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**Delegated report**      Officer: Thomas Beardsmore

**Application ref. DMPA/2021/0333**

The erection of a storage building (use class B8), extension to existing workshop building (use class B2) and the continued change of use of building from agricultural to storage (use class B8) at Kilworth Machinery Limited, Annwell Lane, Smisby, Ashby de la Zouch, LE65 2TA

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Valid date:                      07/07/2021

Consults expired:              26/07/2021

EIA development?              No

Section 106 agreement?      Not required

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This decision is delegated to officers under the terms of the current Scheme of Delegation.

**Relevant planning history**

9/2004/0083 The formation of a roadway - Approved February 2004

9/2009/0298 The erection of a portal frame workshop - Approved June 2009

9/2012/0769 The erection of an agricultural building - Approved September 2012

9/2017/1328 Prior notification for the erection of an extension to an agricultural building - Approved February 2018

**Responses to consultations and publicity**

The County Highway Authority - No objections to the proposal from the highway point of view subject to conditions.

Natural England - No objection subject to appropriate mitigation being secured via planning condition.

The National Forest Company - Concerns over the loss of existing trees and the lack of justification for their removal, also request further information in relation to the design of the building in the context of the National Forest and how energy efficiency measures would be achieved.

Derbyshire Wildlife Trust - Satisfied that the proposed location for the new storage building will not impact upon any habitats of substantive nature conservation value. Also satisfied that none of the buildings on site, including the workshop proposed for extension, possess suitable opportunities for roosting bats by the nature of their construction. Fully supportive of the proposed tree planting as detailed on the Proposed Block Plan. This should be secured by a planning condition.

Environment Agency - The site lies fully within flood zone 1 and therefore they have no fluvial flood risk concerns associated with the site. The site does lie over a secondary aquifer and therefore the applicant should ensure that there will be no detrimental impact to ground water. Advisory recommended.

Environmental Health - No concerns or objections to this planning application.

Derbyshire County Council Archaeologist - No archaeological response is required.

Smisby Parish Council - No objection to this planning permission. They would however like the applicants to consider installing road signs to stop large lorries coming through the village.

**Relevant policy, guidance and/or legislation**

The relevant Development Plan policies are:

- Local Plan Part 1 (LP1): S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S6 (Sustainable Access), E2 (Other Industrial and Business Development), SD1 (Amenity and Environmental Quality), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), BNE1 (Design Excellence), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness), INF2 (Sustainable Transport) and INF8 (The National Forest).
- Local Plan Part 2 (LP2): SDT1 (Settlement Boundaries and Development) and BNE5 (Development in Rural Areas)

The relevant local guidance is:

- South Derbyshire Design Guide Supplementary Planning Document (SPD)

The relevant national policy and guidance is:

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

## Planning considerations

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the determination of this application is/are:

- Principle of Development;
- Design and Amenity Impact; and
- Biodiversity and drainage.

## Planning assessment

### Principle of Development

The site is located outside of any settlement boundary as defined in the Local Plan and thus considered to be within the open countryside and a rural part of the South Derbyshire. There are two existing buildings on site, a workshop and an agricultural building, these are both used as part of the applicant's established business - Kilworth Machinery Ltd, which sells agricultural machinery, the buildings are used to store and maintain the machinery and equipment. The proposal seeks to extend the existing workshop building, retrospectively change the use of the existing agricultural building to a B8 use (storage) and also erect a further storage building.

Part A of Policy E2 supports the development of land for uses defined by classes B2 and B8 where:

- i) the site lies within or on the edge of the Swadlincote urban area, Derby or Burton upon Trent, or a Key or Local Service Village; or*
- ii) the proposal is for the expansion of an existing business; or*
- iii) the proposal is for the redevelopment of established industrial or business land or premises.*

Under part B of the policy, all proposals under part A should be in scale with existing built development and should not give rise to undue impacts on the local landscape, natural environment or cultural heritage assets.

It is considered that the proposed development of the land to change the use of the existing building, extend the workshop and erect a new storage building would comply with the requirement of Part A(ii) as detailed above. The new building would be located adjacent to the existing buildings on site and the extension to the workshop would also appear as a natural extension to the building, overall the development would all be in close proximity to the existing built development on site and would form a square shaped industrial site of buildings. The design of the new building and extension would be similar in appearance to that of the existing buildings on site and the other buildings to the north which are outside of the application site but are in close proximity, and as a result it would comply with Part B of Policy E2. The development would allow the continuation and growth of the applicant's rural based business, which is already well established on this site, development being within close proximity to the existing agricultural/industrial style buildings is also supported, as such the proposal would comply with the requirements of Policy E2 and the principle of development is therefore considered acceptable.

### Design and Amenity Impact

Policy BNE1 requires that all new development is to be well designed and embrace the principles of sustainable development. The existing buildings currently used on site are steel portal framed buildings with box profile sheeting, with the workshop being constructed from grey sheeting and the agricultural building constructed from dark green sheeting. The proposed elevations show that the new building and extension would match the appearance of the existing buildings, with the proposed design typical of agricultural style buildings found in rural parts of the District, and would therefore not look out of place.

There are considered to be limited views into the site from the highway, due to the separation distance of 150m when measuring from Annwell Lane to the closest building and there also being an embanked hedge line along the southern side of the highway. Although it is noted that there are some views of the site when looking through the site access from Annwell Lane towards the site and also when viewed from the access into Rose Cottage which is 140m to the west. The proposed development is considered appropriate when considering the rural landscape that surrounds the site. The buildings would appear as a natural extension to an existing rural business and would appear as part of the existing cluster of buildings. The proposed new building at the rear of the site would have very little visibility from the public realm, with it being screened by the existing buildings and the proposed extension, therefore its impact is minimal. Given the significant separation distances from the closest neighbouring dwellings and the proposed use of the buildings for storage, there are no concerns over the impact on the amenity of surrounding occupiers, the separation distances comfortably meet the requirements as set out in the Design SPD. As such the proposal is considered to comply with the requirements of Policies BNE1 and SD1.

### Biodiversity and drainage

The proposed development comprises the erection of a new storage building for B8 and extension to an existing workshop, the site is located within the River Mease catchment area. Following consultation with Natural England it was considered that a Stage 1 Habitat Regulations Assessment would be required as the proposal could potentially result in foul and surface water being discharged into the River Mease which is designated as a Special Area of Conservation (SAC).

Following this, the Council has determined to complete a Habitat Regulations Stage 1 Assessment. Following this assessment it concludes that the proposal can be screened out from further stages of assessment because the proposed development will have no likely significant effect (LSE) on the River Mease SAC. Natural England is satisfied that subject to appropriate mitigation being secured, by attaching a planning condition to secure a suitable drainage system for the site, that there would be no significant adverse impacts on the River Mease SAC/SSSI.

The impact on other biodiversity interest has been considered by Derbyshire Wildlife Trust and it is considered that proposed location for the new storage building would not impact upon any habitats of substantive nature conservation value, none of the buildings on site, including the workshop proposed for extension, possess suitable opportunities for roosting bats by the nature of their construction. The proposed tree planting as detailed on the Proposed Block Plan is also fully supported, which should

provide a welcome net gain for biodiversity in line with objectives' of the National Planning Policy Framework and policy BNE3. The total site area as shown by the location plan measures approximately 1.3ha, on this basis there is a requirement that 20% of the development area is to be woodland planting and landscaping as required by policy INF8, as a result of the site being an industrial site within the National Forest. The proposed Block Plan indicates a new area of woodland planting at the rear of the site, this woodland would measure 0.2638ha and therefore would cover 20.2% of the site, therefore meeting the minimum requirements of policy INF8. As such it is considered that, subject to conditions, the proposal complies with the requirements of Policies SD3, BNE3 and INF8.

## **Recommendation**

Approve with Conditions

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

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| Recommendation made: | 13/12/2021       |
| Report agreed:       | 14/12/2021       |
| Authorised officer:  | Steffan Saunders |

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