

Item No. 1.6

Ref. No. [DMPA/2023/1229](#)

Valid date: 19/10/2023

Applicant: Mark Earp

Agent: Andrew Large Surveyors

Proposal: Conversion of agricultural buildings to B8 use (Storage and Distribution) and retention and change of use of 23 shipping containers to B8 use at The Stables, Cockshut Lane, Melbourne, Derby, DE73 8DG

Ward: Melbourne

Reason for committee determination

The case has been called in by Councillor Carroll as local concern has been expressed on a particular issue and it is considered that the issues in the case are very finely balanced.

Site Description

The site is located on the western side of Cockshut Lane within the rural area to the west of the settlement boundary for Melbourne. It comprises a gravelled area that was formerly used for horticulture and incorporates 3no. former agricultural buildings, a telecommunications mast, and an existing access to Cockshut Lane, opposite Hope Street, that was granted planning permission retrospectively (ref. DMPA/2023/0359). The site is bordered by mature trees to the east, south and west, beyond which are agricultural fields. The farmhouse and The Butts dwellings are located to the north-west of the site together with other agricultural buildings and the original site access road. The topography in the area is generally flat.

A review of Google Earth imagery related to the site shows that the land was occupied by polytunnels with hardstanding pathways in between and immature boundary planting in 1999. By 2007 the polytunnels had mostly been removed. By 2016 some containers were present onsite, and the site appears potentially overgrown, as there is green vegetation coverage. By 2021 the site appears to have been cleared from vegetation, and by 2022 hardstanding, a new access road from Cockshut Lane and additional containers were apparent.

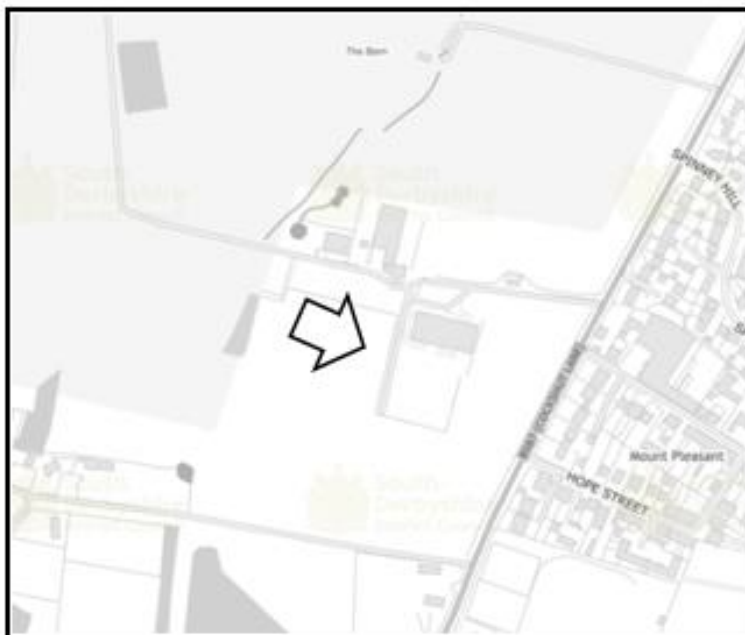
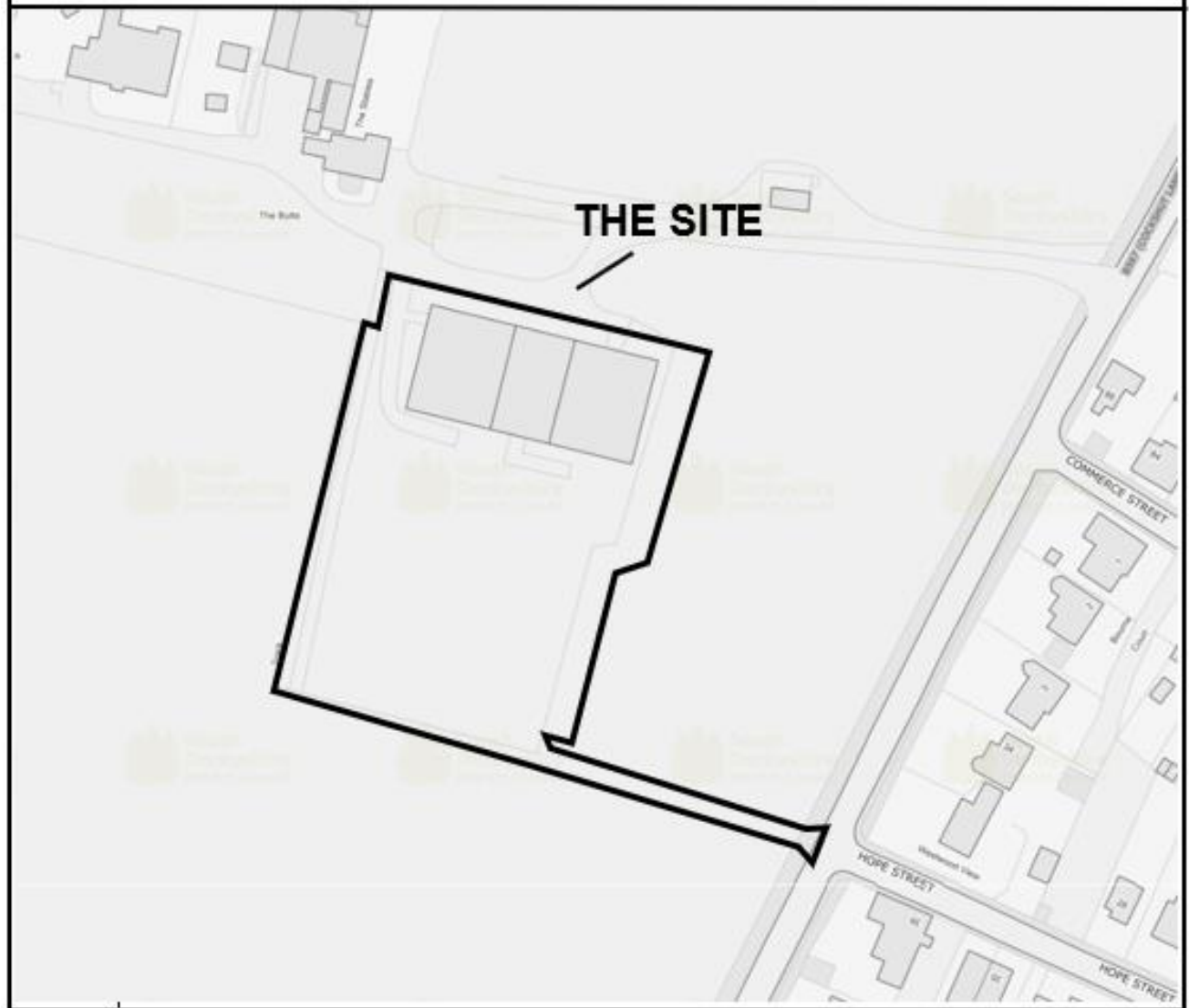
The proposal

The application seeks planning permission for the conversion of agricultural buildings for B8 use (Storage and Distribution) and retention and change of use of 23 shipping containers to B8 use. No changes are proposed to the existing buildings which comprise 3no. adjoining steel buildings (green painted) with gable roof design, 3no. roller doors (1 on each unit) on the northern elevation, and 1no. roller door on the central unit on the southern elevation. Two types of container are proposed for retention within the site: nine of c. 12m length; and the remainder of c. 6m length. Both types of container are c. 2.4m in height. The containers, which were present at the time of the Officer's site visit, would be repositioned from their current placement to the linear arrangement following the western site boundary as shown on the proposed site plan. The proposed site plan shows that there would be additional woodland planting along the eastern and southern boundaries, together with close board fencing that has been incorporated into the plans at the request of Officers. The development would use the access from Cockshut Lane that was permitted under ref. DMPA/2023/0359.

Applicant's supporting information

Application Drawings

- Location Plan, Revision A (25 September 2023)



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- Proposed Site Plan, Revision F (17 January 2023) – updated to incorporate clarifications in landscape labelling, repositioning of screening fences, and vehicle restrictions compared to earlier version
- Existing Building Elevations and Floor Plans (4 October 2023)
- Proposed Building Elevations and Floor Plans (4 October 2023)
- Existing Container Drawings (4 October 2023)
- Proposed Container Drawings (4 October 2023)
- Swept Path Analysis (28 November 2023)
- Materials Details (4 October 2023)

Planning Statement (25 September 2023)

An assessment of the proposed scheme against the development plan policies by the applicant's planning agent.

Economic Statement (25 September 2023)

An assessment of the viability and demand of the proposed development by the applicant's planning agent.

Landscape and Visual Appraisal (25 September 2023)

An assessment of the landscape and visual impact of the scheme following the Guidelines for Landscape and Visual Impact Assessment, Third Edition 2013 (GLVIA3) (Routledge, 2013) and prepared by the applicant's landscape consultant.

Transport Statement and Appendices (12 October 2023)

An assessment of the impact of the proposal on the public highway by the applicant's planning agent.

Email from Agent and Supporting Traffic Information (28 November 2023)

Supplementary explanation on transport impact from the applicant's agent, submitted in response to the initial Highways Officer comments.

Employment Statement (06 December 2023)

Statement clarifying expected employment generation from the applicant's agent.

Business Statement (08 December 2023)

Statement to demonstrate business case for the development as required under policy E7, prepared by the applicant's agent.

Email from Agent (08 December 2023)

Clarification on matters related to the proposed development including anticipated business users prepared by the applicant's agent.

Relevant planning history

9/2005/0169 The erection of a steel framed agricultural building - approved
 9/2014/0875 The erection of a greenhouse and agricultural building - approved
 9/2016/0970 Erection of 20m monopole telecommunications mast and installation of ancillary infrastructure and associated works – approved
 9/2017/1005 Prior notification for the erection of an agricultural building for storage of horticultural equipment and use as a potting shed – prior approval not required
 9/2018/0859 Prior notification for change of use of agricultural building to a dwelling house and for associated operational development - approved
 DMPA/2021/1624 Removal of an existing 20m monopole supporting 6 no. antenna, 4 no. cabinets and 1 no. dish to be replaced by a 30m lattice tower supporting 6 no. antenna, 8 no cabinets, 1 no dish and development ancillary thereto - approved

DMPA/2023/0359 Retrospective application to tarmac the initial 20M of a driveway to the farm and telecoms mast situated on the farm - approved
DMPN/2023/1438 Prior approval for the change of use from offices (Use Class E) to a dwelling house (Use Class C3) - withdrawn
DMPA/2023/1624 Proposed change of use from offices to a dwelling house (Use Class C3) – pending determination

Responses to consultations and publicity

Melbourne Parish Council

Members of the public attended the meeting to express their concerns regarding the increase in traffic on Cockshut Lane, which may be a potential issue. Parish Councillors noted and agreed with these concern (17/11/2023)

County Highways Authority

Initial response –

Access - It must be satisfactorily demonstrated that the conditions imposed on planning ref: DMPA/2023/0359 have been implemented i.e. The access will be retained with a minimum of 2.4 x 120m visibility sightlines in both directions for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority. In addition, evidence must be provided to demonstrate that a Section 184 licence (Highways Act 1980) was granted to construct the access.

It is also considered that as the access is to be formalised for a B8 (storage and distribution) use then it should be able to accommodate all vehicles associated with a B8 land use, which includes large rigid and articulated HGV's. The applicant must therefore demonstrate that all vehicles associated with a B8 (storage and distribution) land use must be able to satisfactorily enter and leave the site without resulting in potential conflict with other road users. It must be shown that all vehicles can enter and leave the site at the same time to ensure vehicles do not have to wait on the highway to

enter the site. The access to the site must be provided with kerbed radii and for a distance of at least 15m into the site to ensure damage is not caused to highway verge and street furniture.

Site Layout - Swept path assessments must be shown for all types of vehicles associated with a potential B8 (storage and distribution) land use entering and leaving the site from the access road. The proposed area of hardstanding within the site must be shown with turning arrangements for all vehicles.

Proposed Trip Generation - It is noted that the trip generation of the proposal is based on data for an existing operation in Nuneaton. However, it is noted that data is only provided for 2 weeks in January 2023. This is not a neutral month and it is considered that the data may therefore not be typical for the operation. It is requested therefore that further data be provided that covers spring and summer months as it is considered that these are the peak months for this type of land use. Ideally a full years data should be submitted for review.

Hours of Operation - It is considered that the hours of operation of the proposed facility should be limited to 8am to 6pm to ensure the amenity of nearby residents is not compromised. Upon receipt of the requested information further comments will be issued.

Subsequent response following receipt of further transport information – The applicant has responded stating that they would be willing to accept a planning condition restricting use of the access to vehicles no greater than 7.5T. This is considered to be acceptable in principle but it must be ensured that the proposed condition is appropriate and enforceable. It is therefore required that such a planning condition requires the submission and approval of a Traffic Management Plan prior to any use of the access. The Traffic Management Plan should provide details of the vehicle restriction, how the applicant would make future occupiers aware of the restriction, how they would monitor and enforce the condition and what penalties would be imposed on occupiers should they break the condition. As previously stated no use of the access should be permitted until the Traffic Management Plan has been approved.

In addition the highway authority raised the issue of the access being constructed in accordance

with the approval of a Section 184 Licence. In response to this the applicant has stated that they were wrongly under the impression they could construct this access as they had done previously with other agricultural tracks. Having now been made fully aware of the requirements and obligations for a Section 184 license the applicant would work proactively in this regard to ensure all legislation is complied with. At this stage the exact specification is yet to be confirmed and on the basis the access is not presently being used, as the buildings are empty and redundant, it is thought prudent to adhere to any subsequent consent and conditions therein.

It is evident therefore that the access is currently not being used as this must remain the case until a Section 184 Licence has been applied for and approved by the LHA to ensure that the access has been constructed appropriately and is not detrimental to highway safety. It is considered that this requirement should be imposed by a planning condition. Taking the above into account the highway authority has no objections to conditions being imposed should approval be granted (08/12/2023).

Environmental Health Team

I have no objections to the proposal; however, I suggest it would be sensible to safeguard amenity if there was a condition regarding hours of use. I see they have suggested 7am to 9pm daily in the transport statement to fit in with other units in the area. Can you please verify these are the proposed hours. Additionally, details of external lighting requested prior to the installation (06/11/2023).

Economic Development Team

We are happy to support the project and agree with the need case and the business plan (20/12/2023).

Derbyshire Wildlife Trust

Based on the proposals and the information submitted, we advise that the application considered low impact and unlikely to have a substantive adverse effect on biodiversity. We do not consider ecological surveys or a Biodiversity Net Gain assessment necessary or proportionate in this instance. The existing site appears to consist of largely hardstanding area, and we do not consider the existing building to be suitable to support roosting bats. We welcome the proposed woodland planting and recommend that this is secured through a suitable worded landscape plan. We recommend that native species are planted. If the applicant wishes to secure further biodiversity enhancements, we recommend that the enhancement measures are secured. (28/11/2023)

Tree Officer

The site has a single line of mature hybrid poplar trees on the east west and south boundary of the site. The crowns of the poplar are up to 10.0m in width. The new woodland planting of 0.189ha (about 473 trees at 2.0m spacing) is proposed to consist of 50%(237) oak, 20% (95) holly and 30% (142) hawthorn. Oak is a light demanding tree and is unlikely to establish under the crowns of the existing hybrid poplars. The hawthorn and holly are shade bearing but will not establish in dense shade or in soil that has a moisture deficit. I suggest that oak transplants are planted in groups of at least 9 to 25 trees on the outside of the two planting blocks outside of the crowns of the hybrid poplars trees, with holly and hawthorn planted in groups of 9 to 25 trees at least 5.0m from the stems of the mature hybrid poplar trees. I am happy with the above 3 species of tree and shrub for this site. However, if more diversity of species is requested, I suggest field maple, hornbeam and hazel that are shade bearing trees and shrub species would be suitable on this site. (28/11/2023)

Other Consultees

Derbyshire County Council Lead Local Flood Authority and Severn Trent Water were consulted and made no comments. East Midlands Airport Safeguarding raised no objections (29/11/2023).

Melbourne Civic Society

A detailed response was received on 05/12/2023 from the Civic Society which is summarised as an objection to the application 'as a bad case of Urban Creep'. The response highlights that the site has a history of non conformity; asserts that the Local Plan does not support general warehousing in this location, that the business case is weak; and suggests that the site should be

considered as quasi green belt.

Neighbour Responses

30 objections were received from 26 members of the local community, with some members commenting multiple times with points made summarised:

- a) Local plan does not support general warehousing / self storage in this rural location;
- b) There is a lack of benefits to the local community or environment;
- c) There are other more suitable sites locally and the proposal risks setting a precedent that will encourage further similar development;
- d) Inaccuracy in the development description which did not initially refer to the existing agricultural use of the site and then confusion when the development description was changed to reflect this;
- e) Ambiguity in the B8 use which could allow open storage and dangerous substances, and unrestricted vehicle movements under the remit of 'distribution';
- f) Request for the B8 use to be restricted to agricultural storage;
- g) Previous planning decisions for agricultural uses would be breached;
- h) Safety of the proposed access and significant increase in traffic movements opposite Hope Street with reports of speeding vehicles, traffic accidents along Cockshut Lane and particular concern related to conflict with the Melbourne Sports Partnership site and activities hosted there (rugby, sports groups etc. cited), school bus stops, pedestrians as well as other vehicles;
- i) Traffic accessing the development would be on smaller roads within the network as lorries are unable to use Swarkestone bridge;
- j) The new access from Cockshut Lane sought retrospectively comprised a 'stealth' measure to prepare for the storage proposal, its proximity to the high voltage power transformer and publicity for the previous planning application DMPA/2023/0359, together with assertion that the visibility splays cannot be achieved;
- k) The new access road is not shown on the site plan;
- l) The access from Cockshut Lane would need to be widened to allow for B8 use, and the 7.5tonne weight limit would allow vehicles that fall within the definition of a Heavy Goods Vehicle;
- m) A request for permanent speed cameras;
- n) The positioning of the gates (request for them to be closer Cockshut Lane to prevent parking on the access road;
- o) Transport Statement is not reliable as relies on data from a comparable site in Nuneaton, instead of site specific data;
- p) The required visibility splays cannot be achieved.
- q) Loss of greenspace and biodiversity, the impact on views of the rural area and inadequacy of trees (which could be felled in future) for screening;
- r) Impact on the Conservation Area;
- s) Retrospective nature of the application with shipping containers in place and buildings used for storage;
- t) Gradual erosion of small horticultural distribution unit to an industrial operation, and references to changes within the site over time;

- u) Inaccuracies on the distances cited in the landscape assessment, concern about the time of year the survey was undertaken and disregard for disturbance impacts, lighting and other matters;
- v) Amenity concerns related to noise and light pollution (including from vehicle headlights);
- w) The opening hours would be very long;
- x) Impact on property values;
- y) The telephone mast and previously approved access.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

- Local Plan Parts 1 and 2: E7, BNE5, INF2, BNE1, BNE4, INF8, BNE3
- Melbourne Neighbourhood Plan: DP2, OS3, OS4

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

The determining issues are as follows:

1. Principle of the Development;
2. Highways and Parking;
3. Design and Impact on the Character of the Surrounding Area
4. Other Matters.

Planning assessment

Principle of the Development

The site is located outside of a defined settlement and within the rural area. Policies BNE5 and E7 of the Local Plan and Policy DP2 of the Melbourne Neighbourhood Plan relate to development in the rural area. Policy BNE5 supports development that is allowed for under Policy E7 provided it would not unduly impact landscape character and quality, biodiversity, best and most versatile agricultural land, and heritage assets. Policy E7 states that Council will support development proposal which diversify the range of sustainable employment activities on land outside of settlement boundaries provided they support the social and economic needs of the rural communities in the District. Also, that the Council will support proposals for the reuse, conversion and replacement of existing buildings and development of new buildings where: it is supported by a sound business case, the local highway network is capable of accommodating the traffic generated, the development will not give rise to any undue impacts on neighbouring land, it is well designed and of a scale commensurate with the proposed use, and visual intrusion and the impact on the character of the locality is minimised.

Policy E7 therefore offers support for a proposal of this nature in the rural area, provided it can demonstrate that the proposal is for a business that can support the social and economic needs of rural communities, that is supported by a sound business case, and is acceptable within the context of the criteria stated (traffic, impacts on neighbouring land etc.) in the policy wording and also in Policy BNE5.

Employment Activities and Need

An Economic Assessment was submitted as part of the planning application. This was supplemented with an Employment Statement on the request of Officers. The Economic Assessment states that the applicant has been approached by both local businesses and private

individuals for the rental of storage space. It states that there is one other storage facility within a 5 mile radius of the site (Newton Self Storage, which is 1.3 miles distant), and that there is a demand for storage in the area. It is noted that the comments from the neighbouring community highlighted other storage facilities, however on review of these alternatives they are within the 6-10 mile radius from the site, and the applicant's statement that there is one other storage facility within a 5 mile radius is not disputed. The Council's Economic Development team has also reviewed the Economic Assessment and confirmed that there is a need for such facilities in the locality.

Additionally, the Case Officer met with the Head of Economic Development on 17/01/2024 to further understand the need for B8 use in the local area following feedback from a member of the local community on this aspect. It was confirmed that there is a clear need for this type of development, as there is very little business space available in the District and in Melbourne in particular (examples such as the Castle Lane industrial estate and development on the northern edge of settlement were referenced). However, there are a lot of businesses in Melbourne, many of which are smaller enterprises or home based, which would undoubtedly benefit from the provision of storage. It was noted that if businesses can utilise storage offsite, it would likely increase production onsite. The search area of 5 miles for other storage providers was also acknowledged as reasonable for the locality, with only one other competitor in this radius for businesses to choose from.

In terms of employment, it is acknowledged that there would be modest employment generated from the development, as Officers would agree is typical for storage uses. Although it is difficult to quantify, the statement suggests the space could support 10 full time equivalent jobs, which is based on '*employment densities seen elsewhere in the self-storage sector*'. The statement highlights that it would be a low scale enterprise, with self-storage managed by the applicant. It anticipates that there would indirect employment related to van drivers. Other than employment it is noted that there would be benefits through provision of excess storage to local businesses, with the following examples of the types of users that may utilise the building: surveyors that are obligated to keep files for a prescribed number of years; personal storage during house transitions; and contractors that have equipment with no fixed place of work.

Business Case

A Business Statement has also been submitted as part of the application, which has been reviewed by the Council's Economic Development team. The Economic Development team made enquiries related to the users that the units would be aimed at (households or businesses), the security provision, and other clarifications related to whether users would be able to register as trading from the site. It was confirmed by the applicant's agent that the units would be aimed at domestic householders and small to medium sized businesses, there would be a security gate (the details of which could be confirmed as part of planning conditions), and users would not be able to use the site as a registered trading address. Following these clarifications, Economic Development confirmed support for the project and agreement with the business plan.

Provided that the other criteria of Policies E7 and BNE5 of the Local Plan, and Policy DP2 of the Melbourne Neighbourhood Development Plan can be met (appraised below), it is considered that the proposed development would be acceptable in principle.

Highways and Parking

The NPPF (Paragraph 111) states that: '*development should only be prevented or refused on highways ground if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*'

Policy INF2 sets the local policy framework for sustainable transport and states that planning permission will be granted for development where appropriate provision is made for safe and convenient access to and within the development for users of the private car and other modes of transport. As above, Policy E7 also requires consideration of whether the local highway network can accommodate the traffic generated.

A Transport Statement has been submitted as part of the application which contained traffic data from a comparable site (i.e. 1,225m² B8 Use, Storage and Distribution, at Extra Room Storage, Drayton Grange Farm, Fenny Drayton in Nuneaton). The Highway Authority initially requested further traffic data, as the Transport Statement referred only to data from 2 weeks in January 2023 which was not considered to be a 'neutral month'. In response the applicant provided further traffic data for the proxy site in April 2023 and confirmed that the type of vehicles observed were: 60% cars; 8% small vans; 33% users in transit vans; and no HGVs. The average daily trips were identified as 18 vehicles (36 two-way movements) per day for January and 23 vehicles (35 two-way movements) per day for April. A member of the local community challenged the use of the proxy site. Whilst site specific data would be ideal, the use of proxy sites is not uncommon in the assessment of transport impacts and the approach was not disputed by the Highways Authority. Based on the information provided, the Highways Officer confirmed that the volume of trips would be acceptable. It is considered the local highway network would be able to accommodate the level of traffic generated as required by Policy E7.

The local community and Parish Council raised concerns about the safety of the access and impact of the proposal on the public highway as noted above. On initial review of the scheme the County Highways Authority also expressed concerns. Initially, it was requested that the site access be formalised and swept path analysis provided for a B8 storage use in anticipation of larger vehicles. Queries related to the traffic data and section 184 licence were also raised. There has been considerable dialogue between Officers, the Highways Authority and planning agent on matters of highways during the application process. In order to overcome the concerns of the Highway Authority the applicant proposed a restriction on vehicles entering the site of 7.5T and provided swept path analysis accordingly. Officers considered whether such a restriction on the size of vehicles would be enforceable. It was determined that the vehicle restriction would be enforceable, subject to the submission and approval of a Traffic Management Plan prior to first use. The Traffic Management Plan would require further submission of details related to how future users of the site would be made aware of the vehicle restriction and how the applicant would monitor and enforce the limit. It is noted that the latest site plan incorporates proposed signage of the weight restriction at the point of access. On this basis it is considered that the proposal would not materially impact the safety of the public highway and would comply with policy INF2.

The Highways Authority also recommended a condition related to implementation of the section 184 licence for the access and implementation of the visibility splay as previously approved under ref. DMPA/2023/0359. As this falls under separate legislation (the Highways Act) it would not be appropriate to attach as a planning condition but is recommended that this requirement be emphasised through an appropriately worded informative.

The request for a Construction Management Plan is also noted, although not considered to meet the conditions test of 'necessary' as there would be no construction work as part of the proposed development, only the incorporation of landscaping.

Design and Impact on Character of the Surrounding Area (including Landscape)

As well as the requirements of Policy E7 and BNE5 related to design, scale and impact on landscape character, Policy BNE1 sets out principles for design excellence, which is supported by the detail within the South Derbyshire Design Guide SPD. Policy BNE4 requires developers to retain key valued landscape components (such as mature trees) and states that development which has an unacceptable impact on landscape character, visual amenity and sensitivity and cannot be satisfactorily be mitigated, will not be permitted. Policy INF8 sets planting requirements for development over 1 hectare size in the National Forest.

Policy DP2 of the Melbourne Neighbourhood Development Plan states that there is a general presumption against new development within the rural areas. All development proposals within the rural areas will be assessed in terms of their impact on the existing character and setting of Melbourne and Kings Newton. Proposals which would lead to adverse impacts upon those settlement features will not be supported.

In terms of impact on the landscape, the applicant has provided a Landscape and Visual

Assessment as part of the planning application using the GVLIA3 methodology. This highlights that the site is not subject to any landscape designations and assigns the landscape character of the site as low value with low susceptibility to change. It concludes that the proposed development would result in negligible change to the site on landscape character and views.

There would be no changes to the existing buildings within the site and therefore the primary design consideration relates to the containers. The containers were present at the time of the Officer's site visit although not in the arrangement shown on the proposed site plan, and not fully painted in accordance with the materials details put forward as part of the application. Containers would not typically be considered good design within the remit of Policy BNE1, although it is accepted that they are functional and the use of such structures is fairly commonplace. The proposed realignment of the structures alongside the western boundary, with exteriors fully painted in green, would however limit the visual intrusion from the public realm.

No existing landscape features (trees, hedgerows) would be removed as part of the proposal. Looking at the Google Earth imagery for the site however it is apparent (as has been raised in comments from both the Civic Society and local community) that as well as the introduction of containers, there is also likely to have been a change in the ground cover of the site from vegetated to hardstanding/aggregate over time which does not appear to have previously been regularised. Whilst this is acknowledged, it is unlikely to materially affect the impact of the proposed development on the landscape or views when taking into account the existing and proposed screening. Specifically, the close boarded fence that has been incorporated into the proposed site layout on request of Officers; and the area of tree planting along the eastern and southern boundaries of the site. The application incorporates 0.189 hectares of additional tree planting which accords with the requirements set out in Policy INF8, despite the application site area falling below the 1 hectare threshold. Hard and soft landscaping details could be secured by planning condition, which would allow further consideration of these matters and for the species mix proposed by the Tree Officer to be accommodated. For avoidance of doubt, it would also be prudent to incorporate a planning condition to ensure that there is no external storage within the site.

With mitigation incorporated as part of the proposal and additional conditions to require the details of landscaping, it is considered that the proposal would comply with the requirements of Policies E7, BNE5, BNE1, BNE4 and INF8 of the Local Plan and would have no material impact on landscape character or views. This in turn would mean that there would be no material impact on the character of the settlement of Melbourne and the proposal would comply with Policy DP2 of the Neighbourhood Plan.

Other Matters

The proposal relates to the change of use of existing buildings with the introduction of containers for a self-storage use which would be sufficiently distanced so as not to affect the amenity of neighbouring dwellings through loss of light etc. There is a potential for disturbance from vehicle movements to the site, although this would be in the context of the traffic already travelling on Cockshut Lane, and any such impact is not considered to be significant. The Council's EHO has raised no objections to the proposal and agreed to the condition proposed by the applicant to limit deliveries to daytime hours (0800am to 1800 Monday to Saturday, with no deliveries on Sundays or Bank Holidays). The proposal would therefore comply with the requirements of Policies BNE1 and E7 in this regard.

Derbyshire Wildlife Trust has been consulted and advised that the application would have low impact on biodiversity. The feedback from Derbyshire Wildlife Trust notes that the site is currently hardstanding. Officers acknowledge that there was vegetation coverage previously (based on the Google Earth imagery), however as formerly managed agricultural land this is unlikely to have offered significant potential for wildlife. The woodland planting is supported and it is recommended that conditions be attached to secure further biodiversity enhancements, which would be reasonable and in accordance with Policy BNE3 and Policy OS3 of the Neighbourhood Plan.

Policy BNE5 also requires consideration as to the impact on heritage assets and best and most

versatile agricultural land. Policy OS4 of the Neighbourhood Plan states that proposals for new development in the 'permanent loss' of Grades 1, 2 and 3a agricultural land will not be supported. There are no designated heritage assets within the vicinity of the site. The site comprises Grade 2 i.e. best and most versatile (BMV) agricultural land as does much of the land to the west of Melbourne. There would be a 'loss' of c. 0.5 hectares BMV land (excluding the existing buildings from the site area) due to the change of use, however it is noted that the containers could easily be removed in future such that impact would be reversible and the land would not be permanently sterilised. Hard landscaping details are recommended to be reviewed by planning condition.

Many of the points raised by the local community have been considered as part of the preceding assessment. For avoidance of doubt, some of the detailed points raised are responded to as follows:

- The development description was updated to reflect the current planning status of the site and buildings, which comprises agricultural;
- Class B8 is defined within the Use Classes Order and not considered ambiguous. Additionally the applicant has committed to this comprising self-storage, which could be incorporated in a suitably worded planning condition. It is not considered reasonable or necessary to provide further definition of the types of storage proposed in this instance.
- In relation to the concern that the conditions of previous planning permissions would be breached if this development were permitted, it is noted that there appears to be a misunderstanding of the planning system, as one planning permission does not preclude the application for further development which is to be considered on its own merits.
- The specific highways concerns related to interactions with other uses/users in the vicinity raised are noted (e.g. Melbourne Sports Pavilion, school bus stops, pedestrians). With the measures proposed by condition in place, the Highways Authority has concluded that the scheme would be acceptable, and it is considered that there would be no material impact on the public highway including these other uses/users.
- The new access from Cockshut Lane is included in the red line boundary for the current application. The proposal does not seek to widen the access point and the maximum type of vehicle is illustrated on the Swept Path Analysis.
- The provision/requirement for further gates along the access road could be reviewed as part of the Transport Management Plan;
- The applicant was requested to incorporate a close boarded fence to provide additional screening of the containers in acknowledgement that the mitigation provided by existing and proposed tree cover would likely reduce in the winter;
- The proposal would not impact Melbourne Conservation Area which is located c. 0.5km to the east and separated by built development;
- The landscape and visual assessment has been reviewed by Officers as part of the application and provides useful indication of the likely impact of the proposal. Officers have however made an independent planning assessment of the impact of the proposal on landscape character etc. in the policy context, and the matters raised in comments on the landscape and visual assessment (e.g. inaccuracies in the distances from residential dwellings) do not alter the view that the proposal is acceptable in terms of impact on the landscape.
- No lighting is proposed as part of the development. A condition related to details of lighting could be incorporated as part of the planning permission.
- The proposed hours have been reduced as the application has progressed from 0800-2100 to 0800-1800, which may overcome concerns related to the length of opening hours.

- The impact of the proposal on property values, request for speed cameras, comments related to the existing telephone mast, and related directly to the previously permitted access ref. DMPA/2023/0359 (its proximity to the high voltage power transformer, publicity for the previous application, and visibility splays) are not material in consideration of this application.

It is acknowledged that the containers were brought onto site prior to submission of the application, that the land within the site has been cleared (based on aerial imagery). The planning assessment has taken into account the site clearance and assessed the scheme compared to this baseline. The public raised concern generally about the 'gradual erosion' of the site and potential lack of transparency in previous applications, particularly with the application for the new access having been submitted retrospectively. These factors have not aided community perception of the scheme, however they are not material planning considerations and must be put aside in determination of the application.

Conclusion

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Non planning matters should not be given weight in the determination. The principle of rural economic/employment development is supported by Policy E7, which allows for the development of new buildings, conversion and replacements in the rural area subject to a number of criteria. It has been confirmed that there is a need for the type of development proposed in this area, and whilst the direct employment provision would be modest, there would be benefits to existing businesses within the locality. The business case for the site has also been confirmed as sound and therefore the proposal would be acceptable in principle. The key material considerations in determination of the case relate to highway safety and the impact of the proposal on the landscape, which can be adequately addressed through appropriate planning conditions. The other material considerations (amenity, agricultural land, biodiversity etc.) are attributed lesser weight for the reasons discussed. Taking all of the above into consideration, the application would comply with the requirements of the Development Plan and is therefore recommended for approval subject to 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.

Recommendation

Approve with conditions.

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

Reason: To conform with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following plans/drawings, unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990:

- Location Plan, Revision A (25 September 2023)
- Proposed Site Plan, Revision F (17 January 2023)
- Existing Building Elevations and Floor Plans (4 October 2023)

- Proposed Building Elevations and Floor Plans (4 October 2023)
- Existing Container Drawings (4 October 2023)
- Proposed Container Drawings (4 October 2023)
- Swept Path Analysis (28 November 2023)

Reason: In accordance with policy BNE1 of the Local Plan and for the avoidance of doubt and in the interests of achieving sustainable development.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and Article 3 and Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), this permission shall relate to the use of the premises for self-storage (Class B8), and for no other purpose.

Reason: In order that the Local Planning Authority may retain control over the future use of the premises and in the interests of the amenity of the area.

4. No deliveries shall be made to or dispatched from the site other than between 8:00am hours and 6:00pm hours Mondays to Saturday. There shall be no deliveries to or from site on Sundays, public holidays and bank holidays.

Reason: In the interests of protecting the amenity of the area and adjoining occupiers and in accordance with Policy BNE1 of the Local Plan.

5. There shall be no external storage of materials.

Reason: In the interests of protecting the amenity of the area and in accordance with Policy BNE1 of the Local Plan.

6. Prior to first use, the containers hereby approved shall be fully painted in juniper green to match the buildings onsite and in accordance with the materials details (email from agent, 4 October 2023).

Reason: In the interests of protecting the amenity of the area and in accordance with Policy BNE1 of the Local Plan.

7. Notwithstanding the plans hereby approved, prior to the installation of the close boarded fence, details of the height (relative to the containers and ground level), appearance and materials of this shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be completed in accordance with the approved details prior to first use of the development or in accordance with a timetable which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate screening of the containers in the visual interest of the area and in accordance with Policies BNE1 and BNE4 of the Local Plan.

8. A detailed scheme of hard and soft landscaping, including National Forest planting, shall be submitted to and approved in writing by the Local Planning Authority. The hard landscaping should incorporate details of proposed surfacing. The soft landscaping should evidence the proposed locations of each tree species, the size of each type of tree (standard, select standard, or heavy standard with girth dimensions), the mix of any proposed grass areas, and the proposed locations and sizes of any ornamental shrubs (in litre pots). The works shall be undertaken in accordance with the agreed details prior to occupation of the development. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the date of this decision; and any plants which within a period of five years (ten years in the case of trees) from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and

thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

Reason: In the visual interest of the area and in accordance with Policies BNE1 and BNE4 of the Local Plan.

9. Prior to any use of the site access, including construction, a Traffic Management Plan should be submitted to and approved in writing by the Local Planning Authority. The Traffic Management Plan should provide details of the restriction of vehicles using the access to no greater than 7.5T, how the applicant would make future occupiers aware of the restriction, how they would monitor and enforce the condition. The approved Transport Management Plan shall thereafter be implemented and adhered to for the lifetime of the development.

Reason: In accordance with policy INF2 of the Local Plan and in the interest of highway safety.

10. Prior to the installation of any external lighting a detailed lighting strategy (designed in accordance with the guidelines issued by the Institute of Lighting Engineers, or any equivalent guidelines which may supersede such guidelines) which shall include precise details of the position, height, intensity, angling and shielding of lighting, as well as the area of spread/spill of such lighting, shall be submitted to and approved in writing by the Local Planning Authority. All lighting shall be installed in accordance with the approved strategy and thereafter retained in conformity with it.

Reason: In the visual interest of the area and in accordance with Policies BNE1 and BNE4 of the Local Plan.

11. Prior to the completion of development, the following biodiversity enhancement measures shall be implemented:

- 1x External Universal Nest Box (To be installed on a mature tree or suitable building)
- 1x External Bat Box (To be installed on a mature tree or suitable building)

Evidence that these measures have been implemented should be submitted to the Local Planning Authority for approval within one month of completion of development.

Reason: To secure a biodiversity gain in accordance with Policy BNE3 of the Local Plan.

Informatives:

- a. The applicant is reminded that a licence is required for the new access from Cockshut Lane in accordance with the Highways Act 1980 - Section 184 by Derbyshire Highways, details can be found at www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx or email highways.hub@derbyshire.gov.uk