

DELEGATED DECISION REPORT

HPK/2024/0284 Valid 11/07/2024	LAND ADJACENT UNIT 26 HARPUR HILL BUSINESS PARK HARPUR HILL BUXTON	CREATION OF 10 SMALL CLASS E UNITS TO EXISTING COMMERCIAL USE LAND (FULL - MINOR)
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MAIN ISSUES

- Principle of Development
- Design, Character and Appearance
- Amenity
- Ecology & BNG
- Flooding and Drainage
- Nutrient Neutrality
- Parking Provision and Highway Safety

DESCRIPTION OF SITE

The application site refers to a rectangular parcel of land that lies outside of the defined built-up area boundary but within the Harpur Hill Business Park Primary Employment Zone.

The site is characterised by hard standing that is understood to form part of the former Go Karting facility that stands adjacent, with Unit 26 sitting directly to the west. The access to the site is taken from the south via an adopted highway that serves the Estate and HSE facility beyond.

PROPOSAL

The application seeks full planning permission to install 10no industrial units that would fall within the Class E. No specific information has been provided within the submission as to what part of this Use Class (which is wide ranging) would relate to the proposed units.

The application has confirmed that the units would be used for purposes that fall within sub-paragraph (g) to Class E which covers the following:

- (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.*

The 10no units are shown to be set out in 3no blocks, in a liner form and situated close to the western boundary, with their rear elevation running parallel to the boundary with Unit 26. Each unit is shown to span a width of 6m and depth of 7.5m (45sqm) with the ground floor serving as a unit with ancillary mezzanine floor above.

The majority of the off-street parking provision is laid out close to the eastern boundary with 11no spaces provided for cars and 11no spaces for vans, two of which are allocated to disabled users.

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
- S4 Maintaining and Enhancing an Economic Base
- EQ3 Rural Development
- EQ6 Design and Making
- E1 New Employment Development
- E3 Primary Employment Zones
- CF6 Accessibility and Transport

National Planning Policy Framework 2024

Achieving a 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 Places	Chapter 12
Meeting the Challenges of Climate Change	Chapter 14
Conserving and Enhancing the Natural Environment	Chapter 15

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 23rd August 2024

Neighbour consultation period ends: 5th August 2024
Press Advert: N/A

Public Comments

None

Town / Parish Comments

N/A

HPBC Waste

More information needs to be provided about bin storage / provision. Plans show 4 bins for 10 units but it does not provide information on the capacity of the bins as the developer needs to ensure that there is enough waste provision for all units.

Environment Agency

Initial Comments

We have the following comments to make on this application, which relate solely to the protection of controlled waters. Matters relating to human health should be directed to the relevant department of the Local Authority.

Reference to the 1:50,000 geological scale map indicates that this site is located on the bedrock of the Bee Low limestone formation, which is designated as a Principal Aquifer by the Environment Agency. Superficial deposits are indicated to be absent. The site is located within the inner zone (SPZ1) of a groundwater source protection zone, which is designated for public water supply protection. There is a groundwater abstraction for public supply abstraction within 1km of the site.

At this stage of the application there is limited information to support an assessment of the risk to controlled waters from the proposed development. Limited information has been provided to understand the contamination risk present, however the application form does note that the site is 'brownfield' and is located on an industrial estate. Due to the sensitivity of groundwater receptors here, and the lack of a preliminary risk assessment, we wish to object to this development as follows.

We object to the planning application, as submitted, because the risks to groundwater from the development are unacceptable. The applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed. We recommend that planning permission should be refused on this basis in line with paragraph 187 of the National Planning Policy Framework.

Our approach to groundwater protection is set out in 'The Environment Agency's approach to groundwater protection'. In implementing the position statements in this guidance we will oppose development proposals that may pollute groundwater especially where the risks of pollution are high and the groundwater asset is of high value. Groundwater is particularly sensitive in this location because the proposed

development site is within source protection zone 1 and located upon a principal aquifer.

To ensure development is sustainable, applicants must provide adequate information to demonstrate that the risks posed by development to groundwater can be satisfactorily managed. In this instance the applicant has failed to provide this information and we consider that the proposed development may pose an unacceptable risk of causing a detrimental impact to groundwater quality because the proposed development site is brownfield land with a current industrial use.

In accordance with our approach to groundwater protection we will maintain our objection until we receive a satisfactory risk assessment that demonstrates that the risks to groundwater posed by this development can be satisfactorily managed.

Further Comments

Following the applicant's clarification that "The development comprises small, simple, steel framed structures that will be built on concrete pads at shallow depth and will have concrete floors. The site is currently fully hard surfaced, and the development will not involve any alterations to areas of remaining existing external hard surfacing or changes to surface water drainage arrangements across the site."

We have reviewed the Phase 1 Site Investigation (Peak Environmental Solutions, December 2024) together with the applicant's clarification.

Based on the clarifications that the proposed development will not involve ground penetration or new infiltration drainage; we consider that the additional information satisfactorily addresses our earlier concerns regarding sufficient understanding of the potential risks to controlled waters.

Subject to the conditions below, we therefore withdraw our previous objection. Additionally, should any previously unidentified contamination be discovered during site works, we recommend reassessing potential risks to both end users and the environment. Any necessary additional chemical sampling should be undertaken, and the Phase 1 Risk Assessment should be updated, with appropriate remediation measures specified accordingly.

Condition:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until further investigation and a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the LPA. The remediation strategy shall be implemented as approved.

HPBC Environmental Health

Initial Comments:

No objections subject to conditions relating to the following:

1. Land Contamination and Remediation
2. Restriction on construction hours

NB. Other conditions are recommended but are covered by separate legislation outside of the planning system.

Further Comments:

In light of further information being submitted, following compliance condition relating to land contamination:

1. Works shall be undertaken in accordance with the approved Phase 1 site investigation (Peak Environmental Solutions, "Phase 1 Site Investigation" (ref: 42373R1), dated December 2024)

In accordance with Appendix G of the approved report, if during development any contamination or evidence of likely contamination is identified, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA, and appropriate remediation proposals, and shall be submitted to the Local Planning Authority without delay. The approved remediation scheme shall be implemented to the satisfaction of the Local Planning Authority

Further condition recommended in relation to lighting:

2. Any artificial lighting associated with the development shall conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone - E2 contained within Table 1 of the Institute of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Lighting, GN01/21", dated 2021

Derbyshire Wildlife Trust

We have checked our Biological Records Database and can confirm the following:

- No records of protected species are present on or adjacent to site
- No notable habitats have been recorded to date on site
- The site is not covered by a statutory or non-statutory nature conservation designation

Furthermore, the site is exempt from mandatory biodiversity net gain.

Based on the proposals and the information submitted, we advise that the application is considered low impact and unlikely to have a substantive adverse effect on biodiversity.

However, it is noted that parcels of lowland dry acid grassland and lowland meadow (UK BAP Habitats) lie immediately adjacent to the northern boundary. We therefore

advise that a CEMP: Biodiversity is produced to secure pollution control measures pertaining to dust, run-off, light spill etc.

No objections subject to conditions:

1. Construction Environmental Management Plan
2. Biodiversity Enhancement Plan

Derbyshire County Council Highways

Due to Harpur Hill Business Park being private with the nearest public highway (Burlow Road) being some distance away for the application site, there would appear to be no material impact on the public highway and therefore the Local Highway Authority has no comments to make.

OFFICER COMMENTS

Principle of Development

The application site lies within the open countryside where Local Plan Policy EQ3 is applicable. This policy seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness.

The policy supports redevelopment of a previously developed site and/or the conversion of existing buildings for employment use provided it does not have an adverse impact on the character and appearance of the rural area and where a rural location can be justified.

The site comprises an area of previously developed land that falls within an existing Business Park and as such it is considered that a rural location can be fully justified. Subject to an assessment of the proposal having regard to the character and appearance of the proposed development and its relationship with its immediate and wider setting it is considered that the application is consistent with LP Policy EQ3 in principle.

LP Policy S4 sets out the strategic policy for employment sites within the Borough. The Local Plan Review which is currently taking place has identified within its Early Engagement document (January 2023) that this policy is out of date.

The site lies within the Harpur Hill Business Park which is defined as a Primary Employment Zone by LP Policy E3 which together with LP Policy E1 supports and encourages the redevelopment, intensification and more efficient use of these areas where they are either not fully utilised or unsuited to modern employment requirements.

The application is therefore fully compliant with LP Policies E1 and E3 together with relevant paragraphs contained under Chapter 6 of the NPPF which seek to encourage economic growth and development.

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 EQ3 refers to rural development proposals which lie outside of the defined built-up area boundaries and seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness.

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.

Firstly with regards to its context within the wider rural landscape, the site comprises an area of hardstanding that is closely associated with the nearby Go Karting complex and immediately surrounded by similar industrial units. As such the introduction of a row of industrial units in principle is not considered to be harmful to the character and appearance of the rural landscape.

Each of the three units would have a consistent building line, characterised by a rectangular form with dual pitched gables fronting north-south, and the principal elevations facing inwards into the site, defined by a roller shutter door and separate pedestrian entrance, which is typical of this type of development. Similarly, the choice of materials (box profile sheeting) on a concrete base, is typical of an industrial development such as this, has a functional and practical appearance and would be entirely in keeping with its context.

Each unit has an eaves height of 4.25m and overall ridge height of some 5.50m which is modest for this type of development and would not therefore dominate or appear out of scale with neighbouring existing industrial and commercial premises.

As such, the proposed development is considered to be acceptable with regards to its siting, scale, layout and visual appearance, and preserves both the character and appearance of the immediate street scene and wider rural landscape in accordance with LP Policies S1, EQ3 and EQ6, and relevant paragraphs contained under Chapter 12 of the NPPF.

Amenity

LP Policy EQ10 seeks to ensure that people and the environment are protected from adverse impacts relating to issues including air pollution, noise, light pollution or any other nuisance or harm to amenity, 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 198 of the NPPF states that policies and decisions should 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 and in doing so should (amongst other things) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development.

The site lies within an existing Business Park within close proximity to existing industrial development, all of which are noise generating activities, as well as a former Go Karting track that whilst understood to be not in use, could recommence that use at any time. No residential properties are situated within a significant distance (in excess of 300m) of the site so would not be adversely affected.

The Environmental Health Officer has recommended a number of planning conditions. Whilst conditions relating to land contamination and remediation and restriction on lighting and hours of construction are considered to be relevant, the remaining conditions are not considered to meet the relevant tests within NPPF and online Planning Practice Guidance (PPG), as these issues are dealt with under separate environmental legislation.

The condition recommended by the Environment Agency in their latest comments is covered within the condition recommended by Environmental Health.

Subject to relevant conditions, the application is considered to be acceptable with regards to any potential impacts to public and neighbouring amenity, in accordance with LP Policy EQ10 and relevant paragraphs under Chapter 15 of the NPPF.

Ecology and BNG

The Environment Act (2021) places a legal requirement on all development to provide a 10% uplift in Biodiversity Net Gain on site, or, if this can't be achieved, via off site contributions, unless falling within one of the few exemptions.

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.

Paragraph 187 of the NPPF states that policies and decisions should contribute to and enhance the natural and local 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 goes on to state that where determining applications, local planning authorities should apply a number of principles 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;*

Firstly with regards to BNG, the site comprise an area of hard standing that does not contain any onsite habitat and as such falls within the 'De Minimis' exception, as confirmed by Derbyshire Wildlife Trust.

However, the comments from Derbyshire Wildlife Trust goes on to state that given the nature of the proposed development and that there are parcels of land that have habitat value immediately adjacent to the site, it will be necessary to approve a Construction Environmental Management Plan, in addition to Biodiversity Enhancement measures that are not legally binding to be secured by planning condition.

Subject to compliance with these conditions, the application is considered to comply with LP Policy EQ5 and relevant paragraphs contained under Chapter 15 of the NPPF.

Flooding and Drainage

LP Policy EQ11 refers to Flood Risk Management and requires all applications to demonstrate that the proposed development will not give rise to any unacceptable increase in flood risk either onsite or elsewhere in the Borough, reflecting the aims and objectives of Chapter 14 of the NPPF.

The site lies within Flood Zone 1 and is not at risk at flooding from rivers or seas. However, the application has been long standing owing to an initial holding objection from the Environment Agency. After further consideration, which included a review of the Phase 1 Site Investigation (Peak Environmental Solutions, December 2024) alongside a supporting commentary from this environmental consultant, the latest comments confirm that this matter has now been satisfactorily addressed subject to appropriately worded conditions.

Subject to compliance with such conditions, it is concluded that the application would not give rise to any unacceptable impacts relating to flooding or drainage, in accordance with LP Policy EQ11 and Chapter 14 of the NPPF.

Nutrient Neutrality

The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council has been notified that action must be taken to address exceedances of phosphorus in the River. As such, the Council cannot grant consent for development unless it can rule out "likely significant effects" on the SAC. A Habitats Regulations Assessment (HRA) will be required when the plan or project creates a source of water pollution or has an impact on water quality and

when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if “likely significant effects” (alone or in-combination) on the SAC can be ruled out. If not, this will be followed by an “Appropriate Assessment” where the impact of the plan or project is considered in detail.

Screening Assessment

The proposal is not directly connected with or necessary for the conservation management of a European site. The proposal will not increase overnight stays. However, the proposal does involve additional roof area and will therefore increase surface water run-off. However, given the fact that the area is already hard surfaced it will not significantly increase run-off from the site and in turn will not risk having a significant negative effect on the SAC either on its own or in combination with other proposals and therefore it is not necessary to carry out an Appropriate Assessment.

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 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 access to the site would be from the south via an adopted public highway that serves other units within the Business Park and also the Health and Safety Executive further to the west. The Highways Authority have raised no objection either to the nature and design of the proposed access or indeed the internal layout of the site and associated vehicle movements.

Turning to matters of parking provision, the Council’s parking guidelines were written before the birth of Class E. As such, the starting point for assessing whether the level of parking provision is appropriate are those relating to the B1 and B2 Uses.

For Offices (former B1 Use) that are located ‘Out of Town’ such as this, the parking requirement for development up to 2500m² is a space per 25m². For ‘Out of Town’ General Industry uses (B2 Use), the same level of provision is suggested.

The proposed development comprises 10no units, each with a floor area of some 90m² across a ground floor and mezzanine floor, which generates a need for 3.6 parking spaces, equating to 36 spaces across the site.

The proposed development sees a total of 22no parking spaces being provided, resulting in an approximate deficit of 14no spaces, having regard to the above parking guidelines, which don't specifically relate to the Class E Use.

The absence of parking results in a minor conflict with LP Policy CF6 and as such any harm arising from a deficit in parking provision needs to be weighed in the overall planning balance.

Other Matters

Bin Storage

In light of comments from the Council's waste team the applicant has provided evidence that the bins to be stored on site will be 1100l bins to the satisfaction of Officers.

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:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii) 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination

The application seeks full planning permission for 10no units that further to clarification with the applicant's agent, would function under the Class E(g) Use Class. Owing to the strategic policy for economic development LP Policy S4 being out of date, the presumption in favour of sustainable development (the tilted balance) is engaged which means granting planning permission unless there are adverse impacts which significantly and demonstrably outweigh the benefits in the overall planning balance, which is undertaken as follows:

Benefits

The application will deliver 10no units that would be utilised by local businesses and generate indirect employment opportunities from it. Relevant paragraphs under Chapter 6 of the NPPF, supported by Local Plan Policies E1 and E3 make clear that significant weight must be attributed to encouraging economic growth, particularly on existing employment sites such as this. As such, significant weight must be attached to these public benefits.

Harm

Whilst the majority of technical consideration can be controlled or mitigated by way of planning conditions, it is the case that the site will deliver a deficit of approximately 14no parking spaces, based on the floor area of each unit and having regard to parking guideline that relate to the B1 and B2 Use Classes, and therefore there is a degree of conflict with LP Policy CF6.

However, given the absence of any objection from the Highways Authority, it is considered that the harm arising from this absence of off-street parking provision can only be judged to be limited and that to refuse the application on such grounds is unlikely to be substantiated at appeal.

Balance

In the overall balance therefore the limited harm generated from the deficit in parking provision does not outweigh the significant economic benefits generated from the proposed development in the overall balance, and that overall the application constitutes a sustainable form of development.

As such, subject to appropriate conditions, the application is recommended for approval.

OFFICER RECOMMENDATION: Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 10th November 2025

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council