

DELEGATED DECISION REPORT

HPK/2024/0223
Valid 13/06/2024

B4 ALTAR WAY
BUXTON

MINOR EXTERNAL
ALTERATIONS TO PROVIDE
NEW WINDOWS ON
ELEVATIONS.

(FULL - MINOR)

MAIN ISSUES

- Character and Appearance

PROPOSAL

Full planning permission (as revised) is sought for minor elevational alterations for additional glazing to the constructed L-shape retail parade specifically in relation to Unit B4 as outlined on revised elevational plan ref. 1240-321 Rev C-05.

The applicant has been informed of an unauthorised advertisement and air conditioning unit, which face onto the public highway Church Meadow. In addition, there appears to be a breach of the approved boundary treatment condition in relation to the local centre consent ref. HPK/2021/0145 and subsequent non-material amendments. These matters, however, do not form part of the assessment of the current planning application.

SITE DESCRIPTION

The application site relates to the commercial aspect of the mixed use planning permission ref. HPK/2013/0603 in relation to the approved Local Centre ref. HPK/2021/0145 at Land at Ashbourne Road and Foxlow Farm, Buxton. The Aldi supermarket has been operational for some time. The L-shape retail parade is substantially completed and a single unit is occupied by a pet store. The children's nursery site lies vacant.

The site access is formed off the Ashbourne Road within the defined Built Up Area Boundary approximately 2.4 kilometres to the southeast of Buxton town centre.

Foxlow Fields, the residential aspect of the wider development ref. HPK/2017/0590 is well under construction and a number of dwellings are now occupied.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

Local Centre (excluding residential):

NMA/2024/0007 Application for a Non-Material Amendment in relation to application HPK/2021/0145 for amendments to approved site layout and

boundary treatments including amended retaining wall, steps, ramp and boundary treatment. PENDING.

- NMA/2023/0016 Application for a Non-Material Amendment in relation to application HPK/2021/0145 for alterations to approved layout, floor plan, roof plan and elevations to allow amendments to the layout of the retail parade. Approved 4th August 2023.
- NMA/2023/0007 Application for a non-material amendment in relation to HPK/2021/0145 for relocation of substation, amendment to floor levels in relation to the retail parade, alteration to retail elevations and changes to enabling phase retaining walling elevations, siting and materials. Approved 23rd May 2023.
- NMA/2022/0019 Non-Material Amendment Sought In Relation to Planning Permission Ref. HPK/2021/0145 For Alteration to Approved Elevations And Floor Plans To Retail Parade To Allow Amalgamation of Units and New Unit Layout. Approved 10th March 2023.
- HPK/2021/0145 Local Centre comprising a food store (Use Class E (a)), children's day nursery (Use Class E (f)) and flexible commercial / retail units (Use Class E(a), E(b), E(c), E(e) and Sui Generis Uses 'hot food takeaway' and 'public house / drinking establishment' and 'veterinary surgery' along with access, parking, other associated works and landscaping. Approved with conditions and s106 legal agreements (planning and existing Aldi store) dated 31st August 2022.

Residential Permission:

- HPK/2017/0590 Submission of reserved matters relating to the appearance, landscaping, layout and scale for the whole of the residential phase of the development (395 dwellings) pursuant to outline planning permission HPK/2013/0603. Approved with conditions and s106 legal agreement variation 28th June 2019.

The deed of variation removes the requirement to install an onsite MUGA (together with consequential amendments) and provides for a contribution of £50,000 in lieu of the on-site provision to be applied to the Cote Heath Skate Board park.

Parent Permission:

- HPK/2013/0603 Mixed use development comprising residential development comprising up to 375 dwellings; a residential care and/or retirement facility comprising up to 70 units and ancillary facilities to be occupied for any use or combination of uses within classes C2 and C3 of the town and country planning (use classes) order 2010, and a local centre comprising up to 2,500sqm of retail, food and drink and business uses to be occupied for any use or combination of

uses within classes a1 to A4 and class B1 of the town and country planning (use classes) order 2010, with no individual class A1 convenience retail unit (foodstore) exceeding 500sqm and no more than 600sqm of class A1, A2 and/or A3 floorspace, 580sqm of class A4 floorspace and 1,000sqm of class b1 floorspace being developed in total, and up to 1,000sqm of community uses to be occupied for any use or combination of uses within class D1 of the town and country planning (use classes) order 2010, excluding art galleries, museums and leisure and cultural uses (and any other use constituting a main town centre use as defined by annex 2 of the National Planning Policy Framework March 2012, together with associated access, car parking, open space and landscaping (outline - large-scale major apps). Approved with conditions and s106 legal agreements (planning and highways) dated 4th November 2014.

CONSULTATIONS

Publicity

Site Notice expiry date: EXPIRED

Neighbour consultation period ends: 12th July 2024

Public Comments

None

Town / Parish Comments

N/A.

Environmental Health

No observations.

Derbyshire County Council Highways

It is considered that the application will have no highway impact and on that basis there are no highway authority objections to the application.

Adopted High Peak Adopted Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S7 Buxton Sub-area Strategy
- EQ6 Design and Place Making

Supplementary Planning Documents (SPDs)

- High Peak Design Guide SPD (2018)

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

OFFICER COMMENTS

Principle of Development

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.

Full planning permission (as revised) is sought for minor elevational alterations for additional glazing to the constructed L-shape retail parade specifically in relation to Unit B4 as outlined on revised elevational plan ref. 1240-321 Rev C-05 as received on the 18th October 2024.

The NPPF clearly states that design is an important part of achieving good planning and creating beautiful places whereby development which is not well designed should be refused (Paragraph 139). It states that significant weight should be given to local design policies and guidance, which in this case comprises policies S1, EQ1 and EQ6 of the Adopted Local Plan and the High Peak Design Guide SPD (including section 6 Shop Fronts).

NPPF paragraph 140 states: "Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)".

In detail, two additional, paired windows (as revised) are proposed to the southeast end elevation of Unit B4, which face oppose the main car parking area of the Local Centre with the Aldi supermarket beyond. Revisions have achieved a narrow window form to reduce the visual incongruity of excessive and concentrated glazing whilst retaining some interest and activity to the bookend elevation of the building. Furthermore, the unit's frontage glazing would be increased (and entrance door with canopy repositioned) to broadly replicate the shop frontages to units B1 and B2.

Overall, the increased glazing to the unit's front and side elevation would allow for greater functionality for the proposed coffee shop end user in terms of functionality of space. Whilst a broadly consistent design approach would be maintained to the retail frontages forming the L-shape parade. In these regards, a planning condition is recommended to ensure matching materials for the additional glazing units.

Accordingly, the scheme meets with LP Policies SS1 and EQ6 in particular, the High Peak Design Guide SPD, as well as the NPPF.

CONCLUSION / PLANNING BALANCE

Accordingly, the development accords with the provisions of the development plan as a whole as well as the NPPF and should be approved.

OFFICER RECOMMENDATION : Approve with conditions

Case Officer: Rachael Simpkin

Recommendation Date: 22nd October 2024

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council