

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**24<sup>th</sup> March 2025**

<b>Application No:</b>	HPK/2024/0265	
<b>Location</b>	Hillhead Quarry, Hillhead Lane, Harpur Hill, Buxton	
<b>Proposal</b>	Application for Removal or Variation of a Conditions 1, 2, 3 in relation to application HPK/2016/0244	
<b>Applicant</b>	Stonevada Ltd	
<b>Agent</b>	Emery Planning	
<b>Parish/ward</b>	Burbage	<b>Date registered</b> 9 <sup>th</sup> July 2024
If you have a question about this report please contact: Rachael Simpkin, 01298 28400 ext 4922, <a href="mailto:rachael.simpkin@highpeak.gov.uk">rachael.simpkin@highpeak.gov.uk</a>		

### **1. SUMMARY OF RECOMMENDATION**

**APPROVE, subject to conditions.**

### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 2.1 The 2.0 hectare (ha) application site is part of the Hillhead Quarry complex and other than the existing weighbridge and associated small building, it comprises of a flat, concrete surfaced area accommodating open storage.
- 2.2 The site abuts the quarry wall to the west which rises between 15.0 to 25.0m above ground level. The northern and eastern boundaries of the site are surrounded by a 2.0m chain link fence. It is located approximately 1.5km to the southeast of Harpur Hill. Access to the site is gained via Hillhead Lane, some 700.0m from the junction with Burlow Road.
- 2.3 Previously, the application site had been used for the manufacture of concrete products since c.1980 with the principal raw material supplied from Hillhead Quarry. This use ceased some time ago and the main manufacturing building was demolished and removed from the site.

### **3. DESCRIPTION OF THE PROPOSAL**

- 3.1 Planning permission ref. HPK/2011/0119 was granted in 2011 for a temporary period of five years for uses including the storage of HGV's, commercial vehicles, police impounded vehicles and the stockpiling of rock salt for winter road maintenance at part of the Hillhead Quarry complex.

3.2 Following on planning permission ref. HPK/2016/0244 permitted the variation of conditions 3 and 4 of the 2011 consent to extend the period in which the development can take place for a further 10 years and until 31 May 2026 as follows:

1. The site shall be used solely for the storage of HGV's, commercial vehicles, police impounded vehicles and for the stock piling of rock salt and for no other purposes.
2. The permission hereby granted shall be for a limited period expiring on the 31st May 2026, on or before which date the use of the land for the storage of HGV's/commercial vehicles, police impounded vehicles and the stockpiling of rock salt shall be discontinued permanently unless a further planning permission has first been granted on application to the Local Planning Authority.
3. All HGV's/commercial vehicles, police impounded vehicles and the stockpiling of rock salt shall be removed from the site no later than the 31st May 2026 unless a further planning permission has first been granted on application to the Local Planning Authority.

3.3 For the current planning application, the revised conditions wording originally proposed by the applicant as follows:

1. The site shall be used solely for the storage of HGV's, commercial vehicles, packaged and bulk materials (excluding coal) and for no other purposes.
2. The permission hereby granted shall be for a limited period expiring on the 31st May 2026, on or before which date the use of the land for the storage of HGV's/commercial vehicles, packaged and bulk materials (excluding coal) shall be discontinued permanently unless a further planning permission has first been granted on application to the Local Planning Authority.
3. All HGV's/commercial vehicles, police impounded vehicles and the packaged and bulk materials shall be removed from the site no later than the 31st May 2026 unless a further planning permission has first been granted on application to the Local Planning Authority.

3.4 Following officer clarification sought on the nature of the storage of bulk and packaged materials, the applicant states that the materials proposed to be stored on site would comprise packaged cement and bulk cementitious materials.

3.5 In these regards, the proposed private drainage plan Rev P04 shows the area of the site to be utilised for the storage of bulk cementitious materials (clinker) (5,000 tonnes) and bagged cement (5,000 tonnes). The site plan now includes a bund to prevent run off from the area used

to store bulk material and indicates that the stockpile would have a maximum height of 3.85m.

- 3.6 The storage of bagged cement would not take up the entirety of the area shown on the plan, as this area is also used for the parking of HGVs in accordance with the permitted use of the site as outlined by the applicant. In these regards, there would be stock rotation associated with the bagged cement and therefore its location within the identified site area may change.
- 3.7 Notwithstanding this, the bagged cement would be stored in sealed, waterproof bags in order to protect the product to prevent run-off as stated by the agent.

#### **4. RELEVANT PLANNING HISTORY**

- NMA/2025/0004 Non Material Amendment in relation to HPK/2016/0244. Approved 17<sup>th</sup> February 2025.
- HPK/2016/0244 Variation of conditions 3 and 4 (to continue the permitted use for a further 10 years to 31 May 2026) on planning permission HPK/2011/0119. Approved 18<sup>th</sup> July 2016.
- HPK/2011/0119 Change of Use of part of quarry site for a range of storage uses, to include, HGV's and commercial vehicles, Police impounded vehicles and stockpiling of minerals (mainly for winter road maintenance). Approved 23<sup>rd</sup> May 2011.
- CM1/801/68 Import limestone. Approved by DCC 7<sup>th</sup> March 2002
- Determination of conditions under the Environment Act 1995 for all extant permissions at the Hillhead Quarry site including CHA/262/11 and CHA/864/13. Approved by DCC 28<sup>th</sup> April 1998.
- HPK/0003/5805 New Exit Road. Approved by DCC 27<sup>th</sup> January 1997
- HPK/381/320 The erection and use of plant for the manufacture of concrete masonry productions. Approved by DCC 25<sup>th</sup> June 1981.
- HPK/977/750 To construct plant for the manufacture of concrete masonry blocks. Approved by DCC 10<sup>th</sup> January 1978.
- CHA/864/13 Disposal of mineral waste. Approved by DCC 22<sup>nd</sup> Oct 1964.
- CHA/262/11 Disposal of mineral waste. Approved by DCC 29<sup>th</sup> May 1962

## 5. PLANNING POLICIES RELEVANT TO THE DECISION

### High Peak Local Plan Adopted April 2016

S1	Sustainable Development Principles
S1a	Presumption in Favour of Sustainable Development
S2	Settlement Hierarchy
S6	Buxton Sub-area Strategy
EQ1	Climate Change
EQ2	Landscape Character
EQ3	Rural Development
EQ6	Design and Place Making
EQ7	Built and Historic Environment
EQ10	Pollution Control and Unstable Land
EQ11	Flood Risk Management
E1	New Employment Development
CF6	Accessibility and Transport

### Supplementary Planning Documents (SPDs)

Landscape Character Supplementary Planning Document (SPD) 2006

### Other Relevant Documents

High Peak Housing and Economic Land Needs Assessment (HELNA)  
September 2022

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

## 6. CONSULTATIONS CARRIED OUT

### Expiry date:

<b>Site Notice</b>	29 <sup>th</sup> August 2024
<b>Neighbour letters</b>	1 <sup>st</sup> August 2024
<b>Press Notice</b>	8 <sup>th</sup> August 2024

Public comments

### Objections (48):

- The applicant's intention to use water to suppress dust from the supposedly small amount of loose material (?), adding water to a site that already floods with the smallest amount of rainfall is only going to exacerbate the issues.
- Hartington Upper Quarter FP (Footpath) 121 uses part of the access to the site and FP13 and BR120 should remain open and safe to use during and after any works undertaken.

- Development will increase pollution.
- Local area is already prone to flooding due to the uncontrolled and undocumented storage of materials by Lomas Distribution (Stonevada Ltd).
- Floods are already damaging and ruining local resident's dwellings and gardens, and the development will only increase the amount of damage the floods are causing.
- Rainwater along with black silt runs not just down the edges of the road but the entire road like a river, it blocks the drains which then causes it to come out onto the main road gushing straight into neighbouring gardens.
- Once the gardens are full of water and this disgusting black stuff it then protrudes onto the path, then road causing walkers to have to paddle through it.
- Children of Sunnyfields are unable to get to the bus due to the amount of water and it is a dangerous road without this problem due to no footpath just under the bridge.
- Black silt has been partly diverted into the farmers field which is not ideal and dangerous for cattle.
- Drainage system already blocks up which causes a nasty sewage smell, it would not be able to cope with an increase in use from the development.
- Drainage solution proposed by the consultants (HBL Associates) seems insufficient given the quantity of material that gets washed down the road. The only way to fully prevent this run-off is to remove the material from the site completely, or to construct dedicated, enclosed storage facilities (in addition to the drainage proposals).
- Materials being stored are harmful to both humans and wildlife yet is being stored in large quantities in open air in piles on the ground.
- In dust form, it is known to cause lung disease (due to the silica present), and when mixed with moisture it forms a highly alkaline, corrosive solution.
- The plans make no reference to how these drainage traps would be managed and maintained, something which is a critical component of any drainage strategy.

**Support (0):**

N/A

Consultees

<b>CONSULTEE</b>	<b>COMMENT</b>	<b>OFFICER RESPONSE</b>
<b>County Archaeology</b>	<b>No objection.</b>	<b>Refer to Archaeology Section</b>
<p>30.07.24</p> <p>The former line of the Cromford and High Peak Railway built in 1826 runs through the site to the southwest and is recorded on the Derbyshire HER</p>		

(MDR7889 and MDR9338). There are no archaeological implications with this application however and I have no objection.

<b>County Highways (Revised)</b>	<b>No objection.</b>	<b>Refer to Highway Safety Section</b>
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28.10.24

Further to previous comments and the latest information provided, considering the distance between the site and the highway boundary and the layout of the junction of Hillhead Lane and Burlow Road, it would be difficult to sustain an objection to the variation of the conditions to alter the type of materials stored at the site, over those previously conditioned, on the basis that the site would not generate a significant increase in vehicular movements and, if it did, that that increase would have an unacceptable impact on highway safety or have a severe cumulative impact.

On that basis, there are no highway authority objections to the application.

<b>County Flood Risk (revised)</b>	<b>Conditional Response</b>	<b>Refer to Flood Risk Section</b>
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06.12.24

Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 06/12/2024. The LLFA has no objection subject to the conditions below.

No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

- a. 10715-HBL-XX-XX-RP-D-001 Drainage Statement - PO4 “including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team”
- b. And DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

Reason:- To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.

<b>County Minerals</b>	<b>Awaited</b>	<b>Refer to Updates Report</b>
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<b>HPBC Environmental Health</b>	<b>Awaited</b>	<b>Refer to Updates Report</b>
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## **7. POLICY AND MATERIAL CONSIDERATIONS AND PLANNING BALANCE**

### **Decision Making Framework**

- 7.1 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 requires the Local Planning Authority to determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'. Section 70(2) provides that in determining applications the Adopted Local Planning Authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations". The Development Plan for the Borough consists of the Adopted High Peak Local Plan dated April 2016.
- 7.2 The NPPF (National Planning Policy Framework) and NPPG (National Planning Policy Guidance) are both material (and of equal weight) to the determination of the application.
- 7.3 Achieving sustainable development sits at the heart of the NPPF. Paragraph 8 of the NPPF outlines that achieving sustainable development requires the consideration of three overarching and mutually dependant objectives being: economic, social and environmental where they are to be applied to local circumstances of character, need and opportunity of each area. These objectives are interdependent and should be pursued in mutually supportive ways and comprise;
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of the present and future generations; and by fostering well designed, beautiful and safe places, with accessible services and open spaces that reflect

current and future needs and support communities' health, social and cultural well being; and,

- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making the effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

7.4 NPPF paragraph 11 (as amended) for decision taking states:

“Plans and decisions should apply a presumption in favour of sustainable development. ...

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance<sup>7</sup> provides a strong reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination<sup>9</sup>”.

7.5 On 23rd June 2022, the Council's Executive stated LP Policies S3 'Strategic Housing Development', S4 'Maintaining and enhancing an economic base' and Policy H4 'Affordable Housing' were out of date for development management purposes, meaning less weight can be given to them when determining planning applications. For the avoidance of doubt, all other policies within the High Peak Local Plan should continue to be given full weight until further notice.

7.6 The application is a s.73 variation of the 2016 consent relating to the original consent for 'Change of Use of part of quarry site for a range of storage uses, to include, HGV's and commercial vehicles, police impounded vehicles and stockpiling of minerals (mainly for winter road maintenance)' at Hillhead Quarry is sought to permit the storage of bulk cementitious materials (clinker) (5,000 tonnes) and bagged cement (5,000 tonnes) - instead of police impounded vehicles and the stockpiling of rock salt.



- 7.7 An application made under section 73 of the Town and Country Planning Act 1990 can be used to make a material amendment by varying or removing conditions associated with a planning permission. The change, however, must only relate to conditions and not to the operative part of the permission. In addition, a s.73 cannot be used to change the description of the development. Provisions relating to statutory consultation and publicity do not apply for such applications.
- 7.8 Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.
- 7.9 A decision notice describing the new permission should clearly express that it is made under s.73. It should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect.
- 7.10 A Section 73 cannot be used if there is no relevant condition in the permission listing the originally approved plans as is the case for the proposal. Notwithstanding this, it is possible to seek the addition of a condition listing plans using an application under section 96A of the Town and Country Planning Act 1990 i.e. a Non-Material Amendment (NMA). This would enable the s.73 application to make a minor material amendments as proposed.
- 7.11 Consequently, NMA/2025/0004 'Non Material Amendment in relation to HPK/2016/0244' was approved on the 17<sup>th</sup> February 2025 to include a standard condition listing drawing plan references: Location Plan and Site plan 1440-100-A. It provided a mechanism to permit a s.73 application in the interests of proper planning and completeness.
- 7.12 The principle considerations for the determination of the proposal therefore relate to whether the continued use of the site for the parking of commercial vehicles / HGV's and proposed storage of both clinker / bagged cement (as retrospectively sought) would accord with the Adopted Local Plan as well as any other material planning consideration.

### **Principle of Development**

- 7.13 The application site lies within the open countryside for which Adopted Local Plan (LP) Policy EQ3 'Rural Development' herein applies. Policy EQ3 states that within the countryside, new development will be strictly controlled in order to protect the landscape's intrinsic character and distinctiveness. This will be achieved by, amongst a number of criteria,

permitting the redevelopment of a previously developed site and / or the conversion of existing buildings for employment use provided that it would not have an adverse impact on the character and appearance of the rural area, to which it relates.

- 7.14 In principle, the development would not form the type of activity normally supported in a countryside location given that the application site cannot be considered as 'previously developed land' in accordance with the NPPF definition, which excludes land that has been developed for minerals extraction, amongst other matters. Notwithstanding this viewpoint, it is necessary to consider whether there are other material considerations which would outweigh the in-principle objection to the scheme proposal and whether there is any other harm which would arise from the proposed storage activities.
- 7.15 Overarching LP Policy S1 'Sustainable Development Principles' expects "all new development makes a positive contribution towards the sustainability of communities and to protecting, and where possible enhancing, the environment; and mitigating the process of climate change, within the Plan Area" to be achieved by a number of criteria.
- 7.16 Of relevance, LP Policy S7 'Buxton Sub Area Strategy', amongst a number of objectives, seeks to support local businesses and employers, by recognising the importance of the delivery of sustainable economic development within the town. Broadly, the operational use of the site for the consented and various storage activities has taken place for a sustained period, without appearing problematic. Drainage matters raised by 3<sup>rd</sup> parties are discussed in the relevant section of the report below.
- 7.17 In terms of the rural economy, NPPF paragraph 89 states: "Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist".
- 7.18 Whilst the application site is consented for the storage of police impounded vehicles and storage of rock salt until 2026. However, the scheme does not propose to retain such uses.
- 7.19 The flexible use of the site, however, for the parking of haulage vehicles by Lomas Distribution, a local company which employs in the region of 300 employees, of which approximately 80% live in and around Buxton

is sought for retention. In addition, the applicant proposes the storage of bulk cementitious materials (clinker) (5,000 tonnes) and bagged cement (5,000 tonnes) onsite.

7.20 Following officer discussions, officers consider that the proposed varied planning conditions should be amended as follows:

1. The site shall be used solely for the storage of HGV's, commercial vehicles, ~~police impounded vehicles and for the stock piling of rock salt~~ **and cementitious materials (clinker) not exceeding 5,000 tonnes and bagged / packaged cement not exceeding 5,000 tonnes, which shall be stored at a maximum height of 3.85 metres in accordance with site plan drawing ref. 'Site plan 1440-100-A'** and for no other purposes.
2. The permission hereby granted shall be for a limited period expiring on the 31st May 2026, on or before which date the use of the land for the storage of HGV's/commercial vehicles, ~~police impounded vehicles and the stockpiling of rock salt~~ **and cementitious materials (clinker) not exceeding 5,000 tonnes and bagged / packaged cement not exceeding 5,000 tonnes, which shall be stored at a maximum height of 3.85 metres in accordance with site plan drawing ref. 'Site plan 1440-100-A'** shall be discontinued permanently unless a further planning permission has first been granted on application to the Local Planning Authority.
3. All HGV's/commercial vehicles, ~~police impounded vehicles and the stockpiling of rock salt~~ **and cementitious materials (clinker) not exceeding 5,000 tonnes and bagged / packaged cement not exceeding 5,000 tonnes, which shall be stored at a maximum height of 3.85 metres in accordance with site plan drawing ref. 'Site plan 1440-100-A'** shall be removed from the site no later than the 31st May 2026 unless a further planning permission has first been granted on application to the Local Planning Authority.

7.21 Accordingly, the continued storage use of the application site by facilitating a local haulier's business demand would meet with the objectives of LP Policy S7, subsection 3. To accord with NPPF paragraph 89 requirements, the proposal should be sensitive to its surroundings, ensuring highway safety on local roads and strive for locational sustainability where possible. These matters will be discussed in the relevant report subsections below.

### **Landscape Character**

7.22 In accordance with LP Policy EQ2 'Landscape Character', new development proposals should be sympathetic to the distinctive landscape character of the locality. The application site lies within the Limestone Moorland area as defined by the Council's Landscape Character Assessment Supplementary Planning Document (SPD)

2006. The wider area is noted for its undulating landscape of rough grazing with prominent limestone outcrops and wide open, expansive views.

7.23 LP Policy S7 'Buxton Sub Area Strategy' also requires development to "1. Protecting and enhancing the unique character of Buxton's spa heritage, townscape and natural environment to maintain the quality of life and act as a catalyst for tourism by: ... Ensuring that development protects and/or enhances the landscape character and the setting of the Peak District National Park" (12<sup>th</sup> bullet point).

7.24 Of note, the site lies within a former quarry screened from public view by a 15.0 to 25.0 metre quarry wall along its southern and western boundaries. There are a couple of buildings outside of the application site, on the east side of the approach road into the site in relation to the existing Lomas Distribution garage and depot. Due to the topography of the surrounding land to the north and east, the quarry floor lies at a much lower level in the wider landscape. Whilst the Character Assessment defines this area as having open expansive views, the site is well screened by the topography of the wider landscape and the presence of the quarry face.

7.25 Consequently, the continued use of storage of haulage vehicles along with bulk cementitious materials (clinker) / bagged cement, restricted to a height of 3.85 metres (to be secured by means of a planning condition) would not be unduly prominent from the surrounding area, thereby maintaining the intrinsic character and appearance of the landscape.

7.26 Accordingly, the proposal would accord with LP Policies S1, S7 and EQ2 as well as guidance in the Landscape Character Assessment SPD 2006 and NPPF.

### **Highway Matters**

7.27 LP Policy CF6 'Accessibility and Transport' seeks to ensure new development can be safely accessed in a sustainable manner and minimise the need to travel, particularly by unsustainable modes.

7.28 NPPF paragraph 116 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

7.29 Access to the site would be via Hillhead Lane, from the junction with Burlow Road. The access road and its visibility splays were previously deemed as acceptable to accommodate movement of HGV vehicles to and from the application site, particularly noting previous quarrying

activities. Consequently, there appears to be no reason to depart from this viewpoint.

- 7.30 In addition, for the original 2011 scheme, the applicant confirmed that between 40-50 commercial vehicles and 50,000 tonnes of rock salt would be stored at the application site at any given time. In these regards, and on average, 125 HGV's per month would visit the site to build up stock levels during accessible non-winter months and has been historically operated at this level as was set out.
- 7.31 The Local Highway Authority (LHA) have considered updated and more detailed information provided regarding the consented and proposed development. In these regards, they have considered the distance between the application site and highway boundary as well as the layout of the junction of Hillhead Lane with Burlow Road.
- 7.32 The LHA consider it would be difficult to sustain an objection to the proposed s.73 variation in relation to proposed conditions to amend the type of material to be stored at the site, from those previously consented. On this basis, the site would not generate a significant increase in vehicular movements nor would it have an unacceptable impact on highway safety or create a severe impact on the local highway network as confirmed by the LHA.
- 7.33 Accordingly, the scheme is considered to comply with LP Policy CF6 and the NPPF.

### **Pollution and residential amenity**

- 7.34 LP Policy EQ10 'Pollution and Unstable Land' seeks to protect people and the environment from unsafe and polluted environments, requiring mitigation if necessary. In addition, LP Policy EQ6 'Design and Place Making' stipulates that development should achieve a satisfactory relationship to adjacent development and should not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing or other adverse impacts on local character and amenity. Similarly NPPF paragraph 135(f) requires a high standard of amenity for existing and future users.
- 7.35 In addition, NPPF paragraph 198 requires: "Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life<sup>72</sup>

...;

- 7.36 The closest residential properties are located opposite the Hillhead Lane junction on Burlow Road. These properties are located nearly 0.80 km from the proposed site storage area. With intervening land rising to the south, the application site would be well screened from the viewpoint of these dwellings. Residents, however, living directly opposite to this junction would be aware of HGV movements to and from application site.
- 7.37 No operating time restrictions were imposed on the original 2011 or varied 2016 planning consent. However, the use of the application site has previously given rise to limited noise complaints from a single householder in relation to HGV movements at the Hillhead Lane junction on Burlow Road. The applicant has previously stated that the business would not operate efficiently or effectively if such operating restrictions were imposed. Whilst an operational time restriction could be secured by means of a planning condition, this would adversely impact the operation of the aggregates and haulage business.
- 7.38 With this in mind, the site for storage purposes has operated for several years with no time restrictions in place and limited residential complaint. Planning conditions imposing a temporary time restriction to storage activities therefore would allow the operational use to be monitored and reviewed for any further continued use beyond May 2026. Council Environmental Health Officer comments are awaited and Members are directed to the Updates Report in these regards.
- 7.39 Accordingly, the proposal would be in accordance with LP Policies EQ6 and EQ10 'Pollution and Unstable Land' as well as the NPPF.

### **Flood Risk & Drainage**

- 7.40 LP Policy EQ11 'Flood Risk Management' states that the Council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere, where this is viable and compatible with other policies aimed at achieving sustainable patterns of development.
- 7.41 In addition, NPPF paragraph 181 states: "When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment<sup>63</sup>. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan”.

7.42 Furthermore, NPPF paragraph 181 states: “Applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should:

- a) take account of advice from the Lead Local Flood Authority;
- b) have appropriate proposed minimum operational standards; and
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development”.

7.43 The development falls within Environment Agency flood zone 1 and therefore there would be no fluvial flood risk concerns associated with the site.

7.44 Previously, the Lead Local Flood Authority (LLFA) raised concerns to the proposed drainage strategy for the site. In response, the applicant has submitted a revised Drainage Strategy dated 5<sup>th</sup> December 2024 to overcome such objections. The drainage strategy proposes to install channel drains and silt traps at the site entrance / exit (and lowest site level) to prevent materials exiting the site via overland or exceedance flows. Consequently, surface water flows would be intercepted via channel drains located at the site entrance and north low-lying areas of the site.

7.45 Subsequently, the LLFA have recommended a detailed design and associated management and maintenance plan of the surface water drainage for the site in accordance with the principles outlined in the drainage strategy and DEFRA SuDs guidance be secured by means of a suitably worded planning condition as set out in the consultation section above.

7.46 In terms of the proposed storage of non-packaged materials (i.e. clinker), the proposed site and drainage plan shows it would only be stored within a proposed bunded area and limited to a maximum height of 3.85 metres. In these regards, the applicant considers the potential for dust emissions would be limited to the tipping of loose dry material and potential wind blown dust from such stockpiles and the site surface only.

7.47 Consequently, the applicant proposes to adopt the following house-keeping measures detail below:

- Any spillages around the stockpiles will be cleared promptly.
- The surface will be swept as required to ensure that no deposits of fine material are allowed to accumulate.
- All vehicles leaving the site will be inspected by the driver and cleaned as necessary before proceeding onto the public highway.
- Loads of incoming and outgoing road transport will be sheeted to avoid spillage of materials onto the public highway.
- During dry and potentially dusty conditions, stockpiles will be conditioned as necessary with water to minimise emissions of dust.
- Loading and tipping heights will be minimized to avoid unnecessary uncontrolled dust emissions.
- All stockpiles will have a maximum height of 3.85m to minimise exposure to the effects of windblow.
- Stockpiles will be formed only within the areas shown on the accompanying plan. The edges of the stockpiles will be maintained to minimise trafficking through the stored materials.
- The site manager will be responsible for: Incoming and outgoing vehicle movements, loading and tipping, operation of dust suppression measures, inspection and cleaning of outgoing transport, record keeping and satisfactory working of the whole site.

7.48 These matters would be secured by means of suitably worded planning conditions for the submission of a detailed scheme for site management, as well as the proposed bunding for the proposed storage of clinker.

7.49 Of note, the applicant has removed all coal products from the application site and there are no proposals to store such materials on site. The proposed storage of materials onsite would be strictly limited to < 5000 tonnes of clinker and < 5000 tonnes of bagged cement only at a maximum height of 3.85m. Council Environmental Health Officer comments are awaited and Members are directed to the Updates Report in these regards.

7.50 As before, the temporary nature of the planning consent as sought, would allow the impacts of the proposal to be re-assessed at a future date.

7.51 Accordingly, the proposal would be in accordance with LP Policy EQ11 'Flood Risk and Drainage' as well as the NPPF.

### **Other Matters**

7.52 The former line of the Cromford and High Peak Railway traverses the application site. However, no archaeological implications are raised by the proposal as confirmed by the County Archaeologist.



7.53 Nearby public rights of way do not appear to be affected by the proposed development.

## **8. PLANNING BALANCE AND CONCLUSION**

- 8.1 The application site relates to an established local employer within Buxton, which has operated within a temporary consent over a sustained period of time for the parking of its haulage vehicles, together with rock salt and police compound vehicles.
- 8.2 The proposal seeks an amendment to the consent to allow alternative materials to be stored on the site in lieu of police compound vehicles / rock salt. Consequently, the development would support an economic reuse of the former quarry to the benefit of a local business and local jobs to attract attributable weight in these regards.
- 8.3 The scheme is now accompanied by an acceptable drainage scheme and potential environmental impacts would be subject to control through appropriately worded planning conditions. Whilst the Council's Environmental Health Officer comments are outstanding, these are not expected to raise any material objections to the proposal for the storage of such alternative materials onsite. Members are directed to the Updates Report in these regards.
- 8.4 In terms of landscape character and sensitivity matters, the application site is well screened by topography and is deemed not to be of any significant quality given its hard surfaced, industrial appearance. Consequently, the continued use of the land as proposed would not adversely affect the landscape qualities of the surrounding Limestone Moorland landscape character area.
- 8.5 Overall, the varied proposal would not conflict with the objectives of relevant development and national planning policy when read as a whole.
- 8.6 On the above basis, planning permission should be granted subject to no substantial and substantive comments being received from the Council's Environmental Health Officer.

## **8. RECOMMENDATIONS**

**A. APPROVE subject to the conditions listed below:**

### **SUMMARY WORDING**

- 1. Approved Plans: Location Plan and Site plan 1440-100-A.**

- 2. The site shall be used solely for the storage of HGV's, commercial vehicles and cementitious materials (clinker) not exceeding 5,000 tonnes and bagged / packaged cement not exceeding 5,000 tonnes, which shall be stored at a maximum height of 3.85 metres in accordance with site plan drawing ref. 'Site plan 1440-100-A' and for no other purposes.**
- 3. The permission hereby granted shall be for a limited period expiring on the 31st May 2026, on or before which date the use of the land for the storage of HGV's/commercial vehicles and cementitious materials (clinker) not exceeding 5,000 tonnes and bagged / packaged cement not exceeding 5,000 tonnes, which shall be stored at a maximum height of 3.85 metres in accordance with site plan drawing ref. 'Site plan 1440-100-A' shall be discontinued permanently unless a further planning permission has first been granted on application to the Local Planning Authority.**
- 4. All HGV's/commercial vehicles and cementitious materials (clinker) not exceeding 5,000 tonnes and bagged / packaged cement not exceeding 5,000 tonnes, which shall be stored at a maximum height of 3.85 metres in accordance with site plan drawing ref. 'Site plan 1440-100-A' shall be removed from the site no later than the 31st May 2026 unless a further planning permission has first been granted on application to the Local Planning Authority.**
- 5. Within one month of the date of the decision notice, a detailed design and associated management and maintenance plan of the surface water drainage for the development in accordance with 10715-HBL-XX-XX-RP-D-001 Drainage Statement etc. hereby permitted, together with implementation timescales shall be submitted to and approved in writing by the Local Planning Authority. The development shall be strictly completed in accordance with the approved details.**
- 6. Within one month of the date of the decision notice, a detailed bund wall scheme for the development hereby permitted, together with implementation timescales shall be submitted to and approved in writing by the Local Planning Authority. The development shall be strictly completed in accordance with the approved details.**
- 7. Within one month of the date of the decision notice, a detailed dust suppression management and maintenance plan for the development hereby permitted, together with implementation timescales shall be submitted to and approved in writing by the Local Planning Authority. The development shall be strictly completed in accordance with the approved details.**

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

## Location Plan

