

DELEGATED DECISION REPORT

HPK/2024/0387 Valid 10/09/2024	UNIT 4 CENTRAL STATION YARD UNNAMED ROAD FROM ECCLES ROAD TO COAL YARD CHAPEL-EN-LE-FRITH	CREATION OF 5 CLASS E UNITS TO EXISTING CONCRETE BASE PLATFORM WITHIN RBS LOGISTICS YARD (FULL - MINOR)
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MAIN ISSUES

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

DESCRIPTION OF SITE

The application site comprises a parcel of land that lies within a wider site that historically was associated with Chapel-en-le-Frith Central Station, which served the London Midland Mainline connecting Manchester, Derby and London, and was closed to passengers in the 1960's. The railway line still exists and is used for freight connecting a large limestone quarry at Peak Forest with the Manchester-Sheffield railway line.

The site is accessed from its junction with Eccles Road and Midland Road to the south, with the internal hard standing access serving a small cluster of light industrial premises (Units 1-4 Central Station Yard) that are situated adjacent to the railway on its western and extend in a northerly direction.

The site amounts to a rectangular parcel of land north of Unit 4 Central Station Yard which is currently occupied by RBS Logistics Ltd, which provides services to the shipping industry. Unit 4 is characterised by a steel portal framed building finished in a light grey colour orientated so that the side elevation runs parallel to the railway with a dual pitched roof and 2no. roller shutter entrance doors on its northern side.

The immediate surroundings of the site comprises the railway, which runs North-South to the east, a wider area of hard standing which serves parking and turning for Unit 4, beyond which to the west is a belt of mature trees which screens the site from open countryside beyond. This belt provides significant screening for the nearest neighbouring residential property known as 'Walton House', located some 80m distant.

For the purposes of the Local Development Plan, the site lies within the built-up area boundary of Chapel-en-le-Frith and is not constrained by any sensitive statutory designation.

PROPOSAL

The application seeks full planning permission for 5no. light industrial units (referred to within the submission as Class E) in the form of a singular rectangular building split into five equally sized units.

The building is shown to be orientated with the principal elevation fronting westwards onto the hard standing area, with each unit benefiting from 2no. allocated car parking spaces that sit directly in front of a roller shutter door and small pedestrian door.

2no. visitor parking spaces laid out in a linear formation are shown to be provided beyond the northern side elevation.

The building is shown to be constructed in a box profile metal cladding which spans a length of 28.85m and width of 12.5m, maintaining a 3m buffer between the eastern elevation and the boundary with the railway line. The building has a simple dual pitched roof form with sky lights being located to the front and rear.

The Proposed Floor Plans show that each Unit would have an external width of 5.4m and depth of 12.5m (67.5m²), with a Mezzanine Floor serving as ancillary office space accessed via an internal staircase having an internal floor area of some 33m², taking the total floor area of each unit to some approximately 100m². Each Unit benefits from a Kitchenette and WC.

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
TR1 Information Required to Support Planning Applications

High Peak Local Plan 2016

S1 Sustainable Development Principles
S1a Presumption in Favour of Sustainable Development
S2 Settlement Hierarchy
S4 Economic Development
S6 Central Sub-area Strategy
E1 New Employment Development
EQ6 Design and Place Making
EQ10 Pollution and Unstable Land

C 6 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/0002/9953	Distribution And Storage Comprising Mainly Of Building And Packaging Materials, But With A Small Area Of Accident Damaged Cars (Approved 21/01/1991)
HPK/0003/5067	Erection Of Industrial General Storage Building To Be Built In Three Phases (Approved 17/01/1996)
HPK/2003/0054	Residential Development (Refused 26/03/2003)
HPK/2004/0080	Residential Development For Approx. 40 Houses (Refused 19/03/2004)

CONSULTATIONS

Publicity

Site Notice expiry date: 24/10/2024
Neighbour consultation period ends: 07/10/2024
Press Advert: N/A

Public Comments

None

Chapel Town Council

The Parish Council do not object but have raised concerns over vehicle access due to the increased traffic the proposed will create, can the application please be referred to highways, there are also concerns regarding the surface condition of the existing access road and any deterioration increased traffic may cause.

AES Waste

No comments at time of writing

United Utilities

No objections subject to conditions

HPBC Environmental Health Officer

This site is on land identified as “potentially contaminated” due to previous industrial use. As such a phase 1 desk top contamination report should always be included with the application.

Should you be minded to approve without a ph1, the following is recommended

1. No development shall take place, with the exception of site investigation and remediation works until conditions 1a to 1d have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 1d has been complied with in relation to that contamination.
- 1a. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority.
- 1b. If the site risk assessment indicates that potential risks exist, development shall not commence until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared, and is subject to the approval in writing by the Local Planning Authority.
- 1c. Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out shall be produced, and is subject to the approval in writing of the Local Planning Authority.
- 1d. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
2. No discharges to atmosphere of any gaseous or particulate matter shall take place, arising from the operation of any process or plant, unless in accordance with a scheme of atmospheric pollution control measures to be

approved by the Planning Authority. The approved scheme shall be implemented before the use hereby permitted occurs.

3. No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely affect adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These should be made available for inspection when required by officers of the Local Planning Authority
4. Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment. There shall be no fires lit on the site for purpose of disposing of demolition materials. Any open fires that arise shall be extinguished without delay.
5. The best practicable means, as defined in Section 72 of the Control of Pollution Act 1974 to reduce noise and vibration from the site to a minimum, shall be employed at all times during construction.
6. If piling is necessary, a written piling options assessment shall be submitted to the Local Planning Authority, to demonstrate noise and vibration mitigation measures consistent with best practical means. The assessment shall consider Environment Agency guidance (Environment Agency (2001), Piling and Penetrative Ground Improvements on Land Affected by Land Contamination NC/99/73) where land contamination is suspected or proven. No piling shall take place until the piling options assessment has been approved. No piling shall take place outside the hours 09:00 hours to 16:00 hours Mondays to Fridays.
7. Unless prior permission has been obtained in writing from the Local Planning Authority, all noise-generating activities shall be restricted to the following times of operations.

07:30 - 18:00 hours (Monday to Friday);

08:30 - 14:00 hours (Saturday)

No working is permitted on Sundays or Bank Holidays.

In this condition, a noise-generating activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

8. During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary.

Derbyshire County Council Highways

No objections

Network Rail

No objections subject to conditions

OFFICER COMMENTS

Principle of Development

The application seeks to introduce 5no. light industrial units (referred to as Class E(c)(iii) on the Application Form). However, having clarified matters with the applicant, it has become apparent that the proposed development does in fact fall within the parameters of Class E(g).

The site is situated on an unallocated brownfield site that lies within the built-up area boundary of Chapel-en-le-Frith, not constrained by any statutory designation, whereby the wider site supports existing light industrial units.

Chapel-en-le-Frith is identified as one of the larger Market Towns under the settlement hierarchy contained under Local Plan Policy S2 which confirms that such settlements are to be the focus for economic and housing growth.

LP Policy S6 is the strategic development strategy for the Central Sub-area of the Borough which includes Chapel-en-le-Frith and seeks to encourage the growth of local employment opportunities and supporting the diversification and growth of local businesses by (amongst other things) supporting the delivery of industrial and business uses sufficient to meet the demands and economic needs of the area.

LP Policy E1 relates to New Employment Development and states that new business and industrial developments in sustainable locations will be supported, by (amongst other things) supporting business development outside of allocated employment sites or Primary Employment Zones but within the built-up area where it would not create undue harm to the character, appearance of amenity of the area.

Chapter 6 of the NPPF contains relevant national planning policies aimed at Building a Strong Competitive Economy. Paragraph 85 places significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Having regard to the physical and strategic context of the, the nature of proposed development, and relevant planning policy, it is judged that the principle of development is fully supported by the Local Development Plan and the NPPF, subject to a detailed assessment of all relevant planning considerations.

Design Character and Appearance

Chapel Neighbourhood Plan (CNP) Policy E1 sets out a list of design criteria for employment sites. Matters specifically relevant with regards to character and appearance are set out below:

- Development should be visually attractive, compatible with the character of surrounding area, include necessary screening and be of a scale, design and finish appropriate to the locality, particularly where the development can be viewed from main roads or other heavily used areas, including high ground and beauty spots
- Outside storage areas should be adequately screened from public view, including neighbouring residential properties
- Proposals must include details of appropriate treatment of boundaries, and means of enclosure and surfacing within the site

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 comprises an existing area of hard standing that lies within the context of other industrial and commercial units of a modest scale and stand adjacent to the railway, within the built-up area boundary. Whilst it is acknowledged that more sensitive rural landscape stands a short distance to the west of the site, the immediate landscape/visual sensitivity of the site, together with the manner in which it functions and operates, is considered to be low.

The Block Plan shows the proposed industrial units to have a rectangular form, that sits parallel to the eastern boundary with the railway line, and is considered to be of an appropriate scale and footprint for the site.

Due to its location within a wider yard area and its immediate context with a low visual sensitivity, it is considered that boundary treatment, and additional screening is not necessary.

The proposed building is shown to be constructed in a base of reconstituted stone, with box profile sheeting above, with steel roller shutter doors characterising the principal elevation supplemented by smaller pedestrian doors finished in aluminium.

These materials are typical for this functionality and are broadly consistent with those used in neighbouring commercial and light industrial development. It is noted however that the colour of external box profile sheeting and doors has not been specified. As such, it is considered that a condition requiring the confirmation of materials including colour is applied to the decision notice to be approved in writing prior to any works above foundation level.

Subject to compliance with the above condition, it is considered that the proposed development is of an appropriate scale, height massing and visual appearance that is appropriate for its immediate context, whilst also respecting the wider street scene and urban area, in accordance with CNP Policy E1, LP Policies S1 and EQ6, relevant Supplementary Design Guidance, and relevant paragraphs under Chapter 12 of the NPPF.

Amenity

CNP Policy E1 sets out a list of design criteria for employment sites. These include ensuring that development does not have an 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.

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 requires that decisions 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, including impacts relating to noise and light pollution.

The site lies within an existing area characterised by small-medium scale light industrial and commercial situated adjacent to and either side of an active railway line. The nearest residential property to the site is located some 100m to the west on the opposite side of a mature tree belt.

The description of development as set out on the Application Form makes reference to Class E, as opposed to B2, which is interpreted as referring to Class E(g), which is described in full as follows:

- (i) an office to carry out any operational or administrative functions,*
- (ii) the research and development of products or processes, or*
- (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit*

Comments received from Environmental Health confirms that the proposed development is acceptable having regard to public amenity subject to conditions. Whilst conditions relating to Land Contamination, Discharge of Gases or Odours, Piling, and Hours of Operation are considered to be relevant and necessary to make the application acceptable in planning terms, all other suggested conditions are not considered to be reasonable or necessary, given that they are covered by other environmental legislation that sits outside of the planning system.

A further condition is recommended that restricts the use of the units to that which complies with the definition set out above under Class E(g) and no other use under Class E.

Subject to compliance with all conditions referred to above, there are not considered to be any adverse impacts to any residential property and similarly no harm to public health, in accordance with LP Policies EQ6 and EQ10, and relevant paragraphs under Chapters 12 and 15 of the NPPF.

Parking Provision and Highway Safety

CNP Policy E1 sets out a list of design criteria for employment sites. These include ensuring development includes adequate internal roads (where applicable), parking, loading/unloading, servicing and manoeuvring areas.

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 sites for specific applications, 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 highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact impacts on the road network would be severe.

The proposed units are to be located within a yard area that benefits from a long established single internal access road that runs northwards from the junction with the adopted public highway with Eccles Road. Each unit is served by 2no. parking spaces that sit immediately to the front of the proposed roller shutter door. The Parking Plan shows 2no. visitor spaces to the north of the building set out 'back to back' with bin storage beyond.

The Highways Authority comments which confirm that there are no objections to this application have been informed by a site visit. Officers have queried the layout and provision of parking immediately in front of the roller shutter doors, and the quantum and layout of visitor spaces.

However, in the absence of any subsequent objection, justified on the grounds that the proposed development is a significant distance from the nearest part of the public highway, it is the case that whilst Officers continue to have reservations that the layout of the parking is appropriate, in the absence of any objection from DCC there are no sustainable reasons for refusal on highway safety grounds, and therefore acceptable having regard to LP Policy CF6 and paragraphs under Chapter 9 of the NPPF.

Other Matters

Ecology and BNG

The Environment Act (2021) came into force in the Spring of 2024 and places a legal requirement on applicants to provide a 10% Biodiversity Net Gain (BNG) on site, or off site, unless it meets one of the exemptions as set out under The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Sub Section 4 sets out the De Minimis Exemption which states the following:

4. (1) *The biodiversity gain planning condition does not apply in relation to planning permission for development which meets the first and second conditions.*
- (2) *The first condition is that the development does not impact an onsite priority habitat.*
- (3) *The second condition is that the development impacts—*
 - (a) *less than 25 square metres of onsite habitat that has biodiversity value(1) greater than zero; and*
 - (b) *less than 5 metres in length of onsite linear habitat.*
- (4) *For the purposes of this regulation—*
 - (a) *“priority habitat” means a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006;*

- (b) *a habitat is impacted where the habitat is lost or degraded such that there is a decrease in the biodiversity value of that habitat;*
- (c) *“linear habitat” means the types of hedgerow habitat or watercourse habitat identified for the purposes of the biodiversity metric (which are measured by length (expressed in kilometres) rather than area).*

Whilst the proposed development does exceed 25 square metres, it is clear from inspecting the site that the area subject to development (i.e. the red edge on the Location Plan) has no existing habitat value and does not contain any priority habitat.

As such the application is exempt from BNG.

Impacts on Network Rail Infrastructure

The site borders land to the east owned and operated by Network Rail. Comments from Network Rail confirm that no works are to commence until such time as a Risk Assessment Method Statement (RAMS) and Basic Asset Protection Agreement (BAPA) has been agreed.

It has also been requested that a distance of 3m is retained between the boundary and proposed development. This is shown to be achieved on the Proposed Block Plan.

As such, subject to appropriate conditions, Officers are satisfied that matters relating to Network Rail assets have been suitably addressed.

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 permission for 5no. industrial/commercial units that lies within the built-up area boundary of the Market Town of Chapel-en-le-Frith on a site not constrained by any statutory designation. The proposal supports the aims and objectives of all relevant strategic and economic development policies set out within the Local Development Plan and the NPPF, and is thus acceptable in principle.

A detailed analysis of this proposal confirms that subject to appropriate conditions, some of which are pre-commencement and have been agreed in writing by the applicant, the proposal is compliance with all other relevant Local Development Plan policies, relevant Supplementary Planning Guidance, and relevant paragraphs contained within the NPPF, and thereby constitutes 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: 19th November 2024

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council