



Appeal Decision

Site visit made on 15 October 2019

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st November 2019

Appeal Ref: APP/H1033/W/19/3232449

Garie Bevan Coatings Ltd, Chunal Works, Charlestown, Glossop, Derbyshire SK13 8LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Garie Bevan Coatings Ltd. against the decision of High Peak Borough Council.
 - The application Ref HPK/2019/0102, dated 1 March 2019, was refused by notice dated 2 July 2019.
 - The development proposed is a single storey rear extension to existing industrial unit.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension to the existing industrial unit in accordance with the terms of application HPK/2019/0102, dated 1 March 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing nos 19.2/1 and 19.2/3.
 - 3) The extension hereby approved shall be used only for the ancillary storage of materials directly associated with the use of the attached industrial building and for no other purpose including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Application for costs

2. An application for costs was made by Garie Bevan Coatings Ltd against High Peak Borough Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The appeal form submitted by Garie Bevan Ltd on 3 July 2019 indicated that no decision had been issued for the above planning application. However, the Council's decision notice is dated 2 July 2019 and therefore pre-dates the submission of the appeal; accordingly, I have considered the appeal on the basis of the refusal of planning permission.

Main Issue

4. The main issue is the effect of the development on the living conditions of nearby residents with particular regard to noise.

Reasons

5. The site is an established general industrial (B2) premises currently used for processes involved in the powder coating of items. The site includes a single large and extended industrial shed and a yard area that together are used to provide workshop, office and storage space. It lies to the rear of a terrace of residential properties and a restaurant fronting the A624. Access to the site is via a driveway also serving a vehicle repair garage.
6. The extension of approximately 10 x 8.3m would substantially infill a rear corner of the building adjacent to previous rear and side extensions. It would cover an area of currently unbound hardstanding and be constructed in materials matching those of the existing building. The form of the extension would consolidate with the existing building, albeit marginally short of the current side and rear elevations. The parties agree that the proposed siting, design and appearance of the extension are acceptable with no adverse impacts on ecological interests close by.
7. The proposed use of the extension is confirmed within the appeal evidence as a store for boxed powders used in conjunction with the powder coating process. The submissions also confirm that the extension would not be used as a workshop or production area.
8. The Council is concerned that the additional floorspace would result in an intensification of activity at the site that could lead to adverse impact on neighbouring residents through the creation of additional noise. In the context of the existing buildings, the proposed extension is of limited scale and would constitute a minor addition. It would be located away from noise sensitive premises and be screened behind existing elements of the building. The proposed openings would face towards woodland immediately to the east, directly away from the nearest noise sensitive premises.
9. The use of the store would potentially generate some limited additional activity, however, for the reasons of scale, siting and the specific proposed use, I conclude that the likelihood of any significant additional adverse impacts to the living conditions of neighbouring residents through noise generation would be very small. The main effect would arise from the delivery and unloading of the boxes of coating powders. Given the size of the store and that such deliveries already take place, any additional frequency of those activities would be very limited and unlikely to cause a significant increase in either vehicle movements or the associated unloading by forklifts. Once on site, any other transfers of the stored materials would be likely limited to within the building before final use.
10. The Council determined that it would be necessary to evaluate existing noise levels to enable assessment of the noise impact of the proposal on nearby residents. However, as a small scale and low noise generating use, particularly in comparison to the substantially larger workshop elements of the building, it would be of little value in the decision-making process to require this. Neighbouring residents highlight that existing noise arises from various sources including the use of extractors, the moving of metal items and workshop

banging. However, it is a well-established principle that any conditional restrictions considered necessary to make the proposed development acceptable in planning terms would be limited to the development proposal itself and could not be applied to the wider site. For this reason, complaints with respect to noise arising from existing operations can be attributed limited weight in the consideration of the appeal proposal, one which I have considered on its own merits.

11. For the above reasons I conclude that noise generated by the proposed use of the extension would not give rise to a significant adverse impact on the living conditions of neighbouring occupiers and therefore the development complies with Policies E1 and EQ6 of the High Peak Local Plan (2016), which seek, amongst other things, to protect the living conditions of residents and the local amenity of the area.

Other Matters

12. Residents have highlighted a number of additional matters considered to adversely affect local living conditions. Concerns are expressed with respect to issues of dust, smoke, floodlighting, health and safety, and the behaviour of employees. As the development would not involve dust or smoke generating uses these are of limited relevance to the consideration of this appeal. Furthermore, no floodlighting is proposed and matters of health and safety or staff behaviour are of limited relevance to the planning consideration of the extension.
13. The third-party representations also state that the site generates large vehicle trips that have caused obstruction and delays to highway users. There is no disagreement between the parties with respect to highway matters and I saw no reason to dispute that position. For the reasons of scale and proposed use, it is not anticipated that the proposed extension would materially affect matters of highway safety or capacity in the locality. This reflects the advice of the local highway authority.

Conditions

14. I have had regard to Paragraph 55 of the National Planning Policy Framework and the National Planning Practice Guidance in terms of the use of planning conditions. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed conditions specifying the relevant drawings as this provides certainty.
15. In the interests of protecting the living conditions of local residents I have limited the use of the extension to that for the purpose of storage associated with the primary industrial use of the site and for no other purpose.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be allowed.

R Hitchcock

INSPECTOR