase in traffic, rather maintained levels. She concluded by thanking Members for their time and asking, on behalf of all the employees of the company, that the Committee approve the application and support the future of the business for the workers and their communities.

The Chair thanked L Thompson and asked the Committee for their comments and questions.

Councillor C Kay noted he had a similar business in his local area and noted anecdotally evidence as regards similar types of issues experienced. He added that local small and medium sized enterprises (SMEs) with 160 jobs were very laudable and should be encouraged. However, he had some questions relating to whether the reduced hours of operation were conditioned, and whether the operation had outgrown the size of the existing site. He also asked as regards the airborne particulates as referred to by Councillor B Kellett along the nearby PROW.

The Senior Planning Officer (JJ) noted that Condition 20 set out the hours relating to the processing of logs, with requirements being: *'log handling machine, main sawmill and processing operations within the former sawmill building shall not operate outside of the hours of 0600hrs to 0000hrs Monday to Thursday, 0600hrs to 2300hrs Friday and 0800hrs to 1800hrs Saturday, with no operations on Sunday and Public/Bank Holidays'*. She referred to the Principal Public Protection Officer, John Hayes, to speak in relation to the particulate issue.

The Principal Public Protection Officer noted that such dust emissions were regulated under Part B of the Environmental Permit. He noted that the proposed new systems would help control this partially and explained he has regularly visited the site to observe the levels of noise and dust.

He explained that there had been upgrades a few years ago in relation to dust emissions, and the proposed works would give further improvements in that regard. Councillor C Kay noted his opinion in relation to the effectiveness of reducing particulates, especially those down to PP10 scale, however, that plans appeared to be in place and met regulations in that regard.

Councillor A Bell noted that the application looked to address the number of issues raised by the Local Member and residents. He asked as regards the number of vehicle movements, those along the A690 and through villages, citing a fatality on a very busy section of the A690, not involving the vehicles from the business in question, rather an example to highlight the nature of the road. He noted the report referred to 480 movements and asked if that referred to over seven days or five, and whether this was 240 in and out for a total of 480. The Principal DM Engineer, David Battensby explained that the junction referred to on the A690 would likely be signalled in the near future, and that to accommodate buses and HGVs, the central reserve was previously widened by road markings and the reduced speed limit introduced. Since these works there had been no incidents involving HGVs at this location. He noted there had been no accidents relating to HGVs on the route to the site in the previous 10 years. In relation to the number of movements, he noted that 480 represented loads in or out, however, did not include empty vehicles. He added that there would not be a material increase in the number of vehicles and therefore there was very little for Highways to object to in respect of the application. Being mindful of local concerns, he requested the inclusion of a condition relating to the number of trips. Councillor A Bell noted the condition relating to the number of movements and hoped it would be adhered to via strict condition.

Councillor C Marshall explained he had listened to the comments from the Local Member, Councillor B Kellett and noted that Councillor B Kellett, as an Economist, was supportive of jobs in his area. He understood the concerns he raised on behalf of residents, however, listening to the speakers and Officers he understood that the company was a well established business and he felt that there were no planning policy grounds to refuse the application. He noted the Applicant's willingness to work with local residents and the conditions as set out within the report, which he hoped would give the Authority a way to enforce and deal with issues. He noted that when all was said it was an application to support a rural business and therefore he would move that the application be approved, subject to the conditions within the report and the additional condition referred to by the Senior Planning Officer. He was seconded by Councillor A Bell.

Councillor J Elmer noted that Councillor A Bell had made many good points as regards the number of HGVs and the issues with the highway network.

He added that the roads were not designed for vehicles of that scale and that it was quite frightening. He noted that those issues could not be addressed satisfactorily via this application and therefore it was vital that the conditions within the report were adhered to and vigorously enforced as necessary. He asked for further information on how such enforcement take place. The Senior Planning Officer (JJ) noted that, as discussed on the site visit, the conditions were standard conditions that would be applied to other similar applications for waste or minerals, with weigh-in information being logged and monitored to ensure there were no issues.

*Councillor I Cochrane left the meeting at 10.32am*

Councillor J Elmer asked as regards the case where the number of vehicle movements was exceeded. The Principal Planning Officer, Paul Hopper (PH) noted there were a number of options in relation to enforcement and that the service could react to any complaints or breach of conditions should they occur and that in his opinion the condition was robust enough to allow effective enforcement.

Further to the motion for approval by Councillor C Marshall, seconded by Councillor A Bell, upon a vote being taken it was:

## **RESOLVED**

That the application be **APPROVED**, subject to the conditions as set out within the report and additional condition relating to the retention of security lighting.

*Councillor I Cochrane entered the meeting at 10.35am*

### **b DM/21/04311/FPA - Blagdon Depot, Frankland Lane, Durham, DH1 5TA**

The Principal Planning Officer, Leigh Dalby (LD) 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 Principal Planning Officer (LD) advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for the demolition of 6no. existing industrial units and erection of 4no. commercial units (Use Class B2), with associated parking, landscaping and boundary enclosures and was recommended for approval, subject to the conditions as set out in the report.

The Principal Planning Officer (LD) noted that paragraphs 113-115 within the report set information relating to the lease and commercial issues that were outside of the planning remit.

The Chair thanked the Principal Planning Officer (LD) and asked Parish Councillor Susan Walker to speak on behalf of the City of Durham Parish Council who were objecting to the application.

Parish Councillor S Walker thanked the Chair and Committee and noted that there was much within the application that the Parish Council welcomed such as the size and scale of the development and not impinging upon and actually improving the green belt. She added that the 21 trees that would be lost would be replaced with those of a higher quality. She explained that the main concern was that of the impact on the Rocking Horse Studio and referred to the huge number of objections that showed that the facility was a highly regarded community asset.

Parish Councillor S Walker noted that since 2011 the Studio had been a well-used facility and was the only rehearsal / recording studio in the area. She noted that Policy C3 of the Durham City Neighbourhood Plan (DCNP) had been created to protect existing valued community facilities in the area. She added that the National Planning Policy Framework (NPPF) also stated that all decisions should guard against any loss of valued community facilities. She noted that, as an unallocated site, County Durham Plan (CDP) Policy 6 was the relevant policy to consider and that included criteria that development did not cause loss of community value. She added that every policy also set out that one must not get rid of any valued community asset that was viable. Parish Councillor S Walker noted the issues with the building and lease and noted that the Parish Council had assisted Rocking Horse Studio, although had not been able to find anything suitable. She asked that if the Committee were minded to approve the application that they would add a condition for the developers to allow the owners of the Rocking Horse Studios the appropriate time for relocation.

The Chair thanked Parish Councillor S Walker and asked Councillor R Ormerod, Local Member, to speak in relation to the application.

Councillor R Ormerod noted he would reiterate the comments of the Parish Council in terms of conditions protecting the Rocking Horse Studio. He noted that he had a number of concerns relating to highways, explaining that Framwelgate Waterside was extremely narrow, not passable by two vehicles in the opposite directions, and there was only one way in and out of the application site. He added that the several small businesses currently on site generated very little traffic. He noted that only one of the new businesses represented a lot of traffic and could potentially create gridlock.

He reminded Members that the road also served Sidegate, a '*village within a city*' and noted those residents did not deserve traffic chaos. He added he could not understand how the report could be so certain that problems would not occur.

The Chair thanked Councillor R Ormerod and asked Richard Combstock of Rocking Horse Studio to speak in objection to the application.

R Combstock thanked the Chair and explained he was the owner of Rocking Horse Studio, a valuable community resource and hub in the heart of the city. He reiterated the comments from the Parish Council, with DCNP Policy C3 designed to protect such community resources. He noted there were many objections to the application, with many letters and an over 3,000 signature petition, with hundreds of sympathetic comments. He explained that he had serious concerns as regards the survival on the Rocking Horse Studio either in the current location or elsewhere.

R Combstock noted that when he took occupation of the current unit on site it had been in a state of disrepair and he had invested over £10,000 in remedial works, including rewiring, and he had reinvested profits into the studio to provide recording studios, rehearsal spaces. He noted that any move to new premises would result in a loss in terms of materials and therefore there would be a need to reinvest in new premises, noting the bespoke double-walled insulation at the current studio. He noted that under Section 25 there was no legal obligation regards recompense. He explained that he had been offered market rate per square foot price on a new unit which was unaffordable for his business, and he had no reassurance as regards the existing building being demolished before he moved to a new space.

R Combstock noted that the DCNP Policy stated that essential community facilities should be supported and that there needed to be a solution in order that he did not need to cease trading. He added that if he had to move sooner there would need to be reassurance he could recycle materials that had been used at the current site and for the Landlord or Government funding to cover costs for the resources required.

The Chair thanked R Combstock and asked Josh Woollard, Agent for the Applicant, to speak in support of the application.

J Woollard thanked the Chair and Committee and explained that the application was for redevelopment of the existing depot site, with demolition of the existing units, to be replaced by four new units. He explained that the site had been family run since 1969 and offered no formal parking on site.

He added that the current layout was an inefficient use of the site and accordingly the plans were to modernise the site, in line with policy E2 of the DCNP, in order to meet future opportunities.

*Councillor C Hood entered the meeting at 11.00am*

J Woollard noted improvements in relation to traffic and the green belt, adding the site was within Flood Zone 2 and a number of flood mitigation works were proposed, such as raised electrical points above expected flood levels. He added there was a SUDS proposed at the north of the site and explained this would help in terms of flood resilience. In connection with highways issues, he explained that the transport information had been agreed by Officers during pre-application advice, with Condition 7 referring to hours of operation and vehicle movements. He noted the net gain in biodiversity, greater than that required, and all the other improvements that would meet business needs and lead to more jobs. He added that the construction phase would result in 35 full-time equivalent positions.

J Woollard reminded Members of Government changes relating to energy efficiency for buildings, and that from April 2023 properties could not be let if they had an Energy Performance Certificate (EPC) rating of less than D, and less than B by 2030. He reiterated that it was a requirement and that it was more sustainable to redevelop the site than to attempt to retrofit to the existing buildings. He noted that it was not possible to retain the Rocking Horse Studio building on the site, noting the issues including parking. He explained as regards the proposed planting scheme and that the new buildings would detract visually less than the existing buildings, along with other improvements to access, drainage and storage at the site. He explained as regards the offer to the owner of Rocking Horse Studio in terms of help and statutory compensation.

The Chair thanked J Woollard and asked the Lawyer (Planning and Highways), Neil Carter to respond to some of the issues raised by the speakers.

The Lawyer (Planning and Highways) thanked the Chair and noted that in respect of the potential loss of the Rocking Horse Studio that policy required that alternative provision is made. He noted that Members should have regard to policy and key issues, however, should not stray into matters of commercial terms. He reiterated, policy was to be considered by Members, however, it was not for the Committee to get into details of any commercial negotiations between parties.

The Chair thanked the Lawyer (Planning and Highways) and asked the Committee for their comments and questions.

Councillor J Quinn noted he had attended the site visit and asked as regards the buildings demolition and adherence to the correct procedures in terms of any asbestos disposal, should Members be minded to approve the application.

The Principal Planning Officer (LD) noted that was under separate legislation, outside of planning, however he could add an informative to the applicant noting that the appropriate procedures and legislation be followed as required.

Councillor J Elmer noted he too had attended the site visit and was aware of the huge amount of people that had signed the petition against the application. He noted people really wanted to protect this highly valued cultural facility. He noted that the Authority protected heritage assets and he felt that such cultural assets should be protected too. He noted there were no other similar facilities in the area and that it would be a very big loss in terms of cultural impact.

He noted the impact of the proposals on Crook Hall and on the openness of the green belt and asked how the proposals could not impact on the green belt, adding he would have liked to have seen supporting evidence in terms of landscape and visual impact of the proposals. Councillor J Elmer noted reference to sustainability due to the close proximity to the city centre, however, in addition to parking space he felt provision of EV charging and secure cycle storage would be beneficial. In respect of the EPC, Councillor J Elmer conceded that most of the units would not have been at a good rating, however, the Rocking Horse Studio with its layers of insulation should be at a higher rating. He noted his concern that there appeared to be no level of compromise in retaining that building on site and with the justification being to create 10 car parking spaces. He asked whether Officers could comment if, in highways terms, the application would be acceptable if those 10 spaces were lost.

The Principal DM Engineer explained that parking provision was set out within the Durham County Council Parking Standards and that for this type of development employees and deliveries required those spaces to meet standards. He added that EV charging, and secure cycle storage were something that Members may wish to add via condition.

Councillor J Elmer asked how Officers came to the conclusion of no net loss in terms of openness of the green belt. The Principal Planning Officer (LD) explained that that Landscape Team had worked with the applicant and there had been a reorientation of the buildings, relating to the topography of the site, and an enhanced boundary treatment was now proposed together with landscaping works.

He added that therefore there was no further impact on the openness of the green belt from the outside of the site in the wider area, though there would be some impact internal to the site. He explained that paragraph 93 of the report referred to the NPPF and infill or redevelopment of such sites where they would not have a greater impact on the green belt. He added that conditions relating to EV charging and cycle storage were within the gift of the Committee to include.

In relation to EPC ratings, he noted that information submitted by the applicant had set out how sound insulation was very different from thermal insulation and that they did not operate in the same way. Councillor J Elmer noted he had concerns that there were no CDP policies on which one could object to the application on cultural impact, adding he felt that it was a great omission from the CDP. He added that in the lack of any policies within the CDP then it was very important to listen to the Parish Council and to add a condition in relation to the relocation of the Rocking Horse Studio in order to maintain the business.

The Principal Planning Officer (LD) noted that such a condition would likely not be a lawful condition as it would not meet several of the tests required by a condition relating to a planning permission. The Lawyer (Planning and Highways) explained he agreed with the Principal Planning Officer (LD) that any such condition would be inherently unreasonable and could not be lawfully imposed.

Councillor C Marshall noted he agreed with a lot of the comments from Councillor J Elmer, especially in terms of the unique cultural offer from the Rocking Horse Studio, however, he could not see any material planning reasons for refusal and therefore if in accord with policy an application should be approved. He also proposed to Members that the Chair, on behalf of the Committee, wrote to the Leader of the Council to ask the Council to meet with tenants in order to help with relocation. He added he would propose a motion to that effect and would hope that it would be supported unanimously. He then would, reluctantly, move that the application be approved as per the Officer's recommendation.

Councillor C Kay noted, as a fellow musician, he had sympathy with the owner of the Rocking Horse Studio, a unique facility within Durham. He noted that the Lawyer (Planning and Highways) had noted that the Committee could not decide upon commercial grounds, and therefore it appeared that the Officer's recommendation was in line with policy, with no clear policy reasons to refuse the application. He added he also felt there would be some value in the Chair writing to the Leader of the Council in this regard, assuming the negotiations between the Rocking Horse Studio and landlord had been exhausted.

Councillor A Bell asked for the comments received from Spatial Policy on the application. He noted the larger footprint and asked as regards how that did not translate to a wider impact from the surrounding area. The Principal Planning Officer (LD) noted that the impact on the openness was correct, and that Spatial Policy had been consulted and their comments formed part of the response, noting no objection to the proposals. Councillor A Bell noted the comments from the Parish Council as regards a condition, and the response to that suggestion from the Lawyer (Planning and Highways). He added he was disappointed that the developer had not come forward with a unit for rent and asked if it was a material consideration, and if so whether deferral of the application to allow further discussions would be appropriate. The Lawyer (Planning and Highways) noted those were commercial considerations in terms of any lease or relocation and not material for the Committee in their considerations.

Councillor K Shaw noted he would second Councillor C Marshall in terms of the Chair writing to the Leader of the Council, noting the Council losing the City of Culture bid previously. He asked that a vote on the letter be separate to that of the vote on the application. The Chair noted that he would be more than happy to write to the Leader on this matter.

The Lawyer (Planning and Highways) noted that, given the Chair's assurance he would write to the Leader on behalf of the Committee, he felt it would not be appropriate to have a formal vote on that matter, rather to vote on the application, as proposed by Councillor C Marshall, seconded by Councillor K Shaw to approve the application as per the Officer's recommendation, subject to additional conditions relating to EV charging and cycle storage.

Councillor C Marshall noted the advice from the Lawyer (Planning and Highways) as regards a letter from the Chair to the Leader of the Council. He added he felt it was the right thing to do morally, and given the assurance of the Chair, and record of this within the minutes, he would therefore withdraw the motion relating to a vote on the letter and move approval of the application, subject to the additional conditions.

The Chair noted he would not wish to lose such a facility from the city, however, he did note the poor state of repair of the existing units and the offer made by the landlord, albeit at a market rate. He noted that while Members would not wish to lose the Rocking Horse Studio, Councillor C Marshall was right that the Council was a larger player in terms of culture and may be able to offer help and guidance in relation to the facility.

Upon a vote being taken it was:

## **RESOLVED**

That the application be **APPROVED**, subject to the conditions as set out within the report and additional conditions relating to EV charging and cycle storage.

### **c DM/22/03029/FPA - 1 Oxford Terrace, Bowburn, Durham, DH6 5AX**

The Senior Planning Officer, Lisa Morina (LM) 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 change of use from dwelling to mixed use as dwelling/café (use class sui generis) and was recommended for approval, subject to the conditions as set out in the report. The Senior Planning Officer (LM) explained that since the publication of the report six additional representations had been received, a total of 10 objections including from the Bowburn and Parkhill Community Partnership. It was explained that the main issues raised included: lack of parking, potential road widening; visitors blocking parking for residents; and the impact of commuters parking at Bowburn and 'carsharing' into the city.

The Chair thanked the Senior Planning Officer (LM) and asked Councillor Jan Blakey, Local Member, to speak in relation to the application.

Councillor J Blakey thanked the Chair and Committee and noted a number of residents had approached her, and Councillor G Hutchinson, as regards issues of highway safety and complaints relating to parking. She added that issues referred to the A177, the nearby junction and issues on Oxford Terrace. She noted that Co-op store would now allow the proposed businesses customers to use their car park. Councillor J Blakey noted she was not against those wishing to operate a business, however, the frontage of the shops had been designed in the 1950s and when there had previously been a café at the site, there had been a concrete area to the side for parking. She suggested it Members were to grant permission that some parking to the side were provided, asking if the applicants were willing to take some of the existing garden to give this provision. She noted the photographs provided had shown the A177 uncharacteristically lacking in traffic and reminded the Committee it was one of the arterial routes into the city and that there was always traffic on this stretch of road.

Councillor J Blakey noted that it was the attitude of some drivers to simply park wherever they liked, for example over the footpath, and that could cause an issue in terms of highway safety. She noted that the issues were a challenge the Council needed to address in respect of highways in the area.

The Chair thanked Councillor J Blakey and asked Malcolm Robertson to speak in support of his application.

M Robertson noted that the property was a terraced building with a shop at the end. He noted he wished to bring it back into use and it had only required the removal of boards internally, the original connecting door, including key, being in situ. He added removal of exterior boards had revealed previous signage and it was his desire to bring back a small local café only opening until 4.00pm Tuesday to Saturday, with those time meaning there would be no realistic impact upon parking issues, with traffic being primarily in the morning and evening associated with commuters or the Co-op store which had its own parking. He noted the nearby bus stop and cycle route and explained that the type of café offering sustainable local produce, such as County Durham roasted coffee, foraged foods, local jams and use of local flour and would attract the type of customers that were conscious of such sustainability. He noted other green attributes of the proposed business including use of sustainable packaging and composting.

The Chair thanked M Robertson and asked the Principal DM Engineer to comment on the issues raised.

The Principal DM Engineer noted that when the application had been considered by colleagues, the opening hours had been a material consideration as they were outside of peak times. The opening hours would be during the times that residents would likely be at work thus freeing up parking spaces, and additionally, there was a lot of parking available in the area on the public highway. He added that clientele of the café would likely combine their trip with other activities, visiting other shops and facilities. He noted that the proposals did not fall into the need to provide additional car parking spaces and when considered against the previous use of the property as a bed and breakfast, there would be less impact on parking during the busiest evening periods. He noted no grounds to sustain a refusal reason on highway grounds.

It was at this point Councillor J Quinn realised he knew the applicant and accordingly he left the Chamber prior to consideration of the application by the Committee.

*Councillor J Quinn left the meeting at 11.52am*

Councillor J Elmer noted he was reassured by the comments from the Principal DM Engineer in terms of traffic and parking. He agreed that the culture of these types of cafés was such that it would attract those that would cycle and walk, explaining there was a similar type of café in his area. He added it was a positive type of sustainable culture that we should be helping to promote and therefore he would move approval of the application as per the Officer's recommendation.

Councillor C Marshall noted he agreed with Councillor J Elmer and added that a change of use application should not be expected to deal with existing issues as regards highway safety and parking, many of which were outside of the remit of the Committee. He noted there were no material grounds to refuse the application and he felt the proposals could be a positive addition to the community and therefore he would second approval as per the Officer's recommendation.

Councillor A Bell referred to the street view shown as part of the Officer's presentation and asked if there were any help or parking restrictions that could be provided to alleviate the issues as raised by the Local Member. The Principal DM Engineer noted that any additional restrictions on the road would not make parking issues disappear, rather they displace vehicles to other areas, and potentially to areas where they may create issues which do not currently suffer problems. He noted that the areas which had restrictions in place are the areas which the Authority would wish to protect. He noted he would take on board the issue raised in terms of the quality of road marking in the area, however, he emphasised that the highway network in that area did very much function.

Upon a vote being taken it was:

## **RESOLVED**

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

*Councillor D McKenna left the meeting at 11.56am*

*Councillor J Quinn entered the meeting at 11.56am*

**d DM/22/02292/VOC - 5 North Road, Durham, DH1 4SH**

The Senior Planning Officer, Lisa Morina (LM) 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 variation of Condition 2 of Planning Permission 4/99/00534/FPA to allow a change in opening hours and was recommended for approval, subject to the conditions as set out in the report. The Senior Planning Officer (LM) noted a typographical error in paragraph 37 of the report, it should have read 2:00am rather than 22:00 hours.

The Chair thanked the Senior Planning Officer (LM) and asked Parish Councillor Susan Walker to speak on behalf of the City of Durham Parish Council who were objecting to the application.

Parish Councillor S Walker noted that the Parish Council, City of Durham Trust and Durham Constabulary all objected to the application and urged that it be refused. She explained that the application was only at Committee as the premises had been operating unlawfully, being open 24 hours a day Monday to Thursday. She stressed that we should not give in and regularise such behaviour, rather make a stand.

She noted that there had been valid reasons for the previous change of use application having restrictions on the hours of operation and she questioned the fitness of the management of the facility. Parish Councillor S Walker noted the applicant's Agent had identified other businesses were open at the proposed times and had put it that it was therefore ok for the gambling business to also operate at those times. She explained that there were also 30 residents in nearby properties and were key receptors in terms of noise issues.

She noted the Parish Council had welcomed the reduction in hours from 24 hours a day, however, it was felt the times should be in line with other businesses to restrict the impact on residents. She added that Policy 29 of the CDP stated that all new development should minimise the impact upon nearby properties. Parish Councillor S Walker noted CDP Policy 31 and the NPPF and DCNP noted all applications need to be in accordance with mitigating the impact and detriment of the health and wellbeing of residents. She noted the business was a gambling establishment, alongside operating a number of sunbeds, and therefore was not promoting health and wellbeing. She added that the original application for 24 hour use had been extremely concerning.

Parish Councillor S Walker explained that it was felt that the trading hours as included in the application would impact upon vulnerable people leaving pubs at closing time, and also set an unwelcome precedent for further such applications. She noted that the Parish Council had been flabbergasted that the Council's Environmental Health section had suggested that an 8.00am opening time would be deemed acceptable. She concluded by noting that it was for the Committee to make things better for residents and therefore, as the application before Members was in conflict with that aim and also policy, it should be refused.

The Chair thanked Parish Councillor S Walker and asked Councillor R Ormerod, Local Member, to speak in relation to the application.

Councillor R Ormerod noted that gambling had its place and could be a pleasurable pastime, as well as generating much needed jobs, if conducted safely and in an appropriate manner. He added that it should, however, not be at any price. He noted the cost in terms of the disturbance to residents outweighed any economic benefit and reiterated that the Police, Parish Council and City of Durham Trust were all against the application. He too felt that if the application was allowed it would set a precedent for a number of similar applications to follow with a '*free for all*'. He noted that with over 30 nearby residential properties, and even more if one was to include those a short distance away, people should not be encouraged at 2.00am to be creating a noise disturbance.

He said the Local Neighbourhood Inspector had said it best when stating within the representations from Durham Constabulary: '*There are already complaints from residents around noise and drunken behaviour from people returning from the late-night bars and clubs, I feel that this would just exacerbate the issue. I feel that it would attract drunk and aggressive people, create an anti-social behaviour hot spot and is not in fitting with the city. North Road is already attracting attention for nuisance, drink related violence and safety issues*'.

The Chair thanked Councillor R Ormerod and asked Roger Cornwell, representing the City of Durham Trust, to speak in relation to the application.

R Cornwell thanked the Chair and Committee and referred them to slides to accompany his representation on behalf of the City of Durham Trust. He noted that one of the changes in recent years had been the conversion of the upper floors of shops into flats. He added the Trust regarded this as largely beneficial as it provided much needed student accommodation, without converting family homes.

He referred Members to the slide and explained that one could see the entrance to one of these (Greenland Studios, so called because it was above Iceland) immediately to the left of the application site. He added this had nine studio flats and represented just one building.

R Cornwell noted that the Trust's main letter of objection listed 34 residential properties in 12 different buildings as shown on the map on the projector screen. He explained that 5 North Road was shown in red, and the places where there were flats above shops were in green. He noted that even if 5 North Road was soundproof, its patrons, emerging into North Road at 2.00am, would not be. He added that this was two hours later than the Three Bridges pub and three hours after Sainsburys closed. He noted the Trust would have withdrawn its objection if the terminal hour had been scaled back to midnight, but as it has not been, the Trust would therefore ask the Committee to refuse the application due to the unacceptable impact upon the amenity of existing neighbouring residents, which is contrary to CDP Policy 31.

The Chair thanked R Cornwell and asked Inspector Caroline Dickinson, representing Durham Constabulary, to speak in relation to the application.

Inspector C Dickenson noted the Police shared similar views to that of the Parish Council, Local Member and City of Durham Trust in relation to the application. She noted that the Police looked at issues in respect of the Crime and Disorder Act, including issues relating to anti-social behaviour and the effect on the local environment. She explained that while there were several premises that operated until 2.00am, they all were under appropriate premise licences and therefore subject to the conditions of those licences. She explained to Members that she had been involved with Licensing for Durham for over eight years and noted that if the proposals were approved there would be no conditions under planning she could use to enforce in respect of a 2.00am opening time. She asked the Chair if PC Alan Newcombe could use the remainder of the time to give a perspective from the Local Policing Team. The Chair allowed PC A Newcombe to use the remaining time.

PC A Newcombe explained he would have referred to the Inspector's comments as set out within representations from the Police, however, Councillor R Ormerod had already stated those comments. He explained for context that over the last 12 months there had been 1,221 recorded incidents in the North Road area, which included Crossgate Peth and Silver Street. He added there had been 835 crimes, including theft, shoplifting, anti-social behaviour, public order offences, violence and criminal damage. He noted there were incidents each day and noted the reduction in Officers from 10.00pm and therefore any potential increase to incidents after that were a concern regards policing.

He added that there was potential for rough sleepers in the area to come into contact with users of the gambling establishment and at such hours there was increased risk of anti-social behaviour.

The Chair thanked Inspector C Dickenson and PC A Newcombe and asked Robert Dibden, Agent for the applicant to speak in support of the application.

R Dibden noted he would speak to the Committee, with Mark Melton also present from the Applicant, Luxury Leisure, to answer any specific questions Members may have. R Dibden noted that the Senior Planning Officer (LM) had covered the key matters and he welcomed the recommendation for approval as set out within the Committee report. He explained that Admiral had operated within Durham City for over 20 years and over that time Durham had evolved, with many businesses in the area having leisure use beyond the 10.00pm opening time for Admiral. However, the situation in respect of 24 hour use was recognised and therefore an application was submitted with similar hours of operation to those recently granted for a business at 12 North Road, operating until 2.00am. He explained the current owners also owned the upper floors and they were not in residential use.

He added that Apex Acoustics, an expert firm in respect of noise assessments, had been instructed to carry out assessments in addition to those carried out by the Noise Action Team from the County Council. He explained these assessments confirmed that the activity was unlikely to impact upon residential amenity.

R Dibden explained there had been no crimes recorded at the Admiral premises and there were processes in place to deal with incidents. He noted that the activities did not include amplified sounds and it was therefore unlikely to impact beyond the premises. He noted that it was also unlikely that any extension to the opening hours would generate a significant increase in the number of customers and added that the use was already established. R Dibden explained that Luxury Leisure took its responsibilities seriously, for example having no fixed-odds machines within their establishment, with stakes ranging from 25p to £2, all cashless. He added the company was a founder member of its Trade Organisation and staff circulated amongst the customers and helped with tools for patrons to track their spending and set betting limits. He concluded by noting the application would generate two new jobs and reiterated that the Officer's recommendation for approval was in line with the previous approval for premises at 12 North Road.

The Chair thanked R Dibden and asked the Senior Planning Officer (LM) to respond to the points raised.

The Senior Planning Officer (LM) noted that the applicant had already gone outside of the agreed operating hours, and the retrospective application was to regularise and reduce those hours.

Councillor A Bell noted that it was a successful business that had operated for a number of years, however, the Parish Council, Local Member, City of Durham Trust and Durham Constabulary had all objected to the application. He noted he had listened to their comments and how vulnerable people may be impacted. He added he would feel uncomfortable in extending the opening hours and would move refusal of the application.

Councillor J Quinn noted his concerns regarding a retrospective application and agreed with Councillor A Bell. He added was there not a compromise position of 12.00 midnight?

Councillor LA Holmes explained he was having difficulty persuading himself of a need for the premises to be open beyond 12.00 midnight and asked the Lawyer (Planning and Highways) for advice.

The Lawyer (Planning and Highways) noted that, as Members were aware, retrospective applications were permitted and indeed offered an opportunity to regularise activity as in this instance, and such applications being retrospective was not sufficient itself to warrant refusal. He noted the focus on the extension of the opening hours and referred to the applicant having instructed experts to undertake noise assessments, with DCC Officers having deemed levels to be acceptable. Accordingly, he felt it would be a struggle to refuse the application on impact upon residential amenity.

The Lawyer (Planning and Highways) noted that the Police concerns related to potential conflict between customers of the business and others and a lack of regulatory control for the Police. However, the Lawyer (Planning and Highways) noted that planning conditions would provide the necessary control over opening hours.

Councillor J Elmer noted he echoed the comments from Councillor A Bell in relation to the application, indeed while he felt 10.00pm was more acceptable, 2.00am presented potential problems as described by the representatives from Durham Constabulary. He added he felt he disagreed with the Lawyer (Planning and Highways) in that CDP Policy 29 looked to minimise the impact on areas and contribute towards healthy neighbourhoods and therefore he would second refusal. The Lawyer (Planning and Highways) asked which exact details Members were referring to in proposing refusal in breach of Policy 29. Councillor J Elmer noted the Police had been clear that the proposals would contribute to anti-social behaviour and levels of crime, contrary to the promotion of health neighbourhoods.

The Lawyer (Planning and Highways) asked if it was exacerbation of existing issues of anti-social behaviour rather than impact upon residential amenity from noise. If so, he noted that was a potential reason for refusal, however, his concerns were in terms of how this was evidenced by the Police and therefore their expert evidence would be required to defend such a refusal at appeal. Accordingly, through the Chair, he asked Inspector C Dickenson what information could be provided to evidence the Police's position. Inspector C Dickenson noted she could collate crime statistics in this respect.

Councillor C Marshall noted he was struggling with this application, while he would not wish the opening hours to be 2.00am, permission had been given until that time for a nearby business. He noted that if there was a need for information to be gathered by Durham Constabulary then he would propose the application be deferred until such time it could be presented to the Committee. Councillor C Kay noted he would second deferral of the application.

The Lawyer (Planning and Highways) noted that if Members wished to refuse the application on potential crime and disorder impacts, he would recommend the course suggested by Councillor C Marshall, to defer the application in order for further information to be provided by the Police. He noted there was a motion for refusal that had been moved and seconded prior to the motion for deferment.

Councillor A Bell and J Elmer agreed to withdraw their motion for refusal.

The Lawyer (Planning and Highways) noted the motion before Members was for deferral of the application and upon a vote being taken it was:

## **RESOLVED**

That the application be **DEFERRED**.

*Councillor C Hood left the meeting at 12.35pm*

### **e DM/22/01509/FPA - Silver Howe, Heathways, High Shincliffe, Durham, DH1 2PQ**

The Senior Planning Officer, Lisa Morina (LM) 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 Senior Planning Officer (LM) advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for the demolition of existing bungalow and replacement with dormer bungalow and was recommended for approval, subject to the conditions as set out in the report. The Senior Planning Officer (LM) noted paragraphs 6-7 of the report should have referred to the road as unadopted, not unregistered.

The Chair thanked the Senior Planning Officer (LM) and asked R Ormerod, in his capacity as Clerk to Shincliffe Parish Council, to speak in respect of the application.

The Parish Clerk thanked the Chair and Committee and noted the objections were on the basis of highway safety, not the dwelling itself. He noted the location of the application site, not far from the 'perimeter road' around the village of High Shincliffe, which did not have a footpath on either side of this road. He noted the nearby primary school and use by pedestrians, dog walkers of this road. He noted the walled garden currently not extending to the road, creating a refuge area for pedestrians, with the proposals meaning this area, incorporating unregistered land, would be lost. The Parish Clerk explained that also the incorporation of the unregistered area would also impinge upon the views of drivers carry out manoeuvres and being unable to see due to the wall and railings.

The Chair thanked R Ormerod and asked Councillor D Stoker, Local Member, to speak in relation to the application.

Councillor D Stoker noted he echoed the comments made by Shincliffe Parish Council and would say that a high volume of cars drove along the road in question, often at speed, and reiterated that there was no footpath only an area of grass as mentioned.

He noted the proposed wall at 750mm in height, together with 600mm railings on top of that, represented a visual barrier for neighbours driving in and out, as well as impacting on other road users once they pulled out on to the highway. He noted that due to those safety concerns he felt the application was, in that sense, unrealistic.

The Chair thanked Councillor D Stoker and asked the Applicant, Andy Carter, to speak in support of his application.

A Carter explained he had lived for 48 years as a resident of High Shincliffe and therefore he had experience of walking the road, as described by the Parish Clerk and Local Member, on a daily basis, twice a day when walking his dog.

He noted he had consulted with the neighbour in terms of safely exiting their drive, accordingly the application had been amended to reduce the height of the wall, and to use railings that could be seen through by the neighbour. He added that the Council's Highways Section had not objected to the proposals and therefore he would have thought the proposals were acceptable. He noted there were other issues, outside of the application, that impacted upon highways safety, such as people travelling to High Shincliffe and then parking their cars for seven to eight hours. He concluded by noting that the wall would in fact help with visibility.

The Senior Planning Officer confirmed the height of the wall at 750mm, with the railings being 600mm on top of that height.

Councillor J Quinn noted he had attended the site visit and there were two vehicles parked on the grassed area to the front of the site where the wall/railings would be erected. He added he felt the applicant had done as much as they could do in relation to such issues and therefore he would be minded to move approval of the application as per the Officer's recommendation.

Councillor J Elmer noted on the site visit a lady had been seen pushing a pram along the road, with no refuge and large van had passed her. He noted that he too had no objection to the construction of the house, rather he would ask if there as an opportunity to retain an amount of the unregistered area for a pedestrian refuge, perhaps one metre.

Councillor C Marshall noted he had heard the Officer's presentation and heard from speakers and felt that it was not for the applicant to deal with existing issues in relation to the highway, accordingly he seconded that the application be approved.

Councillor C Kay asked what had become of the lady with the pushchair, with Councillor J Elmer noting she had been required to squash up against the hedge with her pram.

Councillor A Bell noted the highways issues raised, however, the Council's Highways Officers had been satisfied with the arrangements. He asked if there was scope for the Parish Council to look at options, perhaps if the unregistered area had been taken into account. He noted that was outside of the scope of the Committee and that he too would be supporting approval.

The Senior Planning Officer (LM) referred to plans and noted that there would still be a slight refuge area that would remain in the form of the recessed driveway entrance.

Upon a vote being taken it was:

**RESOLVED**

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

**6 Special Meeting**

The Chair reminded Members that a Special Meeting of the Committee was scheduled for Tuesday, 20 December 2022 and would take place at 1.30pm in the Council Chamber, County Hall, Durham.

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/22/02388/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Erection of two storey Emergency Department and surface car parking with associated demolition of Dryburn House and other existing outbuildings.</b>
<b>NAME OF APPLICANT:</b>	<b>Mr John Cronin, County Durham and Darlington NHS Foundation Trust</b>
<b>ADDRESS:</b>	<b>University Hospital North Durham, North Road, Durham, DH1 5TW</b>
<b>ELECTORAL DIVISION:</b>	<b>Neville's Cross</b>
<b>CASE OFFICER:</b>	<b>Jennifer Jennings Senior Planning Officer 03000 261059 <a href="mailto:jennifer.jennings@durham.gov.uk">jennifer.jennings@durham.gov.uk</a></b>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### 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.
3. The Hospital Trust has identified that there is a need for a new Emergency Department to address the unprecedented demands upon it's A&E services, which was originally designed for 30,000 but has seen an increase of over 60,000 attendances in the recent years with an anticipation of a further increase to approximately 79,000 patients. In addition, the impact of the pandemic and continuing pressures on wider health services has further overwhelmed the current building making the existing ED no longer fit for purpose.
4. The proposed building will occupy 3910m<sup>2</sup> 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 the plantroom block required for the operation of the new Emergency Department. The detailed clinical

brief was developed by the Trust with the appointed expertise of healthcare planners for the new department to meet the needs of an aging and growing population.

5. This application is referred to the Planning Committee as the application is a major application.

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## **PLANNING HISTORY**

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6. DM/15/00702/LB Demolition of Dryburn House, a Grade II Listed Building Approved 11th April 2017
7. DM/16/01417/FPA Two storey Emergency Department and surface car parking and demolition of old hospital buildings. Approved 3rd January 2017
8. DM/18/01495/VOC Variation of condition 2 relating to planning permission DM/16/01417/FPA for alterations to the external appearance of the building. Approved 12 July 2018.
9. DM/22/02960/FPA Installation of new air handling unit in support of a minor internal refurbishment of the medical physics department and installation of new condenser unit for CSSD. Recommendation for approval pending further landscape information
10. DM/22/03492/TPO T1,T2,T3,T4,T5 (Sycamore) - Remove snapped branches, crown lift 4m T6 (Holly) - Remove deadwood G1, G2 (Remove to ground level). Pending consideration.
11. DM/22/02285/LB Demolition of Dryburn House, a Grade II Listed Building. Recommended for approval subject to completion of Section 106 agreement. Pending delegated decision.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

12. A revised National Planning Policy Framework (NPPF) was published in July 2021 (with updates since). 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.
13. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
14. *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.

15. *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.
16. *NPPF Part 6 - Building a Strong, Competitive Economy.* The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.
17. *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.
18. *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.
19. *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.
20. *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.
21. *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.
22. *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.

23. *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>

24. 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; design process and tools; determining a planning application; flood risk; healthy and safe communities; land stability; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; Tree Preservation Orders and trees in conservation areas and; water supply, wastewater and water quality.

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

## **LOCAL PLAN POLICY:**

### The County Durham Plan

25. *Policy 6 – Development on Unallocated Sites.* Supports development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
26. *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.
27. *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.

28. *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.
29. *Policy 27 – Utilities, Telecommunications and Other Broadband Infrastructure.* States amongst its advice that new residential and commercial development should be served by a high speed broadband connection or appropriate infrastructure for future installation if direct connection is not appropriate, practical or economically viable.
30. *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.
31. *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.
32. *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.
33. *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.
34. *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.

35. *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.
36. *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.
37. *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.
38. *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.
39. *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.
40. *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:**

##### City of Durham Neighbourhood Plan

41. *Policy S1 - Sustainable Development Requirements of all Development and Re-development Sites Including all New Building, Renovations and Extensions* - sets out the economic, social and environmental criteria that development proposals will be

required to meet to: Promote economic well-being, to Conserve, preserve and enhance the neighbourhood, to increase resilience to climate change, and secure equity and benefit to the local community.

42. *Policy H3 – Our Neighbourhood Outside the Conservation Areas* – requires development outside of Conservation areas to, where appropriate, demonstrate an understanding of the area of the proposed development and its relationship to the Neighbourhood area. Such development should sustain and make a positive contribution to the character and distinctiveness of the area, and avoid the loss of open space and public realm that contributes to the area, to be appropriate in terms of scale, density, massing, form, layout, landscaping and open spaces and use appropriate materials and finishes.
43. *Policy G1 – Protecting and Enhancing Green and Blue Infrastructure* – seeks to support developments that retain existing green or blue assets with significant recreational, heritage, cultural, ecological, landscape or townscape value and developments that provide additional green or blue assets, particularly if there is an identified deficiency. Any new or replacement assets must be appropriate to the context and setting. The policy requires developments to protect and enhance public rights of way and footpaths and green corridors. It offers support to proposals that provide net gains for biodiversity. The policy requires features of geological value to be protected. The policy seeks to protect and enhance the banks of the River Wear by supporting proposals with desirable access that do not have significant impacts on current assets. The policy also seeks to protect dark corridors by ensuring developments minimise lighting in such areas
44. *Policy T1 – Sustainable Transport Accessibility and Design* – seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility, impact and design
45. *Policy C4 – Health Care and Social Care Facilities* – provides support for the provision of Health Centres, Surgeries, Clinics, Nursing Homes and Residential Care Homes where it is demonstrated that they are: well related to residential areas; and are accessible by a choice of means of transport; and would not detrimentally affect amenity of nearest occupiers; and allows appropriate disability access; and provides car parking facilities.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

46. *Highway Authority* – Raises no objection. Conditions are requested in relation to car parking details, EV charging points, travel plan and construction management plan. Further details within the report.
47. *Local Lead Flood Authority* – Further clarity sought on a number of elements. Applicant has agreed to the recommendations, but no details provided. A condition will need to be attached for further details.

### **INTERNAL CONSULTEE RESPONSES:**

48. *Archaeology* – No archaeological objection to the proposals.
49. *Design and Conservation* – Efforts were made in the determination of the initial proposal and the subsequent variation of approved plans application to secure the

best design possible. This was limited by functional requirements and budget availability. There was a focus on a complimentary palette of materials which sit with the existing building and accent detailing which lifts the visitor experience and enhances the wider construction. This submission closely reflects the previously accepted design and as such there is no objection. The focus remains for Design and Conservation the loss of Dryburn House which is addressed in the associated LBC application.

50. *Ecology* – Bat report sufficient to inform the proposals. No objections raised.
51. *Environment, Health and Consumer Protection (Pollution Control)* – Our main concerns are from the demolition and construction phases and relevant impact to sensitive receptors. A pre commencement condition for a Construction Management Plan should be applied to any approval granted.
52. *Environment, Health and Consumer Protection (Contaminated Land)* – is satisfied with the information provided to date. The soil sampling showed there to be no elevated levels of contamination in the soils. Given the identification of asbestos within the buildings however the potential for asbestos fibres cannot be discounted, though not identified in the sampling to date. The July 2018 report recommends a granular no dig layer or geotextile membrane to be located in the landscaping areas where made ground is to remain on site. Ground gas protection measures are required within the proposed development. A pre commencement condition is required for a Phase 3 report, followed by a phase 4 verification report.
53. *Landscape Officer* – The landscape proposals drawing shows proposed trees and shrubs which would be beneficial to the new layout. It is important that existing trees as mature landscape attributes are where possible retained and protected as recommended by the Senior Tree Officer. The proposals for new tree planting appear to only show the northern area of the site. Proposals for the car park to the south of the new building appear to have been missed. The existing avenue of trees leading to the current turning circle should be retained. It would be beneficial to integrate some tree planting into the proposed car park area to visually break up the large area of hard surfacing and building facades, allowing sight lines for vehicle users and to assimilate new planting with the landscape within the existing site. This is also a consideration as patients and family members do spend periods of time outside of the hospital buildings which should be suitably landscaped, forming a green environment to encourage a feeling of wellbeing. The existing Memorial Garden is not incorporated within the proposals plan and it is understood that this emotive issue is currently being discussed including the feasibility of relocation sensitively within the existing site.
54. *Public Rights of Way* – There are no PRow concerns with regards to the development.
55. *Spatial Policy* – Advise that the site should be assessed against Policy 6 of the County Durham Plan. They further comment that the proposals should not result in adverse highway impacts in accordance with Policy 21. Furthermore, the proposal should meet design standards including BREEAM minimum rating of ‘very good’ in accordance with Policy 29 of the CDP. These issues would need to be considered in determining whether the proposal would be acceptable and meet the criteria set out within Policy 6 of the CDP as well as policies set out within the Durham City Neighbourhood Plan.
56. *Trees Officer* – Trees outlined for removal do not warrant tree preservation orders, as they are growing inside the various compartments of the hospital grounds, some of which are in a poor condition.

57. Those of maturity which are shown to be retained must be protected by fencing complying with BS 5837 2012, and storage of materials must not be within these areas during construction.
58. Site visit by DCC arboricultural Officer will ensure that fencing is as shown prior to site demolition.
59. All tree work must be undertaken to a high professional standard in accord with arboricultural best practice and in line with British Standard 3998:2010 Tree Work - Recommendations.
60. Site would also benefit from the planting of new trees. Trees to be replaced using a heavy standard root-ball or container grown specimen tree, minimum 10-12 cm girth, to be planted at or near the original location of the tree/s to be removed. The replacement tree must be planted in the next planting season following removal (November-March). Details of tree size, species and planting location to be notified in writing and approved by the LPA in advance.
61. All tree planting must be undertaken to a high professional standard in accord with arboricultural best practice and in accord with British Standard 8545:2014 Trees - From nursery to independence in the landscape - recommendations.

**PUBLIC RESPONSES:**

62. The application has been advertised by way of a site notice, press notice and individual notification letters to neighbouring residents.
63. 3 letters of representations have been received, two in objection, including one from the ward member and City of Durham Trust. The comments are as follows:
64. Concerns raised with regards the loss of the Little Angels Memorial Garden, which has been used by bereaved parents for the scattering of ashes of loved ones. Upset at the loss of the garden which has obvious emotional and sensitive attachments. If it was known that the garden would be developed, it would never have been used for this purpose.
65. The Trust raises objection to the loss of the Grade II listed building, given its historic significance. It is considered that there is no compelling justification for its demolition and that other options remain available, such as reuse of the building. Further raises point that the ED is generic in appearance.
66. A further letter from a neighbouring resident raises issue and provides detailed comment on the extent of congestion on the roads surrounding the hospital site, including Southfield Way, B6532 and Dryburn Road. Concern is raised over the intention to create a one way route for ambulances through the site, with single access point for ambulances to take place at the Aykley Heads roundabout. This roundabout already has a substantial increase in traffic from new housing development in the area. It is considered that it would be better to allow two access and egress routes for ambulances, giving them a choice to pick the least congested route to the hospital site.

*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/applicationDetails.do?activeTab=documents&keyVal=QU6BIIGD0BK00>*

## **APPLICANTS STATEMENT:**

67. The current University Hospital of North Durham has reached a critical stage in clinical care. There is an unprecedented demand on the existing A&E services of up to 60,000 attendances in over recent years, which is currently being served by a building originally designed to accommodate 30,000 attendances and therefore no longer fit for purpose. The ongoing impact of the pandemic and expected growth of up to 79,000 attendances over the coming years, will add more pressure on the hospital, and subsequently, wider health service, as the existing building capacity will be further overwhelmed making it incapable of accommodating the clinical demands.

The delivery of the proposed new Emergency Department will address the issues with regards to limited capacity and spatial restraints, whilst providing the following fundamental improvements to patient care:

- The new development will act as a single point of entry where patients will be streamed into the most appropriate patient care pathway.
- The new extension will enable improved clinical assessment to admit unplanned admissions and provide the additional capacity to allow earlier acute specialist assessments for an enhanced patient journey.
- The new facility will provide acuity adaptability by incorporating flexible room usage to effectively meet surges in demand without compromising patient care or performance.
- It will offer improved patient flow by senior decision makers being utilised at the front of the process to accurately assess patients and deploy limited resources effectively. This will provide optimum patient care, whilst enabling inpatient 'back of house' capacity to manage demand effectively without the requirement for GP diverts into ED or 'boarders'.

The development is therefore critical to increase the building capacity, which will ultimately improve patient care and offer improved support to serve the community.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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68. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) forms 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. The tilted balance in paragraph 11(d) of the framework is not engaged.
69. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, impact on the character and appearance of the area, trees and heritage assets, impact on residential amenity, highway safety and access, ecology, sustainability and other issues.

### Principle of development

70. As a preamble to the consideration of this application, planning permission was previously granted in January 2017 for the erection of a new Emergency Department

(ED) in this same location. The design, scale and layout of what was previously approved remains largely the same as the current proposed scheme now under consideration. It is understood that the original scheme was not developed due to a lack of funding available at that time and the permission subsequently expired. With new funding now secured, proposals are resubmitted for consideration, but with the new County Durham Plan and the City of Durham Neighbourhood Plan now adopted, the scheme must be assessed within this updated policy context.

71. Policy 6 relating to development on unallocated sites is relevant in the determination of this proposal, as the proposed new ED is to be located within the curtilage of the existing hospital site, within the settlement of Durham City.

72. Policy 6 requires that development on unallocated sites must also meet the following criteria:

a) Development should be compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land;

The ED department would be located to the south of the existing main hospital building and would not be prejudicial to this existing use.

b) Development does not contribute to coalescence with neighbouring settlement, would not result in ribbon development, or inappropriate backland development;

The proposals are contained within the existing hospital site and there is no conflict with this part of the policy.

c) Development does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigate or compensated for.

The application site is not located on open land. The current site is made up of a mix of buildings, including the Grade II listed building, Dryburn House, intermixed with areas of hardstanding / internal roads, which would all be demolished. Also within the area is a small enclosed Memorial Garden area, which is proposed for relocation.

Apart from Dryburn House, the remaining buildings are of no visual merit and provide functional clinical and office space in the area. The loss of the Grade II Dryburn House building is a matter of regret, however, the demolition work forms part of a separate Listed Building Consent application. This has been determined, subject to completion of a Section 106 agreement, as being acceptable on the basis of the overriding public benefit associated with the erection of a new ED unit for the area.

The relocation of the memorial garden has been given careful consideration, given the significant sensitivities associated with the site. Whilst there is an understandable resistance to its removal to make way for the new development, a detailed action plan has been drafted to address the works to re-site the gardens in a more suitable location. This element is discussed later in the report.

d) Development is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement

The development is considered to be acceptable in this regard with more detailed consideration contained elsewhere in this report.

e) Development will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;

The development is considered to be acceptable in this regard with more detailed consideration contained elsewhere in this report.

f) Development has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement.

The University Hospital is well served by public transport, being located along one of the main arterial routes into and out of Durham. Access to the site by foot and bicycle can also be easily achieved. The site is located 1.5 km northwest of Durham Centre and is well located within the settlement close to large residential areas.

g) Development does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;

The development would provide a new and much needed ED department for the benefit of the City and wider area, and would therefore deliver an important and valued service.

However as already noted above, the proposals would result in the loss of a memorial garden that would be deemed a valued facility as part of the hospital services. Proposals have come forward for its re-location, as discussed in detail below.

Given the above, it is not considered that there is conflict with this criteria of the policy.

h) Development minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;

The site is not contained within Flood Zones 2 or 3 of the Environment Agency mapping system. From assessing the Strategic Flood Risk Assessment mapping layers associated with the Local Lead Flood Authority, there are no major flood risk areas within the application site area, although a small area of land to the north west of the site indicates a low risk of surface water flooding. The application was submitted with a flood risk assessment and drainage details which have been assessed by the LLFA and, subject to a condition to finalise the details would be deemed acceptable. There is no conflict with this part of the policy, but further consideration is provided below.

i) where relevant, development makes as much use as possible of previously developed (brownfield) land; and

j) where appropriate, it reflects priorities for urban regeneration.

The proposals are located on a previously developed site within the hospital grounds and therefore accord with these two elements of the policy.

73. On the basis of the above assessment, it is considered that the proposal would accord with the criteria set out in policy 6 and is therefore deemed acceptable in principle, subject to further considerations below.

## Impact on the Character and Appearance of the Area

74. Policy 6c) requires that development should not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for; whilst d. requires that it is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement. Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.
75. The hospital site is fairly well contained, and the proposed ED extension would not be highly visible from outside the site given its location well within the grounds adjacent to existing buildings. The extent of tree planting at the site, particularly around the eastern perimeter, near to which the proposed building would be located, would also help screen it from outside the site.
76. The proposed ED department would occupy a position to the south and east of the existing hospital. The majority of the building would be single storey in height, with a first floor area running along the length of the north-eastern side of the building containing the plant room area and chiller compound. The main operational areas, including waiting areas, X-Ray rooms, assessment areas, resuscitation area and nurses' stations would all be located on the ground floor, with the ambulance parking bays running along the length of the north-eastern elevation. Two single storey link corridors would be located at the northwest elevation linking back into the main hospital building.
77. As expected, the new building would occupy a sizeable footprint of some 4,000 sqm intended to accommodate and address the significant increase in demand on emergency health services in the area. It would extend by some 78 metres from the south elevation of the existing ED department and would measure approximately 54 metres in width. Given that the proposed ED building would occupy a site already containing a large array and mix of buildings, which are to be removed, the site can suitably accommodate this large and extensive footprint without appearing as an overdevelopment of the site. The proposed part single storey, part double height building is wholly in scale with the adjacent main hospital building and would not compete but rather read as a complimentary addition to the function of the hospital.
78. The proposals would be finished in large areas of fibre cement rain screen cladding. The grey colour selection has been influenced in part by sections of the main hospital building, particularly around the main entrance where areas of light grey cladding exist. However in contrast, the new ED building at ground floor level would be finished in a dark grey to help delineate it from the main hospital building. The proposed new double height main entrance would sit along the south elevation, overlooking the new large parking area, and would be finished in a striking yellow ochre colour cladding, which would accentuate the 'front of house' and ensure suitable legibility of the building to allow easy wayfinding for visitors to the site.
79. The proposed plant room, sitting atop the northeast area of the building would appear as a large mass, particularly when viewed from the west and east side of the building. However, it is understood there is an important functional requirement for this addition to the building as the ED would be heavily serviced by this large engineering plantroom. The plantroom extension would be finished in a light grey cladding, to help lessen to a limited degree the perception of its imposing size in contrast to the more noticeable darker grey tones of the main ground floor operational area of the ED. It would also be set back from the south elevation roof edge to ensure it would not compete with the main entrance.

80. It is important to note that the proposed building has been designed with the operation of the internal use at the forefront. The user experience has therefore heavily influenced the design, including extensive use of roof lights to bring natural light into the large central areas housing nurses' stations and assessment rooms. Windows along the wall elevations would also provide outlook over the grounds, whilst also providing lit orientation after dark and direct users to the main entrance. Due consideration has also been given to the proposed materials with some initial intention for masonry construction, however, it was determined that the cladding would provide suitable robustness, whilst also allowing for a speedier construction and ensure viability of the project overall.
81. The proposed ED extension would result in the loss of several trees which are protected under Tree Preservation Orders, although some are noted as being of poor quality. 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. Policy 40 of the CDP states that loss of such trees is only acceptable for wholly exceptional reasons and a suitable compensation strategy should exist. In this case, the provision of a new ED extension building to accommodate a noted increased demand in emergency care would represent exceptional reasons for their loss. 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.
82. South of the proposed ED building, an extension to the existing car park area is proposed, in place of a number of demolished buildings. At present the parking area at this part of the site measures approximately 5,300 sqm but this is to be increased to 8,600 sqm. It would be a notable large expansive space of hardstanding and the landscape architect noted that limited planting has been included within this space. Although it is appreciated that ensuring suitable parking provision for users of the facility is of importance, it is considered that there would be scope to introduce some further planting within the wider car park space to help improve visual amenities of the area. A condition will therefore be applied to any approval granted seeking details on this.
83. Overall, 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. It is considered that the proposed new ED building extension would be acceptable in design and materials and would not conflict with relevant policies 6d) and 29 of the CDP and S1 and H3 of the NP. Works relating to trees are considered acceptable in this case in line with policy 40, but suitable conditions will be applied for tree protection measures and a landscape plan.

#### Impact on heritage assets

84. It is noted that the proposed ED extension would result in the loss of Dryburn House which is a Grade II listed building. The Trust has objected to this element of the proposals citing that the demolition is unjustified and that the updated policy context provides means to prevent its loss.
85. The demolition of this listed building has previously been considered by the Central & East Planning Committee in June 2015 and it was determined that the loss of the listed building was acceptable. The committee report at that time concluded:

86. *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 saved policy E23 of the City of Durham local plan (2004) as well as a number of sections within the NPPF. The NPPF does however state 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.*
87. The approval by the Committee was subject to the completion of a Section 106 legal agreement to ensure that mechanisms were in place to prevent Dryburn House from being demolished until such time that planning permission has been granted for the redevelopment of the ED department at the hospital and contracts and development timescales are in place for the subsequent redevelopment. This was to ensure that the listed building could not be removed without ED extension being delivered.
88. However, the listed building consent granted at that time has now expired and accordingly the S106 agreement associated with it has also fallen away. A new listed building consent application has been submitted to the council for our consideration, reference DM/22/02285/LB and if approved, will also be subject to a similar S106 agreement as previously in order to ensure delivery of the benefits of the ED scheme following demolition of Dryburn House.
89. Although assessment of the proposals must now be made against the new planning policies within the CDP and NP, there remains provision within paragraph 201 of the NPPF (formerly paragraph 133), for the loss of a designated heritage asset where it can be demonstrated that the total loss is necessary to achieve substantial public benefits that outweigh that loss. As such, the assessment of the latest listed building application for demolition of Dryburn House against the updated policy context indicates that an approval is warranted in this case, the loss of the Grade II listed building deemed justified to make way for the substantial public benefit associated with a new ED department to meet the significant increase in demand for emergency care services.
90. Paragraph 204 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 will be subject to an updated Section 106, similar to what was attached to the previous listed building consent. 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 in line with requirements set out in policy 44 of the CDP. There are also discussions ongoing with Beamish Museum for items previously identified as being of architectural importance to be protected and stored in a secure location until Beamish are able to take them.

91. Local planning authorities have a duty to preserve or enhance Listed Buildings or their setting or any features of special architectural or historic interest which it possesses as requested by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires Local Planning Authorities in the exercise of their planning function with respect to listed buildings to pay special attention to the desirability of preserving or enhancing them. Based on the above discussion and as detailed within the assessment of the delegated report associated with DM/22/02285/LB, the preservation and retention of the Listed Building in this case was not deemed achievable due to the identified clinical needs of the new ED department and its required location as submitted.
92. It is considered that the loss of the heritage asset is in accordance with paragraph 201 and 204 of the NPPF, policy 44 of the CDP and the LPA is considered to have discharged its duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Impact on the Little Angels Memorial Garden

93. The Memorial Garden is an enclosed space to the south elevation of Dryburn House, set up as a memorial space for bereaved parents allowing an opportunity for them to put up plaques for their deceased infants. It is understood that ashes have also been scattered at this site. Representations by a number of residents were made through the local ward member and Leader of the Council raising concern over the loss of the site, particularly given the significant sensitivities over what it represents to those who use the space as a place of solace and to grieve.
94. The Hospital Trust was notified of the concerns raised and confirmed that at the time of the original permission granted in 2017, plans were already afoot to relocate the garden, however, whilst some initial work was undertaken to set up the new site, no further action was taken with the expiration of the planning permission. With new funding now secured, it is proposed to revert to the original plans for the memorial garden, and re-locate to the rear (west / northwest) of the hospital building. The site in question forms part of a wooded area with informal pathways through the site. A small area of the woodland has been enclosed by means of fencing, with a pergola entrance introduced to the site. New seating has been installed in the space with low hedgerow planting introduced. The set-up is intended to allow the relocation of an agreed depth of soil from the memorial garden along with the plaques to help recreate a suitable and improved provision for this highly sensitive and important space. The Hospital Trust is currently in ongoing discussions with department leads, relevant charities and trust faith leaders for guidance on an appropriate timetable and methodology for the re-location to take place.
95. Having assessed the details, it is acknowledged that the new space identified and the proposed means of re-creating the space have been given careful thought and are considered to be an appropriate and suitable solution. Given the importance of this space to the wider community, it is deemed required to apply a condition for final details of the proposed works to be submitted to the LPA for our approval. As part of the condition, there will be a requirement for the new Memorial Garden to be in place prior to commencement of any works on site. Subject to this condition, the proposals would accord with policy 6f) of the CDP.

#### Impact on residential amenity

96. Policies 29 and 31 of the CDP as well as policies H3 and C4 of the NP outline that development should provide high standards of amenity and privacy, minimise the

impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution.

97. The proposed extension would be sufficient distance away from neighbouring residential properties to ensure that residential amenity would not be compromised. There is no conflict with these elements of the policy.
98. The EHO has been consulted and confirmed that a condition should be applied to any approval for details of a construction management plan. Such a condition will be applied accordingly in line with policy 31.

#### Highways Safety and Access

99. Policy 6 requires that development will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity. Policy 21 states that development should: c) ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. In relation to parking the policy states that car parking should be limited to encourage the use of sustainable modes of transport, having regard to the accessibility of the development by walking, cycling and public transport and appropriate provision should be made for electric vehicle charging. NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
100. As part of the proposed extension works, the scheme also proposes new parking provision. An additional 222 parking spaces are proposed. Inefficiencies in the existing parking layout are 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.
101. The existing pedestrian footpath that connects the bus stops with the main hospital entrance is to be maintained. The intention behind this is to build on the familiar well established pedestrian routes to the site by improving the path and signage and encourage access to the site by public transport. The existing cycle storage area is to be maintained and incorporated into the new scheme.
102. A transport statement along with a Transport Assessment (TA) on the surrounding traffic network has been submitted with the proposed application, revised from the 2016 application, and taking into account new proposed developments in the area. The TA indicated that in the peak hours on the road network (07.30-08.30 and 16.00-17.00), the existing hospital generates 797 two-way movements in the AM peak (557 arrivals/240 departures), and 627 movements in the PM peak (135 arrivals/492 departures). It is considered that the trip generation from this proposal would generate an additional 162 two-way movements in the AM peak (113 arrivals/49 departures) and 127 two-way movements in the PM peaks (27 arrivals/100 departures).

103. These additional trips and their impact on the network have been considered in the TA. A number of junctions of the network have been modelled taking account the additional traffic generated by the proposal.
104. The County Highways Manager has been consulted and assessed the details provided and provided the following comments on each junction assessed:
- Site access/A691 Southfield Way Roundabout  
The junction would continue to work within capacity on all arms without significant queues and delay.
  - A167/A691/Dryburn Park Roundabout  
There would be impacts on this junction, however, based on the figures provided it would not be considered severe, and the queues and delay in this scenario are not significant.
  - A167/Rotary Way/Front Street/Potterhouse Lane  
This junction is shown to continue to work within capacity with no significant queue or delay.
  - A691/B6532/County Hall Roundabout  
This roundabout is shown to continue to work within capacity on all legs in all scenarios except for the B6532 arm which is shown as over capacity at present. However future modelling shows that the additional increase in traffic, would result in a nominal increase in queue and delay, so the impact of the development traffic on this junction is very small.
  - A167/Toll House Road signals  
This junction is shown as having some capacity, but some very small delay would be introduced at this junction as a result of the development but would be deemed minimal.
  - A690/Framwellgate/Millburn Gate Signalised roundabout  
The signals on this junction already operate over capacity. The modelled impact of the proposed development is considered to be nominal showing that the development traffic has little impact on this junction.
105. The Highways Manager is satisfied with the details submitted and accepts that the modelling within the TA has shown that the additional traffic on the network in the peak hours as a result of the development, would not have any material impact on the operation of any of the junctions in the vicinity of the site. Given the issues considered as part of the Transport Assessment, this development is considered acceptable from a Highways perspective. The NPPF paragraph 111 states that development should only be refused where there is a significant impact on road safety, or the cumulative impact of the development would result in a severe impact to the local road network. It is not considered that this development would be prejudicial to road safety, or that the impact would be severe.
106. The representation received highlighting the extent of congestion in the area are noted, along with the suggestion to allow two way access / egress for ambulances. Whilst there may be a case for this arrangement, it was not cited as a preferred option by the applicant and there are no highways objections to it. It is considered however, that there would be scope to re-evaluate the ambulance routes if this was deemed necessary by the Hospital Trust.
107. On this basis the proposals are not considered to conflict with planning policies and a highways refusal would not be warranted in this case. In order to support sustainable travel objectives and encourage sustainable modes of travel to the hospital, a condition is recommended for an update to the Hospital Travel Plan to be submitted for approval. In addition, further conditions will need to be applied for car parking to be

laid out and ready for use prior to first occupation of the new building along with details of Electric Vehicle charging spaces. A condition in relation to the submission of a Construction Management Plan has already been referenced and this will need to include details of management of construction vehicles, to be submitted and agreed

108. Overall, although the concerns are noted, the highways impacts of the development are considered to be acceptable and in accordance with policies 6 and 21 of the CDP, S1, T1 and C4 of the NP and Part 9 of the NPPF.

## Ecology

109. Part 15 of the NPPF requires that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. CDP Policy 43 states that in relation to protected species and their habitats, all development that has a likely adverse impact on the ability of species to survive, reproduce and maintain or expand their current distribution will not be permitted unless: appropriate mitigation can be provided; and where the species is a European protected species, the proposal also meets the licensing criteria (the 3 legal tests) of overriding public interest, no satisfactory alternative and favourable conservation status.
110. 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.
111. 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.
112. A bat survey of the buildings to be demolished has been submitted with this application. The survey was informed by data searches from local record holders and previous reports. Repeated daylight survey and dusk emergence and dawn return surveys were also undertaken. There were no records of bats from the target buildings but several potential roost features were identified. Subsequent dusk and dawn surveys were undertaken which noted very low levels of bat activity and no bat roosts confirmed. The buildings are surrounded by hospital infrastructure and car parks and are brightly lit at night and the locality is considered to be poor quality habitat for use by bats.
113. Overall the findings of the survey confirm that bats did not roost in any of the structures during the period of the surveys and the proposed demolitions are considered likely to have a neutral impact upon individual bats and the conservation status of the local populations. Mitigation and compensation are not considered to be required in this case. Ecology assessed the details of the report and agreed with the findings. No objections are therefore raised with regards the proposed demolition works and new development.

114. 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 policy 43 of the CDP and part 15 of the NPPF.

## Sustainability

115. Policy 29 states that all major new non-residential development will be required to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good' (or any future national equivalent). Policy S1 of the NP also seeks to ensure responsible use of resources as part of development proposals.
116. It has been confirmed by the Hospital Trust that, if the building is required to achieve a 'very good' BREEAM rating, the costs and programme implications associated with upgrading would significantly impact the viability of the scheme and potentially jeopardise the new emergency department being funded and constructed. Notwithstanding this, it has been agreed that the Trust would seek to establish an approach of improving the current design's overall sustainability performance as well as target zero carbon emissions as much as possible.
117. As such, a number of measures are proposed to be undertaken, including: passive measures encompassing improving natural daylight with roof lights, insulation measures etc; photovoltaic array on the roof; car electric charge points etc. It is also proposed to appoint a BREEAM accredited professional to the scheme to work with the project team and develop ways to improve performance.
118. There are no objections to what is proposed in this regard, but a condition will be applied seeking the submission of a sustainability assessment which seeks to achieve as close as possible a BREEAM rating of 'Very Good'.

## Other Issues

119. The Council's Drainage Officer 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 in line with policy 35.
120. The Council's Contaminated Land Section have been consulted on the proposals and no objections have been received however, further details are required in relation to contamination which can be sought through planning conditions. A condition relating to contamination is recommended accordingly in line with policy 32.

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## **CONCLUSION**

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121. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council now 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).

122. The size, scale and massing of the proposed building is consistent with the scale of the existing building and would 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 6d) and 29 of the CDP or S1 and H3 of the NP.
123. 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 Assessment indicates that the proposed development would increase traffic, but this would not be severe and a refusal on highways grounds could not be substantiated. Subject to conditions the proposals accord with policy 21 of the CDP and T1 of the NP.
124. The demolition of the listed building has been agreed as part of a listed building consent application, subject to completion of a Section 106. 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.
125. 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 29e) of the CDP and H3 of the NP.
126. 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.
127. 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 43 of the CDP and S1 of the NP.
128. As summarised above, the proposals have been assessed against relevant policies and are considered to accord with appropriate criteria and requirements, are acceptable in principle and, subject to conditions, would not have any unacceptable impact upon the character and appearance of the surrounding area, residential amenity, highway safety, ecology, flooding and surface water and contaminated land in accordance with policies 6, 21, 29, 31, 32, 35, 36, 40, 43 and 44 of the County Durham Plan, Policies S1, T1, C4 and H3 of the NP and Parts 5, 6, 9, 12, 14, 15 and 16 of the NPPF.
129. Whilst the proposal has generated public interest, the objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this

application. On balance, it is considered that proposals are acceptable and the application is recommended for approval.

## RECOMMENDATION

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

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

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

2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Plan	Drawing No.	Date Received
Demolition plan	3022-005_106 (Rev 1)	17/08/22
Location and existing site plan	3022-005_101 (Rev 1)	17/08/22
External works	3022-005_802 (Rev 1)	17/08/22
Landscape proposals	9016-013/101 (Rev C)	17/08/22
Arboricultural impact assessment	3022-005_030	17/08/22
Tree protection plan	3022-005_030	17/08/22
Site plan	0105 (Rev 02)	24/11/22
GA Elevations	0034 (Rev 03)	15/12/22
GA Sections	0033 (Rev 03)	15/12/22
Roof Plan	0032 (Rev 03)	15/12/22
First Floor Plan	0031 (Rev 03)	15/12/22
Ground Floor Plan	0030 (Rev 03)	15/12/22

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 6, 29 and 40 of the County Durham Plan, Policies S1, H3 and C4 of the City of Durham Neighbourhood Plan and Parts 12 and 15 of the National Planning Policy Framework.

3. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

- 1.A Dust Action Plan including measures to control the emission of dust and dirt during construction.

- 2.Details of methods and means of noise reduction/suppression.

- 3.Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.

- 4.Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.

- 5.Designation, layout and design of construction access and egress points.
- 6.Details for the provision of directional signage (on and off site).
- 7.Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
- 8.Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
- 9.Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
- 10.Routing agreements for construction traffic.
- 11.Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- 12.Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- 13.Management measures for the control of pest species as a result of demolition and/or construction works.
- 14.Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

4. No development shall take place on site until a detailed action plan with timetable for implementation for the relocation of the Little Angels Memorial Garden has been submitted to and approved in writing by the Local Planning Authority. The operations shall be undertaken in accordance with the approved details and be complete prior to any works commencing on site associated with the development hereby approved.

Reason: In the interests of ensuring the appropriate and timely re-location of a valued community space and to comply with Policy 6f) of the County Durham Plan and Part 12 of the National Planning Policy Framework. Required to be pre commencement given the location of the existing Memorial Garden central within the site.

5. No development shall commence, other than demolition works, until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention.

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The Local Planning Authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

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

6. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

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

7. Notwithstanding any details of materials submitted with the application no development shall commence, other than demolition works, until details of the make, colour and texture of all walling and roofing materials have been 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.

8. No development shall commence, other than demolition works, until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. As the Phase 2 identifies 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.

9. 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 Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

10. No development other than demolition 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.

11. Before the development hereby approved is brought into use the University Hospital of North Durham Travel Plan shall be revised with stretch targets aimed at offsetting additional car trip demand. The revised travel plan shall 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. The Approved Travel Plan shall thereafter be implemented, monitored and reviewed in accordance with the approved details.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

12. Prior to the occupation of the new Emergency Department hereby approved, a sustainability assessment demonstrating that a BREEAM Rating of "Very Good", or as close to this as possible, 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.

13. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained (reference 3022-005\_030 received 17 August 2022), are

protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

14. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 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 Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

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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.

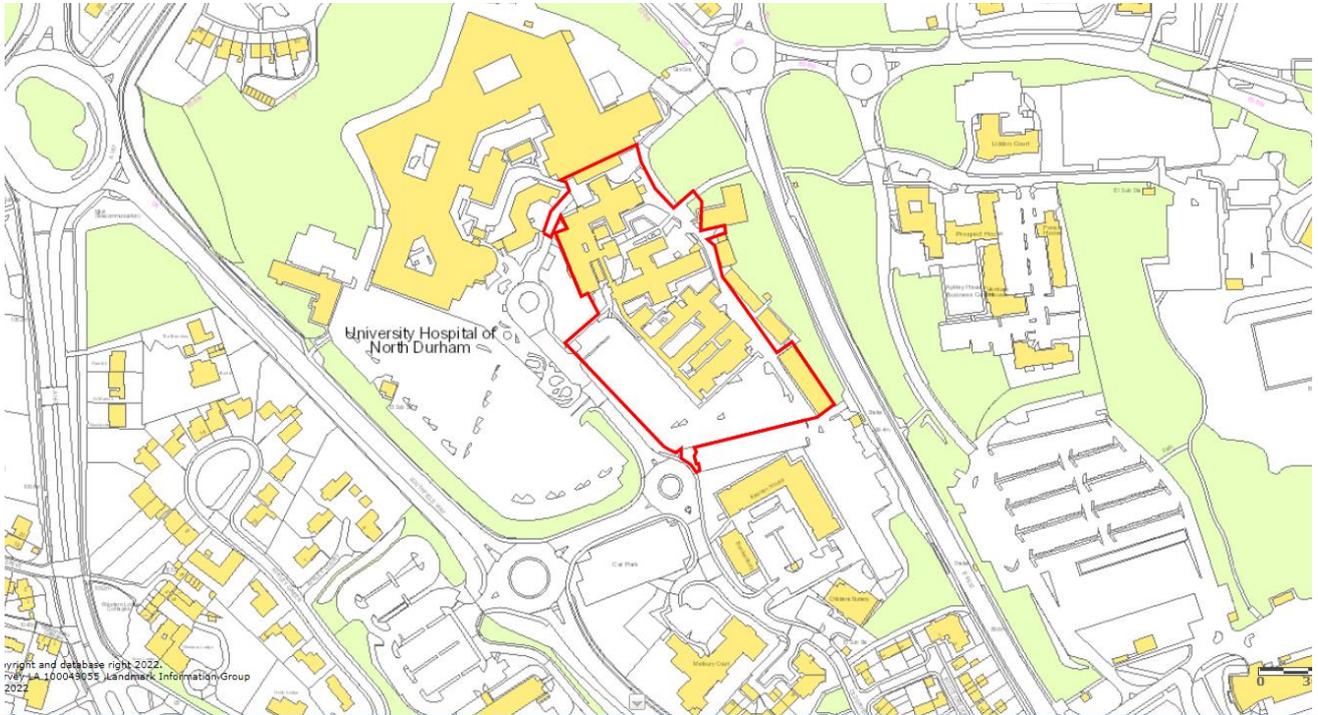
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## **BACKGROUND PAPERS**

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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
- City of Durham Neighbourhood Plan 2020
- Statutory, internal and public consultation responses
- County Durham Parking and Accessibility Standards 2019



**Planning Services**

Erection of a two storey Emergency Department and surface car parking with associated demolition of Dryburn House and other existing outbuildings

University Hospital Of North Durham North Road Durham DH1 5TW

Ref: DM/22/02388/FPA

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**Comments**

**Date** 10 January 2023

**Scale** Not to Scale

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/22/02314/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of a Care Home with associated vehicle parking, landscaping and infrastructure.
<b>NAME OF APPLICANT:</b>	Marton Care Limited and Helm Developments Limited
<b>ADDRESS:</b>	Land south of Bowburn Sewage Works and west of A688 Bowburn DH6 5NP
<b>ELECTORAL DIVISION:</b>	Coxhoe
<b>CASE OFFICER:</b>	Steve France Senior Planning Officer Telephone: 03000 264871 <a href="mailto:steve.france@durham.gov.uk">steve.france@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is one of the development phases indicated within the Masterplan for the Integra61 development at Bowburn. The Outline consent for Integra61 allowed for a mixed-use scheme including up to 270 houses, a hotel, a residential care home, general industrial, storage and distribution sites, a public house, nursery and restaurant / hot food take-aways.
2. The site lies immediately south of the village of Bowburn and near the interchange of the A688 and A1(M). Bowburn is around 3 miles south-east of Durham City, connected by the A177. The site is one of the closest phases of Integra61 to the village, separated by a phase area shown for the erection of a surgery. North-east of the site, across Bowburn Beck, a small watercourse that serves as part of the drainage, landscaping and ecology elements of the overall development, is the screening visually separating the site from Bowburn South Industrial Estate. Evident on the shared boundary to the south-west is a development of 91 dwellings currently under construction. Facing across the main spine road due east of the site is an area of open land now land-locked by the Integra61. There is a new small electricity sub-station on this front boundary. This main spine road, Rosalind Franklin Way is a dead end, including parking restrictions along its whole length, terminating as a vehicular highway just past the site, but extending as a pedestrian / cycle link to the village and its main facilities – including a convenience store, a community centre and a nursery.
3. Topographically, the land slopes steeply to the north-west towards Bowburn Beck. Formerly covered in rough scrub, the land of late has been used to facilitate the works on the adjacent housing site.

## The Proposal

4. The approved Masterplan within the Outline consent set the extent of the site, its access and detailed considerations such as maximum heights and lighting levels along with expectations for the uses and their extent. For this phase, it included an 'indicative' plan showing a potential layout for a nursing home with a footprint, extended access road, a car parking area, open space and a landscape belt between the development and the adjacent housing phase to the south-west.
5. The site is 0.64ha in area.
6. This full planning application proposes a 73-bed care home – 13 beds more than included in the outline consent. Parking is on the higher ground to the front of the site. An 'L' shaped structure is proposed, 3 storeys in height, with a mix of pitched and flat roofs. A single storey flat roofed element closest to the south-west boundary faces the rear of the houses under construction on the adjacent phase. A mix of red multi and dark grey brickwork, grey concrete rooftiles and grey GRP cladding, with grey rainwater goods is proposed.
7. A service access road is proposed along the boundary with the adjacent housing development instead of the indicative planting belt. Overlooked by the two wings of the building is a landscaped private area of public open space including paths, seating and formal planting. Wildlife and a drainage attenuation pond are sited adjacent the beck on the north-east boundary of the site.
8. This application is being considered by committee due to the size of the site.

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## PLANNING HISTORY

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9. The history of the site begins with DM/15/03912/OUT: '*Outline application with all matters reserved (except for access details of roundabout and internal distributor road) for a maximum of the following; 270 dwellings (class C3), a 70 bed hotel (class C1), a 60 bed residential care home (class C2/C3), a 3.96ha solar farm, change of use of 710m<sup>2</sup> of agricultural land to residential garden space, 170,859m<sup>2</sup> of general industrial, storage and distribution (class B2/B8), 1,858m<sup>2</sup> of restricted goods retail (class A1), 409m<sup>2</sup> restaurant/café/takeaway (class A3/A5), 613m<sup>2</sup> public house (class A4), 450m<sup>2</sup> childrens nursery (class D1), 400m<sup>2</sup> GP surgery (class D1) and 1860m<sup>2</sup> car showroom (class sui generis)*'.
10. This was modified though DM/18/01597/VOC, '*Amendment to planning permission DM/15/03912/OUT (Integra 61 mixed use development) so as to permit increase in general industrial, storage and distribution (class B2/B8) floorspace to 279,252m<sup>2</sup> and associated amendments*', with the area of the site subject to the current application unaffected.

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## PLANNING POLICY

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### NATIONAL POLICY

11. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
12. *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.
13. *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.
14. *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.
15. *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.
16. *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.
17. *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.
18. *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.
19. *NPPF Part 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.

20. *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/government/publications/national-planning-policy-framework--2>

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

21. 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; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; and; water supply, wastewater and water quality.

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

#### **LOCAL PLAN POLICY:**

##### The County Durham Plan

22. *Policy 15 Addressing Housing Need* notes the need to increase the range and quality of housing provision within the County and with regard to meeting the needs of older people and people with disabilities.
23. *Policy 21 Delivering Sustainable Transport* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
24. *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).
25. *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.

26. *Policy 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land* states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
27. *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.
28. *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.
29. *Policy 39 Landscape* 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 and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
30. *Policy 41 Biodiversity and Geodiversity* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
31. *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.
32. *Policy 44 Historic Environment* - states that development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting.

33. *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.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan)*

#### Cassop-cum-Quarrington Neighbourhood Plan

34. *Policy CCQ4 Achieving Beautiful and Successful Development* – must be appealing and fosters a sense of delight and wellbeing for occupants, visitors and passers-by, must have a positive and coherent identity and character, thereby creating or contributing to a distinct sense of place and belonging, must enhance the positive qualities of its site and setting and improves negative ones, and must be efficient in terms of functionality and resource use.

<https://www.durham.gov.uk/media/36091/Cassop-cum-Quarrington-adopted-neighbourhood-plan/pdf/CcQNeighbourhoodPlanAdoptedVersion2021.pdf?m=637716200666730000>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

35. *Highways* - confirm this proposal would be considered acceptable. By their very nature, Care Homes do not generate significant amounts of vehicular traffic. Generally, there are no set visiting hours, and so Care Home uses don't have a set "peak" for traffic to and from the site.
36. The site would be served from an existing priority junction on Bowburn Way. This road is not a through road and this development would be the last use before the road terminates. The access road is already served by double yellow lines to prevent indiscriminate parking along the road.
37. Internally, parking provision would be made for 20 parking spaces for staff and visitors, with an additional 6 additional spaces. An area for service vehicles, including a turning area to allow them to enter the site, manoeuvre, and leave in a forward gear is also provided.
38. So overall, the impact of this development on the local highway network would be negligible. Adequate parking provision and servicing arrangements are provided and so there would be no detriment to road safety and the proposal is considered acceptable.

### **INTERNAL CONSULTEE RESPONSES:**

39. *Spatial Policy* Officers acknowledge the Outline consent and the increase in bedroom provision. The requirements of Policy 15 (Addressing Housing Need) are set out and that the supporting text clarifies that there is a need for specialist housing in County Durham for older people, for the disabled and for vulnerable adults. Such forms of development include sheltered and extra care facilities (both for rent and owner occupation) and nursing homes. As the proposed development is specialist housing

for older people, it does not need to provide either on-site affordable housing, or a financial contribution towards the delivery of affordable housing as part of the scheme.

40. Policy 29 (Sustainable Design) is identified as of relevance, and in particular criteria a) which requires development to contribute positively to an area's character, identity and townscape, and provide high standards of amenity and privacy, and minimise the impact of development upon the occupants of existing adjacent and nearby properties; part b) which strives to create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and securing; part e) which requires developments to provide high standards of amenity and privacy; and part f) which specifically concerns the health impacts of development and the needs of existing and future users, including those with dementia and other sensory or mobility impairments.
41. Policy 31 requirements for amenity generally are highlighted with careful consideration to be given to that of the future users of this development as potentially older/vulnerable adults. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.
42. *Landscape* – Officers are complimentary of the submitted scheme both intrinsically and in having the potential to accommodate residents and guests with sufficient space and opportunities for both privacy and interaction. Some detail for establishment and maintenance is provided, but additional information is required to form a future landscape management and maintenance plan.
43. *Ecology* - Officers have discussed the submitted Ecology and Biodiversity which has been updated during the course of the application to include additional detail, maintenance and to reflect the suggestions of Durham Bird Club in the consultation responses. They advise that within the context of the wider biodiversity gain for the wider development, the proposals sit as an appropriate response in a form that will be to the betterment of residents experience of the site.
44. *Drainage* – have advised on an evolving drainage scheme as the application has progressed, confirming latterly that further to their outlined requirements, 'the outstanding issues have been addressed and the proposed surface water management system can be approved.
45. *Environmental Health (Contamination)* – Officers confirm they have no adverse comments to make. There is no requirement for a contaminated land condition. A standard 'informative' for unexpected contamination is suggested.
46. *Environmental Health (Air Quality / Noise)* – accept the evolved reports submitted during the course of the application, suggesting a detailed condition to mitigate for potential effects from noise and dust.
47. The *Planning Monitor and Compliance* Officer has made suggestions for the Construction Management Plan in respect of site lighting and mitigation of noise/vibration potential.

## **EXTERNAL CONSULTEE RESPONSES:**

48. *Northumbrian Water* - do not have any issues to raise with the above application, provided it is approved and carried out within strict accordance with the submitted document / drawing entitled "Drainage Strategy". A condition is suggested. This drainage area discharges to Bowburn Sewerage Treatment Works, which is not named on the Nutrient Neutrality Budget Calculator.

## **PUBLIC RESPONSES:**

49. As a 'major' application site notices have been posted, and advertisement placed in the local press and 20 letters sent out to neighbouring residents and businesses. There have been two responses – one in support and one representation – i.e. there are no objections.
50. Bowburn and Parkhill Community Partnership support the application in principle. They comment:
- The proposals are welcomed for energy and solar efficiency.
  - Cycle parking is welcomed but could be closer to the entrance.
  - No showering facilities are evident for cyclists.
  - Requirements for Biodiversity Net Gain should be considered.
  - Swift boxes should be considered.
51. Durham Bird Club, from an address in Old Quarrington welcome the Ecology Survey and noting the height of the building ask that consideration be given to the inclusion of a swift box – this species currently in decline but recorded in the Bowburn area.

## **APPLICANT'S STATEMENT:**

52. The proposed development is for a 73-bed residential care home. The principal of development has already been established by the Integra 61 outline planning approval (application ref: DM/15/03912/OUT). As part of the outline permission the approval relates to a 60-bed care home. The proposed additional 13 beds can be easily accommodated on site and will make negligible difference to traffic entering and exiting the site, which can be easily accommodated by the existing access.
53. The proposed development provides residential care accommodation for elderly and dementia care services users while also providing employment opportunities for the residents of Bowburn and the wider County Durham. The applicant anticipates the creation of around 70 jobs with shift patterns of 8-8 or 7-7. Around 16 staff are likely to be required to work during a day shift while around 8 staff are likely to be required to work during a night shift.
54. The development is specifically designed to meet the needs of the residents and benefits from the established operational experience of the applicant. 100% of the proposed user bedrooms have been designed to comply with Approved Document Part M4(2) Category 2: Accessible and adaptable dwellings, and 25% of the proposed user bedrooms have been designed to comply with Approved Document Part M4(3) Category 3: Wheelchair user dwellings. This is in compliance with Policy 15 of the County Durham Plan.

55. The proposed development will contribute positively to the area's character drawing from the material palette and architectural character of the area as described in the Design and Access Statement. In addition, the proposed building will be designed at technical design stage to target an 'A' rated Energy Performance Certificate. This will help to minimise greenhouse gas emissions. The proposed building will incorporate on-site renewables through the use of photovoltaic panels mounted on the south-west facing pitches of the roof over the south-east to north-west orientated wing. This will help to make the fullest contribution to minimising carbon dioxide emissions when combined with a 'fabric first' approach including highly insulated envelope; Airtightness detailing; and Thermal bridging reduced to a minimum.
56. Overall, the proposed development will provide much needed residential and dementia care accommodation in a state-of-the-art building.

*The above is not intended to list 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/applicationDetails.do?activeTab=documents&keyVal=RGDY8UGDG0N00>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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57. 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, highway safety and access, layout and design, residential amenity, ecology, flooding and drainage, and other matters.

### Principle of the Development

#### The Development Plan

58. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. 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 County Durham Plan was adopted in October 2020 to cover the period until 2035 and along with the adopted Cassop-cum-Quarrington Neighbourhood Plan 2020 - 2035 provides the policy framework for development proposals in this area.
59. 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.
60. With the site approved in outline for a smaller version of the use proposed, assessment of the application is for the detail of the proposal – the principle effectively having been accepted and established with approval of the Integra61 masterplan.

## Highways Safety and Access

61. Highways Officers advise the proposals are acceptable as by their very nature, Care Homes do not generate significant amounts of vehicular traffic. The road network around the site has been designed and restricted so as to discourage roadside parking. Parking and turning standards are met for staff, visitors and service vehicles. No objection has been raised in regard to the implications of the increased number of residents proposed over and above that expected from the outline consent.
62. Pedestrian and cycle access to the village is excellent, with the services, facilities and transport links within it being in easy reach.
63. The development is concluded to meet the requirements of Policy 21 (Delivering Sustainable Transport) in so far as ensuring that highway safety is ensured by the proposals. Vehicular parking and turning requirements are met. Electric Vehicle parking places are provided. Cycle storage is proposed to the front of the building. The increase in numbers of bedrooms proposed will have no discernible effect on the surrounding transport network.
64. The highways elements of the proposal have no implications for the advice at para.111 of the Framework, that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

## Layout and Design

65. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Policy CCQ4 Achieving Beautiful and Successful Development – must be appealing and fosters a sense of delight and wellbeing for occupants, visitors and passers-by, must have a positive and coherent identity and character, thereby creating or contributing to a distinct sense of place and belonging, must enhance the positive qualities of its site and setting and improves negative ones, and must be efficient in terms of functionality and resource use. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
66. The proposed building is set part way down the slope, reducing its height in comparison to the road level. The height restrictions set out in the masterplan are met. A frontage landscape scheme is proposed along the roadside, softening the front elevation from the spine road – and providing a backdrop to the aforementioned electricity sub-station – screening the car parking area, and providing a better aspect from residents' windows on the front elevation. A single storey element on the north-west gable elevation gives additional physical separation to the rear elevations of the houses facing in lieu of the landscape buffer suggested on the indicative layout in the Outline approval – albeit with a slightly odd, truncated gable detail – presumably to avoid a valley roof on this part of the building. This is not a significant feature and gives storage space and opportunity for photovoltaics.
67. The elevational treatment proposed references the local materials palette as visible in the nearby Conservation Area, with dark reds and grey colours in the main elevations,

roofs and roof edges. Whilst the form is that of a large and modern building, again, the use of steep pitched roofs and vertically proportioned openings with contrasting brick panels gives appropriate reference to a local vernacular. The form of the building is designed to break up the bulk through articulation of elevations, changes of materials and the use of multiple steep pitched roofs and plain gables with watertable detail. This approach is considered successful.

68. The 'L' shaped building has the private communal grounds overlooked by residents windows with ramped accesses seeking to ensure that the site levels do not disadvantage access for those with restricted mobility. The formal landscaped areas are bounded by the informal/ecology areas, including a SuDS basin, that itself sits adjacent Bowburn Beck with the proposed enhancement works contained within, and then the established woodland buffer climbing the far slopes beyond the Beck that visually and physically separate from Industrial Estate beyond. This ensures the design will give high levels of amenity in terms of outlook.
69. An additional essential aspect of Policy 29 for assessment is the requirement to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, and minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
70. The application sets out a Sustainability Statement that includes for a 'fabric first' approach to include a 'highly insulated envelope, renewable technologies (solar panels) on south facing roofs, airtightness detailing; and thermal bridging reduced to a minimum. For emissions, the development will be built to the current Building Regulations which have been updated since the planning Policy requirement.
71. The proposed building is considered to meet the requirements of the two elements of the development plan in terms of the requirements of Policies 29 and CCQ4 and the complimentary advice in parts 12 and 15 of the Framework. A detailed list of 'Energy Efficient Measures' is also included with provision for insulation, metering, efficient white goods, water saving, a waste management and recycling plan amongst other devices. A condition of a verification report to demonstrate these measures have been incorporated into the scheme once complete is suggested.

## Residential Amenity

72. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. Policy 32 seeks to ensure that historic mining legacy and general ground conditions are suitably addressed by new development. A Residential Amenity Standards Supplementary Planning Document (SPD) has also been adopted by the Council. The aforementioned policies and SPD can be afforded significant weight. Parts 12 and 15 of the NPPF, which 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.
73. There are two aspects of residential amenity for consideration – those for residents of the scheme, and those for the neighbours in the housing development currently under construction.

74. Guidance within the SPD advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two storey gable elevations and 10m to a single storey. It is advised that additional separation may be required where there are changes in levels across a site or where additional storeys are involved.
75. Careful attention has been paid to ensure that the separation between the rear elevations of the dwellings being erected on the adjacent Bellway development, with 12.8m to the single storey off-shot and 16.7m to the main gable. The required separation distances between the structures are achieved. There has been discussion to ensure that the proposed service road is not set at a raised level and will be of an appropriate level and timing of use so as not to have an unreasonable effect on reasonable expectations of privacy and amenity for the dwellings and gardens adjacent, with the applicant happy to accept a restriction on delivery hours to between the hours of 8am and 6pm. These devices are considered to meet the relevant requirements of Policy 31 of the County Plan and the adopted Residential Amenity SPD 2020.
76. Proposed residents' amenity is in large part assessed through Policies 15, and 29, which ensures Inclusive Design. The proposals set out that 100% of the user bedrooms have been designed to comply with Approved Document Part M4(2) Category 2: Accessible and adaptable dwellings, and 25% of the user bedrooms have been designed to comply with Approved Document Part M4(3) Category 3: Wheelchair user dwellings to reflect the requirements of Policy 15. The car park includes 6No. parking bays designated for disabled people. A detailed description of the proposed accommodation demonstrates a clear commitment to proposed residents' amenity – likewise the layout of the proposed open space. Residential amenity accrued from the proposed landscape scheme is discussed below.
77. Both Environmental Health Officers and Planning Monitoring / Enforcement Officers suggest requirements for conditions to cover additional aspects not included in the submitted Construction Management Plan to ensure residential amenity through the construction process. These are considered required and reasonable as directly related to the requirements of Policy 31.
78. This approach is considered to bring compliance with the requirements of the policies relating to protection of residential amenity.

#### Landscape and Visual Impacts

79. Policy 39 of the County Durham Plan states 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. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Elements of Neighbourhood Plan Policy CCQ4 are relevant with requirements for development creating or contributing to a distinct sense of place and belonging and enhances the positive qualities of its site. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment.
80. The submitted landscaping scheme is considered acceptable and compliant with the requirements of Policies 29, 39 and CCQ4 with particular note for it being appropriate for the residents of the proposed development. Further detail is needed for the future landscape management and maintenance plan, and this can be secured by condition.

## Ecology

81. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates 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.
82. The proposed Biodiversity scheme as an extended component of the landscape scheme, with provision for hedgehog, sparrow and swift boxes and including an appropriate maintenance component has been agreed as meeting the requirements of the local Policies and national guidance. It is reasonable to assess the proposal in the context of the wider BNG and landscape works on the estate as the proposals effectively blend into this on the site boundary. That it does this in a manner that will add to the enjoyment of the development finds resonance in Policy CCQ4 with a potential to, 'foster(s) a sense of delight and wellbeing for occupants'.
83. Subject to the imposition of a condition to secure the proposed scheme and its maintenance, the proposals are concluded Policy compliant.

## Flooding and Drainage

84. Policies 35 and 36 of the 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.
85. The Drainage scheme has evolved in response to the requirements of Council's Drainage Officers as the Lead Local Flood Authority, who confirm that the outstanding issues have been addressed and the surface water management system can be approved. Northumbrian Water have confirmed the impacts of the development and its operation can be accommodated within their system. Subject to a compliance condition, the Policy requirements are considered met.

## Other Considerations

86. Policy 44 of the County Plan states that development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting.
87. There are no heritage assets or non-designated heritage assets on or immediately adjacent the site. The Bowburn Conservation Area is 100m east of the site, east of the A177 as it passes through Bowburn, with two intervening terraces physically and visually separating the site from the designated area. Officers consider there is no impact on the Conservation Area nor its setting, ensuring compliance with Policy 44 (Historic Environment), the advice in part 16 of the Framework and the necessary assessment for potential harm required by The Planning (Listed Buildings and Conservation Areas) Act 1990.

88. Policy 32 of the County Plan requires developers to demonstrate that land contamination and stability issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development, the site is suitable for the proposed use, and all assessments have been carried out by appropriately qualified persons.
89. Environmental Health Officers are satisfied with the information provided in relation to ground conditions and contamination, confirming there is no requirement for any condition – an ‘informative’ is suggested to cover the potential for unexpected contamination encountered during the construction process. The relevant elements of Policy 32 are considered addressed, likewise the corresponding advice in part 15 of the Framework. The site is unaffected by records of shallow mine workings.
90. Policy 31 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.
91. The implications of this Policy for aspects of residential amenity is considered above. For noise and air quality – both for the construction process and operationally, both Environmental Health Officers and Planning Monitoring and Enforcement Officers had requested additional information, which has been provided to their satisfaction. A condition is suggested that Officers consider will ensure compliance with the Policy 31 requirements.
92. The planning application and applicant’s statement anticipates the creation of around 70 jobs in a shift pattern. Around 16 staff are likely to be required to work during a day shift while around 8 staff are likely to be required to work during a night shift. These operational jobs created – and those involved in the construction process are of positive material weight in the assessment of the planning application.
93. The proposal has generated public interest from the Community Partnership and the local Bird Group. The Partnership supports the proposals for an energy efficient building. Their suggestions for relocation of the cycle parking have been discussed with the applicant. The EV spaces are welcomed. Detailed suggestions for specific bird box types have been secured in the updated Biodiversity Net Gain proposals.

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## **CONCLUSION**

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94. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
95. In summary, the application site is concluded to be in a sustainable location, with the principle of development already established through Outline consents.
96. Assessment of the Policy context within the two elements of the Development Plan and advised by the National Planning Policy Framework as a material consideration conclude that the scheme is compliant, meets required standards and provides – or can provide through imposition of conditions as outlined above, a high-quality scheme of specialist residential accommodation that will extend the residential offer of both the development and the wider village as intended in the approved masterplan.

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## RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
*Reason:* Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.  
*Reason:* To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 15, 21, 29, 31, 32, 35, 36, 39, 41, 43, 44, 46, 56 of the County Durham Plan 2020, Policy CCQ4 of the Cassop-cum-Quarrington Neighbourhood Plan 2020, and Parts 2, 4, 8, 9, 11, 12, 14, 15, 16 of the National Planning Policy Framework.
3. Notwithstanding any details of materials submitted with the application no development above ground level shall commence until details of the make, colour and texture of all walling and roofing materials have been 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, Policy CCQ4 of the Cassop-cum-Quarrington Neighbourhood Plan and Part 12 of the National Planning Policy Framework.
4. Prior to the first occupation the development hereby approved, details of all means of enclosure of the site shall be 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.
5. The submitted landscape scheme must be implemented in the first available planting season following the commencement of building works. A landscape management and maintenance plan to support the submitted landscaping scheme must be submitted to and approved in writing by the Local Planning Authority in advance of the provision of the landscape scheme, and thereafter adhered to for a minimum period of 5 years.  
*Reason:* Reason: In the interests of the appearance of the area and to comply with Policy 39 of the County Durham Plan, Policy CCQ4 of the Cassop-cum-Quarrington Neighbourhood Plan and Parts 12 and 15 of the National Planning Policy Framework.
6. The development must be carried out and maintained in accordance with all post-development planting, habitat management and monitoring and ecological enhancements set out in the Bowburn Manor Biodiversity Impact Assessment dated October 2022 authored by Weddle Landscape Design.  
*Reason:* To ensure Biodiversity Net Gain and in the interests of species protected by law as a requirement of Policies 41 and 43 of the County Durham Plan 2020 and part 15 of the National Planning Policy Framework.

7. For surface water and foul drainage, the development shall be completed in full and before occupation of the development hereby approved in accordance with the drainage scheme contained within the submitted document entitled "Drainage Strategy Rev. C2/11/2022". The drainage scheme shall ensure that foul flows discharge to the combined sewer upstream of 5602 manhole and ensure that surface water discharges to the existing watercourse.

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

8. The electric vehicle spaces shown on plan 21-2395-(02)-001-P)04 must be available for use by electric vehicles on first occupation of the site.

*Reason:* In the interests of sustainability as required by Policy 29 of the Durham County Plan 2020 and part 15 of the National Planning Policy Framework.

9. Within 6 months of occupation of the development hereby approved a written Verification Report by a competent person must be submitted to the Local Planning Authority demonstrating compliance with the Sustainability Statement set out in the submitted Design and Access Statement Ref: 21/2395/DAS Rev:P.03.

*Reason:* In the interests of sustainability as required by Policy 29 of the Durham County Plan 2020 and part 15 of the National Planning Policy Framework.

10. Prior to commencement of any works on the site a Construction Emissions Management Plan to address the environmental impact during the development of all phases of the site shall be submitted to and approved in writing by the Local Planning Authority. The Construction Emissions Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of air pollution and dust resulting from the site preparation, demolition, groundwork and construction phases of the development, taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014. Appropriate measures including the use of agreed routes to and from site during the construction works and allocating arrival times for construction vehicles and suppliers must be set out along with minimum emission standards for construction vehicles operating on, and those delivering to the site. Details of site lighting must be included, designed so as to comply with the ILP Guidance Notes for the Reduction of Obtrusive Light GN01:2011, including siting and direction to avoid glare for residential amenity and highway safety. Where the use of piling or vibro-rollers within 75m of occupied residential properties is proposed, detailed control measures must be set out including:

- A letter drop to all affected properties providing them with details of how long works will be undertaken for and a telephone number to contact in the event of a complaint or for further information.
- Vibration monitoring to be undertaken whilst operations are being undertaken, measured vibration levels shall be compliant with the criteria in BS 5228: 2009 part 2 (i.e. 1mms-1 PPV for potential disturbance in residential). Results of monitoring shall be recorded and provided to the LA upon request.

Should vibration levels exceed the threshold levels stated above then the vibration causing works will cease and expert advice sought on mitigation.

*Reason:* In the interests of residential amenity and to meet the requirements of Policy 31 of the County Durham Plan and part 15 of the Framework

11. The development must be undertaken in compliance with the details set out in the Construction management Plan Ref: 32/12/41/CMP dated June 2022.

Reason: In the interests of residential amenity and to meet the requirements of Policy 31 of the County Durham Plan and part 15 of the Framework

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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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## **PUBLIC SECTOR EQUALITY DUTY**

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Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.

In this instance, Officers have assessed all relevant factors including the demographic of the intended residents and do not consider that there are any equality impacts identified or material to the assessment process or recommendation.

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## **BACKGROUND PAPERS**

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Submitted application form, plans, supporting documents and subsequent information provided by the applicant

Statutory, internal and public consultation responses

The National Planning Policy Framework

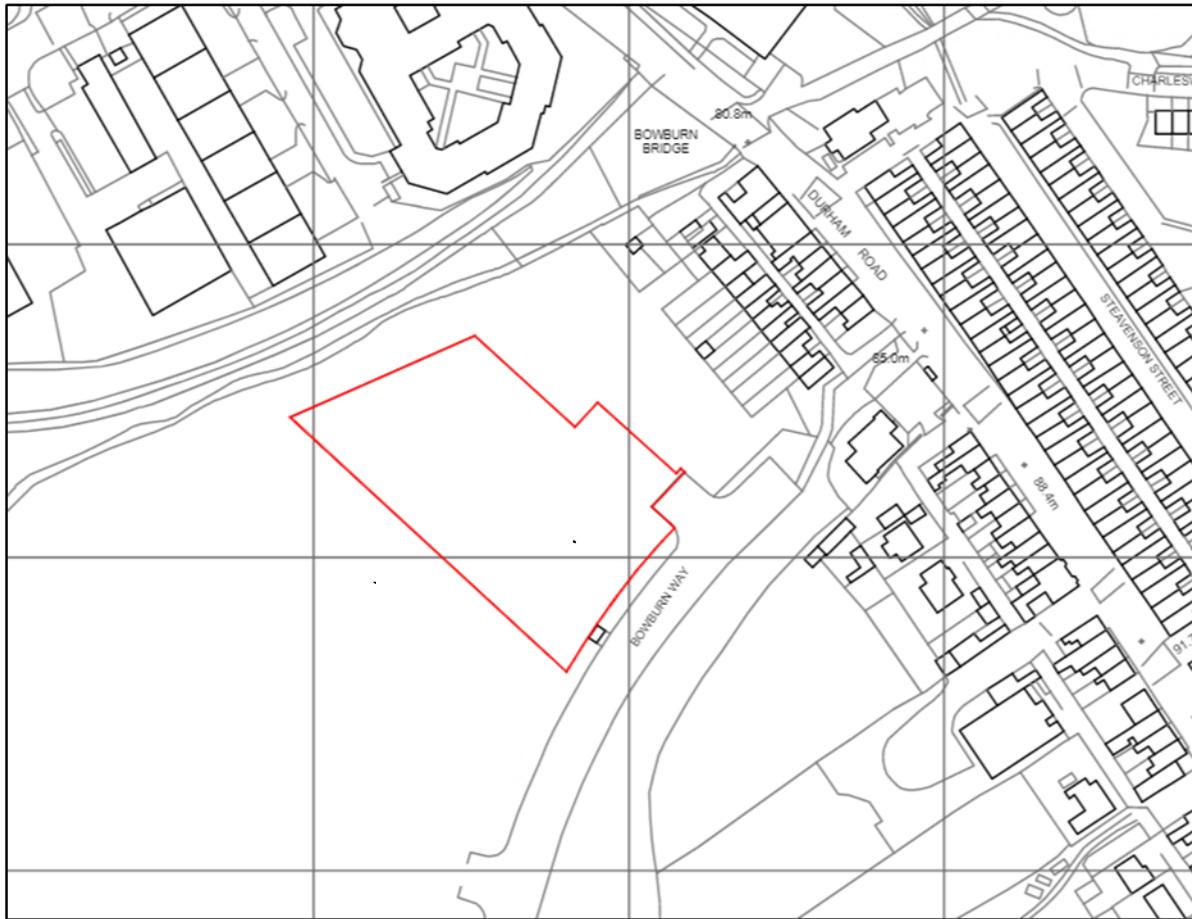
National Planning Practice Guidance Notes

County Durham Plan 2020

Cassop-cum-Quarrington Neighbourhood Plan 2020-2035

Residential Amenity Standards SPD (2020)

County Durham Landscape Strategy (2008)



**Planning Services**

DM/22/02314/FPA: Erection of a Care Home with associated vehicle parking, landscaping and infrastructure.

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**Date** 10<sup>th</sup> January 2023

**Scale** NTS



## Planning Services

# COMMITTEE REPORT

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### **APPEAL UPDATE REPORT**

**Appeal by Mrs Gabrielle Moore**  
**Site at 24 Nevilledale Terrace, Durham. DH1 4QG.**  
**Planning Reference- DM/22/00369/FPA**

An appeal was lodged against the Council's refusal of planning permission for the change of use from a 6-bed dwelling (C3) to a small house in multiple occupation (C4).

The application was refused for the following reason:

*The proposed change of use of the existing C3 dwelling to a C4 house in multiple occupation is unacceptable, due to 26.5% of existing properties within 100 metres of the application site already being registered as student lets exempt from Council Tax, and therefore exceeding the 10% threshold set out Policy 16 Part 3 of the County Durham Plan. The proposals would not benefit from any other exceptions within this part of the policy. The proposals would therefore result in further imbalance in the community and have a detrimental impact on quality of life and community cohesion for surrounding residents in contravention of Policy 16, 29 and 31 of the County Durham Plan and paragraphs 92 and 130 of the National Planning Policy Framework.*

The appeal was dealt with via written representations and following their submission and consideration the Planning Inspector concluded that the proposal would cause harm to the character of the street and surrounding area, with particular reference to the balance and mix of housing. In dismissing the appeal the Inspector had regard for Policy 16 of the CDP and the thresholds and exemptions therein.

The appeal was therefore dismissed.

Recommendation:

That the decision be noted.

**Appeal by Mr and Mrs James and Anne Horn**  
**Site at Greenhills Farm Cottage, Greenhills Farm, Wheatley Hill, Durham.**  
**DH6 3QS,**  
**Planning Reference- DM/19/03819/FPA**

An appeal was lodged against the Council's refusal of planning permission for the Construction of two detached dormer dwellings.

The application was refused for the following reasons:

*The proposed development is considered contrary to policy 10 of the CDP in that none of the criteria set out in subsections a) to d) of the policy apply to the development. In particular, it is considered that the development does not relate to a rural land based enterprise which it has been clearly demonstrated is, or has the prospect of being, financially sound or remaining so.*

*The proposal would result in the creation of 2 dwellings in an unsustainable location within the countryside which has poor access to services and facilities and would foster an overreliance on trips by private vehicle contrary to the aims of paragraph 105 of the NPPF and policy 10 of the County Durham Plan.*

*The 2 dwellings would appear visually incongruous and have an unacceptable detrimental impact upon visual amenity and the wider landscape of the locality due to the introduction of piecemeal, suburbanising development and the removal of an existing bund contrary to the aims of policies 10, 29 and 39 of the County Durham Plan and part 15 of the NPPF.*

The appeal was dealt with via written representations and following their submission and consideration the Planning Inspector concluded that development would not be in a suitable location having regard to the spatial strategy for the area and that the proposal would have a harmful effect on the character and appearance of the surrounding area. cause harm to the character of the street and surrounding area.

The appeal was therefore dismissed along with a costs application.

Recommendation:

That the decision be noted.

**Appeal by Mr N Swift of Aztec North  
Site at 9 Station Lane, Gilesgate, Durham. DH1 1LJ.  
Planning Reference- DM/21/00101/FPA**

An appeal was lodged against the Council's refusal of planning permission for the Proposed Extension and Conversion to 2 Apartments.

The application was refused for the following reasons:

*The proposed alterations to the property are considered to be insensitive and harmful to the historic character and appearance of the Non-Designated Heritage Asset, which is deemed to have rarity value. The proposals would therefore adversely impact upon this identified feature of historic interest in this part of Durham City, which in turn would negatively impact on the character of the Conservation Area. As such, the proposals are considered to fail to preserve or enhance the character and appearance of the Durham (City Centre) Conservation Area, contrary to Policies 29 and 44 of the County Durham Plan, Policy H2 of the Neighbourhood Plan and Parts 12 and 16 of the National Planning Policy Framework and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

*The size of the internal accommodation provided within each of the proposed flats would fall below the minimum required space standards contained within the Nationally Described Space Standards and as such result in a*

*substandard quality of accommodation contrary to the requirements set out in Policy 29 of the County Durham Plan and Part 12 of the NPPF.*

The appeal was dealt with via written representations and following their submission and consideration the Planning Inspector concluded that the proposal would undermine the host property's character and appearance and alter the appearance and prominence of the building causing harm to the character of the wider conservation area.

The refusal reason relating to the NDSS was addressed to the satisfaction of the LPA by the appellant during the appeal therefore this was not considered further as part of the appeal determination.

The appeal was therefore dismissed.

Recommendation:

That the decision be noted.

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