



Area Planning Committee (Central and East)

Date Tuesday 13 May 2014
Time 1.00 pm
Venue The Glebe Centre, Murton

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 8 April 2014 (Pages 1 - 2)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) DM/14/00053/FPA - Bristol Street Motors, High Street, Carville, Durham, DH1 1AU (Pages 3 - 18)
Demolition of existing showroom and offices, new build showroom and refurbishment of existing workshop.
 - b) CE/13/01221/FPA - Wheatley Hill Service Station, Durham Road, Wheatley Hill, Durham (Pages 19 - 26)
Erection of canopy and retrospective erection of store extension and widening of rear access.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham

2 May 2014

To: **The Members of the Area Planning Committee (Central and East)**

Councillor P Taylor (Chairman)
Councillor A Laing (Vice-Chairman)

Councillors A Bell, G Bleasdale, J Clark, P Conway, M Davinson,
K Dearden, D Freeman, S Iveson, C Kay, J Lethbridge, R Lumsdon,
B Moir and J Robinson

Contact: Jocasta Lawton

Tel: 03000 269707

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in Council Chamber, County Hall, Durham on **Tuesday 11 March 2014 at 1.00 pm**

Present:

Councillor P Taylor in the Chair

Members of the Committee:

Councillors A Bell, P Conway, I Jewell (substitute for M Davinson), A Laing, J Lethbridge, B Moir and C Kay.

1 Apologies for Absence

Apologies for absence were received from Councillors G Bleasdale, M Davinson, K Dearden and R Lumsdon.

2 Substitute Members

Councillor I Jewell substituted for Councillor M Davinson.

3 Minutes

The Minutes of the meeting held on 11 March 2014 were confirmed as a correct record and signed by the Chairman.

4 Declarations of Interest

There were no declarations of interest.

5 Applications to be determined by the Area Planning Committee (Central & East Durham)

5a CE/12/01628/FPA – Land at Hilltop Farm, Ramside Hall Hotel, Carville, Durham, DH1 1TD

The Committee considered the report of the Senior Planning Officer regarding an application for 13 no. dwellings with associated garaging and landscaping on land at Hilltop Farm, Ramside Hall Hotel, Carville, Durham, DH1 1TD (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation on the application which included photographs of the site and Members were reminded that the application

was recommended for approval subject to referral to Secretary of State and subject to conditions.

Mr W Barnett, agent for the applicant, addressed the Committee. He began by thanking the officers for their involvement, commenting that they had been instrumental in bringing forward a rare opportunity to build on the greenbelt. Mr Barnett felt the development was of a sustainable design and highlighted that the dwellings would be highly insulated, environmentally positive and have low energy values. The development had been modelled carefully to mitigate any adverse impact and Mr Barnett felt that the development would contribute to the attractive setting of Durham.

In response to several questions from Members the Senior Planning Officer addressed concerns from Members in relation to the submission of the application and informed the Committee that the original outline application had been referred to the Secretary of State, but as this was considered a new application it was also required to be referred. Members were informed that the Deed of Variation was currently in draft form.

Councillor B Moir thanked the work of the Officers and moved the application be approved seconded by Councillor A Laing.

Resolved:

The application be approved subject to referral to Secretary of State and in the event that the application is not called in, subject to the conditions outlined within the report and a Deed of Variation which ties the application to the original Section 106 legal agreement.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/00053/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing showroom and offices, new build showroom and refurbishment of existing workshop
NAME OF APPLICANT:	Vertu Motors
ADDRESS:	Bristol Street Motors, High Street, Carville, Durham, DH1 1AU
ELECTORAL DIVISION:	Belmont
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 an existing car dealership site known as Bristol Street Motors which is located on High Street in Carville. The site is bound to the north by two storey residential properties (Fallways), to the west by the single storey Belmont Social Club, to the south by a highway with residential properties (Kirkstone Drive) located beyond. Immediately to the east of the site is an area of land which is used by Bristol Street Motors to display the sales of vehicles. This parcel of land is currently leased from a third party. To the east beyond the third party parcel of land is the main High Street which runs through Carville. Directly opposite the High Street to the east is a block of three storey flats.

The Proposal

2. Planning permission is sought for the demolition of existing showroom and office buildings. Permission is also sought in this application for a new build showroom and refurbishment of existing workshops. The parking and sales area on the site is also to be reconfigured.
3. The existing offices and garage buildings along the south and west boundaries are to be demolished as well as the existing showroom on the south corner of the site. The existing garage building to the north of the site is to be retained and refurbished with a new showroom constructed in the centre of the site. The new showroom building is to be approximately 38 metres in length by 30 metres in width and would reach an overall height of 7.2 metres. Vehicle display parking and visitor parking would be located along the south boundary with valet parking to the west of the site. Garage and staff parking would be situated to the east located outside the garage building.

There are to be no alterations to the entrance to the site which will remain from the existing access onto the High Street.

4. The dealership currently fronts the High Street with the showroom and parking provision for display cars. The land to the east which fronts the High Street is currently leased and this lease is coming to an end. Alternative arrangements are required which has led to the submission of this application.

PLANNING HISTORY

5. Planning permission was approved in 2000 for the extension and alteration to existing offices to provide vehicle showroom. Since the 2000 approval, an application for signage has been approved in 2002 and an application for three lighting columns was refused in 2002.

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 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
11. *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.
12. *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.

13. *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.

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 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.
15. *Policy E15 (Provision of New Trees and Hedgerows)* states that the Council will encourage tree and hedgerow planting.
16. *Policy EMP11 (Employment Within Settlement Boundaries But Outside Designated Sites)* states that planning permission for extensions to existing business premises located within settlement boundaries but outside designated employment sites will only be granted when it can be demonstrated that proposals would not
- Have significant adverse impact on the amenity of neighbouring occupiers in terms of noise, dust and general disturbance;
 - Adversely affect the character and appearance of the area in which it is to be located; and
 - Result in traffic generation to the detriment of local amenity and highway safety.
17. *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.
18. *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.
19. *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.
20. *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.

21. *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.
22. *Policy Q7 (Industrial and Business Development)* seeks to promote an attractive image of the District and thereby stimulate inward investment through the provision of well-designed buildings which are appropriate to their designation.

EMERGING POLICY:

23. The emerging County Durham Plan was submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, 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. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
24. *Policy 1 (Sustainable Development)* – States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
25. *Policy 18 (Local Amenity)* – States that permission will not be granted for development proposals which would have a significant adverse impact on amenity.
26. *Policy 19 (Air Quality, Light and Noise Pollution)* – Development which have the potential to lead to a significant deterioration in air quality should be accompanied by an assessment of the likely impact of the development on air quality. All development will be expected to minimise light pollution and/or prevent unacceptable levels of exposure to such through good design. All development will be expected to prevent unacceptable levels of noise pollution to both existing and new development by good design.
27. *Policy 41 (Biodiversity and Geodiversity)* – States that proposals for new development will not be permitted if significant harm to biodiversity and geodiversity, resulting from the development, cannot be avoided, or adequately mitigated, or as a last resort, compensated for.
28. *Policy 48 (Delivering Sustainable Transport)* – All development shall deliver sustainable travel by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; and ensuring that any vehicular traffic generated by new development can be safely accommodated.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

29. *Durham County Highways Authority* has not raised any objections in principle to the proposed development.
30. *Environment Agency* has raised no objections to the proposals however they have offered standing advice with regards to general surface water drainage issues.
31. *Northumbrian Water* has not raised any objections to the proposed development.
32. *The Coal Authority* has stated that a Coal Mining Risk Assessment is required to be submitted with the application.
33. *Belmont Parish Council* has raised objections to the proposals. These objections relate to land ownership and restrictive covenants; proposed site boundary treatment; roof heights; workshop access doors; ventilation and spray shop; oil and toxic chemicals; construction hours; and bats.

INTERNAL CONSULTEE RESPONSES:

34. *County Environmental Management* has not raised any objections to the proposals providing conditions are applied to a planning permission. These conditions relate to submission of noise attenuation scheme; prohibition of burning materials on site; operation of machinery on site; construction/demolition activities; and details of external lighting.
35. *County Ecologist* has not raised any objections.
36. *County Drainage Officer* has not raised any objections.

PUBLIC RESPONSES:

37. The application has been advertised in the local press, a site notice was posted and neighbouring residents were notified in writing. 20 letters of objection have been received against the proposed development. A petition with 26 signatures opposing the development has also been submitted.
38. Residents have raised concerns regarding the boundary treatment around the site. Some residents are concerned with the proposed hoop bollards along the south boundary stating that it could encourage visitors to park on nearby residential streets. It has been suggested that fencing or a wall be used instead along the south boundary. Some residents have raised issues with the boundary treatment along the north boundary. It has been stated that the existing trees and hedging provide good acoustic and visual screening to the site, whilst some residents have requested that trees and hedging are maintained to a better standard.
39. Issues have been raised with regards to disturbance and pollution from the site, including noise, lighting, chemical, contamination and disposal of effluent waste. In particular the proposed vehicle door into the garage building on the north east gable is a concern, along with impacts from the wash/valet bays as well as the positioning of the oil storage container and whether this meets with health and safety regulations. A resident has noted that there is a legal covenant indicating there should be no noise or nuisance from the site. Vermin is also considered to be a problem in the area resulting from the site.
40. Concerns relating to highway issues are a primary concern for the majority of residents who have commented on the scheme. Residents have expressed their views that extending the forecourt will further impact on the amount of traffic in the

area, to the detriment of highway safety. There are concerns that visitors and staff may park on surrounding residential streets, in particular on Kirkstone Drive which is immediately to the south of the site. There is also the concern that deliveries to the site would take place from residential side streets.

41. Objections have been raised in terms of overlooking from the proposed site and that the area is becoming an industrial estate which is out of keeping with the surrounding area. There are concerns that the proposals would create drainage and flooding issues and that bats may be impacted by the proposals.
42. A wide range of discrepancies between the application forms, the plans and the supporting information has also been raised by some residents. It has also been noted that the area of land to the east of the site is currently leased to the dealership and that this lease is coming to an end.
43. Finally, several residents have indicated that they are concerned that not all residents in the area got individual letters notifying them of the proposals.

APPLICANTS STATEMENT:

44. The dealership has had a presence on Carrville High Street for over 40 years through several operators. Through this time the buildings have remained largely unchanged. The applicant purchased the site around 2 years ago and is looking to improve the condition of the dealership and the working conditions of the work force.
45. The dealership provides sales of used and new cars, MOTs, servicing and valeting of vehicles and is a central parts distribution centre. These uses have remained consistent over many years. The proposals look to provide these existing uses in more appropriate buildings. Throughout the works the dealership must remain in operation, a factor that has given direction to the layout of the proposals.
46. The existing workshop building will be retained but re-clad to improve the environmental performance. The remaining buildings will be demolished and a new showroom with associated office accommodation and parts storage will be built in the centre of the site.
47. The majority of the external works will be dedicated to used car display. However car parking areas for visitors, servicing and staff will be clearly designated which is considerable improvement on the current situation which poses significant safety concerns in the lack of coordination between pedestrians and vehicles. Existing covenants on the site will be adhered to.
48. After over 40 years on the site the proposed refurbishment and new build works will provide an enjoyable and safe working environment and a strong economic presence in Carrville and County Durham.

PLANNING CONSIDERATIONS AND ASSESSMENT

49. 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; impact on residential amenities and surrounding area; visual impact; highway issues; and other issues.

Principle of development

50. The proposed development is not proposing a change in operations on the site. The site is currently operating as a car sales dealership which has garage facilities on the site. This application is only proposing a redevelopment involving demolition and new build but essentially the uses on the site are to remain as existing. Policy EMP11 of the local plan states that development to existing business premises is acceptable providing the proposals do not adversely impact upon residential amenity; character and appearance of the area; or highway safety. The specific impacts of the proposals on the surrounding area will be assessed in detail below. It is however considered that given there is no change to the operation of the business on the site, the principle of development is acceptable in this instance and would be in accordance with criteria detailed in the NPPF.

Impact on residential amenities and surrounding area

51. Policy H13 of the local plan 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. It is acknowledged that the car dealership is a current operating business and the majority of operations proposed through this application will already take place on the site. The protection of the current residential amenity of the neighbouring occupiers is a key consideration in the determination of this application. Therefore, in order for the proposals to be considered acceptable, the existing residential amenity currently enjoyed by residents must not be adversely compromised.

52. There are residential properties surrounding the site with properties immediately to the north on Fallways and High Street; properties immediately to the south on Kirkstone Drive and residential properties and flats to the east opposite the High Street. Along the north boundary there are trees and hedges which provide some screening to residential properties. A tree survey has been submitted identifying works which are to be undertaken to these trees and hedges. On the request of some of the residents, the majority of the trees are to be pruned and tidied up. Several trees along the north east boundary are to be removed however it is not felt that this would compromise residential amenity. There are however a section of conifer trees to be removed from the north west boundary to accommodate the wash/valet bays. The outlook from the rear of properties No. 1 and 2 Fallways would therefore be onto the wash/valet structure instead of conifer trees. It is noted that formal planning permission is not required for the removal of these conifer trees as they are not protected trees, therefore the applicant could remove them at any time without any notice. Although the outlook for the residents of No. 1 and 2 Fallways would be different, it is not considered that this would adversely affect the amenity enjoyed by the residents and a refusal of the proposals on this particular issue would be difficult to substantiate. In terms of visual amenity, it is not considered that the residents of Fallways and High Street would be adversely compromised by the proposed development.

53. In terms of the visual impact to the outlook of the properties to the south on Kirkstone Drive, the obvious factor will be the removal of the existing buildings which are currently located along the south boundary. Valet parking and the vehicle sales display area is proposed to be located along the south boundary of the site. A small section of 1.8 metre high close boarded fencing is proposed along the south west corner of the site around the valet parking however the majority of the south of the site is to be bounded by hooped bollards. In terms of actual visual impact, it is not considered that the proposed parking areas and boundary treatment would

compromise residential amenity as it would not create any adverse overbearing or overshadowing impacts. It is noted that some residents have raised concerns about the proposed hooped bollards as it may encourage customers to park on the residential street to visit the site. This issue is discussed below under the heading 'highway issues'. It is not considered that the proposed hooped bollards would have an adverse impact on the residential amenity of surrounding properties.

54. The residential properties situated to the east of the site beyond the High Street are not considered to be adversely compromised by the proposals. The buildings would actually be positioned further away from the properties to the east, therefore it could be considered that the proposals would improve residential amenity to these properties.
55. Residents have raised concerns with regards to pollution from the site in terms of noise, lighting, chemical, contamination and disposal of effluent waste. It is an important consideration to assess these issues and ensure that surrounding residents are not adversely compromised by them as a result of the proposals. Once again it has to be acknowledged that the operations of the site are not to be changed and many of the issues raised may already be experienced by local residents.
56. A noise assessment and a lighting assessment have been submitted with the application which indicates that the residents of surrounding properties would not be adversely affected by operations from the site. The Council's Environmental Management Officer has assessed the proposals and has not raised any objections in principle. Conditions are recommended in relation to noise attenuation methods and details of lighting to ensure that residential amenity is not adversely compromised.
57. The Council's Environmental Management Officer has also looked at the impact the proposals would have on smoke and dust from demolition and construction works; odour from the vehicle repair element; and other issues including chemical contamination and disposal of effluent waste. Providing a condition is imposed for a method statement for the demolition and construction period it is not considered that the smoke and dust would create any adverse impacts on the neighbouring properties. In terms of odour and issues with contamination and disposal of waste it has been confirmed that environmental regulations would have to be adhered to and restrictions would be in place to ensure residential amenity of surrounding properties would not be compromised. Conditions are recommended for a method statement to be submitted and agreed for the demolition and construction process. A condition restricting demolition and construction hours is also recommended to ensure neighbouring residents are not disturbed at unreasonable hours.
58. Resident have raised issues with current hours of deliveries for parts to the garage, which can take place during the early hours of the morning. The agent has confirmed that these deliveries are still required to be undertaken during the early hours of the morning. Given these deliveries currently happen, it would be unreasonable to restrict delivery hours through this application given there is no specific intensification of use at the site.
59. It is noted that the proposed new showroom building is to be 7.2 metres high however the building is to be located 21 metres away from the nearest residential property which is No. 1 Fallways. This separation distance is considered acceptable and would ensure that there would be no adverse overbearing or overshadowing issues. There is also a first floor canteen window which would face onto No. 1 Fallways. The 21 metre separation distance would ensure adequate levels of privacy are maintained.

60. Overall, it is considered that the proposals detailed in this application would not have an adverse impact on the amenities currently enjoyed by the residents of neighbouring properties. A number of planning conditions are recommended to safeguard the amenities of residents during and after construction stage of the development. It is considered that the proposals are acceptable and would be in accordance with policies EMP11 and H13 of the local plan.

Visual impact

61. The proposed new showroom is to be constructed primarily from glass and white microrib cladding. The design and materials proposed is typical of a car dealership showroom and is similar to the existing showroom building which is currently on the site. The proposed showroom building would be higher than the existing showroom, however given the new showroom would be positioned centrally within the site it is not considered that it would have an overbearing appearance within the street scene. The existing garage building is to be refurbished which would include introducing new vehicular access, an oil store, as well as a wash and valet enclosure. The majority of these new additions are located to the rear of the garage building and would not be predominantly visible from any public viewpoints. The vehicle sales display area is to be located along the south boundary of the site adjacent to Kirkstone Drive. It is proposed to have this south boundary open with hooped bollards positioned along for security purposes. Some local residents have requested that close boarded fencing or a wall is erected along this south boundary to ensure the site is fully enclosed. There is section of the south and west boundary, around the valet parking section which would be bounded by 1.8m high close boarded fencing. It is considered that a 1.8 metre high fence or wall running along the full length of the south boundary could be overbearing and intrusive within the surrounding area. The demolition of the existing buildings along the south and west boundary are considered acceptable as they do not provide any architectural or visual merit to the character of the area.

62. A tree survey has been submitted indicating that the majority of the trees and hedging along the north east and north west boundary are to be retained. The tree report does recommend felling five trees along the north east boundary. It is not considered that the removal of these trees would have an adverse visual impact as the main bulk of the tree coverage would remain. A 16 metre section of conifers along the north west boundary is to be removed to accommodate the wash/valet bays, however these trees are currently screened from the main High Street and there loss would not have an adverse impact on the visual amenity of the main street scene.

63. In general, the proposals are just reconsolidating the parking and building arrangements on site, given the business is about to lose the parking area to the front of the site. The site would still have an appearance of a car dealership business as it currently does now so there would be no major change to the appearance of the street scene. In visual terms, the hooped bollards along the south boundary of the site would not adversely affect the appearance of the area and could arguably be less intrusive than a 1.8 metre high wall or fence. The alterations to the existing garage building as well as the proposed new showroom are considered acceptable in design terms and would not have an adverse impact on the visual appearance or character of the street scene or immediate surrounding area.

64. It is therefore considered that the proposals are acceptable in visual terms and would be in accordance with policies EMP11, H13 and Q7 of the local plan.

Highway issues

65. There had been some discrepancies in terms of the exact number of vehicle spaces which would be proposed on site. The agent has confirmed that the proposed site plan shows the exact number of vehicle spaces which would be 196 spaces. These vehicle parking spaces include spaces for MOT vehicles; staff; visitors; valet parking as well as parking for the display sale vehicles. Currently there are 169 spaces available to the dealership on the site that they own and a further 45 spaces are available on the front section of land which is leased from a third party owner. The proposed parking in this application does not include the parking on third party land. The agent has indicated that the proposed site plan does show 85 indicative spaces for the parking of display sales vehicles however this area of land could accommodate 105 vehicles if required. The County Highways Officer has commented on the proposed parking and has not raised any concerns with regards to the proposed level of parking on the site. It is noted that some residents have raised concerns that some customers do not park on the site and tend to park on nearby residential streets before visiting the car dealership. There is sufficient visitor parking on site to accommodate the likely demand which would mean there is not a need for customers to park off site. It is accepted that customer habits may be to park off site however this is not a material planning consideration for this application. To ensure that sufficient visitor parking as well as staff parking is available on the site, a condition is recommended for all parking areas to be clearly defined for their exact purposes and these areas should be retained for these purposes only and for no other purpose.
66. The existing access into the site is to be retained and this is considered acceptable as it is a well established entrance to the dealership. Comments from local residents have noted that deliveries of vehicles to the site sometimes load and unload on the main High Street and the adjacent side streets. To ensure highway safety, the loading and unloading of vehicles from a transporter should be undertaken on the site. The original planning permission in 2000 for the car dealership has planning conditions which states that the loading and unloading of vehicles from a transporter should be undertaken on the site; and the transporter should enter and leave the site in a forward motion. A path swept analysis plan has been submitted indicating that a transporter can enter the site, turn around and leave the site in a forward motion. To ensure highway safety on the roads surrounding the site, it is considered reasonable to impose similar conditions as on the 2000 approval, for vehicle loading and unloading to be undertaken on the site as well as the transporter entering and leaving the site in a forward motion. Conditions are recommended accordingly.
67. The County Highways Officer states that the existing business is well established and therefore the increased traffic generation and the effect on the existing traffic and road network will be minimal. It is considered that the parking provision proposed would be acceptable and with the recommended conditions, the proposals would not have an adverse impact on highway safety. The proposal therefore is considered to be in accordance with policies T1 and T10 of the local plan.

Other issues

68. A bat risk assessment of the existing buildings on the site has been undertaken and submitted with this application. The assessment concludes that there was no physical evidence to show bats use the buildings for roosting purposes and therefore the buildings are low risk of bats being present. It is therefore considered that the proposals would not have an adverse impact on protected species or their habitats.

69. Concerns had been raised by residents that the proposals may impact on drainage and potential flooding. It is noted that Northumbrian Water and Environment Agency have been consulted on the proposals and they have not raised any objections. It is not considered the proposed development would create any detrimental impacts in terms of drainage or flooding concerns.
70. The Coal Authority had raised concerns advising that a coal risk assessment of the site needed to be submitted. A Due Diligence Investigation Report has been submitted indicating that the site is low risk with regards to coal mining issues.
71. Some local residents have raised concerns that they were not notified of the application. Neighbour notification procedure is usually to send notification letters to those properties which are directly adjacent to the application site, which was undertaken for this application. A site notice was posted close the site and the application was also advertised in the local press. The local planning authority has fulfilled the statutory requirements for advertising the application.
72. It has been raised by residents as well as the Parish Council that there are some legal covenants with attached to the site indicating that no noise and nuisance should be made from the site. It is also indicated that there are some legal covenants with regards to the parcel of land to the east and the reinstatement of footpaths. Legal covenants are not material planning considerations and cannot be taken into account when determining this application.
73. Several residents have raised a number of discrepancies between information shown on the application form, on the proposed plans and within supporting information. Should Members be minded to grant permission, condition 2 is recommended which would list the approved plans. The local planning authority are satisfied that the information shown on the plans are sufficient to allow planning permission to be granted.

CONCLUSION

74. The site is currently operating as a car sales dealership which has garage facilities on the site. This application is only proposing a redevelopment involving demolition and new build but essentially the uses on the site are to remain as existing. For these reasons it is considered that the proposals are acceptable in principle.
75. It is not considered that the proposed works detailed in this application would adversely impact upon the residential amenities currently enjoyed by the neighbouring residents. The application does not propose an intensification of use and the dealership would operate in a similar manner as to how it operates currently. It is considered that the proposal is acceptable and would be in accordance with policies EMP11 and H13 of the City of Durham Local Plan.
76. In terms of visual impact, it is considered that the overall image of the site would remain as a car dealership and therefore would not have a detrimental impact on the character of the street scene. Existing buildings are to be demolished which are not considered to be of any architectural or visual merit. The proposed new showroom is similar in design and materials to the existing showroom and would therefore not look out of keeping within the site. Overall, the proposals would not have an adverse impact on the character and appearance of the street scene or surrounding area. The proposal accords with policies EMP11, H13 and Q7 of the City of Durham Local Plan.

77. The County Highways Authority is satisfied that sufficient parking is available on the site for staff, visitors and the display of sale vehicles. Information has been submitted showing that a vehicle transporter can enter and leave the site in a forward motion, and a condition is recommended to ensure this happens and that delivery of vehicles are loaded and unloaded on site. It is considered that the proposals would not compromise highway safety in the area and the proposals would comply with policies T1 and T10 of the City of Durham Local Plan.

78. Finally, it is considered that the proposals would not have an adverse impact on protected species or their habitats and there would be no adverse impacts upon drainage and flooding; or coal mining issues

RECOMMENDATION

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

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

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Plan Ref No.	Description	Date Received
1001 P5	Proposed Site Plan	14/03/2014
1000 P2	Site Location Plan	20/01/2014
2010 P7	Proposed Ground Floor Plan	14/03/2014
2011 P6	Proposed First Floor Plan	14/03/2014
2013 P4	Proposed Elevations	14/03/2014
2014 T1	Proposed Roof Plan	14/03/2014

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

3. 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 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.

Reason: In the interests of the appearance of the area and to comply with policies E22, H13 and Q8 of the City of Durham Local Plan.

4. Notwithstanding the information shown on the approved plans, all loading and unloading of car transporters shall take place within the application site; and no loading or unloading of vehicles shall take place on the public highway.

Reason: In the interests of highway safety and to comply with policies T1 and T10 of the City of Durham Local Plan.

5. The development hereby approved shall not be brought into use until the scheme of parking and manoeuvring space shown on drawing No. 1001 P5 has been implemented in accordance with the approved plan. The scheme shall thereafter be maintained and the areas kept free for their designated purpose for the life of the development.

Reason: In the interests of highway safety and to comply with policies T1 and T10 of the City of Durham Local Plan.

6. Before the development hereby approved is commenced details of a scheme to attenuate noise emissions shall be submitted to and approved in writing by the local planning authority. All agreed noise attenuation apparatus shall be implemented prior to the use of the buildings and thereafter retained and maintained in good working order at all times.

Reason: In the interests of residential amenity and to comply with policies EMP11 and H13 of the City of Durham Local Plan.

7. Before the development hereby approved is commenced details of all lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall be implemented in accordance with the agreed details.

Reason: In the interests of residential amenity and to comply with policies EMP11 and H13 of the City of Durham Local Plan.

8. No development works (including demolition) shall be undertaken outside the hours of 08:00am to 06:00pm Monday to Friday and 08:00am to 01:00pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity and to comply with policies EMP11 and H13 of the City of Durham Local Plan.

9. Before the development or demolition hereby approved is commenced a method statement for the demolition and construction process shall be submitted to and approved in writing by the local planning authority. The demolition and construction process shall be undertaken in accordance with the approved details.

Reason: In the interests of residential amenity and to comply with policies EMP11 and H13 of the City of Durham Local Plan.

10. No development hereby approved shall take place unless in accordance with the mitigation, recommendations and conclusions within the bat risk assessment by EcoSurv, Ecological Consultants dated January 2014.

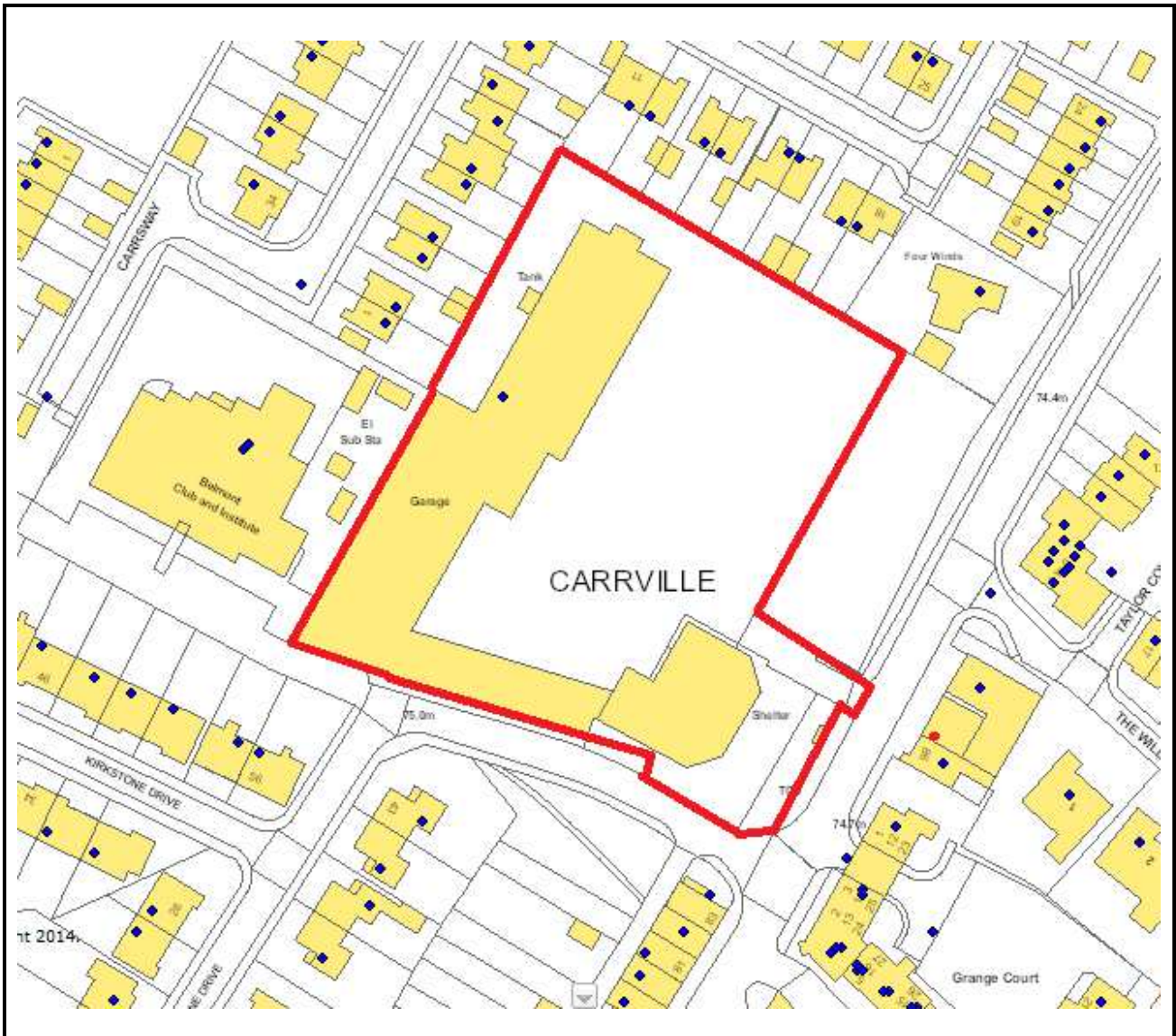
Reason: To conserve protected species and their habitat in accordance with criteria within the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

79. 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. The decision has been made within target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

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
Planning Circular 11/95
Emerging County Durham Plan




Planning Services

Demolition of existing showroom and offices, new build showroom and refurbishment of existing workshop at Bristol Street Motors, High Street, Carville.

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 Licence No. 100022202 2005

Date
13th May 2014

This page is intentionally left blank

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: CE/13/01221/FPA

FULL APPLICATION DESCRIPTION: Erection of canopy and retrospective erection of store extension and widening of rear access.

NAME OF APPLICANT: Mr Raw

ADDRESS: Wheatley Hill Service Station, Durham Road, Wheatley Hill, Durham

ELECTORAL DIVISION: Trimdon and Thornley

CASE OFFICER: Laura Martin
Laura.martin@durham.gov.uk
03000 261960

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a commercial petrol filling station with associated on site store and car wash. The property is located on the southern edge of the village of Wheatley Hill adjacent to the A181.

The Proposals

2. Retrospective planning consent is sought for the erection of a store extension and widening of the existing rear access, and consent has also been requested for the erection of a canopy to the garage forecourt.
3. The new canopy would be 6m in height with a flat roof which would be used to cover the existing heavy goods vehicle (HGV) pump on site. The canopy would have a spread of 18.5m and would infill the eastern area of the garage forecourt.
4. The store extension is located on the west of the existing store at the site. The extension measures 3.8m by 7m being constructed with a tiled pitched roof to tie into the existing building.
5. At the rear of the site the existing access point has been widened from 3.5m to 6m in width. This has been achieved through the removal of a section of highway verge and reconfiguration of the existing access at the rear of the site.
6. The application is brought before members at the request of Cllr Morris Nichols due to concerns for residential amenity.

PLANNING HISTORY

PLAN/2007/0764 REPLACEMENT UNDERGROUND FUEL TANK AND ACCESS IMPROVEMENTS (RETROSPECTIVE) APPROVED 21/12/2007

PLAN/2008/0093 FREE STANDING DISPLAY UNIT APPROVED 28/03/2008

PLANNING POLICY

NATIONAL POLICY:

7. 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.
8. 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'
9. The following elements are considered relevant to this proposal:-
10. Part 1 - 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.
11. Part 7 - 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.

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>

LOCAL PLAN POLICY:

District of Easington Local Plan

12. Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
13. Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
14. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

15. Policy 108 - New petrol filling stations will only be approved within defined settlement boundaries. They must be in accordance with policy 36 and not affect local amenity. Retail sales will only be approved if in accordance with policies 35 and 37 and where it would not undermine the vitality and viability of nearby shops.

EMERGING POLICY:

16. The emerging County Durham Plan was submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, 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. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
17. Policy 16- Sustainable development in the build environment
18. Policy 39- Landscape character

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://content.durham.gov.uk/PDFRepository/EasingtonLocalPlan.pdf>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

19. Parish Council- raise concerns regarding the retrospective nature of the application and the increased traffic movements by larger vehicles to the rear of the site due to the widening of the rear access.

INTERNAL CONSULTEE RESPONSES:

20. Petroleum Officer- advise additional consent is required for the canopy under the Petroleum (Regulation) Acts 1928 and 1936.
21. Highways Section- subject to the applicant constructing the access widening works in accordance with Section 184(3) Highways Act 1980 no highways objections are raised to these proposals.
22. Pollution Control- raises no objections

PUBLIC RESPONSES:

23. The application was advertised by means of a site notice and by letter to 6 neighbouring properties within the area. 9 letters of objection have been received raising concerns relating to:-
 - Additional traffic utilising the rear access and impacting upon the residential properties on Durham Road
 - Impact upon residential amenity

- Vehicles are using the rear access instead of leaving via the front on the A181
- Impact upon road surface of Durham Road.
- Retrospective nature of the application.
- Increase in store has resulted in difficult manoeuvring for users of the garage.
- Highway Safety.

APPLICANTS STATEMENT:

Wheatley Hill is a popular service station situated on the side of the A181, between the A19 and the A1. The applicant Mr Raw of Kenworth Ltd has been the owner for 20 years. Within this time they have managed to improve the services available to the general public and provide employment in the local area.

In September/October last year building work in the form of an extension to the existing shop and the widening of an existing access at the rear of the services were carried out.

The applicant wished to extend the current shop at the service station to provide a wider range of products and services catering for the needs of customers and people living in the local area. The applicant was under the impression that since the permitted development rights criteria had recently changed, he did not need to obtain permission to carry out the building works to the shop and rear access.

In October 2013 the planning department at Durham County Council contacted Mr Raw of Kenworth Ltd and advised him that the improvements required a planning application to be submitted. As soon as this was brought to the applicants attention he contacted ourselves at CH planning and design to draw up the appropriate plans and submit an application.

The building work to the extension and the widening of the rear access had already commenced when the applicant was advised that planning permission was a requirement. As the work was already part finished he had to complete the construction, as leaving it as it was would be potentially unsafe to customers using the services and may leave the shop open to theft and vandalism.

The applicant has been aware of 3 fatal and numerous other accidents and incidents that have taken place outside the services, which have occurred as vehicles exit the station onto the A181. The A181 is a busy road with vehicles at times travelling faster than the legal limit. The applicant has widened the existing access to the rear of the garage to reduce the risk of accidents occurring and wished to make access easier for local residents and visitors to the village.

Overall the applicant's intention was to provide an improved service to the local community and a safer use of the existing services.

PLANNING CONSIDERATIONS AND ASSESSMENT

24. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
25. The main considerations in regard to this application are the principle of the development, design, scale and layout, highway safety, residential amenity and other considerations.

Principle of development

26. In terms of the principle of the development the site is located adjacent to the settlement boundary for the village of Wheatley Hill and is situated within the existing forecourt for the petrol station. Wheatley Hill is a large village with a range of facilities and as such development of this nature would be considered to be as within a sustainable location and would be supported in terms of national, regional and local planning policy, in particular NPPF Part 1- general principles of development and Policies 35 and 36 of the local plan. The store extension represents expansion of an established facility, the canopy would be appropriate in form and scale to the site and the access widening is based on an existing arrangement.

Design, Scale and layout

27. In respect of the design and layout of the development it is considered that the store extension is of such a scale as to have minimal impact upon the immediate or wider setting. It has been sympathetically designed to tie in with the existing building and materials have been selected to match.
28. In relation to the canopy whilst it is acknowledged that this does not have as much detailing as the existing canopy at the site being designed with a flat roof, it is common to see developments of this nature in such a location as part of a service station site. Furthermore the canopy is set well away from any residential properties and as such its impact is further limited.
29. In respect of the layout and design of the access at the site this will be discussed within the Highways Section of the report.

Highway Safety

30. The store extension may attract a small increase in vehicular traffic movements possibly associated with the improved retail options offered in comparison to the original sales kiosk, but it is reasonable to assume that most customers will predominantly be visiting the site to purchase fuel. There may be a small increase in deliveries to the extended retail offer on the site but these would not be expected to be significant to what would be regarded as being a very small retail unit.
31. Wingate Lane to the rear of the petrol filling station is part of the existing public highway network and has no restrictions on it preventing its use by any class of motor vehicle. The Area Traffic Engineer has investigated the possibility of imposing traffic restrictions to prevent Wingate Lane being used by heavy goods vehicles in particular but has concluded that such restrictions cannot be imposed without also restricting access rights for existing residents.
32. Wingate Lane is approximately 7.3 metres wide, narrowing down to approximately 5.9 metres over a pinch point near to the junction with Cemetery Road. The approximately 3 metres minimum exit lane width onto Cemetery Road in conjunction with the approximate 15 metres junction radius to the south means the junction is more than capable of accommodating all traffic that may wish to exit the site via this route to access the local public highway network and the A181.

Residential Amenity

33. The applicant's supporting letter makes reference to on-site exit signs, now erected, directing vehicular traffic to the A181 rather than using the rear access, which is welcomed. In respect of the concerns expressed by neighbouring properties in relation to the intensification of the use by HGVs the Highways Authority carried out an independent survey to assess the usage of the revised access. The results advise that on an average weekday between 10 December and 18 December 2013 only one articulated lorry utilised the rear access/egress at the site. Movements were slightly higher on a weekend with 3 HGV's using the access on the Saturday and 4 on the Sunday however it is still not sufficient numbers to demonstrate serious adverse impact on residential amenity.
34. In this respect it is considered that the amended rear access in terms of evidence of increased usage by HGVs is not significant to warrant refusal of the application. As previously noted this access/egress is onto an adopted section of highway which cannot be restricted without also restricting residents' access, and vehicle movements at the site are considered to be at an acceptable level. Whilst it is acknowledged that there may be an increase in movement to the rear of the site it is on balance considered that the works would not increase movements considerably from the current status quo.

Other Considerations

35. In respect of the retrospective nature of the application, as legislation allows for the submission of a retrospective application this is not a material planning consideration which can be taken into account in the determination of the application. The development has been assessed on its merits, and is considered to be acceptable.

CONCLUSION

36. In respect of the proposed canopy and store extension these have been designed to tie in with the existing facilities at the site and are set well away from the neighbouring residential properties.
37. In relation to the widening of the existing access whilst it is acknowledged that there may be an increase in traffic movements to the rear of the site it is not considered that these would be sufficient to warrant refusal of the application given the unrestricted access that was available prior to the widening works.
38. Taking all relevant planning matters into account it is considered that the proposal is acceptable given that it accords with both national and local policy. It is not considered that the policies contained within the emerging County Durham Plan would conflict with the intentions of the existing local plan or the NPPF.

RECOMMENDATION

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

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

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

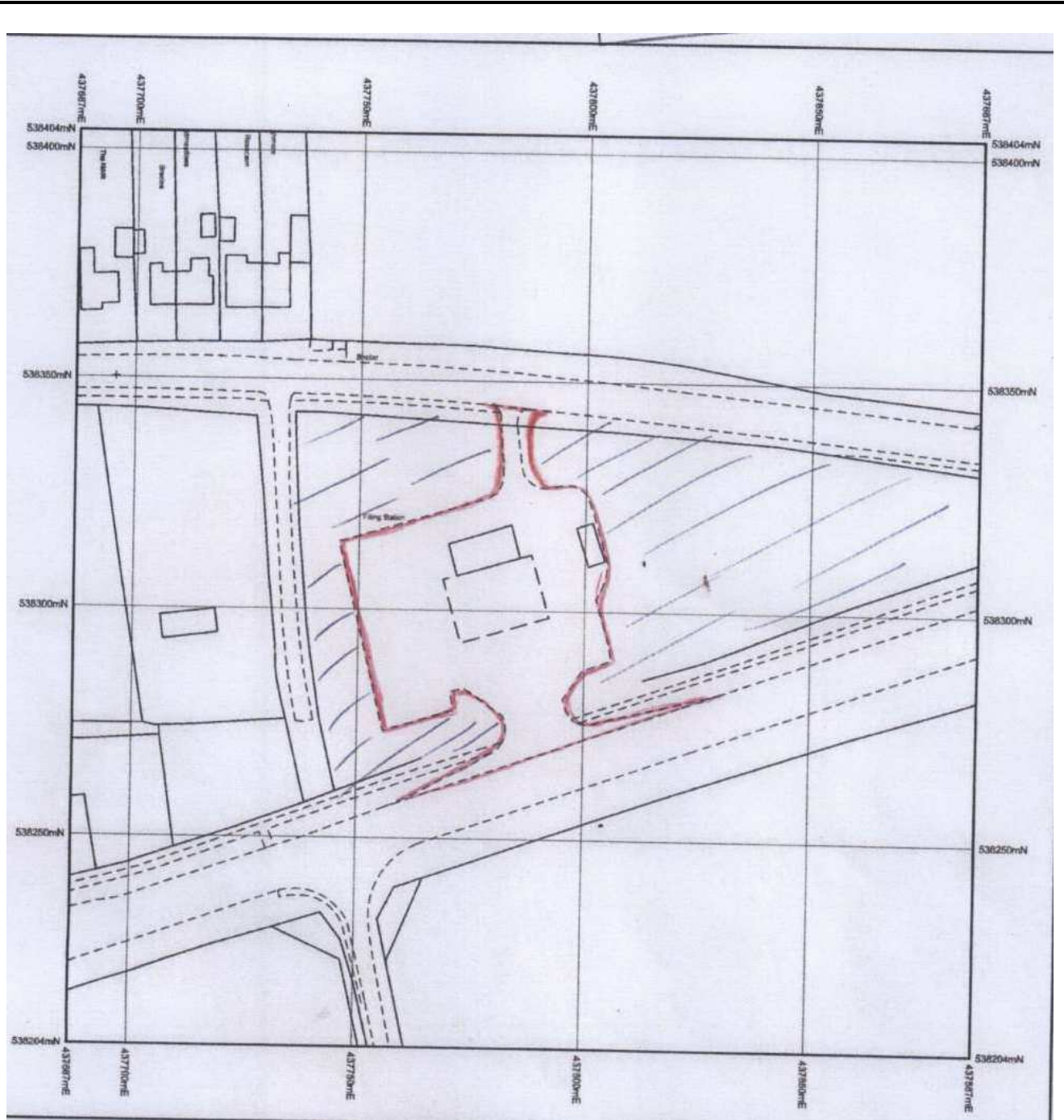
2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Drawing No. 3, 1, 2, and 4 received 21 October 2013 and location plan received 7 January 2014. Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1 & 35 of the Easington 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 and Plans.
- Design and Access Statement
- Easington Local Plan 2001
- National Planning Policy Framework
- Consultation Responses



Planning Services

Erection of canopy and retrospective erection of store extension and widening of rear access at Wheatley Service Station, Durham Road, Wheatley Hill, Durham

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 Licence No. 100022202 2005

Comments

Date. 13 May 14.

Scale 1:1250