

DELEGATED DECISION REPORT

HPK/2022/0421
Valid 27/09/2022

**HEALTH AND SAFETY
EXECUTIVE HARPUR HILL
BUSINESS PARK
HARPUR HILL
BUXTON**

**NEW BESPOKE STEEL ISO
CONTAINER UNIT (12.2M X
2.6M X 2.7M) TO BE USED TO
TEST THE SAFETY OF
COMMERCIALY AVAILABLE
DETONATORS.**

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Design, Landscape and Visual Impacts
- Public and Residential Amenity
- Parking Provision and Highway Safety

DESCRIPTION OF SITE

The application site comprises a small rectangular parcel of land towards the southern end of the Health and Safety Executive (HSE), located at Harpur Hill Business Park. Buxton. The site can be accessed via an existing internal road layout and sits adjacent to an existing building and man-made landscaped bund.

For the purposes of the Local Development Plan the site lies in the open countryside within the 'Limestone Moorland' Landscape Character Area and is not constrained by any sensitive statutory designation.

PROPOSAL

The justification for the nature of development has previously been covered within a previous application submitted and approved under HPK/2022/0006 for a new magazine storage unit and compound.

The Department for Business, Energy, and Industrial Strategy (BEIS) is the lead department for the UK's product safety framework and is responsible for most product safety legislation in the UK. Civil explosives (CEs) legislation forms part of the BEIS's overall safety framework, however Explosives Regulations 2014 is led and owned by HSE in Great Britain and HSE is also the market surveillance and enforcing authority. As such, HSE has responsibility for the designation of standards for civil explosives and the Department for Work and Pensions Minister agreed to delegated decisions on standards to Director Level in HSE.

To enable HSE to have capacity to meet the necessary requirements, the Buxton estate requires new specialist facilities and updates to certain existing buildings, equipment and other areas.

The new proposed denotation building is shown to be situated adjacent to an existing cluster of single storey buildings, and has a single storey, a simple rectangular form which span a width of approximately 3m and length of approximately 12m, situated on a concrete slab. Walls and access doors are shown to be finished in steel.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

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

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

High Peak Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S7 Buxton Sub-area Strategy
- EQ3 Rural Development
- EQ6 Design and Place Making
- EQ10 Pollution and Unstable Land
- CF3 Local Infrastructure Provision
- CF6 Accessibility and Transport

National Planning Policy Framework 2021

Achieving Sustainable Development	Chapter 2
Promoting Healthy and Sustainable Communities	Chapter 8
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12
Conserving and Enhancing the Natural Environment	Chapter 15

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

- HPK/2005/0701 LPG Storage Facility (Approved 26th January 2006)
- HPK/2022/0006 New Painted Steel Magazine Storage Unit (11m x 2.5m x 2.5m) with 3m concrete blast wall on 3 sides accessed by new tarmac access road. Magazine compound bounded by 2m high deer fence and access gate (Approved 11th May 2022)

CONSULTATIONS

Publicity

Site Notice expiry date: 23rd November 2022
Neighbour consultation period ends: 25th October 2022
Press Advert: N/A

Public Comments

None

Town / Parish Comments

N/A

Environmental Health

No objections

Derbyshire County Council Highways

No comments to make

OFFICER COMMENTS

Principle of Development

The application seeks permission for development which will result in the upgrade of facilities at the Buxton Health and Safety Executive which in turn will directly impact and shape national policy in the explosives field. The proposed development lies within the confines of the existing HSE boundary and fully supports the provisions of the Local Plan (LP) Policy CF3.

The site is not constrained by any statutory designation and lies within the open countryside and is therefore subject to LP Policy EQ3 which seeks to restrict development outside the built-up area boundary to that which protects the landscape's intrinsic character and distinctiveness.

Having regard to the above the principle of development is supported subject to compliance with LP Policy EQ3 and all other material considerations.

Design, Landscape and Visual Impacts

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

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

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

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

The site lies in the open countryside but has a strong spatial and visual relationship with the large expansive HSE complex which contains a number of structures of varying scale and height, all of which have a pragmatic functional appearance. As such, and when considering other development including the internal road layout and associated paraphernalia, the overall sensitivity of the immediate character is considered to be low. The proposed structure is of a modest scale and height with a similar pragmatic and functional appearance that is consistent with other existing structures within the site.

As such, the application is considered to accord with LP Policies S1, EQ3 and EQ6 and relevant policies under Chapter 12 of the NPPF.

Public and Residential Amenity

LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings and protects the amenity of the area, which includes residential amenity of neighbouring properties.

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

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

Paragraph 183 of the NPPF requires applicants to demonstrate that potential impacts resulting from land contamination can be satisfactorily mitigated through appropriate assessment and remediation strategy.

Given the nature of the proposal, the context and existing use of the site and its relationship with nearby land uses, the proposed development would not result in any harm to the amenity of neighbouring properties.

A Land Contamination Report that was submitted in support of an earlier application on the site under HPK/2022/0006 accompanies this application. The Environmental

Health Officer has stated that this should not be accepted as it does not relate to this specific location, however in any event, that the application does not give rise to any contamination issues or any other aspects associated with public amenity, with no issues being necessary.

In light of these comments from Environmental Health, it is considered that the proposed development would preserve the amenity of the general public and residential properties, in accordance with LP Policies EQ6 and EQ10 and relevant paragraphs under Chapters 12 and 15 respectively.

Parking Provision and Highway Safety

LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network and provides suitable off-street parking provision in accordance with guidelines set out under Appendix 1 of the Local Plan.

Paragraph 110 states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.

The site benefits from an internal road layout that extends to the southern parts of the site close to the proposed development. The proposal has not raised any objections from the Highways authority, and as such it is not considered that the proposed development poses any risk to highway safety, in accordance with LP Policy CF6 and paragraph 110 of the NPPF.

Other Matters

Nutrient Neutrality

The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council has been notified that action must be taken to address exceedances of phosphorus in the River. As such, the Council cannot grant consent for development unless it can rule out “likely significant effects” on the SAC. A Habitats Regulations Assessment (HRA) will be required when the plan or project creates a source of water pollution or has an impact on water quality and when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if “likely significant effects” (alone or in-combination) on the SAC can be ruled out. If not, this will be followed by an “Appropriate Assessment” where the impact of the plan or project is considered in detail.

The proposal is not directly connected with or necessary for the conservation management of a European site. The proposal will not increase overnight stays. However, the proposal does involve additional roof area and will therefore increase surface water run-off. However, given the very limited extent of the additional roof and the fact that the area is already hard surfaced it will not significantly increase run-off from the site and in turn will not risk having a significant negative effect on the

SAC either on its own or in combination with other proposals and therefore it is not necessary to carry out an Appropriate Assessment.

CONCLUSION / PLANNING BALANCE

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

The proposal complies with the relevant local plan policies with regard to principle, design and landscape, amenity, highways and nutrient neutrality and is therefore recommended for approval

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 23rd November 2022

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council