

To: 2ZLF Limited
West Meadows
West Meadows Industrial Estate
Downing Road
Derby
DE21 6HA

Variation Of Condition Decision

Town And Country Planning Act 1990

Part 1: Application Details

Application No: DER/04/15/00535 (please quote in correspondence)

Location: Unit, Downing Road, West Meadows Industrial Estate, Derby, DE21 6HA (Former Balfour Beatty Depot)

Proposal: Change of use from industrial unit to wet road waste and aggregate recycling facility - Variation of conditions 3 and 6 of previously approved Planning Permission Code No. DER/11/13/01351 to amend the amount of waste that can be processed to 65,000 tonnes per annum and the hours of operation to 24 hours, seven days a week, excluding public and bank holidays

Part 2: Decision

Permission is **granted** subject to the conditions in Part 4.

Part 3: Reason for Decision and Relevant Policies

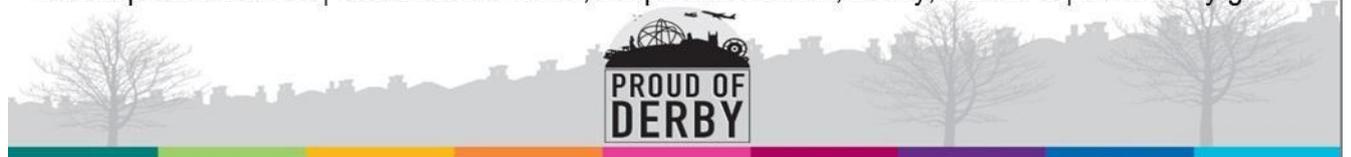
The proposal has been considered against the following Adopted City of Derby Local Plan Review policies, the National Planning Policy Framework where appropriate and all other material considerations.

In dealing with this application the City Council has worked with the applicant / agent in a positive and proactive manner and, whilst no amendments to the scheme were necessary in this case, it has been determined in a positive fashion.

EP6 Chaddesden Sidings, West
EP11 Development in Existing Business and Industrial Areas
GD2 Protection of the Environment
GD5 Amenity
T4 Access, Parking and Servicing
T1 Transport Implications of New Development

Part 4: Conditions

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



2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Plan drawing numbers GPP/2ZLF/D/13/02 REVISION 2; GPP/2ZLF/D/13/03 REVISION 2

Details contained within GPP Planning Statement November 2013 version 1.

3. The development hereby permitted shall not exceed the processing of more than 65,000 tonnes of waste materials in any calendar year. If the development exceeds the above figure a separate planning application shall be submitted to and approved in writing by the Local Planning Authority.
4. Any facility 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, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges, and sight 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 should be located above ground and protected from damage. All filling points and tank overflow outlets should be within the bund.
5. The operation of the hereby permitted development for a materials recycling facility shall only take place between the following hours : 00:00 – 23.59 Monday – Sunday, excluding public holidays.

Part 5: Reasons for Conditions

1. 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. For the avoidance of doubt.
3. To define the terms of this permission and for the avoidance of doubt and in accordance of policy GD2 of the City of Derby Local Plan Review.
4. To protect the water environment from pollution and in accordance with policy GD2 of the City of Derby Local Plan Review.
5. To define the terms of this permission and for the avoidance of doubt

Signed: 

Authorised Officer of the Council

Date: 20/10/2015

Notes

Important - Please read carefully the notes below as failure to comply could make the development hereby permitted unauthorised.

- 1) This permission/consent is granted in strict accordance with the approved plans. It should be noted however that:
 - (a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
 - (b) You or your agent, or any other person responsible for implementing this permission should inform Planning Control immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new application.
- 2) If this consent is granted subject to conditions it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.
- 3) If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:
 - (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
 - (b) In addition, if a condition precedent is breached, the development is unauthorised and the only way to rectify the development is the submission of a new application.
- 1) If a request for written confirmation of compliance with a condition or conditions attached to this planning permission is made, this must be accompanied by the relevant form and fee, with effect from 6 April 2008.
- 2) If any other type of condition is breached then you may be liable to be served with a breach of condition notice.

3) Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within **six months of the date of this notice**, using a form which you can get from the Planning Inspectorate, 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, Tel: 0303 444 5000 or online at www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the Appeals area of the Planning Portal. This may include a copy of the original application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the

Planning Portal.. You must use a Planning Appeal form or Householder Planning Appeal form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. The Secretary of State can allow a longer period for giving notice of appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of the service of the enforcement notice, or within six months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.
- Please note, only the applicant possesses the right of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Highways

- Before any development is commenced on land abutting a highway maintainable at public expense, the developer should contact the City Council's Director of Planning and Property Services in order that those matters relating to lawful and unlawful interference with highways and streets covered by the provisions of the Highways Act 1990 may be agreed. Failure to comply with the provisions may result in a fine or work being executed at the developer's expense. A developer is required to give a minimum of 6 weeks prior notification of works to be carried out in the highway to the Director of Planning and Property Services, Neighbourhoods, Derby City Council, The Council House, Corporation Street, Derby DE1 2FS.
- In relation to a highway not maintainable at public expense, the developer may be required to deposit with the Highway Authority a sum of money to cover road making costs under the provisions of the Act. Further information regarding this can be obtained from the Director of Planning and Property Services, Neighbourhoods, Derby City Council, The Council House, Corporation Street, Derby DE1 2FS. highways.waste@derby.gov.uk

General

- Further correspondence regarding this decision should bear the code number quoted in the top right hand corner of this decision notice.
- Development must be begun not later than three years from the date of this permission.
- This decision relates to the Council's powers under the Town and Country Planning Acts only. It does not cover any other statutory powers exercised by the City Council and in particular any permission hereby granted is not an approval under the Building Regulations.
- The developer should be aware that any works on land adjacent to a neighbouring property may involve separate responsibilities under the Party Wall Act. Whilst the Party Wall Act sits outside the remit of the planning system and is not within the jurisdiction of the Local Planning Authority, it is something of which developers need to be aware.
- To deliver accessibility to all the community, but particularly disabled people, attention is drawn to the following provisions:
 - i. Section 76 of the Town and Country Planning Act 1990
 - ii. the Disability Discrimination Act 1995
 - iii. the Building Regulations, Part M "Access of facilities for disabled people"
 - iv. BS 8300:2001, Design of Buildings and their approaches to meet the needs of disabled people
 - v. Department for Education and Skills (DFES) Building Bulletin 91 "Access for Disabled People to School Buildings"
- Further help and information is available from the Building Consultancy Section, Environment and Regulatory Services, Derby City Council, The Council House, Corporation Street, Derby DE1 2FS buildingcontrol@derby.gov.uk
- The applicant's attention is drawn to the provisions of Section 23 of the Derbyshire Act 1981 concerning Fire Precautions and early consultation with the Derby Building Consultancy Service.
- Attention is also drawn to the responsibilities in respect of any protected species under the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000.

Contact: Arran Knight
 Telephone: 01332 641648

E-mail: developmentcontrol@derby.gov.uk

Website: derby.gov.uk/environment-and-planning/planning/

Building Consultancy Hotline/Answer Machine : 01332 640796

E-mail: buildingcontrol@derby.gov.uk