

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	4/12/00179/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Use of land for car sales, car storage and staff and customer parking
<b>NAME OF APPLICANT</b>	Stoneacre, Mr S Forweather
<b>ADDRESS:</b>	Land at Stoneacre Garage, Sawmills Lane, Brandon, Durham DH7 8AB
<b>ELECTORAL DIVISION:</b>	Brandon
<b>CASE OFFICER:</b>	Sinead Turnbull Planning Officer 0191 301 8745 <a href="mailto:sinead.turnbull@durham.gov.uk">sinead.turnbull@durham.gov.uk</a>

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### 1.0 DESCRIPTION OF THE SITE AND PROPOSALS

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#### CONTEXT

1. The application site constitutes an area of grassed open space which fronts onto Sawmills Lane. At either side and to the rear of the open space is a car garage, where cars are both retailed and repaired. The application site also includes the land to the rear of the area of open space, which is currently utilised by the garage. The inclusion of this land to the rear would allow the site to be constructively reconfigured.
2. There are a number of semi-mature trees within the site. Residential properties are sited opposite the application site. Opposite the garage there are a number of parking bays, which form part of the highway and are therefore available for use by anyone. The existing business has very little formal parking for either staff or customers', as a result of this; a situation has arisen whereby both staff and customers are parking on the side of the road adjacent to the garage.

#### PROPOSAL

3. Planning permission is sought for the change of use of open space to form land for car sales, car storage and staff and customer parking. The open space would be combined with land to the rear which is currently utilised by the garage for storage/service/ MOT parking. Cars for sale and customer parking would be to the front of the site while staff and additional customer parking along with parking bays for storage/service/MOT would be located to the rear of the site. The application also includes an area for loading and unloading of vehicles. The application includes a 6 metre landscape strip to the front of the site to soften the appearance of the development within the streetscene.

4. A previous application, referred to in the planning history section below, was dismissed by the planning inspectorate due to the detrimental impact on the visual amenity of the street scene. The inspectors report made reference to the lack of landscaping to the front of the site. This revised application includes a 6 metre landscape strip to the front of the site to address the planning inspector's reasons for the dismissal of the application.
5. This application is being reported to planning committee at the request of the divisional Councillor for Brandon.

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## **2.0 PLANNING HISTORY**

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6. APP/X1355/A/11/2163091 Appeal in respect of non-determination of application 11/00352/FPA Appeal Dismissed.
7. 11/00352/FPA Change of use of open space to form land for the display and sale of motor vehicles including the provision of tarmac hardstanding (resubmission).
8. 4/10/00865 Change of use of open space to form land for the display and sale of motor vehicles including the provision of tarmac hardstanding Withdrawn 1/3/2011.
9. 4/07/00894 Erection and display of internally illuminated totem sign Invalid Return.
10. 4/01/00933 Erection and display of internally illuminated pylon sign Approved 1/2/2002.
11. 4/99/00535 Erection and display of illuminated pylon sign and internally illuminated panel sign Approved 7/2/1999.
12. 4/97/00546 Erection and display of 1 no. externally illuminated fascia sign 1 no. free standing internally illuminated pylon sign 1 no. menu sign and 1 no. non illuminated directional sign Approved 28/11/1997.

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## **3.0 PLANNING POLICY**

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### **NATIONAL POLICY**

13. National Planning Policy Framework
14. On March 27<sup>th</sup> 2012 the Government published the National Planning Policy Framework (NPPF). The framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions to sustainable development are described; economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan-making and decision-taking process. This means that where local plans are not up-to-date, or not a clear basis for decisions, development should be allowed. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Planning Policy Statements and Planning Policy Guidance Notes are cancelled as a result of the NPPF coming into force. The Regional Spatial Strategy remains part of the Development Plan until it is abolished by Order using powers within the Localism Act.

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/letternppf>

15. *Planning Policy Statement 1: (PPS1) Delivering Sustainable Development* sets out the Government's overarching planning policies on the delivery of sustainable development through the Planning System.
16. *Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth* sets out the Government's objectives for achieving sustainable economic growth. Local authorities are required to assess the existing and future supply of land available for economic development, ensuring that existing site allocations for economic development are reassessed. Site allocations should not be carried forward where there is no reasonable prospect of their take up. If there is no reasonable prospect of a site being used for the allocated economic use, the allocation should not be retained, and wider economic uses or alternative uses should be considered.
17. *Planning Policy Guidance 13 (PPG13): Transport* sets out the Government's objectives to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices. Local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, and accommodate housing principally within urban areas.
18. The Planning Policy Statements and Planning Policy Guidance Notes above have now been cancelled and superseded by the National Planning Policy Framework coming into effect on 27<sup>th</sup> March 2012

## **REGIONAL POLICY**

19. *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.
20. *Policy 4: The Sequential Approach to Development:* Sets out the prioritisation for site selection and directs development to the most sustainable locations.
21. *Policy 8: Protecting and Enhancing the Environment* which requires new development to be of high quality and maintain local distinctiveness.
22. However, The Secretary of State for Communities and Local Government's letter dated 27<sup>th</sup> May 2010 announced the Government's intention to abolish Regional Strategies and return decision making powers on housing and planning to local councils.

## **LOCAL PLAN POLICY**

23. *Policy E5A Open Spaces within Settlement Boundaries* Seeks to protect valuable open spaces which contribute to the character and amenity of the area.
24. *Policy EMP11: Employment within Settlement Boundaries but Outside Designated Sites* seeks to protect the amenity of neighbouring occupiers, the character and

appearance of the area and should not result in an increase in traffic generation to the detriment of local amenity and highway safety.

25. *Policy E14: Protection of Existing Trees and Hedgerows* Seeks to protect trees and hedgerows which contribute to the character and quality of the area.
26. *Policy T1: Traffic Generation – General* Considers traffic generation of new development and resists development which would be detrimental to highway safety and/or have a significant affect on the amenity of occupiers of neighbouring property.
27. *Policy Q2: General Principles – Designing for Accessibility* Sets out the criteria which development should consider in relation to meeting the access requirements of all users of the development. Development should also address safety and be adequate for the needs of the particular use of the proposal.
28. *Policy Q3: External Parking Areas* Sets out the appropriate design criteria for external parking areas to minimise visual intrusion and environmental impact on the area.
29. *Policy H13: Residential Areas – Impact Upon Character and Amenity* Seeks to protect the character, appearance and amenity of residential areas.

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*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.durham.gov.uk/Pages/Service.aspx?ServiceId=6618>*

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### **3 CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

30. *The Highway Authority* – Highways comments have not been altered as a result of the revised scheme. The previous comments still apply and are summarised below:

This application addresses the overall parking on the site and provides space sufficient for a car transporter to load and offload and turn around. A plan has been submitted which allocates space for display vehicles, visitors, car sales and storage of vehicles awaiting service or MOT tests. The spaces have been reduced slightly to allow the transporter vehicle to turn around. I will require that these spaces are clearly marked and reserved for the various uses and that the applicant adheres to this plan. Subject to the above, I have no objection to this application.

#### **INTERNAL CONSULTEE RESPONSES:**

31. *Environmental Health* – Environmental Health comments have not been altered as a result of the revised scheme. Any lighting should face in on the site.
32. *Landscape Section* – A revised landscaping scheme would be required, to include more suitable plant species and reference to protection of existing planting.

#### **PUBLIC RESPONSES:**

33. *Brandon and Byshottles Parish Council* – The proposals will not alleviate parking problems associated with the parking of vehicles on Sawmills Lane. The proposal for the landscaping will have little or no effect on the streetscene and visual amenity of the area.

34. The application has been advertised by a site notice and neighbour consultation letters. Fourteen objections have been received and a petition with 59 signatures objecting to the proposal has also been received. The objections made are as follows

- Increased business and traffic
- Concerns for highway safety
- All parking would be used for car sales
- Lighting columns should face in on the site to avoid light pollution
- Would be detrimental to the street scene
- The business should move to another site

**APPLICANTS STATEMENT:**

35. This resubmission seeks to address the issues raised previously by providing a more Comprehensive solution to the operation of the application site which addresses the fundamental concerns of local residents in relation to car parking on Sawmills Lane.

36. A layout plan has been submitted with the application to show how the site will operate should planning consent be granted. The benefits of the proposals are clear. The incorporation of the existing area of open space into the Stoneacre site will allow for much needed improvements to how the existing site currently operates. In addition to providing a new sales area at the front of the site, it will allow for designated on-site car parking areas to be provided for staff and customers alleviating the potential for any car parking conflicts on Sawmills Lane.

37. The proposed customer car parking is intended for use by those visiting the site to look at purchasing a new vehicle. Customers using the service and MOT facilities will park in the area adjacent to the workshop. This car parking is shown on the layout plan as storage/service/MOT parking.

38. The provision of the staff and customer car parking and associated signage can be adequately controlled by condition in accordance with Circular 11/95.

39. It is considered that the layout plan prepared for the site demonstrates that the incorporation of the existing open space into the site will improve the overall operation of the site and relieve any existing car parking problems on Sawmills Lane.

40. Two lighting columns are shown on the layout plan at the centre of the site. These columns are intended to be indicative and it is envisaged that the final details of the lighting can be adequately controlled by a suitably worded condition if deemed necessary in accordance with Circular 11/95.

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*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://planning.chester-le-street.gov.uk/publicaccess/> Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below.*

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#### **4 PLANNING CONSIDERATIONS AND ASSESSMENT**

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41. 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 need for the development, principle of the development, impact on the visual amenity of the area,

impact on the living conditions of neighbouring properties and concerns raised by objectors.

42. The application has been revised to include a 6 metre landscaping belt to the front of the site, to improve the appearance of the development within the streetscene, this revision is based on the inspectors reason for dismissal of the previous application 11/00352/FPA which was as follows:

*'The open space is a positive element in the street scene. It would be possible to mitigate its loss by reducing the area available for car parking and retaining an effective landscaped strip between the car parking/display area and the road. However the present scheme does not do this and would result in a visually intrusive development which would cause substantial harm to the well landscaped residential surroundings.*

*On balance I find that, in relation to the present proposal, the benefits associated with reduced pressure on on-street parking and with improving the efficiency of the existing business do not outweigh the harm caused to the character and appearance of the street scene. The proposal would thus be contrary to the provisions of Local Plan Policy EMP11 and to the high quality design objective of PPS4'.*

### The Need for the Development

43. In order to fully assess this proposal, the context in which this application has arisen must be set out.

44. There is an existing situation on Sawmills Lane where staff and customers relating to the Stoneacre Garage have been parking along the side of the road, causing an obstruction in the highway and reducing safety of pedestrians and motorists using Sawmills Lane. It is therefore considered that the proposed development has arisen out of a need to address the parking issue.

45. The solution to this problem as proposed by the garage is to incorporate an existing area of open space into the site to provide additional space for the parking of vehicles and for loading and unloading.

46. The breakdown of the proposed car parking on the application site would be as follows:

Table 1 Proposed parking

	Type of parking bay	Number of spaces
	Staff	15
	Customer	22
	Storage/Service/MOT	30
	Car sales	27
Total		94

The above parking would be formally set out by the painting of parking bays onto the tarmac surfacing and the spaces would only be used for their designated purpose, this could be controlled by condition.

The parking as existing on the application site allows for the following number of spaces:

Table 2 Existing parking

	Type of parking bay	Number of spaces
	Staff	0
	Customer	0
	Storage/Sales/Service/MOT	60
Total		60

47. Durham County Council have also made progress to address the parking issues on Sawmills Lane by painting double yellow lines on Sawmills Lane last year.
48. The site history verifies the existence of on street parking problems on Sawmills Lane. The history of the site indicates that parking problems on Sawmills Lane are caused by staff and customers of Stoneacre garage not having adequate parking provision on the site.
49. The local planning authority has worked with the business to achieve the best improvements to the site which can realistically be achieved. A number of amendments to the original proposal have been made including incorporating customer parking into the site frontage, addressing residents concerns that customer parking must be visible and incorporating a 6 metre landscaping belt into the site frontage to lessen the impact of the development on the streetscene.
50. Policy H13 of the City of Durham Local Plan states that 'Where established non-residential uses exist adjacent to housing areas, appropriate measures will be taken where possible to overcome the annoyance or disturbance which they cause.' It is considered that the proposed development combined with the double yellow lines on Sawmills Lane shall go a considerable way towards alleviating the problem.
51. The garage has stated that they do not intend to increase car sales; the works are to improve the site and address the parking problems on Sawmills Lane. The site location plan submitted with the application indicates that the vehicles for sale located to the rear of the site shall be brought to the front of the site onto the existing open space area. This will then render land to the rear available for staff and customer parking. The Planning Inspector was satisfied that the proposal would not allow for the intensification of the business and that a condition restricting the use of parts of the appeal site to customer and staff parking would be both valid and enforceable. Therefore whilst the reconfiguration of the area would lead to a more visible sales area most of the net gain in parking area would not increase vehicle display/storage capacity.

52. The proposed development is considered to be in accordance with policies Q2 and T1 of the City of Durham Local Plan.

#### Principle of the Development

53. The garage is an existing well established business and as stated previously the local planning authority has no powers to force the relocation of the business.

54. The application site is located within the limits to development for Brandon as identified by the City of Durham Local Plan 2004. The site is located in a primarily residential area and is not allocated for any specific use.

55. The general principles of sustainable development support proposals which direct new development to those areas best able to support it in terms of accessibility. The National Planning Policy Framework is pro-growth through a presumption in favour of sustainable development, it is considered that this proposal accords with this underlying principle.

#### Impact on the Visual Amenity of the Area

56. The application site is an area of open space between garage buildings with car storage to the rear. There are a number of trees within the site and along the boundaries. The site does offer some amenity value to the area; however this must be balanced with the need to address the problem of on street parking in the area. It is considered that the visual amenity of the area would be greatly improved by removing cars which now park on the side of the road to parking bays on the application site. It is also considered that the addition of a 6 metre landscaping belt to the front of the site would address the concerns of the Inspector by providing an attractive landscaping strip between the car display area and the road to mitigate the impact of the development on the character and appearance of the streetscene.

57. A number of trees will be felled as a result of the development, these trees are not protected nor in a conservation area. They do offer some amenity value to the area however on balance the amenity value of creating additional parking on the site would be of such a benefit to the area that it is considered to outweigh the amenity value of these trees. Additional planting will be incorporated into the site to soften the appearance of the development, to include trees.

58. Further details are required in relation to the lighting columns and for the formal setting out of the car park, however the general principle of these elements of the scheme are considered to be acceptable and the details shall be secured by suitable planning conditions.

59. The development is considered to be in accordance with policies E5A, E14, EMP11 and Q3 of the City of Durham Local Plan 2004.

#### Impact on the living conditions of neighbouring properties and concerns raised by objectors

60. Previously concerns have been raised by the occupiers of neighbouring properties regarding the impact of the development on highway safety, the appearance of the development and potential increased pollution and noise disturbance.

61. The primary concern for residents relates to highway safety. There is a current situation whereby cars park at the side of the road adjacent to Stoneacre garage causing an obstruction in the highway and a negative impact on the amenity of occupiers and users of Sawmills Lane.



62. The application has put forward a proposal which would go a considerable way to alleviating the problem of on road parking on Sawmills Lane. It is therefore considered that the proposed development would be in accordance with policies T1, Q2 and H13 of the City of Durham Local Plan 2004.

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## 5 CONCLUSION

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63. The current situation is that there is no defined parking on the site for staff or customers. This is a situation that needs to be addressed with some urgency. The garage is an established business, which has reached the capacity of the site. The local planning authority have no powers to move the business off the site, therefore we must approach the problem by working with the business to achieve the best improvements possible in response to resident's concerns.
64. This application proposes to resolve parking issues on Sawmills Lane by increasing staff and customer parking from 0 spaces to 25 spaces and by changing the use of an area of open space to the front of the site to allow for the parking of vehicles. The Highways engineer has responded positively to the proposal deeming this number of spaces adequate provided it is a condition of any planning permission that they are clearly marked and utilised only for the purposes identified.
65. A number of the sales staff utilise sale vehicles for commuting to and from work, therefore this also reduces the number of staff parking spaces required.
66. The area of open space is not of such high amenity value to warrant the refusal of this application on the basis of its visual amenity. A balanced view must be taken to assess the benefits of the change of use over the loss of the open space and the positive mitigation proposed through the landscaping belt.

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## 6 RECOMMENDATION

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**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
	Site Location Plan	16/2/2012
1078-11-002 REV J	Proposed Site Plan	16/2/2012
1201.01	Planting Plan	16/2/2012

*Reason: To define the consent and ensure that a satisfactory form of development is obtained. In accordance with Policy Q2 of the City of Durham Local Plan.*

3. Notwithstanding the submitted plans, a parking layout at a scale of 1:50 shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby permitted. The parking layout shall provide 13 staff car parking spaces, 22 customer car parking spaces, 38 storage/service/MOT car parking spaces and 33 car sales parking spaces. The parking layout shall also include details of the means of demarcation of the parking spaces and details of any associated demarcation signage. The submitted scheme shall then be fully implemented in accordance with the approved plans prior to the first use of the development and shall thereafter be maintained in accordance with the agreed scheme.

*Reason: To ensure that a satisfactory parking layout is achieved and in the interest of highway safety in accordance with policy T1 of the City of Durham Local Plan 2004.*

4. The development hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site, and which scheme may provide for the planting of trees and / or shrubs (including species, sizes, numbers and densities), the provision of screen fences or walls, the movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development. The works agreed to shall be carried out within the first planting season following completion of development of the site (or of that phase of development in the case of phased development) and shall thereafter be maintained for a period of 5 yrs following planting.

*Reason: In the interests of the visual amenity of the area and to comply with policies H13 and Q3 of the City of Durham Local Plan 2004*

5. Details of the height, type, position and angle of external lighting shall be submitted to and approved in writing by the local planning authority prior to the development hereby permitted being brought into use. The lighting shall be erected and maintained in accordance with the approved details thereafter.

*Reason: In the interests of the amenity of nearby residents and appearance of the area in accordance with policies H13 and Q3 of the City of Durham Plan 2004.*

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## **7 REASON FOR THE DECISION**

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- 8.1 This decision has been taken having regard to the National Planning Policy Framework , policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008 and 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 E5A, E14, T1, Q2, Q3 and H13 therein.
- 8.2 The scheme would involve development within the settlement limits of Brandon, which is considered to be a sustainable settlement in accordance with policy Q2 of the City of Durham Local Plan and accords with the National Planning Policy Framework.

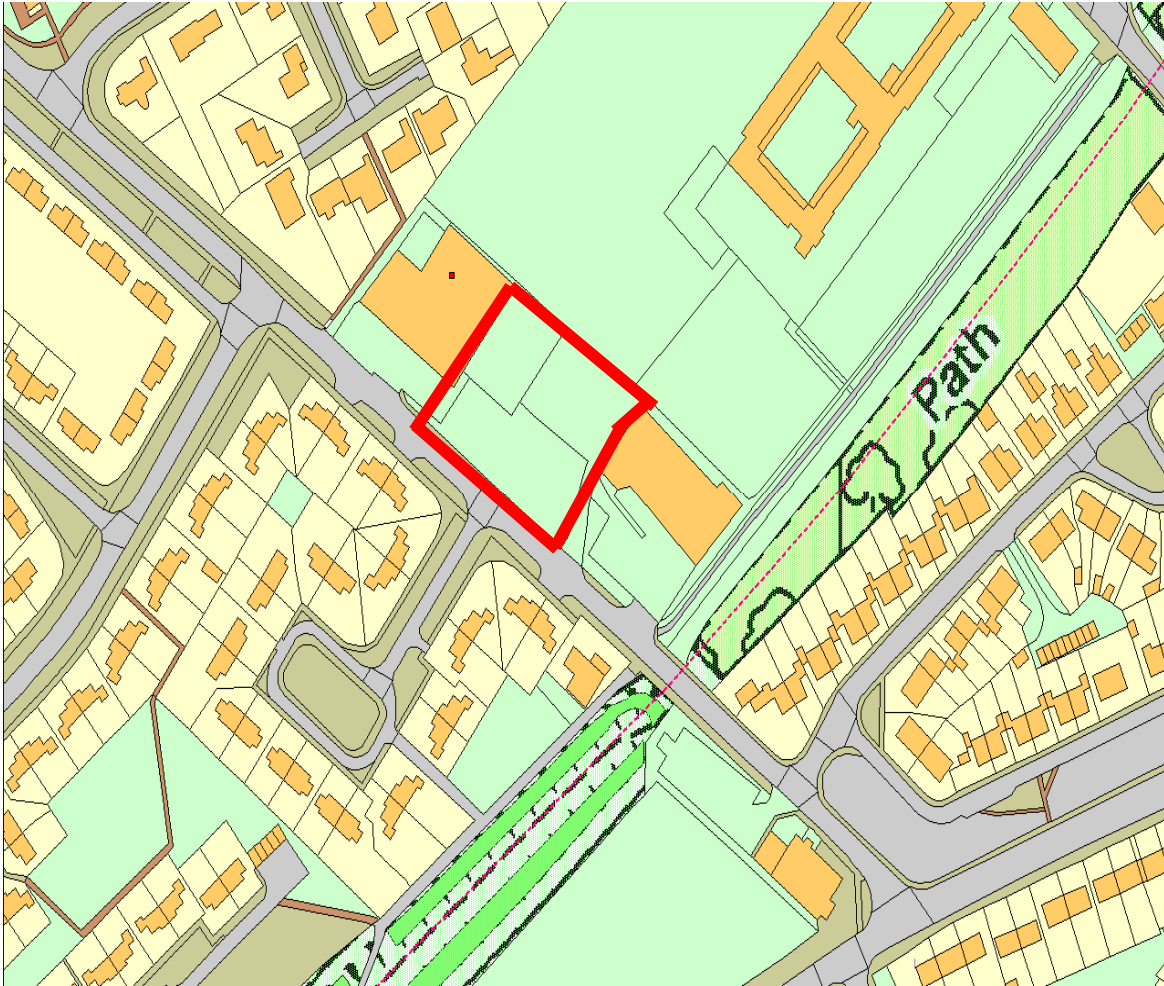
- 8.3 The proposal would have a positive effect on highway safety at Sawmills Lane by significantly the numbers of vehicles parked on the highway in accordance with policy T1 of the City of Durham Local Plan 2004.
- 8.4 The proposal would not result in an unacceptable loss of an area of open space in accordance with policies E5A and H13 of the City of Durham Local Plan 2004.
- 8.5 The proposed development is considered to be acceptable with no significant harm caused to the character or appearance of the area or the amenities of neighbouring occupiers in accordance with Policies E5A, E14, T1, Q2, Q3 and H13 of the City of Durham Local Plan 2004.

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## **8 BACKGROUND PAPERS**

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Application files, consultation responses, The City of Durham Local Plan 2004, Regional Spatial Strategy (RSS), National Planning Policy Framework



**Planning**

**Services**

Land at Stoneacre Garage, Sawmills Lane,  
Brandon, Durham

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**Comments**

Use of land for car sales, car storage, staff and customer parking

**Date** 10<sup>th</sup> April 2012

**Scale**

1:2500