

18/09/2007

Item 1.2**Reg. No.** 9/2007/0250/F**Applicant:**

Mr Francis Moffatt
Speedy Support Services
Chase House
16 The Parks
Newton le Willows
WA12 0JQ

Agent:

Mr Howard Derbyshire
Fairhurst Estates
Fairhurst House
Heaton Lane
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Cheshire
SK4 1AS

Proposal: The erection of a proposed spray shed at Speedy
Space Trent Lane Kings Newton Derby

Ward: Melbourne

Valid Date: 26/02/2007

Reason for committee determination

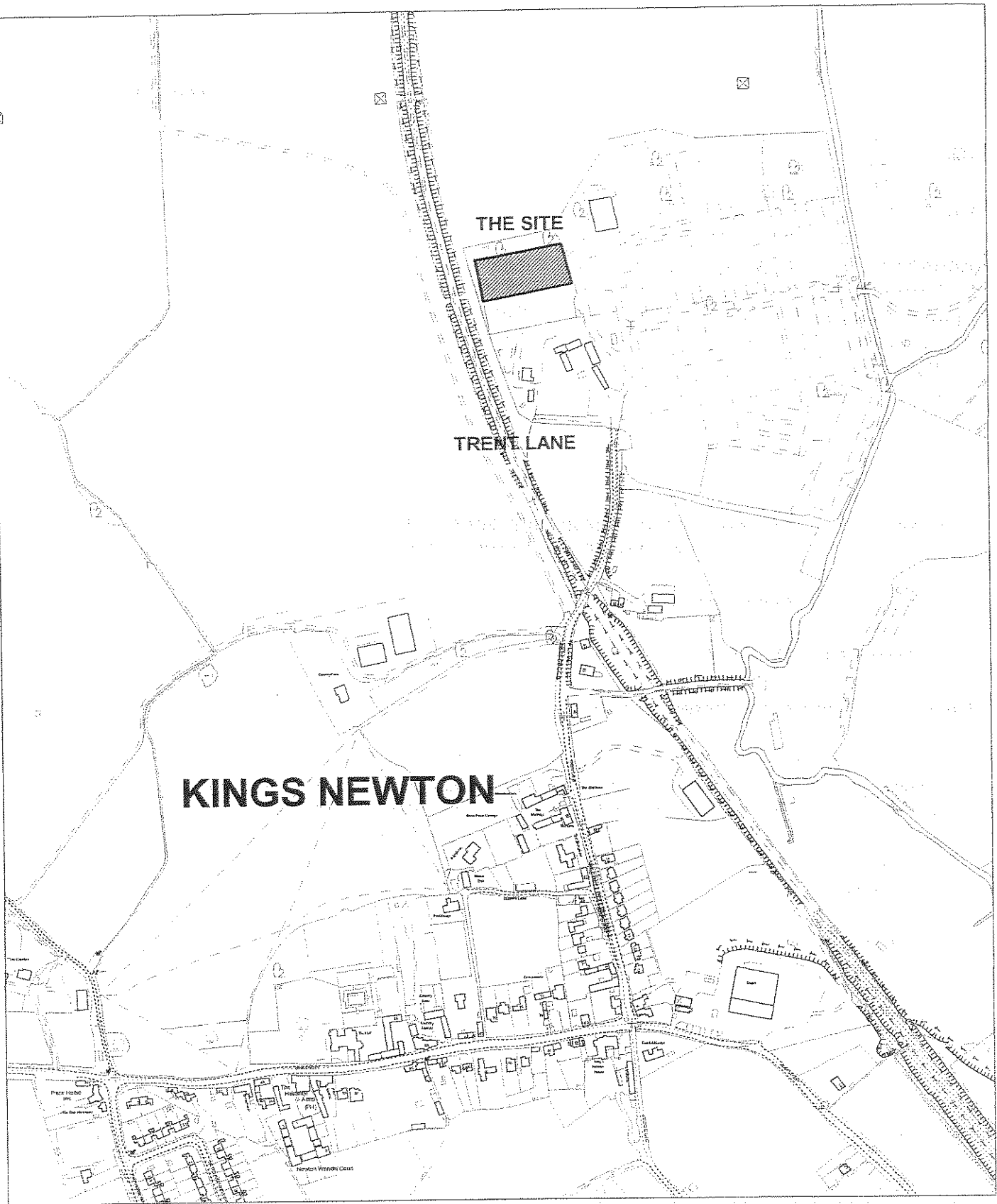
The application was deferred by Committee at the meeting of 29 May 2007, for further information to be sought from the applicant regarding flood risk, proposed hours of working and methods of noise and odour control. The additional relevant text is distinguished by *italics* in the report. Previously the matter was brought to Committee at the request of former Councillor Carroll because local concern has been expressed about a particular issue.


Site Description

The site is part of a former wartime depot, which has for many years been used for general storage. Access to the site is at the end of Trent Lane. The depot site covers a large area but is well screened by existing trees and hedges. The Sustrans cycle path runs adjacent to the western boundary of the site. Mature vegetation precludes any significant views into the site from the cycle path.

The applications site is a concrete surfaced yard to the west of the depot, used for the storage of metal portable buildings. These are presently repaired and repainted in the open, prior to being despatched to the next clients. There are several portable buildings used as offices and for staff facilities.

The site lies within but at the extremity of the Zone 3 flood risk area for the River Trent (as defined on the Environment Agency's map).



 <p>South Derbyshire District Council Civic Offices Civic Way Swadlincote DE11 0AH</p>		Date Plotted 7/9/2007	NORTH ↑
	<p>9/2007/0250/F Speedy Space Trent Lane Kings Newton</p>	Plot centred at 424662 330658	Scale 1:5000
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Proposal

A building measuring 9 m x 15 m is proposed adjacent to the existing offices. It would be 4.4 m in height to the eaves and 5.858 m to the ridge. It would be used to enable paint spraying to be carried out under cover. The building would be clad with profiled coloured steel sheets. A vertical flue, 0.8 m in diameter, is proposed to facilitate discharge of fumes, in conjunction with a filtration system. This would project some 1.5 m above the top of the building.

Applicants' supporting information

- The applicant has confirmed that no additional vehicle movements are anticipated.
- *The flood risk assessment concludes that the building would be complementary to the existing use of the land. Therefore there would be no adverse flooding effect and the factors set out in the study are wholly reasonable in the light of the advice set out in PPS25. In particular there is no anecdotal evidence of the previous flooding of this site but to deal with theoretical circumstances regarding flood risk the development would be subject to the latest appropriate flood proof building criteria.*
- *Proposed hours of operation would be 7 am until 5 pm Monday to Friday and 8 am – 1 pm on Saturdays.*
- *Details of the fume chamber and performance data for the proposed extract fan and filters (including noise emissions) are supplied.*
- *The doors to the building would be kept closed when the extraction system is in use for further suppression.*

Planning History

The depot assumed lawful use for general storage many years ago.

Responses to Consultations

Melbourne Civic Society objects for the following reasons:

- a) The proposal would be a large industrial building on a site used for storage purposes. The authorised use of the site already causes considerable loss of amenity for local residents on Trent Lane from the passage of large articulated vehicles, which have also caused damage to important landmarks and buildings in Kings Newton.
- b) The proposal would intensify use of the depot and result in increased traffic, to the detriment of the character of the Kings Newton Conservation Area.

Kings Newton Residents Association objects as follows:

- a) The proposal would result in a change, from storage, to an industrial site, resulting in increased activity there.
- b) There would be increased traffic, which would exacerbate existing problems caused by heavy goods vehicles and caravans manoeuvring along Trent Lane and its junction at Kings Newton Cross, with associated damage and harm to residential amenity.

The Environmental Protection Manager has no objection to the development and considers that the proposed measures to control noise and odours are acceptable.

The County Highway Authority has no objection.

Responses to Publicity

None received.

Development Plan Policies

The relevant policies are:

Joint Structure Plan: Economy Policies 4 & 5

Local Plan: Environment Policy 2, Employment Policies 4 & 5

Planning Considerations

The main issues central to the determination of this application are:

- The principle
- Visual impact
- Traffic
- Residential amenity
- Noise and fumes
- Flood Risk

Planning Assessment

The building would be of modest size (135 sq m). It would be purpose built for ancillary works to the storage of portable buildings that form the basis of the applicant's current lawful use of the site. There is no evidence that it would likely become a free-standing industrial unit. A condition could be applied to safeguard this situation. As such the proposal would be in accord with relevant policies relating to existing businesses.

Because of its siting, scale, height and materials the building would not appear unduly intrusive in the landscape.

As the building would provide a covered area for existing operations there would be no material increase in traffic. For the same reason there would be no demonstrable harm to the amenities of local residents.

Subject to the implementation of the submitted measures, noise and fumes would be adequately controlled.

The development falls into the category of 'non-consultation' with the Environment Agency being below the threshold of 250 sq m for extension to non-residential premises. However flood risk is still an issue. *The necessary Flood Risk Assessment has been undertaken and does not identify any significant risk. It recommends that the floor level be set at 300 mm above ground level. It also recommends the incorporation of flood proofing measures, which is in accordance with the advice of the Environment Agency for development of this kind.*

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.

Recommendation

GRANT permission subject to the following conditions:

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. 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 1995, this permission shall relate to the use of the premises as a spray shed ancillary to the existing storage use on the land, as described in your application, and for no other purpose. In particular the buildings shall not be used for the spraying of, or any other industrial process relating to goods or equipment imported to the site.

Reason: For the avoidance of doubt and to avoid increased usage of an unsatisfactory site access.

3. Before the building is first brought into use the scheme submitted under cover of the agent's letter dated 12 July 2007, for the extraction and filtration of fumes, and the associated measures to control noise from the operations carried on inside the building, shall be implemented before the building is first brought into use, and shall thereafter be retained in perpetuity.

Reason: To protect the amenities of nearby properties and the locality generally.

4. The flood protection measures identified in the Flood Risk Assessment shall be implemented before the development is first brought into use and shall be retained as such thereafter. In particular the flood proofing measures shall accord with ODPM guidance 'Preparing for Floods'.

Reason: In the interests of flood protection.

