

DELEGATED DECISION REPORT

HPK/2024/0105
Valid 02/05/2024

UNIT 8
KNOWLES INDUSTRIAL
ESTATE BUXTON ROAD
FURNESS VALE

INSTALLATION OF SEPTIC
TANK AND CHANGE OF USE
FROM STORE TO WORKSHOP

(FULL - MINOR)

MAIN ISSUES

- Design & Heritage
- Amenity

DESCRIPTION OF SITE

The site comprises a small area of hard standing adjacent to an existing industrial unit (Unit 8), within the Knowles Industrial Estate, a Primary Employment Zone situated within the built-up area boundary of Furness Vale, not constrained by any statutory designation.

PROPOSAL

Further to an enforcement complaint and subsequent investigation, the applicant is seeking full retrospective planning permission for the septic tank which has been installed adjacent to the existing industrial building (Unit 8) within the industrial estate. A site inspection confirms that these works have been completed in full (see photographs below).



The application is accompanied by photographs of the septic tank in situ before being filled in and covered by hard standing, in addition to technical specification documents.

In assessing the enforcement complaint, the Council determined that the proposed development did not fall within the parameters of Part 7 Class I of the General Permitted Development Order and thus required planning permission.

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 Whaley Bridge Neighbourhood Plan (2024) and High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in determining applications.

Whaley Bridge Neighbourhood Plan 2024

No relevant policies

High Peak Local Plan 2016

S1 Sustainable Development Principles
S1a Presumption in Favour of Sustainable Development
E3 Primary Employment Zones
EQ6 Design and Place Making
EQ7 Built and Historic Environment
EQ10 Pollution and Unstable Land

National Planning Policy Framework 2023

Achieving Sustainable Development	Chapter 2
Achieving Well Designed and Beautiful Places	Chapter 12
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 27th June 2024
Neighbour consultation period ends: 5th June 2024
Press Advert: N/A

Public Comments

2no. neutral comments have been received which are summarised as follows:

- Application relates to conversion of pervious storage facility – increase in noise more likely, condition should be applied to restrict hours of construction

3no, objections (2 representations made by the same respondent) have been received in connection with this application, summarised as follows:

- Concerns relating to the proposed hours of use of proposed workshop
- No objection to septic tank but concerns relate to use of store room to a workshop

Town / Parish Comments

No comments received

Environmental Health

No comments received

DCC Archaeology

The proposed development sits within the curtilage of the pit head works at a former coalmine and associated brickworks . A small building., possibly a workshop itself, is shown on the 1st edn 1;2500 map. We advised in 2011 that “we should consider this site to be an undesignated heritage asset with archaeological significance in the form of below-ground potential for archaeology relating to the 19th century brickworks”. As such groundworks for the insertion of the septic tank will require archaeological monitoring and recording. This work can be secured by attaching a suitably worded condition to any consent, the wording of which should read.

“No development shall take place until a written scheme of investigation (WSI) for archaeological monitoring has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.”

All works should be in accordance with a bespoke written scheme of investigation (WSI) prepared specifically to the needs of this site and the development, pre-approved by this office in writing before implementation. The WSI should be compiled by the archaeological organisation commissioned to undertake the works in the field and should be undertaken to recognised industry standards, in line with the appropriate qualitative standards of field practice and recording as outlined in current key methodological literature (for example Barker 1993, Roskams 2001). All archaeological works should be undertaken by a suitably experienced archaeological

organisation with suitably and most importantly demonstrably experienced archaeologists undertaking the work on the ground.

DCC Highways

No objection

OFFICER COMMENTS

Principle of Development

The application seeks retrospective planning permission for engineering works and the installation of an underground septic tank on a small area of hardstanding adjacent to an existing industrial unit situated within a well established industrial estate designated as a Primary Employment Zone under Local Plan (LP Policy E3), within the built-up area boundary of Furness Vale, and not constrained by any statutory designation.

In light of the above context, the principle of development is therefore acceptable subject to consideration of all relevant technical planning matters.

Design & Heritage

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.

LP Policy EQ7 has regard to the Built and Historic Environment. It states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.

Chapter 12 of the NPPF contains policies that amongst other things require decisions to 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.

Chapter 15 of the NPPF contains policies that amongst other things, require local authorities to ensure that the public and suitably protected from any nuisances or impacts arising from a proposed development.

Chapter 16 of the NPPF contains policies relating to heritage conservation. Paragraph 209 relates specifically to non-designated heritage assets, and that a

balanced judgement should be made in relation to the direct or indirect impacts on such an asset and the scale of any harm to its significance.

The site is registered as a Historic Environment Record – a late 19th century circular beehive brick-kiln at a brickworks – and as such DCC Archaeology was consulted.

Whilst it is acknowledged that the this consultee recommends that a Written Scheme of Investigation (WSI) be prepared submitted and actioned, it is judged that owing to the extremely small footprint of the development, and these works have now been fully carried out and completed, such a condition would be excessive and unreasonable. It is considered that the modest foundations required to install the septic tank would not, and has not, resulted in any harm to archaeological assets that would warrant a sustainable reason for refusal.

Given that the septic tank is situated below ground level, and that having been filled in with hardcore, is not visible from either within the industrial estate or from any nearby public vantage point, the proposal does not give rise to any harm to the character of the site and its surroundings.

As such, it is concluded that the application is compliant with LP Policies S1 EQ6 and EQ7 and relevant paragraphs contained under Chapter 12 and 16 of the NPPF.

Amenity

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.

The proposed septic tank has been installed underground and subject to compliance with relevant environmental regulations that fall outside of the planning legislature, is not expected to give rise to any adverse impacts to public amenity, in accordance with LP Policy EQ10.

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 retrospective planning permission for a septic tank and associated engineering operations (foundations) required for installation, on an area of existing hard standing within a well-established Industrial Estate and Primary Employment Zone, located within the built-up area boundary and not constrained by any statutory designation.

An assessment of the application has concluded that there would be no harm to the character and appearance of the site or indeed any archaeological assets or public amenity that warrants a credible or sustainable reason for refusal, and as such the application is considered to constitute a sustainable form of development.

In line with LP Policy S1a and paragraph 11 of the NPPF, the application is recommended for approval subject to appropriate conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 23rd July 2024

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council