

DELEGATED DECISION REPORT

HPK/2022/0496
Valid 15/11/2022

LAND EAST OF A515
STERNDALE MOOR
BUXTON

RETROSPECTIVE
APPLICATION FOR
RETENTION OF A LIGHT
INDUSTRIAL STORAGE
BUILDING.

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Design, Character and Appearance
- Public and Residential Amenity
- Highway Safety

DESCRIPTION OF SITE

The application relates to a parcel of land situated to the east of and accessed from the A515 Buxton-Ashbourne Road, approximately 2 miles to the south of Buxton, and to the rear of 2no. detached properties known as 'Dale View' and 'Hill Crest'.

In the interests of accuracy, the site address has been amended to omit reference to the property Hill Crest, which lies outside of the red edge. Further to comments from a relative of the applicant, that highlighted that the access to the site was not within the sole ownership of the applicant, a revised Application Form showing Certificate B completed, together with evidence of notice being served on the land owner, and a revised Location Plan has been submitted.

In light of the above all procedural issues associated with the application have now been satisfactorily resolved.

The site is characterised by a small cluster of single storey light industrial buildings, none of which has any former planning history. A larger building sits immediately to the rear of the neighbouring properties that based on a review of the authorities photographic records, has been in situ since at least 2011. Similarly, a building with a smaller footprint towards the north-eastern boundary has been on site for this amount of time.

The site comprises an established engineering business 'Paul Vaines Engineering Services' which has been run by the applicant since the early 1990's for 24 years. The business provides bespoke testing equipment specifically aimed at the environmental and hazardous area industries.

The last of the three buildings stands to the west of the main building, finished in a grey composite metal sheeting with an open frontage facing into the site, the remainder of which is characterised by loose gravel and hard standing. The site is bounded to the west by open agricultural land defined by a row of semi-mature trees and natural vegetation. To the south are the 2no. detached dwelling and associated rear gardens (Dale View, and Hill Crest) with the public highway beyond.

The Council have recently issued a Lawful Development Certificate for the Existing Commercial, Business and Service (Paul Vaines Engineering Ltd) Use for the site and buildings within limited to that which falls under Class E(g) of the Use Classes Order 2021 under HPK/2023/0084.

PROPOSAL

Further to an enforcement complaint and subsequent investigation, the applicant is seeking retrospective planning permission for the retention of the light industrial storage building that according to the Application Form was completed in October 2021. The description of development, together with the site address, has been amended in the interests of accuracy.

The building measures 18.0m x 12.0m, with an eaves height of approximately 4.2m, and dual ridge height of 5.2m, finished in a grey composite cladding. The building has a rectangular form, orientated with the shorter sides faces south-westwards and north-eastwards into the site, with the access running parallel with the north-western elevation.

The justification set out within the supporting Statement is that as a result of the loss of old lorry body storage containers (due to damp ingress and disrepair), which were situated in the same location as the unauthorised building, the applicant requires this building to store the parts and equipment required for producing the test equipment produced by the company.

It is stated that the containers were removed as they became damp and beyond economical repair and an eyesore on the surrounding area.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The Local Development Plan for this site comprises the High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in determining applications.

High Peak Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development

S7 Buxton Sub-area Strategy
EQ2 Landscape Character
EQ3 Rural Development
EQ6 Design and Place Making
EQ10 Pollution Control and Unstable Land
E1 New Employment Development
CF6 Accessibility and Transport

National Planning Policy Framework 2021

Achieving Sustainable Development	Chapter 2
Building a Strong Competitive Economy	Chapter 6
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12
Conserving and Enhancing the Natural Environment	Chapter 15

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2023/0084 Certificate of Lawful Development for Existing Commercial, Business and Service (Paul Vaines Engineering Ltd) Use (Approved 10th May 2023)

CONSULTATIONS

Publicity

Site Notice expiry date: 12th January 2023
Neighbour consultation period ends: 14th December 2022
Press Advert: N/A

Public Comments

1 x objection has been received in connection with this application as follows:

“This is not an industrial area it is an agricultural area and there has been far too much unlawful development already it is not fair on the surrounding residents”

Town / Parish Comments

N/A

Natural England

No objection.

Environmental Health

No objections subject to condition.

Derbyshire County Council Highways

No objection.

OFFICER COMMENTS

Principle of Development

The site lies outside of the built-up area boundary and in the open countryside.

Local Plan (LP) Policy E1 supports business development within the countryside that accords with LP Policy EQ3.

LP Policy EQ3 refers to rural development proposals which lie outside of the defined built-up area boundaries and seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness. The policy supports rural employment including home working and commercial enterprises, where a rural location can be justified.

Chapter 6 of the NPPF contains national policies aimed at building a strong competitive economy. Paragraph 84 states that policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas both through conversion and construction of well-designed new buildings.

The application seeks retrospective planning permission for a light industrial storage building to support an existing commercial/industrial enterprise that trades on site – this lawful use established by virtue of the recently granted Certificate of Lawful Development under HPK/2023/0084 - fully supporting the aims and objectives of LP Policy E1 and relevant paragraphs under Chapter 6 of the NPPF. A rural location can be justified given that the proposed development relates to a well established rural business, in accordance with LP Policy EQ3.

In light of the above, the principle of development is acceptable subject to a detailed assessment of all relevant planning considerations.

Design Character and Appearance

LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.

LP Policy EQ3 refers to rural development proposals which lie outside of the defined built-up area boundaries and seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness.

LP Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, having regard to matters of scale, height, density, layout, appearance and materials.

Paragraph 130 of the NPPF states amongst other things that decisions should ensure that developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment.

The site lies within the open countryside. Unlike many sites in the rural landscape, this site is well contained by definitive boundary treatments and has a strong spatial and visual relationship with neighbouring scattered residential development.

Owing to the fact that the site accommodates a long standing light industrial business, and already contains 2no. single storey industrial units surrounded by hard surfacing, all of which has been the subject of a recently approved Certificate of Lawful Development Certificate, the overall landscape and visual sensitivity of the site is considered to be low.

The building subject of this application is of a modest scale and height that relates well to existing (lawful) development on site. The choice of materials is considered to be appropriate for the functional practical nature and use of the building, with the colour matching that in the neighbouring larger existing unit.

For these reasons, it is considered that the proposed building is of an appropriate scale, height, massing and visual appearance that would preserve the immediate and wider rural landscape character, in accordance with LP Policies S1, EQ3 and EQ6, relevant Supplementary Design Guidance and relevant paragraphs under Chapter 12 of the NPPF.

Public and Residential Amenity

LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings and protects the amenity of the area, which includes residential amenity of neighbouring properties. Aspects of residential amenity include impacts such as a loss of sunlight, overshadowing and overbearing impacts, loss of outlook, and loss of privacy.

LP Policy EQ10 seeks to ensure that people and the environment are protected from adverse impacts relating to issues including air pollution, noise, light pollution or any other nuisance or harm to amenity, by securing appropriate mitigation by way of planning conditions and obligations.

The High Peak Residential Design Guide SPD requires extensions to preserve the residential amenity of neighbouring properties, having regard amongst other things to the relationship between existing and proposed development, the positioning of windows, and the change in land levels.

Paragraph 130 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.

Paragraphs 183-185 of the NPPF makes clear that policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and that development is appropriate for its location taking into account likely effects

of pollution (noise, light, air) on health and living conditions, and where possible appropriate mitigation measures are secured by way of appropriate planning conditions.

The site lies within close proximity to 2no. residential dwellings that are situated a short distance to the south. Dale View is situated immediately to the rear (west) of the proposed building, whilst Hill Crest is situated slightly further away to the south-east.

Given that the existing business has been on site for at least 20 years – established by virtue of the recently granted Certificate - it is considered that the use of the proposed building is compatible with surrounding land uses in principle, subject to any restrictions or conditions recommended by the Council's Environmental Health Officer. It is considered appropriate to apply a compliance condition that restricts the use of the building to that which solely falls under Class E(g) of the Use Classes Order 2021, due to the proximity of neighbouring properties and that a B2 or a B8 Use allows for a more intensive operation which could potentially give rise to unacceptable impacts to residential amenity.

The consultation response from Environmental Health contains 3no. recommended conditions that relate to (i) external artificial lighting (ii) discharges of gases to the atmosphere and (iii) dust emission beyond the site boundary. No conditions are recommended with regards to the hours of operations.

In addition to conditions recommended, Officers are of the opinion that it is appropriate to regularise the hours of operation associated with the business on site in keeping with standard construction conditions, due to the absence of any previous planning history and in the ongoing interest of preserving public and residential amenity.

Subject to compliance with such conditions, it is considered that the proposed development would preserve public and residential amenity, in line with LP Policies EQ6 and EQ10, and relevant paragraphs under Chapter 15 of the NPPF.

Highway Safety

LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network and provides suitable off-street parking provision in accordance with guidelines set out under Appendix 1 of the Local Plan.

Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The site benefits from an existing vehicular access to the A515 and has sufficient space to accommodate a number of vehicles within the open area of hard standing associated with the industrial buildings that are situated on site.

Given that the proposed building would result in a negligible intensification of activities and vehicle movements into and out of the site, and in light of there being no objections from the Highways Authority, it is considered that proposed building would not give rise to any adverse impacts to highway safety, in accordance with LP Policy CF6 and paragraph 110 of the NPPF.

Other Matters

Nutrient Neutrality

The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council has been notified that action must be taken to address exceedances of phosphorus in the River. As such, the Council cannot grant consent for development unless it can rule out “likely significant effects” on the SAC. A Habitats Regulations Assessment (HRA) will be required when the plan or project creates a source of water pollution or has an impact on water quality and when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if “likely significant effects” (alone or in-combination) on the SAC can be ruled out. If not, this will be followed by an “Appropriate Assessment” where the impact of the plan or project is considered in detail.

Screening Assessment

The proposal is not directly connected with or necessary for the conservation management of a European site. The proposal will not increase overnight stays. However, the proposal does involve additional roof area and will therefore increase surface water run-off. However, given the limited extent of the additional roof and that there are no objections from Natural England it will not significantly increase run-off from the site and in turn will not risk having a significant negative effect on the SAC either on its own or in combination with other proposals and therefore it is not necessary to carry out an Appropriate Assessment.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF). It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The application seeks retrospective permission for a single storey light industrial storage building in connection with a long established business that has operated from the site, which lies in the open countryside, for over 20 years.

The application fully supports the aims of LP Policy EQ3 and E1, given that the rural location can be fully justified, and relevant national policies contained under Chapter 6 of the NPPF.

An assessment of the application has found that the proposed development is of an appropriate scale, height, massing and visual appearance that relates well to existing (lawful) industrial buildings on site and would not harm to landscape and visual amenity of the immediate or wider rural landscape.

Appropriate conditions will ensure that public and residential amenity is preserved. The building is not considered to give rise to any harm to highway safety.

As such, the application is considered to amount to a sustainable form of development and therefore in line with LP Policy S1a and paragraph 11 of the NPPF is recommended for approval subject to conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 15th May 2023

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council