

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	4/12/00925/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Proposed redevelopment of existing body shop to create new car show room and formation of new parking area
<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>	Steven Pilkington Planning Officer 03000 263964 <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### CONTEXT

1. The application site relates to an established car dealership and repair garage which fronts onto Sawmills Lane, Brandon. The application site also includes an open grassed area, currently under council ownership, along with an existing hardstanding which is used for parking. A number of semi-mature trees are located within the site.
2. Residential properties surround the site while Brandon Primary School is located to the rear. Opposite the garage on street parking is available which forms part of the highway and therefore is available for use by anyone, while the existing business has limited formal parking for either staff or customers on site. 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 along with local residents.

#### PROPOSAL

3. Planning permission is sought for external alterations and the part change of use of an existing building to split the current dealership on site. At present both a Suzuki and Kia franchise are operated from the existing showroom, but it is proposed that this would be split and the Kia franchise operated from part of the existing workshop building. A number of external alterations are proposed to facilitate this change of use, which would result in the re-cladding of the building and increasing the amount of glazing.
4. In addition to this, the grassed area separating the buildings would be combined with an area utilised as parking to form a new increased parking area (a similar scheme to this has been approved at appeal). This parking area is proposed to be formally divided up to provide allocated parking for visitors, staff, sales and service vehicles from both dealerships. Provision is also made within the site for a transporter to enter, load and unload and then leave in a forward gear.

5. This application is being reported to planning committee at the request of Councillors Taylor and Turnbull, the divisional members for Brandon.

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## **PLANNING HISTORY**

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6. 4/12/00179/FPA- Change of use of land for car sales, car storage and staff and customer parking - Application Refused - Appeal allowed, costs awarded.
7. APP/X1355/A/11/2163091 Appeal in respect of non-determination of application 11/00352/FPA Appeal Dismissed.
8. 11/00352/FPA Change of use of open space to form land for the display and sale of motor vehicles including the provision of a tarmac hardstanding (resubmission). – Appeal made on non determination grounds, and dismissed.
9. 4/10/00865 Change of use of open space to form land for the display and sale of motor vehicles including the provision of a tarmac hardstanding Withdrawn 1/3/2011.
10. Various applications for signage have also been approved in connection with the operation of the business, none are considered to be directly relevant to this application.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

11. 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 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.
12. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising the twelve ‘core planning principles.’
13. NPPF Part 1 – Building a strong, competitive economy. 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.
14. NPPF Part 4 – Promoting sustainable transport. Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

15. 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.

## **REGIONAL PLANNING POLICY**

16. 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.
17. Policy 4: The Sequential Approach to Development: Sets out the prioritisation for site selection and directs development to the most sustainable locations.
18. Policy 8: Protecting and Enhancing the Environment which requires new development to be of high quality and maintain local distinctiveness.
19. 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:**

20. Saved Policy E5A Open Spaces within Settlement Boundaries Seeks to protect valuable open spaces which contribute to the character and amenity of the area.
21. Saved 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.
22. Saved Policy E14: Protection of Existing Trees and Hedgerows Seeks to protect trees and hedgerows which contribute to the character and quality of the area.
23. Saved 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.
24. Saved 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.
25. Saved 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.
26. Saved Policy H13 Residential Areas – Impact Upon Character and Amenity Seeks to protect the character, appearance and amenity of residential areas.

27. Saved Policy S11 Miscellaneous Sales – Advises that particular control should be given to the location of the sales of motor vehicles, to protect the amenities of neighbouring residents or highway safety.

*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=494>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

28. The County Highway Authority – Advises that in 2010 waiting and loading restrictions were introduced to improve parking on Sawmills Lane. Although initially problems with illegal parking continued, targeted enforcement has reduced non compliance. Overall the planning application increases off street parking for both visitors and staff and therefore will lead to improvements in relation to parking congestion and pedestrian safety. Following receipt of amended plans to allow a transporter to turn on site no highway objections are raised.

### **INTERNAL CONSULTEE RESPONSES:**

29. Brandon and Byshottles Parish Council – Raise concerns regarding intensification of the use, the impact on highway safety and residential amenity

### **PUBLIC RESPONSES:**

30. The development has been advertised by means of individual notification and site notice. In total 12 objections have been received in relation to the application, as summarised below:-
- Intensification of use
  - Increase in parking demand and congestion
  - Loss of highway safety
  - Inadequate manoeuvrability on site
  - Impact on character of residential area
  - Business parking on surrounding roads
  - Business should relocate to a more appropriate building on an industrial estate.
  - Loss of residential amenity

### **APPLICANTS STATEMENT:**

31. The development proposals seek planning consent for the change of use and part conversion of existing body shop to car sales showroom. The formation of a new area for the display and sale of motor vehicles and customer parking will allow for much need improvements to the operation of the site in the interest of sustaining and enhancing the business.
32. The existing car sales showroom is presently shared by both Kia and Suzuki franchises, and in order to retain the Kia franchise, which is paramount to the Stoneacre business model Kia require improved showroom facilities and in order to provide that facility we have utilised existing floor space within the body shop that is not used to its maximum capacity.

33. Under a separate application Stoneacre have been able to secure additional parking within the site through planning and the appeal process of the grassed area to the road frontage. It will allow for designated on-site car parking areas to be provided for staff and customers helping to alleviate the potential for any parking conflicts on Sawmill Lane and were acknowledge and given significant weight by the inspector during the previous appeal.
34. The development proposals will allow Stoneacre to consolidate their operation thus strengthening a successful motor vehicle sales business; maintain jobs for the future whilst addressing existing operational issues to make its use efficient and effective of the site rather than having to seek new premises.

*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://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application\\_detailview.aspx?caseno=MBO3L8BN5B000](http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=MBO3L8BN5B000)

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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35. 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 following represent the principal material planning considerations raised.

### **Principle of development**

36. The existing operations comprise car sales and repairs, located in two separate buildings on the north east side of Sawmills Lane. At present car sales are carried out in the showroom to the north of the site while repairs are primarily conducted in a workshop to the south. These two buildings are managed by the same operator 'Stoneacre Garage' who has two franchise dealerships, Suzuki and Kia. However in order to retain the Kia franchise the applicant states that an improved independent showroom is required. It is therefore proposed to part convert the existing body shop building to create an additional showroom alongside external alterations to facilitate the change of use.
37. The Durham City Local Plan sets out that as a general principle new business development should be located on designated sites for sustainability objectives and to minimise the impact on residential areas. However saved policy EMP11 of the Local Plan sets out that planning permission for extensions to existing businesses outside of defined sites will be considered acceptable in principle, subject to a detailed analysis of their impacts. This approach is replicated within the NPPF which looks to promote the growth of sustainably located businesses.
38. Overall it is considered the location of the development would represent development in a sustainable location and would facilitate the consolidation of an established business which is an important employer within the local community. The development is therefore considered acceptable in principle subject to a detailed analysis of the specific impacts of the development.

### **Highway Safety**

39. Saved policy T1 of the Durham City Local Plan seeks to ensure that development proposals protect highway safety and would have an appropriate effect on the amenity of occupiers of neighbouring properties. At present there is a documented

conflict between the business and neighbouring residents. This has arisen by employees and customers parking on the highway and pavement causing inconvenience and disruption and impacting on highway safety. On street parking restrictions have recently been put in place, although instances of infringement have still been reported. Significant objections have also been raised in relation to this application from local residents.

40. The applicants have previously sought to address this conflict by applying for an extension to the existing parking area on a grassed area within the site. Although this application was refused by the Planning Committee, the Planning Inspector granted permission on appeal. In doing this he concluded that the expansion of this parking area would reduce on-street parking, resulting in a significant net improvement in safety for pedestrians and road users. It was also considered that this parking area would improve the amenity of neighbouring residents and efficiency of the business. As part of this decision the Inspector also gave weight to the likely future growth of the business, considering that the improvements achieved would likely outweigh any issues associated with a future expansion. He also deemed that the proposed parking scheme and layout (limiting sales areas) would prevent any over intensification of the site, while considering that the Highways Authority have the power to control parking on the highway or introduce further on street controls if necessary.
41. It is considered that the proposed development would represent a consolidation of the existing business on site, given that the two showrooms operate out of one building at present. However it is accepted that there would likely be some uplift in trade potentially over and above what the Planning Inspector would have envisaged as an expansion to the business. However this application must be assessed on its own merits, while giving weight to the inspector's previous conclusions.
42. In considering this matter detailed discussions have been held with the Council's Highway Officer, who advises the proposals would not lead to a loss of highway safety through increased traffic or parking demand. This is due to the proposed provision of 137 spaces across the development which are to be allocated for specific purposes, including vehicle display, staff parking, visitor parking and service parking. The scheme also proposes pedestrian links between the garages to encourage visitors to use the parking provided while there would be the facility for a transporter to load and unload within the site. It is also advised that the existing road infrastructure could accommodate any additional traffic movements. The Highways Authority also has the powers to enforce any illegal parking in traffic controlled areas on the highway under separate legislation, while being able to review and modify existing traffic regulation orders if necessary. It has been advised following legal advice this could not be enforced through conditions attached to a planning permission.
43. In appraising this matter in light of the advice from the Highways Authority, while giving weight to representations received and the history surrounding the site, it is clear that any decision would be balanced. However the proposed scheme would significantly increase the level and usability of parking on the site, over the current arrangements, which would reduce parking demand on local streets. The Highways Authority would also retain sufficient control over traffic movements and parking surrounding the site, given the current traffic regulations in force to preserve highway and pedestrian safety. The proposed layout would also allow the turning of a vehicle transporter on site, negating the current need to unload on the highway. The current Traffic Regulation Order can be amended at the discretion of the Highways Authority to prevent unloading in the highway.

44. Consideration has been given to the appropriateness of a condition attempting to enforce the unloading of vehicles on site. However in reviewing planning Circular 11/95 it is considered that it would not be enforceable for the Planning Authority to regulate this, given the mechanisms involved in enforcement proceedings. It is considered more appropriate that powers available under Highways Legislation serve this purpose.
45. Overall on balance it is considered that as the proposed scheme will increase the amount of off street parking available, while allowing the Local Authority to regulate parking across the development, highway and pedestrian safety would be preserved.

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

46. The application site is located in a predominantly residential area and as set out above saved policies of the Local Plan seek to protect the character of established residential areas, particularly in relation to the expansion of existing businesses. Local residents have also raised concerns in this respect, not only in this application but in other previous proposals on the site. Consideration of the specific impacts of the development on the visual amenity of the area are therefore of particular importance in the determination of this application as addressed below:-

#### **Proposed Parking Area**

47. Consideration of the suitability of the development of the existing green space was given by the Planning Inspector in a previously refused application. The inspector concluded that although the existing space helps to break up the commercial frontages, the proposed 5m landscaping strip along side the road frontage would be sufficient to prevent unacceptable harm to the street scene. This was subject to a suitable landscaping scheme to be fully agreed by condition.
48. Turning to this application, the layout of the parking has changed following a detailed site survey and to facilitate a more appropriate layout, however the proposed landscape buffer is to remain. Although a small number of immature trees on site will be required to be removed to facilitate the scheme, it is considered that suitable replacements could be secured through an appropriate landscaping scheme.
49. It is therefore considered in line with the planning inspector's previous decision that the development of this existing grassed area would have an acceptable impact within the street scene.

#### **External Alterations to building**

50. In order to facilitate the change of use a number of external alterations are proposed, which would effectively include the re cladding of the front of the building in aluminium sheets while increasing the amount of glazing. After visiting the site and considering the suitability of the changes, it is noted that the existing building has a somewhat dated industrial appearance. However the proposed alterations would increase the perceived mass of the building and therefore would be more visible from Sawmills Lane.
51. In balancing these two issues, it is considered that any increase in prominence from the alterations would be outweighed by the visual improvements to the façade of the building. Although objections have been raised in relation to the appearance of the building, on balance it is considered that the proposed scheme would result in a visual improvement.

52. Overall it is considered that the proposed alterations and new hard standing area, subject to agreeing the final details of the finishing materials and a suitable landscaping scheme, would have an acceptable impact within the street scene.

### Residential Amenity

53. Concerns have been raised by local residents regarding a potential loss of residential amenity through the comings and goings of customers and the activities on site. It is also suggested that the business should relocate to a more appropriate premises. Consideration has been given to this matter and the potential impacts that the formation of a separate dealership could have. It is accepted that there is the potential for the number of trips generated to the site to increase, while appreciating that the two separate dealerships operate under one roof at present. However weight also needs to be given to the fact that the building has a lawful B2 (General Industrial Use) use and a more intensive operation could move in having a greater impact than the existing in terms of noise generated and disturbance caused.
54. Overall it is considered that the proposed development would be commensurate with existing operations on site and would not be likely to lead to a loss of residential amenity.

### Land ownership

55. The proposed new hardstanding area created on the green space would be located on Council owned Land. The applicant currently has an application in to purchase the land which is being considered by the Asset Management Department. In this planning application the applicant has served the requisite notice on the land owner. However the determination of this application does not prejudice the council on its decision whether to sell the land or not, or the conditions imposed on any sale.

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## **CONCLUSION**

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56. The garage is an established business, which is an important local employer and is looking to consolidate and improve business operations in a constrained economic market. While the additional showroom has the potential to increase the number of trips to the site, it is considered that this is likely to be marginal and in the view of the Highways Authority would be mitigated through the provision of additional regulated parking on site. The Highways Authority also have separate powers to control potential overspill on the public highway in order to maintain the safe movement of traffic and highway safety.
57. The grassed area is not of such high amenity value to warrant the refusal of this application on the basis of its visual amenity, a view taken previously by the Planning Inspector.
58. Although a balanced decision, overall it is considered that the proposal would go a considerable way to alleviating car parking problems in the area, while allowing an established business to consolidate in a proportioned, controlled manner.

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## **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:

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
12 / 026 / 5 Rev B	Overall Parking Layout	28 <sup>th</sup> January 2013
012 / 026 / 3	Proposed Plans and Elevations	10 <sup>th</sup> October 2012

*Reason: To define the consent and ensure that a satisfactory form of development is obtained. In accordance with policies E5a, EMP11, E14, T1, Q2, Q3, H13 and S11 of the City of Durham Local Plan policies 4 and 8 of the Regional Spatial Strategy for the North East of England*

3. The new car showroom hereby approved shall not be brought into use until a scheme of parking has been implemented in accordance with that shown on drawing no. 12/026/5 Rev B (Overall Parking Layout) Received 28<sup>th</sup> January 2013. The scheme shall thereafter be maintained and the spaces kept free for their designated purpose, for the life of the development.

*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*

4. The 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, the scheme shall provide and detail for:-
  - The planting of trees and / or shrubs (including species, sizes, numbers and densities) to provide a landscaping buffer to Sawmills Lane,
  - The provision of screen fences or walls,
  - Any 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 retention and protection of existing vegetation on site.

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 years 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 and policy 8 of the Regional Spatial Strategy*

5. Details of the height, type, position and angle of any external lighting shall be submitted to and approved in writing by the local planning authority prior to its installation. The lighting shall be erected and maintained in accordance with the approved details.

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

6. Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of any external surface or hard standing of the development hereby approved including external walls and roofs of the building have been submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall also include full details of the colour of the render and its finish. The development shall be carried out in accordance with the approved details.

*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 and policy 8 of the Regional Spatial Strategy*

7. No operations associated with the construction phase of the development hereby approved shall be carried out outside the hours of;

Monday to Friday - 08:00 to 1800 (excluding bank holidays)  
Saturdays - 0800 to 1300

*Reason: In the interests of residential amenity and the avoidance of any potential disturbance or disruption to adjoining residents which may have arisen though working outside these hours, in order to protect the amenities of local residents and to accord with the aims of Policy H13 of the Durham City Local Plan*

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## **REASONS FOR THE RECOMMENDATION**

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1. The proposed development has been assessed against policies E5a, EMP11, E14, T1, Q2, Q3, H13 and S11 of the City of Durham Local Plan, policies 4 and 8 of the Regional Spatial Strategy for the North East of England, and parts 1, 4 and 7 of the National Planning Policy Framework and is considered acceptable particularly in relation to the principal material considerations concerning the impact of the development on the character and appearance of the surrounding area, amenity of adjacent landusers and highway safety.
2. In relation to the objections received from neighbouring residents, in this instance these were not considered sufficient to justify refusal of the application given the established uses on site and on the advice of the council's Highway Officer.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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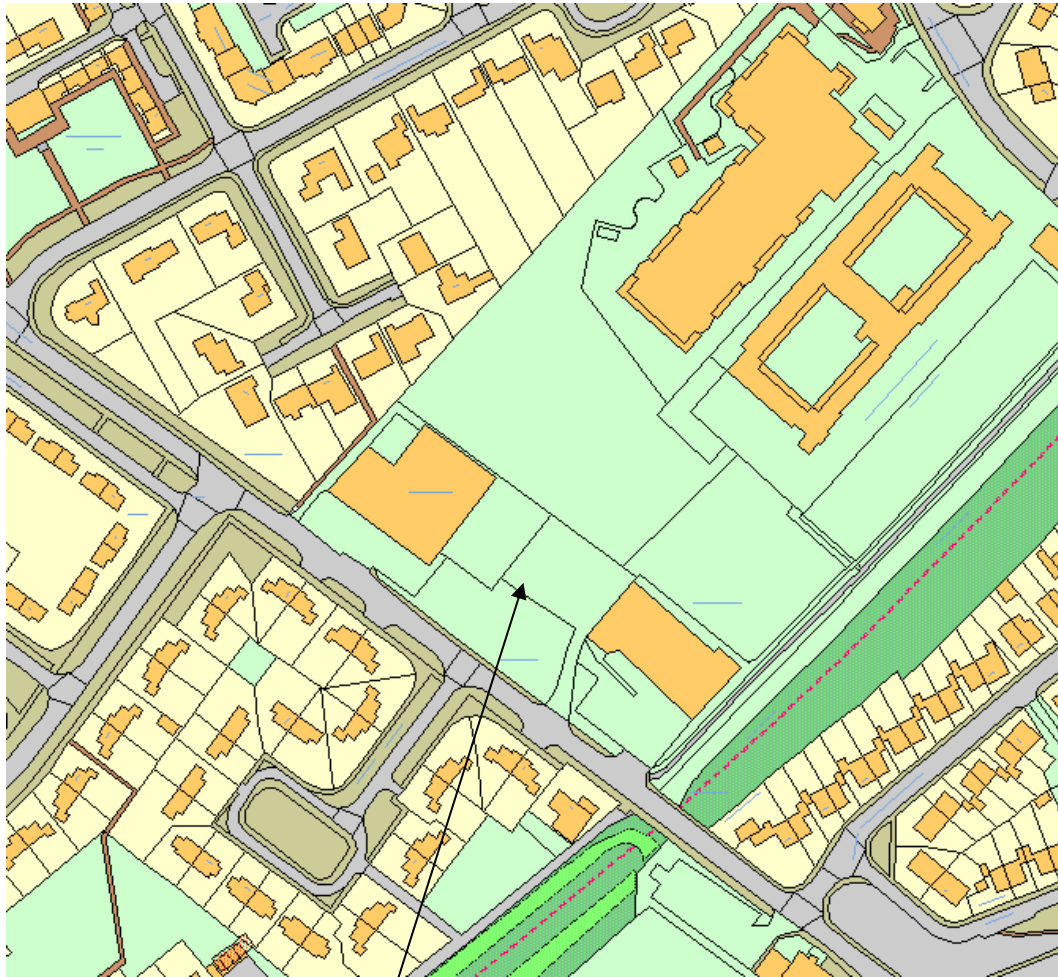
In dealing with the application, the local planning authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process, while balancing the concerns of local objectors. The decision has been made in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

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## **BACKGROUND PAPERS**

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Application file, including historic applications,  
Consultation responses,  
Objections Received,  
The City of Durham Local Plan 2004,



Application Site



**Planning Services**

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**Comments**

**Date 28<sup>th</sup> February 2013**

**Scale 1:1250**