

DELEGATED DECISION REPORT

HPK/2024/0033
Valid 20/03/2024

1 JOULE BRADY
PROPERTIES LTD
SHEFFIELD ROAD
CHAPEL-EN-LE-FRITH

A SINGLE STORY
CORRUGATED METAL CLAD
BUILDING, ADJOINING AN
EXISTING VEHICLE REPAIR
GARAGE CONTAINING TWO
BAYS; ONE FOR MOT
TESTING OF CLASS 4 AND 7
VEHICLES AND A 2ND BAY
FOR HGV BRAKE TESTING

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Design Character and Appearance
- Amenity
- Parking Provision and Highway Safety

DESCRIPTION OF SITE

The application relates to an existing vehicular repair garage and its associated curtilage which lies north of Sheffield Road, Chapel-en-le-Frith. The site is characterised by a pair of existing buildings, the first is orientated so that its gable faces southwards, whilst the second is orientated at ninety degrees at the northern end of the main building.

The vehicular access runs to the east of these buildings providing access to a very large area beyond the rear of the site to the north.

The site is identified as a Primary Employment Zone within the Chapel-en-le-Frith Neighbourhood Plan.

PROPOSAL

The operator of the site Joule Brady Commercials have serviced Heavy Goods Vehicles (HGV's) on site for several years and have expanded in that time, increasing their customer base.

It is stated within the application that the business cannot currently offer MOT's for these vehicles, due to the constraints and logistics associated with the current buildings, and that there the Chapel area is starved of suitable facilities that can provide such MOT's for these vehicles.

The proposal thus seeks to diversify the business to enable MOT's to be carried out on site for HGV's responding to the identified need in the area, by erecting a purpose built structure adjacent to the existing buildings.

The building would be constructed in a steel portal frame, which would be orientated in a manner consistent with the larger existing building, spanning a length of some 8.8m and a width of 12.7m, reaching an eaves height of 6.1m.

Two roller shutter doors are proposed on the north side of the building and an additional one on the southern side, providing access for both staff and serviced vehicles.

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 Chapel-en-le-Frith Neighbourhood Plan (2015) and 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.

Chapel-en-le-Frith Neighbourhood Plan 2015

- EP1 Design of Employment Sites
- EP2 Existing Employment Sites

High Peak Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S6 Central Sub-area Strategy
- EQ6 Design and Place Making
- E1 New Employment Development
- E3 Primary Employment Zones
- CF6 Accessibility and Transport

National Planning Policy Framework 2023

- | | |
|--|------------|
| Achieving Sustainable Development | Chapter 2 |
| Building a Strong Competitive Economy | Chapter 6 |
| Promoting Sustainable Transport | Chapter 9 |
| Making Effective Use of Land | Chapter 11 |
| Achieving Well Designed and Beautiful Places | Chapter 12 |
| Conserving and Enhancing the Natural Environment | Chapter 15 |

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0002/5598	Extension To Existing Repair Shop To Allow Doors To Be Closed When Working On Long Vehicles (Approved 23/07/1987)
HPK/2006/0704	Demolition Of Toilet Block And Construction Of Link Corridor (Approved 14/11/2006)
HPK/2012/0176	Proposed Residential Development Consisting Of 53 No. Dwellings (Withdrawn)
HPK/2013/0225	Proposed Residential Development (Refused 08/08/2013)
HPK/2019/0150	Erection of a single-storey industrial building with an improved concrete base, ancillary to existing operations at Natural Stone Surfaces Ltd (Withdrawn)

CONSULTATIONS

Publicity

Site Notice expiry date: 16th May 2024
Neighbour consultation period ends: 30th April 2024
Press Advert: N/A

Public Comments

None

Chapel Town Council Comments

No Objections

Environmental Health

No comments received at time of writing.

Derbyshire County Council Highways

Initial Comments:

The location of the proposed building appears to obstruct the internal access to the rear of the site which appears to be used for storage or other operations within the industrial site as a whole. Can the applicant please provide confirmation by way of a revised plan which indicates that access to the rear of the site will be maintained.

In addition, the application suggests that parking spaces will be provided for the proposed building; can these be indicated on a plan as well please?

Further Comments:

Further to the receipt of a previously requested information (Updated Site Plan) and clarification on the accessibility of the rear of the site, it is considered that the revised plans adequately demonstrates that the site will maintain on site parking provision and suitable access to the rear of the site.

Accordingly, it is considered that the proposed development will not have an unacceptable impact on the highway network and as such there are no highway authority objections to the application.

Recommended condition:

1. The development hereby approved shall not be brought into use until the parking and turning facilities have been provided/maintained as shown on the approved Site Plan.

OFFICER COMMENTS

Principle of Development

The application seeks full planning permission for a purpose built structure to expand an existing mechanical garage in order to offer an MOT service for Heavy Goods Vehicles, responding to an identified need in the region due to a lack of such facilities.

Chapel Neighbourhood Plan (CNP) Policy E2 refers to Existing Employment Sites and makes clear that proposals that will lead to the improvement, modernisation, or upgrading of current employment sites will be welcomed and supported, subject to there being no adverse impacts on the amenity of neighbours.

Local Plan Policy E1 refers to New Employment Development and supports the development and enhancement of existing employment sites.

CNP Policy E1 sets out a list of design criteria that is required to be adhered to in all development relating to existing employment sites.

The site constitutes previously developed (brownfield) land. Chapter 11 of the NPPF contains national policies geared towards ensuring that such land is effectively used.

The site is not constrained by any sensitive statutory designation and will fully support the strategic objectives of the Neighbourhood Plan and Local Plan as set out above. As such, the principle of development is supported subject to design considerations set out under CNP Policy E1 and all other material planning considerations.

Design Character and Appearance

CNP Policy E1 contains a number of design principles that should be adhered to when considering development on existing Employment Sites, which include the following:

- Visually attractive, compatible with the character of the surrounding area
- Must include details of appropriate boundary treatment, and means of enclosure and surfacing

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 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 135 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 built-up area boundary of Chapel-en-le-Frith, and is characterised by a series of large light industrial buildings of a practical and functional appearance, and large car parking and service area. As a consequence, the overall visual sensitivity of the site is considered to be low.

The proposed MOT servicing area would sit adjacent and closely related to the existing large light industrial building functioning as the existing garage, and is subordinate with regards to its scale, height and footprint. The height of the building is required to facilitate HGV vehicles but nevertheless is not out of keeping with the scale of existing buildings.

Moreover, this ancillary building would respect the dominance of the main larger garage building, helping to assimilate the building into the wider site without any awkward jumps in scale. The building would be finished in materials that are appropriate for its use consistent with those used in the existing buildings on site.

Whilst the Neighbourhood Plan insists that details of boundary treatment be provided, it is judged that such details are not appropriate in this instance, given the context in which this ancillary buildings is situated.

For the reasons outlined above, it is considered that the proposed development accords with the design principles set out under CNP Policy E1, LP Policies S1 and EQ6 and paragraph 135 of the NPPF.

Amenity

CNP Policy E1 requires that development within existing Employment Sites should have no unduly adverse effect on 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 135 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.

Paragraph 191 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development and in doing so should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

The proposed building is relatively small scale and sits within the confines of a well-established light industrial site that is home to an mechanical engineering garage. The building is situated immediately adjacent to the existing garage.

Whilst no comments have been received at the time of writing from Environmental Health, it is the case that the nearest residential property lies some 50m south of the building adjacent to Sheffield Road. The background noise on site is likely to be high given its active industrial use, its proximity to both the public highway and nearby A6 dual carriageway, and, subject to an appropriate condition restricting the hours of

operation, any noise generated from the site is not expected to give rise to any adverse impacts to neighbouring public or residential amenity.

Subject to appropriate conditions, the application is considered to be compliant with CNP Policy E1, LP Policies EQ6 and EQ10, and relevant paragraphs relating to amenity contained within 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 114 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 115 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 direct access to Sheffield Road with the internal access shared with the neighbouring site to the north, running parallel with the proposed MOT facility on its eastern side.

The Highways Authority sought clarification in relation to how the shared access will continue to function together with associated parking, as details were not shown on the Site Plan. The applicant has subsequently submitted an updated Site Plan showing these required details, to the satisfaction of the Highways Authority, and therefore subject to an appropriately worded condition as recommended it is considered that the proposed development will not adversely affect highway safety, in accordance with LP Policy CF6 and paragraph 114 of the NPPF.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework. 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 full planning permission for a new building on the site of an existing light industrial mechanical garage, to serve as an MOT centre for Heavy Goods Vehicles, responding to an identified under provision of this service in the locality. The building would serve in an ancillary capacity to the existing mechanical garage.

An assessment of the application has found that subject to appropriate conditions, the proposed building is of an acceptable scale, height, massing and visual appearance that would preserve the amenity of neighbouring residents and the general public, and, further to the submission of an updated Site Plan, would not adversely affect highway safety.

As such, the application is considered to constitute 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 appropriate conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 14th May 2024

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council