

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 13th September 2021

Application No:	HPK/2021/0023	
Location	CJK Packaging Ltd Bridgeholme Mill Industrial Estate Chinley Derbyshire SK23 6DU	
Proposal	Proposed warehouse extension	
Applicant	Chris Sizeland, CJK Packaging Ltd	
Agent	Stephen Griffiths, Mounteer and Co, Hyde Park House, Cartwright Street, Hyde	
Parish/ward	Blackwood	Date registered 26 th January 2021
If you have a question about this report please contact: Tom Hiles, Tel. 01298 28400 extension 5430, tom.hiles@highpeak.gov.uk		

1. SUMMARY OF RECOMMENDATION

Refuse

2. REASON FOR COMMITTEE DETERMINATION

2.1. This application has been brought before the Development Control Committee because the applicant is a family member of Cllr Kath Sizeland, HPBC ward member for Chapel West.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1. The application site relates to an existing industrial premises located in the Green Belt, between Chinley and Chapel-en-le-Frith. The site comprises part of Bridgeholme Mill Industrial Estate occupied by CJK Packing Ltd, a business specialising in the storage and distribution of plastic and other containers. The business occupies three buildings at the estate comprising offices and warehousing.

3.2. Outline permission (ref. HPK/2016/0112) was granted at committee in May 2016 for a large extension to one of the warehousing buildings, proposed to be added to its south elevation.

3.3. Reserved matters approval (ref. HPK/2016/0596) was granted in December 2016 and the extension has subsequently been built. The details approved at reserved matters included the formation of a bund along the east side of the warehouse building and the extension, to be

planted with three silver birch trees, to provide visual screening. Upon the site visit (May 2021) for the current application it was noted that the bund had been formed but the trees did not appear to have been planted.

3.4. Neighbouring uses comprise a former mill converted to apartments to the north of the industrial estate and the Federal Mogul tyre testing track and the A6 to the south of the site. Land to the north and east is undeveloped farmland. There is a dense bank of trees to the south of the application site, between the site and the A6.

3.5. The industrial estate itself is allocated as a 'developed site within the greenbelt' under Employment Policy EP6: Bridgeholme Industrial Estate within the Chapel-en-Le-Frith Neighbourhood Plan. The application site however does not fall within the boundary of this allocation and is located within the Countryside and Green Belt designations within the Local Plan.

3.6. The site is within the Settled Valley Pastures landscape character area.

4. DESCRIPTION OF THE PROPOSAL

4.1. The proposal is for a further extension to the existing warehousing building previously extended under the permission noted above.

4.2. This part of the site is roughly surfaced with gravel and partly occupied by two container units providing temporary storage for finished products, with some rubble and building materials stored as well.

4.3. The addition would extend the from the south-facing elevation, in the same form and profile as the existing building, adding around 540m² internal floorspace. The submitted plans indicate the future addition of an internal mezzanine with a floorspace of around 180m². The extension would be of a portal frame construction, clad with buff brick at the lower levels of the elevations and grey corrugated metal cladding sheets above.

4.4. The extension would provide additional storage for completed products and would be classified as Use Class B8 storage and distribution.

4.5. The application notes that extension would result in an additional four members of staff being employed at the site.

4.6. The following plans have been submitted with the application:

- Location Plan
- Existing and proposed site plans
- Existing and proposed floor plans and elevations

4.7. The application is supported by a planning statement and a design and access statement. During determination of the application, a 'Very Special Circumstances' case was submitted to justify the proposed development in Green Belt terms.

4.8. 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=245272>

5. RELEVANT PLANNING HISTORY

HPK/2016/0112 - Application for outline permission with some matters reserved for proposed extension to warehouse. Approved 04.07.2016

HPK/2016/0596 - Application for approval of reserved matters (landscaping) for proposed extension to warehouse pursuant to outline approval HPK/2016/0112. Approved, 24.01.2017

HPK/2015/0328 – Outline consent for proposed detached warehouse. Withdrawn, 15.09.2015

HPK/2003/1043 - Formation of heavy goods vehicle turning area. Refused, 02.03.2004

HPK/2003/0708 - Formation of HGV turning area on land adjacent the industrial estate at Bridgeholm Mill Industrial Estate - Refused 10.11.2003.

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

Policy EP6: Bridgeholme Industrial Estate

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

S7 – Buxton sub area strategy

EQ1 – Climate Change

EQ2 – Landscape Character

EQ3 – Rural Development

EQ4 – Biodiversity

EQ5 – Design and Place Making

EQ7 – Green Infrastructure

EQ8 – Trees, Woodland and Hedgerows

EQ9 – Pollution Control and Unstable Land
EQ10 – Flood Risk Management
E1 – New Employment Development
E3 – Primary Employment Zones
CF6 – Accessibility and Transport

National Planning Policy Framework

Paragraph 11 Presumption in Favour of Sustainable Development
Chapter 2 - Achieving sustainable development
Chapter 4 - Decision Making
Chapter 6 - Building a Strong, Competitive Economy
Chapter 9 - Promoting Sustainable Transport
Chapter 12 - Achieving Well-Designed Places
Chapter 13 - Protecting Green Belt Land
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: 22 nd March 2021
Neighbour letters	Expiry date for comments: 18th February 2021

Neighbours

- 7.1. Neighbours were contacted by way of written letters.
- 7.2. Six public representations were received, comprising four objections and two letters of observations.
- 7.3. The letters raised concerns relating to traffic impact of the proposals, highways safety issues associated with movements of large lorries on the narrow lanes serving the site, potential effects on the stability of a bridge over the Black Brook which carries the road to the site, concerns about flood risk and surface water management. Comments also referred to the production of plastic items in environmental terms, and noted that Chinley Parish Council, the boundary of which is near to the development site, had not been formally consulted. Concerns were also raised about Chapel Parish Council declining to comment on the application in light of the applicant being a Parish Councillor.

Parish Council

- 7.4. **Chapel Parish Council** – *Cllr Sizeland entered the waiting room while discussions took place. As the applicant is a Council member it was agreed to make no comment.*

Ward Members

7.5. Councillor Eve Burton (Blackbrook Ward):

I support this application as it will provide more jobs locally and with all the houses that have been built and are in the pipeline for more houses to be built in the area, there will be a demand for jobs.

It has been pointed out that it is green belt land, but as this is already a small Industrial Estate which has been there for years, it is not exactly spoiling the area. With sensitive landscaping and the new warehouse being painted to match the existing buildings it won't look out of place.

The Charley Lane is narrow for big lorries but with the traffic as it is, this is something you just have to live with. Chinley has its share of big lorries all day long and Whaley Bridge has its share on Canal Street.

I have walked along the route from Chinley to Chapel-en-le-Frith and back many times and never had a problem. I don't walk that route now, because of the state of the Tramway at the side of Forge Road Estate.

7.6. Statutory Consultees

Consultee	Comment
DCC Lead Local Flooding Authority (LLFA)	No comment – advisory notes provided
DCC Highways Authority	<p><i>Whilst Charley Lane does have limitations the site is an established industrial estate site, the site is also 'zoned' for employment within your local plan. I am not, as far as I can recall, aware of any operating restrictions imposed on the sites current use i.e. in terms of vehicle types, size or traffic generation, although the type / size of vehicle accessing the site may be self-limiting by the highway network itself.</i></p> <p><i>The application proposals do not indicate that the warehouse extension will lead to any increase in production or output at the site and the additional warehousing would therefore presumably support the existing operations. I note from the aerial imagery for this site that the area intended to be occupied by the proposed building may already be used for external storage associated with the site anyway.</i></p> <p><i>On the basis the additional floor-space will be ancillary to existing operations carried out at the site, and can be conditioned as such, the Highway Authority would not be in a position to demonstrate that the impact of the development would be so severe (the test required in the NPPF to be met) as to warrant rejection on highway safety grounds - especially in the</i></p>

absence of any recorded accident statistics indicating an associated highway safety concern.

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

HPBC Trees/Landscape

If approved the landscaping would need to continue on from what was previously approved for HPK/2016/0596

HPBC Regeneration

The applicant is applying for an extension to the existing warehouse building at Bridgeholme Industrial Estate in Chinley at an industrial site which has been used for employment purposes for over a hundred years, and since 2006 has been fully within its current single ownership.

The site is within the greenbelt but, is acknowledged as an industrial site, see previous approved applications (HPK/2016/0112 and HPK/2016/0596), which are now incorporated into this revised application:

“The Committee acknowledged the importance of greenbelt and its primary purposes to prevent urban sprawl and safeguard the countryside from encroachment. However, in this case and from the site visit, it was clear that the land formed part of the adjoining industrial site and not part of the open countryside.”

We would concur with this opinion and would also note that the site of the side -extension to the existing unit was previous used as a tyre and industrial waste tip by previous owners, which generated significant complaints to the District and Parish Councils and under CJK Packaging’s ownership, this has been fully cleaned up and remediated alongside their other substantial investment in the overall site.

CJK Packaging is a well regarded small company that currently employs 20 full time staff and has a track record of employing apprentices and upskilling staff. The company is operating in an expanding growth market and has specialised in a range of products including packaging for e-cigarettes, hand sanitizer, laboratory containers, funnels, measuring cylinders, jugs etc as well as containers suitable for hazardous goods. The company now has a multi-million pound turnover and as well as being in the supply chain for local companies also exports to over 35 countries

There are currently no industrial premises available in the central High Peak which could accommodate an alternative storage solution for their growth, with the only potential available sites being at Hadfield (11 miles low sided vehicle only) or Harpur Hill (13 miles). It is recognised that splitting the operation into multiple sites would create logistical and financial pressures which would limit growth (as well as generate additional vehicle journeys) and may make continued expansion of business unviable. It is therefore reasonable to accept that only option would be either to constrain business

growth or relocate outside the area with a potential risk of redundancies.

Whilst the extension of 539sqm will allow for CJK Packaging to meet the increased demand and expansion requirements, they have confirmed that this will not result in a material change in vehicle movements.

The extension will support business growth and create 4 full time jobs. While this number is modest, High Peak is currently experiencing a significant increase in worklessness and underemployment due to the impact of Covid-19 and changing economic circumstances. The claimant count now stands at 4.5% (2,550 people) April 2021 which is a significant rise from pre-covid levels which were generally in region of 1.8% (1,045). High Peak Borough Council has adopted in 2017, a matrix to quantify multiplier outcomes from job generation and employment projects based on re-spend in the local economy and new business rates income. The matrix is based on ONS household income/disposable income data with analysis on local spend (retail spend analysis evidence base from Local Plan). Research identified that minimum wage local employees spend an additional £1,394 per annum close their employee base and higher wage earners and managers would generate up to £11,045 additional spend. Based on a ratio of 4 FTE this scheme will therefore generate an additional £5,576 uplift per annum for local shops and traders and safeguard a further £47,182 which could be lost if the business relocated.

In addition, based on existing rateable values for site of £41.44 m2, the proposed extension will increase rateable value by £22,336 which would generate an additional business rates income of £11,436 per annum a proportion of which will be retained by Derbyshire County Council and High Peak Borough Council to support services for the community.

While appreciating the planning balance that must be taken into consideration, from an economic perspective, taking into consideration the business and job growth opportunities delivered by this proposal, the increase in business rates and multiplier benefits to the local area and the fact that this is an existing established industrial site, we are fully supportive of this application and would recommend approval.

HPBC Planning Policy

- In-line with the NPPF development proposals that accord with an up-to-date development plan should be approved without delay.*
- The site is within the green belt. The Neighbourhood Plan identifies the Bridgeholme Industrial Estate as a major development site within the green belt. The application site lies outside this boundary in the green belt and policies EQ3 and EQ4 apply and the proposal needs to be considered against the NPPF. Policy EQ3 supports the redevelopment of a previously developed site and/or the conversion of existing buildings for employment use provided it does not have an adverse impact on the character and*

appearance of the rural area. This is in line with NPPF policy on green belt development. Policy EQ4 states development within the Green Belt should be in accord with national policy.

- The NPPF states the construction of new buildings should be seen as inappropriate (and therefore harmful to the green belt) with a number of exceptions. These include an extension or alteration of an existing building that does not result in a disproportionate addition to the size of the original building and the limited infilling or the redevelopment of previously developed land, which would not have a greater impact on the openness of the green belt than the existing development.*

- In this case the original building has already been significantly extended under the previous permissions and a further extension would result in a disproportionate extension to the original building and would be contrary to this criteria of the NPPF. However the application states that the site is on previously developed land and is within the curtilage of the Bridgeholm Mill Industrial Estate if the case officer considers this is the case then the principle of the proposed development would be in accord with the NPPF provided that it did not have a greater impact on the openness of the green belt than the existing development.*

HPBC Environmental Health

No objection subject to conditions relating to: ground gas monitoring or gas protection measures; ground gas remediation measures; discovery of ground contamination; construction dust, waste management, working hours, piling and radios

United Utilities

We note that mains sewer has been indicated as the means for disposal of surface water on the planning forms, however the Phase 2 Proposed Site Plan Part 2 Planning drawing (Dwg Ref: 679-PL.1.03 Rev. A) seems to suggest surface water may well discharge into the watercourse located to the North. We would kindly request clarification regarding the proposed surface water drainage arrangements.

However, in the event that this information is not provided prior to determination, we request the following drainage conditions are attached to any subsequent approval to reflect the above approach... (Conditions relate to approval of a surface water drainage scheme and separation of surface and foul water drainage).

8. OFFICER COMMENTS

Planning Policies

- 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 Neighbourhood Plan there are four relevant policies which relate to industrial development within the Neighbourhood Plan area; Policy EP1: Design of Employment Sites, EP2: Existing Industrial Sites, EP4 Employment Land Allocation and EP6: Bridgeholm Industrial Estate.
 - Policy EP1 - Design of Employment Sites: Provides criteria for the design of employment sites. 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: Provides support for proposals which will lead to the improvement, modernisation or upgrading or current employment sites subject to there being no adverse impacts on amenity of neighbours.
 - Policy EP4 - Employment Land Allocation allocates land of approximately 9.44 hectares for employment purposes. This Policy identifies a total of 7 sites within the neighbourhood plan area where planning permission will be granted for employment purposes subject to other local and national policies.
 - Policy EP6- Bridgeholme Industrial Estate: This is a policy which refers specifically to the Bridgeholme Industrial estate. The

policy outlines that the site is a developed site within the Green Belt and that proposals which lead to the improvement, modernisation or upgrading of the buildings on the site will be welcomed and supported subject to their meeting Green Belt policy requirements. The application site lies outside of this designation.

- 8.4. The broad aim of Policy EQ4 of the Local Plan – Green Belt states that the Council will seek to protect the Green Belt and maintain its openness and permanence. The boundaries of the Green Belt are defined on the Policies Map. Within the Green Belt, planning permission will not be granted for development unless it is in accordance with national planning policy.
- 8.5. Policy EQ3 - Rural Development states that outside the settlement boundaries and sites allocated for development as defined on the Policies Map, including the Green Belt, the Council will seek to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development. This will be achieved by, inter alia:
 - Supporting the redevelopment of a previously developed site and/or the conversion of existing buildings for employment use provided it does not have an adverse impact on the character and appearance of the rural area
 - Supporting rural employment in the form of home working, commercial enterprises and live-work units where a rural location can be justified
 - Ensuring that all development is of a high-quality design and protects or enhances landscape character and the setting of the Peak District National Park
- 8.6. Other material considerations include the National Planning Policy Framework (NPPF), Supplementary Design Guidance, and National Planning Policy Guidance (NPPG).
- 8.7. 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.

Principle of Development: Green Belt and Rural Development

- 8.8. LP Policy EQ4 requires development proposals in the Green Belt to be assessed and determined in line with national policy. Chapter 13 of the NPPF (2021) contains the relevant national Green Belt policies that apply to this application.
- 8.9. Paragraph 137 of the NPPF clarifies that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; their essential characteristics being their openness and permanence. Paragraph 138 goes on to set out the five purposes of the Green Belt:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging in to one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to prevent the setting and special character of historic towns;
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land
- 8.10. In determining applications, paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 8.11. Paragraph 148 of the NPPF goes on to state that substantial weight should be given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 8.12. Paragraph 149 of the NPPF contain a list of the types of development which are classified as exceptions to inappropriate development, and thus acceptable in principle. These are:
- a) buildings for agriculture and forestry;*
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
 - e) limited infilling in villages;*

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority

8.13. It is considered that the proposal would plainly not comprise a form of development falling within any of sections a), b), d), e), or f).

8.14. Paragraph 150 sets out further forms of development which are also not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it. However, the proposal would not comprise any of these forms of development.

8.15. The proposal can however be reasonably be assessed against paragraph 149 section c) *extensions* and section g) *infilling and redevelopment*, as follows.

Extension and alteration of a building

8.16. The proposal would comprise an extension of an existing building and so needs to be considered against the limitations noted in section c).

8.17. Under paragraph 149 part c), an extension or alteration to an existing building in the Green Belt is not inappropriate development provided that it does not result in disproportionate additions over and above the size of the original building.

8.18. Whilst extensions can be considered against the original size of a building by comparing a number of metrics (including external footprint, internal floor space, volume, height), as the extension would be nearly identical to the original building in terms of height and form, it is considered that a comparison of original and proposed floorspace is the most representative and appropriate means of comparing the original and proposed size of the building.

8.19. The original building is understood to have had a floorspace of around 500m² at the time of previous application. The floorplan approved by this permission comprises an additional 980m² floorspace, to a total of around 1470m². As noted in the committee report for the earlier application, this represented an addition of around 200% above original, which has now been implemented.

- 8.20. The current proposal would add around 540m² internal floorspace, to a total of around 2260m². The application form notes that the internal floorspace of the building would be increased to 2175m².
- 8.21. As now proposed, the extension would increase the total size of the building to more than double its original size. This is considered to be a disproportionate addition.
- 8.22. The planning statement submitted with the application assesses the proposal in terms of various planning matters including Green Belt. The planning statement also notes that the proposal would be a disproportionate addition.
- 8.23. As such the extension would not be appropriate development under paragraph 149 c).

Infill or regeneration of previously developed land

- 8.24. The supporting statement submitted with the application asserts that the proposal would comprise development allowed for by section g) and would therefore be appropriate development in the Green Belt.
- 8.25. It is therefore necessary to consider whether the proposal would comprise such a form of development. Section g) allows for:
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
- *not have a greater impact on the openness of the Green Belt than the existing development; or*
 - *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority*
- 8.26. It is not considered that the development would comprise limited infilling, given the extensive open aspect to the east, and the lack of built development to the immediate south, and the relatively large size of the space which would be built upon.
- 8.27. The area on which the extension would be built currently forms an active part of the site, used for external storage. The land is therefore considered to be previously developed land.
- 8.28. However, it is considered that the proposed development would have a greater impact on the openness of the Green Belt, in terms of the visual impact and the spatial element of openness, than the existing

development, comprising an open and unenclosed storage area, which would be replaced with a significant built form.

8.29. The supporting statement notes that:

The site is surrounded by built development to the north and west and the topography and existing mature Hawthorn trees mean that the site is well screened from the surrounding countryside to the east and south. CJK packaging own all the land around the site and can therefore provide further screening if appropriate.

The extension will match the ridge height of the existing warehouse and extension. It will be circa 1.5m below ground level therefore reducing any impact from a 'viewpoint' element. The site is within a natural hollow that prevents any short or long-distance views. Upon visiting the site and approaching the proposed development area, the extension would not impact on the openness of the Green Belt in this location – it is essentially a rounding off of the existing warehouse on site.

8.30. These characteristics of the site are noted and not disputed. It is agreed that the topography, surroundings and existing situation on the site do mitigate the impact of the proposal upon the openness of the Green Belt to an extent, compared, for instance, to an entirely open and flat site and setting.

8.31. However, these factors would not fully eliminate the impact of the proposal upon openness, particularly as openness in Green Belt terms is generally regarded to be “freedom from development”. Furthermore, the openness test in section g) is absolute – any greater impact than the existing development would mean that the proposal would be contrary to section g) and would not be an appropriate form of development, irrespective of whether the greater impact on openness is considered to be minimal, moderate or significant. It is considered that the proposal would result in a moderate impact on the visual element of the openness of the Green Belt.

8.32. Therefore, even if the proposal was considered to comprise limited infilling, it would fail the ‘greater impact on openness’ test and therefore would not be a form of development falling within section g).

8.33. The supporting statement goes on to refer to a landscape impact assessment and update study which formed part of the evidence base for the Local Plan, and which assessed the landscape impacts of potential development sites including the application site. The landscape impact assessment noted, as included in the applicant supporting statement, that:

“The development of the mill tip at Bridgeholme Industrial Estate is supported. It does not constitute inappropriate development within the

Green Belt as it can be considered “redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”.

It is enclosed on two sides by developed land and has strong vegetated boundaries which would check unrestricted sprawl and safeguard the countryside from encroachment. There are no neighbouring towns in proximity to this area of land. In addition, the land itself was previously developed as a mill tip, and so its development would assist in urban regeneration.”

- 8.34. The references to checking urban sprawl, safeguarding of the countryside, and supporting urban regeneration are noted, but these considerations do not relate directly to the impact of the development of the site upon the openness of the Green Belt, which is sole relevant test for redevelopment proposals under part g).
- 8.35. The effects of the characteristics of the site, as noted in the landscape impact assessment and as taken from the planning statement at paragraph 9.26, above, are noted.
- 8.36. It is considered that any screening of the building would likely either be ineffective in fully screening the appearance of the extension from the surrounding countryside or would be required to be of such a height and density to give the appearance of artificially arranged planting, such that the impact on openness would be similar to that of the unscreened building.
- 8.37. The supporting statement then goes on to assess the proposal in terms of the other purposes including land within the Green Belt, which are noted at paragraph 8.8 above. As noted above, for development under part g), the relevant test is only the impact on the openness of the Green Belt.
- 8.38. It is not considered that the proposal would comprise any of the other forms of development listed as being appropriate in the Green Belt within the NPPF paragraphs 149 and 150. It is therefore considered that the proposed extension would comprise inappropriate development in the Green Belt.
- 8.39. Advice from the planning policy officer as noted above has confirmed this assessment.

Very special circumstances

- 8.40. As noted above, the NPPF requires that planning applications for inappropriate development in the Green Belt not be approved except in

very special circumstances, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

8.41. A further supporting statement has been submitted setting out what are asserted to be very special circumstances which the applicant says outweigh the harm resulting from the inappropriateness in the Green Belt.

8.42. In summary, the suggested very special circumstances are as follows:

- 1. The proposed development is essential for the future development of CJK Packaging on this site.**
- 2. If CJK Packaging can't expand on site, it will need to move premises to continue operation**
- 3. There is a significant shortage of employment land in High Peak**
- 4. The site has been identified as being suitable for development**
- 5. There are no technical reasons why planning permission should be refused**

8.43. These considerations are assessed in turn below.

- 1. The proposed development is essential for the future development of CJK Packaging on this site.**
- 2. If CJK Packaging can't expand on site, it will need to move premises to continue operation**

8.44. In planning policy terms, these two circumstances are considered to relate to the same planning matters and therefore are considered together.

8.45. The proposed extension would allow for the expansion of the business and employment of four additional staff, and as stated by the VSCs case, would ensure the retention of the business in its current location and within the borough.

8.46. Local Plan policy S 4 Maintaining and Enhancing an Economic Base notes that the Council will maintain and where possible, enhance the economic base of the Plan Area and that, inter alia, this will be achieved by supporting the appropriate improvement, enhancement and expansion of existing businesses.

- 8.47. The HPBC Regeneration officer has advised that CJK Packaging is an established local business and that there are no alternative available sites which could accommodate the expanded business within the local area.
- 8.48. It is considered that facilitating the expansion and retention of the business would support the objectives of policy S 4 and that this is a relevant consideration. Although this could be said of any employment development in the Green Belt, and it is notable that in drafting Green Belt policy in the NPPF the government has not made any exceptions to the presumption against inappropriate development for business uses. Nevertheless, economic benefits and job creation / retention can be given some weight as very special circumstances but the benefits would need to be very significant to outweigh the strong presumption against inappropriate development in the Green Belt. Given the size of the business, it is considered that only moderate weight should be afforded to these matters.

3. *There is a significant shortage of employment land in High Peak*

- 8.49. This consideration is not a circumstance which relates specifically to the development proposal at hand. As such it is not considered that any weight should be afforded to this matter.

4. *The site has been identified as being suitable for development*

- 8.50. This matter reiterates the reference from the supporting statement to the consultant landscape assessment from the Local Plan evidence base. Whilst the landscape assessment suggested the site would be appropriate for further development, specific forms and extent of development (such as the extension now proposed) which may be appropriate were not identified and as such the implied acceptability of any particular form of development on the site is limited.
- 8.51. In any case, despite the characterisation of the site in the landscape assessment, the site remains within the Green Belt and Green Belt policy still applies in full. The Council is therefore obliged to carry out its own assessment of any development proposals in the same terms as undertaken in the landscape assessment, as set out in the preceding sections.
- 8.52. For these reasons, it is not considered that this matter can be afforded any positive weight.

5. *There are no technical reasons why planning permission should be refused*

- 8.53. The VSCs case notes that the development would not be harmful in terms of any other planning issues and therefore that, Green Belt considerations aside, there are no other reasons for planning permission to be refused.
- 8.54. Contrary to this assertion and as noted below, it is considered that the proposed development would result in harm to the landscape character of the surrounding area. However, even if the proposal was agreed to result in no other harm in planning terms, this would be a neutral consideration and therefore no positive weight could be afforded to it. The absence of other harm is not a reason to permit inappropriate development in the Green Belt and there is no support for this approach in policy.
- 8.55. It is not considered that there are any other relevant matters other than those listed in the applicant's VSCs case, to be considered in the balance against the harm to the Green Belt.
- 8.56. As noted above it is considered that there are relevant matters associated with the proposed development, as set out in the applicant's VSCs case, which should be considered against the harm to the Green Belt.
- 8.57. However, in order for 'very special circumstances' to exist, it is necessary for these considerations to 'clearly outweigh' the harm in Green Belt terms and in terms of any other planning matters.
- 8.58. It is considered that the relevant matters set out in the VSCs case should be afforded moderate positive weight to be balanced against the harms.
- 8.59. It is necessary to clearly identify the harm which would result from the development in order to determine whether very special circumstances exist.
- 8.60. It is considered that harm would arise from inappropriate development, harm to the openness of the Green Belt, and harm to the landscape character of the surrounding countryside, as noted in the following section.
- 8.61. To reiterate, the proposal would comprise inappropriate development in the Green Belt. The NPPF notes that inappropriate development is, by definition, harmful to the Green Belt.
- 8.62. It is also considered that the proposed extension would result in some harm to the visual element of the openness of the Green Belt, even taking into account the setting of the site and any potential landscaping or screening which could be proposed.

- 8.63. The NPPF further notes that when considering planning applications, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt.
- 8.64. As substantial weight would be given to the harm resulting from both inappropriate development *and* from the impacts on openness, it is necessary for other relevant matters to clearly outweigh this harm, in order for there to be very special circumstances. It is also considered that moderate harm would arise from the development in landscape terms. It is not considered that the proposal would result in any other harm in planning terms.
- 8.65. As the relevant considerations are only considered to be warrant moderate weight, it is not considered that they would clearly outweigh the harm identified. As such, it is not considered that very special circumstances exist in this case. Approval of the proposal would therefore be contrary to NPPF paragraph 147.
- 8.66. The proposed development is therefore inappropriate in principle and would fail to comply with policy EQ4 of the adopted High Peak Local Plan 2016 and paragraphs 147-151 of the National Planning Policy Framework.

Impact on the visual amenity of the Countryside

- 8.67. The site lies within the countryside for which Policy EQ3 of the adopted Local Plan 2016 applies. This states that outside the settlement boundaries and sites allocated for development as defined on the Policies Map, including the Green Belt, the Council will seek to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development. This will be achieved by, inter alia:
- Supporting the redevelopment of a previously developed site and/or the conversion of existing buildings for employment use provided it does not have an adverse impact on the character and appearance of the rural area
 - Supporting rural employment in the form of home working, commercial enterprises and live-work units where a rural location can be justified
 - Ensuring that all development is of a high-quality design and protects or enhances landscape character and the setting of the Peak District National Park
- 8.68. The proposed development would be visually apparent as a significant physical extension to the existing building. Given the size

and scale of the building and its industrial appearance, it is considered that it would be detrimental to the character and appearance of the rural surroundings. A public footpath runs along the northern boundary of the Industrial estate and would allow long range views of this building from the east, to the detriment of the character and appearance of the countryside.

- 8.69. Although landscaping could soften the edges of the development, the building will still be clearly visible as an urban feature within the countryside, and will be visible when using the footpath, and from the converted mill which lies to the north.
- 8.70. Consequently, the proposal due to its size, scale and siting would introduce a significant urban and intrusive form of development which would harm the character and appearance of the countryside contrary to Paragraphs 130, 145, and 174 of the National Planning Policy Framework and Policies EQ2 and EQ3 of the adopted High Peak Local Plan 2016.

Design

- 8.71. Local Plan Policy EQ6 requires that all development should be well designed and of a high quality, responding to its environment and challenge of climate change whilst also contributing to local distinctiveness and sense of place.
- 8.72. NPPF Paragraph 130 states amongst other matters that new developments should add to the overall quality of the area, be visually attractive as a result of good architecture and sympathetic to the surrounding built environment.
- 8.73. The proposed extension would be a portal framed steel sheet clad structure, replicating form and appearance of the existing warehouse. As such, purely in building design terms, the proposal is considered to be acceptable and in keeping with the existing building on site and therefore to accord with local policy EQ6.

Highways Safety, Access and Parking Provision

- 8.74. 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.
- 8.75. 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.
- 8.76. DCC Highways has not objected to the development. Given the nature of the proposal comprising an extension to an existing building within an existing industrial estate, and its scale relative to the existing operation, 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 condition suggested by the highways officer. The public comments on these matters are noted.

Public and Residential Amenity

- 8.77. 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. Aspects of residential amenity include impacts such as a loss of sunlight, overshadowing and overbearing impacts, loss of outlook, and loss of privacy.
- 8.78. 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.
- 8.79. Paragraph 130 of the NPPF states that planning should create places with a high standard of amenity for all existing and future users.
- 8.80. 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.

8.81. Owing to its scale and its layout relative to nearby buildings, including the dwellings to the north of the industrial estate, the proposed extension would not give rise to harm in terms of loss of light, visual intrusion or overbearing effect. It would be positioned away from the apartments in the former mill. Owing to the scale of the proposal relative to the existing building and business operation, it is not considered that the extension will result in a harmful increase in noise and disruption to the occupants of the nearby dwellings. Accordingly it is considered that the development proposals do not conflict with Policies EQ6 and EQ10

Ecology and Trees

8.82. Chapter 15 of the NPPF outlines that Local Planning Authorities should aim to conserve and enhance biodiversity. The Framework places high value on the importance of enhancement of the natural environment, especially valued landscapes. Paragraph 174 seeks to minimise impacts and provide net gains in biodiversity where possible. Policy C2 - Biodiversity 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.

8.83. 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. Given the rural nature of the surroundings, additional external lighting to be used on the building could give rise to interference with wildlife, particularly foraging bats. In the event of approval, this matter could be appropriately addressed by a condition controlling the use of any such lighting.

8.84. 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.

8.85. The building is placed in the vicinity of mature, non-protected trees at the south of the site. Whilst these trees are considered to contribute to the amenity and landscape character of the local area and provide visual and noise screening of the A6 road to the south, given the separation distance from the trees to the proposed extension and its form of construction, it appears unlikely that the development would be likely to result in serious harm to health of the trees or to significantly compromise their value in terms of policy EQ9. The Council's Tree officer has raised no objection in these regards. Accordingly, it is considered that the proposal would comply with the objectives of policy EQ9.

Other matters

8.86. The other matters raised in public comments are noted.

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 development lies outside any designated employment site within CNP, but within the Green Belt as set out at Figure 1 of the CNP. Local Plan Policy EQ4 - states that the Council will seek to protect the Green Belt and maintain its openness and permanence. The boundaries of the Green Belt are defined on the Policies Map. Within the Green Belt, planning permission will not be granted for development unless it is in accordance with national planning policy.
- 9.4. National Policy is set out in the NPPF, which is an important material consideration in its own right. The NPPF makes it clear that within Green Belt there is a presumption against inappropriate development. The construction of new buildings in the Green Belt is inappropriate unless it falls within one of a number of categories, including extensions to existing buildings, provided that they are not disproportionate and the redevelopment of previously developed sites, provided that there is no greater impact on the openness of the Green Belt.
- 9.5. The proposal would comprise a disproportionate extension to an existing building and would not constitute infilling. As redevelopment of previously developed land it would have a greater impact on openness than the existing development. The proposal is therefore inappropriate development and according to the NPPF, very special circumstances are required in order to grant planning permission.
- 9.6. Turning to the question of very special circumstances, the NPPF requires consideration of the social, environmental and economic aspects of sustainable development. Whilst there are no objections on arboricultural, highways, ecological or flooding grounds, development of the site would clearly result in environmental harm in terms of landscape impact. The development site is open in nature and

according to the NPPF “the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

- 9.7. Weighed against this are the economic benefits of allowing the applicant to expand his business, which will retain the business in the Borough, safeguard jobs and create new ones. This would also represent a social benefit of the scheme. This reflects the NPPF and the Government’s intention to build a strong and competitive economy.
- 9.8. However, whilst these matters are relevant to the assessment of the proposal and material in planning terms, it is not considered that they clearly outweigh the harm in Green Belt terms and in terms of landscape impact.
- 9.9. Paragraph 11 of the NPPF provides for a presumption in favour of sustainable development. For decision taking this means approving proposals that accord with the development plan, which is clearly not the case in this instance. Furthermore, in this case there are specific policies both within the adopted local plan, the Neighbourhood Plan and the NPPF which indicate that development should be restricted, as the site lies within the Green Belt.
- 9.10. The proposed development represents inappropriate development within the Green Belt, for which no very special circumstances have been demonstrated which would outweigh the harm. The proposal will significantly reduce the openness of the Green Belt and therefore the development proposal is considered to be unacceptable. As such the development fails to comply with the provisions of the development plan and guidance contained within the NPPF.

RECOMMENDATIONS NO.1:

That planning permission be REFUSED for the following reasons:-

- 1. The proposed development is an inappropriate form of development within the Green Belt, which by definition is harmful. The proposal would result in moderate harm to the openness of the Green Belt and would result in harm to the landscape character of the surrounding area. In the absence of any very special circumstances being provided which may outweigh this harm, the development is contrary to Policy EQ4 adopted High Peak Local Plan Policies 2016 and Paragraphs 147-151 of the National Planning Policy Framework.**
- 2. The proposed development, in principle would represent an inappropriate encroachment and undesirable urban intrusion into an area of Countryside. The proposed development would cause moderate harm to the character and distinctiveness of the surrounding**

countryside. As such the proposal is contrary to Policies EQ2 and EQ3 of the adopted High Peak Local Plan 2016 and Paragraphs 130, 145, and 174 of the National Planning Policy Framework.

RECOMMENDATION NO.2: 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 Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

SITE PLAN



