



## Planning Services

# COMMITTEE REPORT

---

### APPLICATION DETAILS

---

**APPLICATION NO:** 4/10/00948/VOC

**FULL APPLICATION DESCRIPTION:** Material amendments (variation of conditions 2, 4, 5, 13 and 14) to planning permission 09/00568 (erection of 56 bed care home) to enable increase to 58 bedrooms including removal of internal staircase, erection of entrance canopy, insertion of rooflights and additional and enlarged openings

**NAME OF APPLICANT:** Gainford Care Homes Ltd

**SITE ADDRESS:** The Former Newton Hall, Carr House Drive, Newton Hall, Durham, DH1 5LT

**ELECTORAL DIVISION:** Newton Hall

**CASE OFFICER:** Hilary Sperring, Planning Officer  
(0191) 301 8742  
[Hilary.sperring@durham.gov.uk](mailto:Hilary.sperring@durham.gov.uk)

---

### DESCRIPTION OF THE SITE AND PROPOSALS

---

1. The application site, is approximately 0.28 hectares in size, fronting Carr House Drive, Newton Hall, Durham. In 2009 conditional planning permission was granted for the erection of a 56 bed care home in the form of a three and two storey building fronting Carr House Drive, in the main arranged around an 'I' shape. In addition to the proposed en-suite rooms the building accommodates dayrooms, dining areas, treatment and staff rooms and other ancillary accommodation associated with the proposed use of the building. In 2010 works began in association with this approval and construction of the building is well underway with the roof currently being added at the time of report preparation.

2. The site lies within the settlement boundary of Durham City as defined by the City of Durham Local Plan 2004 and also within the Local Centre of Newton Hall. To the north of the site lie the two storey residential dwelling houses within Bamburgh Road. To the west lie the garage blocks which are separated from the ground floor units of the Alnwick Road shopping parade and residential flats above by an access road, and to the east lies the All Saints Church. A telecommunications mast and associated enclosure adjoins the north west corner of the proposed site which is in the process of being relocated.

---

3. The current proposals seek planning permission for material amendments (variation of conditions 2, 4, 5, 13 and 14) to planning permission 09/00568 (erection of 56 bed care home) to enable an increase to 58 bedrooms. The size, scale and massing of the building remains unaltered from that previously approved. The proposals seek modifications and alterations to the width and position of some windows and doors on each elevation, in connection with the internal layout, in part, being reconfigured allowing the reordering of some rooms on all levels and an extended foyer area at ground floor. A main component of the application also includes the use of space within the roof for additional accommodation in association with the Nursing Home. The external alterations including the installation of four roof lights to both the east and west elevations. The additional space will provide staff accommodation, male and female staff WC and storage area. The proposals will result in 12 bedrooms at second floor level, instead of the previously approved 10 on this level, bringing the overall total of bedrooms within the Nursing Home to 58.

4. A new canopy is proposed over the entrance on the western elevation and a change of materials proposed to the roof of the central entrance on the southern elevation. Sidelights are also introduced to each of the proposed dormer windows.

---

## **PLANNING HISTORY**

---

5. 4/01/00352/PN In 2001 Prior notification for the siting and appearance of 3 no antennas and 2 no dishes on existing 15 metre high telecommunications monopole, replacement equipment cabin and electrical meter cabinet

6. 4/06/00992/FPA In October 2006 conditional planning permission was granted for the erection of 2 no. enclosed decks and aviary to first floor flat roof of existing building (retrospective application) at the Newton Hall PH.

7. 4/06/01121/FPA In January 2007 conditional planning permission was granted for the formation of external decking area and fenced enclosure to public house frontage.

8. 4/07/00849/FPA In September 2007 conditional planning permission was granted for the erection of enclosed timber deck with 2 no. fixed awnings to side of existing public house.

9. In 2009 the Public House was demolished, this did not require any form of planning permission.

10. 4/09/00568/FPA In October 2009 conditional planning permission was granted for the demolition of existing public house, and erection of 56 bedroomed nursing home, with associated parking, servicing and amenity space.

11. 4/10/00100/DRC Approved discharge of planning conditions 2, 3, 4, 5, 6, 7, 8, 9, 11 and 15 pursuant to 4/09/00568/FPA

---

---

## **PLANNING POLICY**

---

### **12. NATIONAL POLICY:**

Planning Policy Statement 1: Delivering Sustainable Development sets out the overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Statement 3: Housing underpins the delivery of the Government's strategic housing policy objectives and our goal of ensuring that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

Planning Policy Guidance note 13: Transport seeks to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

Planning Policy Statement 22: Renewable Energy, sets out the planning policies for renewable energy, which planning authorities should have regard to when preparing local development documents and when taking planning decisions.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>*

### **13. REGIONAL POLICY:**

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.

In July 2010 the Local Government Secretary signaled 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 when the forthcoming Local Government Bill becomes law, and weight can now be attached to this intention.

Of particular relevance to this application are the following policies:

Policy 8 (Protecting and Enhancing the Environment) seeks to promote measures such as high quality design in all development and promoting development that is sympathetic to its surroundings.

Policy 24 (Delivering Sustainable Communities) refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>*

---

#### **14. LOCAL PLAN POLICY:**

Policy E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.

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.

Policy H16 (Residential institutions and Student Halls of Residence) provides for purpose-built accommodation provided that they are well related to local facilities and are not likely to impact adversely on adjacent development or lead to community imbalance.

Policy S5 (Local Centres) permits the development of new retail facilities where this will not adversely affect the vitality and viability of other local centres, whilst ensuring that it will not lead to the loss of community or recreation facilities or areas which may be required in the future for such uses. Infill or change of use to housing will be permitted provided the supply of land required for shopping or community facilities are not eroded.

Policy C9 (Community Facilities – Protection of Existing) states that planning permission for the development of a proposal which would result in the loss of an existing community facility identified in the Local Plan will not be permitted unless it can be demonstrated that: the facility is no longer financially viable; or there is no significant demand for the facility within that locality; or an equivalent alternative facility is available to satisfy the needs of the local community nearby.

Policy T1 (Traffic – General) states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.

Policy T10 (Parking – General Provision) states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.

Policies Q1 and Q2 (General Principles Designing for People and Accessibility) states that the layout and design of all new development should take into account the requirements of all users.

Policy Q3 (External Parking Areas) requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.

Policy Q5 (Landscaping General Provision) sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.

---

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.

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/index.htm>*

---

## **CONSULTATION AND PUBLICITY RESPONSES**

---

### **15. STATUTORY RESPONSES:**

The Highway Authority is content with the increase in rooms without an alteration to the car park layout.

### **16. INTERNAL CONSULTEE RESPONSES:**

The Sustainability Section propose that the now standard condition is imposed as a condition of this variation application.

### **17. PUBLIC RESPONSES:**

One representation has been received from an occupier of the flats in Carr House Drive raising no objection to the plans.

### **18. APPLICANTS STATEMENT:**

Despite repeated requests the agent has not provided a statement.

*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://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00948/VOC>.*

---

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

19. The main issues in line with Policies H13, H16, C9, E14, S5, T1, T10, Q1 and Q2, Q3, Q5, Q8 and U8A of the local plan are the impacts of the proposals upon the character or appearance of the surrounding area, the amenities of existing residents and nearby occupiers, provision of satisfactory standards of amenity and open space for future residents and impact upon traffic and highway safety.

---

## **Principle of Development**

20. The principle of the construction of a Nursing Home on this site has already been established by the approval of planning permission (4/09/00568) and the building works are underway. The current proposals seek material amendments to vary conditions 2, 4, 5, 13 and 14) of planning permission 09/00568 (erection of 56 bed care home) to enable an increase to 58 bedrooms including the removal of an internal staircase, erection of entrance canopy, insertion of roof lights and additional and enlarged openings.

## **Character and appearance of the surroundings**

21. The building is three storeys in height at the front of the development facing Carr House Drive, with a drop in ridge height to the north and also the inclusion of hipped pitched gables. The approved development was considered appropriate in scale, form and character in line with Policies H16 and Q8. The insertion of roof lights, additional and enlarged door and windows, sidelights to the dormer windows and the proposed canopy are not considered to detract from the character or the appearance of the surroundings. The proposals are thus considered appropriate in scale, form and character in line with Policies H16 and Q8.

## **Amenities of existing residents**

22. The proposals introduce 8 no. roof lights, 4 positioned on the eastern roof slope facing the church and 4 positioned on the west elevation, facing the rear of the shops and flats above. In terms of residential amenity the effect of these new roof lights, coupled with alterations to windows and doors and sidelights to the dormer windows are not considered to have a detrimental effect on the amenity of permanent residents living nearby or neighboring occupiers, in accordance with Policies H13, H16 and Q8 of the Local Plan.

## **Amenity standards and open space**

23. Areas of amenity space are included by the provision of an enclosed resident's garden to the east and a more open aspect hedged resident's garden to the south, to the front of the proposed building. In addition planted flower beds are proposed around the building with soft landscaping.

24. Whilst an increase in bedrooms from 56 to 58 intensifies the use of the building, bedroom and dayrooms are well related to the proposed amenity areas. The current proposals are considered satisfactory in terms of standards of amenity and open space to be provided within the scheme for future occupiers.

## **Impacts upon traffic and highways safety**

25. The application introduces a further two bedrooms over those originally approved, whilst still including the provision of an 18 space car park, 5 dedicated staff spaces together with 13 spaces for visitors. (The approved car park arrangement being unaltered). The Highways Authority accepts the proposed increase in bedrooms without an alteration to the car park layout. The proposals are considered acceptable in terms of highway safety and vehicle parking off the highway in accord with Policies T1 and T10 of the Local Plan.

---

## Other Issues

26. The Sustainability Section has requested a standard condition which relates to the submission of a scheme to minimize energy consumption; this was not requested during consideration of the original application. When issuing a Section 73 decision it is possible for new conditions to be added provided that they are done so in accordance with Circular 11/95. In this case, as the development is substantially complete it is not considered that it would be reasonable to attach such a condition at this stage. The inclusion of the requested condition therefore fails to meet the requirements of Circular 11/95.

27. In 2010 an application was approved to discharge the conditions relating to the original approval. As the building is substantially complete it is not therefore considered necessary to repeat all the conditions of the original approval, only those outstanding.

---

## CONCLUSION

---

28. In conclusion, the principle of redeveloping the site for a nursing home has been established and is entirely consistent with national, regional and local planning policies. The proposals are considered acceptable in terms of their impact upon the character and appearance of the surroundings, the amenities of existing residents and nearby occupiers, provision of satisfactory standards of amenity and open space for future residents and the impact upon traffic and highway safety, in line with Policies H13, H16, C9, E14, S5, T1, T10, Q1 and Q2, Q3, Q5, Q8 and U8A of the City of Durham Local Plan 2004.

---

## RECOMMENDATION

---

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

1. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details. Reason: In the interests of the appearance of the area and to comply with Policies H16, H13 and Q8 of the City of Durham Local Plan 2004.
2. Notwithstanding the information shown on the submitted plans the precise design of the roof details including eaves, verges, chimneys, ventilation, parapets, rooflights and guttering shall be submitted at a scale of 1:20 and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme. Reason: In the interests of the appearance of the area and to comply with Policies H16, H13 and Q8 of the City of Durham Local Plan 2004.
3. Notwithstanding the details shown on the approved plans precise details of all new fenestration, glazing, heads and cills shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details. Reason: In the interests of the appearance of the area and to comply with Policies H16, H13 and Q8 of the City of Durham Local Plan 2004.

- 
4. No further subdivision of the accommodation approved, or use of rooms not demarked as one of the 58 bedrooms on the plans, for such shall be implemented without the grant of further express consent by the Local Planning Authority. Reason: In the interests of the amenity of the area and in accord with Policies H13 and H16 of the City of Durham Local Plan 2004.
  5. The development hereby approved shall be carried out only in accordance with the approved plans, specifications and conditions hereby imposed. Drawing DAL-PLAN-MAT-005 Rev A Proposed Elevations 02; Drawing DAL-PLAN-MAT-001 Rev B Proposed Ground Floor Plan; Drawing DAL-PLAN-MAT-005 Rev A Proposed Elevations 02; Drawing DAL-PLAN-MAT-002 Rev B Proposed First Floor Plan; Drawing DAL-PLAN-MAT-003 Rev C Proposed Second Floor Plan; Drawing DAL-PLAN-MAT-004 Rev C Proposed Elevations 01. Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies H16 and H13 of the City of Durham Local Plan 2004.
  6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. Reason: In the interests of the visual amenity of the area and to comply with Policies H16 and E14 of the City of Durham Local Plan 2004.
  7. Before the occupation of the building hereby approved the kerbline and footpath shall be properly reinstated and surfaced to the satisfaction of the Local Planning Authority, in accordance with details which have been first submitted to and agreed in writing by the Local Planning Authority. Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies H16, T1 and T10 of the City of Durham Local Plan 2004.

---

## **REASONS FOR THE RECOMMENDATION**

---

1. The principle of redeveloping the site for a nursing home has been established in the grant of the previous consent (4/09/00568/FPA) and is consistent with national, regional and local planning policies. The proposals are considered acceptable in terms of their impact upon the character and appearance of the surroundings, the amenities of existing residents and nearby occupiers, provision of satisfactory standards of amenity and open space for future residents and the impact upon traffic and highway safety, in line with Policies H13, H16, C9, E14, S5, T1, T10, Q1 and Q2, Q3, Q5, Q8 and U8A of the City of Durham Local Plan 2004 (which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004), and Policies 8 and 24 North East of England Plan - Regional Spatial Strategy to 2021.
-



- 
2. In particular the development was considered acceptable having regard to consideration of issues of development principle, provision of amenity and open space for residents, the impacts upon the character and appearance of the surroundings, the amenities of existing residents, impact upon traffic and highway safety.
  3. No third party letters of representation have been received.
- 

## **BACKGROUND PAPERS**

---

Submitted Application Forms and Plans

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

City of Durham Local Plan 2004

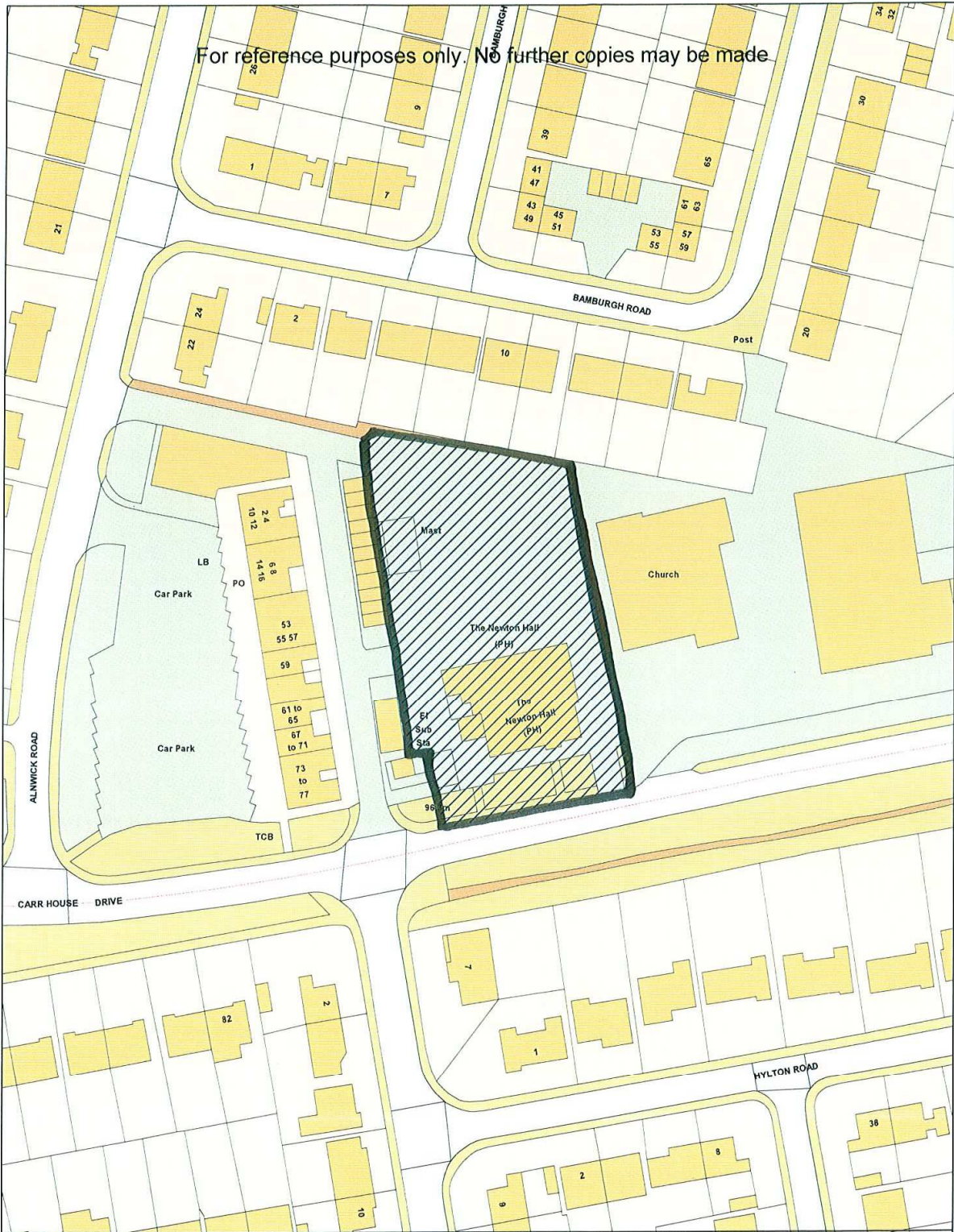
Planning Policy Statements / Guidance, PPS1, PPS3, PPS13, PPG22

Responses from County Highway, Sustainability Team

Public Consultation Response



For reference purposes only. No further copies may be made



**Planning Services**

4/10/948/VOC - The Former Newton Hall

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.  
Durham County Council (Durham City Area Office) Licence No. 100022202 2005.

**Comments**

**Date**

24 February 2011

**Scale**

1:1000