

DELEGATED DECISION REPORT

NMA/2025/0013
Valid 18/03/2025

ALDI STATION ROAD
BUXTON

**NON MATERIAL AMENDMENT
IN RELATION TO
HPK/2022/0300 - MINOR
REPOSITIONING OF FALSE
WINDOWS ON THE DRIVE
THRU ELEVATION**

**(NON MATERIAL
AMENDMENTS)**

MAIN ISSUES

- Character and Appearance

DESCRIPTION OF SITE

The elevated, broadly rectangular 'brownfield' site is approximately 0.6 hectares in area and previously hosted a supermarket (Aldi) with a car parking area. The building has now been demolished, site area cleared and construction well underway for the McDonalds building. It is located within an edge of town centre position fronting Station Road, Buxton opposite the Spring Gardens shopping centre and car park. Directly to the east (side), the application site abuts Charles Street and also the 'Buxton Hardwick - Extension (Bridge Street and Ashwood Park) Conservation Area. The northeast corner of the site is approximately 28.0 meters away from the Hogshaw Lane Viaduct (Historic Environment Records (HER) Monuments ref. 2890), which is a Grade II listed structure.

A notable retaining wall faced in reconstituted stone with railings above with adjoining green buffer forms the site's northern (rear) boundary. Beyond is cleared land previously accommodating the Nestle Bottling Factory with the Buxton to Manchester railway line immediately to the rear. Adjoining the site's western (side) boundary lies the more recently constructed Devonshire Place, which is a 4-storey retirement living complex of a traditional appearance. Thereafter Buxton Railway Station with frontage car parking lies adjacent to the boundary of Buxton Central Conservation Area further to the southwest. The HER (Monuments ref. 2885) for Buxton railway station (remains of), booking office and screen wall confirms the screen wall of the former train shed built for the London and North Western Railway, which is a Grade II listed structure.

The Spring Gardens shopping centre complex and town centre car park are located to the south of Station Road with a pedestrian crossing providing a safe link to and from the application site. The site retains a single access from Station Road, approximately 113.0 meters away from the roundabout connecting Station Road, Charles Street, Bridge Street and the Spring Gardens car park entrance.

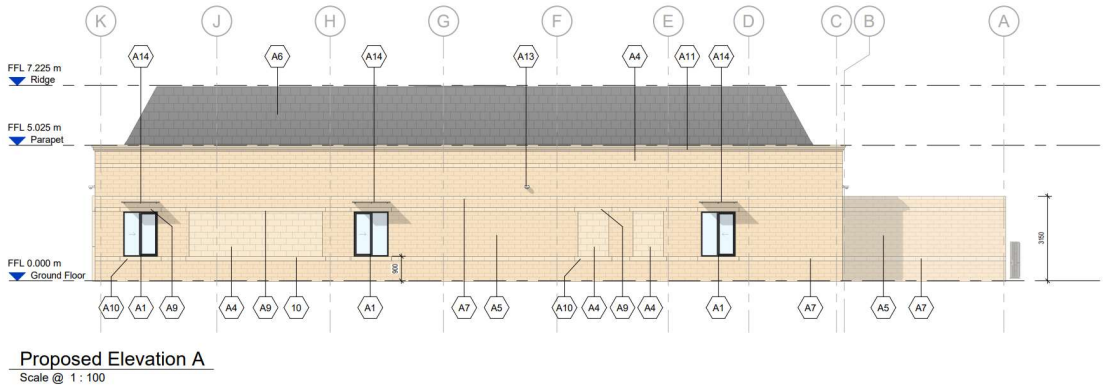
Regarding local plan designations, the application site lies within Buxton Town Centre and the Built Up Area Boundary as well as the nutrient neutrality catchment and Groundwater Source Protection Zone for Buxton. In addition, the site also lies within the wider local plan allocation DS22 ‘Station Road’ and Springs Gardens Regeneration Area.

PROPOSAL

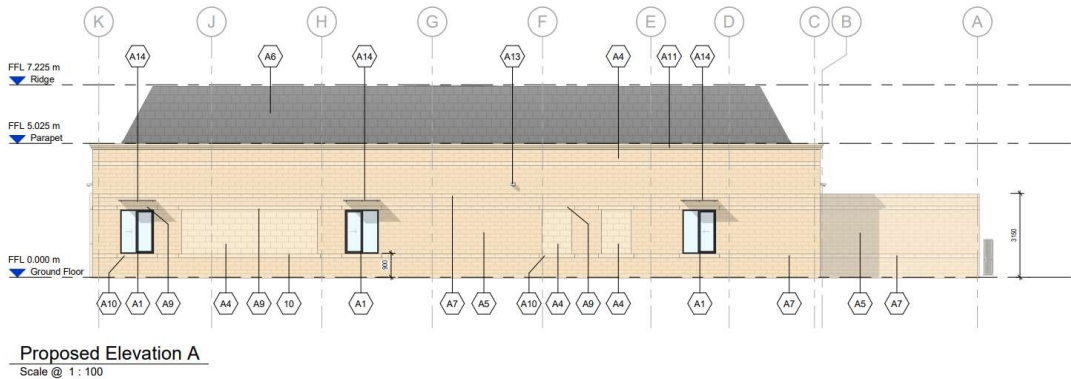
The application seeks a non-material amendment (NMA) primarily for an updated elevation, specifically in relation to the modest repositioning of two dummy windows concerning Elevation A (south) opposing the Station Road frontage. It relates to planning permission ref. HPK/2022/0330 for the ‘Demolition of existing supermarket and erection of freestanding hot food takeaway / restaurant with drive-thru facility (sui generis), car parking, landscaping and associated works at former ALDI, Station Road, Buxton’, which was approved on the 4th December 2023, together with subsequent NMAs.

The non-material amendment comprises of the following revised plans, with the relevant elevation shown below:

Proposed Building Elevations ref. 11551 AEW 1706 0005 Rev R



Proposed Building Elevations ref. 11551 AEW 1706 0005 Rev Q (Approved NMA/2024/0023)



RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Adopted High Peak Local Plan 2016

S1 – Sustainable Development Principles
S1a – Presumption in Favour of Sustainable Development
S2 – Settlement Hierarchy
S7 – Buxton sub area strategy
EQ1 – Climate Change
EQ2 – Landscape Character
EQ5 – Biodiversity
EQ6 – Design and Place Making
EQ7 – Built and Historic Environment
EQ9 – Trees, Woodland and Hedgerows
EQ10 – Pollution Control and Unstable Land
EQ11 – Flood Risk Management
CF1 – Retail and Town Centres
CF6 – Accessibility and Transport
DS22 - Station Road and Spring Gardens Regeneration Area, Buxton

Supplementary Planning Documents (SPDs)

Buxton Design and Place Making Strategy SPD 2009
Station Road Design Framework SPD 2007
High Peak Design Guide 2018

Other Evidence

Buxton Conservation Area Appraisal 2007

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

NMA/2025/00 - Non Material Amendment relating to HPK/2022/0300 to PENDING.

NMA/2024/0023 - Non Material Amendment Relating to HPK/2022/0300 to include Substation, Electrical Kiosks and Updated Elevations. Approved 30th December 2024.

NMA/2024/0003 – 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. Approved 1st March 2024.

DET/2024/0004 - Application to determine if prior approval is required for a proposed: Demolition of Buildings - Aldi Food Store. Prior Approval is required 22nd February 2024

DET/2023/0018 - Application to determine if prior approval is required to demolish former Aldi Food Store and replacement with new drive thru / restaurant ref.

HPK/2022/0300 at former ALDI, Station Road, Buxton. Prior Approval Refused 5th January 2024

HPK/2022/0330 - Demolition of existing supermarket and erection of freestanding hot food takeaway / restaurant with drive-thru facility (sui generis), car parking, landscaping and associated works at former ALDI, Station Road, Buxton. Approved 4th December 2023.

CONSULTATIONS

Publicity

No consultation has been undertaken.

Public Comments

None received.

Town / Parish Comments

N/A

OFFICER COMMENTS

The application seeks a non-material amendment (NMA) primarily for an updated elevation, specifically in relation to the modest repositioning of two dummy windows concerning Elevation A (south) opposing the Station Road frontage.

Planning Policy Guidance states: "There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under [section 96A of the Town and Country Planning Act 1990](#)" ... "The local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission, [section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#) does not apply".

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)".

The comparison plan below as provided by the applicant, illustrates the proposed modest repositioning of the two dummy windows.



The changes put forward by the applicant are inconsequential in relation to design and appearance matters, noting there are no proposed amendments to building materials thereby maintaining a high quality design as achieved through previous consents.

In these regards, the proposed non-material amendment would accord with policies SS1, EQ5, EQ6 and EQ7 of the Adopted High Peak Local Plan 2016, High Peak Design Guide SPD 2018 and the National Planning Policy Framework.

CONCLUSION / PLANNING BALANCE

The non-material amendment is hereby recommended for approval.

OFFICER RECOMMENDATION : Approve as a non material amendment

Case Officer: Rachael Simpkin

Recommendation Date: 30th June 2025

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council