

Planning Committee 10th October 2023

APPLICATION NUMBER		23/00460/FUL	
SITE ADDRESS:		Brooklands House, Grove Lane, Doveridge, Derbyshire, DE6 5PB	
DESCRIPTION OF DEVELOPMENT		Change of use of agricultural field for use as a driver training facility for excavators and conversion of mobile chicken shed to form classrooms	
CASE OFFICER	Mr J Baldwin	APPLICANT	Mr D Poyser
PARISH/TOWN	Somersal Herbert	AGENT	N/A
WARD MEMBER(S)	Vacant	DETERMINATION TARGET	22.09.2023
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context and the impacts on the landscape and neighbouring residents.

MATERIAL PLANNING ISSUES

- Principle of development
- Impact on amenity of neighbouring residents
- Impact on the character and appearance of the surrounding landscape
- Impact on archaeology
- Impact on highway safety and public rights of way

RECOMMENDATION

That permission be granted subject to conditions as set out in section 8.0 of the report.

1.0 THE SITE AND SURROUNDINGS

1.1 The application site comprises an agricultural field accessed off the western side of Grove Lane to the east of Doveridge and south of Somersall Herbert. The site is bound by existing mature tree and hedgerow planting with the A50 to the north and Brocksford Brook to the west. There is an existing agricultural building which previously housed chickens located along the eastern boundary. Doveridge public footpath 11 runs along the access track to the site and follows the southern boundary.



2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought for the change of use of the land for use as a driver training facility and the conversion of the existing building on site to associated classroom as set out on the submitted plans received by the Local Planning Authority 23.06.2023. The converted building would accommodate toilets, a dining area and 3 classrooms to serve the training facility. The training facility itself would be within the centre of the agricultural field, surrounded by soil bunds 2m in height and would include a 100m section of rail line along the southern bund.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)

- S1: Sustainable Development Principles
- S2: Settlement Hierarchy
- S4: Development in the Countryside

- PD1: Design and Place Making
- PD2: Protecting the Historic Environment
- PD3: Biodiversity and the Natural Environment
- PD5: Landscape Character
- PD6: Trees, Hedgerows and Woodlands
- PD7: Climate Change
- HC19: Accessibility and Transport
- HC21: Car Parking Standards
- EC10: Farm Enterprises and Diversification.

2. National Planning Policy Framework (2023)
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

05/00962/FUL	Agricultural building	Granted with Conditions	23/12/2005
09/00817/TEMP	Siting of static caravan for use as an agricultural dwelling for a temporary period of 3 years	Granted with Conditions	19/03/2010
14/00037/TEMP	Siting of static caravan for use as an agricultural dwelling for a temporary period of 18 months	Granted with Conditions	04/04/2014

5.0 CONSULTATION RESPONSES

Derbyshire Wildlife Trust

- 5.1 We have reviewed the proposed development against our Biological Datasets. There are no statutory or non-statutory nature conservation designations associated with the site. No records of protected species nor notable habitats exist for the site or adjacent to the site.

Brocksford Brook flows approximately 100m to the west, however the use of bunds around the working area are likely to reduce the likelihood of pollution to this watercourse. Ecological impacts are considered relatively low, however we advise that landscaping enhancements are sought to offset the loss of the agricultural grassland. These could include seeding the bunds with native wildflowers and including tree and hedge planting outside the working area, where appropriate, such as along the northern boundary. This could be secured via a landscaping condition.

Rights of Way Officer (Derbyshire County Council)

- 5.2 I can advise that Doveridge Public Footpath No. 11 runs along the access track to the proposed development site, then turns to run west just before the site boundary, as shown in red on the attached plan. The plan is taken from the Working Copy for the definitive legal lines of footpaths.

Before making further comment, the Rights of Way section would require further information regarding the frequency of passes of vehicles along the access track. The council would be concerned for safety and any measures that may be taken to mitigate risks for path users and also concerned for any damage or encroachment to the footpath. If the applicant would like to divert the footpath and it is needed for the development to take place, they should apply to your council for the requisite diversion. I should be grateful, however, if you would advise the applicant as follows: -

- The footpath must remain open, unobstructed and on its legal alignment.

- There should be no disturbance to the path surface without prior authorisation from the Rights of Way Section.
- Consideration should be given to the safety of members of the public using the path during and after the works. A temporary closure of paths will be permitted on application to DCC where the path remains unaffected on completion of the development.
- There should be no encroachment of the path, and no fencing or installations made without consulting the Rights of Way Section.
- If a structure is to be erected adjacent to the public footpath, it should be installed within the site boundary so that the width of the right of way is not encroached upon.
- The path width must remain at 2 metres, any installations must be a minimum of 1 metre from the legal line of the path.

I can confirm that at today's date, no applications which affect the site have been received under Section 53 of the Wildlife and Countryside Act 1981.

Development Control Archaeologist (Derbyshire County Council)

- 5.3 The proposed development area overlies an area of recognised earthworks and crop marks recorded on the Derbyshire HER (CDR13014) pertaining to previous (medieval and possibly earlier) occupation of the landscape on Palmer Moor, which would be impacted by the proposed development as a digger driver training facility. However, the precise impacts and the degree of significance of the archaeology is as yet unknown. Though the presence of heritage assets on the site is not a barrier to development I will need some more information on the nature of any archaeology present, its level of preservation and its significance and to this end I would ask that a geophysical survey is undertaken on the site initially, to be followed by a programme of evaluation trenching, prior to determination of the application justified under para 194 of NPPF.

All archaeological works should be undertaken in compliance with a written scheme of investigation approved by this office prior to enactment and should be undertaken by reputable archaeological company to accepted national and industry standards.

Derbyshire Dales Ramblers

- 5.4 Ramblers Derbyshire Dales Group makes a holding objection to this application:
- Doveridge FP 11 runs up the access track from the field to Grove Lane. The greatly increased number of vehicles are a considerable danger to RoW users.
 - PRow's view and advice should be sought before this application proceeds.
 - It is disappointing that the RoW FP 11 is not referred to in the D&AS nor the plans.
 - Doveridge FP 11 should remain unaffected at all times, including the path surface, both during and after any development
 - Serious consideration should be given to the safety of members i.e. pedestrians and walkers of the public using the Right of Way during the proposed works
 - Any encroachment of the footpath would need consultation and permission with/from the DCC Rights of Way Team
 - A diversion may be necessary, if acceptable

Environment Agency

- 5.5 We have reviewed the submitted documents and on this occasion the Environment Agency will not be making any formal comment on the submission for the following reason:
- The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency.

Peak and Northern Footpaths Society

- 5.6 No objection in principle. However, I am concerned that the proposed 2-metre-high earth bunds along the southern boundary of the site are situated at least 2 metres away from the

northern edge of the legal width of Doveridge Footpath 11 so that the full width of the path is usable by walkers and they do not feel "hemmed in" or over shadowed by the bunds. It is essential that the applicant determines the exact legal location of the path with the help of the county council's rights of way officers.

Environmental Health (Derbyshire Dales)

- 5.7 As per the application form, could the following opening hours be a condition of the planning permission? 8am-4pm Monday to Friday and closed on weekends or public holidays. I would also request that no movement of excavators etc. on site until 9am. These hours of operation should minimise the impact of noise on the surrounding community.

I would also like to see these hours of operation in affect during the construction of said driver training facility.

Local Highway Authority (Derbyshire County Council):

- 5.8 Based on the supporting information and in terms of traffic impact, the proposal will have a negligible effect on the surrounding highway network during busy development periods. Such traffic movements are likely to be minimal and it is considered the proposal is not anticipated to adversely affect the operation of the surrounding highway network.

Discussions with the Public Rights of Way Team (DCC) have indicated that they do not have any concerns regarding the proposed development.

To conclude there are no objections to the proposed development from a traffic and highway point of view.

6.0 REPRESENTATIONS RECEIVED

- 6.1 A total of 4 representations have been received. Two provided comments on the application, one in support of the application and one non-attributable objection. A summary of the representations is outlined below:

Comments:

- Concerns regarding residential amenity.
- No site notice has been posted for this application.
- Concerns regarding the noise generated from the development.
- Concerns regarding lack of information relating to the number and size of equipment on site.
- Concerns regarding lack of information about landscaping and drainage issues.

In support:

- The application would allow the applicant to make their farming enterprise viable after an outbreak of avian flu on the applicant's land.
- The business will make use of uncultivated land and provide employment in the local area.

Non-attributable objection:

- The development would be inappropriate industrialisation of a rural farming area adjacent to the Somersal Herbert Conservation Area.
- The Somersal Herbert Conservation Area appraisal recognises that the open agricultural land is important to the setting of the Conservation Area.
- The development would be better suited to an industrial area.
- Concerns regarding noise and air pollution.
- Concerns regarding the narrow access track serving the site and lack of passing/turning places.

- The development will impact the character of the narrow lanes.
- Concerns regarding damage to the highway.
- Concerns regarding the safety of highway users including horses and cyclists.
- Concerns regarding existing and potential future littering and fly tipping.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact on amenity of neighbouring residents
- Impact on the character and appearance of the surrounding landscape
- Impact on archaeology
- Impact on highway safety and public rights of way

Principle of Development

- 7.1 The application site is located outside of any defined settlement boundary identified by policy S2 of the Adopted Derbyshire Dales Local Plan (2017). The principle of the development should therefore be assessed against policy S4 which relates to development proposals in countryside locations.
- 7.2 Policy S4 states that development will be permitted in such location where it comprises “proposals for agricultural and related development which helps sustain existing agricultural and other rural based enterprises, including small scale farm shops selling local produce, complementary farm diversification and new agricultural buildings that maintain the landscape and character of the countryside”.
- 7.3 Policy EC10 relates specifically to Farm Enterprises and Diversification and states “Development which forms part of a farm diversification scheme will be permitted where the proposal can demonstrate the viability of farming through helping to support, rather than replace or prejudice, farming activities on the rest of the farm. In addition, the following criteria must be complied with:
- a) the proposed development will stimulate economic activity with a use compatible with its location, which maintains the relative sustainability of a rural area;
 - b) any new buildings are appropriate in scale, form, impact, character and siting to their rural location;
 - c) wherever possible new or replacement buildings should be located within or adjoining an existing group of buildings;
 - d) the proposed development will not generate traffic of a type or amount inappropriate for the rural roads affected by the proposal, or require improvements or alterations to these roads which could be detrimental to their character;
 - e) wherever possible the proposed development makes full and effective use of existing buildings in preference to the construction of new buildings.
- 7.4 The applicant has submitted detailed financial accounts for the previous financial years prior to the avian influenza outbreak on the applicant’s land and has set out the predicted annual sum to be received from the letting of the parcel of land subject to this application. It is clear based on this information that the proposed use of the field is of a scale which would financially support the farming enterprise carried out on the applicant’s wider land holding rather than replace the farming use.
- 7.5 In relation to the other criteria of policy EC10, the proposed development makes full and effective use of the only existing building on site for use as classrooms associated with the driver training facility. There are no new buildings proposed as part of this application. The supporting statement provided by the applicant’s agent outlines that the number of

vehicular trips to the site would be less than its current use as agricultural land. The site, due to its nature as an agricultural field is by nature in a relatively unsustainable location however, the site is within approximately 1.5km of Doveridge, a third-tier settlement. The countryside location of the site would not be supported for a training facility for construction plant under other employment use policies within the Adopted Derbyshire Dales Local Plan however, in the circumstances set out above, and as part of a farm diversification scheme to support the farming activities on the site, the principle of development is considered to be acceptable in this case.

Impact on amenity of neighbouring residents

- 7.6 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires development proposals to achieve a satisfactory relationship with adjacent development and not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.7 Concerns have been raised by neighbouring residents in relation to potential noise pollution as a result of the proposed development.
- 7.8 The application site is approximately 250m away from the nearest residential property located to the south east. Whilst it is appreciated that the use of vehicles on the site is likely to be more intensive than its current agricultural use any noise from vehicles within training facility will be against the backdrop of existing vehicular traffic noise along the A50. The application also proposes to install acoustic fencing to the site, details of which shall be secured by condition.
- 7.9 Comments have been received from Environmental Health (Derbyshire Dales) requesting that a condition be attached securing the proposed operating hours and a separate condition which states that any excavators in training shall not be operated until 9am.
- 7.10 Subject to the above conditions the development is not considered to result in any significant impact on the amenity of any nearby residents and the development would be in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) in this regard.

Impact on the character and appearance of the surrounding landscape.

- 7.11 A key consideration in respect of this application is the impact of the development on the local landscape and character, identity and setting of the existing settlement. Policy S1 of the Adopted Derbyshire Dales Local Plan (2017) advises that development will conserve and where possible enhance the natural and historic environment, including settlements within the plan area.
- 7.12 Policy PD1 requires all development to be of high-quality design that respects the character, identity and context of the Derbyshire Dales' townscapes and landscapes.
- 7.13 Policy PD5 deals specifically with landscape character and advises that development that would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement will be resisted.
- 7.14 Concerns have been raised by local residents regarding the potential impact of the development on the countryside landscape.
- 7.13 The site is largely concealed by the existing mature planting along the boundaries of the site. This planting would be retained as part of the development and additional screening provided in the form of the proposed 2m high soil bunding. The application does not seek

any further buildings on site and would instead utilise the existing chicken shed as classroom spaces. Whilst some comments have been raised regarding the impact of the development on the setting of the Somersal Herbert Conservation Area it is considered that the approximate 850m distance to the boundary of the Conservation Area, which includes intervening land which has been developed as a solar farm, the impact on the setting of the Conservation Area is considered to be neutral.

- 7.14 Based on the above, and subject to appropriate landscaping (to be secured by condition) the development is not considered to result in any harm to the character and appearance of the countryside location and would be in accordance with policies S1, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) in this regard. The applicant has also stated that the site could be restored to its existing state once the site is no longer required by the proposed site operator.

Impact on archaeology

- 7.15 Some concerns have been raised by the Development Control Archaeologist that the significance of any below ground archaeology is not yet known and a geophysical survey has been requested in order to provide this additional information.

- 7.16 The applicants have stated that the site comprises spoil which was laid on site during the construction of the A50 to the north and that the excavators which are utilised on site would only excavate to a maximum depth of 1m. On this basis, the Development Control Archaeologist has agreed that a detailed desk-based assessment would be proportionate in this case, the result of which will be reported to members in the late representations. Any recommended conditions following this assessment will also be attached.

Impact on highway safety and public rights of way

- 7.17 Concerns have been raised by the Rights of Way Officer and Derbyshire Dales Ramblers regarding the impact of the development on users of Doveridge footpath 11 which runs along the access track and southern boundary of the site. The main concerns relate to the potential increase in vehicular user of the access track as a result of the proposed development. The applicant has stated that the current number of journeys to the site are approximately 10 per day and this is likely to reduce to 5 per day associated with the new proposed use. The site would also only be operated 08:00-16:00 five days per week so vehicular traffic would be reduced at the weekend and in the evenings. On this basis, there is not considered to be any significant adverse impacts on users of the public footpaths in on and adjacent to the site.

- 7.18 Comments have been received from the Local Highway Authority which, based on the anticipated level of use of the access and facility, do not raise any highway safety or traffic concerns. The development is considered to be in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017) in this regard.

Other issues

- 7.19 Comments have been received from Derbyshire Wildlife Trust which have raised no concerns with regard to any impact on protected species on site. It has been deemed that the proposed bunds would be sufficient in preventing any pollutants entering the watercourse. It has however been suggested that the enhancements to biodiversity sought by policy PD3 of the Adopted Derbyshire Dales Local Plan (2017) could be achieved through the addition of a condition which secures appropriate landscaping.

Conclusion

7.20 Based on the above assessment, the proposed development is considered to be in accordance with the aims of policies within the Adopted Derbyshire Dales Local Plan (2017) and a recommendation of approval, subject to conditions is made accordingly.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions.

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.

Reason:

This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall not be carried out other than in accordance with the following approved plans received by the Local Planning Authority 23.06.2023:

Location Plan
Proposed Block Plan
Existing and Proposed Topography
Proposed Building Layout

Reason:

For the avoidance of doubt.

3. The development hereby permitted shall not be operated other than by the applicant or sub-let by the applicant and shall remain ancillary to the agricultural operations at Brooklands House Farm, Grove Lane, Doveridge. The site shall be returned to its current condition and use as an agricultural field upon the cessation of the use hereby permitted (in compliance with this condition).

Reason:

To prevent the creation of an unwarranted and uncontrolled employment use in an unsustainable location in accordance with policy S4 of the Adopted Derbyshire Dales Local Plan (2017).

4. The use of the premises shall be restricted to the hours of 08:00 to 16:00 Mondays to Fridays and at no time on Saturdays, Sundays and Bank Holidays.

Reason:

In the interests of preserving the amenity of neighbouring residents in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017)

5. No machinery shall be operated on the premises before 09:00 nor after 16:00 Mondays to Fridays and at no time on Saturdays, Sundays and Bank Holidays.

Reason:

In the interests of preserving the amenity of neighbouring residents in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017)

6. The acoustic fencing shall be installed before the first use of the development hereby permitted in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of preserving the amenity of neighbouring residents in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

7. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority within 56 days of the commencement of development, the details of which shall include:
 - a) indications of all existing trees, hedgerows and other vegetation on the land;
 - b) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - c) measures for the protection of retained vegetation during the course of development;
 - d) soil preparation, cultivation and improvement;
 - e) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - f) grass seed mixes and sowing rates;
 - g) finished site levels and contours;
 - h) means of enclosure;
 - i) car park layouts;
 - j) other vehicle and pedestrian access and circulation areas;
 - k) hard surfacing materials;
 - l) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
 - m) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
 - n) retained historic landscape features and proposed restoration, where relevant;
 - o) timescale for implementation or hard and soft landscaping.

Reason:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with policies PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

8. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless first agreed in writing by the Local Planning Authority. All hard landscaping shall be maintained throughout the lifetime of the development hereby approved.

Reason:

To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with policies PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which

overcame initial problems with the application relating to the level of information provided with the application in order for the Local Planning Authority to be satisfied that the development would constitute a farm diversification scheme.

The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

The application site is affected by a public right of way (Doveridge footpath no. 11) on the Derbyshire Definitive Map). This route must remain unobstructed on its lawful alignment and the safety of the public must not be prejudiced either during or after the works take place. Details regarding the temporary or permanent diversion of any such route should be obtained by contacting the County Council's Footpaths Section at County Hall, Matlock on 01629 533262. Application for the permanent diversion of the public right of way shall be submitted to the District Council on the enclosed application form.