

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date: 8th November 2021

ADDENDUM REPORT

Application No:	HPK/2020/0268	
Location	Pennine Aggregates, Waterswallows Lane, Buxton.	
Proposal	Part retrospective application for the alteration and extension of existing warehouses and associated works including the erection of eight silos, infilling of existing attenuation pond and its relocation, creation of hardstanding and redesign of external yard areas including storage bays and additional onsite parking, earth mounding and hard and soft landscaping works, resiting of Building B and alterations to vehicular access.	
Applicant	Pennine Aggregates Ltd, Buxton	
Agent	Sammons Architectural Ltd	
Parish/ward	Dove Holes	Date registered 17/07/2020
If you have a question about this report please contact: Rachael Simpkin, rachael.simpkin@highpeak.gov.uk 01298 28400 extension 4122		

REFERRAL

The application has been referred to the Development Control Committee as it is a major development and further works have been undertaken by the applicant since Members of the Development Control Committee resolved to approve the scheme for:

“Full application for the alteration and extension of existing warehouses and associated works including the erection of four silos. Including retrospective consent for unauthorised works including the creation of hardstanding and redesign of external yard areas, earth mounding with relocation of pond, resiting of Building B and alterations to vehicular access”.

The applicant has sought to amend the undetermined application to seek retrospective consent for the further works. The application is therefore being returned to the Committee for reconsideration.

The minutes of the 14th December 2020 Development Control Committee meeting confirmed:

1. *That planning permission be granted, subject to:*
 - a. *No objection being received from the Lead Local Flood Authority;*

- b. The conditions as set out in the report, subject to the conditions which state 'Prior to commencement' being revised and a suitable timescale for the details to be submitted imposed, as set out in the update sheet;*
- c. The further conditions as set out in the update sheet;*
- d. An additional condition to require the provision of electric vehicle charging points within the car park area;*
- e. The amendment of condition 12 to require that the external lighting detail minimise harm to bio diversity.*

A copy of the committee report presented to the Development Control Committee can be found at Appendix 1.

SUMMARY OF RECOMMENDATION

APPROVE subject to conditions

1. BACKGROUND

1.1 By means of background, site drainage matters have only recently been resolved as the applicant was seeking a positively worded planning condition, which meant that detailed drainage information needed to be approved by the LLFA (Lead Local Flood Authority) as well as DWT (Derbyshire Wildlife Trust) with respect to the pond, all as a pre-determination matter. This has taken some time to achieve with regard to the need to involve consultee expertise and the relevant section illustrates.

1.2 Whilst in the process of agreeing positively worded conditions with the applicant, it was confirmed in July 2021 that further works had been undertaken at the site without planning permission and that the applicant wished to seek retrospective approval for these under this "live" application. Amended plans and further information were therefore submitted in respect of:

- Additional silos
- Additional carparking
- Additional lighting

1.3 The relevant drawings are

- Site Plan Rev Q (December 2020 Committee Scheme)
- Site Plan Rev T (Current Scheme)

1.4 The applicant has agreed an extension of time until the 9th November 2021 for the determination of the revised scheme. Details of the application and supporting documents can be found at:

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=241110>

2. CONSULTATIONS

Expiry of:

- Neighbours (revised): 24th August 2021

Consultee	Comment	Officer response
Wormhill and Green Fairfield Parish Council	See comments below	Refer to the main body of the report below.
<p>26.08.21:</p> <p>To place on record that whilst the expansion of this site may well increase local employment it should not be at any price. There are deep concerns locally with regards to dust and noise because of open storage bays and now a further four silos are to be built none of which will be under cover. In our view, there has been an escalation of work which appears totally out of control at this location. Councillors feel this is a complete over development on this site and they to recommend refusal of this latest planning application.</p>		
Derbyshire Wildlife Trust	No objections subject to conditions.	Refer to report below.
<p>06.10.21</p> <p>The Trust are pleased to see that a permanent pond could be accommodated. We advise that the Pond Design letter from Ecus dated 8th June 2021 should be reviewed in terms of planting and these specifications fully implemented to ensure that maximum biodiversity value is achieved.</p> <p>14.09.21:</p> <p>I would advise that the drainage engineers speak directly with the ecological consultants to see what can be done in terms of beneficial pond design. Is it possible to have a deeper area in the middle that does hold water most of the time to provide habitat for amphibians? I was of the understanding that the original pond was created to discharge a planning condition and therefore detrimental impacts to previous mitigation or enhancement measures secured through an earlier application should be avoided.</p> <p>09.09.21:</p> <p>Further to our previous comments (Letter ref: DWTHPK572 dated 21.09.20 and emails dated 28.09.20 and 25.10.20), proposals have been revised to those specified above. The existing pond on site has been re-sited, in line with the Great Crested Newt Method Statement (Ecus Ltd., May 2021), confirmed in a short letter of compliance submitted by the project ecologist (Ecus Ltd., June 2021). A pond design letter has been produced by Ecus Ltd. (June, 2021), which acts as an addendum to the Landscape and Ecological Management Plan (Ecus Ltd., December 2020). This is considered suitable and likely to provide long-term benefits to amphibians.</p>		

Considering the works which have now been carried out and the new ecological documents which have been provided, our recommended conditions have been updated as follows:

Pond Design

The new pond on site shall be created in line with specifications detailed in the Landscape and Ecological Management Plan (Ecus Ltd., December 2020), updated by the Pond Design Letter (Ecus Ltd., June, 2021). These specifications and management prescriptions shall be implemented in full to provide long-term benefits to local wildlife, particularly amphibians. The pond shall be created prior to completion of the works to the warehouses and silos. A short statement of compliance shall be submitted to the LPA upon completion of the pond creation works.

Bat and Bird Boxes

No loss in number of bat and bird boxes shall result from proposals. Where existing boxes require removal, this shall be undertaken by an ecologist and the boxes re-sited in suitable locations on site.

County Flood Team (LLFA)	Conditional Response	Refer to report
---------------------------------	-----------------------------	------------------------

19.10.21:

1. "The surface water drainage for the site shall be constructed, managed and maintained in accordance with the following drawings:

- a. Keytech Development Design Ltd. (08/10/2021) *Drainage Plan, K874-101, Revision D*
- b. Keytech Development Design Ltd. (February 2021) *Drainage Construction Details, K874-104*
- c. Keytech Development Design Ltd. (04/10/2021) *SUDS Maintenance Plan, K874-102, Revision B*
- d. Keytech Development Design Ltd. (November 2020) *Flood Exceedance Plan, K874-103*

2. "The infiltration basin should not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS manual C753 and to the agreed specifications on document: a. Keytech Development Design Ltd. (08/10/2021) *Drainage Plan, K874-101, Revision D*

- 2. "Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

07.10.21:

In order to approve the drainage design and revise the conditions, there remains one outstanding issue as follows:

Regarding the drainage layout drawing K874-101 Revision C:

- There are some discrepancies between the pipe layout and the modelling calculations provided on 14/09/2021, in particular the diameters of pipes 2.002 & 1.003. Please could these be resolved? This is to ensure that the model provided properly represents the approved design layout.

01.10.21:

In order to approve the drainage design and revise the conditions, we require further information and clarification as follows:

Regarding the drainage layout drawing K874-101 Revision B:

- The pond section indicates a layer of engineered soil on the infiltrating surfaces. How will it be ensured that this layer does not impede the design infiltration rate?
- There are some discrepancies between the pipe layout and the modelling calculations provided on 14/09/2021, in particular on pipes 1.001, 2.002 & 1.003. Please could these be resolved?

Regarding the SuDS maintenance plan drawing K874-102 Revision A:

- The maintenance instructions should include maintenance of the infiltrating surfaces, for example: "*Rehabilitate infiltration surface using scarifying and spiking techniques if performance deteriorates*".

17.09.21:

From our point of view, there is no problem to have a pond with a permanent water level incorporated, (either as a separate entity or as an attenuation pond prior to the infiltration basin, or in some way the 2 being combined in one feature) as long as modelling calculations representing the arrangement are provided to demonstrate that the system meets the required drainage standards.

10.09.21:

The applicant would have to provide some additional information for our recommended conditions as follows:

Condition 1

- Will the additional car parking area in the revised layout be impermeable, and if so how is this accommodated in the drainage system?
- Details of a silt trap upstream of the infiltration basin.
- Modelling calculations for the revised network shown on drawing Keytech Development Design Ltd. (November 2020). *Drainage Plan*. K874-101, Revision A, to include all inputs and the critical results for the 100%, 3.3% and (1% + 40% CC) annual rainfall events.
- A maintenance schedule for the infiltration basin in accordance with the recommendations in the Ciria SuDS Manual (C753).

Condition 2

- Infiltration testing results and trial pit logs were provided on 8 July 2021 for trial pits TP01 & TP01A. What is the location of these trial pits?
- Has there been a ground investigation for the site which indicates the nature of the bedrock beneath the ground types found within the trial pits.

Condition 3

- The revised construction drainage plan drawing, provided on 8 July 2021, appears to show surface water from the south of the site flowing uphill.

Conditions 4 & 5

These can only be discharged after the drainage system has been constructed.

Please note that the document Revised Pond Design, prepared by ECUS and dated 8 June 2021, proposes that the infiltration basin is lined with butyl pond liner to create a permanent pond for biodiversity. This proposal is not compatible with the basin's function of attenuating surface water drainage while it infiltrates into the ground. It should be noted that the basin will usually be dry except for during a rainfall event.

County Highways	See comments below.	Refer to report below.
-----------------	---------------------	------------------------

17.09.20: The revised information does not engender any change to previous Highway Authority comments dated 17/09/2020.

HPBC Arboricultural Officer	See comments below	Refer to report below:
-----------------------------	--------------------	------------------------

21.10.21:

- The amendments to the proposals impact on the proposed soft landscaping and LEMP. A new updated LEMP will be required that reflects any alterations to the scheme.
- There is a reduction in areas which were to be grassed/meadow areas, to be replaced with hard surfacing car parking.
- The new extension and acoustic fencing pushes the trees and planting closer to the boundary and this along with the woodland planting will help filter views of the building but this is less in keeping with the landscape character that the original design.
- The size and massing of the buildings is becoming incrementally less landscape typical and more industrial in nature.
- The floodlighting is much more intense and will impact on the visual impact of the site in winter/night.

- I consider that there are elements that will lead to the loss of biodiversity notably the loss of grass/meadow, and the increase floodlighting. DWT should assess this.

HPBC Environmental Health	Conditional Response	Refer to report below.
--	-----------------------------	-----------------------------------

19.20.21:
If planning permission is to be granted a condition should be included for the submission to the LPA of a detailed lighting scheme to ensure residential receptors are protected from adverse impacts of artificial light which must be approved prior to installation of the proposed lighting columns.

Noise

The amended site plan does not propose to introduce additional types of noise, such as different plant or equipment, that has not previously been assessed. The previous noise assessment included an assessment of simultaneous deliveries to the silos. A 3m acoustic fence is proposed which will further reduce noise from the yard area.

Recommendation

It is recommended that a condition is included if planning consent is granted requiring the installation of the acoustic fence, detailed in drawing J7/01047, dated 11/06/2007 and location shown in site plan, 2020-2517-14 Rev. T, Dated 30/06/2021. The acoustic fencing should be fully implemented within 6 months of permission being obtained and require that the fence shall be retained and maintained for the life of the development.

Air Quality & Dust

The proposals appear to increase the number of external silos and storage bays. Emissions to air (including dust) is regulated under the sites environmental permit and includes sources of emissions such as storage bays and silos. Therefore, Environmental Health has no further comment in this respect.

It is acknowledged that staff cycle, shower and changing provisions are provided. Where car park areas are being revamped, it is recommended that electric vehicle charging points are provided and where considered appropriate by the applicant, additional infrastructure for future additional points installed. As a minimum, it is recommended that electric vehicle parking spaces are provided for use by customers, contractors or visitors to be equivalent to 5% of total parking spaces provided.

Recommendation

It is recommended that a condition is included on the planning consent for the provision of electric vehicle charging points at a rate of 5% of total car parking spaces. These should be installed within 12 months of planning permission being granted and maintained for the lifetime of the development.

3.0 POLICY AND MATERIAL CONSIDERATIONS AND PLANNING BALANCE

Planning Policies

3.1 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.

3.2 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 High Peak Local Plan was adopted in April 2016.

3.3 The policies contained in the National Planning Policy Framework (NPPF) as supplemented by the National Planning Policy Guidance (NPPG) are also a material consideration in the determination of this application.

3.4 Adopted LP (Local Plan) Policy S1a establishes a 'Presumption in Favour of Sustainable Development' as contained within the National Planning Policy Framework (the Framework) where: (1) planning applications that accord with policies within the Local Plan will be approved without delay and (2) where there are no relevant policies or they are out of date, the Council will grant planning permission unless material considerations indicate otherwise considering:-

- I. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or,
- II. Specific policies in that Framework indicate that development should be restricted.

3.5 The Framework (NPPF) seeks to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

Principle of development & Main issues

3.6 The High Peak Local Plan was adopted in April 2016. The Plan sets out the spatial vision and strategy for High Peak up to 2031. The strategic objectives of the Local Plan are grouped under three key themes which underpin the Local Plan which are protecting Peak District character, enhancing prosperity and promoting healthy and sustainable communities.

LP Policy S1 reflects these strategic objectives and aims to balance the need to make adequate provision for homes, jobs and services with the need to protect and enhance High Peak's considerable natural and heritage assets in the most sustainable way.

3.7 The Spatial Strategy is key to delivering the overall vision for High Peak and seeks to achieve this through the three overarching themes outlined above. LP Policy S2 'Settlement Hierarchy' forms a basis for taking forward the principles of the Plan's spatial strategy. It provides a framework to manage development in a sustainable way and to promote development in areas where services and facilities are available. The policy defines the settlement hierarchy for the plan area and the broad approach to development within each tier of the hierarchy. Whereby development will be focused in market towns, with a moderate scale of development in larger villages. Outside these settlements development, smaller villages will be limited. In other rural areas, areas outside defined settlement boundaries "development will be strictly limited to that which has an essential need to be located in the countryside".

3.8 The LP whilst allowing for some development in the countryside seeks to focus business and industrial development within settlements and has a more restrictive approach the countryside development in order to protect landscape character.

3.9 LP Policy S4 'Maintaining an Economic Base' and LP Policy E1 'New Employment Development' seek to promote economic development. LP Policy S4 'Maintaining and Enhancing an Economic Base' supports the expansion of existing businesses. In further detail, LP Policy E1 'New Employment Development' focuses employment development to sustainable locations, supports the development of the employment land allocations (LP Policy E2) and Primary Employment Zones (LP Policy E3).

3.10 LP Policy EQ3 'Rural Development' relates to rural development and reflects policy S2 in its restrictive approach to development in the countryside. It states in the countryside the Council will strictly control development to protect landscape character whilst facilitating sustainable rural development. This will be achieved by "supporting rural employment development in the form of home working, commercial enterprises and live-work units where a rural location can be justified" and "ensuring all development is of a high quality design and protects or enhances landscape character and the setting of the Peak District National Park".

3.11 The committee resolution in December 2020 established the acceptability in principle of a further 1902sqm of industrial floorspace (totalling 5306sqm industrial floorspace) with associated works in addition to other works for which retrospective consent is now sought. The main issue in the consideration of this application is whether the further works which have now been undertaken and / or are proposed, in terms of the additional parking, silos and lighting are acceptable. As the application seeks approval for further industrial development in the countryside, there needs to an essential need

for a countryside location demonstrated for the scheme to accord with LP Policies S4 and EQ3.

3.12 Since moving to the site at Waterswallows, the business has expanded rapidly and the applicant has constantly required additional capacity to meet rising demand. This is evidenced by the increased requirements for storage a silos in the short space of time since the committee last debated the application.

3.13 There are obvious economic benefits for this continued expansion and the previous report relating to this application sets out the economic benefits in terms of jobs, and other spending in the local economy and carries the support on the Council's regeneration officer.

3.14 The aggregates and minerals processing industry supports well paid local jobs and contributes significantly to the national / local economy through tax, business rates and employee re-spend. The further expansion of the company within the Borough has potential significant economic and employment benefits for the local economy and at the time of the previous consideration by committee carried substantial weight as part of the 'Planning Balance'. There is no reason to consider that the additional expansion considered in this addendum report would not bring further economic benefit and add weight to those arguments. Accordingly, the scheme complies with relevant local and national planning policy in these regards and carries significant weight. The main issue in the consideration of this application is whether any adverse effects of the additional items for which consent is sought outweigh those benefits and change the planning balance overall on the application. This matter will be returned to in the concluding planning balance section below.

Landscape Impact

3.15 The design and appearance of any new development in the countryside is key to protecting the Peak District's distinctive character and qualities. LP Policy EQ2 'Landscape Character' states that new development should be sympathetic to landscape character and protect or enhance the character, appearance and local distinctiveness of the landscape. It refers to the 'Landscape Character' SPD (Supplementary Planning Document), which provides advice and design guidance for the type of development that is appropriate in the different landscapes types in the area.

3.16 The site is within White Peak Plateau Pastures of the High Peak. Guidance for development includes:-

- New buildings should be kept as small as is practically possible and reflect the scale, proportions and form of existing traditional farm-outbuildings;
- Buildings should be durable and easy to repair;
- Prefabricated metal buildings do not weather well and remain obtrusive within the landscape. For this reason, materials that do weather well

and are sympathetic to the landscape are preferred. Examples include vertical slatted boarding, coloured concrete to blend with existing buildings or reclaimed stone;

- Larger developments should use small plantations of trees in groups around the property area whereas individual trees are more appropriate around small or isolated developments;
- Limestone dry stone walls around properties connect development with the wider landscape, and,
- The impact of hardstanding and other surfaces should be considered, including the colour, brightness, reflectivity of the surface and how it would appear in the landscape from a distance.

3.17 Also, LP Policy EQ6 'Design and Place Making' emphasises the need for high quality, well designed development that reflects its landscape character. Furthermore, LP EQ9 'Trees, woodlands and hedgerows' requires new development to provide landscaping where appropriate.

3.18 The established Pennine Aggregates site is located to the north of Buxton in a relatively flat and open area of countryside. There are buildings in relatively close proximity to the site, notably the Nestle development with an extension under construction, the adjacent electricity substation, as well as the employment allocation and there are other built structures in the wider area. The site lies between Waterswallows Lane and the A6 and is clearly visible from the surrounding area particularly given the early stage of the landscaping with tree planting yet to reach full maturity to provide for sufficient screening qualities.

3.19 In respect of the original scheme, considered by committee last December it was concluded that, the visual impacts would not be significant in relation to existing development and other approved development nearby nor would it give rise to excessive landscape harm. The successful establishment of woodland planting is essential to assimilate the new and existing buildings, when considered as a group into the landscape. Landscaping implementation and mounding details would also be secured by means of a planning condition. As well, landscape implementation and management measures and permitting no external storage at the site should be strictly controlled and monitored. Accordingly, the scheme complies with relevant local and national planning policy in these regards.

3.20 With regard to the proposed amendments now under consideration, it is considered that the proposed silos would have minimal additional visual impact. The December resolution established the acceptability of silos in this location including on both of the elevations where further silos are now proposed, increasing in number from 3 to 5 and 1 to 3 on the north east and south east elevations respectively. There are also substantial silos elsewhere in the vicinity at the nearby Nestle plant and these features will be seen in the context of other industrial type structures including pylons and electricity infrastructure. It is acknowledged that the design concept for the site has been to emulate agriculture buildings often found in rural environments. However, it is not unusual for large farmsteads to have multiple silos for grain or fodder

storage. In this respect they are not regarded as being out of keeping in the rural landscape and any additional visual impact would be minimal.

3.21 Two new additional areas of carparking are proposed: i) to the south east of the aggregate storage bays between the walls of the bays and the site boundary and ii) adjacent to the silos on the north west elevation of the building.

3.22 The introduction of parking into these areas will result in visual intrusion and additional landscape harm by placing parked vehicles at the periphery of the site, outside of the central yard area, where they are screened by the buildings. Furthermore, the reason why these areas are required appears to be that the parking area shown on the approved plan, situated to the front of the offices in the middle of the site, is being utilised for unlawful external storage, contrary to conditions on the previous approval. On this basis there is no justification for additional parking.

3.23 Notwithstanding this, the previous report to committee explained that based on Local Plan Appendix 1 'Parking Guidance' for industrial purposes, staff and visitors require 1 space per 40sqm and 1 long stay car park per 350sqm. Ordinarily, this would equate to a car parking requirement of 132 car parking spaces and 15 long stay spaces. For operational vehicles, one space per vehicle should be provided for vehicles based at the premises. The previous report notes that 43 spaces were to be provided in the scheme to service a total of 118 employees (full-time equivalent) as part of scheme expansion over 5 years. Given proposed shift patterns and home working, this was deemed to be adequate despite the fact that it fell significantly short of local plan standards.

3.24 Whilst it is acknowledged the need for the additional parking now proposed appears to be generated by the unlawful use of the existing carpark for storage, given the shortfall against local plan car parking standards it is not considered to be sustainable to refuse the additional parking on the basis of failure to demonstrate need for the development.

3.25 Turning to the actual landscape impact of the 2 proposed additional parking areas in turn. The proposed parking to the rear of the storage bays on the south eastern boundary, would result in the loss of a significant landscaping strip in this location and would push development up to the boundary of the site in this location resulting in concern from the Council's Arboricultural Officer. However, the stone boundary wall would remain which would screen vehicles to some degree and parking in this location would be seen against the backdrop of the industrial complex. Furthermore, the proposed landscaping in this location as shown on the plans considered in December 2020 was "wildflower meadow", which, whilst beneficial for biodiversity (a point returned to below) would, unlike tree planting, have been of no value in screening the site. Consequently, although the effect of this proposal would be to push development to the limit of the site, the overall visual impact in terms of parked vehicles and effect on the landscaping and screening of the plant as a whole would be minimal.

3.26 With regard to the parking adjacent to the gable, on the December 2020 plan an area of hardstanding to service the silos and the side of the building is already shown in this position. This would be slightly enlarged to create the parking spaces. Therefore, the additional parking spaces in terms of the hardstanding is minimal. It is acknowledged that there would be some visual impact from vehicles parked in this location, and parking here would be more visible on the approach from the A6 than in the previously approved parking areas. However, taking into account the existing and proposed landscaping and bunding in this location and the relatively small number of vehicles (9 in total) it is not considered that this additional landscape harm would be sufficient to sustain a reason for refusal.

3.27 The revised site plan shows 3 floodlighting towers of 10m in height on the south eastern boundary. Officers are concerned that these will appear more intrusive within the landscape, particularly when illuminated at night. The Yard area is already lit by floodlighting on the building surrounding it on 2 sides and it considered that further high-level floodlighting is neither necessary nor acceptable in landscape terms. It is therefore recommended that a condition is imposed removing this element of the scheme. Similarly flood lighting on the north west or south west elevations of the building, shining out towards open countryside should be prevented by conditions.

3.28 As noted above a significant amount of external storage, particularly of pallets is taking place on site. This is in contravention of conditions on the original approval and conditions on the committee resolution of last December. It is officers view that such external storage is unsightly and detracts from the character and appearance of the site and its landscape setting more generally and that conditions preventing external storage should be retained on this permission if Members are minded to grant approval. The amendments to the proposals impact on the proposed soft landscaping and LEMP. A new up dated LEMP will be required that reflects any alterations to the scheme. However, this can be secured by condition.

3.29 Subject to this provision, it is considered that on balance, the scheme as amended continues to comply with Policy EQ2, EQ3 and EQ6 in terms of landscape impact.

Amenity

3.30 LP Policy EQ6 requires new development to achieve a satisfactory relationship to adjacent occupiers to ensure that the amenity of neighbouring occupiers will not be compromised. Paragraph 130 of the NPPF requires a good standard of amenity for all existing and future users of land and buildings.

3.31 The application site lies away from main residential settlements. However, it is in close proximity to residential properties at Breeze Mount Farm at the junction of Waterswallows Lane and Waterswallows Road. The

premises are also visible from the properties on Batham Gate Road. As a result, the greatest impact of the scheme on residents, notwithstanding its visual impacts, would be from both increased traffic movements and noise, although, in relation to traffic movements, it is expected that most vehicles travel directly to and from the A6.

3.32 The amenity impacts of the proposed expansion were considered in the previous report to committee. Subject to various conditions and permitting requirements the Environmental Health Officer raised no objections. It is not considered that the additional aspects to which this addendum report relates to, raises any new amenity issues. Therefore, subject to conditions controlling artificial lighting and noise mitigation in particular, the proposal would not harm residential amenity to accord with LP Policy EQ6, in addition to LP EQ10 'Pollution Control and Unstable Land' and the NPPF.

Highway and Parking Considerations

3.33 The NPPF promotes sustainable transport and recommends that local planning authorities seek to encourage and facilitate where possible sustainable patterns of transport using practical alternatives to private motor vehicles so that people have a real choice about how they travel. LP Policy CF6 requires the site to be accessed safely and minimise the need to travel, particularly via unsustainable modes of transport.

3.34 The previous report to committee considered the highways and parking implications of the development as a whole. Whilst the additional silos would increase capacity of the site, any additional HGV movements associated with this aspect of the development are likely to be marginal relative to the existing use of the site and do not give cause for concern. As noted above, the proposal would result in an improved level of parking for staff and visitors to the site, although even with the increased provision it would remain substantially below the Local Plan parking requirement. Nevertheless, for the reasons set out in the previous report including shift patterns and home working, this is deemed to be acceptable. Accordingly, the proposal continues to comply with Policies EQ6 and CF6 in this regard

Flood Risk / Drainage

3.35 Members may recall that the resolution in December 2020 was that permission should be granted subject to no objection being received from Lead Local Flood Authority. Further to that resolution negotiations have been on-going between the applicant, who was keen to avoid the imposition of drainage conditions requiring submission of further details, and the Lead Local Flood Authority in order to agree a scheme of drainage which could be approved prior to determination.

3.36 These discussions have reached a positive outcome and the Lead Local Flood Authority have now confirmed that they are satisfied with the proposed drainage arrangements and recommend that permission be granted subject to positively worded conditions requiring compliance with the agreed

scheme and the submission of a verification report on completion. Subject to these conditions the proposal complies with the relevant local plan policies in terms of drainage.

Biodiversity & Ecology

3.37 LP Policy EQ5 relates to biodiversity stating that biological and geological resources will be conserved and enhanced.

3.38 As noted above, the Council's Tree officer has raised concerns about the loss of biodiversity as a result of the removal of the strip of wildflower meadow adjacent to the south eastern boundary to create space for the additional parking. There would be further loss of landscaping to create space for parking adjacent to the gable of the building, although the latter would be marginal. Whilst no specific comments on this point have been sought from Derbyshire Wildlife Trust, clearly, the loss of wildflower meadow planting will decrease biodiversity enhancement opportunities on the site and there is conflict in this regard with LP Policy EQ5 and the NPPF. This is a point which goes against the proposed changes in the overall planning balance, which will be returned to below.

4. PLANNING BALANCE & CONCLUSIONS

4.1 The previous resolution by committee established the acceptability of the majority of the expansion proposals to which this application relates. This report considers therefore only the changes which have occurred to the proposals since that resolution was made, some of which are being applied for retrospectively.

4.2 The changes comprise additional silos, additional parking and floodlighting, all of which would enable the further expansion of an already established, large scale aggregate and mineral processors based in the Buxton area with its predicted and significant employment growth would provide for continued local economic and employment benefits.

4.3 Whilst it is acknowledged that the requirement for the additional parking appears in part to be due to unauthorised outdoor storage, given that parking provision is significantly below Local Plan Standards a refusal on these grounds could not be sustained.

4.4 The proposed additional aspects of this development in terms of parking provision and silos would result in some additional landscape impacts but these would be marginal in the overall context of the scheme and the site as a whole. However, it is considered that the floodlighting towers and floodlighting to the outward facing elevations of the buildings is inappropriate and harmful to the landscape setting but can be prevented by condition, along with external storage, which it is still considered is harmful in this location.

4.5 There are no additional amenity or highway impacts identified and the LLFA have confirmed that they are satisfied with the proposed drainage arrangements.

4.6 There would be some marginal reduction in the bio-diversity gain on the site as a result of removal of a strip of wildflower meadow planting against the south eastern boundary. However, in the overall planning balance, this is not considered to outweigh the benefits of the scheme and therefore it is still considered that the revised proposal for the expansion of the existing business is a sustainable form of development under the terms of the Framework and relevant Local Plan Policies.

4.7 In accordance with NPPF paragraph 11, the application is hereby recommended for approval.

5. RECOMMENDATIONS

A. APPROVE, subject to the following conditions

- 1. 3-year Time Limit**
- 2. Approved Plans**
- 3. Controlling - Control of Occupancy limited to storage and processing of sand and stone aggregate products**
- 4. Controlling - No external storage**
- 5. Above damp proof course - Approval of facing materials**
- 6. Within 6 months - Approval of levels**
- 7. Controlling - No gates etc**
- 8. Controlling - Solid, bound material within 15.0m of highway**
- 9. Prior to use - Implementation of Parking & Turning**
- 10. Prior to use (or first planting season, whichever is the sooner) - Implementation of Landscaping**
- 11. Within 6 months Landscape and Habitat Enhancement & Management Plan**
- 12. No floodlighting on south west or northwest elevations of buildings. Notwithstanding details on approved plans no approval given for floodlighting towers on south east boundary.**
- 13. Prior to Use - Implementation of Acoustic Fencing**
- 14. Within 6 months Construction and Environmental Management Plan**
- 15. Within 6 months relocation of pond and bird / bat boxes**
- 16. The surface water drainage for the site shall be constructed, managed and maintained in accordance with the following drawings:**
 - a. Keytech Development Design Ltd. (08/10/2021) *Drainage Plan, K874-101, Revision D***
 - b. Keytech Development Design Ltd. (February 2021) *Drainage Construction Details, K874-104***

- c. Keytech Development Design Ltd. (04/10/2021) *SUDS Maintenance Plan, K874-102, Revision B*
 - d. Keytech Development Design Ltd. (November 2020) *Flood Exceedance Plan, K874-103*
17. "The infiltration basin should not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS manual C753 and to the agreed specifications on document:
 - a. Keytech Development Design Ltd. (08/10/2021) *Drainage Plan, K874-101, Revision D*
 18. "Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).
 19. provision of electric vehicle charging points within the car park area
 20. Details of the cycle store and its implementation.
 21. Facing materials to be agreed for the acoustic fence.
 22. Car Parking Management Plan to encourage sustainable means of travel
- B.** In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Informative(s)

1. Negotiated scheme
2. Environmental Permitting Requirements.
3. High Peak Borough Council has adopted an Employment and Skills charter for applicants creating more than 20 new positions. At present, the company has not submitted a voluntary statement in this regard, so we would ask that Pennine Aggregates be encouraged to do so, and as a minimum agree to advertise all vacancies via jobcentre plus, alongside any other methods they may choose. Jobcentre plus can also pay for pre-recruitment training and screening and have links with Buxton & Leek college who deliver Level 1 warehouse training, FLT training and H&S

courses - we would therefore encourage more engagement with these partners if they are not already in contact.

