



High Peak Borough Council
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McDonald's Restaurants Ltd
11-59 High Road
East Finchley
London
N2 8AW

Application no: NMA/2024/0003

Determined on: 1st March 2024

Town and Country Planning Act 1990 (as amended)

NON MATERIAL AMENDMENT FOR DEVELOPMENT

Location of Development:

Former ALDI Station Road Buxton Derbyshire SK17 6AQ

Description of Proposal:

Non material amendment relating to HPK/2022/0300 in relation to proposed amended timings of pre-commencement conditions (05, 11, 14, 16, 19, 29, 30, 36 & 37) to allow for matters including prior demolition and site clearance of the former Aldi food store, Station Road, Buxton.

In pursuance of its powers under the above Act, the Council hereby **Approves** the proposed non material amendment for the above development in accordance with the application made valid by the Local Planning Authority on 31/01/2024 and subsequently further amended on the 1st March 2024. The conditions are hereby amended as follows:

5. No above ground construction works relating to the development hereby approved shall take place until development until a sample panel of at least 1.0 square metre and supporting detailed schedule, showing facing materials, bond, mortar colour and mix in accordance with Condition 04 above have been submitted to or made available for inspection by and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to first occupation of the development.

Reason:- In the interests of visual amenity and to comply with Policies S1, S7, EQ6 and EQ7 of the adopted High Peak Local Plan 2016 and National Planning Policy Framework.

11. No development hereby approved shall be commenced (excepting demolition and site clearance) until detailed plans and sections showing both existing and proposed site levels for the site, together with the proposed relationship with adjacent land have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.





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Reason:- In the interests of visual amenity and to comply with Policies S1, S7, EQ6 and EQ7 of the adopted High Peak Local Plan 2016 and National Planning Policy Framework.

14. No development hereby approved shall be commenced (excepting demolition and site clearance) until a comprehensive landscaping scheme for the site (in accordance with the principles established by Proposed Site Plan ref. 11551_AEW_1706_0004 Rev J) has been submitted to and approved in writing by the Local Planning Authority and shall include details of ground / tree pit preparation (with adequate soil volume provision to allow the trees to grow to maturity, engineering solutions to demonstrate no future tree interference with structures e.g. root barriers / deflectors and staking / tying method). The landscaping scheme so approved shall be fully implemented before the end of the first available dormant season (1st October to 28th February inclusive) and thereafter shall be properly maintained as approved through condition 15 below. The approved tree planting shall be implemented as per British Standard 8545 (Trees: from nursery to independence in the landscape – Recommendations).

Reason:- In the interests of both visual amenity and nature conservation to comply with Policies S1, S7, EQ5, EQ6, EQ7 and EQ9 of the adopted High Peak Local Plan 2016 and National Planning Policy Framework.

16. No development hereby approved shall be commenced (excepting demolition and site clearance) until a Landscape, Biodiversity and Ecological Management Plan (LBEMP) for the site 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 approved site to achieve biodiversity net gain in accordance with Biodiversity Metric 4.0 (or its successor). The scheme 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; 5-year establishment and aftercare management prescriptions for any newly created habitats and a minimum 30-year maintenance and management operations for all habitats throughout the approved site to be monitored and reviewed every 5 years. The development shall be fully implemented and subsequently managed in accordance with the approved Plan and timescales.

Reason:- In the interests of both visual amenity and nature conservation to comply with Policies S1, S7, EQ5, EQ6, EQ7 and EQ9 of the adopted High Peak Local Plan 2016 and National Planning Policy Framework.

19. Notwithstanding any description of car parking spaces / cycle storage within the application details and / or approved plans, no development hereby approved shall be commenced (excepting demolition and site clearance) until a scheme (in accordance with the principles established by Proposed Site Plan ref. 11551_AEW_1706_0004 Rev J) for car parking and cycle parking (customers and staff), together with manoeuvring of visitors / staff / customers / service and delivery vehicles relating to the approved development has been submitted to and approved in writing by the Local Planning Authority. The carparking, cycle parking and manoeuvring areas shall be provided in accordance with the approved details prior to first occupation of the development and thereafter shall be maintained throughout the life of the development free from any impediment to their designated use for the lifetime of the development.

Reason:- In the interests of both visual amenity (tree planting) and highway safety and to comply with Policies SS1, EQ6, EQ7, EQ9 and CF6 of the adopted High Peak Local Plan 2016





and National Planning Policy Framework.

29. No development hereby approved shall be commenced (excepting demolition and site clearance) until a detailed design and associated management and maintenance plan of the Sustainable Design and Construction for the development has been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details prior to first occupation of the development and thereafter maintained throughout the lifetime of the scheme.

Reason:- In the interests of the sustainable use of resources and adapting to climate change and to comply with Policies S1, S6 and EQ1 of the adopted High Peak Local Plan 2016 and National Planning Policy Framework.

30. Notwithstanding any description of the solar carpark canopy within the site, no development hereby approved shall be commenced (excepting demolition and site clearance) until a detailed design for the freestanding solar carpark canopy and associated management and maintenance plan for the solar canopy panels has been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details prior to first occupation of the development and thereafter shall be maintained throughout the lifetime of the development.

Reason:- In the interests of the sustainable use of resources and adapting to climate change and to comply with Policies S1 and EQ1 of the adopted High Peak Local Plan 2016 and National Planning Policy Framework.

36. No development hereby approved shall be commenced (excepting demolition and site clearance) until detailed drawings of all existing and proposed underground works, including foundations, drainage and those of statutory undertakers have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, extent and depth of all excavations. All works shall be carried out in accordance with the approved details prior to any above ground construction of the development.

Reason:- To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in accordance with Policies S1, S7 and EQ10 of the Adopted Local Plan and the National Planning Policy Framework.

37. No development hereby approved shall be commenced (excepting demolition and site clearance) for any piling or any other foundation designs using penetrative methods until a site-specific piling risk assessment has been submitted to and approved in writing by the Local Planning Authority and prior to commencing any piling operations on the site. The Piling Risk Assessment shall be strictly in accordance with the following documents:

- Environment Agency guidance (Environment Agency (2001), Piling and Penetrative Ground
- Improvements on Land Affected by Land Contamination NC/99/73.
- HPBC Code of Practice: Excavations in the Vicinity of Buxton Thermal Springs
- HPBC Code of Practice Drilling of Boreholes in the Vicinity of Buxton Thermal Springs
- The effects of noise generation (hours of operation) must also be considered and shall include noise mitigation measures consistent with best practical means.

All works shall be carried out in accordance with the approved risk assessment during piling activities or other penetrative construction methods.



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Reason:- To ensure that any proposed penetrative foundation solutions do not harm groundwater resources in accordance with Policies S1, S7 and EQ10 of the Adopted Local Plan and the National Planning Policy Framework.

Informative

1. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
2. The applicant is advised that this Decision Notice should be read in conjunction with the Decision Notice approving planning application ref. HPK/2022/0300 dated 4th December 2023 and that any conditions (but excluding conditions 05, 11, 14, 16, 19, 29, 30, 36 & 37 for the purposes of NMA/2024/0003) attached to that permission still apply.

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council





NOTES

1. This decision notice does not convey any approval or consent which may be required under any enactment, bye-laws, order or regulation other than Section 96A of the Town and Country Planning Act 1990.
2. The application is approved in strict accordance with the approved plans. It should be noted however that:
 - (a) Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action.
 - (b) Variation to the approved plans will require the submission of a new planning application.
3. This application is approved and may be subject to conditions from the original decision notice. It is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. **A fee is payable to us for the discharge of condition. Please refer to our web site : www.highpeak.gov.uk for details.** If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a “condition precedent”. The following should be noted with regards to conditions precedent:
 - a. If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
 - b. Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.
4. Any other conditions on this approval must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.