

DELEGATED DECISION REPORT

HPK/2023/0094
Valid 22/03/2023

NESTLE WATERS UK LTD
WATERSWALLOWS LANE
GREEN FAIRFIELD
BUXTON

CONSTRUCTION OF A
CANOPY TO THE REAR OF
THE FACTORY BUILDING.

(FULL - MINOR)

MAIN ISSUES

- Design, Character and Appearance
- Highway Safety

DESCRIPTION OF SITE

The application relates to a small part of the larger storage and distribution site that lies to the north of Waterswallows Lane, approximately 1km outside Buxton, in the open countryside. The site is operated by Nestle Waters, who are primarily responsible for distributing the well renowned Buxton Mineral Spring Water. The site is designated as a Primary Employment Zone under Policy E3 of the Local Plan.

The area in question relates to the rear of the main storage and distribution building that fronts the area designated for trailer lorries to park and load and is very much contained within the wider site.

PROPOSAL

The application seeks the construction of a lean-to canopy which spans a width of approximately 30m and a depth of approximately 20m. No supporting Statement or further information has been submitted with the application, but it is assumed that the canopy is required to enhance the process associated with the loading of HGV lorries, particularly during inclement weather, which is common in this exposed countryside location.

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
EQ3	Rural Development
EQ6	Design and Place Making
E1	New Employment Development
E3	Primary Employment Zones
CF6	Accessibility and Transport

National Planning Policy Framework 2021

Achieving Sustainable Development	Chapter 2
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2010/0661	Construction Of A Bottling Plant And Associated Warehousing Together With External Works (Approved 16/05/2011)
HPK/2017/0218	Proposal to drill & line, 3no monitoring boreholes to a depth of 100m to 3 locations within the site boundary. The boreholes will be used to monitor groundwater levels within the factory area to facilitate long term water resource sustainability plans (Approved 17/07/2017)
HPK/2017/0673	Extension to existing bottling plant and distribution facility (Approved 27/04/2018)
HPK/2018/0601	Variation of condition 2 of planning permission HPK/2017/0673 (Approved 28/03/2019)

CONSULTATIONS

Publicity

Site Notice expiry date: 6th April 2023
Neighbour consultation period ends: 18th April 2023
Press Advert: N/A

Public Comments

None

Severn Trent Water

No objections – suggested informative

Wormhill and Green Fairfield Parish Council Comments

No comments received

Derbyshire County Council Highways

No Objections

OFFICER COMMENTS

Principle of Development

Local Plan (LP) Policy E1 encourages the redevelopment, intensification and more efficient use of Primary Employment Zones providing they accord with LP Policy E3, supporting business development within the countryside that accords with LP Policy EQ3.

LP Policy E3 states that permission will be granted for employment developments within Primary Employment Zones including proposals within the (now amended) B1, B2, and B2 Uses and other economic development as appropriate.

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 application seeks development that would enhance facilities and operations associated with a well established storage and distribution operation which is designated as a Primary Employment Zone that relates to a brownfield site in the open countryside. As such, the principle of development is supported, subject to 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 forms a very small part of a large well established storage and distribution operation that amounts to a brownfield site in the open countryside. The proposed canopy would be positioned to the rear of the building protruding a modest distance outwards from the main building, with no views from any public vantage point. In any event, the canopy is considered to be of a modest scale, that relates well to the existing (very large) building reading as a subordinate addition, that would not result in any material impact to the overall character and appearance of the building or indeed the wider rural landscape.

As such, the application is considered to be acceptable having regard to LP Policies S1, EQ3, and EQ6, and relevant paragraphs under Chapter 12 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

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.

The proposed canopy would be well related to the existing storage and distribution and would not protrude into the internal road layout of the site. The Highways Authority have not raised any objections. As such it is considered that the proposed development would not result in any harm 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 very limited extent of the additional roof and the fact that the immediate surrounding area is already hard surfaced 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 states that applications will be determined having regard to the presumption of favour of sustainable development.

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 permission for a modest canopy to the rear of the Nestle Waters storage and distribution building, off Waterswallows Lane, designated as a Primary Employment Zone under LP Policy E3. The development will enhance the loading operations associated with the facility. The principle is thus considered to be acceptable having regard to LP Policies E1 and E3.

An assessment has concluded that the canopy is of a modest scale and height and is acceptable in design terms, thereby complying with LP Policies S1, EQ3 and EQ6, and would not result in any harm to Highway Safety having regard to LP Policy CF6.

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

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 15th May 2023

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council