

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**Date 14<sup>th</sup> February 2023**

<b>Application No:</b>	HPK/2022/0443	
<b>Location</b>	CJK Packaging Ltd, Bridgeholme Mill Industrial Estate, Chinley, Derbyshire, SK23 6DU	
<b>Proposal</b>	Proposed warehouse extension for B2/B8 mixed use development	
<b>Applicant</b>	Cjk Packaging Ltd	
<b>Agent</b>	WSP	
<b>Parish/ward</b>	Chapel-en-le-Frith	<b>Date registered</b> 17 <sup>th</sup> November 2022
<b>If you have a question about this report please contact:</b> Rebecca Bowers Rebecca.bowers@highpeak.gov.uk		

**1. REASON FOR REFERRAL**

Councillor Sizeland is the spouse of the applicant.

**2. SUMMARY OF RECOMMENDATION**

**REFUSE**

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

- 3.1 This application site relates to an area of land adjoining an existing industrial premises specialising in the storage and distribution of plastic and other containers. The business extends over 5 hectares of land located within the Bridgeholm Mill Industrial estate, off Charley Lane, within the parish of Chapel-en-le-Frith. The business is currently located within 3 buildings, the largest forming offices and warehousing with smaller units to the south and east of the industrial estate.
- 3.2 The application site is located to the east of the main unit, and is currently an un-used grassed area surrounded by trees and mature planting.
- 3.3 There is an existing mill to the north of the site converted to residential properties, with land to the north and east predominantly rural in character and used for grazing purposes. To the south of the site is the Federal Mogul test track with the A6 bypass beyond.
- 3.4 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 this allocation and is located outside of the allocation boundary on Figure 3 within the Neighbourhood Plan.

- 3.5 The application site first appears on Google satellite imagery in 1999 in the form of one bay and the structure exists in this way until 2018 where the structure then triples in size to become a three-bay building as a result of applications HPK/2016/ 0112 and 0596.

#### **4. DESCRIPTION OF THE PROPOSAL**

- 4.1 The application is a resubmission following the refusal and dismissed appeal of a previous planning application HPK/2021/0023. This application was dismissed at appeal as the planning inspectorate considered that it had not been demonstrated that very special circumstances exist which would justify the proposed development.
- 4.2 The resubmitted application proposes an extension of the same size of the previous refusal as follows.
- 4.3 The proposal involves an extension to an existing warehouse, the existing building measures approximately 46m by 37m having a floor area of 1620m<sup>2</sup>. The existing warehouse is separate into 3 individual bays. The proposed development would involve the erection of a fourth bay measuring approximately 15m by 37m resulting in a 555m<sup>2</sup> extension.
- 4.4 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=257512>

#### **5. RELEVANT PLANNING HISTORY**

HPK/2003/0708 - Formation of HGV turning area on land adjacent the industrial estate at Bridgeholm Mill Industrial Estate - Refused 2003. Refused on the basis that the expansion of the industrial estate into greenbelt and open countryside would be detriment to rural character.

HPK/2015/0328 - Outline Consent for Proposed Detached Warehouse - withdrawn

HPK/2016/0112- Application for outline permission with some matters reserved for proposed extension to warehouse (resubmission of HPK/2015/0328) - APPROVED

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

HPK/2021/0023- Proposed warehouse Extension- Dismissed on the basis that the expansion of the industrial estate into greenbelt

## **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  
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**

3. Achieving sustainable development  
6. Building a strong, competitive economy  
12. Achieving well-designed places  
13. Protecting Green Belt land  
15. Conserving and enhancing the natural Environment

## **6. CONSULTATIONS CARRIED OUT**

<b>Site notice</b>	Expiry date for comments: 23.12.2022
<b>Neighbours</b>	Expiry date for comments: 13.12.2022
<b>Press notice</b>	Expiry date for comments: 22.12.2022

### **Neighbours**

Ten letters have been received supporting the application with the following comments

- Good for business and creating jobs in the area
- Land is already part of the industrial estate and is wasted at the moment. Putting a building on it will improve the appearance
- Will provide employment for several local people
- Out of sight of residents and traffic
- Will expand a small family business
- As a community we need to support local small business and give them all the help they need to maintain the business which in turn supports our local economy
- Will tidy up derelict land
- Cannot be seen from right of way

One letter of objection has been received with concerns regarding the harm to the green belt. Consent was granted for an extension in 2015 and the proposed extension is excessive. Access is unsuitable for articulated lorries and is dangerous when such vehicles are encountered.

### **Chapel Parish Council**

Requested application be brought to DC committee.

Object due to concerns over access to the site for large vehicles. If permission is granted some form of screening should be put in place at the rear of the proposed building to soften the view and a contribution be sought from the developer to tidy up the existing footpath to the side of the site.

Possible increase in employment do not demonstrate exception circumstances.

### **United utilities**

No objection subject to drainage condition

### **Highways**

Whilst the approach network to the site, i.e. Charley Lane, is substandard in terms of forward visibility and it is generally of only single vehicle width which would not support any significant increase in HGV traffic, it is acknowledged that the industrial estate has been established for a number of years. Additionally the proposals would appear to be for ancillary warehousing facilities for an existing operation on the industrial estate.

Ten additional car parking spaces are being proposed although their location has not been demonstrated. Loading/unloading areas should also have been identified. It is noted that the applicant considers that turning is not required as there is a circulatory route available through the site. It would appear that the applicant appears to be in control of the whole industrial estate and it is likely that the above could be reasonably delivered. On this basis it is not considered that highway objections would be sustainable subject to all parking, loading/unloading and turning areas being provided prior to the building being taken into use.

### **Arboricultural Officer**

No objection subject to landscaping condition

### **Regeneration Officer**

Support the development as they consider the development would bring significant economic benefits including the creation of jobs on site.

### **Environmental Health**

No objection subject to conditions

### **LLFA**

Recommend condition relating to surface water.

### **Councillors**

CLLR Burton has written in support of the application due to creation of jobs and that the building is not intrusive.

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

### **Policy Context**

- 7.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.
- 7.2 Section 38(6) requires the Local Planning Authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the Local Planning Authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan currently consists of the Chapel Neighbourhood Plan and strategic policies contained within the adopted Local Plan 2016 where they conform with the National Planning Policy Framework 2021.

### The Neighbourhood Plan

- 7.3 Paragraph 28 of the NPPF states Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development

management policies.

- 7.4 Paragraph 29 of the NPPF states that neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.
- 7.5 The Chapel-en-le-Frith Neighbourhood Plan (CNP) adopted 5 August 2015 covers the Chapel-en-le-Frith Parish Council area and includes the application site.
- 7.6 The CNP sets out the vision of the local community for the period of 2013 - 2028. The broad aim is to provide for sustainable growth by the identification of affordable, quality homes for local needs on sustainable sites, encourage and protect employment and local businesses, re-invigorate town and village centres, provide safe and convenient sustainable transport links and the protection of the countryside.
- 7.7 According to Figure 1 of the CNP the application site lies within the green belt and beyond the built up area boundary.
- 7.8 There are three 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 of 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.

### Adopted Local Plan

7.9 The High Peak Local Plan was adopted at Full Council on 14 April 2016. The policies within the document, including the modifications, now attract full weight in decision making. The saved policies from the previous local plan have been superseded by the newly Adopted Plan. Appendix 3 of the new plan shows which new policies should now be used to replace the previous saved policies.

7.10 The broad aim of Policy EQ4 – 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.

7.11 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

### The National Planning Policy Framework (NPPF) 2021

7.12 The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs (4). At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable

Development in the period to 2030. These address social progress, economic well-being and environmental protection.

7.13 Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains \_across each of the different objectives. These objections are economic, social and environmental.

7.14 Section 6 of the NPPF Building a strong, competitive economy.\_Paragraph 81 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. 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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation(42), and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

*42.The Government's Industrial Strategy sets out a vision to drive productivity improvements across the UK, identifies a number of Grand Challenges facing all nations, and sets out a delivery programme to make the UK a leader in four of these: artificial intelligence and big data; clean growth; future mobility; and catering for an ageing society. HM Government (2017) Industrial Strategy: Building a Britain fit for the future.*

7.15 At Section 13 of the NPPF the Government attaches great importance to Green Belts. 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. Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.16 Paragraph 147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances

7.17 Paragraph 149 of the National Planning Policy Framework states that new buildings within the Green Belt will be regarded as inappropriate, unless they fall within one of the exception categories which include;

- Buildings for agriculture and forestry
- Appropriate facilities for outdoor sport, outdoor recreation and cemeteries, provided that it preserves the openness of the Green Belt;
- The extension or alteration of a building, provided that it does not result in a



- disproportionate addition over and above the size of the original building;
- Replacement buildings, provided that the new building is in the same use and not materially larger than the one it replaces
  - Limited infilling or affordable housing;
  - Limited infilling or the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and purpose of including land within it than existing development.

## **Main Issues**

7.18 There are a number of important planning considerations which arise from this application including; Green Belt amenity concerns, access and highway matters, and ecological matters. It is necessary to consider whether the proposed development complies with the relevant policies of the development plan and any other material planning considerations.

## **Principle of Development / Impact on the Green Belt**

7.19 The appeal site currently comprises a parcel of land located next to a large warehouse building within an industrial estate. The building proposed for expansion is formed of 3 distinct bays, and the scheme seeks to extend this with an additional bay of roughly the same scale.

7.20 The key planning consideration concerns the location of the proposed development, being within the designated North Derbyshire Green Belt.

7.21 Policy EP6 of the Neighbourhood plan identifies the Bridgeholme Industrial site as a developed site within the Green Belt. However, the application site lies beyond this boundary and therefore within the Green Belt. Accordingly, the development proposals need to be considered against Policy EQ4 in the adopted Local Plan and the provisions of the NPPF.

7.22 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.

7.23 As outlined in paragraph 149 of the NPPF, new buildings on previously developed land can be appropriate provided that it would not have a greater impact on the openness of the Green Belt and the purposes of including land within it, than the existing development.

7.24 Paragraph 137 of the Framework identifies that openness is one of the essential characteristics of Green Belts, along with their permanence. Openness has both a spatial and visual aspect and intrusion on either can, individually or collectively, impact the openness of the Green Belt. Policy EQ4 of the High Peak Local Plan (LP) (adopted April 2016) is aligned with the

Framework in this regard and seeks to protect the Green Belt and maintain its openness and permanence.

- 7.25 The NPPF states that the partial or complete 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 is not inappropriate development. Previously developed land is defined within the NPPF as: "Land which is or was last occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time".
- 7.26 Paragraph 149 requires that development should not have a greater impact on openness than existing development. The development proposed is a substantial building which would have a significantly greater impact on openness of the Green Belt when compared to its currently undeveloped appearance.
- 7.27 Prior to 1999 the application building did not exist, and the site was grassland. Around 1999 the first bay was erected. The land immediately to the south appears to be being used but the remainder of the site in the development site is grassland free from any built form appearing entirely separate to the businesses at the site. The building was extended and appears on the 2018 mapping. Again, the land to the side appears to be developed on despite it not being included in the approval. As such the land is considered to constitute previously developed land. Despite this the appeal site remains free of built form at present. Inevitably, the erection of a large extension to the warehouse into this space would reduce openness spatially. When compared with the original structure that existed on site in 1999 the business has been extended quite significantly in the space of 20 years. Each time the applicant demonstrates economic benefits as being the special circumstances allowing for encroachment into the Green Belt. On this basis, the building has already been subject to significant extensions and therefore, when taken cumulatively anything further would certainly represent disproportionate additions over and above the original building and would not comply with the exception under paragraph 149 of the Framework.
- 7.28 For this development the proposal would also reduce openness visually, although that impact is reduced to a degree by the existing earth bund and mature tree and hedge cover around the site. Moreover, the majority of views of the structure would be from within the industrial estate given the location of the appeal site, while views from wider vantage points, including the public right of way, would be fleeting and limited. Overall, this harm to the Green Belt as a result would be limited and localised. However, harm to the Green Belt would still occur regardless. The Framework states in paragraph 148 that when

considering any planning application, substantial weight should be given to any harm to the Green Belt.

7.29 Accordingly, it is considered that the development of the site would not meet any of the exceptions listed within paragraph 149 of the NPPF and so comprises inappropriate development.

7.30 Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is 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 resulting from the proposal, is clearly outweighed by other considerations.

7.31 The applicant has submitted an economic impact assessment to demonstrate the socio-economic benefits of the proposal in terms of the expansion of the business, potential for additional jobs and associated socio-economic impacts. The site currently supports 27 FTE jobs (19 direct and 8 indirectly in the supply chain). The proposed development can expect to create 10 additional jobs in manufacturing/labelling and 2 additional jobs in administration. Net 2 additional construction jobs will be created for the local area. The EIA also states that the extension would safeguard two jobs as the additional warehouse space would enable the expansion and diversification of its product range. Once operation after allowing for displace, leakage and multiplied effects it is estimated that the site could support 42 FTE jobs (34 for residents within High Peak and further 8 within the wider East Midlands region. The employment supported on site could generate to the £24,221 in expenditure effects for local businesses and £119.799 in income tax and national insurance contributions for the Exchequer.

7.32 The applicants agent has also stated within the submitted Planning Statement that the site currently has a series of shipping containers in situ which currently have a degree of impact on the openness of Green Belt. However these provide a clear fallback position for the applicant given that they do not constitute development. The LPA do not agree that these shipping containers demonstrate a fall back as shipping containers being sited on the land on a permanent basis do constitute development.

7.33 The economic impact assessment identifies the area to be amongst the 10% least deprived neighbourhoods in England. Though there would be socio-economic benefits through the construction phase as a result of construction jobs and the creation of 12 addition jobs would carry positive weight in favour of the proposal it is considered that these benefits are moderate.

7.34 The applicants agent has clarified that the development would help to retain 2 existing jobs rather than the 20 previously referred to in dismissed appeal. The retention of 2 jobs is considered to carry limited weight.

7.35 As such whilst it is acknowledged that the development of the site would

enable the applicant to expand his business, which reflects the NPPF and the Government's intention to build a strong and competitive economy. The NPPF places significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development but the NPPF also considers that substantial weight is given to any harm to the Green Belt.

- 7.36 Within the dismissed appeal the planning inspectorate refers to the applicant drawing their attention to appeals that they consider to be similar to the proposal. The inspectorate concluded that *'these developments created substantially larger scale warehouses and while this may equate to a significantly greater impact on the openness of the Green Belt than the appeal proposal, they also appear to bring forth much greater benefits. For example, the St Helens scheme seems to involve the creation of nearly 3000 jobs which would have been of considerable benefit in an area which was subject to identified significant levels of social deprivation. As such, aside from obvious similarities such as the development types and their locations in Green Belts, I do not consider the examples directly comparable to the scheme before me.'*
- 7.37 The creation of 12 jobs and two construction jobs as well as the retention of 2 jobs is not considered to constitute special circumstances that would outweigh the harm to the Green Belt.
- 7.38 Furthermore sufficient land for employment purposes has been allocated under Policy EP4 of the CNP, thus supporting economic growth in the Neighbourhood Plan area. Whilst supporting local business on existing employment sites is a key priority of the Parish Council under Policy EP2 of the CNP, the drive for economic growth does not outweigh the significant harm to the Green Belt that this proposal represents.
- 7.39 As such the proposal constitutes inappropriate development within the Green Belt which, by definition, is harmful to the Green Belt. Very special circumstances have not been demonstrated and the harm to the Green Belt by reason of inappropriateness is not outweighed by other considerations.
- 7.40 The development therefore fails to comply with Policy EQ4 of the adopted High Peak Local Plan 2016 and Paragraphs 79, 80, 87, 88 and 89 of the National Planning Policy Framework.

#### **Impact on Visual Amenity.**

- 7.41 Policy EP4 of the CNP allocates a number of sites for employment purposes within the Neighbourhood Plan Area. The application site lies outside of these allocations and accordingly 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

7.42 The proposed extension is a portal framed steel sheet clad structure with a pitched roof and a valley in between, which will replicate the existing 3 bay warehouse structure. As such, in elevational terms, the design is considered to be acceptable and in keeping with the existing building on site. Although the building would be visually apparent from some viewpoints, in particular the public right of way which runs past the site, it would not be overbearing or intrusive in the landscape. A landscaping scheme condition could also be attached to an approval which would help to soften and screen the site.

7.43 It therefore makes a neutral contribution to the character and appearance of the area given its location and existing use in this context.

### **Impact on Residential Amenity**

7.44 Policy EQ6 of the adopted Local Plan requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

7.45 The nearest residential dwellings are located within the converted mill some 60m to the north west of the site, with several dwellings to the rear of the mill. The proposal is not considered to cause harm to the amenity of neighbouring residents by virtue of over shadowing, loss of light and would not have an overbearing impact due to the distance between the site and the properties. The EH department have recommended conditions including the submission of an acoustic survey. These conditions are considered appropriate and would preserve the amenity of the nearby residential receptors. In this respect it is considered that the development would comply with Policy EQ6 of the Local Plan.

### **Access and Highway Matters**

7.46 Policy CF6 states that the Council will seek to ensure that development can

be safely accessed in a sustainable manner. Proposals should minimise the need to travel, particularly by unsustainable modes of transport and help deliver the priorities of the Derbyshire Local Transport Plan. This will be achieved by, inter alia:

- requiring that all new development is located where the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development
- Requiring that new development can be integrated within existing or proposed transport infrastructure to further ensure choice of transportation method and enhance potential accessibility benefits
- Ensuring development does not lead to an increase in on street parking to the detriment of the free and safe flow of traffic

7.47 In terms of sustainability, the site is located within a rural setting outside the nearest built-up area boundary at Chinley, adjacent to the existing industrial estate. Whilst access along Charley Lane is substandard, the Highway authority accept the historic use of the site and have not raised objection to the creation of an additional ancillary storage building associated with the business on site.

7.48 It is therefore considered that there are no highway safety objections, and the development would not have a significant adverse impact on the local road network. The proposal therefore complies with the provisions of Section 9 of the NPPF and policy CF6 of the adopted Local Plan 2016 in this regard.

### **Trees and Landscaping and Ecology**

7.49 Section 11 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 109 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. The comments of Derbyshire Wildlife Trust are awaited and will be reported on the update sheet.

7.50 Policy EQ9 of the adopted Local Plan The Council will protect existing trees, woodlands and hedgerows, in particular, ancient woodland, veteran trees and ancient or species-rich hedgerows from loss or deterioration. This will be achieved 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
- Requiring new developments where appropriate to provide tree planting and soft landscaping, including where possible the replacement of any trees that are removed at a ratio of 2:1

- Resisting development that would directly or indirectly damage existing ancient woodland, veteran trees and ancient or species-rich hedgerows.

7.51 Although approval for landscaping is not currently being sought, the plan identifies the existing mature hedgerow along the eastern boundary will remain and indicates that additional planting will be in place along the southern boundary. Details of a landscaping scheme would be required to be submitted if the application is approved.

## **Other Matters**

7.52 If Members are minded to approve the application, contrary to officer recommendation, as a significant departure from national and local Green Belt policy it would need to be referred to the National Planning Casework Unit for consideration for a possible “call-in”.

## **8. CONCLUSION & PLANNING BALANCE**

8.1 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.

8.2 In this instance the Chapel-en-le-Frith Neighbourhood Plan is the adopted Development Plan, along with the policies contained with the newly adopted Local Plan 2016.

8.3 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.

8.4 National Policy is set out in the NPPF, which is an important material consideration in it's 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.

8.5 The construction of a large commercial building in this located will clearly have an impact on the openness of the Green Belt. The proposal is therefore inappropriate development and according to the NPPF, very special

circumstances are required in order to grant planning permission.

- 8.6 Turning to the question of very special circumstances, the NPPF requires consideration of the social, environmental and economic aspects of sustainable development. The site is open 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.”
- 8.7 Weighed against this are the clear economic benefits of allowing the applicant to expand his business, which will retain the business in the Borough, safe guard jobs and create new ones. This would also represent a social benefit of the scheme. This reflects the NPPF and the Governments intention to build a strong and competitive economy.
- 8.8 Therefore, whilst this is a balanced case, it is considered that economic and social benefits would not outweigh the environmental harm. This is a conclusion which has previously been drawn by a Planning Inspector in respect of an identical proposal on this site. The information put forward does not constitute special circumstances that would outweigh the environmental harm.
- 8.9 Paragraph 14 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.
- 8.10 The proposed development represents inappropriate development within the Green Belt, for which no very special circumstances have been demonstrated which would outweigh this harm. As such the development fails to comply with the provisions of the development plan and guidance contained within the NPPF.

## **RECOMMENDATIONS:**

**A. That planning permission be REFUSED for the following reason:-**

**1.The proposed development is an inappropriate form of development within the Green Belt, which by definition is harmful. The proposal would result in significant harm to the openness of the Green Belt and 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 the relevant sections of the National Planning Policy Framework.**

**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 Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

### **Informative**

The Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations and identifying matters of concern with the application. In this instance, the nature of the planning issues were considered to be so fundamental that no further negotiation was sought with the applicant.

### **Site Plan**



