



High Peak Borough Council
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Dealt with by: Rachael Simpkin

Our Ref: DOC/2022/0059

Direct Dial: (01538) 395400 ext. 4122

1st March 2023

Ms C Brearly
The Harris Partnership
Carvers Warehouse
77 Dale Street
Manchester
M1 2HG

Dear Ms Brearly,

DEEMED DISCHARGE NOTICE

**The Town & Country Planning (Development Management Procedure)
(England) Order 2015**

**Discharge of conditions 12, 13, 14, 15, 16, 17, 18, 19, 27, 29, 31 & 36 relating to
planning permission ref. HPK/2021/0145 at land at Foxlow Fields,
Ashbourne Road, Buxton.**

I refer to correspondence in connection with conditions imposed on the above planning permission and for the purposes of this letter, please note my comments as follows:

The deemed discharge notice served correctly excludes any planning condition attached to the grant of planning permission, which is intended to manage the risk of flood regarding Conditions 32 (drainage: surface water) and 34 (drainage: construction). In addition, Condition 35 (sustainable resources) has been further excluded as it is not listed on the deemed discharge notice.

Once the notice has been received by us, it would then be unrealistic to expect further information to be considered as part of this process given limited timeframes available to properly assess submitted revised information for this major scheme. We have therefore advised you to submit a new condition discharge to address areas of concern leading to the refusal of conditions as detailed below.

External Appearance: Buildings & Hard Surfacing

12. Notwithstanding any description of materials in the application, no above ground construction works relating to the development hereby approved in any phase of development shall take place, other than those works included within the enabling works phase as approved through condition 03, until samples and full specifications of materials to be used externally on the approved buildings and site hard surfacing, together with eaves, verges, windows, door details within that phase have been submitted to and



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approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall be carried out in accordance with the approved details prior to first occupation of the relevant phase of development.

Reason:- *In the interests of visual amenity and to comply with Policies EQ6 and EQ10 of the adopted High Peak Local Plan 2016 and National Planning Policy Framework.*

Submission:

- 2703BOL - Buxton Material Schedule rev A
- 2703BOL-79-E3150-202-A2-A1 Proposed Site Plan
- 2703BOL-104A Proposed Elevations

CONDITION REFUSED as follows:

The proposed materials to be used externally on the approved buildings would not be appropriate, together with insufficient information submitted with the application relating to matters of hard surfacing in order to assess adequately the impacts of the proposed development having regard to matters of character and appearance, which would therefore be contrary to Policy EQ6 of the Adopted High Peak Local Plan 2016, in particular and the National Planning Policy Framework.

External Appearance: Boundary Treatment, including Retaining Walls / Steps

13. Notwithstanding any description of boundary treatment within the site, other than those works included within the enabling works phase as approved through condition 03, no phase of development hereby permitted shall be commenced until a scheme detailing the boundary treatment arrangements to be delivered for that phase incorporating drystone walling to site boundaries and including samples and full specifications of materials to be used externally, together with their future maintenance has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details and Boundary Phasing Plan as set out in plan ref. 1240-113 Rev A prior to the first occupation of the development. The approved scheme shall be maintained for those purposes at all times thereafter for the approved scheme.

Reason:- In the interests of visual amenity and to comply with Policies EQ2 and EQ6 of the adopted High Peak Local Plan 2016 and National Planning Policy Framework.

Submission:

- 2703BOL-114A CONDITION 13 Phase 1 Boundary Treatments

CONDITION REFUSED as follows:

The proposed boundary treatment would not be appropriate, together with insufficient information submitted with the application relating to matters of

retaining walls / steps in order to assess adequately the impacts of the proposed development having regard to matters of character and appearance, which would therefore be contrary to Policies EQ2 and EQ6 of the Adopted High Peak Local Plan 2016, in particular and the National Planning Policy Framework.

External Appearance: Scheme of Repair, Maintenance and Retention of Dry Stone Walls

14. No phase of the development hereby approved shall be first occupied, other than those works included within the enabling works phase as approved through condition 03, until a scheme for the repair, future maintenance and management of all drystone walls approved as per Condition 13 above have been submitted to and approved in writing by the Local Planning Authority. Following approval of such a management plan, the scheme shall be fully implemented in accordance with the details and timescales so approved.

Reason:- In the interests of visual amenity and to comply with Policies EQ2 and EQ6 of the adopted High Peak Local Plan 2016 and National Planning Policy Framework.

Submission:

- Statement by The Harris Partnership dated 9th September 2022.

CONDITION REFUSED as follows:

Insufficient information has been submitted with the application relating to the future maintenance and management of all drystone walls approved as per Condition 13 above in order to assess adequately the impacts of the proposed development having regard to matters of character and appearance, which would therefore be contrary to Policies EQ2 and EQ6 of the Adopted High Peak Local Plan 2016, in particular and the National Planning Policy Framework.

Refuse Storage

15. No above ground construction works relating to the development hereby approved shall be commenced in any phase of development, other than those works included within the enabling works phase as approved through condition 03, until details of the storage of refuse and collection points including location, size, means of enclosure and materials for that phase have been submitted to and approved in writing by the Local Planning Authority. No phase of development shall be first occupied until the approved refuse storage scheme for that phase has been completed and made available for use in accordance with the approved details. The approved scheme shall be maintained for those purposes at all times thereafter.

Reason:- In the interests of visual amenity and to comply with Policies EQ6 and CF6 of the adopted High Peak Local Plan 2016 and National Planning Policy Framework.

Submission:

- 2703BOL-110 CONDITION 15 Proposed Refuse Store

- **CONDITION 15 Refuse Storage Scheme Rev A**

CONDITION REFUSED as follows:

Insufficient information has been submitted with the application relating to the details of the storage of refuse and collection points including location, size, means of enclosure and materials for the relevant phase to assess adequately the impacts of the proposed development having regard to matters of character and appearance and highway safety, which would therefore be contrary to Policies EQ6 and CF6 of the Adopted High Peak Local Plan 2016, in particular and the National Planning Policy Framework.

Landscaping & Nature Conservation

16. No development hereby approved shall be commenced until a detailed Arboricultural Method Statement to include a scheme for the retention and protection of trees and hedges on or adjacent to that phase of the site has been submitted to and approved in writing by the Local Planning Authority. Development of each phase shall be carried out in accordance with the approved Statement and protection scheme for that phase, and in particular:-

- a) No trees or hedgerows shall be cut down, uprooted or destroyed, cut back in any way or removed without the written approval of the Local Planning Authority;
- b) If any tree, shrub or hedge plant is removed without such approval, or dies or becomes severely damaged or diseased within 5 years from completion of the development hereby permitted, it shall be replaced by another tree, shrub or hedge plant of similar size and species, planted at such time as may be specified in writing by the Local Planning Authority;
- c) No operations shall commence on site (including soil moving, temporary access construction and/or widening or any operation involving the use of motorised vehicles or construction machinery) unless the protection works required by the approved protection scheme are in place;
- d) No excavation for services, no storage of materials or machinery, no parking of vehicles, no deposit or excavation of soil or rubble, no lighting of fires and no disposal of liquids shall take place on the site within any area designated as being fenced off or otherwise protected in the approved protection scheme, and,
- e) All protective fencing erected in accordance with the approved scheme shall be retained intact for the full duration of the construction of the development for that phase of the site hereby permitted and shall not be moved or repositioned, without the prior written approval of the Local Planning Authority.

Reason:- In the interests of visual amenity and in the interests of nature conservation to comply with Policies EQ2, EQ5, EQ6 and EQ9 of the adopted High Peak Local Plan 2016 and National Planning Policy Framework.

CONDITION SATISFIED as follows:

Submission:

- **Buxton Condition 16**

17. No development hereby approved shall be commenced, other than those works included within the enabling works phase as approved through condition 03, until a comprehensive landscaping scheme, in accordance with the principles established by P18-1055_03C, P18- 1055_04C and P18-1055_06B including the landscape treatment for the various ecological areas and structural landscape buffer strips for the site (plan ref. Proposed Site Plan 1240-110 Rev S) has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include full details of all new trees, shrubs and any other planting, giving specification for species, positions, planting sizes and numbers / densities of all new planting. The scheme so approved shall be fully implemented in accordance with the Landscaping Phasing Plan and Implementation Programme as approved through Condition 18.

Reason:- In the interests of visual amenity and in the interests of nature conservation to comply with Policies EQ2, EQ5, EQ6 and EQ9 of the adopted High Peak Local Plan 2016 and National Planning Policy Framework.

Submission:

- P18-1055_03D Detailed Soft Landscape Proposals (sheet 1 of 3)
- P18-1055_04D Detailed Soft Landscape Proposals (sheet 2 of 3)
- P18-1055_06C Detailed Soft Landscape Proposals (sheet 3 of 3)

CONDITION REFUSED:

The proposed landscaping scheme would not be appropriate, together with insufficient information submitted with the application relating to matters of biodiversity net gain / levels in order to assess adequately the impacts of the proposed development having regard to matters of character and appearance and ecology, which would therefore be contrary to Policies EQ2, EQ5, EQ6 and EQ9 of the Adopted High Peak Local Plan 2016, in particular and the National Planning Policy Framework.

18. No development hereby approved shall be commenced, other than those works included within the enabling works phase as approved through condition 03, until a Landscaping Phasing Plan and Implementation Programme for the Landscaping Scheme as approved through Condition 17 has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out in accordance with the approved Landscaping Phasing Plan and Implementation Programme. Any trees or plants which within a period of ten years specified by the Landscape and Ecological Management Plan, die, are removed, or become seriously damaged or diseased within the relevant phase shall be replaced in the next planting season with others of a similar size and species.

Reason:- In the interests of visual amenity and in the interests of nature conservation to comply with Policies EQ2, EQ5, EQ6 and EQ9 of the adopted High Peak Local Plan 2016 and National Planning Policy Framework.

Submission:

- 1240-733-04 Phasing Plan with Landscaping
- N005v1 - Landscape Phasing and Implementation Programme

CONDITION REFUSED as follows:

The proposed phasing plan for the landscaping scheme would not be appropriate having regard to matters of character and appearance and ecology, which would therefore be contrary to Policies EQ2, EQ5, EQ6 and EQ9 of the Adopted High Peak Local Plan 2016, in particular and the National Planning Policy Framework.

19. No development hereby approved shall be commenced, other than those works included within the enabling works phase as approved through condition 03, until a LEMP (Landscape and Ecological Management Plan) for the site (plan ref. Proposed Site Plan 1240-110 Rev S) has been submitted to and approved in writing by the Local Planning Authority, giving details of the proposed creation, maintenance, management and development, including timescales and delivery mechanisms for all landscaping / wildlife habitats and associated structures / features within the various ecological areas and structural landscape buffer strips. This shall include full and accurate locations of existing and any proposed new habitats; technical specifications, timescales and phasing for the creation of any new habitats; 10-year establishment and aftercare management prescriptions for any newly created habitats and a minimum 10-year maintenance and management operations for all habitats throughout the site to be monitored and reviewed every 5 years for the site. The scheme shall be fully implemented in accordance with the details and timescales so approved.

Reason:- In the interests of visual amenity and in the interests of nature conservation to comply with Policies EQ2, EQ5, EQ6 and EQ9 of the adopted High Peak Local Plan 2016 and National Planning Policy Framework.

Submission:

- 2703-VL R01A - Landscape Maintenance & Management Plan

CONDITION REFUSED as follows:

The proposed Landscape and Ecological Management Plan (LEMP) would not be appropriate having regard to matters of character and appearance and ecology, which would therefore be contrary to Policies EQ2, EQ5, EQ6 and EQ9 of the Adopted High Peak Local Plan 2016, in particular and the National Planning Policy Framework.

Construction and Environmental Management Plan

27. No development hereby approved on any phase of development, including site clearance / site stripping and the enabling phase shall be commenced until a Construction and Environmental Management Plan relating for to the relevant phase of development has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

- i. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside of 07:30 to 18:00 hours Mondays to Fridays and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
- ii. the method and duration of any pile driving operations (including expected starting date and completion date);
- iii. pile driving shall not take place outside of 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;
- iv. the arrangements for prior notification to the occupiers of potentially affected properties;
- v. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- vi. a scheme to minimise dust emissions arising from construction activities on the site, including details of all dust suppression and mitigation measures;
- vii. a scheme for recycling / disposal of waste resulting from the construction works;
- viii. the parking of vehicles of site operatives and visitors;
- ix. the loading and unloading of plant and materials;
- x. the storage of plant and materials used in constructing the development;
- xi. routes for construction traffic, including abnormal loads/ cranes etc;
- xii. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- xiii. details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site, together with pedestrian and cycle protection during the construction works;
- xiv. temporary traffic restrictions, and,
- xv. any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment.

All works shall be carried out in accordance with the approved details during construction / development of that phase of development.

Reason:- To safeguard the amenity of local residents and that of the surrounding area from noise disturbance and to comply with Policies EQ6 and EQ10 of the adopted High Peak Local Plan 2016 and National Planning Policy Framework. In the interests of highway safety and to comply with Policies EQ6 and CF6 of the adopted High Peak Local Plan 2016 and National Planning Policy Framework.

CONDITION SATISFIED as follows:

Submission (Revised):

- CMP to include Enabl', Const' and Env' issues Rev B (incl of Surface Water strategy).

Lighting

29. No phase of development hereby approved shall be first occupied, until an external lighting scheme relating to that phase has been submitted to and approved in writing by the Local Planning Authority. Any artificial lighting associated with the development must conform to requirements to achieve compliance with the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone - E2 contained within Table 1 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01-21. No external lighting within any phase of development shall be installed except in accordance with the approved scheme. All external lighting shall be switched off between the hours of 2330 and 0700 on any day.

Reason:- To protect the local amenities of the local residents by reason of excess of illuminance and to comply with Policies EQ6 and EQ10 of the adopted High Peak Local Plan 2016 and National Planning Policy Framework.

Submission:

- SEM1190 - E05 Proposed External Lighting Layout - Rev T3
- SEM1190 - E06 Proposed External Lighting Lux Plot - Rev T1
- Back Light Shield
- factorsmall-UK
- tech_Conical_Steel

Revised (19.12.22):

- Aldi Buxton Luminaire Datasheets & BREEAM Report

CONDITION REFUSED as follows:

Insufficient information has been submitted with the application relating to details of the “Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone - E2 contained within Table 1 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01-21” for the relevant phase to assess adequately the impacts of the proposed development having regard to matters of character and appearance and neighbour amenity, which would therefore be contrary to Policies EQ6 and EQ10 of the Adopted High Peak Local Plan 2016, in particular and the National Planning Policy Framework.

Air Quality

31. No phase of development hereby approved shall be commenced, other than those works included within the enabling works phase as approved through condition 03, until a

detailed scheme for the provision of EVC (Electric Vehicle Charging) points for the site in accordance with (plan ref. Proposed Site Plan 1240-110 Rev S) has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

- a) Provision of six EVC points within the car park installed and fully operational with six designated parking bays suitably marked for EVC use,
- b) Appropriate cable route provision in the scheme design for an additional 26 electric vehicle charging spaces, and,
- c) A management and maintenance scheme for the EVC points which shall include details relating to undertaking repairs and replacement of charge points where necessary.

All works shall be carried out in accordance with the approved scheme details prior to first occupation of the relevant phase of development.

Reason:- To protect residents from air pollution and help prevent breaches in local air quality and to comply with Policies EQ1 and EQ10 of the adopted High Peak Local Plan 2016 and National Planning Policy Framework.

CONDITION SATISFIED as follows:

Submission:

- SEM1190 - E05 Proposed External Lighting Layout - Rev T3
- 2703BOL-111A CONDITION 31 Proposed EVC Points
- Aldi Buxton EVCP OM best practice manual

Drainage / Flood Risk

32. No phase of development hereby approved, other than those works included within the enabling works phase as approved through condition 03, shall be commenced until a detailed design and associated management and maintenance plan of the surface water drainage and proposed oil-water separators relating to that phase have been submitted to and approved in writing by the Local Planning Authority in accordance with the principles outlined within the following documents:

- a) Flood Risk Assessment & Drainage Strategy, reference No: FWBN-BSP-ZZ-XX-RP-C-0001-P03_Flood_Risk_Assessment dated 10th June 2021 "including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team, and,
- b) And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015)

All works shall be carried out in accordance with the approved details prior to first occupation of the relevant phase of development.

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 and to comply with Policy EQ11 of the adopted High Peak Local Plan 2016 and National Planning Policy Framework.



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EXEMPT

33. No development hereby approved shall be commenced until a scheme detailing the methodology for the avoidance of additional surface water run-off from the site during the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The developer may be required to provide collection, balancing and / or settlement systems for these flows. The approved system shall be operating to the satisfaction of the Local Planning Authority before commencement of any works of the approved development, which would lead to increased surface water run-off from site during the construction phase.

Reason:- To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land / properties or occupied properties within the development and to comply with Policy EQ11 of the adopted High Peak Local Plan 2016 and National Planning Policy Framework.

EXEMPT

Sustainable Use of Resources

35. No phase of development hereby approved shall be commenced, other than those works included within the enabling works phase as approved through condition 03, until a detailed design and associated management and maintenance plan of the Sustainable Design and Construction for that phase of development has been submitted to and approved in writing by the Local Planning Authority in accordance with the principles outlined within Sustainability Statement Ref. Z46347 Rev. 1. All works relevant to that phase of development shall be carried out in accordance with the approved details prior to first occupation of the phase of development and thereafter maintained for the lifetime of the scheme.

DEEMED CONSENT IS NOT SOUGHT FOR THIS CONDITION AS PER THE NOTICE SERVED.

36. No phase of development hereby approved shall be commenced, other than those works included within the enabling works phase as approved through condition 03, until a detailed design and associated management and maintenance plan the provision of solar roof panels for the discount food store hereby approved (Unit A on plan ref Proposed Site Plan 1240-110 Rev S has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include the provision of staff showers, changing areas and storage lockers in relation to the staff welfare area of the discount food store. All works relevant to that phase of development shall be carried out in accordance with the approved details prior to first occupation of the phase of development and thereafter maintained for the lifetime of the scheme.

Reason:- In the interests of the sustainable use of resources and adapting to climate change and to comply with Policy EQ1 of the adopted High Peak Local Plan 2016 and National Planning Policy Framework.



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Submission:

- 100-0447-L01-P01 PV Layout
- Aldi Buxton Solar Energy OM best practice manual
- Aldi Buxton Solar PV
- Datasheet_Solis-40K-5G (7)

CONDITION REFUSED as follows:

The scheme does not provide for the adequate provision of staff showers, changing areas and storage lockers having regard to matters of the sustainable use of resources and adapting to climate change, which would therefore be contrary to Policies EQ1 of the Adopted High Peak Local Plan 2016, in particular and the National Planning Policy Framework.

Should you wish to discuss these matters further, please do not hesitate to contact Rachael Simpkin (Senior Planning Officer) on the direct line above.

Yours sincerely,

Rachael Simpkin
Senior Planning Officer
(Majors and Commercial)