

applicant has confirmed the hours of use for the cleaning and maintenance are between 9am and 5pm on weekdays. The storage and operation of the coaches began on the site in December 2019.

- 2.2. The retention of an area of hardstanding in the north west of the site is also proposed. It is for the coaches to park as well as staff parking and for parking attached to the agricultural engineering business on the site. No changes are proposed to the access.
- 2.3. The application is accompanied by a Supporting Statement, Drainage Plan and a Highway Report.

3. Description of the site and surrounding area

- 3.1. The site is accessed off Desford Lane and contains three large buildings. One of these buildings is in use as an agricultural engineering business (building C on the site location plan), one is in use for agriculture (building A) with the other building which is subject to this application is for cleaning and maintenance of the coaches (building B). There are some areas of hardstanding and some areas of grass on the site. Peckleton Common runs along the southern boundary of the site. There are residential properties on the opposite side of Desford Lane, however the site is located outside of the settlement boundary for Peckleton, therefore forming part of the countryside. Desford Lane is an unclassified road which turns into a bridleway further to the north of the site. To the rear of the site is the Caterpillar UK site. There are mature hedgerows to the southern and western boundaries of the site with the western boundary hedge forming part of a potential Local Wildlife Site. There is a pond in the field to the rear of the site which is a Great Crested Newt breeding pond.

4. Relevant planning history

02/00206/COU

- Change of use of building to class B8 (storage)
Permitted
6.10.2003

07/00887/GDO

- Erection of secure storage building
General Development Order
21.08.2007

10/00683/GDO

- Erection of an agricultural building
General Development Order
20.09.2010

20/00479/AGDO

- Agricultural storage building
General Development Order
02.07.2020

20/01169/CLE

- Certificate of lawful existing use for agricultural engineering and machinery sales business
Certificate of Lawful Existing Use
28.01.2021

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site. There have been 5 letters of objection from 5 different addresses received as a result of the publicity making the following points:

- 1) Atmospheric and noise pollution
- 2) Highway safety danger to pedestrians, cyclists and other traffic
- 3) Continually ignoring the weight restriction for vehicles
- 4) Vehicles travelling at high speeds along Desford Lane
- 5) The buses have been operating under the radar for months
- 6) Highway grass verges are being eroded by the buses
- 7) Concern over operational hours
- 8) The area is becoming an industrial estate not an agricultural site
- 9) Unsuitable for the rural environment
- 10) Damage to roads and to buildings
- 11) Is there any limit on the number of buses
- 12) Surface water run off concerns from the hardstanding
- 13) Lack of facilities for staff using the site
- 14) Peckleton Common Road is restricted to vehicles under 7 Tonnes, however this does not seem to apply to buses

6. Consultation

6.1. No objection has been received from:

- LCC Highways
- LCC Ecology
- HBBC Environmental Services (Drainage)
- HBBC Environmental Services (Pollution)

6.2. Councillor Sheppard-Bools has raised concerns regarding the application:

- 1) After talking with residents the burden on the roads and safety issues associated with the proposal would outweigh the benefit of the application.

6.3. Peckleton Parish Council make the following comments in relation to the application:

- 1) The applicant has responded with unknown rather than providing information relating to some questions
- 2) Concern has been raised about the potential number of daily movements into and out of the site
- 3) They are also concerned about the traffic implications for Peckleton Common arising from 14 school buses

7. Policy

7.1. Core Strategy (2009)

- Policy 13: Rural Hamlets

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation

- Policy DM18: Vehicle Parking Standards
- Policy DM20: Provision of Employment Sites

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety and parking
- Drainage
- Ecology

Assessment against strategic planning policies

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations & Development Management Policies (SADMP) Development Plan Document (DPD) (2016).

8.3 The site lies outside of the settlement boundary of Peckleton and is identified as countryside on the Borough Wide Policies Map and therefore policy DM4 should be applied. Policy DM4 of the adopted SADMP seeks to protect the intrinsic value, beauty and open character and landscape character through safeguarding the countryside from unsustainable development.

8.4 Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:

- It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
 - It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.
- and:

- It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
- It does not undermine the physical and perceived separation and open character between settlements; and
- It does not create or exacerbate ribbon development;

8.5 The proposal involves the re-use of an existing building on the site, which Policy DM4 of the SADMP supports. Policy DM20 of the SADMP relates to the provision of new employment. The policy states the provision of employment uses will be supported where they are within settlement boundaries or on previously developed land. Whilst the proposal is outside of the settlement boundary for Peckleton it is within an existing building which has previously been in use for industrial purposes with permission granted for a B8 use for this building which was implemented. The Agricultural Engineering business also briefly occupied this building before moving into building C marked on the site location plan. Furthermore the proposal would provide a low level of employment and would result in the diversification of a rural business in compliance with paragraph 83 of the NPPF. Whilst the re-use of the building is acceptable in principle the outdoor storage proposed for the coaches in the countryside as well as the hardstanding proposed is not supported in principle. However the full impact of the outdoor storage and its effect on the intrinsic value, beauty, open character and landscape character of the countryside will be assessed later in the report.

Design and impact upon the character of the area

- 8.6 Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development.
- 8.7 Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.8 The proposal would result in the storage of up to 14 coaches on the site. The site also contains tractors and cars all parked externally on the site. The proposed outdoor storage and the area of hardstanding would contribute to the urbanisation of the site and would have some impact on the character of the countryside. The storage and hardstanding is to the north and west of the site and adjacent to the buildings. Objections have been received stating the proposal is contributing to the industrialisation of the site, however consent has previously been granted for a B8 use for this building and there is a long standing agricultural engineering business on the site with a certificate of lawful use. There is a high boundary hedge and bank of trees running along the north and western boundary which significantly screens the impact of the proposal when viewed from Desford Lane. There is also high boundary planting along the southern boundary of the site which screens the proposal well when viewed from Peckleton Common. The existing buildings on the site are set in from the boundary and are also well screened from outside of the site. By restricting the number of coaches on the site it will restrict the amount of external storage occurring on the site thereby minimising the visual impact on the site and the wider countryside. Whilst there would be a small impact on the character of the countryside it is not significant enough to warrant a refusal.

- 8.9 Overall the proposal would not have a significant adverse impact upon the intrinsic value, beauty and open character of the countryside in accordance with policies DM4 and DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.10 Policy DM10 of the SADMP seeks to ensure that development proposals do not harm the amenity of neighbouring residential properties and that the amenity of occupiers of the proposed development would not be adversely affected by the activities in the vicinity of the site.
- 8.11 There are residential properties to the west of the site on Hill Close. The proposal will result in an increase in visitors and vehicular traffic to the site. The proposal will result in up to 14 coaches entering and leaving the site just prior to and just after school opening and closing times. Outside of these times including at evening and weekends the proposal will result in low levels of vehicular traffic into and out of the site. Whilst the proposal would generate some vehicular traffic it is not expected that these levels would be any greater than if a B8 use was to operate out of the building. Whilst 14 coaches on the site at present is manageable it is considered reasonable and necessary to attach a condition restricting the number of coaches to no more than to 14 therefore restricting the amount of vehicular movements occurring into and out of the site, thereby minimising disturbance to neighbouring properties.
- 8.12 There is a Section 106 agreement in place on the site that restricts the vehicles from turning right into the village at the junction of Desford Lane and Peckleton Common, therefore reducing the disturbance to residents of the village from increased vehicular traffic.
- 8.13 The proposal involves the maintenance and cleaning of the coaches however this is restricted to within the building to reduce noise breakout. The applicant has stated the operations are mainly cleaning using a power washer. Details of this washer have now been received with it having a noise level of 85db. The hours of use for this operation is 0900 to 1700 weekdays only. These hours are considered acceptable and a condition restricting the hours of use will be attached to any consent granted. In addition to this the building where the operations are taking place is approximately 110 metres away from the closest residential properties with the boundary hedge also contributing to some noise reduction. There are no other alterations to the site that are proposed that could result in disturbance to neighbouring properties such as external lighting. The Borough Councils Environmental Health Officer has no objections to the proposal and the noise levels for the power washer subject to an hours of use condition. It is therefore considered that the operations of the proposal would result in a minimal disturbance to neighbouring residential properties.
- 8.14 Overall the proposal would result in a minimal impact on residential amenity in compliance with policy DM10 of the SADMP.

Impact upon highway safety and parking

- 8.15 Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.16 The application is accompanied by a Highway Report. The Local Highway Authority has been consulted on the application. No changes are proposed to the access off Desford Lane, which is an unclassified road subject to a 30mph speed limit so vehicular speeds into and out of the site are low. The applicant has stated visibility splays of 2.4 metres x 120 metres can be provided to the northeast of the access

and 2.4 metres x 70 metres can be provided to the south west of the access, all within the public highway. The LHA are satisfied that these visibility splays can be achieved without any improvements needed and are currently being used. The LHA are also satisfied with the existing 7.3 metre wide, hard bound access. This is a long standing access located on a road with low levels of vehicular traffic that has catered for other types of large vehicles in addition to the coaches including tractors.

- 8.17 Some of the objection letters received reference accidents that have occurred in and around the village of Peckleton. Based on records available to the LHA there have been no Personal Injury Collisions on Desford Lane or on the junction of Desford Lane and Peckleton Common within the last five years. Some of the objection letters received relate to damage to nearby roads and buildings from vehicles using the site, however even if these were from the coaches it would not be a reason to refuse the application as it relates to highway safety issues occurring outside of the site.
- 8.18 The applicant has stated the Transport Commissioner has granted a license for a maximum of 14 coaches to operate from the site, the majority of these is for school transport although it is understood they do operate some coach holidays. Adding a condition restricting this number to 14 coaches would control the amount of traffic into and out of the site from the proposed use. Some of the objections received relate to traffic passing through the village of Peckleton. However there is a Section 106 agreement in place on the site, including the proposed use that restricts the vehicles from turning right into the village at the junction of Desford Lane and Peckleton Common, instead turning left towards Peckleton Lane. This is with the exception of one coach which serves the school children living in the village. This significantly reduces the number of large vehicles entering the village. The LHA has no objections to this arrangement. Similarly no vehicles turn right out of the site along Desford Lane as this turns into a bridleway to the north of the site.
- 8.19 The site location plan shows a specific area of parking for the coaches on the site in a tandem arrangement. There is suitable space left within the site for staff parking and for tractors associated with the agricultural use and the agricultural engineering business. The site has ample space for vehicles to turn and leave onto Desford Lane in a forward direction which is acceptable.
- 8.20 Overall the proposed use would result in a minimal impact on parking and highway safety in compliance with policies DM17 and DM18 of the SADMP.

Drainage

- 8.21 Policy DM7 of the adopted SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.22 The site is located within flood zone 1 indicating a low risk of flooding. A drainage plan has now been received with the application. It indicates the direction of flow and location of drains for the area of hardstanding and for the site. The Borough Councils Drainage Officer has been consulted on the application. They have no objections to the drainage plan and are satisfied that surface water run off can be controlled within the site.
- 8.23 The proposal will therefore have a minimal impact on flood risk and drainage in compliance with policy DM7 of the SADMP.

Ecology

- 8.24 Policy DM6 of the adopted SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation.

- 8.25 The site is located within 100m of a known great crested newt (GCN) pond. The County Council Ecologist has been consulted on the application. They acknowledge that as the works have all already been carried out then there are no mitigation measures which can now be implemented. As the majority of the site was previously managed grassland it is therefore likely that it was unsuitable for great crested newts (GCN). The hedgerow to the north west boundary is a potential Local Wildlife Site. The coaches will be parked close to this hedge. LCC Ecology have requested that if any damage to the hedge has occurred from the proposal then replacement hedge planting shall be installed within the site. There is a line of trees in between the parking/hardstanding and the protected hedge. It is unlikely that the hedge has been damaged as a result of the proposal therefore it would be difficult to request a condition for replacement hedge planting.
- 8.26 The proposal will result in a minimal impact on ecology in compliance with policy DM6 of the SADMP.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The proposal will result in the re-use of a building within a countryside location. Policy DM4 supports the re-use of buildings outside of defined settlement boundaries. Policy DM20 of the SADMP supports the provision of employment uses on previously developed land. Whilst the outdoor storage of vehicles is not supported in principle due to the screening of the site it would result in a minimal visual impact on the intrinsic value, beauty and open character of the countryside in accordance with policies DM4 and DM10 of the SADMP.
- 10.2. The proposal would result in a minimal impact on residential amenity subject to conditions in compliance with policy DM10 of the SADMP. The proposal would result in a minimal impact on parking and highway safety in compliance with policies DM17 and DM18 of the SADMP. The proposal would result in a minimal impact on ecology and drainage in compliance with policies DM6 and DM7 of the SADMP.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.

11.3 Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
Site location plan received 12th February 2021
Drainage plan received 26th April 2021.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

2. The use of the building for the cleaning and maintenance of the coaches shall not take place other than between the hours:-

0900 - 1700 Monday - Friday

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The use hereby permitted shall be restricted to the storage, maintenance and cleaning of no more than 14 coaches at any one time on the site.

Reason: To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The cleaning and maintenance of the coaches shall be restricted to inside of the building.

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).