

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/03708/FPA
FULL APPLICATION DESCRIPTION:	New car showroom with ancillary service workshop, external forecourt and parking, offices and a café.
NAME OF APPLICANT:	Mike Pulman Holdings Ltd
ADDRESS:	Land to the south of New Ferens Park, Belmont Business Park, Durham
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 a vacant area of shrub land located south of New Ferens Park which is within the Belmont Business Park. To the north of the site is New Ferens Park football stadium, with the football leisure facility known as Soccarena to the north west. Directly to the east is the main spine road which runs through the industrial estate with office buildings located beyond. There is highway directly to the south with the Broomside Park public house and Premier Inn Hotel sited beyond. To the south west there are the car dealerships Cooper Durham Mini and SG Petch Nissan.
2. It is noted that the site is allocated in the City of Durham Local Plan as an employment site.

The Proposal

3. Planning permission is sought for the construction of a new car showroom which would include an ancillary service workshop, external forecourt and parking along with offices and a café. The car showroom would be used as a Skoda Dealership.
4. The proposed building which would incorporate the showroom, workshop, office and café would be located to the east of the site. The majority of the parking along with the the bin store and wash bays would be located to the west. Customer parking would be located along the east boundary and there would be a car display area along the south boundary. Access to the site would be from the highway to the south directly opposite the Premier Inn Hotel.
5. The proposed building is the standard Skoda model design which is a simple box design with a flat roof. The building would measure 52 metres in length by 22 metres

in width and would have a height of 8 metres. It would be constructed from a mix of colour coated cladding, glazing, vinyl graphic panels and aluminium edgings. Landscaping strips are proposed along the south and east boundaries of the site with tubular steel barriers along the edges of the site. The internal parking, pedestrian and road areas would be finished in a mixture of concrete, tarmac and block pavements.

6. The application is reported to the Planning Committee as it constitutes a major application.

PLANNING HISTORY

7. No planning history on this site relevant to the determination of this application.

PLANNING POLICY

NATIONAL POLICY:

8. 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.
9. 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’.
10. The following elements are considered relevant to this proposal;
11. *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.
12. *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.
13. *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.
14. *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.

15. *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

16. *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.
17. *Policy E15 (Provision of New Trees and Hedgerows)* states that the Council will encourage tree and hedgerow planting.
18. *Policy EMP5 (Prestige Industrial Sites – General)* states that the Belmont Business Park is designated as a prestige industrial site and only proposal falling within use classes B1 and B2 should be allowed.
19. *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.
20. *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.
21. *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.
22. *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.
23. *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.
24. Emerging Policy

The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. Paragraph 216 of the NPPF says that 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. However, the Inspector's Interim Report following stage 1 of the Examination process, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. The Council is currently considering the options available and in light of this it is considered that no weight should be afforded to the CDP at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

25. *Durham County Highways Authority* has not raised any objections.
26. *Environment Agency* has raised no objections to the proposals.
27. *Northumbrian Water* has not raised any objections to the proposed development subject to a condition requiring details of foul and surface water disposal from the site.
28. *The Coal Authority* has not raised any objections to the proposed development.
29. *Belmont Parish Council* has not raised any objections but have raised concerns regarding highway and traffic issues; design and conservation; landscaping and planting; and disposal of foul and surface water from the site.

INTERNAL CONSULTEE RESPONSES:

30. *County Environmental Management* has not raised any objections to the proposals.
31. *County Ecologist* has not raised any objections.
32. *County Drainage Officer* has not raised any objections.
33. *Public Rights of Way* has no objections to the scheme.
34. *Landscape Officers* has not raised any objections but has indicated that there should be adequate structural planting along the east boundary of the site.
35. *Sustainability* fully supports the proposed scheme.
36. *Spatial Planning Policy* has not raised any objections to the proposed scheme.
37. *County Design and Conservation* has not raised any objections to the proposed development.
38. *Business Durham* has no objections to the proposed development.

PUBLIC RESPONSES:

39. The application has been advertised in the local press, a site notice was posted and neighbouring residents were notified in writing. No letters of representation have been received.

APPLICANTS STATEMENT:

40. After many years of searching for the right site in the right location, we believe that by developing this vacant site we can provide a state of the art destination facility for local customers to use and enhance the retail area.
41. We will run the dealership in a professional, well managed manner, with the intention of growing the business over future years and adding further employment to the area.

PLANNING CONSIDERATIONS AND ASSESSMENT

42. 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 surrounding uses; visual impact; highway issues; and other issues.

Principle of development

43. The site is allocated in the local plan under policy EMP5 as a prestige industrial site which should only permit development falling within use classes B1 and B2. A car showroom is considered to be an employment use however under the use class order this type of development is classed as 'sui generis'. From a strict policy stance the proposal could be deemed unacceptable in principle.
44. Each application has to be determined on its own merits. It is acknowledged that a car showroom is an employment use as the proposal in this application would provide 8 retail staff, 14 workshop staff, 7 office staff and 3 employees in the café. Car showrooms are common features on the edge of business parks and it is noted that there are two existing car dealerships directly adjacent to this site.
45. Business Durham was consulted on this application in order to understand the current demand for land within this location. Business Durham identified limited demand from potential occupiers within the B1 and B2 use classes. There has been no interest in this particular site and it is noted that there is vacant land still remaining within the Belmont Business Park which could accommodate future employment uses falling within the B1 and B2 use classes. Business Durham has therefore not objected to the release of the land for a car showroom business.
46. It is also noted that there is a small element proposed for a café which would be ancillary to the main use of the car showroom. A café use does not fall within the allocated B1 and B2 use. It is noted however that the café use is only a small element, and it is likely that the café would only be used by customers to the showroom and potentially people who work on the Belmont Business Park. Given the small scale nature, it is not considered that the café would compromise the viability or vitality of the Belmont Business Park.
47. Although it is acknowledged that the proposal is in conflict with local plan policy EMP5, it is considered that the release of the land for a car showroom use would not compromise the deliverability of B1 and B2 use businesses coming forward on the Belmont Business Park. The car showroom is an employment use creating approximately 32 new job opportunities within the area. The proposal is considered

acceptable in principle and would be in compliance with the economic guidance within the NPPF.

Impact on surrounding uses

48. As previously discussed, the proposed development would be located within an established business park which has a variety of uses including offices, industrial units, depots, leisure facilities and existing car showrooms. Given the nature of the business park it is not considered that the operations associated with a car showroom would have any adverse impact on surrounding neighbouring businesses.
49. It is noted however that there is a public house and a Premier Inn Hotel directly adjacent to the south of the site. The operations of the car showroom, in particular the proposed workshop element, could have the potential to impact on these businesses. The applicant has confirmed that the air conditioning/condenser units would be located to the rear of the building, situated away from the hotel and pub, therefore the proposed building would screen any noise impacts. The applicant has also confirmed that the workshop element does not operate with the doors open. The workshop is located directly opposite the entrance to the site, and to maintain an attractive appearance for customers, the applicant has indicated that the workshop doors are to be closed whenever practically possible. It is also noted that the application indicates that the hours of opening for the business would not be unusual hours, Monday to Friday – 7:30am to 7pm, Saturday 8:30am to 5pm, and Sunday 10:30am to 4:30pm. These opening times are considered to be appropriate and subsequently it is not considered any operations during these times would have an adverse impact on the amenity of the hotel and pub. The Council's Noise Officer has suggested that a condition be imposed for a sound attenuation scheme to be submitted in relation to proposed plant and machinery. A condition is recommended accordingly.
50. The Environment Agency and the Coal Authority have not raised any objections to the proposed development, and it is considered that the proposals would not have an adverse impact on flooding or stability of the land. Norhumbrian Water have also not raised any objections however they have requested the submission of details of how foul and surface water is to be drained from the site. A standard condition is recommended which will ensure these details are submitted and agreed. It is therefore considered that the site will not compromise drainage in the area.
51. Overall, it is considered that the proposals detailed in this application would not have an adverse impact on surrounding uses and the proposals would be in accordance with policies EMP5 and Q7 of the local plan.

Visual impact

52. In terms of the layout of the site, it is usually preferable to the main building fronting onto the access road and the car parking to the rear. However the nature of the business requires parking directly at the front for vehicle display. There is therefore no objection to the proposed layout with the main frontage facing the access road and the east elevation facing Belmont Business Park spine road. Concerns have been raised from both the Design Officer and Landscape Officer that the existing hedgerow along the east boundary is proposed to be removed. As previously mentioned though, the nature of the business requires car showroom sites to be open so vehicles are on display. The applicant has acknowledged the loss of the hedgerow and has provided amended layout details which show a landscaped strip along the east and south boundaries of the site. Final landscaping details would

have to be confirmed through a planning condition however it is envisaged that low level hedging and shrubbery would be appropriate.

53. The design of the building is an extensive single large shed with an unrelenting roof line with flat frontages. The Design Officer has indicated that generally there is not a problem with modern contemporary box like construction for this type of use. The Design Officer has requested some minor amendments to the building which improve its appearance. The applicant has commented on the design indicating that the building design is Skoda's corporate image and Skoda are wanting to maintain this brand identity. Whilst it is disappointing that there is an unwillingness to improve the design of the building, it is considered that the proposed box like construction, with the attractive mix of materials, would not have an adverse impact on the appearance which would justify refusal of the application.
54. Overall it is considered that the proposals are acceptable in visual terms and would be in accordance with policies EMP5 and Q7 of the local plan.

Highway issues

55. The County Highways Officer has been consulted on the proposals and no objections have been raised. Access is to be taken from the highway directly to the south of the site and this is considered acceptable. The proposed customer and staff parking meet the minimum standard parking requirements. Provision should be made for electric vehicle charging and enclosed and secure cycle parking for staff. A condition is recommended for these details to be provided prior to development commencing.
56. Recent experience of similar operations throughout the County has seen spillage of development vehicles onto verges and paved areas. In order to avoid such issues arising on the public highway the Highways Officer has requested that no waiting /no loading restriction is made at the access road junction and alongside the development. Consultation with the Councils Legal department have confirmed that it would not be appropriate to control such an issue through a planning condition as the applicants have demonstrated sufficient provision within the site.
57. Overall it is considered that the proposals would not have an adverse impact on highway safety and would be acceptable. The proposal therefore is considered to be in accordance with policies T1 and T10 of the local plan.

Other issues

58. An ecology survey of the site has been submitted with the application. The survey concludes there are no protected species located within the site. The Council's Ecology Officer has been consulted on the application and the submitted details and no objections have been raised to the proposed development. It is therefore considered that the proposals would not have an adverse impact on protected species or their habitats.

CONCLUSION

59. The release of the land for a car showroom use would not compromise the deliverability of B1 and B2 use businesses coming forward on the Belmont Business Park. The car showroom is an employment use creating approximately 32 new job opportunities within the area. The proposal is considered acceptable in principle and would be in compliance with the economic guidance within the NPPF.

60. The proposed development would be located within an established business park which has a variety of uses including offices, industrial units, depots, leisure facilities and existing car showrooms. Given the nature of the business park it is not considered that the operations associated with a car showroom would have any adverse impact on surrounding neighbouring businesses. The proposals would be in accordance with policies EMP5 and Q7 of the local plan.
61. The layout and design of the proposed development is typical of a modern car showroom business which would not appear out of place on Belmont Business Park. The proposed development would not detract from the visual appearance of the surrounding area and would be in accordance with policies EMP5 and Q7 of the local plan.
62. The County Highways Authority is satisfied that sufficient parking is available on the site for staff, visitors and the display of sale vehicles. The proposed access to the site is acceptable and would not create any highway safety concerns. 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.
63. 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
1226 (0)01 P1	Proposed Plans	05/12/2014
1226 (0)02 P1	Proposed Elevations	05/12/2014
1226 (90)02 P4	Proposed Site Plan	24/02/2015
1226 (90)03P3	Site Surface Finishes	19/02/2015
1226 (90)05 P1	Bin Store and Car Wash Details	05/12/2014
14-0059-001	Location Plan	05/12/2014
1226 (90)04P3	Site and Roof Plan	19/02/2015

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

3. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The works agreed

to shall be carried out within the first planting season following completion of development of the site and shall thereafter be maintained for a period of 5 yrs following planting. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development 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 Q5 and Q7 of the City of Durham Local Plan.

4. No development shall take place until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenity of the area and to comply with policy U8a of the City of Durham Local Plan.

5. No development shall take place until a parking scheme showing electric vehicle charging bays and cycling provision has been submitted to and agreed in writing. The development shall be carried out in accordance with the approved details 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. The development hereby approved shall not be brought into use until such time as a no waiting/no loading restriction has been implemented along the highway to the south of the site in accordance with details to be first submitted to and approved in writing by the local planning authority.

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

7. No development hereby approved shall take place unless in accordance with the mitigation, recommendations and conclusions within the Extended Phase 1 Habitat Survey by Argus Ecology dated 7th November 2014.

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

8. Before the development hereby approved is brought into use, a scheme of sound attenuation relating to the operation of plant and machinery, shall be submitted to and approved in writing by the local planning authority. The approved apparatus shall be retained and maintained in good working order at all times.

Reason: To safeguard the amenities of adjacent uses and to comply with policies Q1 and Q2 of the City of Durham Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

64. 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

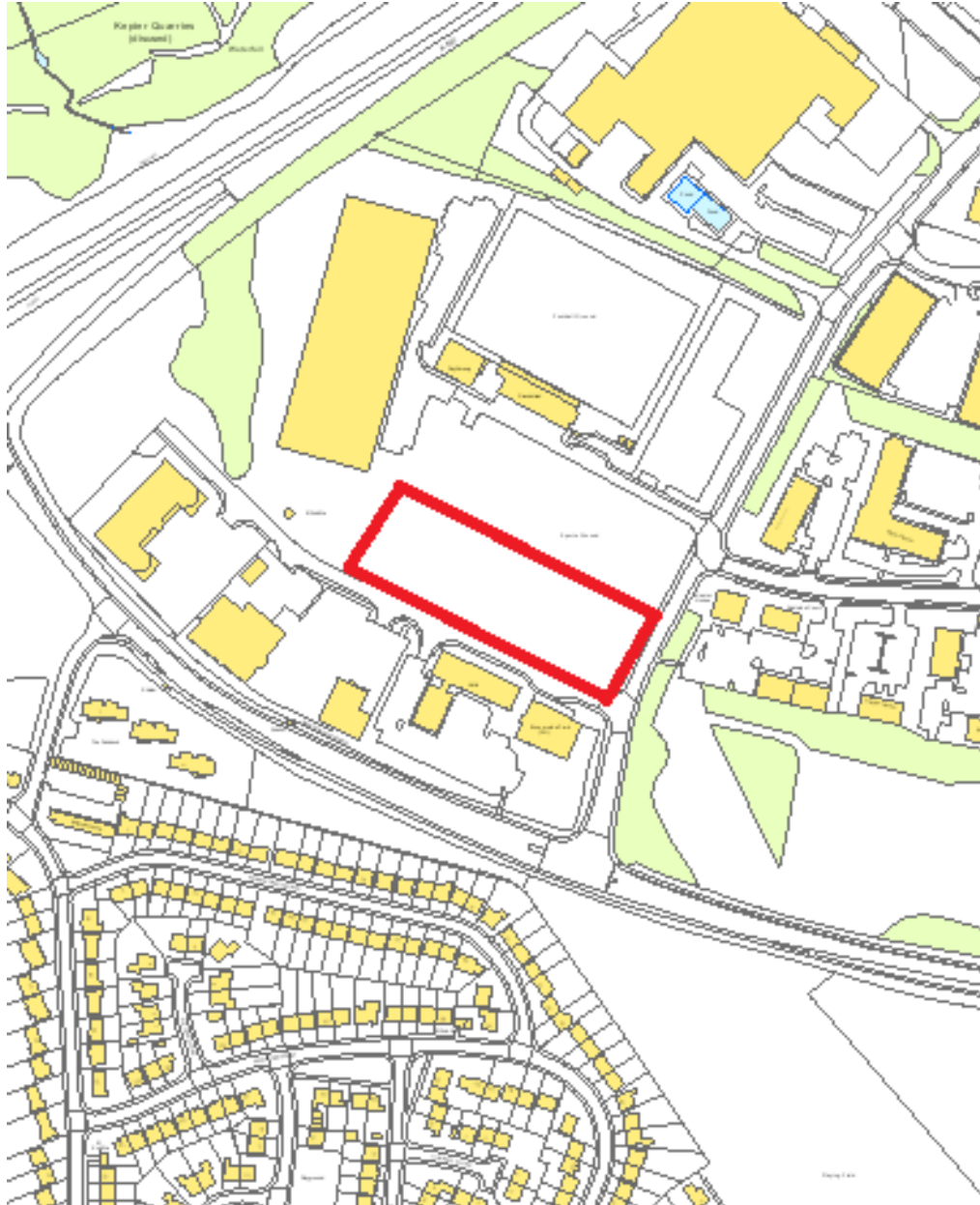
National Planning Policy Framework

Internal consultee responses

Public responses

Responses from statutory and other consultees

Planning Circular 11/95



Planning Services

New car showroom with ancillary service workshop, external forecourt and parking, offices and a café at land to the south of New Ferens Park, Belmont Business Park, Durham

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Date
10th March 2015