

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	4/12/00112/FPA & 4/12/00113/LB
<b>FULL APPLICATION DESCRIPTION:</b>	Demolition of existing building, construction of new healthcare building, relocation of existing modular building and greenhouse (planning and listed building consent).
<b>NAME OF APPLICANT:</b>	Ministry of Justice, 102 Petty France, London, SW1H 9AJ
<b>ADDRESS:</b>	HM Prison Durham, 19B Old Elvet, Durham, DH1 3HU
<b>ELECTORAL DIVISION:</b>	Elvet
<b>CASE OFFICER:</b>	Barry Gavillet, Senior Planning Officer, 03000 262 515, <a href="mailto:barry.gavillet@durham.gov.uk">barry.gavillet@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### Site:

1. HM Prison Durham is located within eastern part of the Durham (City Centre) Conservation Area bounded by New Elvet to the west, Old Elvet to the north, Whinney Hill to the east and The Hallgarth to the south. The large prison complex comprises of a mix of buildings which vary in scale, age, style and use set behind the high prison walls. The main prisoner accommodation wings on the site are linked together around a central exercise yard.
2. A, C and D wings are Grade II Listed accommodation blocks constructed some time before 1852. They are described within the Historic Environment Record as being of coursed squared sandstone with ashlar dressings, welsh slate roof with stone gables. B and E wings although not listed and later additions, are physically attached to the listed parts and are of a similar scale and architecture. Also within the prison walls is the Private Chapel, Grade II Listed, sited immediately to the east of C Wing.
3. The building proposed for demolition was constructed in the early 1900's, this building is not listed and lies adjacent to the main gatehouse; it is of Victorian age and character and is a building considered to be of some historic interest.

#### Proposal:

4. This application seeks both planning and listed building consent for the demolition of the existing Healthcare Building (J Wing) and the construction of a replacement building for the same use at Her Majesties Prison, Old Elvet, Durham City. Smaller scaled works involve internal alterations within C Wing in association with its temporary use for healthcare functions during construction of the new building and the relocation of a modular building and greenhouse.

5. HMP Durham receives highly complex prisoners with wide ranging medical needs. Many prisoners have substance misuse and mental health problems. It is imperative therefore that the facilities meet the needs of the offenders as for some, HMP Durham is their default prison due to their age, offence or length of sentence. It may therefore be difficult to relocate these prisoners to a different prison with better healthcare provisions should the need arise.
6. The existing healthcare building was built in the early 1900s and was extended during the 1950's, and whilst it may have been fit for purpose during the time of its original construction and subsequent extension, the fabric, layout and design of the building no longer meets the needs of an NHS equivalent health care facility. The objective of this project is to provide HMP Durham with a high quality healthcare provision that would enable the efficient use of healthcare and prison resources.
7. The replacement two-storey healthcare building would be sited on the approximate footprint of the existing healthcare building. It is proposed to construct the new building from stone cladding and a pitched zinc roof, similar to that which is used on the existing main entrance and reception area of the prison. The building would measure approximately 26 metres deep by 29.9 metres long and would have a floor area of 1410 square metres. The majority of the proposed building would be almost completely obscured from public view by the prison walls with only a small section of the new roof being visible from Whinney Hill.
8. The application is being reported to committee as it is a major development.

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## **PLANNING HISTORY**

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9. 07/00607/FPA – Erection of satellite dish, Approved.
10. 10/00878/FPA – Erection of education building & extension to provide healthcare facility, Approved.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

11. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
12. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'

The following elements are considered relevant to this proposal;

13. NPPF Part 1 – Building a strong, competitive economy. The Government is committed to securing economic growth in order to create jobs and prosperity,

building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

14. NPPF Part 7 – Requiring Good Design. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
15. NPPF Part 10 – Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
16. NPPF Part 12 – Conserving and Enhancing the Historic Environment. Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

## **REGIONAL PLANNING POLICY**

17. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
18. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies.
19. Policy 1 (North East Renaissance) seeks to achieve and maintain a high quality of life for all, both now and in the future, requiring a major economic, social and environmental renaissance throughout the Region.
20. Policy 2 (Sustainable Development) states that proposals should support sustainable development and construction through the delivery of environmental, social and economic objectives.
21. Policy 3 (Climate Change) sets out the regional policy on contributing to the mitigation of climate change and assisting adaptation to the impacts of climate change.
22. Policy 4 (The Sequential Approach to Development) provides that a sequential approach to the identification of land for development should be adopted to give priority to previously developed land and buildings in the most sustainable locations.
23. Policy 8 (Protecting and Enhancing the Environment) seeks to ensure, amongst other things, to conserve and enhance historic buildings, areas and landscapes.

## LOCAL PLAN POLICY:

24. Policy C2 (Health Centres, Surgeries and Clinics) seeks to ensure that development accords with criteria of accessibility and standards of amenity.
25. Policy C8 (Community Facilities – Provision of New) states that planning permission will be granted for community facilities such as community centres where, amongst other things, they are within existing settlement boundaries and are well-related to residential areas, are capable of serving a number of uses, and would not adversely affect residential amenity.
26. Policy E6 (Durham City Centre Conservation Area) states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.
27. Policy E16 (Protection and Promotion of Nature Conservation) is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
28. Policy E21 (Conservation and Enhancement of the Historic Environment) requires consideration of buildings, open spaces and the setting of these features of our historic past that are not protected by other legislation to be taken into consideration.
29. Policy E22 (Conservation Areas) seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
30. Policy E23 (Listed Buildings) seeks to safeguard listed buildings and their settings by not permitting, development that would adversely affect the special interest of a listed building, total or substantial demolition, or development detracting from the setting of a listed building. Any alterations must be sympathetic in design, scale and materials.
31. Policy H13 (Residential Areas – Impact upon Character and Amenity) states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
32. Policies Q1 and Q2 (General Principles Designing for People and Accessibility) state that the layout and design of all new development should take into account the requirements of all users.
33. Policy Q8 (Layout and Design – Residential Development) sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.

34. Policy U8a (Disposal of Foul and Surface Water) requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

35. Parish Council – no response
36. Northumbrian Water – no objections

### **INTERNAL CONSULTEE RESPONSES:**

37. Design and Conservation Officers - no objections. Satisfied that the applicant has justified the demolition of the existing building.
38. Environmental Health – no objections subject to a condition limiting construction hours in order to protect the amenity of nearby residents.
39. Archaeology Officer – no objections subject to a programme of archaeological work and appropriate recording.
40. Ecology – no objections subject to the development being carried out in accordance with mitigation, including habitat creation.

### **PUBLIC RESPONSES:**

41. The application has been advertised by way of a press notice, site notice and letters to surrounding residents. No responses have been received as a result of this consultation.

### **APPLICANTS STATEMENT:**

#### **Origins of the project**

39. Due to the unfit for purpose issues, in respect of changes in floor level and the internal layout of J Wing, the existing Healthcare building, together with the backlog of essential maintenance, requiring replacing the roof, rainwater pipes, gutters, windows, heating system, windows and doors and dealing with the damp walls, there is an urgent requirement for an upgrade in the Healthcare facilities at HMP Durham.
40. The existing Healthcare Centre in J Wing, which is a 19 bed 3 type facility with 24 hour healthcare provision, was built in 1900 (and extended in the 1950's), is located to the south east of the site adjacent to the Workshop/Works Department complex.
41. HMP Durham is currently not providing fit for purpose accommodation for the healthcare of prisoners in its custody. While the work done in the building is rightly praised, it is being hampered by the fabric of the building. This has been highlighted

in a number of areas, by the Independent Monitoring Board (IMB) in reports to the Prisons Minister over the last three years. Her Majesty's Chief Inspectorate of Prisons (HMCIP) has also raised this as an issue in its reports. The safety of the building has been questioned with fire reports classing the building as unsafe for evacuation.

42. More recently, The Needs Analysis for Health Provision, 2013 has commented that the waiting room in the current building is not sufficient, with the poor state and size of the area being a barrier to prisoners accessing the services. Furthermore, it has been identified that the design of the current building as a whole is a barrier to providing excellence of care. During recent years, the trend has been to increase the number of consultations carried out within prison healthcare facilities, thus reducing the requirement to escort prisoners to outside hospitals. The current facility at HMP Durham is not designed for this purpose and the space available is not sufficient to accommodate the quantity of consultation space required.
43. The existing building is in poor condition with a maintenance backlog to the sum of circa £ 3m. There is a significant issue with damp within the building, and there is a need to replace the roof, rainwater pipes, heating system, windows, grilles, ceilings, doors and guttering.
44. The damp problem in particular is an anxiety to the NEOHCU who have concerns relating to infection control and the presence of potentially harmful spores within treatment areas of vulnerable prisoners. If this situation is ongoing then there will be immense pressure put on to the NEOHCU to de-commission various areas of the existing building resulting in an increase in escort charges etc as patients will have to be relocated for treatment in other prison establishments or external hospitals.
45. The age and poor state of the fabric of the building cause the labour costs of maintenance to be in excess of £ 120,000 per year in planned and reactive maintenance alone. Due to delays in the availability of funding to provide improved facilities for the Healthcare provision within HMP Durham, the required maintenance to the existing building has been placed on hold as fresh Business Cases have been submitted.

## **The Recommendation**

46. The recommendation is to demolish the existing building and provide a new Healthcare Centre within the footprint of J Wing.
47. By demolishing the existing, inadequate and poor quality building in lieu of a new, purpose built facility within the existing footprint of J Wing. This would meet the Prisons Primary and Day Care needs and the requirement for a six bed in-patient facility, a figure identified by the Prison/local Primary Care Trust as being optimum for needs of HMP Durham's current and future population.
48. The new Healthcare Centre would provide a modern primary care model similar in scope and standard to that found in the general community which would allow clinicians to deliver care services equivalent to the NHS standard addressing criticisms in standards of accommodation identified in the HMCIP and IMB reports on HMP Durham. It would utilise the footprint of an existing building, improving the overall utilisation and efficiency of the estate whilst addressing all essential maintenance on J Wing. The Healthcare Centre would remain located in a quiet zone of the prison.

49. The new facility will provide a significant improvement in the provision and delivery of primary and mental health care at HMP Durham, and will mean that staff and prisoners will have access to the same range and quality of services as the general public receives from the NHS.

### **Benefits**

50. This option would fully address the essential maintenance requirements on J Wing together with conforming to the SPDU Strategic Case in relation to fitting in with Department/business needs and priorities.
51. It would provide a new purpose build healthcare facility that addresses the previous criticisms made by HMCIP and IMB reports.
52. The new facility will provide a significant improvement in the provision and delivery of primary and mental health care at HMP Durham, and will mean that staff and prisoners will have access to the same range and quality of services as the general public receives from the NHS.

### **Consequences of not proceeding**

53. The following are consequences of not proceeding:
- Increasing maintenance costs due to the ongoing deterioration of the building fabric and deterioration of installed plant and equipment/systems.
  - Potential affect upon the capacity of the existing facility if areas of the become uninhabitable, together with a 'knock on' effect to the capacity available to the establishment if emergency decanting is required.
  - Potential for in-patient care to have to be out-sourced to other local prisons or external healthcare facilities which in itself has a cost and security implication.
  - The users of the existing facility will be forced to continue to provide inadequate healthcare facilities contrary to the requirements of IMB, the NEAO, the NHS, the NEOHCU and the Establishment.

*The above 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 [http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application\\_detailview.aspx?caseno=LYPIIABN5B000](http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=LYPIIABN5B000)*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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54. 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 development with regard to planning policies, the scale, layout and design of the development and its impact upon the conservation area and adjacent listed buildings, archaeology and ecology issues.

### **Principle of the development**

55. It is considered that the proposed development, which is within the grounds of the existing prison, is acceptable in principle and accords with the relevant planning policies. HMP Durham is a well-established prison facility and is considered to be an essential part of the regions infrastructure. The prison seeks to replace an outdated

health facility, with an improved modern facility which would be located on the same footprint as the one it would replace.

56. In terms of national policy, a presumption in favour of sustainable development is at the heart of the National Planning Policy Framework. There are three dimensions to sustainable development which are economic, social and environmental. It is considered that the provision of this essential infrastructure within Durham City which would be of benefit to the wider community, and which would protect both the natural and historic environment, would be in accordance with the general aims of the NPPF in terms of sustainable development.
57. More specifically, saved Policy C2 of the City of Durham Local Plan states that planning permission will be granted for the development of health centres and other clinics within settlement boundaries provided that they are well related to residential areas, would have no adverse impact on the amenity of residents and allows access for those with disabilities. Although this proposal is not a public facility, it is considered that the proposal is in accordance with the aims of this policy as it would provide improved healthcare to the inmates of the prison, would have very little impact on nearby residents as the building is located behind prison walls, and would provide an improved and accessible facility for inmates with particular benefit for those with disabilities.
58. In addition to this, saved Local Plan Policies Q1 and Q2 state that the layout and design of all new development should take into account the requirements of all users. The proposals are considered to accord with these policies.

#### **Scale, design and layout and impact on the Listed Building and Conservation Area**

59. The Planning (Listed Buildings and Conservation Areas) Act 1990 states that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. In addition, Saved Local Plan Policies E6, E21 and E22 all require the character of conservation areas to be preserved or enhanced. Policy E6 is particularly relevant to this application as it relates to the Durham City Centre Conservation Area. It states that the special character, appearance and setting of the Durham City Centre Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.
60. In addition to the above Local Plan Policies, saved Policy E23 seeks to safeguard listed buildings and their settings by not permitting, development that would adversely affect the special interest of a listed building, total or substantial demolition, or development detracting from the setting of a listed building. Any alterations must be sympathetic in design, scale and materials.
61. The saved Local Plan policies are considered to reflect the aims of both RSS policy 8 and the NPPF part 12, both of which seek to protect heritage assets.
62. It is considered that the proposed replacement healthcare building is rather bland in terms of its design and features a high ratio of solid walls to window openings, however it is appreciated that the design is based around security needs and functionality and so there is very little scope for amendments in this regard.



63. Although the proposed building would be in close proximity to listed buildings, given the nature of the site, the variety of surrounding buildings and high security enclosures it is considered that the new building would cause no detrimental harm to the setting of listed buildings.
64. The proposed building is contained within the prison complex and screened from public view by the high security walls and other buildings, therefore it is considered that the proposal would have no adverse visual impact, and would preserve the character and appearance of the Durham City Conservation area.
65. In relation to the proposed alterations to C wing; these are considered to be acceptable as the works are minimal, involving the installation of wash basins, seating areas and window blinds etc. These works would be for a temporary period only and would be removed and made good when the new facility was brought into use. There would be no need to require a condition to ensure these works are removed after the temporary period due to their minor nature.
66. In light of the above it is considered that the proposals are acceptable in terms of scale, design and appearance and the impact on the adjacent Listed Buildings and Durham City Conservation Area, in accordance with the above mentioned policies which seek to preserve or enhance heritage assets.

### **Archaeology issues**

67. A small amount of archaeological work has previously taken place at the prison as a result of previous improvement works. This work did not suggest that any settlement was located on the site, rather that the site was in agricultural use before the prison was built. As a result, and given that the footprint of the new building is almost the same as the existing building, it is considered that the potential for disturbing former settlement evidence is negligible.
68. One concern raised at an earlier date was the potential to disturb burials of prisoners who had been hanged at the prison. To this end the applicant has supplied details of the locations of known burials. It is believed that the potential to disturb unrecorded burials is low, although as a precaution, the groundworks associated with the new building should be monitored by an archaeologist and this should be ensured by a planning condition. The results of the monitoring should be deposited at the County Durham Historic Environment Record.

### **Ecology**

69. The species protection provisions of the Habitats Directive, as implemented by the Conservation (Natural Habitats) Regulations 2010, contain three “derogation tests” which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species (EPS). For development activities this license is normally obtained after planning permission has been granted. The three tests are that:
  - the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
  - there must be no satisfactory alternative; and
  - favourable conservation status of the species must be maintained
70. 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.

71. Given the age of the building there is always a possibility of nesting bats, which are a protected species being disturbed by the proposed development. The applicant has therefore submitted a bat risk survey which has been assessed by the Council's ecology officers. The survey has found that there are no protected species in present in the building. Given this, there is no requirement to obtain a license from Natural England and therefore the granting of planning permission would not constitute a breach of the Conservation (Natural Habitats) Regulations 1994.
72. Notwithstanding the above, a condition will be required which would ensure care is taken during demolition in accordance with the recommendations in the submitted bat risk survey. Subject to this mitigation, it is considered that the proposals would be in accordance with saved policy E16 of the Local Plan and part 11 of the NPPF.

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## **CONCLUSION**

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73. As stated above, the principle of providing an improved healthcare building within the existing prison site is acceptable and accords with the relevant planning policies. The proposed development would enable the prison to upgrade their existing healthcare provision which has become out of date and unfit for purpose.
74. Given the location of the new building which would be behind the prison walls, any views of it from public areas would be very minimal and therefore there would be little or no impacts on nearby residents. There would be no adverse impacts on the City Centre Conservation Area would be preserved. Additionally, given that the building is in the same location as the one it would replace, and that materials can be carefully considered when discharging conditions, it is not considered that the proposal would have any adverse impacts on the setting of listed buildings within the prison complex.

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## **RECOMMENDATION**

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That the planning application (ref: 08/00196/RM) be **APPROVED** subject to the following conditions/reasons:

1. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References;  
  
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with part 7 and 12 of the National Planning Policy Framework and saved policy Q8 of the City of Durham Local Plan.
2. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.  
  
Reason: In the interests of the amenity of the area in accordance with part 7 and 12 of the National Planning Policy Framework and saved policy Q8 of the City of Durham Local Plan.

3. On site operations shall not commence before 0800 hours and shall cease at or before 1800 hours Monday to Friday inclusive (excluding Bank Holidays). On site operations shall not commence before 0830 hours and shall cease at or before 1400 hours on Saturdays. No on site operations shall be carried out on Sundays.

Reason: In the interests of residential amenity in accordance with saved policy Q8 of the City of Durham Local Plan.

4. No development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a mitigation strategy document that shall be submitted to, and approved in writing, by the local planning authority. The strategy shall include details of the following:

- i) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii) Post-fieldwork methodologies for assessment and analyses.
- iv) Methodologies for a programme of building record, to be compliant with EH standards and guidance and to be carried out prior to any demolition or conversion works, or any stripping out of fixtures and fittings.
- v) Report content and arrangements for dissemination, and publication proposals.
- vi) Archive preparation and deposition with recognised repositories.
- vii) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- viii) Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- ix) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The development shall then be carried out in full accordance with the approved details.

Reason: To comply with Policy E24 of the former Durham City Local Plan as the site is of archaeological interest.

5. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with paragraph 141 of NPPF by making the information generated publically accessible.

6. No development shall take place unless in accordance with the mitigation detailed within sections 4, 5 and 6 of Appendix C of the 'Bat Survey, HMP Durham, Kier Construction, version 3' written by Total Ecology and dated October 2012. All habitat enhancement measures shall be carried out in accordance with a scheme to be first submitted to and agreed in writing by the Local Planning Authority, implemented prior to occupation.

Reason: In the interests of protected species and to comply with the National Planning Policy Framework part 11.

That the listed building consent (ref: 4/12/00113/LB) be **APPROVED** subject to the following conditions/reasons:

1. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References;

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with part 7 and 12 of the National Planning Policy Framework and saved policy Q8 of the City of Durham Local Plan.

2. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.

Reason: In the interests of the amenity of the area in accordance with part 7 and 12 of the National Planning Policy Framework and saved policy Q8 of the City of Durham Local Plan.

3. On site operations shall not commence before 0800 hours and shall cease at or before 1800 hours Monday to Friday inclusive (excluding Bank Holidays). On site operations shall not commence before 0830 hours and shall cease at or before 1400 hours on Saturdays. No on site operations shall be carried out on Sundays.

Reason: In the interests of residential amenity in accordance with saved policy Q8 of the City of Durham Local Plan.

4. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a mitigation strategy document that shall be submitted to, and approved in writing, by the local planning authority. The strategy shall include details of the following:

- i) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
  - ii) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
  - iii) Post-fieldwork methodologies for assessment and analyses.
  - iv) Methodologies for a programme of building record, to be compliant with EH standards and guidance and to be carried out prior to any demolition or conversion works, or any stripping out of fixtures and fittings.
  - v) Report content and arrangements for dissemination, and publication proposals.
  - vi) Archive preparation and deposition with recognised repositories.
  - vii) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
  - viii) Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
  - ix) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.
- The development shall then be carried out in full accordance with the approved details.

Reason: To comply with Policy E24 of the former Durham City Local Plan as the site is of archaeological interest.

5. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with paragraph 141 of NPPF by making the information generated publically accessible.

6. No development shall take place unless in accordance with the mitigation detailed within sections 4, 5 and 6 of Appendix C of the 'Bat Survey, HMP Durham, Kier Construction, version 3' written by Total Ecology and dated October 2012. All habitat enhancement measures shall be carried out in accordance with a scheme to be first submitted to and agreed in writing by the Local Planning Authority, implemented prior to occupation.

Reason: In the interests of protected species and to comply with the National Planning Policy Framework part 11.

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## **REASONS FOR THE RECOMMENDATION**

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The development was considered acceptable having regard to the following development plan policies:

NPPF Part 1, NPPF Part 7, NPPF 8, NPPF Part 11, NPPF Part 12

The North East of England Plan - Regional Spatial Strategy Policy 1, Policy 2, Policy 3, Policy 4, Policy 8

City of Durham Local Plan Policy C2, Policy C8, Policy E6, Policy E16, Policy E21, Policy E22, Policy E23, Policy H13, Policy Q1, Policy Q2, Policy Q8, Policy U8a

In particular the development was considered acceptable having regard to consideration of issues of the principle of development, the relevant planning policies, the scale, layout and design of the development and its impact upon the conservation area and adjacent listed buildings.

The objections were received as a result of the consultation process.

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## **BACKGROUND PAPERS**

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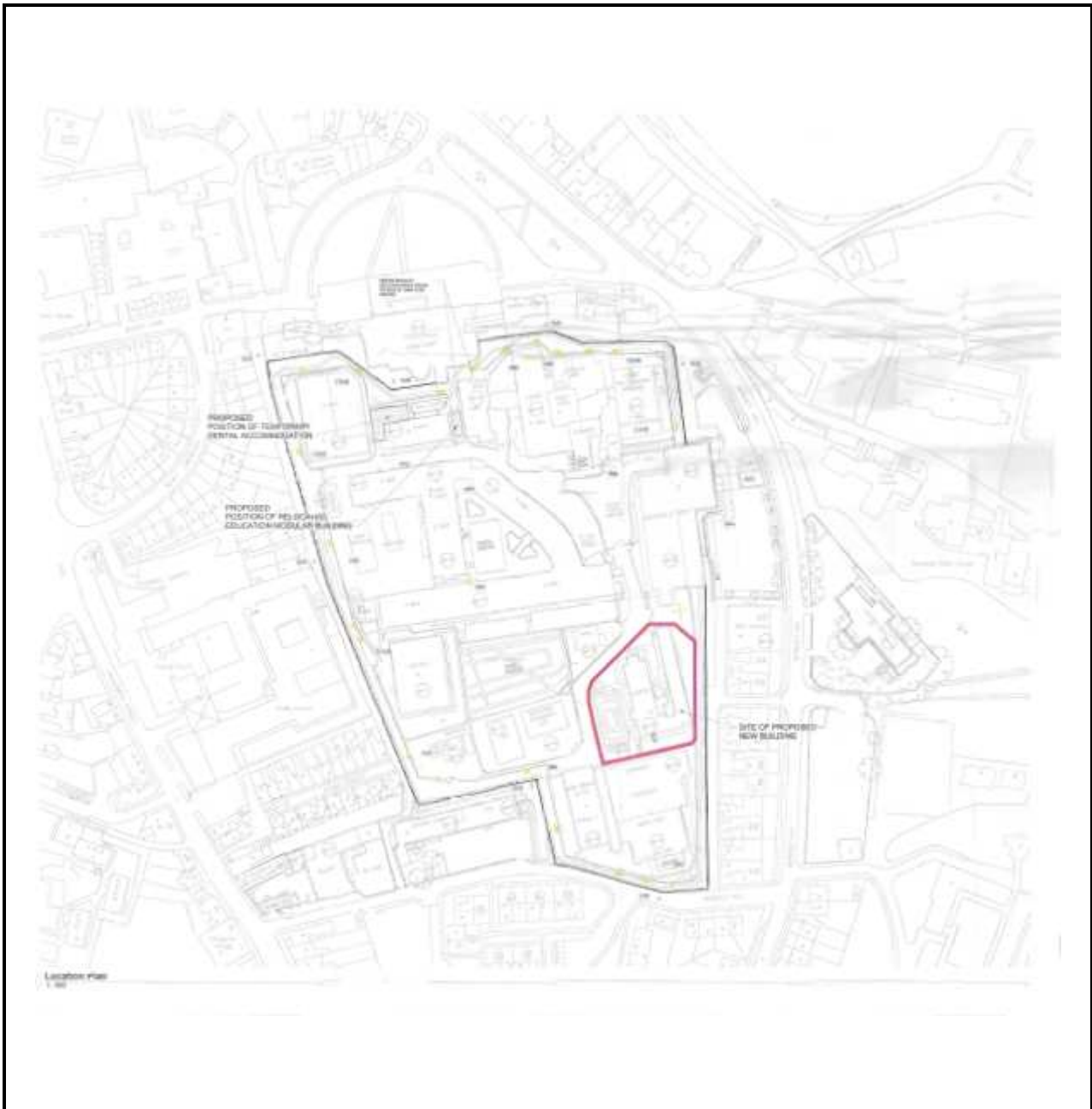
Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008

City Of Durham Local Plan

Consultee Responses



**Planning Services**

Demolition of existing building, construction of new healthcare building, relocation of existing modular building and greenhouse.

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**Comments**

**Date** November 2012

**Scale**