

DELEGATED DECISION REPORT

HPK/2024/0016
Valid 18/03/2024

CARPENTER PLC DINTING
LODGE INDUSTRIAL
ESTATE
DINTING
GLOSSOP

NEW TANK ENCLOSURE
BUILDING TO THE REAR OF
THE SITE

(FULL - MINOR)

MAIN ISSUES

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

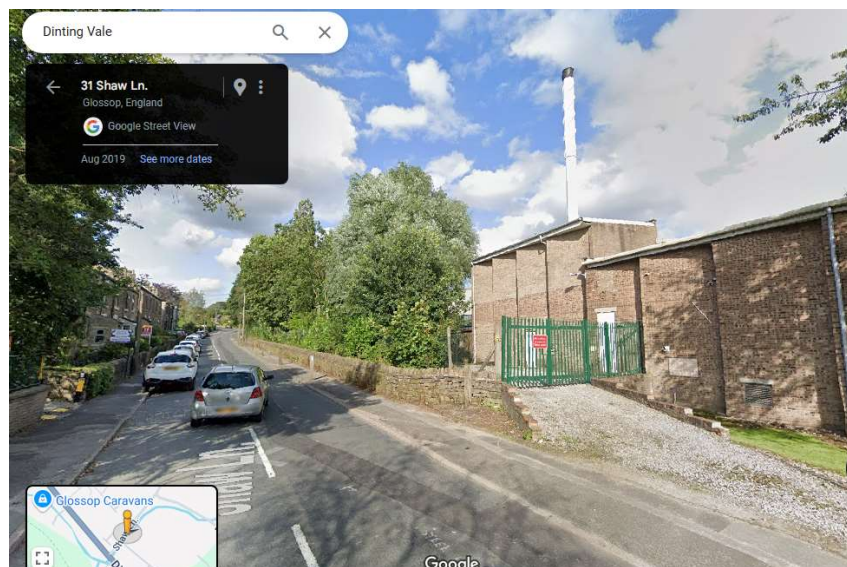
DESCRIPTION OF SITE

The application site comprises a small parcel of land immediately north-west of a large industrial factory operated by Carpenter PLC, who manufacture store and distribute polyethylene foam, processed fibre and related products.

The site forms part of the Dinting Lodge Primary Employment Zone as defined by Local Plan (LP) Policy E3, and lies within the built-up area boundary of Glossop, and not constrained by any sensitive statutory designation.

Shaw Lane runs in a north-south direction immediately west of the site, with a row of two storey terraced residential properties standing some 23m distant orientated so that their principal elevations face the site and existing industrial building.

As shown by historic imagery from Google Street View dated 2019 (see below), the boundary with the public highway was previously characterised by a row of semi-mature trees and natural vegetation



However, as shown by the below photograph, a site inspection carried out in April 2024 has confirmed that the section of boundary treatment that had until that point provided a degree of privacy and screening for nearby residential properties on Shaw Lane has been removed.



PROPOSAL

The application seeks full planning permission for a new structure to be located immediately adjacent to the north-western elevation of the existing industrial building.

At the request of Officers the applicant has submitted a Design and Access Statement which contains information regarding the nature of the proposed development.

The structure would accommodate 4no. 50,000 litre tanks which would be used to store a non-hazardous chemical called Poly 8, which is used in the manufacturing process of polyurethane foam. The equipment to be located within this tank enclosure would include steel tanks, pipes, valves and pumps, alongside control and safety systems.

As per the Elevation Plans, the structure/enclosure would span a width of some 7 metres and a length of some 19 metres, having a shallow mono-pitched roof with an eaves height of some 9.3 metres and an overall height of 10 metres.

The structure would be finished in metal grey cladding panels to match the existing colour present in the exterior of the industrial building.

The application in its latest form is accompanied by a revised Design and Access Statement which at the request of Officers seeks to justify the need for the

development and why it has to be in this precise location and cannot be sited elsewhere within the planning unit. A summary of this justification is set out as follows:

- Tanks need to be located a maximum of 150m away from the Tanker Offload Bay as this is the farthest the liquid can be pumped into storage, with there being only one offload bay area to avoid multiple offloads
- For Health and Safety reasons, the tanks can't be located so that it needs to be pumped over vehicle routes which precludes the southern section of the site
- With no floorspace within the existing building to house the new tanks, an external location is required, which is adjacent to the existing tanks and within 150m of the Tanker Offload Bays for pumping reasons
- Where above ground pipework is used, there is a requirement to locate this internally wherever possible, there it is less vulnerable to tampering and damage, and more robust to maintain and reduce leakage potential
- The area to the north-west directly adjacent to Shaw Road (beyond the application site) is discounted owing to being less than 21m from nearby residential properties
- The area to the south of the site provides two location where the existing roadway that is vital for vehicle access isn't disturbed
- Alternative options within remaining available land discounted due to an existing water main that sits directly below these areas, in addition to a number of surface drains which would pose a threat to the environment should accidental spillage occur
- Only viable option is the selected location of the proposed development, which equates to an extension of the existing Tank Farm, which will utilise the existing pumps and pipework.
- Enclosure designed to minimise its scale whilst allowing the required volume for the tanks, along with sufficient space both horizontally and vertically to service and maintain the tanks adhering to the health and safety standards required of such a facility

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
- S2 Settlement Hierarchy
- S4 Maintaining and Enhancing an Economic Base
- S5 Glossopdale Sub-area Strategy
- EQ6 Design and Place Making
- E1 New Employment Use
- E3 Primary Employment Use
- CF6 Accessibility and Transport

Supplementary Planning Documents

Design Guide SPD (2018)

National Planning Policy Framework 2023

Achieving Sustainable Development	Chapter 2
Building a Strong Competitive Economy	Chapter 6
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed and Beautiful Places	Chapter 12
Conserving and Enhancing the Natural Environment	Chapter 15

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

The site has been subject to an extensive planning history, none of which is considered to be pertinent to this application.

CONSULTATIONS

Publicity

Site Notice expiry date: 16th May 2024
Neighbour consultation period ends: 29th April 2024
Press Advert: N/A

Public Comments

1no. neutral comment has been received from a nearby resident that raises the following issues:

- Application fails to address potential issues relating to likely noise and disturbance and visual amenity

- Disappointed that trees screening the site adjacent to highway boundary have been removed without consultation resulting a more prominent view of industrial buildings and proposed development

Town / Parish Comments

N/A

Derbyshire County Council Highways Authority

No objection.

HPBC Environmental Health Officer

No objection, subject to conditions.

Coal Authority

Initial Response

Substantive concern – the applicant has submitted some coal mining information to accompany the planning application however the Coal Authority does not consider this adequately addresses the impact of coal mining legacy on the proposed development

Further Response

Coal Authority now notes submitted Ground Investigation Report for Shallow Coal Workings (dated August 2024) from Clancy Consulting Ltd, which confirms site investigations across the site comprising of two rotary boreholes. On the basis that the report confirms that no worked coal seams were encountered to a depth of 40mbgl and Development Team at the Coal Authority withdraws its objection to this planning application.

OFFICER COMMENTS

Principle of Development

The application seeks planning permission for a building that would be used in an ancillary manner to a well-established large industrial unit (B2 Use) that would allow the business to grow in its medium to long term sustainability, on a site that lies within the built-up area boundary of Glossop, which is not constrained by any sensitive statutory designation. The application thereby complies the aims and objectives of Local Plan Policies S1, S2, E1 and E3 and relevant paragraphs contained under Chapter 6 of the NPPF, which amongst other things, requires significant weight to be given to the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

As such the principle of development is acceptable and fully supported subject to a detailed assessment of all relevant material 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 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.

The Design Guide SPD (2018) contains useful guidance that ensures that development is appropriately designed for its context. Development should have regard for the wider traditions of the High Peak, as well as its immediate context. New extensions should read as subordinate and secondary additions and respect the scale and height of the parent building, and should not be situated forward of an established building line. This principle also applies to this ancillary detached structure.

Paragraph 135 of the NPPF states amongst other things that decisions should ensure that developments will add to the overall quality of the area, be visually attractive as a result of good architecture and are sympathetic to the surrounding built environment.

Paragraph 139 of the NPPF goes on to state that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

The area of land subject to this application is situated immediately to the western elevation of a very large industrial unit, that forms part of a Primary Employment Zone, within an urban area and within the built-up area boundary of Glossop.

Notwithstanding the above, the site stands in a prominent location with clear views from the public highway which, regrettably, have been amplified by the removal of natural vegetation on the western boundary, which due to being shown on the submitted plans does not reflect the current context of the site and wider street scene.

Whilst it is acknowledged that the site contains a large industrial unit of a noticeable height, it is clear that, irrespective of the choice of materials and finish, as a consequence of the proposed tank enclosure being marginally higher than its parent building, and being situated closer to the public highway, this would introduce a dominant structure that sits forward of the building line fronting Shaw Lane, and would fail to respect the prominence of the parent building, which in turn, even when

accounting for its urban setting, amounts to a poor form of design that would adversely impact the character and appearance of the street scene.

The above is compounded by the fact that natural vegetation has been removed on the western boundary, as identified by the comment received from a nearby resident. Taking the above into account, Officers are of the view that the proposed development results in direct conflict with Local Plan Policies S1 and EQ6, relevant guidance contained within the Design Guide SPD (2018), and relevant paragraphs under Chapter 12 of the NPPF.

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 NPFP states that planning should create places with a high standard of amenity for existing and future users.

Paragraph 191 of the NPPF requires policies and decisions to ensure that new development is appropriate for its location taking into account the likely 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, considering impacts including noise, light pollution amongst other things.

Public Amenity

The structure will contain 4no. tanks containing a non-hazardous chemical with associated development including a bund to protect against the unlikely event of spillages.

The Environmental Health Officer has confirmed that they have no objections to the proposed development, subject to an appropriately worded condition that requires each bunded area to have a volume equal to at least 110% of the contents of the largest tank, with any drain point to a bunded area to be fitted with a locked cap.

A pre-commencement condition is therefore required to secure specific details of the bunded area surrounding the proposed development as recommended by Environmental Health in order to ensure that public amenity will be preserved.

No comments, observations or concerns have been raised by Environmental Health with regards to any noise impacts, either during the construction or operational elements of the proposed development and as such, whilst acknowledging comment from a local resident raising concerns in this regard, it is considered that any condition relating to noise limits would not be reasonable. In any event there are statutory regimes which can address noise concerns should they arise.

The Coal Authority initially raised concerns in relation to the proposed development having regard to the sensitivity of the site with regards to shallow coal mining works. However, in light of further information and analysis being submitted by the applicant and having been reviewed by the Coal Authority, their initial objections have now been withdrawn.

Residential Amenity

The application site is located adjacent to the side elevation of the large industrial unit, and within a short distance of a row of terraced two storey residential properties that are situated on the opposite side of Shaw Lane, that as shown on the submitted Section Drawing. These dwellings have principal habitable windows that lie some 23m from the proposed structure.

These dwellings are located 23.2m from the building at its nearest point.

It is regrettable that the applicant has removed natural vegetation on the western boundary, which as a consequence exposes the site and proposed development to these properties. Whilst this does create a visual amenity and street scene concern (as discussed above), it is not considered that the residential amenity of these properties would be adversely affected, owing to the distance between existing properties and proposed development.

Subject to compliance with the condition securing details of the bunding as requested by Environmental Health, it is considered that the proposed development would not give rise to any adverse harm to public or residential amenity in accordance with LP Policies EQ6 and EQ10, the Residential Design Guide SPD, and relevant paragraphs under Chapters 12 and 16 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 and provides suitable off-street parking provision in accordance with guidelines set out under Appendix 1 of the Local Plan.

Paragraph 115 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 116 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 development would not require its own access and would not generate the need for additional off-street parking. As such, and in the absence of any objections from the Highway Authority, it is considered that the proposed development would not give rise to any adverse highway safety impacts in accordance with LP Policy CF6 and relevant paragraphs under Chapter 9 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 ancillary development associated with and to support the medium and long term growth and sustainability of an existing, well established large industrial unit that forms part of a Primary Employment Zone, located within the built-up area boundary of Glossop, one of the larger Market Towns that are the focus of economic growth.

The application is fully supported as a matter of planning principle with regards to LP Policies S1, S2, E1, E3, and relevant paragraphs contained under Chapter 6 of the NPPF.

Having regard to paragraph 85 of the NPPF, local planning authorities are required to place *significant weight* on the need to support economic growth, taking into account local business needs, which is particularly important in areas with high levels of productivity.

As set out within the body of this report, the applicant has provided a sequential analysis within the latest version of the Design and Access Statement as to why the

proposed development has to be the desired scale, height, and sited in the specific location within the large planning unit, and why no other options are viable.

The siting and scale of the proposed development is highly problematic with regards to its impact on the character and appearance of the street scene, irrespective of its urban character, given the fact that it is situated so close to the public highway and is taller than its parent building. This problem is compounded by the regrettable decision taken by the applicant to remove vegetation from the western boundary, further exposing the development. Conflict therefore arises with Local Plan Policies S1 and EQ6, the Design Guide SPD, and relevant paragraphs under Chapter 12 owing to its design, siting and appearance and impact on the street scene.

As a consequence of the above, Officers must make an informed planning judgement balancing the clear economic benefits of the scheme, against the adverse harm to the character and appearance of the street scene by virtue of its siting and design. Such a judgement is considered to be very finely balanced.

The applicant has, upon invitation, set out a clear rational and technical analysis for the need of the proposed development, and a sequential assessment as to why the structure has to be sited in this location, and has to be the specified scale and height as shown, and that no other alternative exists within the planning unit.

Taking into account this material consideration, Officers are of the view that subject to a planning condition that requests that replacement landscaping be agreed prior to any works above foundation level, and implemented prior to the development first coming into use, the adverse harm to the character of the street scene can be mitigated to some degree. When such a landscaping scheme is implemented, it is considered that whilst harm would still exist, this would be limited, given the urban character of the stie and its immediate surroundings.

As such, an on balance, it is considered that this application overall amounts 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, including those in the interests of design and public amenity.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 6th February 2025

X *J Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council