

DELEGATED DECISION REPORT

HPK/2023/0540
Valid 02/01/2024

WORKSHOP BACK
SPINNERBOTTOM
BIRCH VALE

EXTENSION TO EXISTING
COMMERCIAL BUILDING,
WITH ASSOCIATED PARKING
AND LANDSCAPING

(FULL - MINOR)

MAIN ISSUES

- Principle of development / Green Belt
- Impact on character of open countryside
- Design
- Amenity
- Highway safety
- Flood risk
- Trees / Ecology

DESCRIPTION OF SITE

The site relates to a workshop premises and associated areas of hardstanding occupied by TH Plastics lying to the west of Spinnerbottom. The site is bounded by areas of woodland to the north, south and west and a commercial premises to the east. The access road to the site is located to the east which leads from Back Spinnerbottom. The northern boundary of the site is formed by the River Sett and a small section of the northern part of the site is within Flood Zones 2 and 3. The site is within the North Derbyshire Green Belt and Open Countryside.

The site has previously benefited from full planning permission for a similar scheme under HPK/2019/0372 however due to the outbreak of the Covid-19 Pandemic this application was not implemented and has now expired.

PROPOSAL

This application is essentially the re-submission of the previously approved scheme under HPK/2019/0372.

The application seeks full consent for what is described as “Extensions and alterations” to existing commercial premises to improve the appearance and efficiency of the business together with associated parking and landscaping”. The extensions are proposed to the front and rear and a first floor extension to the northern side.

The application form states that the proposed development will increase the number of from 14 to 25 with some of these relocating from another premises off site. Parking at the site remains the same at 25 spaces.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The Local Development Plan for this site comprises the High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in determining applications.

High Peak Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S6 Central sub area strategy
- EQ1 Climate Change
- EQ2 Landscape Character
- EQ3 Rural Development
- EQ4 Green Belt Development
- EQ5 Biodiversity
- EQ6 Design and Place Making
- EQ8 Green Infrastructure
- EQ9 Trees, Woodland and Hedgerows
- EQ10 Pollution Control and Unstable Land
- EQ11 Flood Risk Management
- E1 New Employment Development
- CF6 Accessibility and Transport

National Planning Policy Framework 2023

Achieving Sustainable Development	Chapter 2
Building a Strong Competitive Economy	Chapter 6
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed and Beautiful Places	Chapter 12
Protecting Green Belt Land	Chapter 13
Meeting the Challenges of Climate Change	Chapter 14
Conserving and enhancing the Natural Environment	Chapter 15

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

- HPK/0001/9135 Proposed Steel Store/office Also Canteen Extension (Approved)
- HPK/0002/4540 Workshop Extension (Approved 04/09/1986)

HPK/0003/5079	Re-siting of Existing Equipment Store (Approved 25/01/1996)
HPK/2019/0372	Extension to existing commercial building, with associated parking and landscaping (Approved 6 th December 2019)

CONSULTATIONS

Publicity

Site Notice expiry date: 14th March 2023
 Neighbour consultation period ends: 29th January 2024
 Press Advert: N/A

Public Comments

1no. representation has been received that confirms that they have no objections to the proposed development.

Town / Parish Comments

No comments received at time of writing.

Environmental Health

No objections subject to conditions

Lead Local Flooding Authority

No comments received at time of writing

Derbyshire County Council Highways

It is noted that the applicant obtained planning consent for an identical proposal on 6th December 2019 under HPK/2019/0372, and therefore the Highways comments for this application are still valid.

On this basis, there are no highway objections to this application subject to the following conditions being included to any consent granted:

1. The premises shall be provided with space for the parking and manoeuvring of visitors staff, customers, and service and delivery vehicles within the application site in accordance with the submitted drawings, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

OFFICER COMMENTS

Principle of Development & Green Belt

The site is within the Open Countryside and Green Belt and as such the application is subject to Local Plan (LP) Policy EQ3, which relates to all development proposals in the rural areas, and Policy EQ4, which relates to all proposals in the Green Belt.

LP Policy EQ3 refers to rural development proposals which lie outside of the defined built-up area boundaries and seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness, which will be achieved by:

- 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

LP Policy EQ4 relates to Green Belt development and requires all development proposals in the Green Belt to be assessed in line with national policy and set out under Chapter 13 of the NPPF.

The proposal seeks full planning permission for extensions to the existing commercial building which are of the same scale, height, and massing with that approved under HPK/2019/0372 in December 2019, enhancing an existing business and thereby supporting the aims and objectives of LP Policy E1 and relevant policies contained within Chapter 5 of the NPPF that requires significant weight to be applied to economic benefits.

A detailed and rigorous assessment of the principle of development is contained within the delegated report that was published with the decision notice.

This assessment identified that whilst the scale of the proposed extensions amounted to disproportionate additions comparable to the original building, and thus constituted 'inappropriate development' in the Green Belt, it was judged that Very Special Circumstances (VSC) did exist, and that due to the very limited harm to openness, these VSC were found on this occasion to outweigh the identified harm to the Green Belt.

As such, given that this application is essentially a resubmission of the previously approved scheme and that the planning policy context has not materially altered in that time, the Council have already accepted that the principle of development is acceptable, with regards to LP Policies E1, EQ3 and EQ4, and relevant paragraphs under Chapters 5 and 13 of the NPPF.

Design Character and Appearance

LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.

Policy EQ3 'Rural Development' 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.

LP Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, having regard to matters of scale, height, density, layout, appearance and materials.

Paragraph 130 of the NPPF states amongst other things that decisions should ensure that developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment.

The site is particularly well screened from surrounding areas by dense tree cover such that the proposed extensions will not be prominent from public vantage points. Existing trees are proposed to be retained and these will therefore soften the appearance of the development.

The existing industrial building is of a utilitarian appearance and is in need of refurbishment. The proposed extensions are of a scale and design that respects the existing building whilst serving to modernise and enhance its appearance. In particular the glazed extension providing a new entrance and first floor extension to the north side will provide a focal point which makes a positive contribution to the appearance of the building.

A further visual improvement will be secured through the proposed relocation of areas of external storage within the extended building. The revised plans submitted during the course of the application removed the extension to the south side which reduces the overall size and scale of the development. Parking areas will be rationalised. Although the application also refers to landscaping, there is little detail in this respect and therefore a condition is recommended to require a detailed scheme of landscaping to be submitted.

Consequently the proposal would not harm the character and appearance of the countryside and therefore accords with LP Policies S1 and EQ6 and relevant paragraphs under Chapter 12 of the NPPF.

Amenity

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.

LP Policy EQ10 seeks to ensure that people and the environment are protected from adverse impacts relating to issues including air pollution, noise, light pollution or any other nuisance or harm to amenity, by securing appropriate mitigation by way of planning conditions and obligations.

Paragraph 130 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.

The site is well screened to all sides and self-contained which mitigates any impact on neighbouring residential properties. The nearest residential dwellings are located at 22-28 Spinnerbottom, which are located to the north east of the site. The proposed building will be approx. 40 metres away from these neighbours at the closest point and there is a significant amount of tree cover along the northern site boundary which acts as a buffer between the site and the neighbouring properties.

With these separation distances in mind and the nature of commercial activities already taking place on the site, there is unlikely to be any significant impact on the amenities of the neighbouring properties.

In addition, the Environmental Health Officer has recommended a number of conditions which will safeguard the amenities of the neighbours, including the need for a scheme of noise attenuation for plant and machinery, a scheme of atmospheric pollution control measures and restriction on hours of construction and demolition.

Subject to the conditions recommended by Environmental Health Officer, and taking account of the above factors, it is not considered likely that the proposal would result in injury to nearby residential amenity or the wider environment.

Accordingly, it is considered that the proposal accords with the requirements of LP Policies EQ6 and EQ10 and relevant paragraphs under Chapter 15 of the NPPF.

Highway Safety

LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network.

Paragraph 114 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.

Paragraph 115 of the NPPF 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.

The existing site access will be used to access the proposed development and no alterations are proposed to the access. It is considered that the site can accommodate appropriate parking and turning facilities and, on that basis, the Highways Authority does not object to the application. It is therefore reasonable to conclude that there would not be a significant adverse impact on the local road network or highway safety, in accordance with LP Policy CF6 and paragraphs 114 and 115 of the NPPF.

Flood risk

LP Policy EQ11 refers to Flood Risk Management and requires all applications to demonstrate that the proposed development will not give rise to any unacceptable increase in flood risk either onsite or elsewhere in the Borough.

Chapter 14 of the NPPF contains the relevant national policies aimed at meeting the challenge of climate change and flood risk.

A very small section of the site along the northern boundary is within Flood Zones 2 and 3 which are the zones at the highest risk of flooding, with the majority of the site being within Flood Zone 1. The proposed development is not within Flood Zones 2 and 3.

Whilst no comments have been received from the Environment Agency in connection with this application, it is noted that this consultee raised no objections in relation to the previous (identical) application. Likewise no comments have been received from the County Flooding Authority which was the case with the previous application, whereby the scheme was positively determined.

Having regard to the above and how the previous application was assessed and determined, it is not considered that the proposed development would not increase flood risk to the area and as such would comply with Local Plan Policy EQ11 and relevant paragraphs under Chapter 14 of the NPPF.

Trees

LP Policy EQ9 affords protection to 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.

The site is surrounded by trees / areas of woodland within close proximity of the proposed building. The scheme does not require any trees to be removed as a result of the development as the development will be sited upon existing hardstanding areas.

The Council's Arboricultural Officer, in connection with the previously approved application, advised that any areas not covered with existing hardstanding below the canopies will need to be within a construction exclusion zone which is fenced off to

ensure that these areas are not used for fires and storage of materials etc. Officers previously concluded that any potential harm to nearby trees could be managed and controlled by way of a condition requiring the submission of an Arboricultural Method Statement.

Given that the context of the site and nature of development is not materially different to the scheme previously approved in December 2019, it is considered that any potential impacts to trees can be dealt with by way of suitably worded conditions that align with the previous permission, in accordance with LP Policy EQ9.

Ecology

LP Policy EQ5 requires all new development proposals to demonstrate that any protected species and habitats within the site will not be adversely affected and seeks to promote a nett gain in biodiversity by securing appropriate mitigation and ecological enhancements where appropriate.

Chapter 15 of the NPPF contains the relevant paragraphs relating to the conservation and enhancement of the natural environment.

The site forms part of a larger area of hardstanding which is occupied by containers and is in industrial use. The site is of no obvious ecological interest and this authority has no reason to believe that the development would impact upon any wildlife interest.

Comments from Derbyshire Wildlife Trust in relation to the previously approved application stated that the proposals are entirely contained within the existing areas of hardstanding and the building is of a style and structure likely to have very limited scope for roosting bats. Whilst no comments have been received from Derbyshire Wildlife Trust that directly relate to this application, it is possible to attach similar suitably worded conditions that ensure that the proposed development will preserve ecological assets and promote biodiversity net gain.

As such, and consistent with the previous application, it is considered that subject to appropriate conditions, the application is in accordance with LP Policy EQ5 and relevant paragraphs under Chapter 15 of the NPPF.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework. It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The application seeks full planning permission for extensions to an existing commercial building that would enhance an existing business, thereby supporting the aims and objectives of LP Policy E1 and relevant paragraphs under Chapter 5 of the NPPF.

The site lies outside of the built-up area boundaries in the open countryside and the Green Belt. In light of the detailed and comprehensive analysis carried out by Officers as contained within the delegated power relating to HPK/2019/0372 and that the proposals are essentially the same, the principle of development has already been established.

For the avoidance of doubt, the Council conclude that whilst the extensions are of a scale that amount to disproportionate additions comparable to the original building and thus constitute inappropriate development in the Green Belt, the limited harm to openness coupled with credible Very Special Circumstances are on this occasion considered to outweigh the harm to the Green Belt by reason of inappropriateness.

All other planning consideration have been assessed and in line with conclusions reached previously by Officers in connection with HPK/2019/0372, it is considered that the proposed development complies with all other local and national planning policies and thereby constitutes a sustainable form of development.

In line with LP Policy S1a and paragraph 11 of the NPPF, the application is recommended for approval subject to appropriately worded conditions in a similar manner to those applied to the Decision Notice relating to HPK/2019/0372.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 26th March 2024

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council