

## APPENDIX

### HIGH PEAK BOROUGH COUNCIL DEVELOPMENT CONTROL COMMITTEE

Date: 14<sup>th</sup> December 2020

Application No:	HPK/2020/0268	
Location	Pennine Aggregates, Waterswallows Lane, Buxton.	
Proposal	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.	
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, <a href="mailto:rachael.simpkin@highpeak.gov.uk">rachael.simpkin@highpeak.gov.uk</a> 01298 28400 extension 4122		

#### REFERRAL

The application has been referred to the Development Control Committee as it is a major development.

#### 1.0 SUMMARY OF RECOMMENDATION

**APPROVAL subject to planning conditions.**

#### 2.0 DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The 3.2ha application site is a broadly rectangular shaped parcel of land containing two large industrial buildings. They are laid out in a L-shape arrangement and partially enclose the yard, storage bays and car parking areas. Access is gained from Waterswallows Road with the frontage boundary demarcated by drystone walling and earth mounded screening. A pond is now positioned within the northern corner of the site. Some tree planting has been established to the open site margins.

2.2 Immediately to the southeast of the site lies an Electricity Distribution Station. Pylons travel in a broadly south and north direction from the facility and therefore traverse the application site. To the northeast, the approved Nestle Water warehouse extension, which is now under construction would broadly oppose the frontage of the application site. The southwest 'rear' and northwest 'sides' of the application site are enclosed by grazing land.

2.3 The boundary of the Peak District National Park lies approximately 4.0 – 4.5 kilometres to the south, southeast and east of the site. The site and its surroundings are visible from higher land at Blackstone Edge to the west.

2.4 The site is located within the open countryside designated as Landscape Character Type White Peak Plateau Pastures as per the Adopted High Peak Local Plan.

### **3.0 DESCRIPTION OF THE PROPOSAL**

3.1 Planning permission ref. HPK/2016/0317 was previously granted for 2240sqm of industrial floorspace to be accommodated in two buildings for the processing of raw materials, internal storage of bagged / palleted materials and ancillary office space employing 10 full-time equivalents. Each building footprint would measure 78.0m x 16.0m with an eaves and ridge heights of 7.0m and 8.4m to be of equal proportions and positioned in an L-shape formation at a right angle to Waterswallows Lane.

3.2 The yard area would accommodate materials within a row of storage bays, HGV delivery vehicles, staff and visitor car parking to be accessed from a new vehicular access from Waterswallows Lane. The approved proposal was accompanied by a landscaping, boundary and earth mounding scheme as well as a SuDs proposal including a drainage pond to the rear of the site.

3.3 The scheme has been fully implemented and existing buildings further extended to total 3404sqm of industrial floorspace utilising permitted development rights for industrial purposes. As well, some unauthorised development has taken place as is detailed below.

3.4 Full planning permission is subsequently sought for the alteration and extension of the existing buildings to result in a further 1902sqm of industrial floorspace (totalling 5306sqm industrial floorspace) with associated works including the erection of four silos. Scheme details are as follows:

- Building A – Pitched roof extension measuring 70.0m x 25.0m x 8.4m affixed to the northwest gable
- Building B - Lean-to extension measuring 49.0m x 5.5m x 8.4m affixed to the southwest elevation of the existing building
- Four silos each measuring 11.7m in height
- Extension of hardstanding and 3.0m acoustic fence to the southwest boundary

3.5 In addition, retrospective consent is sought for the unauthorised onsite works including the creation of further hardstanding, redesign of external yard areas / earth mounding, relocation of pond, resiting of previously approved Building B and alterations to vehicular access following the approval of the earlier consent ref. HPK/2016/0317.

3.6 Unauthorised scheme as compared to the approved details are as follows:

- Re-siting of the western building (Building B) which has been constructed approximately 10m closer to Building A.
- In addition, the cantilever roof approved to both buildings has not been erected stated due to high wind loading
- Repositioning of the approved pond which has been created in the northern corner of the site adjacent to the road frontage
- Repositioning and extended earth mounding to the north, west and southern sides of the buildings and reconfigured site frontage
- Reconfiguration of the existing vehicular access to allow improved access for HGV and other drivers entering and leaving the site, and,
- Enlargement and redesign of external yard areas from approved site layout plans.

3.6 The submitted planning application form confirms that there are currently 25 existing employees (full-time equivalent), which would rise to 93 as a result of scheme expansion.

3.7 Of note, construction work has now commenced, including the erection of the steel frame to Building A. Accordingly, the applicant has been advised that work without the benefit of planning permission is carried out at his own risk.

3.8 The application was originally accompanied by the following supporting document:

- Planning, Design and Access Statement

3.9 In response to scheme concerns, the following documents and plans, including revisions, have been submitted as follows:

- Proposal Site Plan ref. 2020-2517-04 Rev Q
- Building A Plan & Elevations ref. 2020-2517-06 Rev D
- Building B Plan & Elevations ref. 2020-2517-07 Rev B
- Soft Landscape – Existing and Proposed ref. 14157\_LD\_01 Rev G
- Plant Schedule, Planting Specification & Maintenance Schedule ref. 14157\_LD\_02 Rev E
- Environmental Noise Impact Assessment
- Traffic Assessment
- Preliminary Ecological Appraisal
- Flood Risk Assessment

3.10 The application and details attached to it - including the plans, supporting documents, representations made by residents and the responses from consultees - can be found on the Council's website at:-

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

## **4.0 RELEVANT PLANNING HISTORY**

HPK/2016/0317 - Proposed change of use of agricultural land to B2 (General Industry), construction of two buildings for storage and processing of sand and stone aggregate products including preparation for onward transportation to customers; ancillary office space; vehicular access and turning space for HGV's; staff and visitor parking; landscape planting and drainage pond. Approved with conditions 28<sup>th</sup> September 2016.

## **5.0 PLANNING POLICIES RELEVANT TO THE DECISION**

### Adopted High Peak Local Plan (2016)

S1 – Sustainable Development Principles  
S1a – Presumption in Favour of Sustainable Development  
S2 – Settlement Hierarchy  
S4 - Maintaining and Enhancing an Economic Base  
S7 – Buxton sub area strategy  
EQ2 – Landscape Character  
EQ3 – Rural Development  
EQ5 – Biodiversity  
EQ6 – Design and Place Making  
EQ7 – 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

### **Supplementary Planning Document (SPD)**

Landscape Character SPD 2006

### **National Planning Policy Framework (NPPF) as revised**

### **National Planning Practice Guidance (NPPG)**

## **6.0 CONSULTATIONS**

Expiry of:

Site Notice: 27<sup>th</sup> August 2020  
Press Notice: 20<sup>th</sup> August 2020  
Neighbours: 13<sup>th</sup> August 2020

### **Neighbours**

Two neighbour representations have been received as follows:  
Support (1)

- Pennine Aggregate proposed extension will bring much needed additional employment to this area were many companies are looking to reduce their work force. The visual impact is negligible as the proposed extension is behind existing structures.

Objection (1)

- Although I'm not against business expansion, I wanted to voice my concern about the poor level of visual screening on the site. The current building has no architectural merit and is highly prominent from the A6 and as such more effort should be made to blend the site into the environment. A handful of trees is not going to hide this ugly addition to the landscape it needs significant planting and banking. The previous building work made a poor effort of landscaping and that token effort is now being taken away and we are back to square 1. More must be done to hide this ugly site!

Robert Largan MP (29<sup>th</sup> July 2020) has submitted the following comments:

*I visited the site in July 2020, this is a growing local business, and subject to approval it would have the capacity to create more local jobs. I know High Peak Borough Council prides itself on being open for business” and clearly that is now more important than ever in the wake of COVID-19.*

*I appreciate the site it is in a prominent open countryside location and plateau landscape. It is visible from the national park and the main A6 road.*

*I understand the business has now undertaken the necessary landscape mitigation assessments. The economic benefits of the scheme outweigh landscape harm, which is minimal. This application is in accordance with Local Plan policy. It will protect what is most important about the High Peak and ensuring it is an attractive place to invest.*

*The business can not afford further delay. I urge the Council to expedite the application.*

Councillor Peter Roberts (17<sup>th</sup> September 2020) has also submitted the following comments:

*With reference to your letter to Mr Mark Dickinson, Pennine Aggregate. Buxton. I believe that with help the planning decision could be heard on 5 October 2020, as Mr Dickinson has point out that if he does not agree to 2 November it will be recommended for refusal.*

*Rt Robert Largan MP had indicated to a Senior planning officer that he wants this heard as quickly as possible as High Peak Planning is not currently*

*helping business in the High Peak with an over lengthy planning application, Mr Dickinson wishes to employ more staff for is expanding business as has been pointed out a month's delay weather wise in this area is important being at 1100 feet above sea level with wind which can be difficult to stand against the delay could push the start time back until Spring 2021 which potentially will affect the business and employment in the area.*

*I will respond to your question on both Air Quality and noise this is a truck route with around 2000 HGV movements a day the road is for Tarmac, Lomas Distribution, Nestle, Pennine Aggregate our own recycling centre, industrial units at Waterswallows and I feel a small increase in the number of HGV's for Pennine Aggregate in this area will be insignificant there are no footpaths, cycle track as it would be seen as far too dangerous to mix HGV's with cyclists and in fact Nestle prohibit staff from walking to work, the request for extra information is just a delaying tactic.*

## **Consultees**

<b>Consultee</b>	<b>Comment</b>	<b>Officer response</b>
Wormhill and Green Fairfield Parish Council	See comments below	Refer to the main body of the report below.
<p>13.08.20:</p> <p>Councillor consensus is that they have concerns over a further extension at this location being in open countryside and outside the existing Waterswallows Industrial Estate.</p> <p>The question of noise and dust is another concern that is why it is essential that the silos remain undercover at all times, another problem being an increase of traffic including pedestrians on this extremely busy HGV highway.</p> <p>As for the relocation of the pond, the Wildlife Trust or other appropriate body should be consulted before any work is commenced.</p> <p>Whilst Councillors accept new employment to cater for a 24-hour system is a priority it is noted there will not be an increase in parking spaces which currently stands at 22!</p> <p>The present site has never looked finished with the promised landscaping, in fact, close examination seems to indicate that work has already commenced to accommodate this new planning application!</p> <p>This leads onto our earlier letter addressed to Planning Support dated 20<sup>th</sup> February 2020 (copy attached) highlighting landscaping issues for which we did receive a reply. We have also previously written to you on the 21<sup>st</sup> June 2016 (copy attached) expressing grave concerns on infrastructure safety issues,</p>		

namely lack of additional highway roadside lighting, pedestrian footways, cycle lanes and these improvements should include both speed limit signs and light pollution monitoring.

Derbyshire  
Wildlife Trust

No objections subject to conditions.

Refer to the ecology  
section of the main  
report below.

25.10.20:

We have reviewed the Preliminary Ecological Appraisal (Ecus Ltd., 2020) submitted with the above application. Ecological constraints appear relatively limited, with habitats affected being of predominantly low value. If the pond / depression in the north-west requires re-location, then we advise that it is removed using a destructive search undertaken by an ecologist, in either autumn or early spring – avoiding the key breeding and hibernation periods for GCN.

GCN are present in the local area and although the risk of them occurring on site is relatively low, it cannot be ruled out and individuals could take refuge around ponds. Any large rocks, stone or turves should be carefully removed by hand and an ecologist should remain on site until they are reasonably satisfied that the area is clear of GCN. If the pond retains water by the time of removal, it should be drawn down under supervision, however we recommend that it is removed at the earliest opportunity to avoid this. The design of the new pond should be beneficial for wildlife with sloping/shelved side and native aquatic plants. Marginal plants and peripheral grassland should be seeded to benefit biodiversity and potentially achieve a net gain.

If the bat and bird boxes attached to Building B require removal. This should be done by a suitably qualified ecologist and they should be relocated to another suitable location on site. To provide enhancements for biodiversity, additional boxes could be considered.

The following conditions are suggested:

*Method Statement for Pond Relocation*

Due to the low risk of great crested newts being present, a Method Statement for the removal of the pond shall be produced and submitted to the LPA for approval. This shall include reasonable avoidance measures, including seasonal timings and a destructive search undertaken by an ecologist. It shall also include instructions in the unlikely event that great crested newts are encountered. A design for the new pond shall be provided, with wildlife features, including shelved sides, aquatic and marginal planting. The approved Method Statement shall be implemented in full and a short statement of compliance submitted to the LPA upon completion of clearance 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.

Severn Trent Water	Awaited	Members will be updated at the meeting.
Peak District National Park Authority	No objection	Refer to the landscape impact section of the main report below.
<p>28.07.20:</p> <p>We have no objections to the proposal because we consider that it will do no harm to the setting of the National Park. As such it is in accordance with your policies and has had due regard to the National Park.</p>		
DCC Archaeology	No comments	Refer to the heritage section of the main report below.
<p>13.10.20:</p> <p>This site was the subject of archaeological field evaluation, and subsequent monitoring, in relation to planning application: HPK/2016/0317 for the change of use of agricultural land to industrial use. No significant archaeological finds or features were recorded as a result of this work, and taking in to account the ground disturbance involved in the construction of the existing operation, it is highly unlikely that the current proposals will have any archaeological impact. We would not wish to comment further on this scheme therefore.</p>		
DCC Flood Team	Comments are awaited regarding the applicant submission dated 30.11.20	Refer to the flood risk section of the main report below.
<p>27.11.20:</p> <p>We are unable to provide an informed comment until the applicant has provided further information:</p> <p>The drawing <i>Drainage Plan K874-101</i> indicates that a new infiltration is proposed, separate from the existing pond. Please clarify:</p> <ul style="list-style-type: none"> <li>• Whether the existing as well as the new drainage would be directed to this new basin and, if so, what is the total impermeable area that would drain to it?</li> <li>• Has infiltration testing been carried out? If so, please provide the report. If not, what would the alternative drainage strategy be if infiltration proves not to be feasible?</li> </ul>		
<p>20.10.20:</p>		

We are unable to provide an informed comment until the applicant has provided further information regarding the drainage strategy:

- Impermeable area to be drained
- Where will the surface water discharge to from the pond? Please include appropriate evidence in support (photographs / maps / a confirmation letter from a water company).
- Basic calculations of the greenfield/brownfield runoff and discharge rates/ evidence of infiltration rates
- What is the proposed volume of the pond?

24.09.20

As the application site area is greater than 1 hectare, we would recommend a holding objection until such time as the applicant provides a Flood Risk Assessment, as per the NPPF. We would also require details of the drainage scheme for the proposed development before we could recommend conditions.

DCC Highways	Comments are awaited regarding the revised site plan submitted on the 30.11.20	Members will be updated at the meeting
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17.09.20: The transport assessment notes that 28 staff are currently employed on the Waterswallows site, 10 of whom are 'office' based, with the remaining 18 production staff. It's stated that 7 of the 10 office staff have been working from home during the covid emergency, a trend that is intended to continue in the future.

Although the 'footprint' of the site together with its access will remain as existing, the proposals will result in the intensification of the site with more employees. The transport assessment predicts that as activities on the Waterswallows site increase, 92 staff will eventually be employed, 20 of whom will be working from home. The remainder will be production based staff however, with changes to the operations to 3 shift patterns daily, only ~ 30 staff are likely to be on site at any one time.

The sites existing operations are served by around 10 or so two way HGV movements, i.e. approximately one an hour over a typical working day. This will increase by typically by ~ 20% as result of the sites activities.

On this basis, traffic generation will be modest and unlikely to give rise to any problems either at the access or across the wider highway network.

The above being the case, subject to provision of an adequate level of off-street parking for both the existing and proposed development, to satisfactorily meet the requirements of High Peak BC standards for the planning class of use, being maintained clear of areas dedicated to manoeuvring and any obstructions to its designated use, there are no highway objections to the proposals.

17.08.20: The proposed development involves a significant increase in overall warehouse GFA, plus erection of 4no. silo's, and an increase in staff numbers from 25no. to 93no. for whom there would be 22no. off-street parking spaces provided.

The above being the case, the applicant should be requested to submit details of both existing and proposed traffic movements/travel patterns in order that these may be reviewed prior to determination.

DCC  
Landscape  
Architect

No objections.

Members will be  
update at the  
meeting

04.12.20

I confirm that I am in agreement with the landscape proposals detailed on revised drawings L14157\_01G and L14157\_02E.

02.12.20:

I am in agreement with the revised proposals (drawings 14157\_LD\_01F and 14157\_LD\_02D) which show the pond in a more suitable position and enables the inclusion of more comprehensive buffer planting, with the exception that I would prefer the planting mix to omit *Pinus sylvestris*, reduce the proportion of *Sorbus aucuparia* and *Alnus glutinosa* and add *Fagus sylvatica* (retaining proposed total plant numbers).

20.10.20:

Some additional planting has been included intending to screen the silos. Whilst a reasonable number of transplants are included the silos are proposed to be 11.7m high and the majority of the planting is native shrub species with only 5 trees in total. Therefore I do not consider it will create an adequate screen. The placing of the pond is problematic as it occupies an area where additional tree planting is required and there are already existing trees too close which will lead to the accumulate of leaves in the pond and acidification of the water.

The 3m acoustic fence will be visually imposing and requires additional screening such as native shrub species.

Generally for a development of this scale I consider the planting is not bold enough and additional native planting is required to thicken up the existing tree planting to the north east and north west boundaries. I consider that my previous comments as below still apply:

*'... the successfully establishment of woodland planting is essential to assimilate the new and existing buildings, when considered as a group, into the landscape. Previous plans show landscape mitigation of mounded tussocky grassland with standard trees which I consider provides a sparse and inadequate screen and*

*needs supplementing with a substantial addition of feathered trees and native understory shrub planting. The woodland planting needs to be dense enough to prevent views through the vegetation. Consideration needs to be taken in the planting proposals to effectively screen the silos from the east'.*

21.09.20:

In addition to the proposed building works, this application seeks to regularise several deviations from previously approved plans including landscape proposals. However, landscape works to date have been carried out in a piecemeal way and no plans are included that comprehensively illustrate the definitive landscape scheme, especially in relation to mounding.

It is uncertain what landscape proposals are sought for approval and I consider that an up to date plan showing proposals and existing planting / mounding should be provided for clarity and certainty of what is sought for approval.

The proposed new building is 8.9m high and 0.5m higher than the existing adjoining building, the proposed silos are higher but the height does not appear to be confirmed in the information. The silos to the east of building A will have visual impacts from Waterswallows Lane and Longridge Lane. A 3m high timber fence is proposed as an acoustic barrier and to screen views of the proposed new hardstanding area for lorry turning and waiting.

Both the warehouse extension and proposed hardstanding area reduce the width of the existing landscape buffer and it appears that the removal of some existing trees may be required.

The position of the pond has changed from early plans, it is now smaller, has less scope for marginal vegetation and a smaller area of marsh and therefore less biodiversity value. It is located in close proximity to trees and this needs to be avoided to prevent the excessive accumulation of leaves.

Overall I consider that the visual impacts of the proposed building will not be significant in relation to existing development and other approved development nearby and it will not give rise to excessive landscape harm. However, the successful establishment of woodland planting is essential to assimilate the new and existing buildings, when considered as a group, into the landscape.

Previous plans show landscape mitigation of mounded tussocky grassland with standard trees which I consider provides a sparse and inadequate screen and needs supplementing with a substantial addition of feathered trees and native understory shrub planting. The woodland planting needs to be dense enough to prevent views through the vegetation. Consideration needs to be taken in the planting proposals to effectively screen the silos from the east.

The immediate surrounding landscape is generally flat and therefore I consider that generally any mounding included should be minimal with shallow gradients to sides to allow easy maintenance.

HPBC Arboricultural Officer	See comments below	Members will be updated at the meeting
<p>02.12.20:</p> <p>The following comments are agreed with:</p> <p><i>"I am in agreement with the revised proposals (drawings 14157_LD_01F and 14157_LD_02D) which show the pond in a more suitable position and enables the inclusion of more comprehensive buffer planting, with the exception that I would prefer the planting mix to omit Pinus sylvestris, reduce the proportion of Sorbus aucuparia and Alnus glutinosa and add Fagus sylvatica (retaining proposed total plant numbers)".</i> DCC Landscape Architect 02.12.20</p> <p>26.10.20:</p> <p>I had previously taken the view that the trees and planting should be in keeping with the landscape character of the areas – i.e. groups of trees rather than creating a block of trees to screen the proposals as this in its self would be out of keeping with the area.</p> <p>But the significant extension of the buildings encroaches on land that could be used for tree planting and as such I am inclined to agree with Anton's assessment. Particularly in relation to the most sensitive view points to the north and west.</p>		
HPBC Environmental Health	See below.	Refer to the amenity section of the main report below.
<p>18.09.20: Please update my recommended condition with reference to site plan 2020-2517-04J.</p> <p>18.09.20: Environmental Health has no objections to the above proposal subject to the comments and condition below:</p> <p><i>Noise</i></p> <p>A noise impact assessment has been undertaken (ADT 3074, 04 September 2020), this concludes that the proposals will not result in significant adverse impacts.</p> <p>A 3m high close-boarded fence is proposed along the North-West boundary. Site plan (2020-2517-04, Rev H) refers to this in the descriptive text, but is marked as a hit and miss fence on the drawing. This plan should be updated for the avoidance of doubt. The close-boarded fence will need to be fully implemented prior to use of the proposed extension to 'Building A' and maintained for the life of the development.</p>		

### *Lighting*

Additional lighting is shown on the site plan (2020-2517-04, Rev H). Environmental Health has no objection to the proposals.

### *Air Quality*

Based on the comments by Staffordshire County Highways, 17/09/2020, Environmental Health has no comments with this regards to air quality impacts from the proposed development.

### *Dust*

Pennine Aggregates Limited are regulated under The Environmental Permitting (England and Wales) Regulations 2016 for the production activities undertaken on the Waterswallows Lane site. A variation to the existing permit will be required. The permit controls emissions of dust from the operational production activities undertaken at the site and no further comments are required in relation to this planning application.

### *Proposed condition*

The 3 metre high close-boarded fence, as shown on site plan (2020-2517-04, Rev H) [updated to refer to the close boarded fence on the drawing] shall be fully implemented prior to the use of the proposed extension to 'Building A' and shall be maintained for the lifetime of the development.

17.09.20: With regards to noise impacts, the noise model appears to assume the installation of a 3m close boarded timber fence. Therefore, it can only be concluded that the results of the acoustic assessment are based on the installation of the above.

To revert to a hit and miss fence, clarification will be needed from the acoustic consultant to confirm that the noise model assumed no fence would be present or alternatively sensitivity testing could be undertaken by re-running the noise model either with no fence, with a hit and miss fence or both scenarios to assess the impact the fence makes on this boundary to receptors and an updated report submitted for comment.

16.09.20:

### *Noise*

A 3m high close-boarded acoustic fence is proposed along the North-West boundary. Site plan (2020-2517-04, Rev H) refers to this in the descriptive text, but is marked as a hit and miss fence on the drawing. Can the applicant provide an updated site plan for the avoidance of doubt as the implementation and maintenance thereof will need to be included as a condition.

### *Air quality*

If Highways require a detailed transport assessment this is likely to trigger an air quality assessment as well. Please let me know once you have had a response from Highways in this regard.

It is noted that the approved plan for the existing development shows only 4 HGV

parking spaces, however, the transport assessment refers to 10 existing. Can this be clarified please as only 2 'artic waiting bays' are shown on the proposed site plan and this represents an increase of HGV capacity at the site which may need to be considered in relation to air quality impacts.

02.09.20: Have you had any confirmation on the highways information. I am under the impression the proposals are not going to result in significant HGV traffic, a few more at most a day. If it is more significant than this an air quality screening assessment may be required due to elevated pollutants on the A6 at Fairfield.

14.08.20: The Environmental Health Department has no objection to the proposed development above, subject to the inclusion of conditions in relation to the prevention of dust, submission of a lighting scheme, restrictions on night-time deliveries to the proposed silos and condition relating to parking provision to minimise impacts on air quality on the nearby road network.

Environmental Health has been liaising with the applicant and the following is understood:

*Dust*

To replicate the condition of the existing permission, HPK/2016/0317.

*Lighting*

The applicant is to provide an updated lighting scheme for consideration prior to determination.

*Noise*

The applicant is to provide an assessment of night-time deliveries, in particular during discharge of material into the silos and if appropriate details of an acoustic rather than hit and miss fence in the NW corner.

*Air Quality*

Where there is potential for increased traffic as a result of significant increased parking at the site an air quality screening assessment may be required. The applicant is to update the site map to include details of numbers for parking.

If the above information has not been provided by the time the application is to be determined, suitable conditions can be provided.

If the information outlined above is submitted prior to determination and the conclusions deemed acceptable, the recommendations of this Department will be updated.

## **7.0 POLICY AND MATERIAL CONSIDERATIONS AND PLANNING BALANCE**

### **Planning Policies**

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 High Peak Local Plan was adopted in April 2016.

7.3 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.

### Principle of development

7.4 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.

7.5 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.

7.6 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.

7.7 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".

7.8 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.

7.9 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).

7.10 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".

7.11 Full planning permission is sought for a further 1902sqm of industrial floorspace (totalling 5306sqm industrial floorspace) with associated works in addition to retrospective works at the site known as Pennine Aggregates, Waterswallows Lane, which lies within the designated countryside. As the application seeks approval for further industrial development in the countryside, there needs to be an essential need for a countryside location demonstrated for the scheme to accord with LP Policies S2 and EQ3.

7.12 The applicant previously had premises at Staden Lane Business Park. They state that the uncertainty of this location caused them to move

operations to a new site developed at Waterswallows. Due to the success of this move, with increased productivity, the company now wishes to expand further, increasing capacity to meet rising demand. The applicant argues that as well as facilitating higher output, the extension will also provide indoor storage and safer indoor and unloading facilities, necessary to ensure safety as the company expands. The function of the indoor space is detailed as follows:-

- Ability to store a minimum of 1,000 pallets within the main warehouses
- A further 400 pallets would comfortably fit under the cantilever extensions should there be an overflow
- 1,400 pallets equates to approximately 60 full wagon loads. This equates to more than 3 weeks stockholding in peak season and which can be stored and managed effectively so that wagon loading and despatch to the customer can be carried out efficiently and without any outside overspill
- Along with fast production speeds to keep stocks up to a maximum, the above indoor storage figures illustrate the significantly improved capability to keep storage undercover

7.13 Pennine Aggregates have outlined increased space not only to transfer the existing production machinery, but also space enough to add another 2 production lines to achieve the predicted levels of growth in the near future. The office space allocated within the floor plans would provide the business with four times the amount of space currently used. Again, enough to sufficiently future proof growth plans and projected employment growth without the need for any further remodelling inside the buildings.

7.14 Several economic benefits are argued, including that of employment numbers. The applicant states that since planning permission was granted in 2016, the number of full-time staff (equivalent) has increased from 10 to 25 and following the proposed expansion nearly 100 people would be employed. Further to this, a figure of £3 million in wages by 2026 is argued in support of the benefit to the local economy. Indirect effects on the supply chain, the applicant argues, will have a significantly larger beneficial effect on the High Peak economy as well as citing higher business rate income.

7.15 The Council's Regeneration Officer has commented on the scheme proposals as follows:

*"Pennine Aggregates Ltd are applying for extensions to both of their existing warehouse buildings within their site curtilage to support future growth and increase production capacity at the site in response to rising customer demand. It will also provide indoor storage and safer indoor and unloading facilities which will provide more support to cope with the increasing size of the company.*

*The application will increase floorspace from 3,404sqm to 5,306 – an increase of 1,902 (55%) and will generate 68 new jobs over a number of years. While the scale of the job growth may appear ambitious, we do not*

*consider this unrealistic as it will be will mainly be achieved by addition of a new shift system and should be seen in the context of their track record, which has seen 150% job growth in last four years.*

*There is currently a very limited supply of alterative employment sites which could accommodate a building of this size within High Peak, which was one of the reasons for relocation five years ago, and it needs to be recognised that splitting the operation into multiple sites to accommodate growth is unfeasible as it would create logistical and financial pressures which would limit growth and may make expansion of business unviable, as well as add to road traffic congestion.*

*Therefore, it is reasonable to accept that if this application were refused, the company would have to relocate outside of the district to accommodate growth in the longer term.*

*High Peak Borough Council has adopted in 2017, a matrix to quantify multiplier outcomes from job generation and employment projects based on re-spend in the local economy and new business rates income. The matrix is based on ONS household income / disposable income data with analysis on local spend (retail spend analysis evidence base from Local Plan). Research identified that minimum wage local employees spend £1,394 per annum close their employee base. The project will support 68 new jobs, which would therefore deliver an economic multiplier uplift to local town centres of at least £920,040 per annum. In addition, the new building will have a rateable value of approximately £90,000 (an increase of £30,000), a proportion of which will be retained by Derbyshire County Council and High Peak Borough Council to support services to the community.*

*High Peak is currently experiencing a significant increase in worklessness and underemployment due to the impact of Covid-19 and changing economic circumstances. The claimant count now stands at 4.9% (2,805 people) which is a significant rise over the last 12 months from 1.8% (1,045) ONS. The Waterswallows site, while semi-rural is just 1.5 miles from Fairfield, which contains two wards with some of the highest unemployment levels and is 0.3 miles to nearest bus stop (served by a 30 minute service) making it an accessible location helping to create important jobs for the local community.*

*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.*

*While appreciating the planning balance that must be taken into consideration, from an economic perspective alone, taking into consideration the substantial job growth and multiplier benefits to the local area, HPBC Regeneration are fully supportive of this application and would recommend approval” (07.10.20).*

7.17 Council Officers have previously supported Pennine Aggregates to identify and develop funding bids to EAFRD (European Agricultural Fund for Rural Development) and Invest to Grow. The funding secured supported the development of the land at Waterswallows Lane, erection of suitable warehousing and connection to services as well as the purchase and installation of new processing machinery.

7.18 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 the potential significant economic and employment benefits for the local and wider area to carry substantial weight as part of the ‘Planning Balance’. Accordingly, the scheme complies with relevant local and national planning policy in these regards and carries significant. This matter will be returned to in the concluding planning balance section below.

#### Landscape Impact

7.19 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.

7.20 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.

7.21 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.

7.22 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 expansion 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.

7.23 In respect of the approved scheme, the applicant has endeavoured to reduce the visual impact of the development by proposing agricultural style buildings, minimising the size of the hard surfaced area, proposing extensive and appropriate landscaping including tree planting and stone walls and positioning the buildings / parking / loose materials bays to minimise their visual impact. The unauthorised external storage visible from the A6 would be accommodated within the extended scheme.

7.24 The aim of local planning policy is to achieve an appropriate balance between the Local Plan objectives to support both the local economy and to protect the environment. The acceptability of the scheme in policy terms should be considered in conjunction with the economic benefits of the development and the wider objective in the Local Plan to support existing businesses and the economic base of the area. Consequently, the proposal needs to be carefully considered in line with LP Policy EQ2, which seeks to ensure development does not harm landscape character. The further development of this site, in terms of its size and scale in this location would inevitably have some visual impact to the surrounding area.

7.25 For the extended scheme, an agricultural building style, including profiled steel sheet above dwarf walls and shallow pitched roofs has been retained to be in keeping with the site in general and the other large buildings within the immediate locality. Revisions have agreed an agricultural style Yorkshire boarding to soften the appearance of the outward facing elevations of Buildings A and B to be secured by means of a planning condition, which would also include the finish of the silos.

7.26 The DCC Landscape Architect Officer has confirmed his agreement with the revised landscape proposals as detailed on revised drawings

L14157\_01G and L14157\_02E. Overall, these show the pond in a more suitable position to the rear of the site and also enables the inclusion of a more comprehensive landscape buffer to supplement the existing tree planting to the northeast and northwest site boundaries. As the immediate surrounding landscape is generally flat, the mounding retained should be minimal with shallow gradients to sides to allow for easy maintenance.

7.27 Overall, the visual impacts of the proposed scheme 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. This matter will be returned to in the concluding section below.

#### Amenity

7.28 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 127 of the NPPF requires a good standard of amenity for all existing and future users of land and buildings.

7.29 The application site lies away from main residential settlements. However, it is in close proximity to residential properties at Breezemount 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.

7.30 A 3.0m high close-boarded fence is proposed along the northwest site boundary (between buildings). The noise impact assessment submitted confirms no significant adverse impacts as a result of scheme intensification. The Environmental Health Officer, however, states that the close-boarded fence would need to be fully implemented prior to the use of the proposed extension to 'Building A' and be maintained for the life of the development. Environmental Health further confirm no air quality impacts because of the proposed development in view of the acceptance of the Transport Assessment by County Highways.

7.31 Environmental Health advise that Pennine Aggregates are regulated under The Environmental Permitting (England and Wales) Regulations 2016 for the production activities undertaken on the Waterswallows Lane site. The permit controls emissions of dust from the operational production activities

undertaken at the site. A variation to the existing permit will therefore be required to be dealt with by means of an informative in these circumstances.

7.32 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**

7.33 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.

7.34 The site has relatively good links from the local road network to the A6. It is also accessible by public transport. There are bus routes along Batham Gate Road and Waterswallows Road. The roads within the area immediately surrounding the site are already heavily used by HGVs associated with the Industrial Estate and Tunstead Quarry.

7.35 At the request of County Highways, a Transport Assessment has been latterly submitted to support the scheme. The document notes that 28 staff are currently employed on the Waterswallows site, 10 of whom are office-based, with the remaining 18 being production staff. It is also stated that 7 of the 10 office-based staff have been working from home during the COVID emergency and is a trend that is likely to continue into the future.

7.36 The Highways Officer notes that the scheme would result in the intensification of the site with significantly more employees. However, the site access from Waterswallows Lane and parking provision would remain as per the existing layout. In these regards, the Transport Assessment predicts that as activities on the Waterswallows site increase, 92 staff would be employed with 20 of whom would be working from home. The remainder would be production-based staff. However, with changes to the operations to 3 shift patterns daily, it is confirmed that only 30 staff are likely to be on site at any one time.

7.37 Furthermore, the site's existing operations are served by c.10 two-way HGV movements i.e. approximately one an hour over a typical working day. This would increase typically to c.20 as result of the proposal. On this basis, DCC Highways consider that traffic generation because of the scheme would be modest and therefore unlikely to give rise to any problems either at the access or across the wider highway network.

7.38 As a consequence, the Highways Officer confirms, that subject to the provision of an adequate level of available off-street parking for both the existing and proposed development to satisfactorily meet the requirements of

Council standards for the use class, there would be no highway objections to the scheme.

7.39 In these regards, and specifically car parking requirements, planning permission ref. HPK/2016/0317 was granted for 2240sqm of industrial floorspace. The applicant exercised his permitted development rights to extend the approved buildings resulting in 3404sqm of floor space. Full planning permission is now sought for the alteration and extension of the existing warehouses, which would result in a further 1902sqm of industrial floorspace and cumulative site total of 5306sqm.

7.40 LP Appendix 1 'Parking Guidance' provides standards on the level of parking for development use types whereby each application will be considered in the context of its need for parking and its impact on the local road network. For industrial proposes, it advises that 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.

7.41 The applicant states that the existing site has 36 parking spaces including accessible and visitor spaces. As well, there is also parking for 10 HGVs and 10 cycles.

7.42 In terms of working patterns, for the existing 28 employed staff, including 10 office based and 18 production workers, it is set out that office staff work Monday to Friday, typically starting between 0700 and 0900 hours and finishing between 1600 and 1800 hours. The production and warehouse staff work on a shift system, with staff alternating between the day and night shifts i.e. 0600 to 1800 hours and 1800 and 0600 hours to result in 3 office staff and 9 production staff on each 12 hour shift at any one time.

7.43 The application form confirms that the scheme proposal would result in an additional 93 full-time equivalent employees over and above existing 25 to result in scheme total of 118 employees (full-time equivalent) as part of scheme expansion over 5 years. The Transport Assessment anticipates that there would be 20 home workers with 9 office workers on a 9-5 basis and the remaining 63 workers employed in the production or warehouse facilities working a rota of 3 shifts to ensure a maximum staff level of 30 at any one time.

7.44 An amended site plan has been submitted, which shows the provision of a total of 43 onsite car parking spaces, including an overflow parking area to be served from the existing car parking area. Together with the company's car share scheme and cycle store provision, there would be adequate onsite car parking provision to accommodate the lunchtime shift change over. The amended car parking layout is subject to County Highway comments and Members will be updated via the Update Sheet.

## **Flood Risk / Drainage**

7.45 The submitted FRA (Flood Risk Assessment) and drainage scheme to demonstrate that the scheme would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere and that appropriate mitigation measures can be put in place is subject to further commentary from the County Flood Team. Accordingly, Members will be updated via the Update Sheet.

### Biodiversity & Ecology

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

7.47 DWT (Derbyshire Wildlife Trust) have reviewed the Preliminary Ecological Appraisal and confirm that ecological constraints appear relatively limited with habitats affected being of predominantly low value. They advise that the pond relocation requires removal using a destructive search undertaken by an ecologist, in either autumn or early spring therefore avoiding the key breeding and hibernation periods for Great Crested Newts. Similarly any bat and bird boxes attached to Building B also require removal by an ecologist and relocated to another suitable location on site. To provide enhancements for biodiversity, DWT advise that additional boxes could be considered.

7.48 Subject to the above conditions, the proposal would not have an adverse impact on ecological interests and thereby complies with LP Policy EQ5 and the NPPF.

### **Archaeology**

7.49 County Archaeology confirm that the site was previously the subject of archaeological field evaluation and subsequent monitoring in relation to planning permission ref. HPK/2016/0317 for the change of use of agricultural land to industrial use. It is stated that no significant archaeological finds or features were recorded as a result of this work and taking into account the ground disturbance involved in the construction of the existing operation, it is highly unlikely that the current proposals would have any archaeological impact requiring no further comments on this scheme.

## **8. PLANNING BALANCE & CONCLUSIONS**

8.1 The application site is located in the open countryside and comprises of the expansion of an established employment site. There are no other more suitable sites in the area which could accommodate the scheme proposal, which has good access to the A6 and sited away from residential development.

8.2 As a consequence, 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 significant

local economic and employment benefits without leading to any significant environmental harm subject to the resolution of outstanding of drainage / highway matters as highlighted above.

8.3 With the safeguard of conditions which amongst other matters would achieve both landscape and ecological enhancements, the economic benefits are considered to outweigh the more limited environmental landscape harm (with the social impacts being 'neutral' due to the site not being in a residential area) as is discussed above.

8.4 Overall, the expansion of the existing business is a sustainable form of development under the terms of the Framework and relevant Local Plan Policies.

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

## **9. 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. Prior to commencement - 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. Prior to commencement - Landscape and Habitat Enhancement & Management Plan**
  - 12. Prior to use - External Lighting Details**
  - 13. Prior to Use - Implementation of Acoustic Fencing**
  - 14. Prior to commencement - Construction and Environmental Management Plan**
  - 15. Prior to commencement – relocation of pond and bird / bat boxes**
- B. And delegated authority to add further conditions in respect of flood risk & highways following receipt of comments**
- C. 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(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.**

Site Plan

