

There would no material change in highway safety 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.

Recommendation

GRANT permission subject to the following conditions:

1. This permission shall be for a limited period only, expiring on 31 March 2007 on or before which date the use shall be discontinued and the site reinstated to the satisfaction of the Local Planning Authority unless, prior to that date, an application has been made and permission has been granted for an extended period.
1. Reason: The local planning authority is only prepared to grant permission in the circumstances of there being a functional need for the mobile home related to the developing agricultural business carried on at the site and wishes to consider the viability of the enterprise after that time to assess whether there is continuing need for a person to live within sight and sound of the farm buildings.
2. The occupation of the dwelling shall be limited to the family and/or dependents of a person employed, or last employed, wholly or mainly, in agriculture, as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry.
2. Reason: The site is within open countryside where the Development Plan provides that development shall be confined within the limits of an existing town or village, except where the needs of agriculture or other overriding reasons justify a departure from that policy. The Local Planning Authority is concerned to ensure that agricultural workers' dwellings are maintained available to meet the needs of the locality and to avoid proliferation of dwellings in the countryside.
3. The mobile home shall not be occupied in advance of the erection of the livestock building permitted under Code No 9/2004/0018/O and it being stocked in accordance with Paragraph 16.1 of the Hamilton Taylor report.
3. Reason: To ensure that the mobile home is occupied solely on the basis of the needs of the applicant's agricultural business.
4. No work shall take place on the site until details of a scheme for the disposal of foul water have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.
4. Reason: In the interests of pollution control.

Informatives:

The application and conditions above are considered to be in accord with the following policies of the Development Plan:

Joint Structure Plan: General Development Strategy Policy 4 and Housing Policy 6.

Local Plan: Environment Policy 1 and Housing Policy 12.

Emerging Local Plan: Policies ENV 3 & 7 and H1

02/03/2004

Item 1.7**Reg. No.** 9 2004 0018 O**Applicant:**

M Parker, A S Parker And Sons
 Derby Hills Farm
 Broadstone Lane
 Ticknall
 Derby

Agent:

Steedman Planning And Land
 Tournament Way
 Ashby De La Zouch
 Leicestershire
 LE65 2UU

Proposal: The erection of a livestock building at Land To The South Of
 Sir Henrys Lane Melbourne Derby

Ward: Melbourne

Valid Date: 09/01/2004

Site Description

See report 9/2004/0017/U.

Proposal

The applicant is in outline and seeks permission for the new livestock building referred to in report 9/2004/0017/U. Its floor area would be 703 square metres.

Applicant's Supporting Information

See 9/2004/0017/U

Site History

See 9/2004/0017/U

Responses to Consultations

The Parish Council and the Highway Authority have no objection. The Environment Agency has been consulted and any comments will be reported verbally.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4.

Local Plan: Environment Policy 1 & 5.

Emerging Local Plan: Policies ENV3, 7 & 21.

Planning Considerations

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

- The principle.
- Visual impact
- Highway safety.
- Pollution control.

Planning Assessment

The principle of farm buildings in the countryside is supported by policy.

The building would be closely related to the existing farm building on the site, ensuring minimal visual impact and preservation of the landscape character of the area.

There would be no material change in highway safety conditions.

Subject to appropriate conditions the proposal would not cause pollution.

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. Application for approval of any reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission and the development must be begun not later than whichever is the later of the following dates:
 - i) before the expiration of two years from the date of this permission; or
 - ii) before the expiration of one year from the date of approval of the last of the reserved matters to be approved.
1. Reason: To conform with Section 92(2) of the Town and Country Planning Act, 1990.
2. Approval of the details of the design and external appearance of the building the landscaping and means of enclosure of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.
3. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate Sustainable Drainage systems. The approved drainage works shall be completed in accordance with the details and timetable agreed.
3. Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

4. No development approved by this permission shall be commenced until a scheme for the provision of means of disposal of contaminated water has been submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed in accordance with the details and timetable agreed.
4. Reason: To prevent pollution of the water environment.
5. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.
5. Reason: To prevent pollution of the water environment.

Informatives:

The application and conditions above are considered to be in accord with the following policies of the Development Plan:

Joint Structure Plan: General Development Strategy Policy 4.

Local Plan: Environment Policy 1 & 5.

Emerging Local Plan: Policies ENV3, 7 & 21.

02/03/2004

Item 1.8**Reg. No.** 9 2004 0026 O**Applicant:**

Mr Mrs Mitchell
 127, Station Road
 Hatton
 Derby
 DE655EJ

Agent:

Mr. S. Greaves
 S. G. Design Studio
 202 Woodville Road
 Hartshorne
 Swadlincote
 Derbyshire
 DE11 7EX

Proposal: **Outline application (all matters to be reserved except for siting and access) for the residential development of Land To The Rear Of 127 Station Road Hatton Derby**

Ward: **Hatton**

Valid Date: **12/01/2004**

Site Description

The site comprises parts of the rear and side garden of 127 Station Road which is a large house in a substantial garden for a central village setting. The site is enclosed on all sides by hedges. In some places, the hedges have chain link fences within them. The site is level with its surroundings. The property to the rear has had a two storey extension with upper floor bedroom windows looking towards the site. No 125 Station Road has an upper floor window looking toward the site.

Proposal

This is an outline application with access to be determined at this stage. The access is shown as being located at the southern end of the site adjacent to the drive to 125 Station Road. The formation of the access would require some of the existing boundary hedge to be removed.

Responses to Consultations

Hatton Parish Council and Severn Trent Water comments views will be reported at the meeting if available.

The County Highways Authority has no objection subject to conditions.

Responses to Publicity

Four letters have been received objecting to the development for the following reasons: -

- a) The site is in close proximity to the junction of Yew Tree Road and Station Road as well as a bus stop and a shop. The proposal together with the above would contribute to traffic congestion and be a hazard at peak times.
- b) The site is known to be in an area of flood and drainage problems where the system has been shown in the past to be inadequate.
- c) Development of the site would result in the loss of land to absorb water at times of heavy rain.
- d) The security of adjacent dwellings could be compromised by persons gaining access to the side of those dwellings, which they cannot do now.
- e) Whilst the plans show trees to be retained, it is difficult to see how that could be achieved with the access drive in the position shown. There would be a loss of mature trees and the willow should have a preservation order put upon it.
- f) It is not clear if it would be a single or two-storey dwelling. The area is sufficiently built up already.
- g) There would be a loss of privacy to adjacent dwellings as well as to the garden area.
- h) There could be noise and light pollution to adjacent dwellings.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 5.

Local Plan: Housing Policy 5

Emerging Local Plan: Policy H1 & ENV 21

Planning Considerations

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

- The provisions of the Development Plan
- The proposed access and its impact on highway safety
- The impact on neighbours
- The trees within the site.

Planning Assessment

The site lies within a serviced village identified in both the adopted and emerging Local Plans as suitable to accommodate new dwellings. The site is large enough to accept a dwelling within its boundaries and the County Highways Authority has no objection to the proposed position of the access subject to the recommended conditions.

The application is accompanied by a plan that indicates a potential siting for the dwelling. This does not form part of the current application and given the relationship of the site to the housing about it, a detailed survey drawing would need to accompany the subsequent reserved matters application. However, a dwelling would be easily accommodated on the site so as not to compromise the privacy of the occupiers of the two adjacent dwellings but whether it would accept the scale of dwelling indicated on the site plan, would be part of the assessment at the next stage.

There are a number of trees on the site and some would be lost if the development went ahead as indicated. The survey drawing referred to above would place the trees on the site. However, the

Council's tree officer has assessed the trees. None of the trees warrant a Tree Preservation Order and the largest of the trees, a willow referred to by objectors, is approaching the end of its natural life span – it is a relatively short-lived tree.

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. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- (b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.
1. Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.
2. Approval of the details of the siting, design and external appearance of the building and the landscaping and means of enclosure of the site shall be obtained from the Local Planning Authority in writing before any development is commenced. The submitted details shall also be accompanied by a survey drawing to a minimum scale of 1:200 indicating the position of all dwellings adjacent to the site together with the positions of windows within those dwellings.
2. Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.
3. Prior to the development hereby approved commencing, details of the finished floor levels of the dwelling hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed levels.
3. Reason: To protect the amenities of adjoining properties and the locality generally.
4. The access shall have a minimum width of 3.2m, be provided with 2m x 2m x 45° pedestrian intervisibility splays and 2m x 90m visibility sightlines, the area forward of the sightlines being maintained in perpetuity free of any obstruction exceeding 1m in height relative to the nearside carriageway edge.
4. Reason: In the interests of highway safety.
5. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate, in the case of dwellings of four or more bedrooms three cars, in any other case two cars within the curtilage of each dwelling, or in any alternative location acceptable to the Local Planning Authority or as may otherwise be agreed in writing by the Local Planning Authority in accordance with its published standards. Thereafter three parking spaces (in the case of dwellings with four or more bedrooms) or two parking spaces (in any other case), measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of each dwelling unless as may otherwise be approved in writing by the Local Planning Authority.
5. Reason: To ensure that adequate parking/garaging provision is available.

02/03/2004

Item 1.9**Reg. No.** 9 2004 0039 D**Applicant:**

Roger Bullivant Ltd
Walton Road
Drakelow
Burton On Trent
DE15 9UA

Agent:

ETC Design Ltd
2 Carriers Fold
Church Road
Wombourne
West Midlands
WV5 9DH

Proposal: Application for approval of reserved matters for a manufacturing facility following the grant of outline planning consent reference 9/2000/1120/O. Land At Drakelow B Power Station Walton Road Drakelow Burton-on-trent

Ward: Linton

Valid Date: 19/01/2004

Site Description

The application site was formerly occupied by one of the power stations, which has now been demolished. The site is now cleared and has been levelled following engineering operations across the whole area. There is an existing access from Walton Road to the site. The site is largely screened from Walton Road by an existing woodland along the road frontage which is covered by a Tree Preservation Order.

Proposal

The application is a reserved matters submission for a manufacturing unit and office building following the grant of outline consent in 2001. Details of siting and access were dealt with at the outline stage and therefore the matters now being considered are design, external appearance and landscaping.

The proposed office building is a three storey structure of brick and tile construction measuring 43 metres in length and 11.8 metres in height to the ridge. The proposed manufacturing building is a single storey structure with a ridge height of 10 metres and a floor area of 6510 square metres. The Manufacturing building would be clad in green and grey metal cladding to the walls and roof.

Planning History

Outline planning consent (all matters except access and siting to be reserved) for the erection of a new manufacturing facility was granted in 2001.

'A' and 'B' power stations that formerly occupied the site were demolished between 1997 and 1998.

Responses to Consultations

Environmental Health recommend conditions about contamination and noise, these conditions were included on the outline consent.

The County Highway Authority have commented that a plan that formed part of the outline consent is not part of the current submission and should be resubmitted so that conditions can be related to it. Permission should be conditional upon the proposed access being provided and the existing access permanently closed in accordance with a scheme and programme of works first submitted to and approved by the Local Planning Authority. It would be preferable for the access works to be carried out in advance of any other development being commenced. For information, the scheme for closure of the existing access should include proposals for reinstatement of the verge etc within highway limits.

Responses to Publicity

Two letters of representation have been received raising the following issues:-

- Increase in noise and traffic in an area, which has an inadequate road system and where traffic and noise levels are already excessive, causing disturbance to local residents.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Economy Policy 4

Local Plan: Employment Policies 1 and 7

Emerging Local Plan: Policy EMP2

Planning Considerations

The main issues central to the determination of this application are the design and external appearance of the proposed buildings and the proposed landscaping.

Planning Assessment

The principle of the proposed development has already been established following the grant of outline consent in 2001, the details of siting and access were dealt with at the outline stage and therefore design, external appearance and landscaping are the reserved matters being dealt with at this stage. The plan that the County Highway Authority has requested be included in this submission has already been approved at the outline stage and therefore forms part of the application, a condition on the outline consent requires that the existing access is stopped up and a new access created in accordance with a scheme to be submitted. A Traffic Impact Assessment was submitted at the outline application stage and therefore the levels of traffic generation proposed have been agreed. Conditions on the outline consent control noise levels emitted from the development.

The proposed three storey office block is of brick and tile construction with a glazed front entrance panel. The proposed manufacturing building would be a single storey structure clad in

grey and green sheeting, this would match the existing manufacturing buildings on the site. The design and external appearance of both buildings are considered acceptable. There are trees on the boundary of the site with the public highway which provide screening and the Applicant has proposed additional landscaping to the north and east of the office building and to the south of the manufacturing building. Full details of the proposed landscaping scheme can be required by condition.

Recommendation

GRANT permission subject to the following conditions:

1. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.
1. Reason: To safeguard the appearance of the existing building and the locality generally.
2. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
2. Reason: In the interests of the appearance of the area.
3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years 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, unless the Local Planning Authority gives written consent to any variation.
3. Reason: In the interests of the appearance of the area.

Informatives:

To note and act upon as necessary the comments of the Coal Authority (see attached letter).

To note that the conditions attached to the outline approval reference 9/2000/1120 still apply.

To note that work cannot be started on the manufacturing facility until engineering operations permitted under planning approval reference 9/2003/0815 have been completed in accordance with the submitted Unilateral Undertaking.

APPEAL DISMISSED

Appeal by Mr Heathcote

The formation of a vehicular access to serve 31 Moira Road Overseal Swadlincote (9/2003/0092)

The application was refused permission for the following reason(s):

1. Approval of the proposal would result in the introduction of vehicular movements at a location where visibility for emerging drivers is substandard contrary to the best interests of highway safety.
2. As insufficient space is available within the site for a vehicle to turn, approval of the proposal would result in vehicles reversing to or from the classified road contrary to the best interests of highway safety.

The inspector considered the main issue to be the effect of the proposal on highway safety.

The inspector noted the relevance of Places, Streets and Movement and PPG Note 13: Transport.

The inspector noted that Moira Road is a moderately busy, 'B' classified road and the lack of off street parking in the vicinity of the appeal site.

The inspector considered the comments of the Highway Authority regarding the visibility of 21 metres to the east and 27 metres to the west of the appeal site which is far below the recommended 90 metres visibility for accesses of this type. He concluded that there was visibility in excess of this to the south-west, however, to the north-east the inspector noted that visibility ended at the brow of the hill which was less than the recommended distance and that there was also a tendency for cars to drive in excess of the 30 mph limit at this point.

The inspector noted that the width of the road outside the property was only 6 metres and that it was not always possible for two vehicles to pass on the road where there were parked cars. Although the proposal would remove two vehicles from the road the potential danger caused by both the reversing of vehicles onto the road from the appeal site and reduced visibility for both the appellant and drivers on the road caused by the remaining parked vehicles would increase the danger.

The slope of the drive would further compound the reversing difficulty and reversing onto the site around parked cars would cause obstruction and hold up lanes restricting the traffic flow causing detriment to highway safety.

The inspector noted the appellants indication that it would be possible to manoeuvre vehicles within the site and that there would be no requirement to reverse onto the road but disputed the practicalities of this in the absence of a detailed scheme.

In consideration of the above the inspector concluded that the proposal would have a harmful effect on highway safety on Moira Road and would not provide a safe access to the site. The appeal was dismissed.

09/07/2002

Item 1.2
Reg. No. 9 2002 0216 F

Applicant:
Seddons Seedfeeds Ltd
470 Chorley New Road
Bolton
Lancs
BL1 5AZ

Agent:
Howard & Seddon
64 Washway Road
Sale
Cheshire
M33 7RE

Proposal: The industrial development for warehouse/distribution and wholesale trade comprising the erection of four units and associated works at Hanger No 5 Woodyard Lane Foston Derby

Ward: North West

Valid Date: 25/02/2002

Site Description

The site comprises part of the former airfield at Church Broughton. Part of the site has the remains of a concrete hardstanding and the former hanger has been in use for storage purposes in the past. The site is substantially surrounded by mature woodland. There is a hedge on the Woodyard Lane frontage and to the north is a chicken farm.

Proposal

The proposal is to construct a range of buildings of some 7965sq m (85225sq ft) in two buildings one of which would be split into two units. They would be constructed using plastic coated metal sheets with a brick plinth. The maximum height of the building would be 8 metres (26 feet).

The proposal is to expand the business operations of the company on the site and secure some 70 jobs on the site. In the course of the consideration of the application, it has been amended to provide a second access to the south end of the site to remove any additional traffic from the dwelling that adjoins the existing access.

Applicants' supporting information

Given the extent of the proposed buildings, officers have been concerned to ensure that the proposals are a genuine expansion of the company on the land rather than a speculative enterprise that would otherwise be outside Development Plan policies. There are letters on the file that the applicants have submitted to justify the proposals. These in summary, confirm the company's requirement for expansion on a site in this part of the country. Copies of the correspondence are available for inspection on the file. There is concern on the part of the applicants that 70 jobs may be put at risk if the expansion plans are not allowed to proceed.

The company has also addressed some concerns of the Environment Agency and agreement has been reached with that organisation.

In response to the County Highways Authority request for funding to improve the highway, the applicant's have indicated that they would be willing to fund half the cost if planning permission is granted.

Planning History

For many years after the land ceased to be used as an airfield, the building, a former hanger, was used for the storage of materials to meet the needs of the agricultural industry. More recently, it has been used for the storage of a wider range of goods up to the current occupiers taking possession of the building. Permission was granted to extend the storage area and provide additional office space. The former has been implemented, the latter not.

Responses to Consultations

Foston and Scropton Parish Council has objected to the development on the basis that the lane is unsuited to accommodate additional traffic flows from the site. There are already large numbers of HGV's and LGV's associated with the existing businesses using the lane and the new buildings would add to the problem.

The County Highways Authority has no objection subject to the provision of visibility splays for both the existing and proposed access. There is also a request for funds to assist with the rebuilding of the edges to the lane. The roadside ditch would also require to be put into a culvert.

The Environment Agency originally objected to the proposal pending receipt of information about land drainage. Following assurances from the applicants, the Environment Agency has no objection subject to conditions covering surface water disposal.

Severn Trent Water has no objection.

The Environmental Health Manager has no objection subject to conditions relating to the relocation of the access, control of noise and limiting the working hours.

Responses to Publicity

Two letters have been received and the comments/objections are as follows: -

- a) The top water drainage needs to be addressed, as the adjacent dwelling was flooded in November 2000. The land did not flood and it seemed to be because of drains being blocked on the applicant's site.
- b) The amount of traffic now using the lane is a hazard and needs reviewing, speed limits are necessary as walking, especially with young children is a dangerous already and any increase is likely to add to the danger.
- c) There would be an increase in noise and disturbance.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4, Economy Policy 4

Local Plan: Environment Policy 1, Employment Policy 1

Planning Considerations

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

- The nature of the proposal and the policy justification for it being sited in this location
- The impact of the development on the local environment, appearance, access and noise

Planning Assessment

The site is in the countryside and in normal circumstances, a development outside areas allocated for development would not be acceptable. However, in the case of existing businesses wishing to expand, there are exception policies in both the Structure and Local Plans. These make provision for such expansion if it is not detrimental to the character of the area, residential amenity and does not cause environmental or traffic problems.

Officers have undertaken considerable investigation as to the need for this expansion. The correspondence referred to above has demonstrated to officers that the company is genuine in its desire to expand on the site and has indicated what the buildings would be used for. To confirm this, a condition is proposed to require that the buildings are first occupied by the applicant company. To that end, the proposal is in accord with the expansion policies. The other criteria now need to be considered.

The impact of the development in the wider countryside would be minimal. The site is substantially surrounded by either other buildings or trees. It is also just across the lane from the Dove Valley Park and a substantial warehouse building has detailed planning permission. In the wider area, there would be no impact on the countryside from buildings that are 8 metres high at the ridge.

More locally concern/objection has been made to the amount of traffic using the lane and the problems encountered about drainage.

The County Highways Authority has no objection subject to the provision of appropriate visibility splays to the existing access and the new one. Attention has also been drawn to the need to reconstruct the verges along Woodyard Lane. The impact of the visibility splay is to remove and reduce the width of roadside hedges and trees. A permission could be made subject to a condition requiring the replanting of a hedge behind the new visibility line. This over time would replace that which would be lost.

The offer to part fund the reconstruction of the lane is made by the applicant's in the knowledge that another company is seeking to gain an alternative access onto Woodyard Lane to replace one on Hay Lane. That application is to be considered in due course. As such, the Highways Authority would only have half the cost of reconstructing the lane verges. The applicant's in this application have indicated that they would be unwilling to meet the whole cost of the improvements. The County Highways Authority has indicated that meaningful improvements to

Woodyard Lane could be made with the amount offered. A Section 106 Agreement would be necessary to secure the contribution.

The Environment Agency is satisfied that a suitable land drainage scheme could be undertaken to ensure that flows off the site into the local land drainage system are no greater than occurs at the present time.

The Environmental Health Manager has indicated that the envisaged expansion served solely from the existing access would be detrimental to the amenities of the adjacent dwelling. The applicant's have sought to address this through the provision of a new access towards the southern end of the site. This would bring the access closer to another dwelling but that dwelling is already adjacent to a haulage depot access and the proposed access is further away than the existing one.

The issues in this case are finely balanced but the expansion of the firm and the limited wider impact of the development on the countryside bring the proposal in line with Development Plan policy. Subject to the above, the following recommendation is considered appropriate.

Recommendation

Subject to a Section 106 Agreement being signed to secure a contribution £7,500 towards road improvements to Woodyard Lane, **GRANT** permission subject to the following conditions:

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

2. A sample of the materials of construction shall be submitted for approval in writing by the Local Planning Authority before work commences.

Reason: To ensure the buildings are in keeping with its surrounding in the interest of the character and visual amenity of the area.

3. None of the buildings hereby permitted shall be more than 8 metres above existing ground level as noted on the drawing required by condition 4 below unless the Local Planning Authority has granted planning permission to any variation in response to an application made in that regard.

Reason: In the interests of the visual amenity of the area.

4. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).

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

5. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 5747/05 Rev. A

Reason: For the avoidance of doubt, the original submission being considered unacceptable.

6. Before development is commenced, a scheme to control noise, through physical and/or administrative means, emanating from the site shall be submitted to and approved in writing by the Local Planning Authority. The measures approved in the scheme shall then be implemented in the course of the construction of and administration of the operation of the site.

Reason: In the interests of the amenity of occupiers of nearby dwellings.

7. The working hours of the site shall be Monday to Friday 0530hours to 2200hours Saturday 0530hours to 1700hours. There shall be no working on Sundays or Public Holidays.

Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.

8. No development shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include sustainable drainage principles and shall be implemented prior to the occupation of the first of the buildings.

Reason: To prevent the increased risk of flooding.

9. Prior to the first use of the development hereby permitted, the land in advance of the sight lines measuring 4.5 metres x 90 metres for the existing and proposed accesses shall be cleared and thereafter retained free of all obstructions to visibility over a height of 1 metre above the adjoining carriageway level.

Reason: In the interests of highway safety.

10. Details of the car parking spaces and manoeuvring areas within the site curtilage shall be submitted to and approved in writing by the Local Planning Authority. These areas shall be hard surfaced with a solid bound material and marked out prior to the first use of the development and thereafter retained for that purpose free of obstruction.

Reason: In the interests of highway safety.

11. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the appearance of the area.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years 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, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the area.

13. The buildings hereby permitted shall be first occupied by Seddons Seed Feeds Ltd or companies within the same ownership. In the event that the buildings are first occupied by a company in the same group, written proof of the relationship to Seddons Seed Feeds Ltd shall be provided to the Local Planning Authority before the building is so occupied.

Reason: This permission has been granted on the basis of the needs for expansion of Seddon Seed Feeds Ltd and the provisions of the Development Plan are such that the buildings should be occupied by the company wishing to expand.

Informatives:

The scheme outlined in condition 2 above should detail any physical noise attenuation measures and any administrative measures to control noise. Examples of such measures are given below.

1 The metal clad wall materials can either be replaced with a more appropriate noise attenuating structure (e.g. blockwork) or it may be suitably insulated to effect a greater noise attenuation and to also reduce reverberation noise.

2 The metal clad ceiling may either be provided with suitable noise insulation material or provided with a suspended ceiling with acoustic tiles to reduce reverberation noise.

3 The general site layout can be designed so as to reduce the need for lorries to reverse -hence reducing the noise from reversing alarms.

4. Reversing alarms on forklifts can be changed for other warning methods, e.g. flashing lights

5. Any generators, compressors or other machinery should be contained within the buildings or suitably attenuated.

6. There should be no working outside the main buildings

There are other methods of noise control that may be considered. The above list is not exhaustive

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 xt 7595) at least six weeks before the commencement date of the proposed works in order to arrange the necessary supervision of works on the highway crossing.