

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 3rd October 2022

Application No:	HPK/2021/0707	
Location	Land adjacent to Unit 18, Tongue Lane Industrial Estate, Dew Pond Lane, Fairfield, Buxton	
Proposal	Erection of 3no. Business Units	
Applicant	Pork Chop Ltd	
Agent	Sammons Architectural	
Parish/ward	Stone Bench	Date registered 17 th Dec 2021
If you have a question about this report please contact: James Stannard, Tel. 01298 28400 extension 4298, james.stannard@highpeak.gov.uk		

REASON FOR COMMITTEE DETERMINATION

This application has been brought before the Development Control Committee by Councillor Sloman to consider economic growth and disputes over parking provision.

1. SUMMARY OF RECOMMENDATION

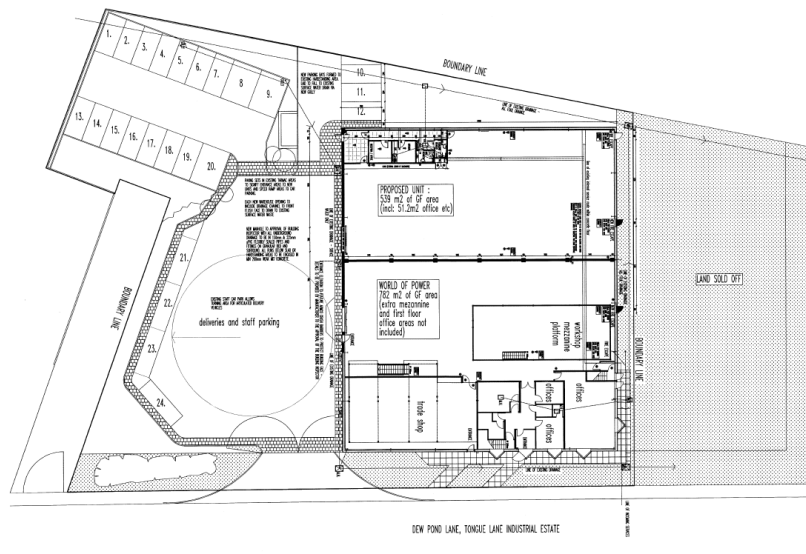
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2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

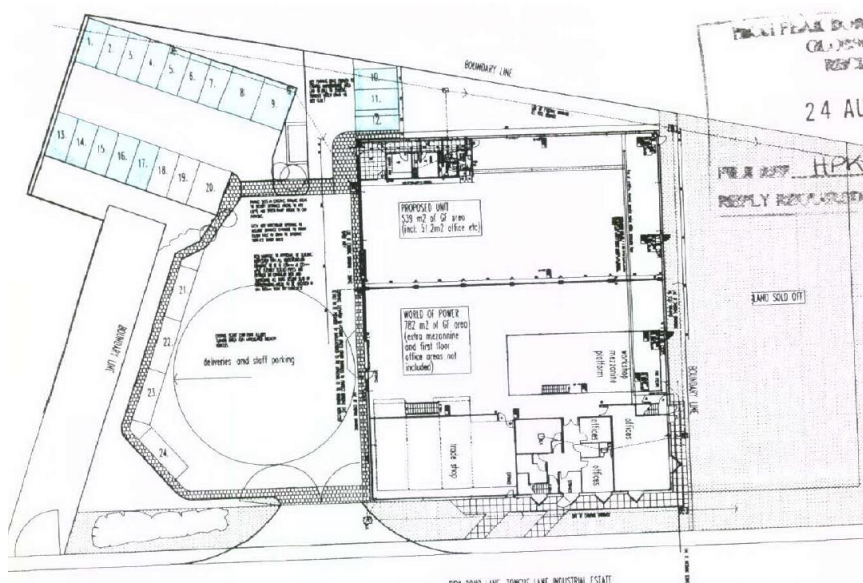
- 2.1 The application refers to a small parcel of land within the current confines of Unit 18, Tongue Lane Industrial Estate, which currently serves as off-street parking for this unit.
- 2.2 Tongue Lane Industrial Estate is identified as a Primary Employment Zone which lies within the built-up area boundary of Buxton, and home to a variety of industrial and commercial premises.
- 2.3 The site currently accommodates the 'World of Power' Warehouse which consists of a warehouse and ancillary trade shop and office facilities. The warehouse has a total floor area of 485 square meters. When considering the ancillary trade and office space, the total floor area of the unit spans a depth of approximately 34m and a width of 23m (782 square metres in total).
- 2.4 Unit 18 is connected to a separate industrial unit (Unit 18A) which was sub-divided following the granting of planning permission in 2008, and is currently occupied by 'Plasma Biotol Ltd', a company that provide a specialist service to industry using thermal spraying technology to

apply metal, ceramic and composite coatings to a wide range of components. This spans a total floor area of 492 square metres.

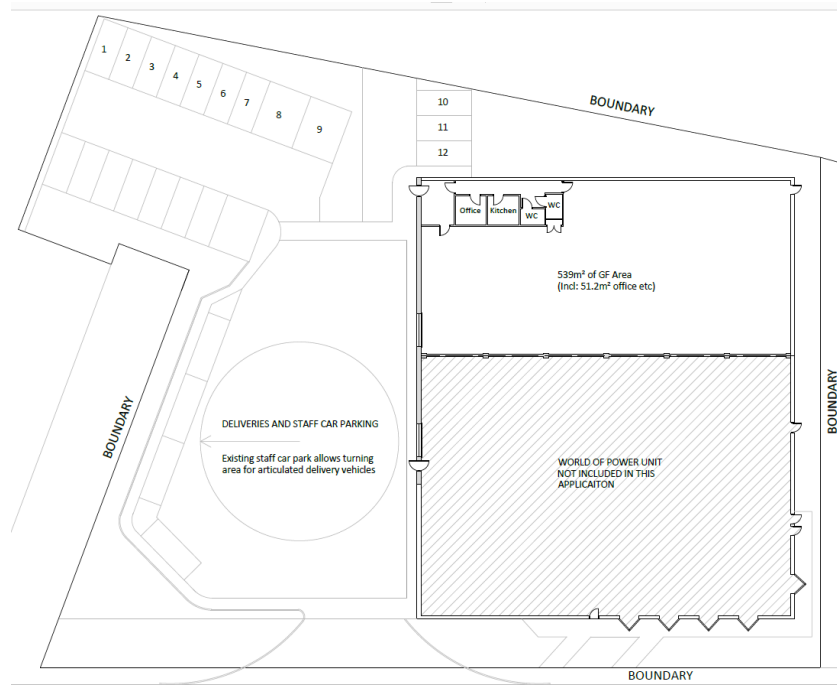
- 2.5 The shared access for both units 18 and 18A is directly from Tongue Lane to the south west into a yard area which provides turning provision for HGV's accessing the roller shutter doors within the existing warehouse.
- 2.6 An extract of the approved Site Plan under HPK/2008/0616 for the subdivision of Unit 18 is below which shows the provision of a total of 24 no. spaces for both industrial units, which includes 4no. spaces immediately adjacent to Unit 18



- 2.7 An extract of the approved Car Parking Plan under HPK/2010/0309 for the change of use of Unit 18A to a Gymnasium is shown below which shows (in light blue) 17no. spaces allocated to Unit 18A



- 2.8 An extract of the approved Site Plan for the subsequent change of use of the Gymnasium back to an Industrial Unit under HPK/2015/0041 is shown below, which makes clear that 12no. spaces are allocated to Unit 18A with the remaining 12no. spaces allocated to Unit 18.



- 2.9 The total of 24no. car parking spaces thus provides off-street parking provision for a combined 1,724 square metres of industrial unit.
- 2.10 Having regard to the current adopted parking guidelines set out under Appendix 1 of the Local Plan, Unit 18A, which is considered to amount to General Industrial use (B2), by todays standards, would be required to provide 1no space per 25sqm, which equates to 22no. parking spaces, based on the ground floor area as stated on the approved plan (539sqm).
- 2.11 The same parking guidelines would require Unit 18, which is a Storage and Distribution unit (B8 Use) to provide 1no. space per 100sqm. When including the ancillary trade shop and offices associated with the warehouse (782sqm), this unit would, by modern standards, be required to provide a total of 8no. parking spaces.
- 2.12 The two units (Units 18 and 18A) would be required to provide a combined total of 30no. off-street parking spaces having regard to parking guidelines under Appendix 1 of the Local Plan.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 The application seeks full planning permission for the construction of 3no. industrial units within the site that would be located opposite the

existing Unit 18 building north-west of the site access, that is currently allocated for off-street staff parking as highlighted above.

- 3.2 Floor Plans show each unit is shown to have a ground floor work space with a flight of stairs leading to a first floor also designated for storage/work space.
- 3.3 Each unit spans a depth of 6 metres and a width of 9 metres, all of which are interconnected in one overall structure, which has a simple rectangular form with shallow mono-pitched roof that has an eaves height of approximately 5.8 metres with the overall ridge reaching a height of some 6.6 metres.
- 3.4 The principal elevation of each unit would directly face towards the existing Unit 18, with an updated Site Plan showing each unit to benefit from 4no. off-street parking spaces. Units 1 and 3 are shown to benefit from a roller shutter door that reaches a height just below eaves level, whilst Unit 2 has a smaller roller shutter door. Each unit benefits from an entrance door and windows at first floor level.
- 3.5 As shown on the Proposed Elevation Plans, the proposed building is shown to have walls and roof finished in powder coated metal sheeting, with fenestration finished in aluminium, all of different shades of grey.
- 3.6 The final plans that are subject to assessment within this report are as follows:
 - Proposed Site Plan (Ref: 2021-2613-04F)
 - Plans and Elevations (Ref: 2021-2613-05)
 - Site Sections (Ref: 2021-2613-06)
 - Location and Block Plan (Ref: 2021-2613-07)
- 3.7 The latest Site Plans shows the area of car parking to the north of the site within the applicant's control to show 17no. car parking spaces, with a further 5no. spaces sited adjacent to the adjoining unit.
- 3.8 However, as the area immediately adjacent to the side of Unit 18A is not within the applicant's control, any changes to the layout of this area cannot be taken into account when assessing and determining this application.
- 3.9 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=252410>

4. RELEVANT PLANNING HISTORY

4.1 The site has been subject to the following relevant planning history

HPK/2008/0616	Sub-division of existing warehouse into 3no. smaller units including minor modifications (Approved 10/11/2008)
HPK/2010/0309	Change of use to D2 Use as Gymnasium (Approved 25/08/2010)
HPK/2015/0041	Change of Use from Gymnasium to Warehouse (Approved 10/03/2015)

5. PLANNING POLICIES RELEVANT TO THE DECISION

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
S7	Buxton Sub-area Strategy
EQ6	Design and Place Making
EQ10	Pollution and Unstable Land
E1	New Employment Development
E3	Primary Employment Zones
CF6	Accessibility and Transport

National Planning Policy Framework 2021

Achieving Sustainable Development	Chapter 2
Building a Strong Competitive Economy	Chapter 6
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12

6. CONSULTATIONS CARRIED OUT

Site notice	Expiry date for comments: 4 th February 2022
Neighbour letters	Expiry date for comments: 11 th January 2022
Press Notice	Expiry date for comments: N/A

Neighbours

6.1 No representations have been received from any members of the public

6.2 The following comments have been received from consultees:

Consultee	Comments
AES Waste	No objections
Severn Trent Water	No objections subject to drainage conditions
Natural England	No comments to make
Env Health	No comments to make
DCC Highways	<p>The Highway Authority objects to the proposals and it is recommended the application is refused for the following reasons.</p> <p>This proposal would lead to a reduction in the space available for the parking of vehicles within the site whilst increasing the demand for such facilities. The proposal would fail to provide sufficient off-street parking spaces as required by the "Car Parking Standards in Derbyshire" leading to an increase in on demand for on-street parking, and contrary to High Peak saved Local Plan Policy CF6 and section 9 of the National Planning Policy Framework.</p>

7. POLICY AND PLANNING BALANCE

Planning Policies

- 7.1 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.
- 7.2 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.

- 7.3 Other material considerations include the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). 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.
- 7.4 Local Plan Policy S1a establishes a presumption in favour of sustainable development as contained at paragraph 11 of the NPPF.

Principle of Development

- 7.5 The application seeks permission to introduce 3no. new industrial units on a site that lies within the built-up area boundary of Buxton, one of the larger Market Towns in the Borough that sit at the top of the settlement hierarchy under Local Plan (LP) Policy S2 which are the focus for housing and economic growth, and within a Primary Employment Zone. The site is not constrained by any statutory designations.
- 7.6 LP Policy E1 encourages the redevelopment and intensification of Primary Employment Zones, particularly those sites located within the main towns and those with good access by a variety of transport modes provided they accord with LP Policy E3 and the wider Local Plan policies.
- 7.7 LP Policy E3 relates specifically to Primary Employment Zones, including the Tongue Lane Industrial Estate which this site is situated within, and states that permission will be granted for employment developments within Primary Employment Zones including proposals under the B1, B2 and B8 Use Classes.
- 7.8 Chapter 6 of the NPPF contains the national planning policies designed to build a strong competitive economy. Paragraph 81 states that policies and decisions should help create conditions in which businesses can invest, expand and adapt, and that significant weight should be placed on the need to support economic growth and productivity.
- 7.9 Given the nature of development and the planning policy context set out above, the general principle of new economic development in this location is actively encouraged and supported, subject to a detailed assessment of all relevant planning considerations, which in this case amounts to the following:

- Design , Character and Appearance
- Public and Residential Amenity
- Parking Provision and Highway Safety

Design Character and Appearance

- 7.10 LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.
- 7.11 LP Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, having regard to matters of scale, height, density, layout, appearance and materials.
- 7.12 Paragraph 130 of the NPPF states amongst other things that decisions should ensure that developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment.
- 7.13 The site lies within an industrial estate and is characterised by large functional buildings. The visual sensitivity of the site is extremely low.
- 7.14 The proposed industrial units would be of a practical and functional appearance, of a moderate scale and height comparable to the much larger existing neighbouring Unit 18 and 18A, and is considered to be constructed of materials that are typical of this type of development and in keeping with the existing Tongue Lane Industrial Estate.
- 7.15 The application is thus considered to demonstrate a high quality design that accords with the design principles set out under LP Policy S1 and EQ6, and paragraph 130 of the NPPF.

Public and Residential Amenity

- 7.16 Policy EQ6 of the adopted Local Plan requires all new development to achieve a satisfactory relationship to adjacent development which does not cause unacceptable harm to residential amenity, which includes aspects relating to visual intrusion; overlooking and overshadowing; noise and light pollution; or any other adverse affects which could harm amenity.
- 7.17 LP Policy EQ10 seeks to ensure that people and the environment are protected from adverse impacts relating to issues including air pollution, noise, light pollution or any other nuisance or harm to amenity, by securing appropriate mitigation by way of planning conditions and obligations.

- 7.18 Paragraph 130 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.
- 7.19 Paragraph 185 of the NPPF states that policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution and health, living conditions and the natural environment, and that local authorities should ensure that appropriate mitigation is incorporated to limit impacts regarding noise and light pollution.
- 7.20 The site lies a significant distance from any residential property being located within the heart of a well established Industrial Estate and as such the proposed development would not result in any harm to the amenity of any neighbouring property.
- 7.21 With regards to potential impacts on public amenity, the Council's Environmental Health Officer have confirmed that their department have no observations to make, and as such it is found that no conditions are necessary with regards to aspects surrounding land contamination, light pollution, noise or operating hours.
- 7.22 The application is therefore considered to preserve the amenity of public and residential amenity in accordance with LP Policy EQ6 and EQ10 and paragraphs 130 and 185 of the NPPF.

Parking Provision and Highway Safety

- 7.23 LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network and provides suitable off-street parking provision in accordance with guidelines set out under Appendix 1 of the Local Plan.
- 7.24 Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 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.
- 7.25 The proposed development would see the introduction of 3no. new industrial units to be built in the area of the site which is currently allocated for 4no. car parking spaces associated with the 'World of Power' Unit 18.
- 7.26 The applicant has claimed that this area is not utilised for off-street parking. However, an inspection of the site by Officers clearly shows that this area is retained for off-street parking and actively used for this purpose as shown below.



Above: *Photograph showing the area of the site subject of this proposed development which is clearly allocated for off-street parking and used for this purpose.*

- 7.27 As set out at paragraphs 2.10-2.12, the two units – Unit 18 (B8 Use) and Unit 18A (B2 Use) would, by modern standards require a combined minimum of 30no. spaces to be provided.
- 7.28 The proposed development would see the loss of 4no. allocated car parking spaces, which would reduce the current number of 24no. spaces to 20.spaces to serve Units 18 and 18A.
- 7.29 It is acknowledged that the proposed development would, having regard to their individual footprint and the relevant parking guidelines set out in Appendix 1 of the Local Plan, provide the required off-street parking provision to facilitate the new development.
- 7.30 However, the fundamental issue is that the proposed development would reduce what is already by modern standards the amount of off-street parking provision associated with the existing units on site, thereby leading to an inevitable increase in on-street parking.
- 7.31 The applicant has intimated that the current occupiers of the Industrial Unit do not use or need the full amount of parking available. However, as with all planning applications, the Local Planning Authority are required to consider the future uses of land and buildings, and not the specific individual needs of the current occupier.
- 7.32 The Highways Authority have submitted final comments that concur with the Officers analysis.

- 7.33 It is therefore concluded that the proposed industrial units, by virtue of their siting within an area of the site allocated for existing car parking associated with the existing Industrial Unit, and the resultant loss of car parking on a site which, by modern standards, has a substandard amount of parking provision for the sub-divided plot, will result in an increase an intensification of the site which would inevitably lead to on-street parking to the detriment of highway safety, contrary to Local Plan Policy CF6, and relevant paragraphs under Chapter 9 of the NPPF.

Other Matters

Nutrient Neutrality

- 7.34 The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council has been notified that action must be taken to address exceedances of phosphorus in the River. As such, the Council cannot grant consent for development unless it can rule out “likely significant effects” on the SAC.
- 7.35 A Habitats Regulations Assessment (HRA) will be required when the plan or project creates a source of water pollution or has an impact on water quality and when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if “likely significant effects” (alone or in-combination) on the SAC can be ruled out. If not, this will be followed by an “Appropriate Assessment” where the impact of the plan or project is considered in detail.

Screening Assessment

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

Flood Risk & Drainage

- 7.38 The site is located within an area of Flood Risk. In light of the comments from Severn Trent Water, Officers are satisfied that in the event that the application could be supported, an appropriate condition could be applied to ensure that a suitable Drainage Strategy is incorporated into the development.

Planning balance & Conclusion

- 7.39 LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).
- 7.40 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.41 The application seeks permission for 3no. Industrial Units on a site that lies within the Tongue Land Industrial Estate, Buxton, which is identified as a Primary Employment Zone within the Local Plan. The general principle of new economic development at this location is therefore supported and encouraged, subject to a detailed assessment of all technical considerations.
- 7.42 Whilst it is accepted that the proposed development would be acceptable with regards to its overall design, character and appearance, would not result in any harm to public or residential amenity, and provide a sufficient level of off-street parking to serve the new proposed units, Officers have identified fundamental concerns with regards to the resultant loss of parking associated with the existing units on a site that already has a shortage of parking by modern parking guidelines, thereby exacerbating the issue.
- 7.43 The weight to be given to promoting and encouraging economic development as required by Local Plan Policy E3 and relevant paragraphs under Chapter 6 of the NPPF, is not considered to outweigh the significant harm to highway safety caused by the loss of parking associated with the existing site, on a site which already has a shortage of parking.
- 7.44 The site is thus contrary to Local Plan Policy CF6 and relevant paragraphs under Chapter 9 of the NPPF, and is considered to constitute an unsustainable form of development, contrary to Local Plan Policies S1a and paragraph 11 of the NPPF.

7.45 The application is thus recommended for refusal for the reason set out below.

8. RECOMMENDATIONS

A. REFUSE for the following reason:

1. ***The proposed industrial units, by virtue of their siting within an area of the site allocated for existing car parking associated with the existing Industrial Unit, and the resultant loss of car parking on a site which, by modern standards, has a substandard amount of parking provision for the sub-divided plot, will result in an increase in intensification of the site which would inevitably lead to on-street parking to the detriment of highway safety, contrary to Local Plan Policy CF6, and relevant paragraphs under Chapter 9 of the NPPF.***

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/informative/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Operations Manager – 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.

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 187 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

Site Plan

