

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/00702/LB
FULL APPLICATION DESCRIPTION:	Demolition of Dryburn House, a Grade II Listed Building
NAME OF APPLICANT:	County Durham & Darlington NHS Foundation Trust
ADDRESS:	University Hospital of North Durham, North Road, Durham
ELECTORAL DIVISION:	Nevilles Cross
CASE OFFICER:	Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises of Dryburn House which is a Grade II listed building located within the grounds of the University Hospital of North Durham, directly opposite the A&E department. Dryburn House is a two storey former country house that was built in 1824 on the edge of Durham as the residence of William Lloyd Wharton.
2. Dryburn House is located to the south east of the main hospital building. Single storey 20th Century hospital buildings surround Dryburn House abutting it to the south and west.

The Proposal

3. Listed building consent is sought for the demolition of the Grade II listed building, Dryburn House. The demolition is required to make way for an extension to the hospital as the Hospital Trust has identified an urgent requirement for the provision of a new Emergency Care and Urgent Care facility. The Hospital Trust have indicated that there is an urgent need to address the unprecedented demand upon its services through a redevelopment of its Accident and Emergency Department. In total, 8 different options were considered to redevelop the A&E department which were:
 - Option 1 – extension into the central courtyard
 - Option 2 – extension to the west of the existing hospital
 - Option 3 – Stand alone Emergency Care Centre building with a link to the existing hospital
 - Option 4 – Extension to the south west of existing A&E department, partial demolition of Dryburn House.

- Option 5 – Extension to the south east of existing A&E department with complete demolition of Dryburn House.
 - Option 6 – Extension over the existing service yard to the north east of the existing A&E department
 - Option 7 – Relocation of the hospital
 - Option 8 – Vertical extension.
4. This application is referred to the Planning Committee as the application was called in by Councillor Holland.

PLANNING HISTORY

5. In terms of Dryburn House, there have been various permissions granted over the years for internal and external work including extensions to the building.

PLANNING POLICY

NATIONAL POLICY:

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
8. The following elements are considered relevant to this proposal;
9. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
10. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
12. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at

unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

13. *NPPF Part 12 – Conserving and Enhancing the Historic Environment*. Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

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

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

LOCAL PLAN POLICY:

City of Durham Local Plan

14. *Policy 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.
15. *Policy E23 (Listed Buildings)* seeks to safeguard Listed Buildings and their settings from unsympathetic development.

EMERGING POLICY:

County Durham Plan

16. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight. Relevant policies and the weight to be afforded to them are discussed in the main body of the report.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

17. *The Ancient Monuments Society* has objected to the demolition stating that there are other options available and the listed building is in good condition.

18. *Historic England* do not object to the application but does request that a legal agreement is entered into to ensure that the building is not demolished without surety of its replacement for the use of a hospital.

19. *Natural England* has not raised any objections.

20. *Georgian Group* has raised objections because without a better understanding of the hospital's future plans, it is not possible for those assessing the merits of the scheme to objectively assess the degree of public benefit which would accrue from these proposals.

INTERNAL CONSULTEE RESPONSES:

21. *Archaeology* has not raised any objections.

22. *Ecologist* has not raised any objections.

23. *Design and Conservation* has not objected to the scheme. It has been concluded, as with the loss of any heritage asset the outcome is highly regrettable. In this case it is considered that following a robust appraisal of all of the options put forward, including in these discussions medical professionals who clearly understand the aims of the new model of emergency care and its operation, the public benefits outweigh the harm.

PUBLIC RESPONSES:

24. The application has been advertised on site and in the local press. Neighbouring residents were also notified individually of the proposed development. 8 letters of objection and 4 letters of support have been received.

25. The letters of objection indicate that the listed building is a good quality heritage asset, both internally and externally, and the building should be preserved. The objectors do not feel that there is justification to demolish the building. Some objectors have indicated that demand for A&E services in Durham has been artificially increased by the closure of Bishop Auckland and Hartlepool A&E departments. It is also considered unacceptable that Dryburn House, which was the residence of the Wharton family, is to be demolished when the upgrade of Wharton Park is currently underway.

26. All the letters of support state that they understand the need to preserve heritage assets. However it is noted that the increasing demand on the A&E department must be a concern for all residents of County Durham. It has also been indicated that increasing the footprint of the A&E department would go a long way to reduce waiting times.

27. City of Durham Trust objects to the demolition as the building is of good condition, and there are other alternative solutions. The proposal is considered to contravene paragraph 133 of the NPPF.

APPLICANTS STATEMENT:

28. The University Hospital of North Durham was built in 2001 as the main acute hospital for North Durham serving a population of around 250,000 presently 300,000.
29. The current Accident and Emergency Department was originally built to accommodate 30,000 patients per year; this has risen to an excess of 60,000 patients p.a.
30. Based upon recent trends the Trust is forecasting a continuing 3% year on year increase in demand.
31. As a result of the above, the Trust has identified an urgent need to address the unprecedented demand upon its services through a redevelopment of its Accident and Emergency Department and its whole 'front of house' care model. To achieve this, a major extension to the Hospital's existing facilities will be required.
32. Hospital design is particularly complex where certain 'clinical adjacencies' need to be achieved in order to deliver effective patient care. An A&E Department needs to be close to X-Ray facilities with a multitude of imaging modalities including CT and MR Scanners, Operating Theatres, and Intensive Care Unit as well as a range of other diagnostic services and inpatient wards. Children need separate facilities to ensure a safe and welcoming environment but these also need to be co-located with diagnostic and resuscitation facilities.
33. It is also important that all ambulance bound patients access the hospital via one entrance only from which they can be transferred to the most appropriate location for assessment or treatment.
34. To deliver the best patient outcomes without compromising patient safety it is important that the requirements outlined above are met.
35. A range of options have been prepared which consider alternative locations and different designs, including the following:
 - Full or partial retention of Dryburn House;
 - Full demolition.
36. The retention of a Listed Building would always be the preferred option, given the statutory requirement to preserve Listed Buildings. However, in this case it is clear from the results of the options appraisal that there are no other alternative sites or designs that meet the Trust's requirements. The Trust contends that the need for and benefits of the new emergency department far outweighs the substantial harm caused by the demolition of Dryburn House. The case is as follows:
 - The new emergency department needs to be twice its current size to deal with the number of patients that it receives
 - The new facilities will provide lifesaving care - providing emergency medicine of the highest quality to the public is paramount
 - The future demand is predicted to continue to increase, with an increasing ageing population
 - The urgent need for the new facilities is a substantial public benefit to which significant weight must be given in decision-making
 - The only way to deliver the very specific requirements of the hospital is by demolishing Dryburn House - there are no other sites or designs that are suitable without compromising patient safety

37. There are therefore considered to be exceptional circumstances for the loss of Dryburn House, because of the significant benefits that the new development will bring to the hospital and indeed the County's population.

PLANNING CONSIDERATIONS AND ASSESSMENT

38. 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 loss of a heritage asset and public benefit; and impact on ecology.

Loss of heritage asset and public benefit

39. Whilst this application seeks consent for the demolition of the above grade II listed building it is fundamental to the consideration of this application that the context in which it is made is clearly understood. Pre application discussions have been ongoing on this matter for some considerable time with a range of options to deliver a new emergency care centre on the University Hospital of North Durham site being considered.
40. Some of the options that have been developed as part of this process have a bearing on Dryburn House, which is situated on the Hospital site. The submitted emergency care centre report sets out the rationale for the project, considers the different locations within the site and design solutions that have been considered, it also provides reasons why they were discounted. A separate report has been prepared that considers the heritage significance of Dryburn House and the impact of the different options for the new emergency care facility on the heritage asset.
41. What is not immediately clear from the submitted documentation is that all of the options submitted have been subject to robust challenge by the local planning authority and other heritage professionals in the pre application process and all efforts have been made to deliver a scheme which would protect the significance of the listed building. Within the very precise clinical requirements which have been set out by lead clinicians this has not been possible, hence the result which has been reached to demolish the building.
42. The submitted heritage statement adequately summarises the significance of the building. This said, whatever compromise and damage has occurred in the form of loss of setting and alteration and extension, the building is still sufficiently intact, internally and externally to warrant its grade II listed status, especially when combined with its historic and communal value being the house of a notable resident and philanthropist of the city.
43. The primary architectural interest of Dryburn House lies in the original fabric and architectural design of the main original building. Its external appearance is typical of a property of its age and stature, a form favoured at the time throughout County Durham by wealthy individuals. Features such as the porte cochere, symmetrical composition of the key façades and bow fronted southern elevation, reflect its scale and setting within a substantial estate and the status of William Lloyd Wharton and his role within Durham. The aesthetic value of the composition of the main building is marred by modern extensions and its compromised setting. Internally, remaining original details and the plan form clearly contribute towards the architectural interest of the building, although they are limited by a lack of consistency and much variety,

suggesting some alteration and poor adaptation over the years especially as a result of the introduction of new services.

44. Whilst the heritage statement suggest that "the property has some associative historic and communal value owing to its connection with William Lloyd Wharton, a notable Durham resident who had a lasting legacy on the City including Wharton Park." this is thought to underplay the link especially in the light of revived interest in Wharton and the park for which he gifted the land. It would be more appropriate to suggest that this link gives the building considerable historic and communal value.
45. Overall the building is considered to remain of significance notwithstanding the loss of original setting and inappropriate alteration and its loss should be considered accordingly. By way of context the submitted heritage statement refers to other such examples of small country houses from the same period which provides nothing more than an understanding of the building type and should not be considered to justify the loss of Dryburn Hall merely because other similar properties, perhaps in a more intact form remain. It is however useful in consideration of this matter to understand the rarity of the building as a type in a wider context.
46. Paragraph 128 of the NPPF states that "in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary." It is considered that the submitted heritage statement fulfils this requirement and appraises the impact on the contribution to significance made by setting as well.
47. Paragraph 129 of the NPPF states that "local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal." Due to the nature of the proposal conflict cannot be minimised and this is acknowledged in the submission.
48. Paragraph 132 states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. It is considered that the delivery of effective emergency care to a large section of the County Durham population is an exceptional case, and given there are no credible alternative options available.
49. Paragraph 133 states that "where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. In this case it is considered that the benefits, of providing a much improved Emergency Care and Urgent Care facility, to the public at large outweigh the loss.

50. It is clear that Dryburn House as a listed building is worthy of retention, as it still retains important features, both internally and externally, and the heritage significance of the building still remains. The demolition of the listed building does therefore contradict policy E23 of the local plan as well as a number of sections within the NPPF. The NPPF does however states that the loss of a designated heritage asset, such as a listed building, can be considered acceptable if substantial public benefits outweigh that loss. Through the submissions made in this application, it is clear that there is substantial public benefits in providing a much improved new emergency care centre, which will benefit a large section of the population of County Durham. 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.
51. In order to comply with paragraph 136 an appropriate mechanism should be set in place to ensure that the demolition of the building does not occur until such times as the local planning authority can be assured that the new development will be delivered and the public benefits used to justify the loss will flow from this development. A section 106 legal agreement is therefore recommended which will ensure mechanisms are in place to ensure that Dryburn House will not be demolished until planning permission has been granted for the redevelopment of the A&E department at the hospital and contracts and development timescales are in place for the subsequent redevelopment. In addition to this an appropriate record of the building should be made and archived appropriately, given a full written heritage statement has already been produced it is considered that recording equivalent to Historic England level 3 would be appropriate, however, the final form should be in accordance with a brief agreed by the local planning authority. Conditions are recommended accordingly.
52. It is noted that there have been a number of letters submitted from the general public commenting on this application. Both letters of objection and support have been received, and the assessment made above covers the majority of the issues raised by the public. Some objectors do indicate that demand for A&E services in Durham has been artificially increased by the closure of Bishop Auckland and Hartlepool A&E departments. The NHS Trust's plan for the University of North Durham is to provide a new type of 'front of house' facility, which is different to the A&E services of the past. The new Emergency Care and Urgent Care unit would incorporate an emergency department providing a full range of treatments and interventions from trauma to minors and ambulatory care. There will also be paediatric, medical and surgical assessment areas staffed with key decision makers to ensure the patients are seen by the right person at the right time every time. These departments do not function alone and in order to provide effective care, they need the back-up of a full range of specialist physicians, surgeons and diagnostics 24 hours a day, seven days a week to make sure that all of the expertise a patient might need in an emergency is available. These specialist services required for the new Emergency Care and Urgent Care unit do not exist in nearby hospitals at Bishop Auckland and Sholey Bridge. These specialist services are only available at the University of North Durham within County Durham. Officers are satisfied that the new Emergency Care and Urgent Care unit could not be provided within existing hospitals elsewhere in the County.

Impact on ecology

53. 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.

54. 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.
55. A bat survey of the buildings to be demolished has been submitted with this application. This survey indicates that there is no records of bats in any of the buildings and no bats roosts were identified. Dryburn House and its ancillary buildings are therefore classed as a low risk for use by roosting bats. The survey acknowledges that there is limited opportunity for bats to gain access to the fabric of the building, however some precautionary mitigation measures are recommended during the demolition of the buildings. The submitted assessments have been analysed by the County Ecologist. The County Ecologist has confirmed that there are no objections to the findings of the assessment or the proposed mitigation measures. A condition is recommended ensuring that the mitigation measures are adhered too, and this condition is recommended accordingly. Subsequently it is not considered that the proposed development would have an adverse impact on protected species or their habitats and would be in accordance with part 11 of the NPPF.

CONCLUSION

56. It is clear that Dryburn House as a listed building is worthy of retention, as it still retains important features, both internally and externally, and the heritage significance of the building still remains. The demolition of the listed building does therefore contradict policy E23 of the local plan as well as a number of sections within the NPPF. The NPPF does however states that the loss of a designated heritage asset, such as a listed building, can be considered acceptable if substantial public benefits outweigh that loss. Through the submissions made in this application, it is clear that there are substantial public benefits in providing a much improved emergency care centre, which will benefit a large section of the population of County Durham. Various different options to provide the emergency care centre at the hospital have been fully investigated and assessed by Officers from the Council and other heritage professionals. Officers are satisfied that the loss of Dryburn House is the only viable option to provide a new emergency care centre which will meet clinical requirements. On balance, it is therefore considered that the significant public benefit of an improved emergency care centre at the hospital would justify the loss of the designated heritage asset, Dryburn House, in this particular instance. The proposal is therefore considered to be in accordance with paragraph 133 of the NPPF.
57. A bat survey of the proposed buildings to be demolished has been submitted which indicates that there is no evidence of bats or bat roosts. The County Ecologist is satisfied with the findings of the bat survey. It is therefore considered that the

proposed demolition of the buildings in this application would not compromise protected species or their habitats. The proposal would therefore be in accordance with policy E16 of the local plan.

RECOMMENDATION

That Members **APPROVE** the application subject to the completion of a Section 106 Legal Agreement to ensure no demolition is carried out until planning permission has been granted for the redevelopment of the A&E department at the hospital and contracts and development timescales are in place for the subsequent redevelopment; and subject to the following conditions;

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

Reason: In accordance with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Plan Ref No.	Description	Date Received
IL22275-001	Site Plan	06/03/2015
IL22275-002	Location Plan	06/03/2015

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

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

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

4. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of the programme of work in accordance with a written scheme of investigation, which is submitted to, and approved in writing by, the local planning authority as follows:
 - i. Methodologies for a Level 3 HE style building record prior to any demolition works or stripping out of fixtures and fittings.
 - ii. 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 approved strategy.
 - iii. A list of all staff involved in the implementation of the strategy, including subcontractors and specialists, their responsibilities and qualifications.
 - iv. A draft selection of the photographic record is to be submitted for inspection before the demolition commences to ensure that the record is of suitable quality.
 - v. Archive preparation and deposition with recognised repositories

Reason: In the interests of the appearance of the area and to comply with policy E23 of the City of Durham Local Plan.

5. Prior to the subsequent development being beneficially occupied, a copy of the report or any analysis, and/or publication shall be deposited at the County Durham Historic Environment Record, and archiving required as part of the mitigation strategy shall be deposited at an agreed repository. This may include full analysis and final publication.

Reason: In the interests of the appearance of the area and to comply with policy E23 of the City of Durham Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process.

BACKGROUND PAPERS

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



Planning Services

**Demolition of Dryburn House, a
Grade II Listed Building at
University Hospital of North
Durham, North Road, Durham**

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Date
9th June 2015