

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**13<sup>th</sup> November 2023**

<b>Application No:</b>	HPK/2022/0525	
<b>Location</b>	Land off Graphite Way, Hadfield, Glossop	
<b>Proposal</b>	Construction of Units for Industrial / Storage & Distribution uses, including associated parking areas.	
<b>Applicant</b>	Dr Levine	
<b>Agent</b>	RJ Architectural Design	
<b>Parish/ward</b>	Hadfield North Ward	<b>Date registered</b> 1 <sup>st</sup> March 2023
<b>If you have a question about this report please contact:</b> Rachael Simpkin rachael.simpkin@highpeak.gov.uk 01538 395400 ext. 4122		

**1. REFERRAL**

- 1.1 This planning application has been referred to DC Committee as it is categorised a major planning development.

**2. SUMMARY OF RECOMMENDATION**

**REFUSE**

**3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 The scheme relates to a 0.44 hectare partly greenfield / previously developed site and comprises of grassland / vegetation, informal footpaths and a small section of hard standing. It is surrounded by industrial areas to the north and woodland with the River Etherow adjacent to its western site boundary. Fronting Graphite Way to its eastern boundary and set back from Wooley Bridge Road to the south, the site forms a prominent gateway location to the Etherow Industrial Park. Land levels notably fall towards the River Etherow in a south westerly direction.
- 3.2 The application site is located within the Glossop built up area boundary (sub area Glossopdale), a Primary Employment Zone 'Etherow Industrial Park', Landfill 250m buffer, Landscape Character: River Meadows / Settled Valley Pastures, Manchester Airport Consultation Zone, Coal Authority Low Risk Area, Smoke Zone (12/13) and Radon Area (Class 1).
- 3.3 In addition, the site is impacted by HER Record 6142 '*Waterside branch of the Great Central Railway, Dinting*' RAILWAY: Branch line opened in 1879 to serve the industrial sites, mainly cotton mills, on the River Etherow between Tintwistle and Woolley Bridge. Now dismantled.

## **4. THE APPLICATION PROPOSAL**

- 4.1 Full planning permission (as amended 'Proposed Scheme Plan Rev H') is sought for the construction of 9 units for industrial / storage and distribution purposes (totalling 1355sqm GIA including mezzanine) with associated works. Unusually, the application site is split broadly into two as a result of landownership with units apportioned between the east (two and four units) and west (three units) segments in groups with a staggered roofline arrangement.
- 4.2 The proposed units do not differ in terms of design and appearance with each proposing a full height roller shutter door with personal door and window to their frontage. The mono pitch roof would have a total height of 8.2 metres from ground level. Facing materials comprise of a stone base beneath steel cladding with a powder coated finish. A peripheral landscape buffer, including tree planting is indicated to the east and south site boundaries. Bin storage facilities are shown within the site area.
- 4.3 Access into the site and sewage pumping station is proposed from Graphite Way leading to parking and turning facilities for each element of the scheme. A total of 34 car parking spaces and cycle shelter are proposed.
- 4.4 No end user for the scheme has been identified. Neither are employment numbers or hours of operation specified.
- 4.5 Pre-application advice has not been undertaken with the Local Planning Authority for this proposal.
- 4.6 The application and details attached to it, including the plans, supporting documents, representations made by residents and the responses from consultees - can be found on the Council's website at:-

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=258491>

## **5. RELEVANT PLANNING HISTORY**

- HPK/2014/0067 Proposed laying out of access from Graphite Way & erection of up to 44no dwellings with TransPennine trail improvements, community open spaces, garages, gardens & landscaping. Approved with legal agreement 15<sup>th</sup> May 2014. EXPIRED.
- HPK/2016/0470 Proposed Back-Up Power Generation Facility Including Generator Containers, Blockwork Switch Room, Substation, Fencing, Gates And Ancillary Equipment. Approved With Planning Conditions. 4<sup>th</sup> November 2016. EXPIRED.

## **6. PLANNING POLICIES RELEVANT TO THE DECISION**

### **Adopted High Peak Adopted Local Plan 2016**

S1 – Sustainable development principles

- S1a – Presumption in favour of sustainable development
- S2 – Settlement hierarchy
- S4 – Maintaining and enhancing an economic base
- S5 – Glossopdale Sub-area Strategy
- EQ1 – Climate change
- EQ5 - Biodiversity
- EQ6 – Design and place making
- EQ7 – Built and historic environment
- EQ9 – Trees, woodland and hedgerows
- EQ10 – Pollution control and unstable land
- EQ11 – Flood risk management
- E1 – New Employment Development
- E3 – Primary Employment Zones
- CF6 – Accessibility by public transport
- CF7 – Planning obligations and community infrastructure levy

**Supplementary Planning Documents (SPDs)**

- Landscape Character SPD (2006)
- High Peak Design Guide SPD (2018)

**National Planning Policy Framework (NPPF)**

**National Planning Practice Guidance (NPPG)**

**7. CONSULTATIONS**

<b>Site notice</b>	Expired
<b>Press notice</b>	Expired
<b>Neighbours</b>	Expired

**Public comments**

Neither (2)

1st:

I have a right of access (on foot and by vehicle) across the land to the rear of my unit to allow me to use my parking spaces that are situated at the rear of my property. This right of access also allows me to enter my property via the rear door of my property. Can you please ensure that this development will not restrict this right of access in any way.

2<sup>nd</sup>:

- The Certificate B notification has not been received
- Proposed footway and access / egress onto Graphite Way itself falls within land wholly owned by Rossington Park Ltd (RPL)
- The applicant considers it has a right of way over the land owned by RPL but no such right of way exists establishing a ransom position in their favour
- Based on the plans currently proposed, RPLs position is that they would not grant any such agreement

- RPL do not object to the potential use of their land to access the site in principle, however, the application in its current form would prevent RPL from accessing land they own, which is located further south
- Proposals currently submitted as per HPK/2022/0525 would prevent HPK/2014/0067 from being able to be accessed in a safe and sensible manner
- Applicant's solicitor has advised that the proposal seeks "*to install a temporary surface to access the land, until such time as your client has installed the access road fully under their own planning approval and highways obligations*", however, the 2014 permission has lapsed and calls into question the suggested 'temporary' nature of the proposed access arrangements
- Any proposed access arrangement – temporary or otherwise – would require my client's agreement and co-operation in order to be constructed
- Notwithstanding the above, the application presents a contrived form of development which is contrary to Policy EQ6 '*Design and Place Making*'
- The layout currently proposed by the application depicts two internal access roads which run either side (to the east and west) of a portion of land which is not owned by RPL
- The application also proposes a footway to run to the north of the land owned by RPL, which prevents any access to the land located further to the south
- Proposal would result in a visually discordant form of development, given that the internal access arrangements would lead to the identified central parcel of land being made redundant, which is unlikely to be able to be maintained
- Consequently this application has failed to provide a "*high quality*" form of development which "*contributes positively to an area's character, history and identity*" as is required by LP Policy EQ6
- Proposal prevents the land to the south of the site from being utilised and fundamentally contradicts the NPPF to maximise the efficient use of land
- Despite no extant planning permission the Council has previously considered this land to be suitable for the erection of up to 44 no. dwellings
- This land could still reasonably accommodate a form of development to make a positive contribution towards the district's built environment and development needs
- Therefore the applicant should revert to the access arrangements as indicated by the previously approved illustrative masterplan (Dwg no: PH/12/13/02c) as per the 2014 permission to address the concerns set out above
- These arrangements would see the land to the south served by a single, shared access route and presents a far more cohesive form of development which secures the maximum efficient use of both respective parcels of land
- The Applicant has not proposed any soft landscaping nor biodiversity enhancements as part of the proposed scheme
- Derbyshire Wildlife Trust advises that further survey work is required in order to establish whether the site comprises of a Habitat of Principal Importance and that a biodiversity enhancement strategy should be submitted prior to determination
- The applicant has agreed a further extension of time in order to undertake such work and explore whether indeed any biodiversity gains can be achieved on the site as required by LP Policy EQ5 as noted
- However, the proposals in their current form are contrary to LP Policy EQ5 and would form a justifiable reason for refusing the application should the requested additional information fail to be submitted

Objections (0)

Support (0)

**CONSULTATIONS:**

<b>Consultee</b>		<b>Officer response</b>
<b>County Archaeologist</b>	<b>No objection.</b>	<b>Refer to Other Matters Section</b>
21.03.23:  The proposed development area overlies the former route of the Waterside Branch of the Great Central Railway recorded on the Derbyshire HER (MDR686). However there will be no archaeological impacts and I have no objection.		
<b>Environment Agency</b>	<b>Condition Response</b>	<b>Refer to the Pollution and Flood Risk Section</b>
03.04.23:  The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.  <u>Condition</u> The development shall be carried out in accordance with the submitted flood risk assessment (ref 47238) and the following mitigation measures it details: <ul style="list-style-type: none"><li>• Finished floor levels shall be set no lower than 126.40 metres above Ordnance Datum (AOD)</li></ul> These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.  <u>Reasons</u> <ul style="list-style-type: none"><li>• To reduce the risk of flooding to the proposed development and future occupants</li></ul> <u>Environmental permit - advice to applicant</u> The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place: <ul style="list-style-type: none"><li>• on or within 8 metres of a main river (16 metres if tidal)</li><li>• on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)</li><li>• on or within 16 metres of a sea defence</li><li>• involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert</li><li>• in the floodplain of a main river if the activity could affect flood flow or storage and</li></ul>		

potential impacts are not controlled by a planning permission			
<b>Derbyshire Council Authority</b>	<b>County (Flood)</b>	<b>Insufficient Information</b>	<b>Refer to Pollution and Flood Risk Section</b>
<p>27.06.23:</p> <p>Can the applicant please provide the impermeable area of the existing and proposed site?</p> <p>Does the land where the discharge point is proposed belong to the developer? If not, can the application please provide evidence of permission from the third party land owner to discharge surface water from the development at this point?</p> <p>Can the applicant please elaborate on the surface water discharge point? Is it a culvert connection that outfalls into the main river Etherow?</p> <p>Can the applicant please provide evidence of the BGS Borehole records showing that infiltration is likely to not be feasible for this development?</p>			
<b>Derbyshire Council (Highways)</b>	<b>County</b>	<b>Condition Response</b>	<b>Refer to Highway Safety Section</b>
<p>26.09.23:</p> <p>As previously mentioned in my email sent on 23 August 2023, the following still applies as the attached drawing A102 Rev H also provides the requested information (see below email dated 23 August 2023):</p> <p><i>'Thank you for the attached and I have attached a copy of the HM @PE which shows the public highway does not extend to the proposed access, so as the County Council previous response requested a drawing 'demonstrating and maintaining adequate manoeuvring space for the largest vehicle likely to make frequent visits to the site, clear of any obstruction to its designated use', which has now been provided (A102 Rev F), so the County Council offer no objections to the proposals.'</i></p>			
<b>Derbyshire Constabulary</b>		<b>Condition Response</b>	<b>Refer to Design and Layout Section.</b>
<p>24.03.23:</p> <p>There are no objections to the development of this parcel of to accommodate industrial units.</p> <p>There is no consideration of crime, disorder or security within the application information. In context, I would be concerned about casual incursion on foot into the site from the adjacent river path, and subsequent problems this might bring.</p>			

There are already desire lines running through the centre of the application site, and in my view the central area for the development will need to be secured by appropriate fencing enclosure.

I note that there is a strip of land through the centre of the site which is excluded from the red lined application area, but with no explanation as to the reason, which may make this provision problematic.

Nevertheless, securing the overall site when not occupied would be key to forming an acceptable security approach, consequently I would recommend that this is negotiated as part of the application detail, or set as a condition of approval.

<b>Derbyshire Trust</b>	<b>Wildlife</b>	<b>Objection</b>	<b>Refer to Ecology Section</b>
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25.10.23:

Our response is based on the following documents:

- Preliminary Ecological Appraisal (PEA) Issue 2.1 (Arbtech, July 2023)
- Botanical Walkover Survey Issue 2 (Arbtech, July 2023)
- Biodiversity Net Gain (BNG) File Note (Arbtech, July 2023)
- Metric 4.0 Version 1 (Arbtech, July 2023)

Further to our response dated 25th April 2023, a botanical survey and BNG assessment have been undertaken in summer 2023. A large net biodiversity loss is predicted due to the site being completely developed and no habitat retained.

The site supports various grassland communities (acidic, neutral and calcareous), with areas of bare ground, rubble and wet flushes. The Botanical Survey Report concluded that it conforms to the criteria of Open Mosaic Habitat on Previously Developed Land (OMH). We have checked the OMH criteria listed in the Priority Habitat Definition (JNCC, 2010) and all five are met. The site is also mapped as OMH on DEFRA's MAGIC website. We therefore advise that it is classified as OMH in the metric to adequately value the habitat to be lost. This will alter the total units lost and require like-for-like compensation.

Following the first step of the mitigation hierarchy, impacts should be avoided / minimised and therefore revision of the scheme should be considered to retain some of the habitats on site and to retain more of a buffer to the River Etherow. Following this, mitigation and compensation will be required, which will likely require offsite compensation.

We are not aware of any consideration to reduce the scheme footprint and currently no offsetting strategy has been confirmed as part of the application. A solution should be proposed prior to determination, so that the LPA can be confident of achieving a net gain and the offsetting strategy can be secured via a Section 106 Agreement.

In our experience to achieve like-for-like compensation for open mosaic habitat the best approach is to try and translocate the substrates, soils and vegetation to a nearby receptor site with varied topography and if possible similar geology and

hydrogeomorphology.

The botanical survey also refers to the presence of several invertebrate species on site including Transparent Burnet moth. This is likely to be a mistake as this moth is confined to Scotland and Ireland. However, it does raise concerns regarding the impact on insects from the loss of species rich habitat and the fact that very little information has been provided to assess and address the impacts on insects and other invertebrates. In this respect it is noted that the Ecological Appraisal (Arbtech, February 2023, updated July 2023) states under section 4.2 that a “scoping survey will be required to establish the possible value of the site for invertebrates and to determine whether further invertebrate surveys will be required. This should be undertaken between April and September in line with current survey guidelines (Natural England, 2005)”. It is not clear if this scoping survey was completed. We recommend that an invertebrate survey of the site is undertaken at an appropriate time of the year to determine if any protected species or Species of Principal Importance or of local conservation concern are present.

The botanical survey also highlights potential impacts on grassland fungi another element of the biodiversity of the site that has not been surveyed in detail. We disagree with the conclusion reached in the botanical survey that it would be disproportionate to undertake a survey for fungi and recommend that a survey is undertaken of the site at an appropriate time of year.

<b>HPBC Officer</b>	<b>Aboricultural</b>	<b>Objection</b>	<b>Refer to Design and Layout Section.</b>
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17.10.23:

The application should have had a BS 5837 tree report supporting the application. This would then clearly state the condition of the trees on site, what will be affected and also help guide the design of the scheme.

The current plans appear to show the removal of approximately 30 trees but they are not individually identified so it is not clear. The proposed plans only show 28 new trees being planted, less than half the required 2 for 1 replacement ratio. The proposed tree locations do not appear to be sustainable and are unlikely to see the trees grow to maturity.

The plans also show buildings proposed for immediately adjacent retained trees, this will cause nuisance going forward and can lead to further removal of these trees. The plans also do not leave much space for a landscape buffer along the boundary with Wooley Bridge Road and Graphite Way.

Actions

- Provision of a suitable tree report, detailing the condition of trees on site and which trees are to be removed.
- A realistic planting plan, that ideally shows mature canopy sizes and species selection. Also where a 2 for 1 replacement ration can't be achieved a willingness to accept a section 106 agreement for planting off site.

<b>HPBC Health Officer</b>	<b>Environmental</b>	<b>Condition Response</b>	<b>Refer to the Pollution and Flood Risk Section</b>
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14.06.23:

### Sensitive Use

The proposed development is on the site of a landfill, and on land where previous use suggests land contamination is plausible. For this reason and to protect human health and the wider environment condition 1 is recommended.

### Noise

The noise impact assessment submitted in support of the application may be accepted.

- Nova Acoustics “Noise Impact Assessment” (ref: NP-008931-001), dated 22 January 2023

In light of the recommendations made within section 4 of the report the following conditions 2 to 4 are recommended.

### Construction

The construction/demolition stage of the development could lead to an increase of noise and dust etc. experienced at sensitive premises and subsequent loss of amenity, for this reason conditions 5 to 10 are suggested.

### CONDITIONS:

#### 1. CL03 CONTAMINATED LAND

No development shall take place, with the exception of site investigation and remediation works until conditions 1a to 1d have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 1d has been complied with in relation to that contamination.

1a. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority.

1b. 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.

1c. 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 shall be produced, and is subject to the approval in writing of the Local Planning Authority.

1d. 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. NOISE – Sound Insulation

Prior to occupation of any unit the minimum sound insulation requirements set out in section 3.1 of the approved noise assessment (Nova Acoustics “Noise Impact Assessment” (ref: NP-008931-001), dated 22 January 2023) shall be implemented and thereafter retained for the life of the development.

3. NOISE – Deliveries

The delivery and despatch of goods at the proposed development shall not occur outside of the hours of 07:00 to 23:00.

4. NOISE – Plant Noise

The rating value of noise from any fixed plant or machinery at the development shall not exceed the following, when measured at (or calculated for) the façade of any noise sensitive premises

- a) day (0700-2300hrs) of 35dB(A)LAeq,16hrs
- b) Night (2300-0700hrs) of 33dB(A)LAeq,8hrs

All measurements shall be made in accordance with the methodology of BS 4142:2014+A1:2019 “Methods for rating and assessing industrial and commercial sound” and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

5. CDD01B - CONSTRUCTION AND DEMOLITION – DUST

No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These should be made available for inspection when required by officers of the Local Planning Authority

6. 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.

7. 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.

8. NSD02B - NOISE CONSTRUCTION: PILING 2

If piling is necessary, a written piling options assessment shall be submitted to the Local Planning Authority, to demonstrate noise and vibration mitigation measures consistent with best practical means.

The assessment shall consider Environment Agency guidance (*Environment Agency (2001), Piling and Penetrative Ground Improvements on Land Affected by Land Contamination NC/99/73*) where land contamination is suspected or proven. No piling shall take place until the piling options assessment has been approved.

No piling shall take place outside the hours 09:00 hours to 16:00 hours Mondays to Fridays.

**9. 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.

**10. CDD14 - ON SITE RADIO**

During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary.

<b>Manchester Airport</b>	<b>Awaited</b>	<b>Refer to Update Sheet</b>
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<b>United Utilities</b>	<b>Conditional Response</b>	<b>Refer to the Pollution and Flood Risk Section</b>

**DRAINAGE**

We request the following drainage condition is attached to any subsequent approval:

CONDITION

Prior to the commencement of development, 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). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (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 where applicable; and

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

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.

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.

The applicant can discuss any of the above with Developer Engineer, Jordan Houghton, by email at [wastewaterdeveloperservices@uuplc.co.uk](mailto:wastewaterdeveloperservices@uuplc.co.uk)

Please note, United Utilities is 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, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewerage Sector Guidance Appendix C – Design and Construction Guidance v2-2' dated 29 June 2022 or any subsequent iteration. This is important as drainage design can be a key determining factor of site levels and layout.

Acceptance of a drainage strategy does not infer that a detailed drainage design will meet the requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design, has been assessed and accepted in writing by United Utilities. Any work carried out prior to the technical assessment being approved is done entirely at the developer's 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. 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 any subsequent Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development. The following may be 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 and we would not be involved in the discharge of the management and maintenance condition in these circumstances.

## **7. POLICY AND MATERIAL CONSIDERATIONS**

### Decision Making Framework

- 7.1 Section 38(6) requires the Local Planning Authority to determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'. Section 70(2) provides that in determining applications the Adopted 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 for the Borough consists of the Adopted High Peak Local Plan dated April 2016.
- 7.2 Achieving sustainable development sits at the heart of the NPPF. Paragraph 8 of the NPPF outlines that achieving sustainable development requires the consideration of three overarching and mutually dependant objectives being: economic, social and environmental where they are to be applied to local circumstances of character, need and opportunity of each area. These objectives are interdependent and should be pursued in mutually supportive ways and comprise;
- 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 the present and future generations; and by fostering 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 the 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.

7.3 LP (Local Plan) Policy S1a establishes a presumption in favour of sustainable development as contained within NPPF paragraph 11. It requires decision makers to apply a 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 or where the development plan is absent, silent or relevant policies are out of date, grant planning 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.

7.4 On 23rd June 2022, the Council Executive agreed High Peak Local Plan Policies S3 'Strategic Housing Development', S4 'Maintaining and enhancing an economic base' and Policy H4 'Affordable Housing' were deemed out of date for development management purposes, meaning less weight can be given to them when determining planning applications. For the avoidance of doubt, all other policies within the High Peak Local Plan should continue to be given full weight until further notice. New evidence informing the Local Plan review is also available.

### **Employment Land & Premises**

7.5 Overarching Local Plan (LP) Policy SS1 'Sustainable Development Principles', amongst other matters, advocates: "*Supporting the local economy and businesses by providing for a range of economic development that provide employment opportunities suitable for local people in sustainable locations, and generally encourage larger developments to incorporate mixed uses where possible so as to reduce the need to travel*".

7.6 LP Policy S2 'Settlement Hierarchy' directs development towards the most sustainable locations in accordance with the stated settlement hierarchy. For market towns such as Glossop it states they: "*will be the main focus for housing, employment and service growth, consistent with maintaining and where possible enhancing their role, distinctive character vitality and appearance*".

7.7 LP Policy S4 'Maintaining and enhancing an economic base' establishes the overall requirement for employment land across the Borough at 45 ha (hectares). The policy also set out strategic priorities and vision for employment growth, including; support growth in knowledge-based industry, start-ups, home-working, visitor economy and rural diversification.

7.8 As stated above, LP Policy S4 regarding employment needs was also found to be out of date due to new local plan evidence (HELNA). Around 30 ha of land has been identified as being needed to support the economy in High Peak up to the year 2041, which is lower than the current Local Plan need figure of 45 ha.

7.9 The High Peak Housing and Economic Land Needs Assessment (HELNA) dated September 2022 key findings in relation to the economy identifies the following matters:

- There is little to no need for additional office floorspace
- There continues to be a demand in both Buxton and Glossop for industrial units whereby small industrial estates serve a stable market
- The Borough has a relative scarcity of smaller industrial sites between 2,000 (188sqm) and 3,000 sqft (279sqm) per unit and these are the units most in demand
- Based on an assessment of a variety of demographic and economic scenarios, the likely overall need for employment land is within the range of 25-34ha, however, based on past trends, the need could be as high as 54ha

7.10 LP Policy E1 'New Employment Development' states "*New business and industrial developments in sustainable locations that contribute towards the creation and retention of a wide range of jobs, education and training opportunities will be supported. This will be achieved by:*

- *Supporting the development of sites allocated for future employment*
- *Encouraging the redevelopment, intensification and more efficient use of Primary Employment Zones where they are either not fully utilised or unsuited to modern employment requirements, particularly those sites located within the main towns and those with good access by a variety of transport modes provided that they accord with Local Plan Policy E3 and the wider Local Plan policies*
- *Protecting employment allocations, Primary Employment Zones and non-designated employment premises to ensure that development would not result in the loss of land or buildings from employment use unless the proposals accord with Local Plan Policy E4 - Change of Use on Existing Business Land and Premises*
- *Supporting business development outside of allocated employment sites or Primary Employment Zones but within the built up area when it would not create undue harm to the character, appearance or amenity of the area.*
- *Supporting business development within the countryside that accords with Local Plan EQ3 – Rural Development ...".*

7.11 NPPF Paragraph 81 states: "*Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*".

7.12 The application site falls within the LP Policy E3 Primary Employment Zone allocation. Policy E3 states: "*Planning permission will be granted for employment developments within Primary Employment Zones, including proposals within use classes B1b, B1c, B2 and B8 and other economic development as appropriate. Proposals for town centres uses, including B1a (office) will be required to comply with*

*the sequential site and impact tests specified in Policy CF1. Primary Employment Zones will generally be retained for business, industry and other economic development. Applications for other uses should accord with Local Plan Policy E4 – Change of Use on Existing Business Land and Premises. Any additional employment land generated in these areas will count towards the provision for the plan area".* The proposed Primary Employment Zones taken forward from the adopted Local Plan Saved Policies (2008).

- 7.13 Notwithstanding the status of LP Policy S4 in relation to the HELNA findings, the application site falls within LP Policy E3 'Primary Employment Zones', namely the 'Etherow Industrial Park' allocation to carry full weight in these regards. These are identified on the Policies Map and therefore employment developments within Primary Employment Zones, including proposals within use classes B1b, B1c, B2 and B8 and other economic developments are therefore considered to be acceptable in planning policy terms.
- 7.14 Of note, the amended Use Classes Order has omitted employment classes B1b and B1c, which have instead been replaced with flexible Use Class E 'Commercial, Business and Service'. A condition attached to any consent, however, would ensure that the commercial units sought remained in an employment non-office use and any proposed change would be subject to prior consent with the Local Planning Authority. Consequently the proposed scheme for the construction of 9 units for industrial / storage and distribution purposes would not be objected to in principle.
- 7.15 Accordingly, the scheme would comply with LP Policies SS1, S2, E1 and E3 in particular by supporting economic growth and productivity and this matter will be returned to within the planning balance at the concluding section of the report.

## **Ecological Impact**

- 7.16 LP Policy EQ5 'Biodiversity' states that the biodiversity and geological resources of the Plan Area and its surroundings will be conserved and where possible enhanced by ensuring development proposals would not result in significant harm to biodiversity or geodiversity interests. The policy identifies how this would be achieved by specifying a number of criteria including preventing "*any development proposal which would directly or indirectly result in significant harm to geological and biodiversity conservation interests*".
- 7.17 The River Etherow corridor forms the site's western boundary and therefore LP Policy EQ8 'Green Infrastructure' is herein relevant. It states that the Council will, through partnership working, develop, protect and enhance networks of Biodiversity and Green Infrastructure including ..."*Identifying and protecting key wildlife corridors and stepping stones that connect sites of importance for biodiversity, including creating or restoring habitats of nature conservation value, in accordance with Local Plan Policy EQ5*".
- 7.18 The NPPF at Chapter 15 identifies how development is expected to conserve and enhance the natural environment. Paragraph 174 advises that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, minimising impacts on and providing net gains for



biodiversity. Additionally, paragraph 180 identifies that when determining planning applications planning permission should be refused 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.

- 7.19 The originally submitted Ecological Appraisal (February 2023) identified acid grassland on the application site and recommended further botanical surveys to properly classify the habitat to determine whether the application site comprised of a Habitat of Principal Importance (S41, Natural Environment and Rural Communities Act 2006). This survey was advised to be undertaken during late spring / summer and results inputted into the latest DEFRA metric (4.0) to quantify biodiversity losses or gains prior to the determination of the planning application as was initially highlighted by Derbyshire Wildlife Trust (DWT).
- 7.20 Subsequently, this work has been undertaken by the applicant and DWT have been further consulted regarding the additional scheme documents as follows: Preliminary Ecological Appraisal (PEA) Issue 2.1 (July 2023), Botanical Walkover Survey Issue 2 (July 2023), Biodiversity Net Gain (BNG) File Note (July 2023) and Metric 4.0 (July 2023).
- 7.21 Significantly, these documents show that a large net biodiversity loss of '*Open Mosaic Habitat on Previously Developed Land*' is predicted as a result of the proposed development proposing no habitat retention on the application site has been confirmed by DWT.
- 7.22 In these circumstances, the mitigation hierarchy should be followed whereby ecology impacts should be avoided / minimised firstly by proposing onsite habitat retention including an increased buffer to the River Etherow. Thereafter, DWT state mitigation and compensation would be likely to require offsite compensation secured via a Section 106 Agreement and by confirming biodiversity net gain as a predetermination matter. A 'like for like' '*Open Mosaic Habitat on Previously Developed Land*' habitat compensation would be expected and involve the translocation of substrates, soils and vegetation to a nearby receptor site with similar geology and hydrogeomorphology as confirmed by Derbyshire Wildlife Trust.
- 7.23 Notwithstanding the above issues of significance, the Botanical Walkover Survey raises additional concerns regarding the impact on insects from the loss of species rich habitat whereby limited information has been provided to assess and address the impacts on insects and other invertebrates as stated by DWT. In these circumstances, the Trust advises that an invertebrate survey of the application site is undertaken at an appropriate time of the year (i.e. between April and September) to determine if any protected species or Species of Principal Importance or of local conservation concern are present onsite. In addition, DWT note that grassland fungi should be surveyed in detail at the appropriate time of year despite the conclusions reached within the applicant's botanical survey to the contrary.
- 7.24 As a consequence, the proposal would result in significant harm to biodiversity, to conflict with the aims of LP Policies SS1, EQ5 and EQ8 in particular. In addition,

the proposal would also conflict with the provisions of the NPPF in so far as it seeks new development to provide net gains for biodiversity. A reason for refusal is proposed in these regards and this matter will be returned to in the planning balance section below.

## **Character and Appearance**

- 7.25 The application site is located within the defined built up area boundary with a landscape character type of River Meadows principally alongside the River Etherow corridor whilst the remainder of the site falls to Settled Valley Pastures. To the northwest of the industrial estate, lies Green Belt and open countryside within the Settled Valley Pastures landscape character type and TPO designation River Etherow, Tintswistle. Residential areas within Hollingworth lies beyond the river to the west with Hadfield to the south for the site context to display a mixed use character.
- 7.26 LP Policy EQ6 'Design and Place Making' states "*All development should be well designed and of a high quality that responds positively to both its environment and the challenge of climate change, whilst also contributing to local distinctiveness and sense of place. This will be achieved by:*
- *Requiring development to be well designed to respect the character, identity and context of High Peak's townscapes and landscapes.*
  - *Requiring that development on the edge of settlement is of high quality design that protects, enhances and / or restores landscape character, particularly in relation to the setting and character of the Peak District National Park.*
  - *Requiring that development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features ...".*
- 7.27 LP Policy EQ9 'Trees, woodlands and hedgerows' "*requires 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*".
- 7.28 The Council's Arboricultural Officer confirms that the current scheme appears to show the removal of approximately 30 trees. However, they are not individually identified within the scheme submission. In addition, the proposed scheme appears to provide for only 28 new trees being planted onsite, which would not accord with the 2:1 replacement ratio. It is further stated that proposed tree locations appear to be unsustainable and therefore such trees are unlikely to grow to maturity. Whilst new structures are immediately adjacent to retained trees, which are likely to instigate their removal. Notably the scheme does not provide for sufficient arboricultural information or the provision of an adequate landscape buffer along the site boundaries.
- 7.29 The application site fronting Graphite Way to its eastern boundary and set back from Wooley Bridge Road to the south, site forms a prominent gateway location to the Etherow Industrial Park. Land levels notably fall towards the River Etherow in a south westerly direction. The proposal, however, is not considered to be

sympathetic to the visual amenities of the surrounding area in terms of its appearance and landscaping.

7.30 As a consequence, and notwithstanding the site's Primary Employment Zone designation, it fails in particular to provide a high quality form of development, which would contribute positively to the area's character contrary to LP Policies SS1, S5 and EQ6 and High Peak Design Guide SPD 2018. This matter will be returned to within the planning balance at the concluding section of the report.

### **Highway Safety**

7.31 LP Policy CF6 'Accessibility and Transport' seeks to ensure new development can be safely accessed in a sustainable manner and minimise the need to travel, particularly by unsustainable modes. NPPF para 109 advises: "*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*".

7.32 The scheme would be served from a new access point from Graphite Way leading to parking and turning facilities for each element of the scheme. The revised site plan showing a rearrangement of units has been confirmed as acceptable by the Highway Authority, which includes an assessment of internal access arrangements (including adequate parking and turning). A total of 34 car parking spaces (and cycle shelter) are proposed, which falls short of car parking standards requiring a total of 54 car parking spaces. The applicant has been requested to remove the mezzanine floorspace to overcome this issue and Members are directed to the Update Sheet in these regards.

7.33 Subject to the satisfactory resolution of adequate car parking for required employment floorspace, the scheme would accord with LP Policy CF6 in particular by ensuring that new development can be safely accessed in a sustainable manner. This matter will be returned to within the planning balance at the concluding section of the report.

### **Pollution Control and Flood Risk**

7.34 LP Policy EQ10 'Pollution Control and Unstable Land' seeks to protect people and the environment from unsafe and polluted environments, requiring mitigation if necessary.

7.35 The Council's Environmental Health Department have recommended a land contamination planning condition addressing contaminated matters in order to protect human health and the wider environment given the scheme's location on a landfill site. No overall objections are raised to the scheme, however, subject to the imposition of recommended planning conditions controlling the build out and operational phases of the proposed employment scheme.

7.36 As a consequence, the scheme would be in accordance with LP Policy EQ10 'Pollution Control and Unstable Land' and the NPPF.

- 7.37 LP Policy EQ11 'Flood Risk Management' discusses 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.
- 7.38 Despite the Environment Agency's and United Utilities conditional response, the LLFA (Lead Local Flood Authority) have issued a holding objection based on insufficient information for the scheme to be deemed acceptable in these regards.
- 7.39 Without this further information it is not possible to judge whether the proposal is in accordance with LP Policy EQ11 'Flood Risk Management' and a further reason for refusal is proposed in these regards.

### **Other Matters**

- 7.40 Third party comments received principally concern matters of land ownership, including access rights to be resolved between the respective parties. The referred to 2014 planning permission for residential development has expired and also predates the Adopted Local Plan. The scheme is not considered to raise any significant matters regarding the deliverability of the remaining employment allocation to the south of the application given its more limited nature.
- 7.41 No objections are raised by County Archaeology in relation to the HER Record 6142 '*Waterside branch of the Great Central Railway, Dinting*' RAILWAY: *Branch line opened in 1879 to serve the industrial sites, mainly cotton mills, on the River Etherow between Tintwistle and Woolley Bridge, which has now been dismantled.*
- 7.42 Manchester Airport comments are outstanding and Members are directed to the Update Sheet.

## **8. PLANNING BALANCE & CONCLUSIONS**

- 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. 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 currently consists of the High Peak Local Plan 2016.
- 8.2 The application site lies within the built-up area boundary of Glossop and is specifically allocated in the Adopted Local Plan as a Primary Employment Zone (LP Policy E3). In these circumstances, the scheme would provide significant economic benefits including new commercial floor space and related employment opportunities, jobs during the construction period and the regeneration of a vacant and underused site.

- 8.3 A number of matters raised can be dealt with via recommended conditions associated with the scheme, including noise attenuation / contamination and overall amenity standards are generally deemed satisfactory. Outstanding commentary in relation to car parking provision shortfall will be included within the Update Report.
- 8.4 The scheme proposal, however, is not considered to be sympathetic to the visual amenities of the surrounding area in terms of its appearance and landscaping. Furthermore, flood risk / drainage matters remain unresolved due to insufficient information. Significantly, the scheme proposals are considered to be environmentally unsustainable in so far as the loss of biodiversity is concerned to carry significant weight in the planning balance and in turn would outweigh the benefits of the application site for employment purposes.
- 8.5 Accordingly, the development is contrary to the provisions of the development plan as a whole as well as the NPPF and should be refused.

## **8. RECOMMENDATION**

### **A. REFUSE for the following reasons:**

- 1. The scheme proposal would result in significant harm to biodiversity, to conflict with the aims of Policies SS1, EQ5 and EQ8 of the Adopted High Peak Local Plan 2016. In addition, the proposal would also conflict with the provisions of the NPPF in so far as it seeks new development to provide net gains for biodiversity.**
  - 2. The proposal by virtue of its layout and scale would result in a cramped and intrusive form of development and in particular fails to provide a high quality form of development, which would contribute positively to the area's character contrary to Policies SS1, S5 and EQ6 of the Adopted High Peak Local Plan 2016 and High Peak Design Guide SPD 2018.**
  - 3. Insufficient information has been submitted with the application relating to drainage in order to assess adequately the impacts of the proposed development having regard to matters of local flood risk of the development proposal. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Policies S1 and EQ11 of the Adopted High Peak Local Plan 2016 and / or any other material considerations.**
- 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.**

### **Location Plan**

