



Appeal Decision

Site visit made on 17 March 2022

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 May 2022

Appeal Ref: APP/J4525/W/22/3290625

Monkwearmouth Hospital, Newcastle Road, Sunderland SR5 1NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Monkwearmouth Developments Ltd against the decision of Sunderland City Council.
 - The application Ref 21/02069/PSI, dated 27 August 2021, was refused by notice dated 30 November 2021.
 - The development proposed is the demolition of existing buildings and full planning permission for the construction of a Class E Office development with ancillary café and 46 space car park, with associated landscape and infrastructure proposals.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and the construction of a Class E Office development with ancillary café and 46 space car park, with associated landscape and infrastructure at Monkwearmouth Hospital, Newcastle Road, Sunderland SR5 1NB in accordance with the terms of the application, Ref 21/02069/PSI, dated 27 August 2021, subject to the conditions set out in the schedule at the end of this decision.

Applications for costs

2. An application for costs was made by Monkwearmouth Developments Ltd against Sunderland City Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The proposal has been screened in accordance with the Environmental Impact Assessment (EIA) Regulations and is considered not to be EIA development. An Environmental Statement (ES) is therefore not required.

Main Issues

4. The main issues are:
 - (i) the demolition of the non-designated heritage asset consisting of blocks 5 and 6
 - (ii) the effect on the living conditions of nearby residents, with regard to both the proposed development and the demolition of the existing buildings

Reasons

Non-designated heritage asset

5. The proposal includes the demolition of blocks 5 and 6 of the hospital, which are referred to by the Council as being non-designated heritage assets and are said to have been constructed between 1930 and 1932. Their identified interest as a non-designated heritage asset lies primary in their association with prominent individuals who contributed to the construction of the hospital, and with respect to the main entrance portico which is similar to that found on a grade II* listed building in the local area. The proposed development would result in the complete demolition of blocks 5 and 6, including the loss of the portico.
6. The Planning Committee minutes draw specific attention to criteria 1 and 4 of Policy BH7 of the Core Strategy and Development Plan 2020 (CSDP). These require both the giving of great weight to the conservation of heritage assets (designated and non-designated) based on their significance in accordance with national policy, and the capitalising in an appropriate and sensitive manner of the regeneration potential of heritage assets. The National Planning Policy Framework (the Framework) states at paragraph 203 that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
7. Aside from their local connections and the portico, blocks 5 and 6 lack any other elements that could be considered to be of historical or architectural significance. The planning application was accompanied by a detailed Heritage Statement and there was no objection in principle raised to the demolition by either the County Archaeologist or the Conservation Team. Blocks 5 and 6 have further been assessed by Historic England who concluded that they lack the special architectural and historic interest required to qualify for listing in the national context. Whilst the retention of the existing front façade including the portico has been explored, this would place significant constraints on the proposed development including in terms of cost.
8. The submissions in support set out that blocks 5 & 6 can no longer meet the needs of the NHS Trust. In that respect, the proposal would provide new fit-for-purpose hospital facilities on what is a well-established hospital site close to other services and facilities within an urban area. This would have associated benefits in terms of improving the efficiency of the buildings and in incorporating new technology and a more welcoming environment to deliver the best outcomes for patients. It is evident from an internal inspection that the layout and configuration of the existing building does not lend itself to a modern working environment. As a result, it is likely that considerable investment would be required to address such matters.
9. On the basis of the evidence that is before me, my own observations and on application of the relevant national policy, blocks 5 and 6 can only be ascribed limited significance as heritage assets. Furthermore, against the backdrop of the considerations and constraints that have been outlined, it would not be reasonable to further pursue their regeneration. Therefore, whilst Policy BH7 of the CSDP requires great weight to be given to the conservation of heritage assets, the harm that would arise from the loss of blocks 5 and 6 is itself limited for the reasons set out. Taking Policy BH7 as a whole, the proposal

would not conflict with the overarching aim of the policy, which is to require consideration of the impact of development upon the historic environment. Furthermore, when considered against national policy set out in the Framework, the limited harm from the loss of blocks 5 and 6 must be balanced against the benefits that would arise from the proposed development. Those benefits are substantial, and they outweigh the harm resulting from the demolition of these two blocks.

10. For these reasons, I therefore conclude that the proposal would accord with Policy BH7 of the CSDP, where it sets out development plan policy applicable to proposals relating to heritage assets. My attention has been drawn to Policy BH8 of the CDSP by interested parties, but I too find there to be no conflict with the aims of that policy, which also sets out the approach to be taken to heritage assets, including those which are non-designated assets. The proposal would meet with the policy set out in the Framework, where it refers to non-designated heritage assets.

Living conditions

11. The rear elevation of the proposed building would be higher than the existing building with a greater bulk and massing, and it would contain more windows in its elevation facing the dwellings on Zion Terrace than at present. It is noted that of those existing windows, many are obscurely glazed and therefore do not allow vision through. Whilst the proposal would have an increased impact owing to its height and the additional windows, it is a substantial distance from the front elevations of the dwellings on Zion Terrace. This distance would be adequate to ensure that an appropriate separation was provided, exceeding that set out in the Development Management Supplementary Planning Document 2021. It would mean that there would not be harm from the massing of the proposed building or from a loss of light. The lower section of the windows in the rear elevation would also be obscured, thus further serving to prevent any harmful overlooking potential.
12. The new car parking spaces would replace an existing more modern building which runs along Elizabeth Street. The properties on that street are also arranged in a linear form and have windows in their front elevations which face onto the public highway. It is likely that the proposed car parking spaces would generate a greater degree of noise than the use of the existing hospital building currently does. However, a Noise Impact Assessment (NIA) has been submitted which finds the likelihood of a low impact from the proposed car park in the existing acoustic environment. Furthermore, The Council's Environmental Health Officer (EHO) states that given the context of the development and the NIA, the noise impact of the operation of the car park is not anticipated to be significant. On this basis, noise generated by the use of the proposed car park would not cause harm to living conditions.
13. The EHO further raises no objection to the lighting proposals set out in the External Lighting Statement or in terms of air quality impacts, and I find no reason to take a different view on these matters. Light spill from car headlights would be at ground floor level and would not result in any undue harm to living conditions. There would also be hedge planting along the boundary with Elizabeth Street. There would not be harm from the use of the car park with regard to overlooking from people leaving and returning to their cars.

14. There would inevitably be a degree of disruption experienced by local residents during both the demolition of the existing buildings and the construction of the proposed new one. However, such disruption is a common occurrence resulting from many forms of building works and cannot be an impediment to development taking place at all. Furthermore, the submissions made by the appellant in terms of the Environmental Management Plan and the Demolition Method Statement together with the comments from the EHO and subject to the imposition of planning conditions, provide adequate comfort that the works could take place without causing undue harm to the living conditions of nearby occupiers.
15. In conclusion, the proposal would not cause harm to living conditions with respect to the positioning and design of the proposed new building, the proposed parking spaces or from the demolition and construction works that would be necessary. Accordingly, the proposal would accord with Policies BH1, HS1 and HS2 of the CSDP, where they collectively seek to protect living conditions. Although not referred to in the reasons for refusal, the Council has further made reference to Saved Policy EN10 of the Unitary Development Plan 1998 which also refers to matters relating to living conditions. Policy SP7 of the CSDP too has been identified as it ties back to Policies HS1 and HS2. However, as I have found no harm to living conditions, the proposal would accord with both of those policies.

Other Matters

16. It has been suggested by interested parties that the new car parking spaces are not needed to meet the requirements of the hospital, in particular due to existing patterns of use and because the proposal would result in a reduction of staff as compared to the existing numbers. It is also suggested that to provide additional car parking spaces would compromise environmental objectives in terms of utilising other forms of transport. However, as I have found the provision of the new parking spaces would not cause harm and as the proposed spaces are at least in part to replace spaces that would be lost as a result of the proposed development, this is not an objection that could reasonably be sustained. Furthermore, a travel plan could be secured by way of a planning condition, to address matters relating to alternative modes of transport.
17. Representations have been made with respect to the appearance of the proposed replacement building, but this is not an area of concern raised by the Council in their reason for refusal. Although it would be a building of modern appearance, it would achieve a good level of design and would be visually appropriate within its surroundings. Likewise, I find no reason to take a different view to the Council with respect to the visual impact of the proposed car park. This too would not cause harm to the character and appearance of the area, in particular because it would replace single storey flat roofed buildings which do not contribute positively to the surrounding area.
18. Whether or not the location is the best to meet the operational needs of the NHS is a matter for the trust, and whilst reference has been made to the potential availability of offices elsewhere, the wish to utilise an existing hospital site is understandable. The retention of the existing buildings would minimise waste in demolition but considered against those reasons set out above this is not a reason on which the proposal could be resisted. In that regard, I find no

conflict with Policy BH2 of the CSDP where it seeks to promote sustainable design and construction.

19. The proposal includes a café but given that it would be located within a hospital it would be unlikely to be an attractive destination for those who would not otherwise be working or visiting the hospital. Reference is made to community engagement and to paragraph 39 of the Framework and there is evident disagreement as to how effective discussions that took place were, but this is not a matter that can be determinative on the outcome of the appeal. It is suggested that the greenspace plan that informs Policy NE4 of the CSDP is out of date and does not reflect the current situation on the ground. However, the proposal would accord with the policy in that the replacement planting areas secured as part of the proposed development would mean that there would be no adverse effect on greenspace provision.
20. Concern has been raised with regard to the potential impact upon highway safety, biodiversity, the provision and protection of landscaping including the loss of trees, the maintenance of new landscaping, anti-social behaviour and crime and details of mechanical plant design. However, based upon the responses from the relevant consultees and upon the information available to me, there is no evidence that harm would arise with respect to these matters. Furthermore, I am satisfied that, where necessary, any additional measures required could be adequately secured by planning conditions.

Conditions

21. Conditions relating to the time period to implement the permission and to the approved plans are required to provide certainty. A program of archaeological building recording is needed given that the building has an acknowledged historical interest. Although the appellant submitted information to that effect during the appeal, I do not have the benefit of comments from the Council's specialist consultees on this, and the condition must therefore still be imposed. Details of a scheme for the retention and display of existing commemorative stones and plaques are needed to ensure that these are retained, again due to their historical interest.
22. It is necessary to impose conditions relating to land contamination to ensure that this matter is adequately addressed, although these could not be fulfilled until the buildings have been removed. Consequently, they must be worded in a way that does not prevent demolition from taking place. Conditions relating to a construction environmental management plan, the use of a stone crusher, fixed external mechanical plant and odour prevention shall be imposed to protect living conditions. Precise details of external facing materials are required to ensure that the proposal has an appropriate visual finish.
23. A drainage verification report is needed to demonstrate that the drainage shown on the details submitted has been installed and to confirm how it would be maintained and a Landscape Environmental Management Plan is needed to address landscaping matters and to confirm that the proposal would result in biodiversity net gain. A condition requiring that works are undertaken in accordance with the recommendations of the Arboricultural Report are needed to ensure the protection of trees, and an Ecological Construction Environmental Management Plan is needed to ensure the protection of ecological interests.

24. A condition requiring the submission of a travel plan is required to promote other modes of transport and details of electric vehicle charging points are needed to ensure that the provision of these is put in place. As the NIA assessment only considers the impacts of the use of the proposed car parking during daytime hours and from use by employees, it is necessary to restrict its use on that basis, with the times of between 07:00 and 19:00 Monday to Friday being appropriate. A condition relating to the proposed glazing screen scheme as denoted on the approved plans is needed to provide full details of this part of the proposal. The proposal includes a commitment to secure a BREEAM Excellent rating, and a condition shall be imposed to ensure that this is achieved.

Conclusion

25. For the reasons given above, I conclude that the appeal should be allowed.

Graham Wraight

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan. 009390-RYD-10-ZZ-DR-A-0100-S2-P3
 - Proposed Site Plan. 009390-RYD-10-ZZ-DR-A-2000-S2-P7;
 - Proposed GA Elevations. 009390-RYD-10-ZZ-DR-A-3700-S2-P8;
 - Proposed GA Sections. 009390-RYD-10-ZZ-DR-A-3800-S2-P6;
 - Block 7 Proposed Development. 009390-RYD-00-ZZ-DR-A-8913-S2-P1;
 - Proposed GA – Level 00. 009390-RYD-10-00-DR-A-3000-S2-P11;
 - Proposed GA - Level 01. 009390-RYD-10-01-DR-A-3001-S2-P9;
 - Proposed GA - Level 02. 009390-RYD-10-02-DR-A-3002-S2-P6;
 - Proposed GA - Level R1. 009390-RYD-10-03-DR-A-3003-S2-P6;
 - Strip Section BB. 009390-RYD-10-ZZ-DR-A-3901-S2-P1
 - Strip Section CC. 009390-RYD-10-ZZ-DR-A-3902-S2-P1
 - Courtyard Elevations (N, E, S & W). 009390-RYD-10-ZZ-DR-A-3604-S2-P7;
 - Proposed Context Elevations GA. 009390-RYD-10-ZZ-DR-A-3701-S2-P2;
 - Landscape GA. POE-238-001-H
 - Hardworks Plan. POE-238-002-G
 - Drainage Strategy. GA 009390-JAK-00-XX-DR-C-1000-P02
 - Drainage Schedule and SUDS Details. 009390-JAK-00-XX-DR-C-1001-P02
 - Typical Drainage Details. 009390-JAK-00-XXDR-C-1002-P01

Paving Layout. 009390-JAK-00-XX-DR-C-1003-P01

Paving Detail. 009390-JAK-00-XX-DR-C-1004-P01

Typical Cross Section. 009390-JAK-XX-XX-DR-S-1005 P01

Drainage Strategy Exceedance & Construction. 009390-JAK-XX-XX-DR-S-1006 P01

- 3) No demolition/development shall take place until a programme of archaeological building recording has been completed, in accordance with a specification that has first been agreed in writing by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.
- 4) No demolition/development shall take place until a scheme providing full details of how the existing commemorative stones and plaques will be retained and re-used as part of a public memorial to be situated within the application site has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
- 5) No development (except demolition works) shall take place until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination on the site (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority.

The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced and submitted for the approval of the LPA. The report of the findings must include:

i a survey of the extent, scale and nature of contamination;

ii an assessment of the potential risks to:

- human health;
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
- adjoining land;
- ground waters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments; and
- where unacceptable risks are identified, an appraisal of remedial options, and proposal of the preferred option(s).

The investigation and risk assessment shall be implemented as approved and must be conducted in accordance with the Environment Agency's "Land contamination: risk management".

- 6) No development (except demolition works) shall take place where (following the risk assessment submitted pursuant to condition 5) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed Remediation Scheme to bring the site to a condition suitable for the intended use (by

removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority.

The Remediation Scheme should be prepared in accordance with the Environment Agency document Land contamination: risk management and must include a suitable options appraisal, all works to be undertaken, proposed remediation objectives, remediation criteria, a timetable of works, site management procedures and a plan for validating the remediation works. The Remediation Scheme must ensure that as a minimum, the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

- 7) If an Approved Remediation Scheme is applicable for any given phase, it shall be implemented in accordance with the approved timetable of works for that phase.

Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any building in that phase, a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be produced and is subject to the approval in writing of the Local Planning Authority.

- 8) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A Risk Assessment must be undertaken in accordance with the requirements of DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.
- 9) Prior to the commencement of work on site (with the exception of enabling works), an environmental management plan that addresses all potential impacts arising from site demolition, clearance, preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The plan shall identify appropriate mitigation measures to protect nearby sensitive receptors and the local environment. The plan shall particularly include measures to control and manage emissions of dust, shall include matters relevant to the control of

noise and vibration, and shall address the potential impact of site lighting in terms of spill or glare affecting receptors off site. For the avoidance of doubt the plan shall include the following:

- Legal Compliance
- Site Information and Consented Development
- Site and Surrounding Area
- Scheme Description
- Sensitive Receptors
- Control of the Construction Process
- Roles and Responsibilities
- Training and Raising Awareness
- Reporting
- Monitoring, Continual Improvement and Review
- Environmental Complaints and Incidents
- Public Relations and Community Relations
- Construction Management
- Description of Construction Works
- Phasing of Construction Works
- Construction Equipment
- Hours of Working (Hours of Site Operation)
- Construction Traffic Management Plan (Excavation Traffic).
- Storage of Plant and Materials
- Handling of Plant and Materials
- Health and Safety Management
- Security On-Site
- Considerate Constructors
- Phase-specific Construction Method Statements (CMS)
- Environmental Control Measures
- Public Access and Traffic Management
- Waste and Materials Management and Storage
- Noise and Vibration
- Dust & Air Quality
- Contaminated Land Procedures
- Hydrology & Water Quality
- Visual Impacts
- Artificial Lighting
- Emergency Procedures

- Conclusions

The demolition and construction phases shall thereafter be undertaken in accordance with the approved CEMP.

- 10) Prior to the operation of a mobile stone crusher or screen on site a copy of the relevant environmental permit shall be submitted to the Local Planning Authority. The plant shall be located and operated on site so as to minimise the impact of noise upon sensitive receptors.
- 11) Prior to the installation of any fixed external mechanical plant, including any equipment serving ventilation and extraction systems and air source heat pumps, a noise assessment shall be submitted to and agreed in writing by the Local Planning Authority. The assessment shall rate noise levels arising from such plant in accordance with BS4142:2014 at the nearest noise sensitive receivers. Where the rated noise for the plant being assessed exceeds the existing daytime or night-time background levels, recommended mitigation measures must be proposed and implemented prior to the plant being brought into use to ensure that background noise levels are not exceeded.
- 12) Prior to the operation of any café or kitchen facility, a scheme of extraction and odour abatement shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the operation of the café or kitchen facility and shall thereafter be maintained in accordance with the manufacturer's instructions.
- 13) Notwithstanding any indication of materials given on the approved plans, no above ground construction works shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 14) Prior to the occupation of the approved building, a verification report carried out by a suitably qualified person shall be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:
 - As built drawings (in dwg/shapefile format) for all SuDS components – including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion.
 - Construction details (component drawings, materials, vegetation).
 - Health and Safety file.
 - Details of ownership organisation, adoption & maintenance.
- 15) Prior to the occupation of the approved building, a Landscape Environmental Management Plan (LEMP) covering the establishment, management and aftercare of all landscaping shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall confirm how the requirements of the Ecological Impact Assessment September 2021 and Biodiversity Net Gain calculation will be achieved

and maintained and shall set out tree, shrub and grass species and their sizes, numbers and densities (following the strategy set out in approved drawing POE-238-001-H); timescales for landscaping implementation; establishment maintenance methods; and long-term maintenance details. The LEMP shall thereafter be implemented as approved.

- 16) The development hereby approved shall be carried out in accordance with all recommendations set out in the submitted report by Elliott Consultancy Ltd, Arboricultural Consultants Ref: ARB/Ae/2606 dated September 2021 and, for the avoidance of doubt, no development shall commence at any phase of development until all tree protection measures for that phase of development as set out by this Assessment have been fully installed, which shall remain in place until development is complete.
- 17) No demolition works shall commence on site until an Ecological Construction Environmental Management Plan (ECEMP) has been submitted to and approved in writing by the Local Planning Authority, which includes appropriate updates of all the recommendations of the checking Bat Survey and recommendations for the number and design of potential bird and bat boxes (with a plan setting out their location on buildings and trees). The ECEMP shall thereafter be implemented as approved.
- 18) No part of the development hereby permitted shall be occupied until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority and has been implemented. The Travel Plan shall include arrangements for monitoring, review, amendment and effective enforcement.
- 19) Prior to the occupation of the approved building, details and locations of electric vehicle charging points, including a timescale for their installation, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.
- 20) Car parking shall be laid out in accordance with the approved plans before the approved building is occupied and shall be retained as such for the lifetime of the development. This car parking shall only be permitted to be used between the hours of 07:00-19:00 Mondays to Fridays and its use shall be restricted to staff members.
- 21) Construction of the approved building shall not commence until full details of the proposed east elevation glazing screen scheme as denoted on the approved plans have been submitted to and approved in writing by the Local Planning Authority. The approved building shall not be occupied or brought into use until the scheme has been carried out in accordance with the approved details and these shall remain as implemented for the lifetime of the development.
- 22) No later than six months following the completion of the development, a Final BREEAM Post-construction Stage Certificate shall be submitted to the Local Planning Authority for approval. This shall demonstrate that the development has achieved a BREEAM Excellent rating.

-----End of Conditions-----