

FAO Mr James Stannard
High Peak Borough Council
Planning Department
PO Box 136
Buxton
High Peak
SK17 1AQ

Date: 29th December 2024

Dear Mr Stannard,

P4 PLANNING CONSULTANTS SUPPLEMENTARY STATEMENT AND HPBC RE-CONSULTATION ON PLANNING APPLICATION - RESIDENT UPDATED RESPONSE

APPLICATION NUMBER	HPK/2024/0143
APPLICANTS NAME	The Frith Pension Scheme Mr Joe Sizeland
LOCATION	Derbyshire County Council Works Department Ashbourne Lane Chapel-En-Le-Frith SK23 0PA
PROPOSED DEVELOPMENT	Demolition of existing workshops and retaining walls and erection of 3no. new workshops with new retaining structures, landscaping, and car parking.

We note the information contained in the above-mentioned P4 Planning Consultants supplementary statement (their ref: 138-001) dated the 9th of October 2024 and the subsequent comments submitted by DCC Highways and Archaeology teams as well as those by HPBC Environmental Health team in response to your (re)consultation.

I would also like to thank you for taking the time to discuss the proposal with me during our telephone conversation on Monday the 9th of September 2024.

Having reviewed the updated statements and comments we would like to comment as follows.

We would repeat our general concerns about the impact this development will have on the amenity of the local neighbourhood as my wife and I set out in our individual resident response letters dated 21st and 25th of June 2024. In our responses we set out our concerns about how the proposed development did not appear to be in-keeping with the HPBC Planning Policy documents, namely: '*High Peak Local Plan Adopted – April 2016*', '*Chapel-en-le-Frith Parish Neighbourhood Development Plan 2013-2028*' (C-E-L-F Neighbourhood Plan), and '*High Peak Design Guide SPD*'.

For the sake of completeness, we repeat the policies we think the development might not be in-keeping with.

A. Local Plan Policies –

- **S 1 Sustainable Development Principles**
 - Making efficient use of land by ensuring that the density of proposals is appropriate (and informed by the surrounding built environment);

- Seeking to secure developments provide a high standard of amenity for all existing and future occupants of land and buildings, ensuring communities have a healthy, safe and attractive living and working environment and the risks from potential hazards are minimised

- **EQ 6 Design and Place Making**

- All development should be well designed and of a high quality that responds positively to both its environment and the challenge of climate change, whilst also contributing to local distinctiveness and sense of place.

This will be achieved by:

- Requiring development to be well designed to respect the character, identity and context of High Peak's townscapes and landscapes
- Requiring that development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features
- Requiring that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity

- **EQ 7 Built and Historic Environment**

- Particular protection will be given to designated and non-designated heritage assets and their settings including:
 - Archaeological Sites or heritage features

This will be achieved by:

- Requiring all works that could impact on a heritage asset or its setting or sites with the potential to include assets, to be informed by a level of historical, architectural and archaeological evidence proportionate to their significance and sufficient to understand the potential impact of a proposal. Where appropriate, the Council may also require historical research and archaeological recording to be undertaken before works to a heritage asset commence
- Preventing the loss of buildings and features which make a positive contribution to the character or heritage of an area through preservation or appropriate reuse and sensitive development, including enabling development, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or other relevant provisions of the NPPF apply.
- Requiring proposed developments that affect a heritage asset and / or its setting, including alterations and extensions to existing buildings, to demonstrate how the proposal has taken account of design, form, scale, mass, use of traditional materials and detailing, siting and views away from and towards the heritage asset in order to ensure that the design is sympathetic and minimises harm to the asset

- **EQ 8 Green Infrastructure**

- Identifying and protecting key wildlife corridors and stepping stones that connect sites of importance for biodiversity, including creating or restoring habitats of nature conservation value, in accordance with Local Plan Policy EQ5

- **EQ 10 Pollution Control and Unstable Land**

- The Council will protect people and the environment from unsafe, unhealthy and polluted environments.

This will be achieved by:

- Ensuring developments avoid potential adverse effects and only permitting developments that are deemed (individually or cumulatively) to result in the following types of pollution if any remaining potential adverse effects are mitigated to an acceptable level by other environmental controls or measures included in the proposals .

This may be achieved by the imposition of planning conditions or through a planning obligation.
The Council will not permit any proposal that has an adverse effect on a European site:

- Air pollution (including odours or particulate emissions);
- Pollution of watercourses (rivers, canals reservoirs, streams, ditches, ponds and wetland areas) or groundwater;
- Noise or vibration;
- Light intrusion;
- Land contamination; or
- Other nuisance, environmental pollution or harm to amenity, health or safety

- **E 1 New Employment Development**

New business and industrial developments will primarily be focused on designated employment sites in close proximity to other employment premises. Such locations provide better infrastructure and services for employers and are likely to have less impact on residential amenity. Business and industrial developments elsewhere within the built-up-area will also be supported to encourage economic growth, subject to the impact of the proposal on the local area.....

- This will be achieved by:

- Supporting business development outside of allocated employment sites or Primary Employment Zones but within the built up area when it would not create undue harm to the character, appearance or amenity of the area.

- **CF 6 Accessibility and Transport**

The Council will seek to ensure that development can be safely accessed in a sustainable manner.

Proposals should minimise the need to travel, particularly by unsustainable modes of transport and help deliver the priorities of the Derbyshire Local Transport Plan.

- This will be achieved by:

- Requiring that all new development is located where the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development

- Requiring that new development can be integrated within existing or proposed transport infrastructure to further ensure choice of transportation method and enhance potential accessibility benefits
- Ensuring development does not lead to an increase in on street parking to the detriment of the free and safe flow of traffic
- Approving developments provided that the capacity and design of the transport network serving the site will reasonably accommodate the anticipated increase in travel without materially harming highway safety or local amenity. In addition, the traffic generated by the development will not unduly interrupt the safe and free flow of traffic on trunk or primary roads or materially affect existing conditions to an unacceptable extent

B. C-E-L-F Neighbourhood Plan Policies

• EP 1 Design of employment sites

- Development should be visually attractive, compatible with the character of the 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
- Development must not cause detriment to valuable areas or features of nature conservation or man-made heritage.
- Development must not exacerbate flooding and must deal satisfactorily with waste, emissions and effluent.
- Proposals must include details of appropriate treatment of boundaries and means of enclosure and surfacing within the site.
- Development should have no unduly adverse effect on residential amenity.

• EP 2 Existing employment sites

- Proposals which 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.

• EP 5 Existing employment sites – I note that whilst there is no site specific requirements for the DCC yard in the C-E-L-F Neighbourhood Plan, I believe the policies that relate to other sites mentioned in the plan, within the C-E-L-F locality, can be equally applied to this site. In particular –

- No unacceptable impact on neighbouring properties through noise, vibration, smell, smoke, dust, fumes, lighting, litter, traffic and other disturbance, and no unacceptable impact on residential amenity including consideration of hours of operation
- Buildings should not breach the ridgeline/skyline and, where appropriate, should be cut into the hillside to minimise their visual impact.

C. High Peak Design Guide SPD

• Section 3. New Development – Designing in Context

Large Buildings – 3.6

- Accommodating large buildings within the area needs to be handled carefully. Their appearance is usually driven by their use and may not sit comfortably within a more traditional context.
- However, they are often essential to the local economy and should be designed to be as inconspicuous as possible.
- This can be achieved by giving them a low profile, a shallow pitched roof to reduce the ridge height, and ensuring they are in dark or recessive colours.
- For very wide buildings, creating a series of parallel roofs rather than one enormous roof will help to break down the apparent bulk of the building.
- Sites on the skyline should be avoided. Instead, wherever possible, such buildings should be sited in shallow depressions or otherwise positioned to fit into the landform.

Scale – 3.8

- A new building should respect the scale of those surrounding it.

Proportion – 3.12

- Where possible new buildings should pick up on the proportions of neighbouring buildings in some way.

Points to remember – page 17

- In towns and villages be guided by the existing context, pattern and grain of development and building heights.
- Respect surrounding scale.
- Reflect the proportions of neighbouring buildings.

P4 Planning Supplementary Statement

We have not observed a great deal of consideration concerning the impact on the amenity of the local residents by the completed development.

There is little mitigation mentioned to overcome the original concerns regarding size, scale, visual impact and overshadowing.

There appears to have been no attempt to reassure residents that the building and activities will not be overshadowing of residential homes/gardens to an extent that it leads to a loss of enjoyment of residential land and a loss of amenity.

The statement by P4 refers to employment opportunities, but as shown above this should not come at a loss to residential amenity. Moreover, the statement makes a telling comment about the premises becoming the HQ of the developer's business venture. We understand that the developer has an existing business site in

Chapel Milton and we are aware that employees of the developer's business operation have already indicated to some residents that they will soon be relocating to this site. As a result, we are of the view that there will be little increase in employment opportunities created by this development and that this site will potentially improve an existing businesses operational needs by relocating closer to an area where access to the A6 is closer.

We are aware that when the site was occupied by DCC, as their joinery depot, it was occupied by around 30 staff across the whole site/buildings. We note that for all the buildings in the proposed development, the working area – excluding refreshment/office/toilet facilities is – approx.. 880m². For the purposes of determining fire exit capacities under the building regulations occupant densities for warehousing use is – 30m²/person. This would suggest that there would be approx.. 29 employees across the site, over all three (or five) buildings. Consequently, this would result in a 0 increase in employment opportunity. Moreover, the employment argument needs to be put into context with the current economic climate. Whilst some businesses might be attracted to move to these premises, it needs to be seen in the round and that business relocation does not necessarily mean increased employment opportunities. With the recent increase in National Insurance for employers, there appears to be a reduced incentive to take on new staff and in some cases some businesses might be looking at reducing their wage bill – which would result in fewer employees.

Another concern we have is the real potential for a significant fire occurring in one of the buildings.

The proposal will be for three buildings (possibly with up to 5 separate businesses) to be located in the centre of a predominantly residential area, where access in and out of the site will be, in the event of a serious fire incident, potentially problematic and could have a significant impact on local residences/residents as well as that of effective firefighting operations.

The buildings will be over 8m high and in some instances will be within 3m of the boundary to some residential properties(Moss Cottage). The new buildings will have internal volumes of between approx. 1,700m³- 3,500m³. I have not seen any proposals for the units to be fitted with any automatic fire suppression systems (AFSS) or similar, within the details of the planning proposal.

The fire appliance access route to the industrial park is via Ashbourne Lane, which is narrow and can be congested. The access in and out of the site appears to be steep (circa 1 in 13 to 1 in 14 from the site entrance to the site roadway). The site could also compromise fire appliance access by parked cars and/or delivery wagons (7.5t- 18t).

We're conscious that a fire occurred at an industrial site in Cheshire (Adlington Business Park) on Sunday 30th June 2024), which involved attendance of crews from both Cheshire and Greater Manchester FRS's; with over 15 FRS appliances and additional support from NWAS and Cheshire Police.

<https://www.itv.com/news/granada/2024-06-30/firefighters-tackle-major-fire-at-cheshire-industrial-estate>

A video, which I've attached, shows the size and intensity of the Adlington Park fire.

The buildings on the proposed site in Chapel, whilst not necessarily of the same size as the one at Adlington, could contain a variety of stored materials, which could be combustible in nature, bearing in mind that the developer also owns a plastic container storage business.

We're also concerned that in order to meet rigorous energy efficiency standards the buildings could be constructed using combustible (PIR/PUR/EPS) roof and wall insulation. The combination of combustible insulation and combustible stored goods could create a lethal cocktail of chemicals within any smoke plume and the intensity of a fire could be substantial enough to overwhelm any fire protection measures applied to the walls around the buildings and which could potentially allow fire to spread to adjacent premises by both radiant heat transfer and burning brands carried by the wind/smoke plume. We're also mindful of the fact that all the buildings are intended to be fitted with PV roof panels, which could also cause difficulties with firefighting operations.

We fear the size, potential nature of use, form of construction, and FRS appliance access at the proposed development could, if an incident like that at Adlington Park in Cheshire was to happen here, cause a significant and unnecessary risk to residents in the neighbourhood. We're also conscious that there is a retained fire station in Chapel with only one appliance and that other appliances are likely to have to be called from stations further-afield from Chapel, which could delay firefighting operations and the control/extinguishment of a building fire.

We have also raised these concerns separately with Derbyshire Fire and Rescue Service.

DCC highways comments

We note that DCC Highways appear relatively content with the vehicle access arrangements into and out of the site, following nominal changes to accommodate the entrance splays and visibility sightlines. However, there remains a great many residents in and around Ashbourne Lane and Anchor Avenue who are deeply troubled by the potential for a significant increase in traffic – particularly large HGVs.

There appears to have been no vehicular movement investigations within the Hydrock reports and how the times of operation of the units might increase congestion/affect resident car parking. As previously mentioned in our earlier response we are mindful that hours of operation and traffic movements of staff and visitors could be a cause for concern for parents who walk their children to/from Warmbrook Primary school as well as the noise arising from increased traffic during the day and evening (should business hours for the units be late or even 24/7). In fact, the original Wainwright and the updated P4 planning statements appear silent on the times of business operations for the units – notwithstanding that this could have a significant impact on the amenity of the residential area if hours of operation are to be anti-social.

HPBC Environmental Health comments

We note the consultation response from Mr Rhodes of HPBC Environmental Health team dated the 16th of September 2024. We broadly agree with the comments of Mr Rhodes, which appear to reflect many of the concerns we raised in our own previous responses, in particular we note that Mr Rhodes has made the following conditions with our own comments (blue text) added –

1. CLO2 - CONTAMINATED LAND (DCLG CONDITION)

*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.*

a) Site Characterisation

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. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination; *[Resident comment]* We would welcome reassurance that any material excavated from the site will not result in contaminated materials being released that would expose the residents to any harm. We are conscious that parts of the site might have been filled to raise ground levels and the nature of the fill should be explored and detailed measures put in place to mitigate for any exposure risks from contaminants.

We would also welcome detailed proposals of the nature of use of the completed buildings to understand what hazards might be created from business activities etc and how the Planning permission might restrict the nature of the use to prevent harm to the amenity of residents from business activities and materials stored/produced.

- (ii) an assessment of the potential risks to:

- human health, *[Resident comment]* We repeat the comment made above and more details of the use of the buildings and any hazards arising from business activities/noise/fumes/etc that may result in a loss of amenity and risks to residents.
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, *[Resident comment]* We would welcome more detail about the impact of any potential rainwater run-off from paved/hardstanding's that could prejudice the land and structures to neighbouring property. We note that the ground level of Unit C appears higher than that of the retaining wall between 22B/C Buxton Road and this could lead to rainwater collection and damage to the rating wall structure over time. We would like reassurance that suitable rainwater run-off drainage to the boundary treatments will be put in place.
- adjoining land, *[Resident comment]* As above.
- groundwaters and surface waters, *[Resident comment]* As above.
- ecological systems,
- archeological sites and ancient monuments;

- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management" (LCRM) guidance.

b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. *[Resident comment]* We repeat our comments above regarding contaminated land remediation and exposure hazard mitigation.

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition **1a**, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition **1b**, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition **1c**. *[Resident comment]* We agree with this condition and repeat our concerns that the site might have been subject to unknown filled material; which might include contaminated waste that should not lead to an exposure hazard to residents.

2. NSD09 - ACOUSTIC SURVEY

No development shall take place until a full acoustic survey has been undertaken to determine both nighttime and daytime background noise levels at the site. This survey shall be submitted to the LPA as soon as it is available, for approval. The rating level of sound emitted from any fixed plant and/or machinery associated with the development, or industrial activities at the use hereby approved, shall not exceed the determined daytime or night-time (as appropriate) background sound when measured at nearest/any sound sensitive premises. All measurements shall be made in accordance with the methodology of BS 4142:2014+A1:2019 "Methods for rating and assessing industrial and commercial sound" and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority. *[Resident comment]* We are particularly concerned about the impact on the amenity of the residential neighbourhood from business generated noise. The area of the site is very quiet both during the daytime and at night-time and weekends. We are concerned that the business activities could cause a significant loss of amenity to residents in the local area. We urge HPBC to carefully consider the impact that business generated noise might have on the area and to impose restrictions to mitigate against this.

3. CDD01B - CONSTRUCTION AND DEMOLITION – DUST

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. *[Resident comment]* We agree with this condition and suggest that dust suppression, particularly during the demolition and substructure excavation phases be made a mandatory condition so as to prevent dust and fumes from travelling beyond the boundaries of the site.

4. CDD02 - CONSTRUCTION & DEMOLITION: WASTE DISPOSAL

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. *[Resident comment]* We agree with this condition and would like HPBC reinforce that there be no burning permitted on the site during both the demolition and construction phases. We are aware that some residents might suffer from respiratory/ breathing difficulty conditions and these conditions should not be affected by the building works and business activity.

5. NSD12 - BEST PRACTICAL MEANS

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. *[Resident comment]* We agree with this condition. We are conscious that with construction and demolition there are potential noise impacts. However, we note that the site is in the centre of a residential area and that some residents will be working shift patterns. The works involved will be on an industrial scale and consequently, appropriate noise mitigation measures should be in place to prevent any impact on the amenity of residents.

6. NSD02B - NOISE CONSTRUCTION: PILING 2

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. *[Resident comment]* We agree with this condition for the reasons mentioned under point 5 above.

7. NS02A - CONSTRUCTION & DEMOLITION WORKS: TIME OF OPERATIONS

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. *[Resident comment]* We agree with this condition and would ask that this also be extended to the business activities of the units once the buildings are put in use. We are particularly concerned that business related noise could be significantly detrimental to the amenity of the residential area unless appropriate planning controls are put in place.

8. CDD14 - ON SITE RADIO

During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary. *[Resident comment]* We agree with this condition for the same reasons as those stated above.

We note that Mr Rhodes has not made any direct reference to the potential for the business uses to cause dust or fume nuisance/exposure hazards and risks and there has been no mention of the impact from artificial light pollution being created by the various lights to illuminate the car parking areas and also any that might

be installed to illuminate business frontages and fire exits. The recent development by Street Crane for their storage unit on Frith Knoll Road, is an example of how light pollution can impact on residents – even those living some distance from the site. The front yards and signage lights are very bright and before Street moved in it was necessary to ask them to change the angle of the signage lights as they were shining into bedrooms causing unnecessary sleep disturbance. Similarly, their fire exit lights are also bright and are a constant source of light nuisance and could have been managed much more sympathetically. Ideally lights that are photo sensitive to daylighting and are intelligent enough to activate only on a fire alarm/test activation would have been better. Similarly, car park lights that are photo sensitive and only illuminate on PIR sensors could mitigate against constant light pollution.

In our previous resident comments we mentioned that nuisance and pollution from business activities should be guarded against and we repeat our original concerns again here for completeness.

DCC Archaeological comments

We have noted the recent comments made by Mr Baker and we agree with his concerns about the loss of the man-made heritage features of the Peak Tramway. We urge HPBC to carefully consider the impact of the slow and progressive erosion of this important local heritage, which this development will simply add to.

As a consequence of all the above we believe the development proposal remains disproportionate and inconsiderate of the scale and amenity of this residential area and does not appear to be in-keeping, nor in accordance with –

- The HPBC Local Plan Policies – S1, EQ6, EQ 7, EQ 8, EQ 10, E 1, and CF 6; and
- The C-E-L-F Neighbourhood Plan Policies – EP 1, EP 2, and EP 5; and
- Section 3 of the SPD

and will be seriously detrimental to the amenity of our property as well as to the wider neighbourhood.

I trust you find the above to be helpful in determining the application for planning permission.

Yours sincerely,

Wayne and Tracey Timperley