

# COMMITTEE REPORT

## AGENDA ITEM NUMBER:

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### APPLICATION DETAILS

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APPLICATION NO:	4/11/00352/FPA
FULL APPLICATION DESCRIPTION:	Change of use of open space to form land for the display and sale of motor vehicles including the provision of tarmac hardstanding (resubmission) (Amended plans received 28/6/2011)
NAME OF APPLICANT	Stoneacre, Mr S Forweather
ADDRESS:	Stoneacre garage Sawmills Lane Brandon Durham DH7 8AB
ELECTORAL DIVISION:	Brandon
CASE OFFICER:	Sinead Turnbull Planning Officer tel: 0191 301 8745 e-mail: <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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### 1.1. CONTEXT

- 1.1.1 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.
- 1.1.2 There are a number of semi-mature trees within the site. Residential properties are sited opposite 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 no 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.

### 1.2. PROPOSAL

- 1.2.1 Planning permission is sought for the change of use of open space to form land for the display and sale of motor vehicles including the provision of tarmac hardstanding. 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 would be brought to the front of the site while staff and 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.

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

**Table 1**

	Type of parking bay	Number of spaces
	Staff	10
	Customer	11
	Storage/Service/MOT	38
	Car sales	48
Total		107

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**

	Type of parking bay	Number of spaces
	Staff	0
	Customer	0
	Storage/Sales/Service/MOT	70
Total		70

1.2.3. 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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- 2.1. 4/11/00565 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.
- 2.2. 4/07/00894 Erection and display of internally illuminated totem sign Invalid Return.
- 2.3. 4/01/00933 Erection and display of internally illuminated pylon sign Approved 1/2/2002.

- 2.4. 4/99/00535 Erection and display of illuminated pylon sign and internally illuminated panel sign Approved 7/2/1999.
- 2.5. 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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### **3.1. NATIONAL POLICY**

- 3.1.1. **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.
- 3.1.2. **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.
- 3.1.3. **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.

### **3.2. REGIONAL POLICY**

- 3.2.1. **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.
- 3.2.2. **Policy 4: The Sequential Approach to Development:** Sets out the prioritisation for site selection and directs development to the most sustainable locations.
- 3.2.3. **Policy 8: Protecting and Enhancing the Environment** which requires new development to be of high quality and maintain local distinctiveness.
- 3.2.4. 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.

### 3.3 LOCAL PLAN POLICY

- 3.3.1 **Policy E5A Open Spaces within Settlement Boundaries** Seeks to protect valuable open spaces which contribute to the character and amenity of the area.
- 3.3.2 **Policy E14: Protection of Existing Trees and Hedgerows** Seeks to protect trees and hedgerows which contribute to the character and quality of the area.
- 3.3.3 **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.
- 3.3.4 **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.
- 3.3.5 **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.
- 3.3.6 **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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## 4.0 CONSULTATION AND PUBLICITY RESPONSES

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### 4.2 STATUTORY RESPONSES:

- 4.2.1 **Durham County Council Highways** – 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.

Durham County Council Highways intends to introduce waiting restrictions onto Sawmills Lane and if this application is granted Durham County Council Highways may also consider a loading restriction on Sawmills Lane

**Brandon and Byshottles Parish Council:** Customer car parking should be at the front of the site otherwise there is concerns that customers may still park on the road. There is a small discrepancy in the plan key.

### 4.3 INTERNAL CONSULTEE RESPONSES:

- 4.3.1 **Durham County Council Environmental Health:** Has advised that any lighting should face in on the site.
- 4.3.2 **Durham County Council Planning policy:** No objections

### 4.4 PUBLIC RESPONSES:

- 4.4.1 The application has been advertised by a site notice and neighbour consultation letters. Fourteen objections have been received. At the time of writing this report the neighbour consultation period had not ended, however any additional comments received shall be reported at the planning committee. Below is a summary of the objections received.
- 4.4.2 For several years now we have had problems with staff, customers and delivery vehicles parked at the side of the road.
- 4.4.3 Danger to pedestrian and motorist's safety.
- 4.4.4 Scrapped and damaged cars on grass verges making the area unsightly and causing damage.
- 4.4.5 The change of use should only be for staff and customer parking, not to increase the sales area.
- 4.4.6 No details of lighting columns, may cause light pollution.
- 4.4.7 Plans show 9 staff parking spaces not 10.
- 4.4.8 Space has not been created for the off loading of vehicles.
- 4.4.9 The development will be unsightly.
- 4.4.10 The application does not go far enough to alleviate the problems caused by the garages staff and customers.
- 4.4.11 The business has reached full capacity and should move onto an industrial estate.
- 4.4.12 This is the only bit of green left on Sawmills Lane, it should remain.
- 4.4.13 The proposal would not create enough parking for staff and customers.
- 4.4.14 Problems with youths setting fire to cars and bins outside of the bodyshop.
- 4.4.15 Noise disturbance
- 4.4.16 Pollution
- 4.4.17 Stoneacre have taken over the lay-bys on Sawmills Lane.
- 4.4.18 They should move used cars they already have on the site to provide staff and customer parking.
- 4.4.19 Obtrusive in the street scene.

#### 4.5 **APPLICANTS STATEMENT:**

- 4.5.1 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. The fundamental concern of local residents with the current proposals appears to

relate to the planning application being for creation of a new sales area increasing the number of vehicles for sale on the site. This is not the case and does not recognise that the existing vehicles for sale at the rear of the site will be relocated on the new sales area. This will in turn free up the rear of the site for staff and customer car parking.

- 4.5.2 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.
- 4.5.3 The layout plan includes provision for 10 staff car parking spaces and 11 customer car parking spaces. Concerns have been raised by residents in relation to the level of provision. It should be noted that a significant number of staff (sales representatives etc) use vehicles which are already displayed for sale on the site to travel to and from work. These cars will be parked in the sales or storage area and will not take up the separate staff car parking provision.
- 4.5.4 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.
- 4.5.5 The provision of the staff and customer car parking and associated signage can be adequately controlled by condition in accordance with Circular 11/95.
- 4.5.6 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. Concerns have been raised in relation to the proposed lighting columns.
- 4.5.7 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://www.durham.gov.uk/planning>. 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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## **5.0 PLANNING CONSIDERATIONS AND ASSESSMENT**

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5.1 The key issues for consideration are:

- 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
- Concerns raised by objections

### **5.2 The Need for the Development**

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

- 5.2.2 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.
- 5.2.3 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.
- 5.2.4 Durham County Council have also made progress to address the parking issues on Sawmills Lane by proposing to paint double yellow lines on Sawmills Lane. This was approved by the highways committee 28/6/2011.
- 5.2.5 The site was visited on the following days by officers of the local planning authority and the number of cars parked at the side of the road was recorded

Date and approximate time of the site visit	Number of cars parked to the side of the road
26/5/2011 3pm	11
27/6/2011 2pm	7
27/6/2011 4pm	8
28/6/2011 11am	16

The site history combined with the table above verifies the existence of the problem off on street parking 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.

- 5.2.6 The local planning authority has no powers to force the relocation of the garage, therefore it is considered that the issue is best approached by working with the business to achieve the best improvements to the site which can realistically be achieved.
- 5.2.7 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 painting of double yellow lines on Sawmills Lane shall go a considerable way towards alleviating the problem.
- 5.2.8 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.
- 5.2.9 The proposed development is considered to be in accordance with policies Q2 and T1 of the City of Durham Local Plan 2004, PPS1, PPS4 and PPG13.

### 5.3 Principle of the Development

- 5.3.1 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.
- 5.3.3 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.
- 5.3.4 The general principles of sustainable development support proposals which direct new development to those areas best able to support it in terms of accessibility. National planning policy contained within PPS4 seeks to secure sustainable economic development. The proposed development is considered to contribute to the local economy and be sited in a sustainable location. PPS4 lends its support to sustainable economic growth and states that such proposals should be looked upon favourably.
- 5.3.5 The development is considered to be acceptable in principle in accordance with PPS1, PPS4 and RSS Policy 4.

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

- 5.4.1 The area of land constitutes an area of open space between garage buildings with car storage to the rear. There are a number of trees within the site 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 at the back of the site. It is considered that the area of open space and its associated landscaping is not of such high amenity value that this application should be refused to sustain its retention.
- 5.4.2 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.
- 5.4.3 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.
- 5.4.4 A number of objections have been raised regarding the appearance of the site. It is acknowledged that a garage car park is not an ideal outlook for neighbouring residential properties; however it is considered that the proposed works shall be an improvement overall to the site and will offer additional benefits to residents beyond the visual amenity of the proposal.
- 5.4.5 The development is considered to be in accordance with policies E5A, E14 and Q3 of the City of Durham Local Plan 2004, PPS1 and RSS Policy 8.

#### 5.5 Impact on the living conditions of neighbouring properties

- 5.5.1 Concerns which have been raised by the occupiers of neighbouring properties include the impact of the development on highway safety, the appearance of the development and potential increased pollution and noise disturbance.



- 5.5.2 The primary concern which has been raised by 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 negative impacts on the amenity of occupiers and users of Sawmills Lane.
- 5.5.3 It is considered that the appearance of the development has been considered in relation to the impact on the visual amenity of the area.
- 5.5.4 This 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.
- 5.5.5 Residents have made reference to the possibility of increased pollution and noise disturbance. This proposal does not seek to expand the business but provide space for off road parking for staff and customers. It is therefore considered that pollution and noise disturbance should not significantly increase as a result of the development in accordance with policy H13 of the City of Durham Local Plan 2004 and PPS1.

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## **6.0 CONCLUSION**

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- 6.1 The situation currently 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 to the site we can realistically gain.
- 6.2 This application proposes to resolve parking issues on Sawmills Lane by increasing staff and customer parking from 0 spaces to 21 spaces 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 to be adequate provided it is a condition of any planning permission that they are clearly marked and utilised only for the purposes identified.
- 6.3 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.
- 6.4 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.
- 6.5 It is considered that the proposal would go a considerable way to alleviating car parking problems in the area.

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## **7.0 RECOMMENDATION**

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

1. **Condition:** 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. **Condition:** 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	18/5/2011
1078-11-002	Proposed site plan	30/6/2011
SMC17-D-004	Proposed plans	21/4/2011

**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. **Condition:** 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 10 staff car parking spaces, 11 customer car parking spaces, 38 storage/service/MOT car parking spaces and 48 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 occupation of the development hereby permitted and shall thereafter be maintained as such for the life of the development for the parking of the relevant vehicles and for no other purpose.

**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. **Condition:** Prior to the commencement of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority, which shall include indications of all existing trees and hedgerows on the and, and details of any to be retained, together with measures for their protection in the course of development and the works shall be carried out in accordance with such approved details before the development hereby approved is first occupied.

**Reason:** In the interests of the appearance of the area and to comply with Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

5. **Condition:** All planting seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, are severely damaged or become seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

**Reason:** In order that the Local planning authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

6. **Condition:** 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.

**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 2004.

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## **8.0 REASON FOR THE DECISION**

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- 8.1 This decision has been taken having regard to the national planning policy contained within PPS1, PPS4 and PPG13, 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 of the City of Durham Local Plan 2004.
- 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, PPS1, PPS4 and PPG13.
- 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 and PPS4.

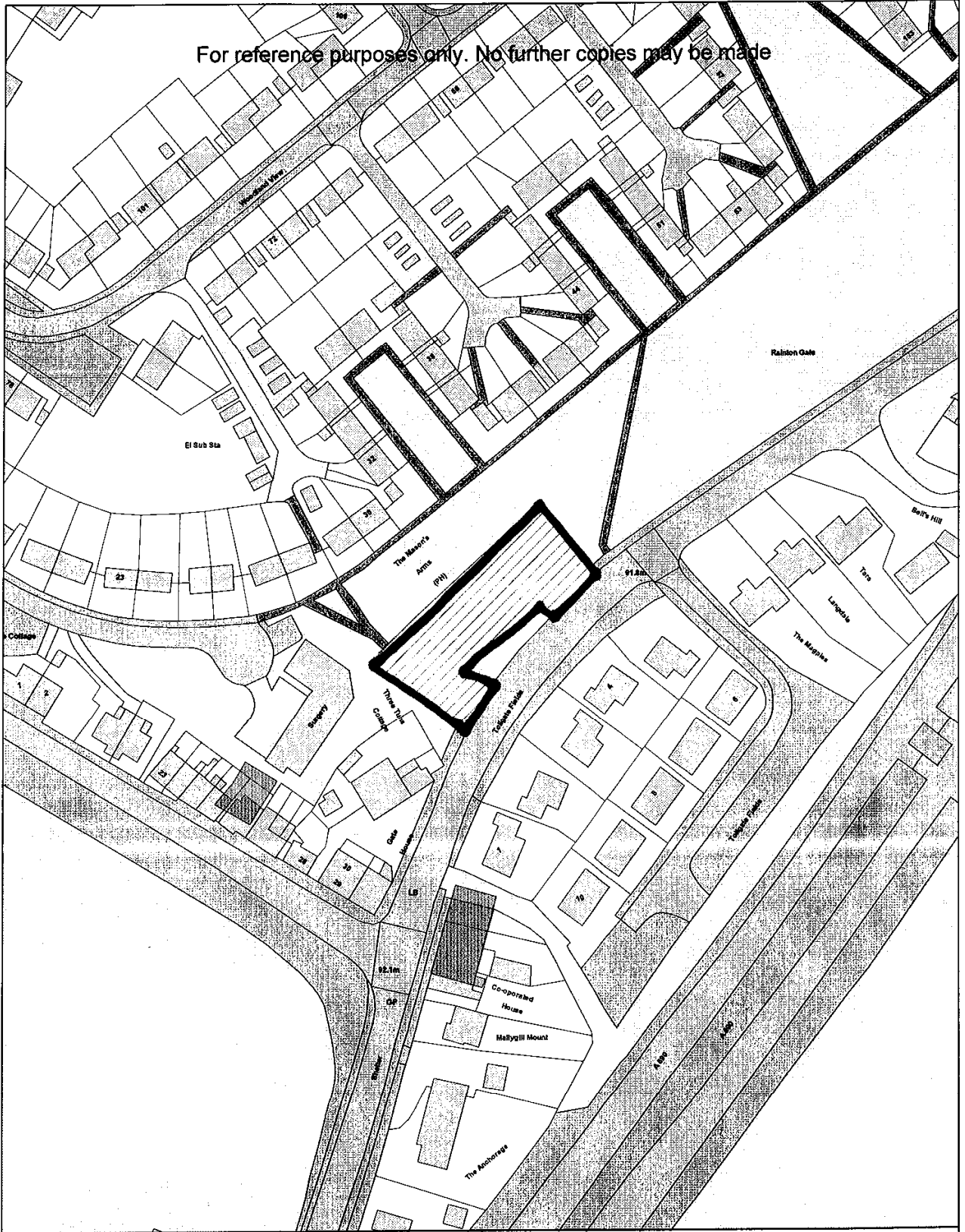
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## **9.0 BACKGROUND PAPERS**

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Application files, consultation responses, The City of Durham Local Plan 2004, Regional Spatial Strategy (RSS), PPS1, PPS4 and PPG13

For reference purposes only. No further copies may be made



**Planning Services**

4/11/00328/FPA

The Masons Arms, Bells Hill Road, West  
Rainton, Durham DH4 6SQ

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**Comments**

**Date** 07 July 2011

**Scale** 1:1250