

## PLANNING COMMITTEE – 2 JULY 2019

<b>Application No:</b>	<b>18/02151/FUL</b>		
<b>Proposal:</b>	<b>Demolition of the existing garage and bungalow and the erection of a new vehicle sales garage, showroom and office accommodation with associated car parking</b>		
<b>Location:</b>	<b>White Post Garage, White Post, Farnsfield</b>		
<b>Applicant:</b>	<b>Minster Developments Ltd</b>		
<b>Registered:</b>	<b>19.11.2018</b>	<b>Target Date:</b>	<b>14.01.2019</b>
			<b>Extension of time agreed: 05.07.2019</b>

This application is referred to Planning Committee as the application involves a commercial proposal which could potentially deliver significant rural employment opportunities and the application would otherwise be recommended by officers for refusal.

This application was on the printed committee agenda for June. However before the meeting the applicant requested that the application be withdrawn from the agenda to allow them the opportunity of potentially revising the scheme. No such revisions have been forthcoming despite requests for confirmation of intentions. Given the agreed target date is only until the day after the July committee the application is presented for consideration by members. The report that follows is unaltered from its previous form.

### The Site

The site lies outside of the village of Farnsfield (E) to the south-west of the traffic island with the White Post Inn on the south-eastern side, White Post Farm to the north-east, White Post Cottage to the north and a small group of dwellings to the west. The site fronts onto Mansfield Road to the north and Old Rufford Road to the east. The garage building is the northern most building on the site and is single storey, fronted with traditional large-scale commercial garage doors. The bungalow is adjacent and has a hipped roof under rendered walls. The vehicular access is in between these buildings with a second access off Mansfield Road. Parking is to the front of the site and to the south of the buildings. To the west the land is open to countryside including improved grazing land divided into small fields by trimmed hedgerows.

The site has a noticeable gradient, especially nearest the A614 roadside. This slopes down towards the roundabout (highest point is at the south and lowest at the north). The same can be said of the approach from the North, with limited visibility of the site until within 150 metres.

### Relevant Planning History

**07/01277/FUL** - Three replacement dwellings and parking and external areas also access alterations to the White Post Garage - Refused 19.11.07

**07/00228/FULM** - 60 bedroom hotel and restaurant, three replacement dwellings, parking

landscaping & access (Re-Submission) - Refused 28.06.07

**06/01381/FULM** - Demolition of existing garage and 3 No. dwellings, erection of 60 No. bedroomed hotel, themed restaurant, 3 No. replacement dwellings and associated access, parking and landscaping – Withdrawn 30.11.06

### The Proposal

The application seeks permission for the demolition of an existing vehicle sales garage and 2 bedroom bungalow and erection of a new vehicle sales garage, showroom and office accommodation with associated car parking. Proposed use: sui generis and B1 office.

The proposal would site the vehicle sales garage adjacent to the access off Old Rufford Road with the offices to the south of this. The Land to the rear of the buildings would be used for access and parking. The access of Old Rufford Road would be for entry only with the access on Mansfield Road for entry and exit. The vehicle showroom would have a partly curved façade and would be used to accommodate vehicles for sale with plant and office accommodation to the rear. The office building would have open office accommodation and ancillary rooms on the ground floor with offices above. The showroom would be single-storey and of a modern design with render and glazing for the walls and a projecting flat roof. The office building would be two-storey with an oversailing first floor and would be of cladding and glazing.

The building is proposed to be set back c. 10 m from the edge of Old Rufford Road which would be landscaped.

Site Area: 3090m<sup>2</sup>

### Materials

Walls - Monocache Render (white). Rockpanel cladding - Chamelon (two tone colour).  
Roof - Flat roof - single ply membrane (grey). Rockpanel - Chameleon cladding (two tone).  
Windows - Powder Coated Aluminium (grey).  
Doors - Powder Coated Aluminium (grey).

### **Floorspace:**

Existing Gross Internal Floorspace m <sup>2</sup>	Gross internal floorspace to be lost by change of use or demolition m <sup>2</sup>	Total gross new internal floorspace proposed (including changes of use) m <sup>2</sup>	Net additional gross internal floorspace following development m <sup>2</sup>
<b>281 + 103</b>	<b>384</b>	<b>691.7</b>	<b>307.7</b>

### Explained:

*Existing Footprint: 384m<sup>2</sup>*

*Footprint Proposed: 492m<sup>2</sup>*

*Total Increase in footprint: 108m<sup>2</sup>*

**Employees:** Existing: 4 full time employees. Proposed: additional 15 full time and 5 part time employees. Total: 24.

**Opening Hours:** Monday – Friday 8:00-18:00, Saturday and Sundays: closed.

**Cars:** Existing number of spaces: 20, total proposed: 33 (13 additional).

Documents deposited with the application:

- Site Location Plan - 18/2177/LP
- Proposed Site Layout - 18/2177/001A
- Proposed Floor Layouts - 18/2177/002A
- Proposed Elevations - 18/2177/003A
- Topographic Survey – 001
- Concept Visualisation – (V)002
- Concept Visualisation – (V)001
- Photomontage – 03
- Ex and Pro Photomontage - 04
- Travel Plan
- Transport Assessment
- Tree Survey
- Protected Species Survey
- Landscape and Visual Impact Assessment
- Design and Access Statement
- Biodiversity Survey and Report

#### Departure/Public Advertisement Procedure

Occupiers of nine properties have been individually notified by letter and a site notice posted.

Earliest decision date - 25.12.2018

#### **Planning Policy Framework**

##### **The Development Plan**

##### *Farnsfield Neighbourhood Plan*

FNP4 - Local Employment Opportunities

FNP5 - Creating A Thriving Parish

FNP7 - The Quality Of Development

FNP8 - Landscape

##### *NSDC Amended Core Strategy - Adopted 2019*

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 3: Rural Areas

Core Policy 6: Shaping our Employment Profile

Core Policy 9: Sustainable Design

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character

##### *NSDC Allocations and Development Management DPD Adopted July 2013*

Policy DM5: Design

Policy DM8: Development in the Open Countryside

Policy DM9: Protecting and Enhancing the Historic Environment

#### **Other Material Considerations**

National Planning Policy Framework 2019

National Planning Practice Guidance 2014

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

### Consultations

**Farnsfield Parish Council:** No objection

**Highway Authority:** “This proposal is for the development of a new vehicle sales garage and associated offices following demolition of the existing vehicle sales garage and bungalow. The applicant has confirmed by email that the offices are to be part of the vehicle sales garage and not a separate entity.

The site layout plan submitted, dwg. no. 18/2177/001 Rev. A, demonstrates 33 parking spaces within the site, which includes 2 disabled spaces.

There are two existing access points into/from the site – Mansfield Road and A614 Old Rufford Road. The information submitted states that these are to be retained, and dwg. no. 18/2177/001 Rev. A indicates the access onto the A614 Old Rufford Road is to be ‘left turn entry only. No exiting’. In practice, this cannot be strictly controlled. It is, therefore, recommended that this access point be closed off altogether and the site operate solely from the access on Mansfield Road.

Therefore, subject to the following conditions, the Highway Authority would not wish to raise objection:

1. No part of the development hereby permitted shall be brought into use until the existing site access on Old Rufford Road that has been made redundant as a consequence of this consent is permanently closed and the access reinstated as verge 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.
2. No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan, ref. 18/2177/001 Rev. A. The parking areas shall not be used for any purpose other than the parking of vehicles. Reason: In the interests of highway safety.

### Note to applicant

In order to carry out the offsite works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore, land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact David Albans, tel: 0115 804 0015 for further details.”

**Environmental Health:** The previous use of the application site is a motor vehicle garage with MOT servicing. Furthermore, the application documents (design and access statement) shows photographic evidence of petrol pumps being present. There is clearly the potential for the site to have been contaminated from this former use. As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then request that our standard phased contamination conditions are attached to the planning consent.

**Access Officer:** It is recommended that the developer be advised to give consideration to access and facilities for all, with particular reference to disabled people. BS8300:2018 - Design of an accessible and inclusive built environment - Buildings and external environment - Codes of practice contains useful information in this regard as well as minimum Building Regulations standards described in Approved Documents M and K. Access to, into and around the proposal and on all floors along with the provision of accessible features and facilities, should be carefully considered together with access from the boundary of the site and from car parking where carefully laid out provision for disabled motorists should be available carefully marked out and signed. BS8300 gives details in this regard including proportion of spaces etc. A safe segregated 'traffic free' pedestrian route should be considered from car parking and other areas of the site. A separate enquiry should be made regarding Building Regulation requirements and it is further recommended that the developer be mindful of the provisions of the Equality Act

**No letters have been received from neighbouring occupiers.**

### Comments of the Business Manager

The PPG acknowledges that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, thus providing a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Following public consultation and independent examination, at its council meeting on 10th October 2017 Newark and Sherwood District Council adopted the Farnsfield Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Farnsfield. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

### *Principle of Development*

The site is currently in use as a plant hire and sales operation and was formerly a vehicle (including MOT) garage. The proposal would use the site for vehicle sales and office use. I consider the main issues to be whether the location is suitable for the proposed use with regard to the Council's development strategy; the effect of the proposed development on the character and appearance of the area; and whether there would be any adverse highways safety impact.

Spatial Policy 1 of the Amended Core Strategy (ACS) sets out the settlement hierarchy for the district by identifying those settlements that are central to delivering the spatial strategy and the roles of settlement in this. Spatial Policy 2 sets out the spatial distribution of growth for the district. The site lies outside of the built up area of the 'principal village' of Farnsfield as a matter of fact. As the site is located outside of any settlement boundary, the proposal would fall at the bottom on the settlement hierarchy and falls to be assessed against Policy Spatial Policy 3 (Rural Areas) of the ACS. Policy SP3 advises that development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting, these proposals are to be considered against policy DM8 of the Allocations and Development Management DPD. DM8 explains the types of development that will be considered acceptable in the open countryside.

Core Policy 6 of the ACS supports the economies of the rural community and seeks to direct most growth to the Sub-Regional Centre of Newark, followed by Service Centres and Principal Villages. The policy does support the rural economy through rural diversification that will encourage “tourism, recreation, rural regeneration, and farm diversification, and complement new appropriate agriculture and forestry development. Development sustaining and providing rural employment should meet local needs and be small scale in nature to ensure acceptable scale and impact.”

I note that the agent has contested that the site is situated within the “Open Countryside” explaining how they consider it to be ‘semi-rural’, whilst I appreciate their interpretation of the context of this site I must consider the policy designation of the area and the approach taken towards development within the open countryside which is strictly controlled to afford protection to rural locations.

Policy DM8 of the ADMDPD covers the replacement of non-residential buildings; stating that “Where they (replacement buildings) are related to established uses or proposed uses enabled by other criteria of this policy, planning permission will be granted for the replacement of nonresidential buildings. Proposals will need to demonstrate that the buildings to be replaced originated from a permanent design and construction, are not of architectural or historical merit, have not been abandoned and are not suitable for conversion to other uses. The replacement building should be located within the curtilage of the site it is intended to serve”.

Whilst the conversion of existing buildings is encouraged by DM8, the replacement with a new building is not precluded. This is however subject to the buildings being of permanent design and construction and of no architectural and or historical interest – the supporting text to this policy recognises that, where permanent buildings serve a beneficial purpose in relation to a nonresidential use, their replacement can lead to operational and environmental improvements.

However the policy text also states that in order to minimise the visual impact on the countryside, replacement buildings should be of similar size and siting to their predecessor. Proposals for buildings of substantially greater size or difference in siting will only be supported where operational or environmental improvements outweigh any visual impact (which will be considered further below). I consider the replacement building would not represent proportionate expansion of the existing buildings on site and there are no operational or environmental improvements that would outweigh this. This part of DM8 also specifically relates to the replacement of nonresidential buildings and I note that one of the buildings subject to this application is a residential bungalow. As such I consider it appropriate to assess this application against point 8 of DM8 ‘Employment Uses’.

Policy DM8 seeks to limit development in the countryside to that including proposals to diversify the economic activity of rural business where it contributes to the local economy, business should be complimentary and proportional to the existing business in nature and scale and be accommodated in existing buildings where possible. Point 8 of DM8 states that small scale employment development will only be supported where it can demonstrate the need for a particular rural location and a contribution to providing or sustaining rural employment to meet local needs in accordance with the aims of Core Policy 6. Proposals for the proportionate expansion of existing businesses will be supported where they can demonstrate an ongoing contribution to local employment. Such proposals will not require justification through a sequential test.

The proposal would replace the existing buildings with a new showroom and office building and would be for vehicle sales. The site has a history of motor related operations and historically was a repair garage and petrol station. The current use is for plant hire and sales. There is general support in the Development Plan for the growth of the rural economy and it is acknowledged that the existing site is in a vehicle based commercial use. However, this current use utilises the historic buildings which are relatively small scale and an established part of the character and appearance of the site and locality. The theme running through DM8 is that proposals should be complimentary and proportionate to the existing business in their nature and scale and be accommodated in existing buildings wherever possible. To minimise the visual impact on the countryside, existing buildings should be re-used wherever possible.

The proposal would represent a substantial development on the site and an expansion over the existing operation; it would not reuse the existing built form but seeks to completely replace the existing premises. It would be for vehicle sales and offices that are not directly related to rural employment or economy or fall within the above employment categories within CP6 – in fact the NPPF defines businesses of this nature as a ‘Main Town Centre Use’ that do not require a rural location. I acknowledge that the use of the site has evolved from a local garage to plant hire and sales which serves the local community, however the proposed use is for vehicle sales and office accommodation; this is not a use that specifically requires a rural location.

DM8 states that proposals for the proportionate expansion of existing businesses will be supported where they can demonstrate an ongoing contribution to local employment, in discussions with the agent it has been confirmed that the business currently employs 4 people full time. The redevelopment of this site would seek to employ an additional 15 employees full time and 5 part time, however a justification for this expansion has not been provided. It has been queried whether the office part of this proposal is intended to operate separately from the car sales business given the scale of the expansion and the separate entranceways proposed to serve both parts of the building, whilst the agent has confirmed that this is not the intention I consider it to be an expansion of the function of the current business and the significant increase in employment figures would lead me to question whether this is a genuine expansion of solely the existing business. Whilst I note that this is a significant proposed increase in rural employment opportunity for the area I consider this level of business expansion to be disproportionate.

In addition to this, the expansion of the business with this new development would result in a 307.7 m<sup>2</sup> net additional gross internal floorspace which I do not consider to be proportionate to the small scale buildings currently in situ. As such the proposal fails to comply with the intentions of policies CP6 or DM8 which support the rural economy but seek to limit development to that which requires a rural setting to mitigate the impact on the countryside and rural areas. The disproportionate expansion of businesses within rural locations is not considered to accord with the provisions of the NSDC Amended Core Strategy or the NPPF which, when considering rural employment, promotes the diversification of agricultural or other land-based rural business and the conversion of existing building to facilitate business expansion.

Whilst I am mindful that the NPPF also promotes the sustainable growth and expansion of all types of business in rural areas through well-designed new buildings I consider the proposal to be disproportionate to the existing business function and location. Whilst I appreciate the needs of the business and recognise that in some cases expansion is necessary to support the economic activity of the rural business, it should be recognised that the expansion of any given site is likely to be limited at some point by its impacts on the countryside and particularly for this proposal that the rural sustainability of the proposed expansion is acceptable.

In any case, the policy states that when considering development within the open countryside, even expansions of existing businesses should be complimentary and proportionate to the nature and scale of the existing business. The building as proposed exceeds the proportions of the existing buildings present on the site in terms of net additional floor space. The visual impact will be considered further in the section below. Overall, a case has not been made in this application that this expansion requires such a large scale redevelopment of the site and it is therefore considered that the proposal is not acceptable in principle.

Policy FNP4 'Local Employment Opportunities' of the Farnsfield Local Plan advises that development which includes new employment opportunities will be supported within the village envelope of Farnsfield. The NSDC Allocations and Development Management DPD identifies the application site to lie outside of the village of Farnsfield and as such this policy cannot be applied. Policy FNP5 'Creating A Thriving Parish' outlines that development will be supported for uses that will contribute to the vitality and viability of Farnsfield through the creation of new opportunities for community, retail, cultural, leisure and tourism, where it is within the village envelope. Outside of the Village Envelope, uses will be supported that contribute to tourism and rural diversification, where they are in accordance with the wider policies of the Neighbourhood Plan, in particular FNP8 which will be discussed in more depth in the section below. As commented earlier, this proposal is not considered to fall within a use which requires a rural location or consider to be rural diversification and therefore the proposal is not considered to accord with policy FNP5 of the NP.

#### *Impact upon the Character of the Area (Including Design)*

Policy CP9 requires development to have a high standard of design and be of an appropriate form and scale to its context and to be complimentary to the existing landscape environment. Policy DM5 requires development to reflect local distinctiveness and character and states permission will only be granted for development where the rich local distinctiveness of the landscape and character of built form is reflected in the scale, form, mass, layout, design, materials and detailing of new development proposals.

Policy DM8 of the A&DMDPD states rural development proposals should be complimentary and proportionate to the existing business in their nature and scale and be accommodated in existing buildings wherever possible to minimise the visual impact on the countryside.

Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

The District Council has undertaken a Landscape Character Assessment to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The area is characterised within Policy 'S PZ 7 – Oxton Village Farmlands' of the Newark and Sherwood Landscape Character Assessment SPD as a Conserve and Create Area. The area is described as having a gently undulating topography with moderate visibility in and out of the area. The guidance specifically states that "threats to the area include expansion further of leisure activities at White Post Farm, further break down of field pattern by removal of hedgerows due to



agricultural intensification and expansion of urban centres of Bilsthorpe and Farnsfield into the area.” The policy goes on to state that the detracting features of the area are the busy roads and concentration of commercial and leisure facilities around the White Post Farm area and advises that to conserve the integrity and rural character of the landscape new development should be concentrated around the existing urban fringe of Bilsthorpe and Farnsfield. The existing field patterns should also be conserved by locating new small scale development within the existing field boundaries and proposals should be of a sensitive design and appropriate siting.

Given that the landscape character appraisal (LCA) specifically cites the area surrounding the busy roads and commercial and leisure facilities around the White Post Farm roundabout as a threat to the landscape character I am mindful of the potential visual impact of this proposal. The LCA also advises that new development should be concentrated around the existing urban fringe which would not apply to this location. Whilst I am mindful that the proposal seeks to replace existing built form, the buildings on site are of a relatively small-scale and appropriate to the rural context of the site. They are not of such merit that the retention could be insisted upon and the demolition is therefore acceptable in principle.

DM8 states that new buildings in these locations should be sited and designed to reflect their location and in the interests of minimising visual impact, new buildings should be restrained to the minimum necessary to sustain the business, and in accordance with the NPPF, should respect the character of the countryside. The proposal is to construct a contemporary style building subdivide into a car sales garage which is single storey and office accommodation which is two storey. The single storey element of the building is in a similar location to the existing bungalow however the replacement building repositions the built form within the site along the eastern site boundary. The existing bungalow is 5.1m in height and the single storey element of the new building proposed in a similar location is 4.3m. The two storey element of the building would be sited on a part of the site that is currently devoid of built form – this would increase to 7.3m in height and whilst this is only 0.3m higher than the existing two storey building on site I note that the existing building is sited adjacent to other two storey properties to the NE such that it assimilates with the existing massing. This proposal would relocate the two storey built form to the south of the site along the eastern boundary where the built form is notably lower with the existing bungalow. There is also no other built form further south such that I consider this two storey portion of the building would be prominent within the site and wider area.

The site slopes upwards from north to south (south being the higher point). The site is proposed to be levelled locally in the south east corner to facilitate the building but the above measurements have been taken from the proposed ground level such that I still consider the building will be prominent within the site. The design and access statement states that the new building would be significantly lower than the surrounding parameters of the White Post Inn building (E) which they state is 2 m higher, however I consider this point to be irrelevant in the appraisal of this new building given the characteristics of the site are different. The application site comprises low level buildings along the SE side such that this two storey replacement would not visually integrate into the existing built form within this corner of the roundabout which is clustered to the NW.

It is acknowledged that surrounding the roundabout there is substantial built form of varying style and design. However I also note that towards the south-west, past the application site, is an open field that buffers the distance between residential properties c.72m south, to the west the area is characterised by open agricultural fields. I therefore consider that the demolition of small scale traditional buildings appropriate to the rural context with a larger scale (in part two storey) overtly contemporary building would conflict with the rural character of the area and result in a significant expansion within the open countryside.

The proposed buildings would represent a substantial increase in the size and scale of buildings on the site (an increase in footprint by 108m<sup>2</sup> and net additional gross internal floor space by 307.7m<sup>2</sup>), would introduce a two storey building further south on the site where this is currently not two storey built form and an overall large-scale re-development in a rural location. The buildings would be based on a modern design approach using flat roofs, render, cladding and an oversailing first floor office building. A curved wall with full height glazing fronting the roundabout is proposed to act as a focal point for the car sales garage. Although no objection is raised to this modern approach in principle the proposal would result in a substantial change to the site which currently is appropriate to the rural context. The proposal would introduce a larger scale development of a modern appearance which would be at odds with the rural context. The design is not considered appropriate to this established rural location and by reason of size, scale, design and massing, would not reflect the local distinctiveness of the site or wider rural landscape. The site is a prominent one at a busy junction in an area which is characterized by sporadic incremental development which is largely small scale and appropriate to the rural environment. The proposal would dominate the site and surroundings and would not be sympathetic to the rural setting.

Whilst the agent references other nearby developments around the round-about junction I would maintain the view that the replacement building would exceed the scale and proportions of the existing site which is not of a similar context to some of the larger scale agricultural buildings that are present further north. The agent refers to a 12.4% to 16% increase in built footprint with the new proposal; however I would dispute these calculations which differ within the application form and D&A statement, I do however note that the building is proposed to increase to two-storeys on a part of the site where 2 storey built form is not clustered which would greatly increase the massing and scale of the development here. The agent explains how the current buildings on site are untidy and the proposed building would improve the visual aesthetic of the area. I would contest that these lower profile, previously residential buildings are 'untidy' and would instead note that these reflect the small scale development form that is appropriate in this location that is proportionate to the rural setting.

FNP7 of the Farnsfield Neighbourhood Plan discusses the quality of developments and advises how developments must demonstrate how it has taken into account the character of the village and its impact upon the landscape. FNP8 'Landscape' of the Farnsfield Neighbourhood Plan advises that development proposals located within or adjacent to a Landscape Policy Zone ('S PZ 7 – Oxtou Village Farmlands') should ensure they have considered and appropriately responded to the implications of the zone and demonstrates that the meeting of the landscape conservation enhancement aims would be contributed towards. In this case the proposal is not considered to be in accordance with the aims within the Landscape Policy Zone and would have an unacceptable impact on the character and appearance of the open countryside and surrounding area.

As a result of the proposed design, materials of building and scale in relation to the existing buildings that are visible on the site I am of the view that the building will not assimilate into the landscape and would be unduly prominent within the surrounding rural area contrary to Policy DM8. I do however note that the applicant has shown clear willingness to negotiate on the design of the building as this has been raised as a concern throughout the course of the application. The decision however was taken that given there was an in principle objection to the proposal and the re-design of the scheme would not have afforded the opportunity to overcome these problems, any negotiation on design would have given a false sense of hope and incurred the applicant further unnecessary time and/or expense. Should the committee disagree with the objection in principle to the proposal the applicant is willing to reconsider the design of the building.

In conclusion, the addition of an overtly contemporary building with extensive levels of glazing, render, cladding and prominence of location and overall scale of the building would make it unduly prominent from the surrounding rural area in contrast with CP13, Policies DM5 and DM8 of the Development Plan Document and the NPPF.

#### *Impact on Neighbouring Amenity*

Policy DM5 requires development to have a satisfactory relationship with neighbouring properties and land uses. The site has historically been used for motor-based activities and is situated on a busy road. Therefore, the continuation of use for appropriate commercial operations can be supported in principle in terms of residential amenity. It is not considered the proposed use have any greater harmful impact on the amenity of local residents that the existing or historic operations.

The north the site borders the highway and the nearest neighbouring property would be set to the north of Mansfield Road. The proposed buildings would be set off the northern boundary and would have no undue adverse impact on this property. To the north-east and east the site is bordered by the highway with the nearest neighbouring buildings being the children's nursery and the pub. The buildings would be significantly separated from these sites and would have no undue adverse impact. To the south there are no immediate neighbours. To the west the neighbouring properties would be adjacent to the proposed vehicle parking with a significant separation distance to the proposed buildings.

As such, the proposal complies with the above policies and guidance and is acceptable in terms of residential amenity.

#### *Impact upon Highway Safety*

Policies SP7 and DM5 require the provision of safe and inclusive access, appropriate parking provision and seek to ensure that there should also be no adverse impact on the highway network as a result of the proposal.

A Transport Assessment has been submitted which states the following:

- The applicant expects the number of people using the new development to increase by around 7,200 per annum due to the addition of a new office building. The existing vehicle sales garage to be replaced with a new vehicle sales garage is not expected to generate any more staff or visitors. An estimated total of 38 visitors per day are expected for the proposed site, which translates into an estimated maximum of 9,880 visitors per year to the site (excluding weekends). However according to the TRICS data obtained, the site could generate as much as 192 vehicular trips per day. This taken into account, the maximum impact that the development will have on the existing highway is thought to be minimal, as this increase comprises less than 1% of the existing traffic at the roundabout;
- The predicted traffic generated by the proposals to redevelop a vehicle sales garage and office building will result in an increase in traffic within the local highway; however, the capacity assessment shows the White post Roundabout junction with Old Rufford Road and Mansfield Road can accommodate the additional vehicular traffic and as such the increase can be absorbed into the surrounding network without any discernible impact to the acceptable flow of traffic;

- The addition of “keep clear” markings at the access(es) would ensure any queuing on Mansfield Road east and the A614 Old Rufford Road south would not impact on the free flow of traffic moving into the site due to the proximity to the roundabout, in particular right turns into the site from the A614 Old Rufford Road south;
- Investigations into the number and severity of accidents recorded in the vicinity of the site are not indicative of defects in the highway layout and design. Given the volume of traffic at the White Post Roundabout is on average around 20,463 vehicles per day (between 07:00-20:00), an accident rate of 0.4 per year in the last 5 years 5 months is considered to be minor and does not highlight any specific problems with the safety record of the local highway network. Any additional traffic to be generated by the development is unlikely to impact the existing road safety within the study area.

The proposed drawing demonstrates 33 parking spaces within the site, which includes 2 disabled spaces. There are two existing access points into/from the site – Mansfield Road and A614 Old Rufford Road. The information submitted states that these are to be retained and access onto the A614 Old Rufford Road is to be ‘left turn entry only. No exiting’. In practice, this cannot be strictly controlled. The Highways Authority has therefore recommended that this access point be closed off altogether and that the site operates solely from the access on Mansfield Road. As such, the Highway Authority have raised no objection subject to conditions. These conditions are reasonable and could be imposed in the event that the application is approved. As a result it is considered that the application is acceptable on highway safety grounds.

#### *Land Contamination*

The site has been used for vehicle repairs, sales etc. for many years and includes the provision of petrol pumps. A condition would be required in the event of permission being granted to address any potential residual land contamination to prevent harm to human health and the environment.

#### *Ecology*

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Whilst the site is not considered to have significant ecological potential given the lack of vegetation and brownfield nature the site is located within a pSPA 5km buffer zone for nightjar and woodlark. Special Protection Areas (SPAs) are strictly protected sites classified in accordance with Article 4 of the EC Birds Directive, which came into force in April 1979. They are classified for rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory species.

The NPPF (2019) states when determining planning application LPAs should apply the following principles as stated within paragraph 175 of the NPPF. This states that if “significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Development whose primary objective is to enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”

A Protected Species Survey has been submitted with this application which confirms that there is no breeding bat or bird potential in the buildings, nor is there any evidence of past roosts. The grassland surrounding the site is also not considered to harbor any significant locally rare plants or

plant communities and as such it is considered that the proposal is unlikely to have any detrimental impact on local biodiversity in accordance with CP12 of the Amended Core Strategy (2019). With regard to the SPA I note that given the developed nature of the site there are no surrounding trees that are proposed to be impacted as a result of the development, nor would the development be located next to any trees such that, in my opinion I do not consider the proposal would result in a direct impact on the pSPA. The proposal therefore complies with the aims of Core Policy 12, Policy DM5 and the guidance in the NPPF.

### *Other Matters*

The agent has submitted an additional statement which, amongst other things, refers to CP9 and the point within this policy that stated that the LPA will support development proposals that demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes the existing built landscape and environments. In referencing this, the agent has stated that this proposals presents an opportunity to provide a thermally efficient, low carbon building constructed from modern materials and the latest construction techniques. Whilst I acknowledge the applicants desire to construct a well-performing building that utilizes modern techniques to improve sustainability this should not be at the expense of the character and appearance of the area or sustainability of the rural location which I consider that this would be.

The agent has submitted a letter referencing an application 14/01797/FUL (the Marston's public house at the A6075/A616/A614 roundabout). The agent explains how this application sets a precedent for the application at hand. Firstly I would note that every application must be assessed on its own merit and without prejudice. Nevertheless I have reviewed this approval and would note that this application was for the replacement of a Pub and Restaurant in which the officer report notes how policy DM8 confirms that visitor based tourism development will be permitted in rural locations in order to meet identified need, where it will support local employment and community facilities. To this end I consider the application at hand to be materially different to the above referenced application in that it does not represent a visitor based tourism business but a vehicle sales premises that does not require a rural function or support visitor based tourism – which I would also note that the majority of the surrounding business within the surrounding locality do.

### *Conclusion*

Overall, I do not consider the proposal to represent sustainable development in an open countryside location as a matter of principle; the applicant has not justified the requirement for this scale of expansion in a location away from the settlement and it is considered that the replacement of this residential and non-residential property for a business purpose that does not require a rural location does not fit with the requirements of policy DM8. The proposal would introduce a relatively large-scale commercial operation in replacement of a small-scale existing former-residential building which would be inappropriate in this rural context. It is considered that this proposed building would represent an incongruous replacement addition which would be harmful to visual amenity given it would disproportionately exceed the existing proportions of the site in this particular location and would be therefore contrary to Policies CP9, DM8 & DM5 of the DPD. As such, the proposal is contrary to Policies SP3 and DM8. Furthermore, the proposal is not considered to be appropriate visually to its rural environment and is contrary to policies CP9 and DM8.

## **RECOMMENDATION**

### **That full planning permission is refused for the following reason:**

01

The proposal is considered to represent an unacceptable form of development in principle in an open countryside location which would detract from the rural character of the countryside. The need for this particular rural location or its contribution to the local rural economy has not been demonstrated in this instance. Overall, it is considered likely that such an expanded business of the commercial nature proposed would be more sustainably be located elsewhere in accordance with the aims of the Spatial Strategy for the District. Furthermore, the size, scale, massing, design and materials of the proposal are not considered appropriate to the rural context of the site and surroundings and would result in unnecessary encroachment in to the open countryside.

The application therefore amounts to unsustainable and visually unacceptable development contrary Core Policy 6 (Shaping our Employment Profile), Core Policy 9 (Sustainable Design) and Core Policy 13 (Landscape Character) of the adopted Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 (Design) and Policy DM8 (Development in the Open Countryside) of the adopted Allocations and Development Management Development Plan Document (July 2013) as well as the provisions of the NPPF (2019).

### **Notes to Applicant**

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

02

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

### **Background Papers**

Application Case File

For further information, please contact Honor Whitfield on ext. 5827.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**

**Director Growth & Regeneration**

Committee Plan - 18/02151/FUL

