

13/12/2005

**Item** 1.2**Reg. No.** 9/2005/0518/FI**Applicant:**

C G P Chemicals Ltd  
The Old Dairy, Newton Road  
Newton Solney  
Burton-on-Trent  
Staffordshire  
DE15 0TQ

**Agent:**

Dodsworth Wright Grew Ltd  
Office Suite 3 Gretton House  
Waterside Court Third Avenue  
Centrum 100  
Burton On Trent  
DE14 2WQ

**Proposal:** The erection of an extension and new building for light industrial B1/storage and distribution B8 use at The Old Dairy, Bladon Paddocks Newton Road Newton Solney Burton-on-Trent

**Ward:** Repton

**Valid Date:** 22/04/2005

**Site Description**

The site is to the rear of an existing group of buildings in the countryside known as Bladon Paddocks on the east side of Newton Road (B5008). The Dalebrook Road junction is some 220m to the south and the entrance to Bladon House School is some 200m to the north

**Proposal**

It is proposed to enclose an existing loading canopy which is attached to the existing building and is 16.8m long by 7.8m wide by 4m at its highest point. This is to provide enclosed storage area. The proposed new building would be sited some 10.8m from the existing building. It would be 24.5m long by 12m wide by 4m to eaves and 5.8m to the ridge and most of it would be constructed on greenfield land. It would be clad in colour coated steel sheeting.

A block of tree planting – 12.4m by 21m, would be provided adjacent to the north side of the new building and a block of planting – 12m by 37m, adjacent to the south side of the building.

Entrance to the development would be gained from the existing access.

**Applicants' supporting information**

The Company undertake carriageway and distribution of chemical products ie. cleaning materials and the like to all types of commercial premises.

The new building will primarily be used to store product currently stored outside and also allow future expansion of the business.

It is planned to mechanise the product labelling facility in the future and the new building would be used to house the machinery required.

The business expansion would not contravene the quantities listed in The Storage of Packaged Dangerous Substances HSG71.

CGP Chemicals Ltd does not break down product into smaller quantities. All the products are sold in the form they are purchased.

### **Planning History**

Planning permission was granted in October 1993 to use the farm buildings for office use and the storage of non-hazardous chemicals.

### **Responses to Consultations**

The Highway Authority raises no objection to the proposal provided the required visibility splays are provided.

The Environment Agency raises no objections subject to appropriate drainage and environmentally safe storage of chemicals.

The Health and Safety Executive has advised that responsibility for enforcing health, safety and welfare at workplaces is determined by the main activity at the workplace and the Health and Safety (Enforcing Authority) Regulations 1998. It says that the Local Authority is the current enforcing authority but following expansion of the site as proposed, enforcement is likely to fall to the HSE.

The Pollution Control Officer requires a ground contamination survey and any remediation to be undertaken prior to the construction of the new building. He adds that the site is used for the storage and distribution of a variety of chemical products, although on talking to the manager it appears that most products enter the site, are repackaged and then sent on to customers. There is no mixing or blending of chemicals and they do not leave the container they are supplied in. The extension is to store items currently left outside of the building. With regards to the storage of the chemicals the site is regulated by the Health and Safety Executive and also has a hazardous chemicals licence.

East Staffordshire Borough Council comments that no evidence has been submitted in support of the development that states that it is essential to the efficient working of the rural economy. It therefore objects to the scheme on grounds of urban encroachment into open countryside, and the isolated and unsustainable location of the scheme place it in direct conflict with both National and Local Planning Policy.

### **Responses to Publicity**

Five letters of objection have been received and petition signed by 14 residents. The objections are summarised as follows:

- \* Location in the countryside would mean high dependence on the private car
- \* The proposed scale of the commercial use would be more appropriate on an industrial estate

- It is not essential to a rural based activity
- Involves extension onto undeveloped farmland
- The development is avoidable in the countryside
- The size of the development would have an unacceptable impact on the appearance of the countryside
- It would be an unwelcome intrusion into residential amenity
- The handling of hazardous substances is potentially dangerous to those living nearby
- The increase in building size would increase this risk
- The increase in activity would be detrimental to highway safety
- There are no details of noise or odour arising from the development
- It would be visible from a wide area
- Industrial uses would be inappropriate in a residential area

### **Development Plan Policies**

The relevant policies are:

RSS8: Policy 2 and 3

Joint Structure Plan: GDS Policy 4 and Economy Policy 4

Local Plan: Employment Policy 1

### **Planning Considerations**

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

- The principle of development
- Impact of the development on the countryside
- Highway safety
- Sustainable location
- Residential amenity

### **Planning Assessment**

PPS7: Sustainable Development in Rural Areas requires local planning authorities to set out in Local Development Documents their criteria for permitting economic development in different locations, including the future expansion of business premises, to facilitate healthy and diverse economic activity in rural areas.

The Development Plan allows for the expansion of businesses in rural areas. Economy Policy 4 of the Joint Structure Plan states that provision will be made for the extension or expansion of existing business, general industrial and distribution uses, unless unacceptable local environmental conditions would result.

Employment Policy 1 of the Local Plan states that the expansion of industrial and business uses on or adjacent to their existing sites, or the continuation of temporary uses, will be permitted, provided that the proposal is not detrimental to the character of the locality or residential amenity and does not cause environmental or traffic problems.

With regards to visual intrusion in the countryside, the development would be set well back from the road to the rear and adjacent to existing buildings and would be some 220m from the rear of properties on Dalebrook Road and 180m from properties on The Close at Bladon House School.

The closest residential properties are the two neighbouring properties known as Bladon Paddock and Hillside. The new building would be single storey and have a low pitched roof and with an appropriate colour finish would not look dissimilar to a typical steel framed farm building. In addition, the proposal includes blocks of tree planting to the north and south of the building to mitigate any residual visual impacts.

Most of the new building would be sited on green field land. However, in view of this being an established business and the small area of greenfield land at stake, it would be unreasonable to restrict the expansion of the business on this ground alone.

The Highway Authority raises no objections on highway safety grounds subject to achieving adequate visibility splays. Final comments are awaited to confirm that the applicant can achieve the required visibility splays on land in his control.

The site is in a relatively sustainable location being on the Derby to Burton bus route, which is an hourly or better "Hail and Ride" service.

With regards to residential amenity, a B1 light industrial use is defined as an industrial use capable of being undertaken in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, ash, dust or grit. The proposal is therefore unlikely to cause undue harm to amenity. The health and safety aspects of chemical storage are covered under separate legislation and duplicating safeguards through the planning system should be avoided.

The original permission was for the storage of non-hazardous chemicals. For land use planning purposes, hazardous substances are defined in the Planning (Hazardous Substances) Regulations 1992. The hazardous substances consent controls are designed to regulate the presence of hazardous substances so that they cannot be kept or used above specified quantities until the responsible authorities have had the opportunity to assess the risk of an accident and its consequences for people in the surrounding area and for the environment. They complement, but do not override or duplicate, the requirements of the Health and Safety at Work etc Act 1974 and its relevant statutory provisions (defined at s.53 of that Act) which are enforced by the Health and Safety Executive.

HSE would be a statutory consultee for planning applications where hazardous substances are involved when the quantities present exceed those specified in Schedule 1 to the 1992 Regulations as amended by the Planning (Control of Major-Accident Hazards) Regulations 1999. The applicant has confirmed that the quantities and types of chemicals to be stored will not alter if the application is successful and therefore the 1999 Regulations would not apply.

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**

Provided the Highway Authority raises no objections **GRANT** permission subject to any requirements of the Highway Authority and 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. No development shall commence on site in connection with this approval until samples of materials for the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved materials.

Reason: To ensure the materials and colour finish are appropriate in this rural location.

3. No development shall take place in connection with this approval until there has been submitted to and approved in writing by the Local Planning Authority a scheme of tree planting in the areas indicated on the approved plans.

Reason: To screen the development in the interests of safeguarding the appearance of the countryside.

4. Further to condition 3 above, soft landscape details shall include a tree planting specification noting quantities, species, tree sizes and planting centres.

Reason: To ensure that adequate tree planting is provided.

5. All tree planting comprised in the approved details 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: To ensure the tree planting is implemented and maintained in the interests of the appearance of the countryside.

6. No development shall take place in connection with this approval until details of a scheme for the disposal of surface and 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.

Reason: To prevent pollution of the water environment.

7. Prior to be discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

Reason: To prevent pollution of the water environment.

8. Any facilities for the storage of chemicals, hereby approved, 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 should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks plus 10%. All filling points, vents or gauges and site glasses must be located within the bund. 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 be protected from accidental

damage. All filling points and tank overflow pipe outlets shall be designed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

9. Development of the new building hereby approved shall not until a site investigation to determine whether the land is contaminated and any associated remedial works have been carried out to the satisfaction of the Local Planning Authority. This will include:
- A. A desktop study of the area of the proposed development.
  - B. An intrusive site investigation, its scope to be confirmed with the Local Planning Authority, prior to its commencement. The report should contain recommendations for any remedial or further works at the site.
  - C. A remediation method statement, to be agreed with the Local Planning Authority, prior to its commencement at site.
  - D. A remediation validation report along with a signed copy of the attached certificate. This should be supplied prior to the occupation of any buildings at site.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

10. Any hedges that are removed as a result of providing the visibility splays shall be replaced in the planting season following their removal with an appropriately sited replacement hedge details of which shall have first been submitted to and approved in writing by the Local Planning Authority. Any hedge 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 safeguarding the appearance of the countryside.

#### Informatives:

For the discharge of the site investigation, as a minimum, the report should include:

- a) Details of an overview of the initial walkover survey to including the identification of contaminants from other sources e.g. gases emitted from natural organic deposits such as coal, or structures such as disused drains.
- b) Detailed on site sampling to identify any contamination.
- c) The locations of any contaminated zones within the site including details of more extensive and geographically wider investigation of these zones. This will provide a more reliable picture of the distribution of contamination on the site and reduce the risk of failing to discover a hot spot of contamination.
- d) An assessment of any off site impacts such as the effect on watercourses etc.
- e) A thorough explanation of the chosen remedial measures including depth, breadth of excavation and details of soil replacement.
- f) Plan of action if further contamination is identified during remediation.
- g) Details of the measures to verify that the contaminant has been removed to an acceptable level.
- h) The identification as to whether a long-term monitoring and maintenance programme is required, if so, details of the plans.

i) Details of the long and short term risk to human health including the construction phase and post-development.

j) Details of the British Standards or other guidelines used in both the assessment and remediation measures proposed.

Further guidance can be obtained from the following:

- I. Model Procedures for the Management of Land Contamination CLR 11
- II. CLR Guidance notes on Soil Guideline Values, DEFRA and EA
- III. Sampling Strategies for Contaminated Land, CLR4 1994, DoE.
- IV. Investigation of Potentially Contaminated Land Sites - Code of Practice, BSI 10175 2001.
- V. Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination, R & D Technical Report P5 - 066/TR 2001, Environment Agency.
- VI. Guidance for the Safe Development of Housing on Land Affected by Contamination' Environment Agency. ISBN 0113101775.

Soil contamination or the potential for it is a material planning consideration and must be taken into account by a local planning authority in the determination of a planning application. This site is suspected to be contaminated with chemicals associated with farming. The responsibilities for providing information on whether and how a site is contaminated rests with the developer, as does the subsequent safe development and secure occupancy of the site. Under these circumstances, you should undertake a site investigation and submit the results and remediation proposals as part of the planning application.

If a reclamation strategy is submitted and agreed by the planning authority compliance with it will be condition of any subsequent approval.

The developer will also be required to sign a completion certificate confirming that the works of reclamation have been carried out in accordance with the agreed strategy.

The applicant is advised to provide the Environment Agency with details of any substance which is toxic to the water environment or is persistent. Please contact Charlotte Storr on 0115 846 2647.

The Environment Agency also advises the following:

Detergents entering oil interceptors may render them ineffective.

The premises will be subject to control of Pollution (Oil Storage) (England) Regulations 2001 which apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile bowsers, situated outside a building and with a storage capacity which exceeds 200 litres.

A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the Regulations are available from the Environment Agency.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to prevent flood risk by attenuating the rate and quantity of surface water run-off from a site. The approach can also offer benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of the Building Regulation 2000 sets out a hierarchy for surface water disposal which encourages a SUDS approach.

Further information on SUDS can be found in PPG25 paragraphs 40-42, PPG25 appendix E, in the CIRIA C522 document Sustainable Urban Drainage Systems - design manual for England and Wales and the Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of technical guidance on SUDS. The Interim Code of Practice is available on both the Environment Agency's web site at: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) and CIRIA's web site [www.ciria.org.uk](http://www.ciria.org.uk)

The Health and Safety Executive advises that relevant guidance on the storage of chemicals can be found in the following publications:

HSG 71 Chemical warehousing - the storage of packaged dangerous substances

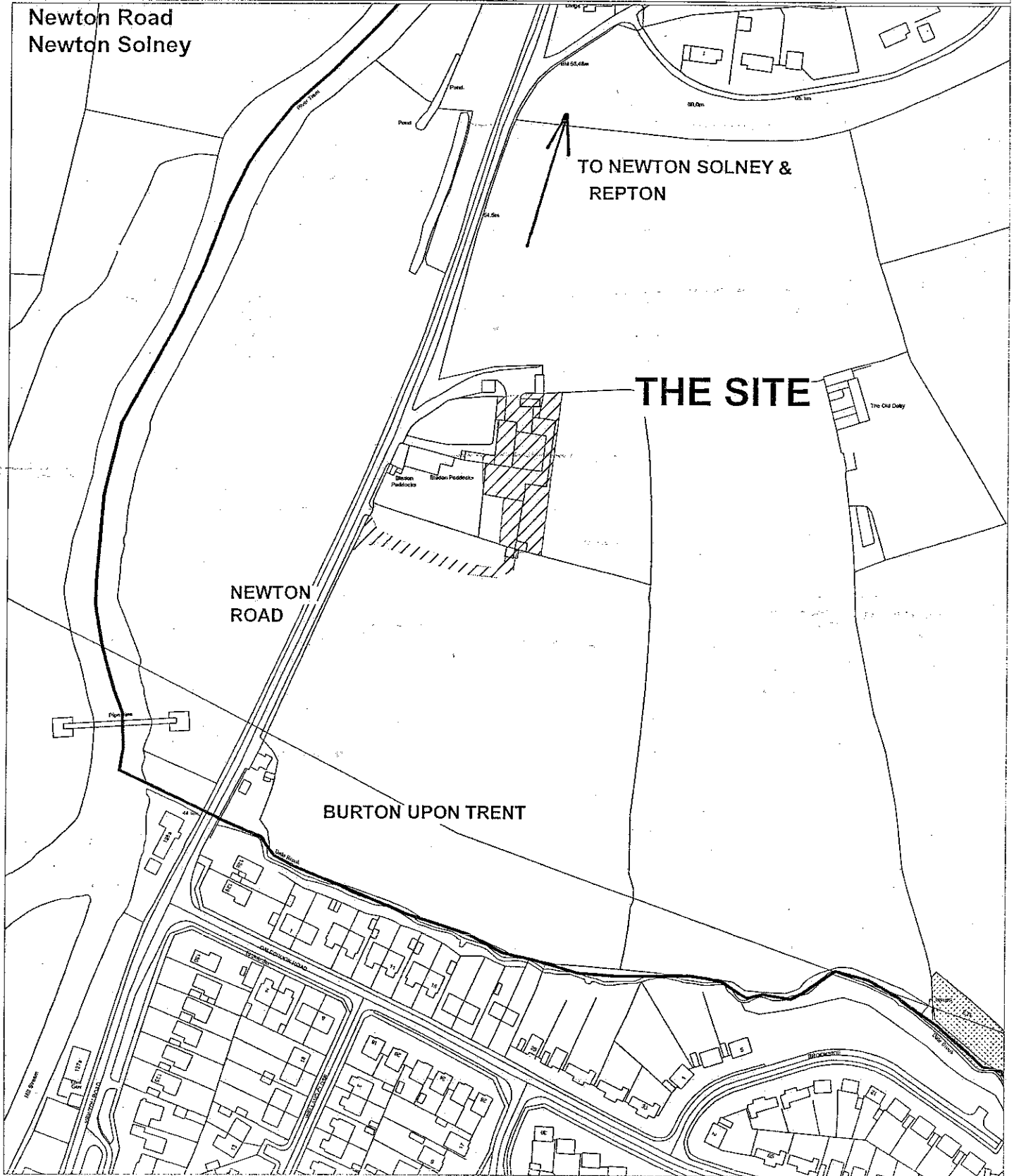
HSG 51 The storage of flammable liquids in containers

HSG 166 Formula for Health and Safety - Guidance for small and medium-sized firms in the chemical industry

These are available from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 6FS



9/2005/0518/FI The Old Dairy  
Bladon Paddocks  
Newton Road  
Newton Solney



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Scale 1:2500 Date Plotted 1/12/2005

Plot centred at 426539 324382



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