

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 24th January 2022

Application No:	HPK/2021/0173	
Location	The Fickle Mermaid, Foresters Way, Chapel-en-le-Frith, SK23 0RB	
Proposal	Demolition of existing structures and construction of roadside facility comprising a petrol filling station, associated convenience store and 1no. drive thru unit (Class E)	
Applicant	Mr Robert Buffham, EG Group Ltd.	
Agent	Mr Richard Bowen, Asbri Planning Ltd, 220 High Street, Swansea, SA1 1NW	
Parish/ward	Chapel East	Date registered 30 th April 2021
If you have a question about this report please contact: Faye Plant, Tel. 01298 28400 extension 4995, faye.plant@highpeak.gov.uk		

1. SUMMARY OF RECOMMENDATION

APPROVAL subject to conditions

2. REASON FOR COMMITTEE DETERMINATION

This application has been brought before the Development Control Committee at the request of Ward Member Councillor Jim Perkins because the scheme is locally controversial.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises 0.43 hectares of brownfield land located at the corner of Foresters way A624 (to the south east) and the A6 by-pass (to the north). The site is currently occupied by the Fickle Mermaid Public House, which the applicant advises is due to close in the near future, and is located within a designated Primary Employment Zone in the built up area boundary of Chapel-en-le-Frith. Vehicular and pedestrian access is taken via Foresters Way and the access road which provides direct access into the site.
- 3.2 The site is broadly flat comprising the public house, beer garden with play area and a large car park. To the north of the site is a raised embankment adjacent to the bypass which contains a number of trees which partially screen the site from the north. To the south east is a lesser sloped embankment to Foresters Way with post and rail timber fencing and some shrubs and trees. To the west of the site is 'ALDI' supermarket and its car park.

- 3.3 The site is within the Settled Valley Pastures landscape character area with the Peak District National Park boundary some 500m to the north east of the site, on the northern side of the By-pass.
- 3.4 Planning consent was originally granted (HPK/2004/0162) on the site for a highway service area. The application lapsed and consent was subsequently granted for the public house which occupies the site.

4. DESCRIPTION OF THE PROPOSAL

- 4.1 This application seeks full consent for the demolition of the existing public house and associated structures and the construction of a roadside facility comprising a petrol filling station, associated convenience store and 1 no. drive thru coffee shop unit (Class E). It is proposed that both operations will open 24hrs.
- 4.2 The petrol filling station will be located to the west of the site with the 'linked store' (shop serving the filling station) positioned parallel to the supermarket access road and facing into the site. 8 pumps will be positioned under a canopy that will cover the petrol station forecourt with jet wash and disabled parking to the south east. The store will be a mono-pitched design with a largely glazed front elevation, stone rear and side elevations, with part of the southern facing elevation, clad in stone coloured composite panel. The filling station will be accessed via one-way loop around the pumps.
- 4.3 The proposed coffee shop will be located to the east of the site and shall be a flat roof design constructed predominantly from glazed panels, re-used stone and grey cladding around the roof. There shall be a tower structure on the roof which also serves to house ventilation and extraction equipment. The building shall be orientated north with parking laid out to the front of the building with a vehicular route clockwise around the building to access the drive thru hatch on the rear elevation. A total of 25 spaces will be provided with cycle parking available to the front of the coffee shop unit.
- 4.4 Revised plans were submitted during the course of the application to amend the design of the buildings and alter the materials proposed, including re-use of the stone from the public house. The applicant has also agreed to include provision of some electric vehicle charging on site although has requested that this is required by condition as discussions are currently underway with the electricity provider regarding capacity.
- 4.5 The following information has been submitted with the application:
 - Location Plan
 - Existing and proposed site plans
 - Existing and proposed floor plans
 - Existing and revised elevations
 - Existing drain map
 - Drainage site attenuation scheme
 - Fuel storage feasibility assessment

- Ecological scoping survey
- Flood risk assessment
- Landscape Layout
- Planning and retail assessment
- Retail note
- Retail impact note
- Trip type data
- Sequential assessment and appendix
- Transport statement
- Swept path analysis

4.6 The application, the details attached to it including the plans, comments made by residents and the responses of the consultees can be found on the Council's website at:

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=246830>

5. RELEVANT PLANNING HISTORY

HPK/0002/9429 - Hotel With Conference Facilities, Function Rooms Leisure Club And Restaurant, Self Catering Flats And Petrol Filling Station With Shop – APPROVED 18/07/1990

HPK/0003/4834 - Development Of Food Store Within Use Class A1, A Petrol Filling Station, Associated Works Incl. Car Parking, servicing, landscaping & Highway Work – WITHDRAWN 14/10/1996

HPK/0003/5066 - Food Store (class A1) Petrol Filling Station Car Parking Servicing Landscaping And Highway Works – REFUSED 28/03/1996

HPK/0003/5535 - Hotel Restaurant Petrol Filling Station With Retail Kiosk And Car Wash With Associated Car Parking Servicing Landscaping & Highway Works – APPROVED 05/09/1996

HPK/2003/0712 - Highway Service Area Comprising Proposed Hotel, Restaurant Petrol Filling Station, Retail Kiosk – WITHDRAWN 28/10/2003

HPK/2004/0162 - Highway Service Area Comprising Proposed Hotel, Restaurant, Petrol Filling Station, Retail Kiosk – APPROVED 29/06/2004

HPK/2007/0694 - Erection Of Public House And Associated Development - APPROVED 03/12/2007

HPK/2008/0299 - Various Illuminated And Non-illuminated Signs, Plaques, Logos And Lantern – APPROVED 12/06/2008

HPK/2016/0499 - Proposed replacement of existing window with new bi fold doors and installation of new goal post fold down awning with 3 metal legs fixed into the existing paved patio – APPROVED 02/11/2016

HPK/2016/0570 - Advertisement consent for x3 externally illuminated individual letter signs, x2 externally illuminated post signs and x1 internally illuminated post sign – DECISION 05/12/2016

6. PLANNING POLICIES RELEVANT TO THE DECISION

Chapel-en-le-Frith Neighbourhood Development Plan 2013-2028

Policy EP1: Design of Employment Sites

Policy EP2: Existing Employment Sites

Policy EP4: Employment Land Allocation

Adopted 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

S6 – Central Sub-area Strategy

EQ1 – Climate Change

EQ2 – Landscape Character

EQ5 – Biodiversity

EQ6 – Design and Place Making

EQ9 – Trees, Woodland and Hedgerows

EQ10 – Pollution Control and Unstable Land

EQ11 – Flood Risk Management

E1 – New Employment Development

E3 – Primary Employment Zones

CF1 – Retail and Town Centres

CF5 – Provision and Retention of Local Community Services and Facilities

CF6 – Accessibility and Transport

National Planning Policy Framework

Paragraphs 2 -14 Presumption in Favour of Sustainable Development

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision Making

Chapter 6 - Building a Strong, Competitive Economy

Chapter 7 – Ensuring the Vitality of Town Centres

Chapter 8 – Promoting health and safe communities

Chapter 9 - Promoting Sustainable Transport

Chapter 12 - Achieving Well-Designed Places

Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

Chapter 15 - Conserving and enhancing the natural environment

7. CONSULTATIONS CARRIED OUT

Site notice	Expiry date for comments: 7 th June 2021
Neighbour letters	Expiry date for comments: 1 st June 2021

Public Comments

53 representations of objection were received and are summarised below;

- We have an abundance of shops, supermarkets and coffee shops already this is the only family pub in the area.
- Traffic is horrendous trying to get out of Forresters Way onto the A6 as it is.
- It is not very environmentally friendly to be knocking down a perfectly good building to make way for a petrol station when we are moving away from fossil fuels.
- This will not benefit the community in any way.
- This proposal raises concerns of noise, litter and traffic,
- This will not be part of our identity or our town,
- Trees removed when the Fickle Mermaid was built were never replaced,
- The town infrastructure is bulging at the seams,
- The application has been submitted quietly with little chance for public consultation, especially when were socially distanced and not interacting in the community.
- The proposals are unsightly and not in keeping with the Peak Park,
- Litter in and around the area is already unacceptable
- Why commercialise High Peak, lets keep int unique and local, showcasing local produce.
- Disruption to traffic would be endless
- This is a great pub under new management that hasn't been given a chance since lockdown,
- This is a waste of time, money and peoples livelihoods knocking this place down.
- There are adequate petrol stations in the area,
- We do not need more shops, Aldi is right next door,
- We should be encouraging visitors and locals to use local convenience stores and cafes in Chapel-en-le-Frith instead of keeping them out of the town centre,
- I do not support this globalised generic facility in our beautiful
- An old fashioned development supporting internal combustion engines is a poor use of a gateway site,
- The drive thru in this location does not fit with the scenery,
- Do not demolish this building, it is the home of people who want to rebuild the reputation of this business,
- What about the sustainability of existing independent businesses along with the potential change in character to Chapel High Street,
- If it isn't broken, don't fix it,
- This is a terrible and short sighted plan to the detriment of the area and the majority of residents,
- This site will become redundant in 20 years. Abandoned petrol stations are prevalent around the country and become eye-sores,

- Take-away food and coffee chains do nothing for their environmental impact using single use plastic,
- The Council should be adding reasons to visit our town instead of using it as a one stop shop,
- This will divert trade from the town centre,
- Chapel is becoming another satellite town to Manchester and that would be a shame,
- This is inappropriate, not justified for sustainability and is economically unsound,
- It could cause a smell nuisance,
- This is an unethical corporate tax dodging American coffee chain,
- To tear down a recently constructed stone building and replace it with something resembling a factory is unforgivable,
- The proposals should take into account the preservation of local architectural features and fit in with the local vernacular otherwise the character of the area will be destroyed,
- This is not the best thing to do with the area, it should be something more fitting,
- Massive branded signage, a boring bland and uninspiring building totally unsympathetic with local character.
- This is not an urban centre like Stockport or Macclesfield it is not needed,
- Extra light pollution,
- Jobs will be mainly part time, zero hour contracts,
- Site lines would be drastically reduced by extra large construction vehicles so close to the boundary
- Overdevelopment with no regard to safety or the environment,
- Litter causes harm to wildlife,

9 representations of support have been received and are summarised below;

- This would provide an independent fuel station, with easy access of the A6, which will break the hold the big 2 supermarkets have at the moment,
- The Fickle Mermaid is not a sustainable business and will close in the near future, we do not want a vacant retail plot, which soon becomes overgrown and vandalised,
- Looking back through the planning history for this site, it has had planning approved for a fuel station in the past,
- This is a welcome addition to the area,

6 representations which neither object nor support the proposals have been received and are summarised below;

- Serious consideration needs to be made to the pedestrian access. Forresters Way is still an incredibly fast road. Putting a Starbucks on this junction will attract people to walk to the premises. Please consider lowering the speed limit and include either a traffic light system, mini roundabout or pedestrian crossing.
- If this is truly 24hr services it must include 24hr toilet facilities.
- The Government plans to cease petrol vehicle manufacture by 2030 and it would be prudent to include electrical vehicle charging so business can continue in the long term.

- There is no provision for electric car charge points as part of a brand new forecourt installation. Surely, this should be mandatory in light of the electrification of cars?
- The building should be constructed in stone,
- Will there be additional policing to tackle transient crime,
- How is the sale of fossil fuels reflected in High Peak carbon neutrality plans,
- The building should be repurposed as a hotel or B&B, there is a dire lack of accommodation in the immediate area,

Chapel-en-le-Frith Parish Council

The Committee request HPBC consider this application at Development Control Committee. The Committee have a number of concerns regarding the increased litter that will affect the surrounding area, the increased traffic on Foresters Way and the speed of traffic on the A6 and Foresters Wat, the access to the site from Foresters Way, lack of accessible toilets available 24hours a day for facilities that have been proposed for use 24hours a day, light pollution caused by a 24hour site on the neighbours adjacent and the lack of provision for electric vehicle charging points.

If HPBC were minded to approve the application significant speed calming measures should be implemented at the cost of the applicant to the A6 and Foresters Way. There should also be a penalty clause added as a condition to the approval notice to ensure litter is the responsibility of the companies trading on site.

Statutory Consultees

Consultee	Comment
	<p>DCC Lead Local Flooding Authority (LLFA)</p> <p>Final comments December 2021- We have now reviewed this planning application, and suggest the following conditions;</p> <p><i>1. "No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:</i></p> <p><i>a. Fuel Storage Feasibility Assessment, issue 1 dated 15th July 2021, Ref: UK21.5465, Flood Risk Assessment dated October 2020, issue V1.0 Ref: NS_0124_42, Drainage Report dated 13th October 2020, Ref: 2020-051 and email from the applicant (Mr Matthew Gray) dated 19th October 2021 "including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team"</i></p> <p><i>b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority."</i></p> <p><i>Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this</i></p>

proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.

2. "Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase."

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.

3. "Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753

Previous comments September 2021- Thank you for providing the Fuel Storage Feasibility Assessment, we have noted the Environment Agency's conditions dated 6th August 2021, we have reviewed the applicant's drainage proposal and have no objection subject to conditions, however before conditioning this planning application, the LLFA requires the applicant to consider limiting the discharge rate to the Greenfield runoff rate as stated in our comments dated 18th June 2021. Please see below our comments;

- The surface water from the proposed development should be restricted as close as reasonably practicable to the greenfield run off rate, we have estimated the greenfield runoff rate to be 5 l/s for the area of 0.286 hectare please see attached our response dated 18th June 2021 and section J of the attached for peak flow control.
- The storage volume should be calculated using a restricted discharge rate of 5l/s and during a storm event of 1 in 100 year including 40% climate change, please see section J of the attached response.
- Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed. This can be provided at detailed design (not required for conditioning)
- CCTV survey to confirm that the existing surface water from the

proposed site is positively drained into the existing Brook. This can be provided at detailed design (not required for conditioning).

Previous comments June 2021 - We are recommending an objection on the proposed development as it is not possible to provide an informed comment until such a time that the applicant has submitted the following information:

- With reference to Environment Agency comments dated 7th June 2021, the applicant needs to respond to the comments and a copy of the response and any documents to be provided to LLFA.
- The surface water from the proposed development should be restricted as close as reasonably practicable to the greenfield run off rate, please see section J of this document for peak flow control.
- A 40% climate change need to be added to calculations (1 in 100-year storm event), please see section J of this document for on-site surface water management.

- The Preliminary Drainage Strategy drawing does not show the drainage details for the whole of the proposed site. Please submit a revised drawing which covers the drainage details for the whole site.
- The applicant has stated in the Drainage report that it is assumed the existing surface water drainage outfalls into existing Brook (Black Brook), the applicant is proposing to utilise this existing drainage for the disposal of surface water from the proposed development, can the applicant carry out a CCTV survey to provide, location, condition, details (levels , pipe size, material etc) and the outfall location of this existing surface water drainage.

DCC Highways Authority

Final comments December 2021 - The revised tracking plan DTP/3704620/ATR002 showing access of the HGV from the right turn lane from Foresters Way/site access junction is acceptable to the DCC Highways. All outstanding issues have now been resolved for this application. Conditions are recommended regarding;

1. *The premises, the subject of the application, shall not be taken into use until space has been provided within the application site in accordance with the application drawing DTP/37C4620/ATR001/A, for the parking and manoeuvring of visitors, staff, customers, service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.*
2. *Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.*
3. *Before any of the operations hereby approved are commenced, which*

involve the movement of material in bulk to or from the site, facilities shall be provided as agreed in writing with the Local Planning Authority to prevent the deposition of extraneous material on the public highway and shall be maintained throughout the construction period whenever the said operations are carried out.

Previous comments August 2021 - One of the outstanding issues regarding The Fickle Mermaid was the traffic impact assessment of A624/Aldi junction. This was recently completed by the applicant's representative and has reviewed by DCC Transport Strategy section. They are satisfied from the assessment and provided following comments.

"The latest information has considered the implications of the scheme and provided a capacity assessment of the junction, based upon traffic flows extrapolated from a pre covid traffic count. The Transport Strategy section is now satisfied that junction will operate satisfactorily and that my previously expressed reservations regarding the junctions' operation have been met.

In other respects sufficient on-site parking and turning appears to be available to support the scheme.

Previous comments July 2021 - The above proposal is for the full planning for the demolition of existing structures associated with the Fickle Mermaid Public House and in its place to erect a petrol filling station (PFS) of 8 pumps, associated convenience store gross floor area (GFA) of 465sqm and 1 no. drive-thru unit GFA of 185sqm. In support of the application, a Transport Statement (TS) has been submitted. The Highway Authority provided response to the TS dated 07th July 2021.

The applicant's transport consultant has submitted additional information. The Highway Authority has the following comments on additional information.

In Highway Authority previous response, it was requested that the capacity assessments for the closest junctions such as A624 Foresters Way/A6, A624 Foresters Way/ Hayfield Road and the access junction including the right turn lane on A626 Foresters Way be included in the TS. The applicant's transport consultant provided justification regarding the new trips, pass-by trips and linked trips and concluded that the proposal would not result in a significant percentage of new trips on the network; therefore, operational assessment requested by the Highway Authority is not warranted.

The trip rates have been derived from the TRICS database to determine the likely number of trips expected to be generated. This analysis suggests that during the busiest hour on the local highway network, the PFS would generate around 155 2-way movements. The proposed drive-through coffee unit would generate a further 35 two-way movements, the proposals effectively generating between 165 and 190 movements when activity is likely to be busiest. It has stated that no account has been taken of the existing extent use associated with the Fickle Mermaid Public House. On this basis, therefore, the net traffic generation figures stated in the TS are

acceptable.

The additional information provided by the applicant's transport consultant for the similar size proposals about pass-by, diverted and linked trips. It is accepted that because of the nature of the proposals there will be a large proportion of passed by traffic. However, in our opinion, a considerable amount of this will originate on the A6, and more likely consists constitute 'link diverted trips. Consequently, a significant proportion of these trips whilst A6 'pass-by will effectively be "new" to the A624, thereby increasing considerably the number of movements through the actual junction.

Consequently, the Highway Authority doesn't necessarily disagree with comments about "new" trips; however, it does not support the view that as the level of new trips is relatively below and falls below the 30-trip DfT threshold, there is no requirement for capacity assessment of the cumulative traffic impact assessments including existing traffic to ALDI. Therefore, the Highway Authority needs sight of some sort of assessment of the right turn lane to ensure that the right turn lane has adequate storage capacity during the peak periods and traffic due to the proposal would not result in a tailback of queues which could likely impact A624 Foresters Way/A6 junction.

Whilst the Highway Authority is fully aware of paragraph 108 of the NPPF in 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 impacts on the road network would be severe; this Authority does, however, need an assessment of the cumulative impacts in order to reach a conclusion as to whether these will be 'severe 'or otherwise.

The comments on the swept path assessment have been provided as the information was part of the TS, and for the completion, it is recommended that the SPAs be rectified.

The road safety assessment submitted as part of the addendum information to the TS is acceptable. It is indicated in the TS that a total of 19 car parking spaces at the PFS, including two mobility impaired parking and 26 car parking spaces at the drive-thru unit, have been proposed. It doesn't appear from Plan 210-02/A that 26 car parking spaces have been proposed for the drive-thru element of the site, and the Highway Authority, therefore, recommends that the total parking spaces be shown on the plan and be referenced in the TS.

There are still outstanding issues highlighted in my response that will need further consideration and revised information to be submitted before the Highway Authority may be in a position to provide further comments on this application. I would be grateful if these comments could be brought to the applicant's attention so that they may be given the opportunity of addressing the identified issues; in the meantime, the application should be held in abeyance. However, if your Authority wishes to determine the application 'as submitted', I would be grateful for the opportunity to discuss the highway Authority's position further.

Previous comments May 2021- The above proposal is for the full planning

for the demolition of existing structures associated with the Fickle Mermaid Public House and in its place to erect a petrol filling station (PFS) of 8 pumps, associated convenience store gross floor area (GFA) of 465sqm and 1 no. drive-thru unit GFA of 185sqm.

In support of the planning application, a Transport Statement (TS) has been submitted. The Highway Authority has the following comments;

The site is accessed from the shared access on A624 Foresters Way, which currently provides access to The Fickle Mermaid Public House and ALDI supermarket. The shared access forms a junction with A624 Foresters Way, a classified road in the form of a ghost island priority junction. The right turn lane on A626 Foresters Way provides access to the ALDI store and The Fickle Mermaid Public House. The A624 Foresters Way is subject to a 40mph speed limit in both directions and connects with a roundabout at the east at A6(classified road) and another roundabout at Hayfield Road (classified Road) at the west.

As part of the TS, trip generation exercises for the PFS, including retail and drive-thru, have been completed for the weekday peak periods only. No trip generation exercises have been undertaken for the Saturday peak period and for the development operational peak period. It is prudent to assess Saturday and development peak periods to see whether these peaks coincide with the road network peak.

Due to the size of the development, it is expected that capacity assessments for the closest junctions such as A624 Foresters Way/A6 (which is 120m apart), A624 Foresters Way/ Hayfield Road (which is 230m apart) and the access junction including the right turn lane on A626 Foresters Way be included in the TS. The right turn lane provides access to the ALDI store as indicates above, therefore cumulative traffic impact assessments including existing traffic to ALDI be undertaken to understand that the access junction has adequate capacity and assessment of the right turn lane to ensure that the right turn lane has adequate storage capacity during the peak periods and traffic due to the proposal would not results in tailback of queues which could likely impact A624 Foresters Way/A6 junction.

The access junction also includes uncontrolled pedestrian crossing. It should be assessed that due to the increase in traffic resulting from the proposal, the uncontrolled crossing would not be required to be upgraded.

The vehicular visibility spays at the access junction on A624 Foresters Way, which complies with the existing speed limit, should also be shown on a revised plan. The TS includes swept path assessments for 16.5m articulated vehicle and 7.5t box van; however, the SPAs have not been undertaken from the right turn lane on A624 Foresters Way, and a revised swept path assessments are needed.

The road safety assessment (RSA) in the TS does not provide accident statistics for the most recent 3 years. No evidence of the RSA statistics has been included in the TS. The Highway Authority would advise that the recent

accident data in the vicinity of the site could be obtained. I note that 9 car parking spaces, including 2 disabled parking for the PFS and 26 car parking spaces including 2 disabled parking for the drive-thru, have been proposed. Therefore a total of 35 car parking spaces have been proposed for the proposal.

It is stated in the TS that in accordance with the High the Peak Borough Council's parking standards, which suggest that parking @ of 1 per 30sqm for the PFS with retail and 1 per 4sqm for the roadside restaurant will be required. Therefore according to the High the Peak Borough Council's parking standards, a total of 61 car parking spaces are required. However, the Highway Authority does not agree that a parking ratio of 1 per 4sqm for the roadside restaurant is suitable to use for the drive-thru proposal.

To justify lower car parking at the site, the parking accumulation study based on the TRICS database has been undertaken, suggesting a maximum parking requirement of 17 spaces during the peak operation period. The Highway Authority recommends that to check if an adequate level of parking has been proposed, the parking at the proposed site be compared with the other similar development schemes implemented by the operator.

There are a number of issues highlighted in my response that will need further consideration and revised information to be submitted before the Highway Authority may be in a position to provide further comments or be in a position to sanction any full planning application proposal. I would be grateful if these comments could be brought to the applicant's attention so that they may be given the opportunity of addressing the identified issues; in the meantime, the application should be held in abeyance. However, if your Authority wishes to determine the application 'as submitted', I would be grateful for the opportunity to discuss the highway Authority's position further.

HPBC Arboricultural Officer

The proposed changes to the site leave very limited areas for tree planting and landscaping.

Due to the proposed users requirements to maximise hard surface landscaping the trees that will be planted will have substandard ground in which to grow unless provision is made for the development of large specially prepared tree planting pits which support hardsurfacing such as (<https://greenblue.com/gb/products/rootSPACE/>)

The use of a system such as this may allow for additional tree planting for example between the petrol station and the Coffee shop which would help to 'break up ' the site.

The species selected for planting are satisfactory and largely native, as suggested by Derbyshire Wildlife Trust although I would suggest the use of *Betula pendula* rather than multi-stemmed *Betula jacquemontii*.

HPBC Planning Policy

Updated comments July 2021-

This application raises a number of policy issues for consideration during the determination process, covered below under their own separate headings.

Employment / Economy:

The proposal is in line with Policy E3, which allows for town centre uses in Primary Employment Zones as long as they comply with the requirements of Policy CF1 (refer to separate sequential test and impact assessment headings). The applicant also argues that there are potential economic benefits to consider. According to the applicant, the proposal has the capacity to provide a significant level of employment via the creation of new jobs; "it is anticipated that it has the potential to deliver 45 newly created jobs, securing employment for local people". However, the public house will also have employees who would lose their jobs when it closes.

Design / Climate Change:

The applicant's planning statement makes reference to the sustainable design principles the company applies to its sites which are in line with the Climate Change policy. It is not clear from this description which principles are to apply to this particular scheme though. Presumably this is detailed on the plans.

Local Community Services and Facilities:

Although the proposal involves the loss of a public house, the replacement of this with a petrol station, associated convenience store and drive through coffee unit, effectively replaces one community facility with another, so is policy compliant.

Sequential Test:

As the total floorspace proposed (convenience store associated with petrol station + coffee shop) is 697m² (gross floorspace), the applicant is required to undertake a sequential test as these are town centre uses outside the town centre boundary. The threshold in Policy CF1 is set at 200m²+ (net sales area for A1).

Guidance in the NPPG states that the onus is on the applicant to demonstrate compliance with the sequential test.

A sequential test document has been submitted by the applicant and the applicant has subsequently provided further information in a retail note. They have undertaken a sequential assessment on the site suggested by HPBC (former Longsons Yard) and discounted it as being unsuitable for the proposed development due to lack of passing trade because of its location, highway safety and close proximity to the Conservation Area. They have demonstrated that there are no suitable sequentially preferable locations for this development so **the sequential test is passed**.

Impact Assessment:

Further information on impact has been subsequently supplied by the applicant in their retail impact note. Guidance states that the test needs to be undertaken in a proportionate way, so a full quantitative impact test is not necessary for this relatively small scheme (net sales convenience floorspace 360m² plus the floorspace for the coffee shop 214m² amounting to 574m² total floorspace). The guidance does, however, recommend that a judgement is reached as to whether any likely adverse impacts are significant by consideration of local circumstances.

The retail impact note supplied emphasizes that the scheme includes a minimal level of retail floorspace selling a smaller range of goods than stand-alone convenience stores with more 'food to go' and motor vehicle type products so not in direct competition with town centre stores. Evidence is supplied from other similar facilities around the country showing that dedicated trips would typically cover only 14% of users, with most users being passers-by or diverted trips from those who would not otherwise shop within the town centre.

The Council supplied vacancy rate data for Chapel town centre, for the applicant's information and they point out that these vacancy rates are lower than the UK average and that Chapel town centre is not reliant on the sale of fuel or products typically sold in a kiosk store to underpin its overall health.

The applicant concludes that the proposed development will not result in a significant adverse impact on Chapel-en-le-Frith Town centre.

Due to the relatively small amount of additional floorspace proposed and the evidence supplied in the retail impact note, it is agreed that the **proposed development will not result in a significant adverse impact on Chapel-en-le-Frith town centre.**

Chapel-en-le-Frith Neighbourhood Development Plan:

The plan allows for small local shops within the built up area boundary (NB no floorspace threshold within the policy to define 'small'). It also supports proposals for community facilities. The Fickle Mermaid site is not part of employment allocation ES3 but it is marked as an existing employment site with the same boundary as the High Peak Local Plan. Therefore, Policy EP1 relating to design of employment sites and Policy EP2 which supports the improvement or upgrading of employment sites (subject to neighbour amenity) both apply.

Initial comments – June 2021

As the total floorspace proposed (convenience store associated with petrol station + coffee shop) is 697m² (gross floorspace), the applicant is required to undertake both tests as the threshold is set at 200m²+ net sales area for each test.

Sequential Test

This has been submitted by the applicant. We consider that another site needs to be assessed in addition to the ones they have already done. For completeness, we think that they should also look at Chapel Neighbourhood

Plan employment allocation site ES1 Former Longson's Transport Yard (map below). It is close to the town centre boundary and adjacent to a conservation area.

Impact Assessment

'The applicant does not appear to have submitted an Impact Assessment. There is a small section on impact in their Planning and Retail Statement but they conclude that an impact assessment is not required as the proposal is lower than the Government's threshold of 2500m² floorspace, so have missed the Borough Council's lower threshold.

To meet policy requirements they will need to do the impact test. This will also inform the policy position.

Derbyshire Wildlife Trust

We have reviewed the Daytime Bat Survey and Ecological Scoping Survey prepared by Rachel Hacking Ecology (September 2020) and consider that it provides the LPA with a reasonable level of confidence that the proposed development will not impact on protected species.

The ecology report has also concluded that the development site supports habitats that are of low nature conservation/biodiversity value and we agree with this assessment.

We support the recommendations set out under section 4 in the ecology report. With respect to the loss of the amenity grassland this is a very minor impact and it should be possible to address this through a sympathetic wildlife friendly soft landscaping scheme.

If the application is recommended for approval we advise the LPA to attach the following conditions:

Protection of breeding birds during construction

To ensure that breeding birds are protected from harm we advise that a condition should be imposed requiring that "No removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved."

Landscaping

We advise the LPA to secure a soft landscaping scheme that includes planting of a variety of native tree and shrub species as well as plant species that are wildlife friendly (nectar and pollen providers, fruit trees etc.) and a small area of species rich / pollinator friendly grassland and flower beds. Suggested text is set out below.

Landscape and Biodiversity Enhancement Scheme (LBES)

A Landscape and Biodiversity Enhancement Scheme (LBES) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMS is to maximise the biodiversity value of onsite habitats and should combine both the ecology and landscape disciplines. It shall be suitable to provide to the management body responsible for the site and shall include the following:-

- a) Details of native and non-native tree and shrub planting including location, species and numbers
- b) Details of pollinator friendly grassland and flowerbeds including location, planting methods and aftercare provision.
- c) Appropriate management methods and practices to maintain landscaping
- d) Details of how the landscaping features will be maintained
- e) Requirement for a statement of compliance upon completion of planting and enhancement works.

The approved plan will be implemented in accordance with the approved details.

HPBC Environmental Health

The Environmental Health Department has no objection to the proposed development subject to the conditions set out below being applied to any permission granted.

The proposed development is on land previously identified as potentially contaminated (historic landfill). For this reason and to protect the health of future occupiers and the wider public the following conditions are recommended.

1. CL03 CONTAMINATED LAND

Development shall not commence until a site risk assessment has been undertaken in to assess the nature and extent of any contamination on the site in accordance with a scheme to be agreed with the Local Planning Authority. Once completed, a written report of the findings and recommendations shall be submitted and approved in writing by the Local Planning Authority.

If the site risk assessment indicates that potential risks exist, development shall not commence until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared, and is subject to the approval in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and

approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

2. CDD01 - CONSTRUCTION AND DEMOLITION – DUST

There shall be no visible dust emissions beyond the site boundary associated with construction/demolition works undertaken at the site. In controlling dust on site, the contractor shall have due regard to the Building Research Establishment Document 'Control of Dust from Construction and Demolition Activities' (BR456) and the Institute of Air Quality Managements 'Assessment of dust from demolition and Construction' (2014).

3. 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.

4. 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.

5. CDD03 - PILING

If piling is necessary a written method statement shall be submitted to the Local Planning Authority. This method statement should be inline with Environment Agency guidance (Environment Agency (2001), Piling and Penetrative Ground Improvements on Land Affected by Land Contamination NC/99/73). The affects of noise generation (hours of operation) should also be considered, and should include noise mitigation measures consistent with best practical means. No piling shall take place until the method statement has been approved.

6. 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.

7. CLD11 - ASBESTOS: REQUEST FOR INFO

Prior to commencement of development the developer must either submit

evidence that the building was built post 2000 or submit a intrusive pre-demolition asbestos survey in accordance with HSG264 and a mitigation plan to reduce risks to potential occupiers and the wider public. The report shall be approved in writing by the LPA.

NB it should be noted a management survey report is unlikely to be acceptable as this does not meet the requirements of the guidance.

The approved mitigation scheme must be carried out in accordance with its terms prior to the commencement of development.

Environment Agency

Revised comments – August 2021

Thank you for the Fuel Storage Feasibility Assessment for the Fickle Mermaid Pub, prepared by EPS for: Euro Garages Ltd, EPS Reference Number: UK21.5465 Date Issued: 15th July 2021, Report Status: Issue 1.

As previously indicated published geological maps show that the site is underlain by superficial deposits of Till (a Secondary Undifferentiated aquifer) and Shale Grit at rock head (a Secondary A aquifer). The site is also within 150m of Black Brook water course.

A 2007 ground investigation indicated groundwater levels were between 2.23 to 8.68 mbgl. This will have to be confirmed as during an updated ground investigation. The fuel feasibility assessment has assessed the proposals based upon the requirements of GP 2018 and has proposed to implement a number of measures designed to mitigate the risks that underground storage in this location poses to groundwater resources in the underlying Secondary A aquifer and Black Brook water course.

These mitigation measures include:

- Design and construction details for proposed PFS comply with the relevant engineering standards
- Double skinned USTs with continuous remote wetstock monitoring
- Interstitial monitoring between tank skins with sensors which are linked to an alarm system.

It will be essential to ensure that all of the proposed mitigation measures outlined in the Fuel Storage Feasibility Assessment are implemented in order to provide suitable assurance that groundwater will be protected from pollution.

Given the above mitigation measures proposed and those outlined in the Fuel Storage Feasibility Assessment we are able to remove our previous objection to this proposal subject to the imposition of the following conditions. Without these conditions we would wish to maintain our objection until such details are provided prior to granting of planning permission.

The proposed development will be acceptable only if planning conditions are included requiring the submission and subsequent agreement of further details, as set out below.

1. The development hereby permitted shall not be commenced until such time as a scheme to install the underground tank has been submitted to, and approved in writing by, the local planning authority.

The scheme shall include the full structural details of the installation, including details of: excavation, vaulted tertiary containment structure, the tanks, tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.

2. No occupation of the site shall take place until a verification report demonstrating completion of the installation of the agreed mitigation measures set out in the installation scheme required under the above condition has been submitted to and approved, in writing, by the local planning authority. The report shall include detailed as built engineering drawings and confirmation that the tertiary containment is intact and suitable to prevent and release of hazardous substances to groundwater. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The long-term monitoring and maintenance plan shall be implemented as approved.

3. The development hereby permitted shall not be commenced until such time as a scheme to

1. Dispose of foul and surface water

2. Install oil and petrol separators

has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

National policy justification

The National Planning Policy Framework paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution.

Contaminated Land

Our records show this site to be underlain by a historic landfill, the site was in filled before the controls imposed under the Control of Pollution Act, and therefore the nature of this material is unknown. An onsite borehole log

shows the upper 3m to be a black sandy clayey cinder fill, which may be indicative of the in filled material.

The planning application form section 6. Existing Use has indicated no to Land which is known to be contaminated, which is incorrect. The landfill presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located upon a Secondary A aquifer and Black Brook water course.

Further detailed information will be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework.

Without this condition we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

4. Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
 5. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 6. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and

remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

7. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

8. 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 local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

9. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

10. Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Model Procedures and good practice

Due to the former land use(s), soil and /or groundwater contamination may exist at the site and the associated risks to controlled waters should be addressed by:

We recommend that developers should:

- Follow the risk management framework provided in Land contamination risk management (LCRM), when dealing with land affected by contamination
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
- Consider using the National Quality Mark Scheme for Land

Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed

- Refer to the contaminated land pages on gov.uk for more information
All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person and in accordance with BS 10175 (2001) Code of practice for the investigation of potentially contaminated sites. The competent person would normally be expected to be chartered member of an appropriate body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites. The Specialist in Land Condition (SiLC) qualification administered by the Institution of Environmental Management provides an accredited status for those responsible for signing off LCR's. For further information see - www.silc.org.uk

Where the remediation / redevelopment of the site will involve waste management issues we offer the following advice:

Waste on-site

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/ or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites
- Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommends that developers should refer to:

- the position statement on the Definition of Waste: Development Industry Code of Practice
- The waste management page on GOV.UK

Waste to be taken off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

Piling and Penetrative ground improvement methods:

Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

Original Comments – June 2021

We object to the 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 accordance with the precautionary principle.

Reasons

Published geological maps show that the site is underlain by superficial deposits of Till (a Secondary Undifferentiated aquifer) and Shale Grit at rock head (a Secondary A aquifer). The site is also within 150m of Black Brook water course. The proposal includes the installation of 2 x 75000 litre

underground fuel storage tanks. Petrol contains Hazardous Substances, which pose a risk to controlled waters if not handled correctly. The planning application form section 21. Hazardous Substances, has indicated no to the proposal involving the use or storage of any hazardous substances, which is incorrect. No information has been provided with respect to the construction of the underground installations or drainage proposals.

The National Planning Policy Framework (NPPF) paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution.

Our approach to groundwater protection is set out in our guidance document 'The Environment Agency's approach to groundwater protection'. In implementing the position statement in this guidance, we will oppose development proposals that may pollute groundwater especially where the risk of pollution is high. We seek to enable development by ensuring that applicants 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.

We seek to enable development by ensuring that applicants 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. In accordance with our The Environment Agency's 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.

Overcoming our objection

We will maintain our objection until we receive a satisfactory risk assessment that demonstrates that the risks to potable water supplies posed by this development can be safely managed.

In accordance with the above referenced position statements, the applicant should:

- Provide evidence of reasons why the storage tanks must be underground.
- Submit a risk assessment appropriate to the volume and type of pollutants being stored and the hydrogeological situation.
- Submit an infrastructure design method statement detailing proposals for storage, containment and monitoring/leak detection.

Contaminated Land Advice to applicant

Our records also show this site to be underlain by a historic landfill, the site was in filled before the controls imposed under the Control of Pollution Act, and therefore the nature of this material is unknown. An onsite borehole log shows the upper 3m to be a black sandy clayey cinder fill, which may be indicative of the in filled material. The planning application form section 6. Existing Use has indicated no to Land which is known to be contaminated, which is incorrect.

Model Procedures and good practice

Due to the former land use(s), soil and /or groundwater contamination may exist at the site and the associated risks to controlled waters should be addressed by: We recommend that developers should:

- Follow the risk management framework provided in Land contamination risk management (LCRM), when dealing with land affected by contamination
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site – the local authority can advise on risk to other receptors, such as human health
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the contaminated land pages on gov.uk for more information

All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person and in accordance with BS 10175 (2001) Code of practice for the investigation of potentially contaminated sites. The competent person would normally be expected to be chartered member of an appropriate body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites. The Specialist in Land Condition (SiLC) qualification administered by the Institution of Environmental Management provides an accredited status for those responsible for signing off LCR's. For further information see - www.silc.org.uk Where the remediation / redevelopment of the site will involve waste management issues we offer the following advice:
Waste on-site

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/ or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. We recommends that developers should refer to:

- the position statement on the Definition of Waste: Development Industry Code of Practice
- The waste management page on GOV.UK

Waste to be taken off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its

handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

Dewatering

If dewatering is necessary these abstractions were previously exempt from requiring an abstraction licence, but since 1 January 2018 most exempt dewatering operations above the 20m³/day threshold now require a licence to abstract water.

Piling and Penetrative ground improvement methods:

Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

United Utilities

Drainage

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

In the absence of a finalised foul and surface water drainage scheme (confirming the ultimate points of outfall for both foul and surface water flows) we would kindly request that if you are minded to grant Planning Consent for the above development that the condition and advisory notes provided below are included within the consent.

Condition 1 – Surface water

Prior to the commencement of development (excluding demolition), details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof).
- (ii) A restricted rate of discharge of surface water agreed with the local

planning authority (if it is agreed that infiltration is discounted by the investigations).

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge; and

(v) Foul and surface water shall drain on separate systems within the site.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and no surface water shall discharge to the public sewer either directly or indirectly.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Condition 2 – Foul water

Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

Please note, United Utilities are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage

system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition. You may find the below a useful example:

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

Water Supply

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at developerServicesWater@uuplc.co.uk.

Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

United Utilities' Property, Assets and Infrastructure

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows:

Water assets – DeveloperServicesWater@uuplc.co.uk
Wastewater assets – WastewaterDeveloperServices@uuplc.co.uk

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website;

<https://www.unitedutilities.com/property-searches/>

You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring 0370 751 0101 to book an appointment.

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

Should this planning application be approved the applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on our website <http://www.unitedutilities.com/builders-developers.aspx>

Alliance Environmental Services (Waste)

No issues regarding waste collections. Note: commercial collection arrangements

Peak District National Park

Comments on originally submitted plans. (No comments received on revised plans) - The land immediately to the north of the site, on the opposite side of the A6 is rural in character and is within the Dark Peak Western Fringe character area of the wider National Park landscape. The PDNPA Landscape Strategy describes the character of this area as being

- A low lying undulating valley topography, rising towards
- adjacent higher ground
- Network of streams and localised damp hollows with
- millponds and leats
- Pastoral farmland enclosed by hedgerows and drystone walls
- Small to medium sized fields
- Trees are dense along watercourses and scattered along hedgerows
- and around settlement
- Dispersed settlement with isolated farmsteads and small clusters
- of dwellings
- Stone built terraced housing associated with historic mills
- Narrow winding lanes, sunken on slopes.

Whilst I have no objection to development in this location in principle, it would be a loss to lose the current building, which is not unattractive. Is there any history to this building and can a case be made to retain it? I'm not convinced the proposed design would deliver development in the spirit of NPPF para130 -134. What is the reasoning for demolishing the current building and putting a much less attractive building in its place? I see Aldi, adjacent to the site, has sought to respond to its location in its design and use of appropriate materials and I would expect to see the same for this application if the principle was accepted.

Given the very rural character immediately adjacent to the application site, I would expect to see a scheme that is designed sensitively to its location. It does not appear that the applicant has considered the location in their design.

In addition to the above comments, I would suggest is the inclusion of a Travel Plan for staff as part of the application. I am concerned that the applicant will request permission for large signage and illuminated signage. The current pub sits unobtrusively within the landscape and signage is low key and non-illuminated. If signage is sought in a separate application please consult the PDNPA.

Severn Trent Water

I can confirm that the above site is out of Severn Trent Water's area for sewerage.

8. OFFICER COMMENTS

Planning Policy Context

- 8.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.
- 8.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the High Peak Local Plan Policies Adopted April 2016, and the Chapel-en-le-Frith Neighbourhood Plan (2015).
- 8.3 Within the Chapel en le Frith Neighbourhood Plan (CNP) there are four relevant policies which relate to the development and set out a vision for the area. They are;

Policy EP1: Design of Employment Sites – sets out design principles for new development. Relevant criteria includes that development should be visually attractive, compatible with the character of the area, including screening and be of a scale, design and finish appropriate to the locality particularly where development can be viewed from public vantage points. Development should not be detrimental to valuable areas of nature conservation and should maintain screening. Development must also include adequate internal roads and parking, turning/loading all to be of current highway design standards.

Policy EP2: Existing Employment Sites – Welcomes and supports proposals which lead to the improvement, modernisation or upgrading of current employment sites, subject to there being no adverse impacts on the amenity of neighbours.

Policy TM3: Development for Community Use - Proposals for community facilities, especially within existing settlement boundaries, will be supported.

Policy TC6: Small Local Shops – Outlines that consent will be granted for small shops, including new build, extensions, alterations and changes of use, in the following locations and subject to other provisions of this Plan.

8.4 The NPPF (National Planning Policy Framework) is a mandatory material consideration in decision making. For sustainable development Paragraph 8 of the NPPF states: “Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

8.5 Paragraph 11 of the NPPF explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the

development plan, they should be approved without delay, but where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

8.6 High Peak Local Plan (LP) Policy S1a 'Presumption in Favour of Sustainable Development' establishes a presumption in favour of sustainable development as contained within paragraph 11 of the NPPF. For decision taking with the Borough, NPPF Paragraph 11 requires:

c) approving development proposals that accord with an up-to-date development plan without delay;

d) 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 clear 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.

Principle of Development

8.7 Full planning consent is sought for the demolition of the pubic house and erection of a roadside facility comprising a petrol filling station with linked shop and a coffee shop with drive thru facility. It is proposed that both concerns will operate 24hrs and will provide a total of 45 jobs.

8.8 LP Policy S6 seeks to promote the sustainable growth of the Central Area such that it reflects the historic character of the settlements, provides increasing range of employment opportunities, promotes the growth of a sustainable tourist economy and meets the housing needs of the local community.

8.9 The application site is a brownfield site in a designated Primary Employment Zone within the built up area boundary of Chapel-en-le-Frith. The site lies approximately 550m from the town centre and as such as outlined within para 87-88 of the NPPF, when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.

8.10 Local planning authorities to apply a sequential test to planning applications for main town centre uses which are neither in an existing centre. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. The applicant highlights that a roadside services facility could not realistically

be expected to be located elsewhere but immediately adjacent to a main highway – in particular a Town Centre location where users of the A6 would be required to significantly detour from their journeys through the High Peak area to access the welfare facilities

- 8.11 Paragraph 90 of the NPPF requires an impact assessment for retail development outside town centres, which are not in accordance with an up-to-date plan. This should include assessment of:
- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).
- 8.12 Policy TC6 of the CNP allows for small local shops within the built up area boundary (there no floorspace threshold within the policy to define 'small') and outside of the town centre with the exception of allocated employment sites. The site is adjacent but not part of an CNP allocated employment site (ES3).
- 8.13 CNP policy EP2 supports the improvement or upgrading of employment sites (subject to neighbour amenity).
- 8.14 High Peak LP Policy CF1 seeks to maintain and enhance the vitality and viability of town centres and local centres. The locally set policy threshold for sequential test and impact test is 200m²+ net sales area (for A1). It is noted that this threshold is lower than the NPPF 2500m² threshold for requiring assessment. LP policy E3 also requires the compliance with the sequential assessment and retail impact assessment for other town centre uses within primary employment zones.
- 8.15 Accompanying this application is a sequential assessment and impact assessment submitted by the applicant. The conclusions of which are summarised below;

Sequential assessment (March 2021) – 'Known development sites within and surrounding the centre have been reviewed. It is clear that though there are a small number of potential opportunities, [for the reasons discussed in the submitted assessment] they are not suitable, viable nor available. There are no units or development sites within the surveyed centres which can form a sequentially preferable alternative to the application site. It is therefore concluded that the requirements of the sequential test have been satisfied.'

Retail Impact assessment note (July 2021) – 'The application proposes a net sales area of just 360 sqm. It has been evidenced in previous submissions that the products sold within the PFS kiosk will not be comparable to that of a typical convenience store with a town or district centre and that, on average, 14% of trips to typical EG Group sites are primary trips. The sale of fuel and drive thru uses in such schemes, a very minor element of the 14% of trips will be for the purpose of purchasing products from the PFS kiosk store. Given the

significantly high levels of pass by and minor diverted trips (78%), the overwhelming majority of users of the site will not be those who would otherwise have visited the Town Centre for the purposes of the purchase of products. The vitality and viability of Chapel-en-le-Frith Town Centre is not underpinned by the sale of fuel nor the lines of products sold from typical PFS kiosks. • Chapel-en-le-Frith town centre benefits from a level of health, vitality and viability far in excess of the national average. It cannot be classified as suffering from high levels of vacancy rates where a significant impact could be the result of the development of sites for retail uses outside of the centre. In accordance with the above, it is clear that that the proposed development will not result in a significant adverse impact on Chapel-en-le-Frith Town centre.'

- 8.16 Both assessments have been reviewed by HPBC Planning Policy team and it is determined that the applicant has demonstrated that there are no suitable sequentially preferable locations for this development so the sequential test is passed. The policy team also accept that the proposed development will not result in a significant adverse impact on Chapel-en-le-Frith town centre.
- 8.17 LP Policy CF5 seeks to maintain and improve the provision of local community services and facilities. This will be achieved by supporting proposals which protect, retain or enhance existing community facilities or provide new facilities. New facilities should preferably be located within defined built up areas where they are most accessible.
- 8.18 The loss of the public house is regrettable however the proposed petrol station and associated convenience store and coffee shop are considered community facilities and so the application is compliant in this policy aspect. It is noted that other public houses are located within walking distance at Chapel Townend which are closer to the town centre.
- 8.19 Overall it is considered that the development of the site for retail purposes would not give rise "significant adverse impact" on the town centre of Chapel-en-le-Frith. The site comprises previously developed land in a sustainable location with good access to public transport links. The proposals would bring 45 jobs and provide a dedicated roadside facility for the town.
- 8.20 The proposals are considered to be acceptable in principle and comply with section 7 of the NPPF, CNP policies EP2 and EP3 and LP policies S6, CF1 and CF5.

Design, Layout, Scale and Appearance

- 8.21 Section 12 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning process should achieve. LP Policies S1 and EQ6 set out the design principles of the Borough and require that all development should be well designed and of a high quality, responding to its environment whilst also contributing to local distinctiveness and sense of place. The High Peak Design guide 2018 requires new development to be guided by existing character and context, including the grain of development and building heights.

- 8.22 CNP policy EP1 requires development to be visually attractive, compatible with the character of the surrounding area, including necessary screening, and be of a scale design and finish appropriate to the locality particularly where development can be viewed from main roads, high ground and beauty spots.
- 8.23 The site is located within a prominent gateway site to the town. The previous 2004 application accepted the principle of a service station type development on this site and as highlighted above the principle remains acceptable.
- 8.24 The petrol filling station and coffee shop are both orientated to face inwards to the site and are single storey buildings. The coffee shop unit will be placed on the far north eastern corner of the site and will be screened largely by the existing by-pass embankment and the trees and shrubs along the embankment as this site sits lower. This will soften longer range views from the north and particularly from the Peak District National Park. The landscaping scheme secured via condition can ensure this is maintained and supplemented.
- 8.25 The petrol filling station, with its pump canopy, will introduce built form on the existing car park and will as such appear as imposing development on the site. However, the monopitch design slopes down to the access road at the rear and the open canopy will allow views through the site. Additional planting along the southern boundary can soften the appearance.
- 8.26 Negotiations throughout the application resulted in revised plans which removed timber cladding from the scheme and introduced reclaimed stone as a predominant material on both buildings. Consequently the buildings will assimilate with the neighbouring supermarket whilst also retaining a contemporary appearance with extensive glazing and flat/monopitch roof designs. This is considered appropriate on this site and will not detract from the character or appearance of the existing surrounding development.
- 8.27 Whilst it is regrettable to remove the existing public house building, this is not fit for the proposed use and planning policy does not prevent the demolition of existing buildings that are not listed, not considered as non-designated heritage assets or within conservation areas. The applicant has agreed to retain the stone from the building and re-use this within both new buildings.
- 8.28 The Peak Park, in their comments on the original plans which did not feature stone, highlight the very rural character immediately adjacent the site and also the neighbouring supermarket which responds well to its setting. The scheme as now proposed is considered to be an appropriate scale, form and design that will not harm the visual amenity of the site or surrounding area.
- 8.29 The proposal therefore complies with the requirements of LP policy S1 and EQ6, CNP policy EP1, section 12 of the NPPF and advice within the High Peak Design Guide in this regard.

Highways Safety, Access and Parking Provision

- 8.30 LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner. The policy requires new development to be integrated within existing or proposed infrastructure, does not lead to an increase in on street parking to the detriment of the free and safe flow of traffic, and provides details of proposed parking provision based on an assessment of parking need and the impact on the surrounding road network.
- 8.31 Paragraph 110 of the NPPF states that in assessing applications for development, a safe and suitable access to a site should be achieved for all users. Paragraph 111 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.
- 8.32 The site comprises a brownfield site in a sustainable location with excellent access to public transport links (there is a bus stop located on Burrfields Road approximately 290m southwest of the site) and is within walking distance to the town. Parking is laid out the front of the building and including 26 bays, disabled parking, and cycle parking.
- 8.33 The site is accessed via the existing junction on to Foresters Way and the applicant has demonstrated through the submission of additional information that the junction can operate safely. DCC Highways have not objected to the proposal and consider sufficient on-site parking and turning is available to support the scheme.
- 8.34 It is considered that the development does not raise any highway safety concerns and therefore complies with Policy CF6 of the Local Plan, subject to the conditions suggested by the highways officer. The public comments and those of the Parish Council are noted.

Public and Residential Amenity

- 8.35 Paragraph 130 f) of the NPPF seeks to secure a high standard of amenity for all existing and future occupants. 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.
- 8.36 LP Policy EQ10 states that the Council will protect people and the environment from unsafe, unhealthy and polluted environments by ensuring development avoid potential adverse effects by imposing planning conditions that mitigate and strictly control issues such as noise and light intrusion.

- 8.37 Paragraph 185 of the NPPF highlights that planning decisions should ensure that new development is appropriate for its location through mitigating and reducing noise impacts and limiting light pollution from artificial light on local amenity.
- 8.38 The site is around 60m to the north of the nearest residential property which is set behind existing mature trees, planting and the intervening Foresters Way. Due to the design and form of the buildings and the levels which slope down from the road to the east, the proposals are not considered to harm the amenity of neighbouring residential properties by virtue of overbearing, shadowing or visual intrusion. There will be some additional general activity at the site although this is set within the context of the neighbouring supermarket and A6 by-pass and is not considered to result in an undue level of harm to amenity as a result of additional noise and disruption.
- 8.39 Accordingly it is considered that the development proposals do not conflict with Policies EQ6 and EQ10 or paras 130 and 185 of the NPPF in this regard.

Flood Risk and Drainage

- 8.40 The site located within flood zone 1, the lowest risk of flooding, and is within 150m of the Black Brook. NPPF para 166 requires that “When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment”.
- 8.41 LP Policy EQ11 ‘Flood Risk Management’ states that the Council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere, where this is viable and compatible with other policies aimed at achieving sustainable patterns of development.
- 8.42 The applicant has submitted an FRA which concludes the site is at risk of surface water flooding from local runoff and tributary drains. However, no buildings are proposed within the central area of highest flood risk and appropriate mitigation measures are proposed to ensure the buildings are flood proof and flood resilient. In addition, a comprehensive surface water drainage scheme shall be developed to ensure the effective management of surface water runoff from the entire development and to ensure that the risk of surface water flooding to the development is minimised and there is no increased flood risk to others. This can be secured via condition.
- 8.43 The applicant has also submitted a proposed drainage scheme and additional fuel storage detail. The LLFA and EA have reviewed the revised information as submitted by the applicant and confirm no objection to the scheme subject to conditions securing a detailed drainage scheme.

- 8.44 Subject to such recommendations being secured through suitably worded planning conditions, the scheme would accord with LP Policy EQ11 and the NPPF.

Contamination

- 8.45 LP Policy EQ6 'Design and Place Making' stipulates that development should achieve a satisfactory relationship to adjacent development and should not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing or other adverse impacts on local character and amenity. Furthermore, LP Policy EQ10 Pollution Control and Unstable Land seeks to protect people and the environment from unsafe and polluted environments, requiring mitigation if necessary.
- 8.46 Similarly, NPPF para 185 advises that "Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development".
- 8.47 The site is a former historic landfill area. The EA comment that the site was in filled before the controls imposed under the Control of Pollution Act, and therefore the nature of the infill material is unknown. The landfill therefore presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located upon a Secondary A aquifer and Black Brook water course. The EA and EHO have recommended appropriate conditions to control contamination and remediation of the site with verification following completion.
- 8.48 Accordingly, on this basis satisfactory mitigating measures can be secured by means of a planning condition to protect health and the natural environment thus achieving compliance with LP Policies EQ6 and EQ10 as well as the NPPF.

Ecology and Biodiversity

- 8.49 Policy C2 of the CNP sets out that proposals which would result in a significant loss in biodiversity across the Neighbourhood Plan Areas will not be accepted. LP Policy EQ5 'Biodiversity' advises that biodiversity and ecological resources should be conserved. It states that development will not be permitted which would have an adverse impact upon protected species.
- 8.50 NPPF para 180 (a) states 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"... and ... (c) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around

developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate”.

- 8.51 An ecology report has been submitted in support of the application which concludes the building offers negligible bat roost suitability, the habitats present on the site are of limited ecological value and no evidence of protected species was found on the wider site. DWT have commented that the assessment is acceptable. The mature shrubs do offer some bird nesting potential and as such DWT have recommended works are timed to avoid bird nesting season.
- 8.52 Given the nature and condition of the development site it is considered unlikely that the development as proposed would give rise to harm to biodiversity. In the interests of biodiversity enhancement a condition is recommended regarding an enhancement scheme.
- 8.53 Subject to suitably worded planning conditions the scheme would accord with LP Policy EQ5 and the NPPF in this regard.

Trees

- 8.54 Policy EQ9 notes that existing trees, woodlands and hedgerows will be protected, including by requiring that existing woodlands, healthy mature trees and hedgerows are retained and integrated within a proposed development unless the need for, and benefits of, the development clearly outweigh their loss.
- 8.55 The coffee shop unit is placed in the vicinity of shrubs and several semi-mature trees which have amenity value and screen the development. The landscaping plan shows the retention of these and supplementary planting which can be secured via condition, including an alteration in species as recommended by the Councils Tree officer. There are no issues regarding trees on site. Accordingly, it is considered that the proposal would comply with the objectives of policy EQ9.

Other matters

- 8.56 The Parish Council have requested that a condition places litter as the responsibility of the business of site. Such a condition would be difficult to enforce and practice and unreasonable as litter is a individuals responsibility not the supplier and therefore not in accordance with the tests for conditions outlined within para 57 of the NPPF. A condition can require details of bin storage to ensure refuse disposal opportunities are available on site.
- 8.57 Residents have raised concern about the environmental credentials of a petrol station as the Government moves towards electric vehicles. However, the application is submitted on behalf of a service station provider who consider that demand remains for petrol stations. There is currently no policy basis for

the refusal of the application on demand/requirement or environmental grounds.

9. CONCLUSION AND PLANNING BALANCE

- 9.1 The starting point for the determination of any planning application is section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) states that planning applications should be determined in accordance with the development plan, unless there are material considerations which indicate otherwise.
- 9.2 In this instance the Chapel-en-le-Frith Neighbourhood Plan is the adopted Development Plan, along with the policies contained with the adopted High Peak Local Plan 2016.
- 9.3 The proposals include assessments that demonstrate there will be no harm “significant adverse impact” on the town centre of Chapel-en-le-Frith.
- 9.4 The scheme raises no adverse impacts in terms of amenity, drainage, contamination, ecology / biodiversity and highway safety subject to a package of suitably worded conditions. Original concerns regarding design have been overcome. The proposals will provide economic benefits through jobs creation and will create a roadside service centre, originally envisaged for the site in 2004.
- 9.5 The application scheme represents sustainable development under the terms of the Adopted Local Plan and NPPF. Accordingly, the application is therefore recommended for approval.

10. RECOMMENDATIONS

A. That full planning consent be GRANTED, subject to the following conditions:

- 1. Standard time limit – 5 years.**
- 2. Approved Plans**
- 3. Submission of details of materials**
- 4. Boundary treatments**
- 5. Details of hard landscaping**
- 6. Provision of parking in accordance with approved plans**
- 7. Storage of plant and materials etc during construction.**
- 8. Contamination**
- 9. Remediation strategy**
- 10. Verification report**
- 11. Piling**
- 12. Asbestos survey**
- 13. Hours of construction/demolition works**
- 14. Scheme for Wheel cleaning facilities during construction**

15. **Scheme for design, management and maintenance of surface water drainage for site in accordance with the submitted details**
16. **Submission of scheme for management of surface water run off during construction,**
17. **Drainage scheme verification report**
18. **Foul water drainage scheme**
19. **Details of underground tank**
20. **Verification report following tank installation**
21. **Scheme for oil separator**
22. **Timing of works to avoid bird breeding season**
23. **Submission of Landscape and Biodiversity Enhancement Scheme (including provision of planting pits)**
24. **Landscape maintenance**
25. **Scheme for electric charging points to be submitted and agreed**
26. **Scheme for storage of bins**

Informatives

Flooding and drainage (as per LLFA comments)

Noise during construction and burning of waste (as per EH comments)

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

SITE PLAN

