



COMMITTEE DATE 28/08/2019 **WARD** Kingsway

APP REF V/2019/0248

APPLICANT Vallences Coaches

PROPOSAL Erection of Commercial Garage

LOCATION Winshaw Wells Farm, Derby Road, Kirkby in Ashfield,
Nottingham, NG17 7QQ

WEB-LINK <https://www.google.com/maps/@53.0906809,-1.2395152,17z>

BACKGROUND PAPERS A, B, C

App Registered: 12/04/2019

Expiry Date: 06/06/2019

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee by Cllr. J Zadrozny on the grounds of highway and countryside implications.

The Application

This is an application for the erection of a commercial garage, the creation of new hard standing and the change of use of land at Winshaw Wells Farm for the storage of commercial vehicles. The applicant has confirmed they intend to use the site for coach storage.

This application seeks planning consent for the erection of a commercial garage measuring approximately 10m in width by 15m in length, and measuring just under 5.5m in total height. A new area of hard standing is also proposed to be constructed forward of the commercial garage, covering a floor area of approximately 850sqm.

The commercial garage and hard standing area is proposed to be used for the storage and repair of commercial coaches in association with the applicant's successful coach hire business, which presently operates from a site within Kirkby in Ashfield.

Consultations

Site Notices have been posted together with individual letters of notification to surrounding residents.

The following consultation responses have been received:

Resident Comments:

1x Letter of objection received from a local resident in respect of the following:

- Increased noise
- Concerns over hours of operation
- Concerns regarding environmental impacts

ADC Planning Policy:

Consideration should be given as to whether the proposal meets any of the exceptions to development in the Green Belt, as set out within paragraphs 145 and 146 of the NPPF 2019. If not, the application must demonstrate that the factors individually or collectively carry sufficient weight so that benefits of the development must clearly outweigh the harm to the Green Belt so as to amount to very special circumstances.

NCC Highways:

The swept path analysis indicates that two-way traffic at the existing access is not possible. Any traffic leaving the site will prevent vehicles entering, resulting in the obstruction of the highway and the potential for accidents.

The swept path analysis also shows that vehicles will transgress into the opposing lane when turning left in and left out of the site, increasing the risk of vehicular conflict and road safety issues in this location.

Policy

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

National Planning Policy Framework (NPPF) 2019:

Part 6 – Building a Strong, Competitive Economy

Part 9 – Promoting Sustainable Transport

Part 12 – Achieving Well Designed Places

Part 13 – Protecting Green Belt Land

Part 15 – Conserving and Enhancing the Natural Environment

Ashfield Local Plan Review (ALPR) 2002:

ST1 – Development

ST4 – Remainder of the District

EV1 – Green Belt

Relevant Planning History

V/2004/0606 – Change of Use from Farm Land to Domestic Garden – Refusal – 29/07/04

V/2004/1056 – Change of Use from Agricultural to Stables and Siting of Storage Container – Conditional Consent – 02/12/04

Comment:

The application site is rural in nature and appearance, and currently comprises of a two storey detached farmhouse and associated agricultural land and stable buildings. Whilst the red line site boundary includes the residential dwelling, the application description omits any residential use from the proposal.

The main issues to consider in this application are the principle of development, and the impacts of the development on the character and appearance of the area, residential amenity, highway safety and economic development.

Principle of Development:

The application site is located within an area designated as Green Belt as outlined within policy ST4 of the ALPR 2002. Under the provision of policy ST4, permission will only be granted for development appropriate to the Green Belt, as outlined in policy EV1 of the ALPR 2002.

This is also reiterated in paragraph 143 of the NPPF 2019, which makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The NPPF 2019 establishes that the construction of new buildings are inappropriate in the Green Belt unless they fall within exceptions detailed in paragraph 145 of the Framework. Policy EV1 of the ALPR 2002 broadly echoes this approach.

Based on the proposed development, it is considered that the proposal does not comply with the exceptions to new buildings in the Green Belt, as identified in paragraph 145 (sections a to f) of the Framework.

Paragraph 145 (g) does however identify that new buildings may be appropriate in the Green Belt if constructed on previously developed land. As outlined in Annex 2 of the NPPF 2019, whilst previously developed land does not consist of land that is or was last occupied by agriculture or forestry buildings, it does however stipulate that residential garden areas, outside the built up area, constitutes previously developed land.

Following a review of aerial photographs, it is considered that the area proposed for the commercial garage is located within the residential curtilage of the dwellinghouse at Winshaw Wells Farm.

As such, the erection of the commercial garage may constitute appropriate development in the Green Belt, but this is subject to the provision that that it would not have a greater impact on the openness of the Green Belt than the existing development.

At present, the area proposed for the erection of the garage building is very open in nature and the area surrounding the application site is distinctly verdant in character,

with clear views of the site from various public vantage points, including the A611 (Derby Road), Balls Lane, and the public footpath to the rear of properties on Greenacres to the west of the application site.

The erection of the commercial garage would result in a new mass of built form within the open landscape, resulting in a serious detrimental impact on the openness and character of the Green Belt in this location.

In respect of the hard standing, paragraph 146 of the Framework notes that certain other forms of development are not inappropriate in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. These include engineering operations and material changes in the use of land.

The proposed new hard surfaced areas within the site constitute an engineering operation and the use of land for the storage of commercial coaches represents a material change of use.

It is however considered that the storage of the coaches on the land will form a solid and conspicuously visible mass that draws the eye from the A611 which runs directly adjacent to the site to the east. From this location, it is evident that the storage of coaches would significantly reduce the openness of the Green Belt.

The Framework makes it clear that substantial weight should be given to any harm to the Green Belt. It advises that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant has been requested to demonstrate what very special circumstances exist to substantiate the proposed development and the subsequent harm to the Green Belt arising from the proposal. The applicant/agent responded stating that:

- Winshaw Wells Farm has remained unsold for two years.
- The existing coach storage site is located in the middle of a residential area, and the relocation of the business would 'free up' land for residential development, and improve the quality of life for nearby residents.

Whilst valid points to raise, it is considered that they do not outweigh the substantial harm that the development will have on the openness and character of the Green Belt, particularly as the applicant has confirmed that no searches have been undertaken to find alternative sites located within the main urban areas, prior to this site being selected.

It should also be noted that based on evidence taken from the Employment Land Forecasting Study 2015 and the continued monitoring of employment sites, that there is a surplus of employment land allocations in Ashfield which could potentially provide appropriate facilities for the storage of coaches, and as such, it is not necessary for the proposed use to be sited on land within the Green Belt.

It is therefore concluded that the principle of the proposed development is not deemed acceptable, and fails to comply with the provisions of Part 13 – Protecting Green Belt Land of the NPPF 2019 and EV1 of the ALPR 2002.

Character and Appearance:

The area surrounding the application site is rural in nature and appearance, with agricultural fields and paddocks surrounding the site, which is typical of a countryside setting.

It is considered that the development site occupies a sensitive location within the countryside, due to its visibility from nearby public vantage points. When seen from the A611, the proposed development is likely to create a strong sense of urbanisation due to the erection of the large commercial garage and the storage of the coaches on the site, which would encroach into the surrounding landscape, appearing harsh and abrupt when viewed within the immediate surrounding locality.

The stark appearance of the commercial garage building and coaches on the site will markedly contrast with the softer green landscape to the north and east, which will visually accentuate the development as a discordant feature.

A new conifer hedge is proposed to be planted along the sites boundary. Whilst it is acknowledged this hedge may provide some level of screening once established, a conifer hedge is however not native to the landscape and would amount to an inappropriate species for this countryside location. Views of the garage building and coaches will still be visible from the A611 and from Balls Lane.

As such, it is considered that the construction of the garage building and the storage of coaches on the site will be visually disruptive and an unwelcome addition to the local area, to the detriment of the character and appearance of the surrounding locality.

Residential Amenity:

Concerns have been raised by a local resident in respect of the noise and disturbance that would be experienced by local residents if the application was granted consent.

Whilst vehicle repair work would be undertaken at the application site, it is acknowledged that the nearest residential property is sited over 130m from the application site. It is therefore considered that any noise and disturbance from such activities would be negligible.

Furthermore, the applicant has confirmed that the business typically operates during school hours. With this in mind, and the fact that access would be gained from the A611, it is further considered that disturbances from comings and goings associated with the use would be limited.

Highway Safety:

Plans submitted with the application show that access to the commercial garage and hardstanding area would be taken from the A611 (Derby Road) using the existing access which serves the dwelling on site. The site access is approximately 8m in width and takes a sharp 90° turn in a southerly direction 6m in to the site; the access driveway at this point is approximately 5m in width.

The applicants coach hire business has a varying fleet of vehicles. The applicant has confirmed that a total of six vehicles will operate from the site. These vehicles vary in size from 10m in length to 13m in length.

The A611 is a busy strategic route, carrying on average in excess of 19,000 vehicles per day. This particular stretch of Derby Road was the subject of an Accident Remedial Scheme which was implemented in 2018 and involved the reduction of the speed limit to 50mph to address the accidents occurring along this stretch of road. However, half of the accidents that occurred in 2018 along this stretch of road, occurred after the scheme was implemented, suggesting that the A611 remains a safety concern.

Concerns are raised that the existing access arrangement is substandard in nature to allow the largest of coaches to successfully manoeuvre at the access point, without obstructing the adjacent A611, nor is it of a sufficient width to allow two coaches to pass one another without impeding the free flow of traffic along the A611.

A swept path analysis has been submitted to try substantiate that the existing access is suitable for the proposed development.

The Highways Authority have confirmed that the swept path analysis indicates that two-way traffic is not possible at the existing access point. This will mean that any traffic leaving the site will prevent other vehicles from entering, resulting in vehicles waiting in a stationary position on the A611 obstructing the free flow of traffic, and leading to a number of potential accident types.

It is further confirmed that the swept path analysis also demonstrates that vehicles will have to transgress into the opposing lane when turning left in and left out of the site, giving rise to a further risk of conflict in this location and increased road safety issues.

It is therefore considered that the access proposed to serve the commercial use is substandard in nature and the approval of this application would result in the

disruption to the free flow of traffic along the A611, leading to a severe and unacceptable impact on the transport network and highway safety in this location.

Economic Development:

Part 6 – Building a Strong, Competitive Economy of the NPPF 2019, sets out the importance of economic growth, setting out the significant weight that should be placed upon the need to support such growth.

Whilst paragraphs 83 and 84 of the Framework seek to support business development and growth within rural areas, to create jobs and prosperity, it is considered that any argument relating to this provision would not be valid.

In coming to this view, it is considered that the use of the application site for the construction of a commercial garage and storage of coaches does not meet the requirements contained within paragraph 83 of the Framework. Further to this, the applicant does not run a business in a rural area, which has a need to expand, and as such, paragraph 84 would also not be applicable in these circumstances.

Although requested, no evidence has been provided to substantiate the need for this particular rural location, including details of what previous searches the applicant has undertaken on existing employment allocations to meet their requirements, nor has evidence been provided that the use of the site would provide rural employment opportunities.

It is accepted that the current location of the business is in a residential area with difficult access arrangement, and the site could be redeveloped if the business moved, but there are no compelling reasons to support a move and the construction of a large commercial building in a Green Belt location.

Conclusion:

The NPPF 2019 sets out the three overarching objectives of sustainable development – economic, social and environmental. These are considered in the context of the overall planning balance.

No evidence has been provided as part of the application to demonstrate that the proposal will lead to the growth and expansion of the applicants coach hire business, nor will it leads to the creation of new jobs.

Access to the site will be taken from the A611 via the existing site access. Concerns are raised that the existing access arrangement is substandard in nature to allow for safe manoeuvring of coaches at the access point, and to allow two coaches to pass one another, resulting in the likely impediment to the free flow of traffic along the A611 and subsequent highway safety implications.

Furthermore, the area surrounding the application site is rural in nature and appearance, and is typical of a countryside setting. The proposal will result in a

discordant feature within the landscape, therefore resulting in a severe detrimental impact on the visual amenity of the surrounding locality. The proposed scheme will also give rise to significant harm on the openness of the Green Belt caused by the inappropriateness of the development. In addition to this, there are no considerations sufficient to clearly outweigh the harm to the Green Belt, therefore there are no very special circumstances to justify this proposal.

For these reasons, the proposal is considered unacceptable and refusal is therefore recommended for this application.

Recommendation: Refusal

REASONS

- 1. The proposal represents an inappropriate form of development in the Green Belt, for which a clear and convincing justification has not been provided. The proposal, through the construction of a commercial garage and use of the site for coach storage, would result in an urbanising, solid and conspicuous mass giving rise to significant harm on the openness of the Green belt, and resulting in a detrimental impact upon the intrinsic character and appearance of the countryside in this location. The proposal is as such contrary to Part 12 – Achieving Well Designed Places and Part 13 – Protecting Green Belt Land of the National Planning Policy Framework 2019. These policies state that development should not adversely affect the character, quality or amenity of the environment, and seek to only permit appropriate development in the Green Belt, which is located and designed so as not to adversely affect the purposes of the Green Belt and its openness. The proposal is also considered to conflict with policies ST1 (b) and EV1 of the Ashfield Local Plan Review 2002.**
- 2. The proposed development will lead to the intensification of the site access, which is considered to be of an insufficient width and dimension to allow for the safe manoeuvrability of coaches and the accommodation of 2-way coach traffic, subsequently reducing the free flow of traffic on the adjacent highway through the increase in vehicles slowing down/stopping to access the site, to the detriment of highway safety. The proposal is therefore contrary to Part 9 – Promoting Sustainable Transport of the National Planning Policy Framework 2019, which seeks to approve safe and suitable access to sites for all users. The proposal would also be in conflict with policy ST1 (c) of the Ashfield Local Plan Review 2002.**