

DELEGATED DECISION REPORT

HPK/2023/0552 Valid 11/01/2024	HEALTH AND SAFETY EXECUTIVE HARPUR HILL BUSINESS PARK HARPUR HILL BUXTON	PROPOSAL TO ERECT A SHELTER OVER EXISTING CRYOGENIC STORAGE TANKS CONTAINING ARGON GAS. (FULL - MINOR)
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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 of a small rectangular parcel of land containing existing cryogenic storage tanks within a servicing area, which is partially enclosed by buildings and is positioned within the central area of the broader Health and Safety Executive (HSE) complex adjoining the Harpur Hill Industrial Estate, Buxton. The application site can be accessed via the existing internal road layout and immediately adjoins a notable concrete retaining wall to the south with buildings positioned at a higher level.

For the purposes of the Adopted Local Plan (LP), the site lies in the open countryside within the 'Limestone Moorland' Landscape Character Area. In addition, the site is also located within the Buxton Mineral Water, Buxton Source Protection Zone and nutrient neutrality catchment areas.

PROPOSAL

The proposed 'lean to store' building footprint would be dimensioned as follows: 13.59m x 5.55m with an overall roof height of 3.46m. It would abut the site's existing concrete retaining wall and be situated on the existing concrete slab. Both the front and side walls would be constructed with concrete block intersected by frontage palisade gates. Bollard wall protection is also proposed. Access gates in corrugated steel sheeting are shown to be finished in RAL 7012 (basalt grey) paint finish.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

Various.

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

Health & Safety Executive – Chemicals, Explosives, Microbiological Hazards Division – Explosives Inspectorate

Having carefully considered the type and location of the proposed development, HSE has no comment to make as the proposed development is within the boundary of an HSE licensed explosives site. If the development is also in the proximity of any other major hazards site or pipelines then advice should be sought through HSE's WebApp in the first instance - <https://pa.hsl.gov.uk/>

Derbyshire County Council Highways

No objections.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

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

OFFICER COMMENTS

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.

Section 38(6) 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.

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. New evidence informing the Local Plan review is also available.

Principle of Development

The application scheme seeks consent for development which would result in the necessary upgrading of facilities at the Health and Safety Executive complex (Buxton) in relation to the adequate shelter and protection of cryogenic gas storage tanks already in situ.

The proposed development lies within the confines of the existing Health and Safety Executive complex and is supported by Local Plan (LP) Policy CF3 'Local Infrastructure Provision' in relation to 'facilitating enhancements to the capacity of education, training and learning establishments throughout the plan area'.

For land outside of the defined built up area boundary, LP Policy EQ3 'Rural Development' states '... new development will be strictly controlled in order to protect the landscape's intrinsic character and distinctiveness'.

Consequently, 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 'Sustainability Principles' 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.

In addition, LP Policy EQ6 'Design and Place Making' states 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.

Furthermore, paragraph 130(c) of the NPPF states development should be (amongst other matters): 'sympathetic to local character and history, including the surrounding

built environment and landscape setting, while not preventing or discouraging appropriate innovation or change’.

Whilst the application site is located within the open countryside, it lies hidden within the large and expansive HSE complex, which contains a number of modern, utilitarian structures of varying scale, height and appearance. Whilst the cryogenic tanks remain somewhat hidden from view being sited within a servicing area and tucked between buildings, the proposed lightweight shelter would serve to screen such plant and equipment to marginally improve the appearance of this aspect of the site.

Consequently, the overall sensitivity of the immediate landscape setting is considered to be low with no resultant landscape impact for the scheme to accord with LP Policies S1, EQ3 and EQ6 as well as the NPPF.

Public and Residential Amenity

LP Policy EQ6 ‘Design and Place Making’ also 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.

Whilst LP Policy EQ10 ‘Pollution and Unstable Land’ 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.

Given the nature of the proposal, the context and existing use of the wider HSE site and its relationship with nearby land uses, the proposed development would not result in any harm to the amenity of neighbouring properties to accord with LP Policies S1, EQ6 and EQ10 as well as the NPPF.

Highway Safety

LP Policy CF6 ‘Accessibility and Transport’ seeks to ensure development can be safely accessed in a sustainable manner and 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 111 of the NPPF 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 would be severe’.

The scheme proposes the shelter of installed plant and equipment outside the confines of existing service area provision. In addition, it has not raised any objections from the Local Highways Authority and as such would not pose any risk to highway safety matters to accord with LP Policy CF6 as well as the NPPF.

Other Matters

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 development is not directly connected with or necessary for the conservation management of a European site. The scheme would not increase overnight stays, however, proposes additional roof area to potentially increase surface water run-off onsite. The limited extent of the proposed shelter’s roof and existing hard surfaced area, however, would not materially increase surface water run-off from the site to be deemed as low risk in terms of any 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.

In addition, the site is also located within the Buxton Mineral Water and Buxton Source Protection Zone catchment areas. No concerns, however, are raised given the scheme’s lightweight structure and expected foundation depth to accord with LP Policies S1, S7 and EQ10 as well as the NPPF.

CONCLUSION / PLANNING BALANCE

In view of the officer comments above, the scheme is acceptable from a planning policy perspective, it raises no technical objections and therefore is recommended for approval.

OFFICER RECOMMENDATION : Approve with conditions

Case Officer: Rachael Simpkin

Recommendation Date: 13th March 2024

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council