

# COMMITTEE REPORT

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## APPLICATION DETAILS

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**APPLICATION NO:** DM/15/02067/FPA  
**FULL APPLICATION DESCRIPTION:** Change of use from office accommodation to car dealership, formation of new vehicular access door, re-fenestration of showroom windows, new roof and provision of new upstand fascia board.  
**NAME OF APPLICANT:** Bett Homes Limited  
**ADDRESS:** Ness Furniture Ltd, Croxdale, Durham, DH6 5HT  
**ELECTORAL DIVISION:** Coxhoe  
Lisa Morina  
Planning Officer  
**CASE OFFICER:** 03000 264877+  
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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site relates to part of the building known as Ness Furniture which is located within the settlement of Croxdale which is predominantly residential however does have an established commercial area. The area of the building in question has been used as offices for Ness Furniture and is currently vacant due to the redevelopment of Ness Furniture relocating to its sister site. Access to the site is from the A167. Residential properties are located to the front of the site with an existing Citroen garage and repair garage located to the south.

### The Proposal

2. This application seeks the change of use from office accommodation which was used as an ancillary office operation for Ness Furniture to a car dealership in association with the existing Citroen car dealership which lies to the south of the site. Alterations to the property are also proposed which includes a new vehicular access door, re-fenestration of showroom windows, a new roof and the provision of an upstand fascia board.
3. This part of the building was originally a car show room and only ceased trading when it relocated to the larger site which sits to the south and is currently still trading.
4. This application is being referred to the planning committee at the request of Cllr Williams.

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## PLANNING HISTORY

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5. Planning permission was granted for extensions to the Ness Furniture factory both in 1992 and 2005. .

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
8. The following elements are considered relevant to this proposal;
9. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century.
10. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
11. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

*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**

12. 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.
13. 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.
14. 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

15. 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.
16. Policy H13 Residential Areas – Impact Upon Character and Amenity Seeks to protect the character, appearance and amenity of residential areas.

#### **RELEVANT EMERGING POLICY**

##### The County Durham Plan

17. 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. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight. Relevant policies and the weight to be afforded to them are discussed in the main body of the report.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

18. *County Highways Authority* has not offered any objection to this proposal as the operations are not considered to raise any severe impacts on the highway network. Amendments were sought to provide an area for the car transporter to access and leave the site and these have been received.

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

19. *Environmental Health Officers* have no evidence demonstrating the existence of a statutory nuisance and do not consider the application likely to significantly increase the impact therefore does not object to this development in principle however does advise that certain conditions and restrictions may be considered.

#### **PUBLIC RESPONSES:**

20. The application has been advertised on site by way of a site notice to the front of the site and neighbouring residents were also notified individually of the proposed development. At the time of report preparation, 16 letters of representation have been received from local residents (13 in a standard pro-forma and one containing photos to be read in conjunction with the letters received). The majority of the letters are objecting or raising concerns with the proposed development.

21. Objections are raised in relation to loss of privacy issues and noise disturbance for residents as well as the addition of a further franchise and the removal of the hedge. In addition to this highway safety issues are raised including parking issues, the parking of transporter vehicles on the A167 while delivering cars, the parking of display vehicles within the grass verge, the current speed restriction to the access road, access/egress from Queens Garth onto the A167 and the increase in vehicles the proposal will create and the hazardous flammable tanks within the existing garage. Residents consider that their concerns should take priority.

#### **APPLICANTS STATEMENT:**

22. Croxdale in its various guises has occupied the site alongside Ness Furniture since the 1960's, both business being under the same overall control. As the site evolved the various buildings were adapted to suit requirements as necessary at that time, and as such the showroom has been used for the display of cars and furniture, and although we have been unable to ascertain an "established use" as a furniture showroom (its last use until it became vacant) this planning application has, with the proposal to refurbish and return the existing vacant showroom (which has been used as offices in connection with the Ness Furniture business to its original intended use, i.e. to display motor vehicles, been made in order to regularise matters and ensure full compliance now.

23. The new Subaru dealership is under the complete control of Croxdale as a "bolt on" to Croxdale Citroen, the only requirement being the display internally of 5no cars. Hence as delivery of vehicles and the layout of the forecourt will remain unchanged there will be no impact on the external operation of the site, although it is estimated that the number of visitors to the site will be reduced as the showroom reverts from displaying furniture back to displaying motor cars. It is envisaged however, that in terms of employment, 2no new jobs will be created to supplement the existing workforce who will operate the showroom.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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24. 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 the development, the impact on the residential amenity of the neighbouring properties, highway safety issues, impact on the amenity of the area and any other issues.

#### Principal of the Development

25. The application site in question was originally a car show room and was made redundant following the growth of the business which occupied the site. This building was then occupied by Ness Furniture as an office in connection with their business. The garage premises then relocated to the south of the site where it is currently still trading. Given this, the site was originally used as a car dealership.

26. 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.

27. Overall it is considered the location of the development would represent part of an established employment site and would result in the re-use of part an existing building which is no longer required for its present use as an office for Ness Furniture due to its relocation to its sister site in another area. The development is therefore considered acceptable in principle subject to a detailed analysis of the specific impacts of the development.

#### Impact on residential amenity

28. Concern has been raised that the proposal will result in a loss of privacy from the additional people who will visit the site given the increase in cars which will be available for sale in the new showroom. Whilst it is acknowledged that the additional amount of cars to be displayed would potentially increase the number of trips generated to the site however this is not considered to be significant enough to warrant a refusal of this application based on the impact on the residential amenity of the area. This is due to the fact that the additional amount of cars to be displayed has been quoted as only 5-6 over and above the current arrangement, therefore this is not considered to be a significant increase that would be detrimental to the privacy of the residents. In addition to this, given the distance the proposed showroom is away from these neighbours, privacy is not considered to be reduced from its current levels.
29. In addition to this, noise disturbance has also been raised as an issue from the transporters which deliver the cars to the site. Again given the limited increase in the amount of cars to be displayed due to the constrained size of the showroom it is not considered that this would result in a detrimental impact on the residents. The Council as local planning authority is unable to control the parking of vehicles on the highway. It may be possible to control the timing of deliveries within the site, however, it is not felt that such a condition would be of any significant benefit, given the proposed opening hours of the business. In addition to this, it is felt that controlling the times the vehicles could enter the site could result in transporters parking for longer periods on the highway waiting for the specified opening hours potentially with engines running.

#### Highway Safety Issues

30. Various issues have been raised with regards to highway safety and these will be considered separately below.
31. Whilst it is accepted that the additional show room may attract more customers, allocated parking space has been provided and this is considered sufficient to meet the parking demand that the increase may provide. Given this, it is not considered that unacceptable parking issues would arise. The County Council Highways officer also agrees that the parking demand would be less in this instance than that of the previous business on this site.
32. The increase in traffic generation as a result of the proposal is a concern for residents; however it is considered that the additional traffic as a percentage of the existing background traffic which uses this main road is not considered to be significant. A road traffic accident is referred to in the objections, however there is no evidence that this was as a result of the existing car sales operation. The highways officer has searched police data and this suggests that there has only been one

slight injury in 5 years which is not considered to suggest that there are significant road safety problems within this area.

33. Concern is also raised from residents that the existing parking layby would be used by customers and this would reduce the space available for residents. This area is a public highway and thereby any highway user may use this area. Regardless of this however, as stated above it is not considered that the addition of a 5-6 space car showroom will have a significant detrimental impact compared to what is already in existence.
34. Concern has been raised regarding the location of transporters and where they park when delivering vehicles. Highway colleagues have confirmed that whilst the unloading of vehicles takes place on the highway, due to the carriageway widths and forward visibility splays, it does not compromise road safety. In addition to this, infrastructure is available on site for the transporters to enter and exit the site and this is shown on drawing number 591/4 received 24 August 2015. It is not felt that a condition can be imposed which states they have to use this area, as parking on the highway cannot be prevented via the planning process however, it is felt necessary to condition that this area remain available for the parking of the transporter at all times whilst the development is in existence.
35. Whilst it is acknowledged that there are potential speed issues on the access road, this is not considered to be linked to the number of trips and manoeuvres to this site and this is not considered to be a highway safety risk. As indicated above, police data suggests only one slight injury accident in 5 years which is not considered a significant road safety problem.
36. Given the above, it is not considered that the additional increase in traffic movements as a result of the additional show room space being created would result in a significant detrimental impact on highway safety and the proposal is therefore, considered acceptable in terms of Policy T1 of the saved local plan.

#### Impact on the visual amenity of the area

37. The application site is located in an area where there is residential development to one side and commercial to another separated by a main roadway. Alterations are proposed to the building which includes the formation of a new vehicular access door, re-fenestration of showroom windows, a new roof and the provision of a new upstand fascia board. These works are considered appropriate and are not considered to be out of keeping with the area in which the property is located. It is considered, therefore, that the visual amenity of the streetscene would not be adversely affected.

#### Other Issues

38. Issues have been raised by objectors regarding hazardous flammable tanks within the existing garage and previous incidents where residents have been evacuated and that the intensification of this use would be a concern for the residents. There is no indication within the plans that additional tanks would be provided, therefore this is not considered to be a material planning consideration.
39. It has been suggested that the car dealership may be increasing from one dealership to two, this is something which is in consideration but has not been formally agreed by the applicants. Regardless of this, however, the proposal is for an increase in the showroom of up to 6 cars only which is not considered to be a significant increase.

Furthermore, the planning permission relates to the use of the site for car sales, irrespective of whether more than one dealership operates from there.

40. The applicants have clarified that until the redevelopment of the rest of the site, which is apparently being marketed for housing, is completed the precise boundary is negotiable and remains fluid. Regardless of this however, planning permission is not required to remove hedging and it is unlikely that this will be removed until any future development is considered on the site. .
41. Residents consider their views should take priority over the changes proposed to the site. However, a decision has to be made on the planning merits of the proposals, taking all relevant issues into account including representations received.

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## **CONCLUSION**

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42. The proposed development for a car showroom is considered acceptable in principle given its previous commercial use. The proposal is also considered to be in keeping within the existing area and is not considered to have a significant detrimental impact on the surrounding residents.
43. Highway Safety issues have been considered however, the proposal is not considered to result in any significantly detrimental impacts on the highway network.
44. As such, it is considered that the proposed development would be in accordance with saved policies EMP11, T1, Q2, S11 and H3 of the City of Durham Local Plan and parts 1, 4 and 7 of the NPPF.

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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>
None	Site Location Plan	2 July 2015
591/1	Plans, Elevations & Section As Existing	2 July 2015
591/2	Plans, Elevations & Sections As Proposed	2 July 2015
None	Supporting Information	31 July 2015
None	Statement of Works	15 July 2015
591/3	Forecourt Layout As Existing	6 August 2015
None	Supporting Information	6 August 2015
591/4	Forecourt Layout As Proposed	24 August 2015

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with policies EMP11, T1, Q2, S11 and H3 of the City of Durham Local Plan.*

3. *Notwithstanding the details on the submitted application, the area made available for the on-site transporter deliveries as shown on drawing number 591/4 received 24 August 2015 shall be operational prior to the use hereby approved commencing, and shall thereafter remain available for that use at all times whilst the development hereby approved is in operation.*

*Reason: In the interests of highway safety in accordance with policy T1 of the City of Durham Local Plan.*

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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.

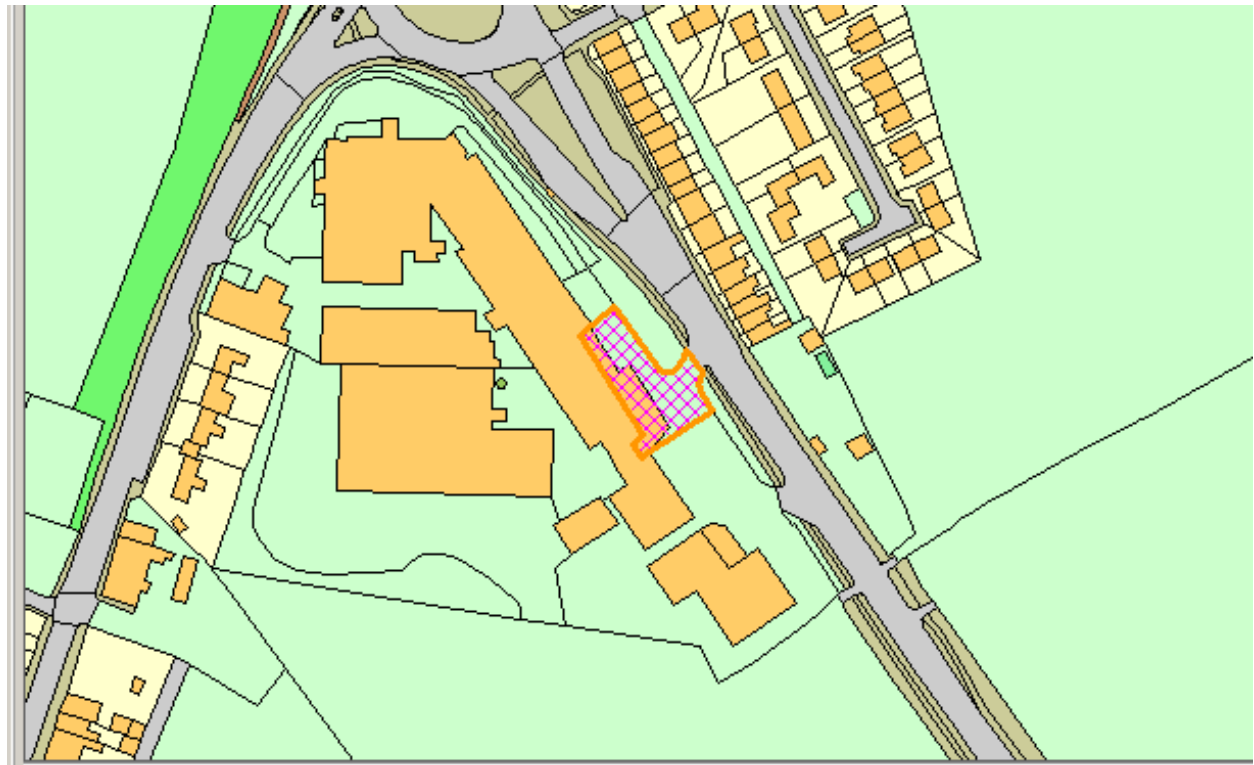
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## **BACKGROUND PAPERS**

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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  
National Planning Policy Guidance  
County Durham Plan (Submission Draft)





**Planning Services**

Change of use from office accommodation to car dealership, formation of new vehicular access door, re-fenestration of showroom windows, new roof and provision of new upstand fascia board at Ness Furniture Ltd Croxdale, Durham, DH6 5HT  
Application reference DM/15/02067/FPA

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**Date**  
**September 2015**