

DELEGATED DECISION REPORT

HPK/2023/0133
Valid 28/04/2023

SAINSBURYS 14 EAGLE
PARADE
BUXTON

REPLACEMENT OF EXISTING
PLANT ON THE ROOF OF
SAINSBURY'S LOCAL STORE
AND INSTALLATION OF NEW
AIR CONDITIONING (AC) AND
REFRIGERATION PLANT.

(FULL - MINOR)

MAIN ISSUES

- Design & Conservation
- Amenity

DESCRIPTION OF SITE

The application relates to an existing retail unit ('Sainsbury's Local') at No.14 Eagle Parade, Buxton that fronts a public car park on Buxton Market Place. The site lies within the Buxton Central Conservation Area. The roof of the building contains existing plant that facilitates the operation of the store, but is not visible from any public vantage point.

PROPOSAL

The application seeks permission to replacement existing plant on the roof of the store and the installation of a new air conditioning unit and refrigeration plant. The supporting cover letter states that the new development will improve the efficiency of the Sainsbury's Store, in line with a national programme that sees old refrigerated gas arrangement with natural gas-powered heating systems.

It is stated that the proposal has the potential to reduce energy consumption by 17-18% and greenhouse gas emissions by 12-13% compared to more conventional systems using a gas boiler.

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
EQ1 Climate Change
EQ6 Design and Place Making
EQ7 Built and Historic Environment
EQ10 Pollution and Unstable Land

National Planning Policy Framework 2021

Achieving Sustainable Development	Chapter 2
Achieving Well Designed Places	Chapter 12
Meeting the Challenge of Climate Change	Chapter 14
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

The application has a lengthy planning history, none of which is considered to be relevant to this application.

CONSULTATIONS

Publicity

Site Notice expiry date: 29th June 2023
Neighbour consultation period ends: 31st May 2023
Press Advert: 8th June 2023

Public Comments

None

Town / Parish Comments

N/A

Environmental Health

Initial Comments

The Environmental Health Department has no objection to the proposed development subject to the conditions set out below being applied to any permission granted.

Noise

The noise report submitted in support of the application may be accepted.

- Noise Solutions Ltd, “Plant Noise Guidance Report - Sainsbury’s Local, Eagle Parade” (ref: 91105/PNG), dated 31 October 2023

Please note this report is marked “Noise Guidance Report Only – Not For Planning”

CONDITIONS:

1. NOISE

Prior to the development hereby approved being brought into use, a report shall be submitted for approval by the LPA, demonstrating that the following rated noise levels are not exceeded when measured (or calculated) at noise sensitive premises:

- A. Daytime (07.00 to 23.00 hours) – 40db Lar, Tr
- B. Night-time (23:00 to 07:00 hours) - 39db Lar, Tr

The plant shall thereafter be maintained to ensure these rated noise levels are not exceeded for the life of the development.

All measurements and calculations shall be made in accordance with the methodology of BS 4142:2014+A1:2019 “Methods for rating and assessing industrial and commercial sound” and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

Further Comments

The updated report may be accepted. The recommended noise condition remains; this is a validation condition to ensure the installed plant does not exceed the values outlined within the approved report.

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HPBC Conservation Officer

No objections

DCC Archaeology

The proposed development area lies within the Buxton Area of Archaeological Interest (DDR8700) and the Buxton Central Conservation Area (DDR7084). However, the current proposals will have no below ground impact and as such I have no objection.

Derbyshire County Council Highways

No comments to make

OFFICER COMMENTS

Principle of Development

The application seeks permission for works relating to the operations of a local retail store which will improve energy efficiency and reduce CO2 emissions. The proposals would fully support the aims and objectives of Local Plan Policy EQ1 and relevant policies contained under Chapter 14 of the NPPF. The principle is therefore considered to be acceptable subject to all relevant considerations.

Design & Conservation

Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area

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 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.

LP Policy EQ7 has regard to the Built and Historic Environment. It states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.

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.

Chapter 16 of the NPPF contains the relevant restrictive national planning policies that relate to the conservation and enhancement of the historic environment. Paragraphs 199-202 sets out how a local authority should assess the significance of a heritage asset and the potential impacts of a development proposal upon that asset. Where a proposal will lead to substantial harm or total loss of a designated heritage asset, local planning authorities should refuse consent unless there are substantial public benefits that outweigh that harm. Where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits.

A site visit has confirmed that the area of roof subject of the proposed development is not visible from the public realm either to the front or rear. The proposed plant and machinery is relatively small scale and modest with regards to its height. It is therefore not anticipated that there would be any material change to either the character and appearance of the building or indeed the wider conservation area. The HPBC Conservation Officer has no objections to the application.

With the above in mind, it is considered that the proposed development would preserve the character and appearance of the building and wider conservation and is therefore acceptable with regards to its design, in accordance with LP Policies S1, EQ6 and EQ7, relevant paragraphs relating to design under Chapter 12 of the NPPF, and relevant restrictive paragraphs relating to heritage conservation under Chapter 16 of the NPPF, underpinned by Section 72 of the Act 1990.

Amenity

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 185 of the NPPF states that policies and decision should ensure that new development is appropriate for its location taking account the likely effects of pollution on health, living conditions and the natural environment and in doing so should mitigate and reduce to a minimum the impacts resulting from noise and avoid potential noise impacts on health and quality of life.

The nature of the proposal and context of the site and surrounding land uses dictates that the sole consideration with regards to public and residential amenity is the potential noise impacts generated from the operations of the newly installed equipment. The application has been accompanied by a Noise Assessment, which has been reviewed by the Environmental Health Officer. It has been found that subject to a further condition requesting that a detailed noise report be submitted and approved demonstrating that noise levels will not be exceeded, there are no objections on grounds of amenity.

As such, it is concluded that subject to compliance with such a condition, there would not be any adverse noise impacts and thus no harm to public or neighbouring residential amenity, in accordance with LP Policies EQ6 and EQ10 and relevant paragraphs under Chapters 12 and 15 of the NPPF respectively.

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.

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.

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, granting permission, unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- 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.

The application seeks permission for replacement plant and machinery on the roof of a local Sainsbury's store that lies in close proximity to Buxton Market Place and

within the Conservation Area. The proposals fully support the aims and objectives of LP Policy EQ1 and relevant policies under Chapter 14 of the NPPF and is supported in principle.

An assessment of the application has found that subject to appropriate conditions, the proposal would preserve the character and appearance of the building and the wider conservation area, and would not lead to any adverse harm to public and residential amenity.

As such, the application is considered to comply with all local development plan policies and other material considerations, and thus amounts to sustainable development. 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: 3rd July 2023

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council