

## 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.

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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.

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.

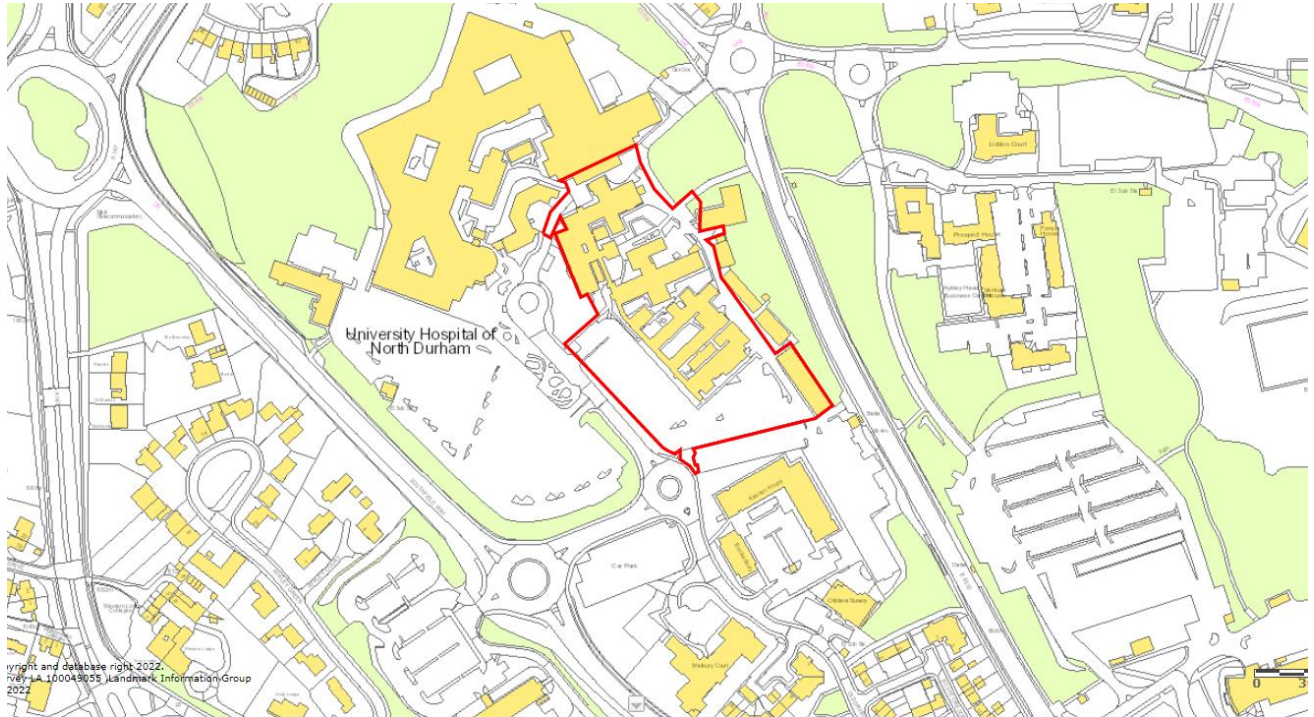
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## **BACKGROUND PAPERS**

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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



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 Ordnance Survey 100043025 Landmark Information Group  
 2022



**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