

DELEGATED DECISION REPORT

HPK/2024/0152 Valid 08/05/2024	UNITS A & B GLOSSOP BROOK BUSINESS PARK SURREY STREET GLOSSOP	EXTENSION TO EXISTING LIGHT INDUSTRIAL UNIT – USE CLASS E(G) (FULL - MINOR)
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MAIN ISSUES

- Principle of Development
- Design, Character and Appearance
- Amenity
- Parking Provision and Highway Safety
- Ecology and Biodiversity Nett Gain (BNG)

DESCRIPTION OF SITE

The application site comprises a parcel of land measuring approximately 0.17ha which is situated within the built-up area boundary of Glossop and lies within a Primary Employment Zone as defined by the Local Plan.

The site contains an existing light industrial unit which was subject to a change of use from (the now revoked) D2 Use Class to B1 (again now revoked) granted in 2006 under HPK/2006/0468. The description of the approved change of use is “light industrial and associated offices as well as insertion of additional window openings”.

The existing unit is characterised by two dual pitched roofs which join together creating a central valley. The unit is finished in a grey cladding with profiled sheeting adorning the roof, which is characterised by multiple rooflights. The Site Plan shows that a total of 5no. off-street parking can be accommodated within the area of hard standing fronting Glossop Brook Road.

The site is bounded to the west by the public highway, with its existing highway access, and to the south by a row of four terraced two storey properties which front Surrey Street, with rear elevations and garden areas fronting the site. The eastern boundary is shared with a similar light industrial unit, whilst the railway sits to the north.

PROPOSAL

The application seeks full planning permission for a modest extension to the existing unit that would be situated adjacent to the southern elevation of the main building, with a consistent orientation. A Materials Schedule submitted with the application confirms that the proposed extension would be finished in materials consistent with the parent industrial building.

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
- S5 Glossopdale Sub-area Strategy
- EQ6 Design and Place Making
- EQ10 Pollution and Unstable Land
- E1 New Employment Development
- E3 Primary Employment Zones
- CF6 Accessibility and Transport

National Planning Policy Framework 2023

Achieving Sustainable Development	Chapter 2
Building a Strong Competitive Economy	Chapter 5
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/0002/5178	Single Storey Vehicle Showroom And Service Workshop. Vehicle Sales (Approved 15/06/1988)
HPK/0003/4506	Change of Use to Children's Indoor Activity Playhouse (Approved 15/06/1995)
HPK/2006/0468	Change Of Use From Class D2 To B1 (light Industrial And Associated Offices) And Insertion Of Additional Window Openings To Building (Approved 31/07/2006)
HPK/2021/0137	Material alterations to external appearance of building to include - Replacement cladding on walls and roof, window and door alterations and additions and insertion of rooflights (Approved 18/05/2001)

CONSULTATIONS

Publicity

Site Notice expiry date: 11th June 2024
Neighbour consultation period ends: 10th June 2024
Press Advert: N/A

Public Comments

None

Town / Parish Comments

N/A

Environmental Health

No objections subject to conditions.

Derbyshire Wildlife Trust

We have reviewed the information submitted, inclusive of the Preliminary Ecological Appraisal & Biodiversity Net Gain Assessment (Rachel Hackling Ecology, September 2024), The Statutory Biodiversity Metric (Rachel Hackling Ecology, September 2024) and our Biological Record Centre Database (DBRC) and have the following comments and recommendations to make.

Designated Sites

No statutory or non-statutory sites are present within the application site or immediately adjacent to. The site lies within the Impact Risk Zone (IRZ) for Dark Peak Site of Special Scientific Interest (SSSI). However, the proposals do not meet the identified risk criteria which would trigger a consultation from Natural England. Furthermore, negative impacts to designated sites as a result of the development are highly unlikely and are therefore not considered further.

The habitats on site comprise of developed land sealed surface, ephemeral vegetation, introduced shrubs and individual trees considered to be of 'Site' value. No notable habitats or plant species are present within the redline. Impacts to habitats pertain to the loss of 4 individual trees.

We would advise that all retained trees should be protected from damage during construction by the erection of adequate temporary fencing, in line with BS5837, prior to the commencement of groundworks. This fencing should remain in place for

the duration of construction as a condition of any permission. These details should be provided in an Arboricultural Method Statement.

Biodiversity Net Gain

We have reviewed the Biodiversity Net Gain Assessment and metric (Rachel Hackling Ecology, September 2024). Proposals will result in the loss of individual trees (4 trees total) equating to a loss of -0.28 habitat units (66.51%).

It is our understanding that the application does not qualify under any exemption, so a minimum of 10% net gain is required, in line with the Environment Act 2021. These losses cannot be offset within the site boundary and therefore an offsite option will be required.

Offsite options could comprise either the purchase of units from a local habitat bank or habitat creation / enhancement on offsite land owned by the applicant or a third party. Whilst full details of the chosen approach can be provided in a post-determination Gain Plan, if offsite land requires securing, a legal agreement is likely to be required at this stage.

Alternatively, if a habitat bank purchase is likely, we typically advise the LPA to seek confirmation that the type and number of units can be delivered by the provider, to avoid delays later down the line when discharging the Gain Plan condition. However this is not mandatory.

Given that the onsite gains will be minor and restricted, a Habitat Management and Monitoring Plan (HMMP) is considered disproportionate. A landscape plan could be secured by the LPA, and we would encourage the inclusion of native or beneficial garden planting, such as small trees and pollinator-friendly shrubs, where possible. We would also encourage the LPA to secure species enhancements in the form of a bat and bird box incorporated within the new dwelling.

The habitats within the application site are considered to be suitable for nesting birds and foraging and commuting bats.

It is noted that the identified building which requires the extension was considered to hold 'Negligible' bat roosting suitability due to the lack of features present. The 4 trees to be removed were also considered hold 'Negligible' roosting suitability. Furthermore, no protected species surveys are required prior to the determination of the application. However, we would advise that appropriate reasonable avoidance measures are secured via conditions (below).

Conditions

No tree, scrub or hedgerow clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the

chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

A Gain Plan will be required post-determination. Guidance for LPAs regarding Gain Plans can be found here: <https://www.gov.uk/guidance/biodiversity-net-gain#para25> and the Gain Plan template is here: <https://www.gov.uk/government/publications/biodiversity-gain-plan> Landscape Plan and Management Schedule. Given the low distinctiveness of the proposed onsite habitats, it may be that the onsite gains are not considered significant and therefore a HMMP for these is not strictly required. A good quality landscape plan and management schedule may be sufficient to secure the proposed tree planting

The development shall be carried out in accordance with the species enhancement recommendations within the addendum letter titled 'Ecological Enhancements – 7th October 2024 (Rachel Hackling Ecology)'. A statement of good practice including photographs should be submitted to the local planning authority prior to the discharge of this condition, demonstrating that the enhancements have been selected and installed in accordance with the above document. The enhancements should be implemented in accordance with the approved details and all features retained in that manner thereafter.

Derbyshire County Council Highways

Initial Comments

No objection providing parking provided adheres to the requirements contained within Appendix 1 of the Local Plan.

Further Comments

Upon further consideration, it is considered that although the proposal does not conform to parking standards, Glossop Brook Road is unrestricted, approximately 7m in width. The public highway terminates (no through traffic) then continues as a public right of way. It is around 400m to the nearest bust stop. A Travel Plan is only required for B1 Use over 2500m².

Therefore, after discussions with the County Council Traffic Team and based on the analysis of the information submitted and a review of local and national policy, the Highways Authority conclude that there would not be an unacceptable impact on

highway safety or congestion, and therefore there are no justifiable grounds on which an objection can be maintained.

OFFICER COMMENTS

Principle of Development

The application seeks full planning permission for an extension to an existing industrial unit that lies within a Primary Employment Zone, and within the built-up area boundary of Glossop, one of the larger Market Towns that sits at the top of the settlement hierarchy under Local Plan (LP) Policy S2, which are the focus for housing and economic growth.

The application fully supports the aims and objectives of LP Policies E1 and E3, and relevant paragraphs contained within Chapters 5 and 11 of the NPPF, which together encourage the enhancement and growth of existing employment sites within existing industrial and brownfield sites.

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

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

The site lies within a Primary Employment Zone and contains a large industrial unit. As such, the character of the site and its surrounding is urban and of a relatively low visual quality with low sensitivity to new development.

The proposed extension sits to the south of the existing building, and as shown on the proposed plans and elevations, presents a simple lean-to that is wholly subsidiary and subordinate with regards to its footprint, scale, height and massing. Materials are typical of this functional use and is consistent with those used in the parent building.

As such, the proposed development is considered to be of an acceptable design which responds well to and respects the existing character of the site and its

surroundings, in accordance with LP Policies S1 and EQ6, and relevant paragraphs contained 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.

Chapter 15 of the NPPF contains relevant policies aimed at ensuring that the amenity of existing and future occupiers of neighbouring land and buildings is preserved having regard to issues including noise, air and light pollution and odour.

The site is bounded to the south by the rear gardens of four terraced properties that front Surrey Street, with rear elevations and their associated windows being situated between 4 and 8m from the boundary.

In assessing potential impacts on the amenity of these properties, Officers were keen to obtain comments from Environmental Health Officers, in respect of potential issues relating to noise. Comments subsequently received have confirmed that subject to compliance conditions restricting noise output from the site, no objections are raised.

Given that the proposed extension would have a total height of 4m, commensurate with typical household extensions, and that it is located to the north, and therefore, will not obstruct direct sunlight, when considering the distance between rear elevations and the side elevation of the industrial unit extension, in addition to vegetation that partially screens the boundary, it is not considered that the proposal would give rise to any overbearing impacts, or any other harm to the residential amenity of these properties.

As such, it is considered that subject to appropriately worded conditions, the proposed development will preserve public and residential amenity, in line with LP Policies EQ6 and EQ10 and relevant paragraphs contained under Chapter 15 of the NPPF.

Parking Provision and Highway Safety

LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network and provides suitable off-street parking provision in accordance with guidelines set out under Appendix 1 of the Local Plan.

Paragraph 114 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 115 goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The site benefits from an existing access from the public highway and as shown on the Proposed Site Plan currently accommodates 5no. off-street parking spaces. A further 3no. spaces are shown to be provided with sufficient turning area, amounting to 8no. spaces in total.

Initial comments from Highways raised no objection subject to parking standards being met as set out within Appendix 1 of the Local Plan.

An assessment of the required off-street parking provision for the site (i.e. existing unit and the extension) as set out within the Council's Parking Guidelines, revealed that based on the site being located within a town centre, and a formula of 1 space per 25m², a total of 23no. off-street parking spaces would be required to comply with the Council's guidance, with the application provides just 30% of this requirement.

However, upon requesting updated comments from the Highways Authority in light of this information and analysis, it has been confirmed that there are no reasonable grounds to refuse the application on highway safety grounds, including the shortfall of off-street parking, due to the specific context of the site, and therefore it is judged that any conflict with LP Policy CF6 cannot command a credible reason for refusal that could be substantiated at appeal.

The application is thus acceptable with regards to parking provision and highway safety.

Ecology and Biodiversity Nett Gain (BNG)

The Environment Act (2021) came into force in the spring of 2024 and places a legal requirement on all development proposals to provide a 10% uplift in Biodiversity Nett Gain (BNG) in addition to habitat lost to the development, preferably on-site or where this cannot be achieved off-site; secured via an appropriate planning condition or legal agreement.

LP Policy EQ5 requires all new development proposals to demonstrate that any protected species and habitats within the site will not be adversely affected and seeks to promote a nett gain in biodiversity by securing appropriate mitigation and ecological enhancements where appropriate.

Chapter 15 of the NPPF contains the relevant national planning policies for the conservation and enhancement of the natural environment. Paragraph 187 states that policies and decisions should contribute to and enhance the natural environment by (amongst other things):

- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current

and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs

Paragraph 193 of the NPPF sets out a number of principles of determining applications, which includes the following:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused

Whilst the site is not constrained by any ecological designation, it has been identified, contrary to details presented on the Application Form, that the site does not meet any of the exceptions to BNG as set out within the Act and clarified by the online Planning Practice Guidance (PPG). As such, the applicant has been required to undertake a BNG Assessment and Mitigation Strategy including the BNG Metric. Upon review, Derbyshire Wildlife Trust have accepted the information and clarified that the required 10% uplift in BNG cannot be provided on site.

The applicant has confirmed in writing that off-site BNG will be secured at the West Lancashire Habitat Bank which has a signed conservation covenant and is already registered on the Gains Site Register (Reference: BGS-101024003).

As such, this off-site contribution can be secured by way of a pre-commencement condition, and therefore subject to this and other conditions required to preserve ecological assets, it is considered that the application will not result in any adverse harm to ecological assets in accordance with LP Policy EQ5, relevant paragraphs under Chapter 15 of the NPPF, and the Environment Act (2021).

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework. It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The application seeks full planning permission for a modest extension to an existing industrial unit on a site which forms part of a Primary Employment Zone situated within the built-up area boundary of Glossop. The principle of development is fully supported by Local Plan Policies S1, S2, E1 and E3, in addition to relevant paragraphs under Chapters 5 and 11 of the NPPF, whereby significant weight is attributed to economic growth and the re-use of previously developed land.

An assessment of the application has found that, having regard to all consultation comments and the specific characteristics and context of the site, the proposed extension is of a suitable design that responds well to and respects the existing character and appearance of the site and surroundings, and subject to conditions, would not harm residential or public amenity.

Any conflict with Local Plan Policy CF6 with regards to the lack of and shortfall of parking provision, as per guideline set out within the Local Plan, cannot be sustained at appeal in the absence of no objection from the Highways Authority and the sustainable location of the site.

Suitable conditions can be applied to ensure that the required 10% uplift in BNG can be secured off-site via a Habitat Bank, in accordance with LP Policy EQ5, relevant paragraphs under Chapter 15 of the NPPF and the Environment Act (2021).

In conclusion, the application constitutes 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.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 10th February 2025

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council