

## DELEGATED DECISION REPORT

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**HPK/2025/0086**  
**Valid 18/03/2025**

**PENNINE AGGREGATES  
LTD WATERSWALLOWS  
LANE  
GREEN FAIRFIELD  
BUXTON**

**ALTERATIONS TO EXISTING  
CHIMNEY STACKS / VENTS  
  
(FULL - MINOR)**

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### MAIN ISSUES

- Design Character and Appearance
- Amenity

### DESCRIPTION OF SITE

The application relates to a rectangular parcel of land north of Waterswallows Lane a short distance north-east of Buxton in the open countryside, occupied Pennine Aggregates Ltd, a specialist aggregate and mineral processor.

Pennine Aggregates relocated its business operations from its former premises on Staden Lane to this site in 2018, following the granting of planning permission under HPK/2016/0317.

Products and services include play sand, silica sand, de-icing salt, decorative and construction aggregates and contract packaging/storage for UK and European countries.

The site comprises an area of hard surfacing facilitating car parking and a cluster of portal framed buildings which have been laid out in an L shaped arrangement.

Building 'A' as identified on the supporting plans, is the larger of the two buildings, and functions as a large warehouse, situated towards the northern boundary, whilst Building 'B' is much smaller and slimmer situated south-west of the larger building, orientated at ninety degrees.

For the purpose of the Local Development Plan the site is situated outside of the built-up area boundary, and within the open countryside, although the close proximity of the A6, nearby industrial and agricultural buildings, and electricity pylons, significantly reduces the visual amenity and sensitivity of this part of the rural landscape.

### PROPOSAL

The application seeks full planning permission to increase the stack height of the existing chimney on Building 'A' by 3 metres, reaching a total height of 12 metres above ground floor level, and to amend the existing vented arrangement in Building 'B' so that it discharges vertically through the roof, having a similar height of 12m above

ground floor level. Both would have a diameter of 450mm and be finished in a stainless steel.

The stack on Building A is located off-centre closest to the storage bays and hard standing to the south. The stack on Building B is located close to the southern gable.

The need for amendments to the two chimney stacks is explained in detail within Section 5.0 of the supporting Planning, Design and Access Statement, and is summarised as follows:

- The operations that are carried out on site are covered by an Environment Permit that requires the applicant to undertake an assessment of stack heights of chimneys to ensure compliance with relevant legislation
- Mineral drying plants are currently contained within buildings. The internal chimney in Building A currently terminates through the roof finishing just above the ridgeline. The mineral drying and screening plant in Building B is currently served via a vent which is piped horizontally and internally within the building and which discharges on the south eastern gable of that building at a height of 5.5m
- An assessment of these existing arrangements have been recently undertaken by a 3<sup>rd</sup> party, which concluded that based on an emissions level of 50mg/m<sup>3</sup>, the stack heights for each of these should be 13m and 14m tall respectively.
- The testing company has stated that the height of the stacks could be reduced to 11m and 12m if the emissions level was reduced.
- The Council's Environmental Health Officer has advised the company's Health, Safety and Environmental Manager, to submit planning application for the changes, to adhere with the Environmental Permit Corrective Action Plan.
- The proposed increase in the height of the existing stack to a total of 12m is necessary to comply with relevant legislation.

## **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

EQ3 Rural Development  
EQ6 Design and Place Making  
EQ10 Pollution and Unstable Land  
E1 Employment Development

## **National Planning Policy Framework 2024**

|                                                  |            |
|--------------------------------------------------|------------|
| Achieving Sustainable Development                | Chapter 2  |
| Building a Strong Competitive Economy            | Chapter 6  |
| Achieving Well Designed Places                   | Chapter 12 |
| Conserving and Enhancing the Natural Environment | Chapter 15 |

## **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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 30/09/2016)                                                                                                                                                         |
| DET/2023/0005 | Application to determine if prior approval is required for a proposed: the proposal consists of 2 roof mounted solar PV systems on building 1 and building 2 at Pennine Aggregates Ltd. SK17 7JD. Building 1, the building adjacent to the main road (opposite Buxton spring water) will be a 251kW system comprising of 552 No. 455wp's and will be roof mounted. Building 2, Being the long building located at the back of the premises will be a 90kW roof mounted system comprising of 198 No. 455wp's. (Prior Approval Not Required 02/05/2023) |
| HPK/2020/0268 | Full application for alteration and extension of existing warehouses and associated works including the erection of four silos, hardstanding, earth mounding, relocation of pond and alterations to vehicular access (Approved 12/11/2021)                                                                                                                                                                                                                                                                                                            |

## **CONSULTATIONS**

### **Publicity**

Site Notice expiry date: 8<sup>th</sup> April 2025  
Neighbour consultation period ends: 10<sup>th</sup> April 2025  
Press Advert: N/A

### **Public Comments**

None

## **Wormhill and Green Fairfield Parish Council**

No comments received at time of writing

### **Environmental Health**

Environmental Health has no objections to the proposal.

The site is regulated under an Environmental Permit, issued by High Peak Borough Council, due to the activities undertaken, (mineral drying and unloading, storing, blending and loading of cement in bulk) being prescribed activities under the Environmental Permitting (England and Wales) Regulations 2016.

As part of the mineral drying activity, the site utilises two gas fired dryers. The proposals are not an intensification, but a necessary upgrade to the existing discharge points to meet best practice and guidance.

Under the environmental permit, the applicant is required as part of an upgrade condition to ensure that these stacks discharge through a vertical discharge point that meets a minimum stack height.

The environmental permit sets an emission limit for particulates from the stacks, which the Operator must monitor twice per year for compliance. The emission limit within the guidance and existing environmental permit is set at 50mg/m<sup>3</sup>. Stack height calculations have been prepared based on this limit which determines a stack height requirement of 14m height (from ground level to top of the stack) for stack E1 and 13m for E2 to meet this emission limit. The Operator instead has opted to reduce the emission limit to 20mg/m<sup>3</sup> for both stacks to enable a lower stack height of 12m to be achieved for both stacks.

The proposals are therefore acceptable to Environmental Health to enable the applicant to comply with the legal requirements of their environmental permit.

### **Derbyshire County Council Highways**

No objection.

### **OFFICER COMMENTS**

#### **Principle of Development**

The application seeks full planning permission for alterations to the existing industrial buildings, located on an established industrial premises, located on a site that lies outside of the built-up area boundary and in the open countryside.

The proposed development would support the ongoing sustainability of an existing and well established business, thereby complying with the aims and objectives of Local Plan (LP) Policy E1, which amongst other things encourages the ongoing development of existing businesses in the countryside where it complies with LP Policy EQ3.

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.

Chapter 6 of the NPPF contains the national planning policies aimed at building a strong and competitive economy. Paragraph 85 states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 88 of the NPPF goes on to state that decisions should enable the sustainable growth and expansion of all types of businesses in rural areas.

Having regard to the above policy context, the principle of development is supported, subject to an assessment confirming that the proposed alterations do not result in adverse impacts to the character of the rural landscape by virtue of its scale and appearance, notwithstanding all other material planning considerations.

### **Design, Character and Appearance**

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 135 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 application site comprises a well-established industrial/employment site that is made up of a large area of hard standing and two industrial buildings, which are characterised by chimney stacks that protrude above the existing ridge level.

Due to the proximity to the A6, other large industrial and agricultural buildings and utilities infrastructure including electricity pylons, the visual sensitivity of this area of the open countryside is diluted, and as result of its surrounding context, the site has a lower sensitivity to change as a consequence of development.

The proposed alterations to the two chimney stacks would result in each stack having a total height of 12m above finished floor level, which equates to an increase in 3m over and above what currently exists.

Whilst it is acknowledged that this change would be noticeable from nearby public viewpoints, most notably the pedestrian pavement adjacent to the A6, it is considered that the chimney stacks would, despite their modest increase in height, continue to read as a subordinate addition in conjunction with the much larger building, and its surrounding context as described above.

Subject to a compliance condition which requires the stacks to be finished in materials and colour that matches that of the existing buildings, it is considered that the proposed alterations would not result in any adverse harm to the rural landscape character thereby demonstrating compliance with LP Policies S1, EQ3 and EQ6, and relevant paragraphs under Chapter 12 of the NPPF.

## **Amenity**

LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings to protect 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 198 of the NPPF states that 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.

Given the modest increase in height, the changes would facilitate improvement to the emissions from the site to comply with the sites Environmental Permit. The chimneys would not introduce any new emissions. The nearest residential property Thorneycroft is located some 300m distant adjacent to the A6, and to a property to the north is similarly 300m, therefore given this substantial distance would not cause any adverse impacts to either public or residential amenity arising from the proposed development.

The Environmental Health Officer has confirmed that there are no objections, and as such the application is considered to be in accordance with LP Policies EQ6, EQ10, and relevant paragraphs contained under Chapter 15 of the NPPF.

## **Other Matters**

### **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.

Chapter 9 of the NPPF contains the relevant national planning policies relating to transport and matters of highway safety. Development should only be prevented or

refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact impacts on the road network would be severe.

The proposed development would not trigger the need for any additional off-street parking. There is considered to be sufficient space within the site to accommodate any vehicles associated with the proposed alterations without compromising the day to day operations of the site.

As such, there are not considered to be any adverse impacts relating to highway safety arising from this development.

### Ecology and BNG

The Environment Act (2021) places a legal requirement on developments to provide a 10% uplift in Biodiversity Net Gain (BNG) unless otherwise falling within one of limited number of exemptions. Such exemptions include developments on sites that have a sealed surface with no habitat value.

The application relates to, two industrial buildings which are built on a sealed surface and as such this application is exempt from the requirement to secure BNG.

### 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.

### *Screening Assessment*

The proposal is not directly connected with or necessary for the conservation management of a European site. The proposal will not increase overnight stays or surface water run-off from the site. Therefore it 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 contained within the National Planning Policy Framework. It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- 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 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

The application seeks alterations to 2no existing industrial buildings that are contained within an existing industrial/employment site, that lies outside of the built-up area boundary in the open countryside.

The principle of development is supported having regard to LP Policy E1 and relevant paragraphs contained under Chapter 6 of the NPPF, in so far as the proposals are required to facilitate the ongoing operations to an existing well established local business.

An assessment of the application has found that owing to its modest scale and height, and that when viewed from nearby public receptor points, the alterations would be read as a minor subordinate additions, as part of an existing employment site, and within the context of other large industrial buildings and utilities infrastructure.

The proposed development is therefore not considered to result in any adverse harm to the character of the rural landscape and therefore complies with LP Policies S1, EQ3 and EQ6 and relevant paragraphs contained under Chapter 12 of the NPPF.

The assessment also finds that the proposed alterations would not give rise to any adverse harm to public or residential amenity, in line with LP Policies EQ6 and EQ10, and relevant paragraphs contained under Chapter 15 of the NPPF.

In light of the above, the application is considered to constitute a sustainable form of development, and therefore in line with LP Policy S1a and paragraph 11 of the NPPF, the application is recommended for approval subject to appropriate conditions.

**OFFICER RECOMMENDATION :    Approve with Conditions**

**Case Officer: James Stannard**

**Recommendation Date: 9<sup>th</sup> June 2025**

X 

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Signed by: Jane Colley Signature

**On behalf of High Peak Borough Council**