

DELEGATED DECISION REPORT

NMA/2024/0033
Valid 14/11/2024

LAND AT
FOXLOW FARM HARPUR
HILL ROAD
HURPUR HILL
BUXTON

NON-MATERIAL AMENDMENT
IN RELATION TO
HPK/2021/0145 -
AMENDMENTS TO THE
SERVICE YARD WALL (UNIT
B: RETAIL PARADE).

(NON MATERIAL
AMENDMENTS)

MAIN ISSUES

The main issue relates to whether the proposed amendments to the approved scheme are non-material in nature.

PROPOSAL

The application seeks a revised Non-Material Amendment (NMA) to the original planning permission ref. HPK/2021/0145 for Foxlow Farm Centre in relation to the non-implementation of the approved service yard wall (northwest) to the retail parade owing to the positioning of drainage infrastructure i.e. an inspection chamber as outlined by the applicant. The Local Centre has been largely implemented other than the nursery, which lies within the northwest corner of the application site.

The proposed revised drawings for the amended service yard wall are as follows:

- Service Yard Wall Details ref. 1240-123 Rev 05
- Boundary Phasing Plan ref. 1240-113 Rev J



- Service Yard Wall Materials ref. 1240-8104-P-00

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

NMA/2024/0017 - Application for a Non-Material Amendment in relation to planning permission ref. HPK/2021/0145 for retaining wall to include steps to food store and nursery, together with ramp and railings to the southwest boundary of the application site. APPROVED WITH CONDITIONS 12th MAY 2025

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 WITH CONDITIONS 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 change to enabling phase retaining walling elevation and materials. APPROVED WITH CONDITIONS 2nd JUNE 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 WITH CONDITIONS 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.

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.

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

N/A

OFFICER COMMENTS

In relation to non-material amendments, Planning Policy Guidance (PPG) states:

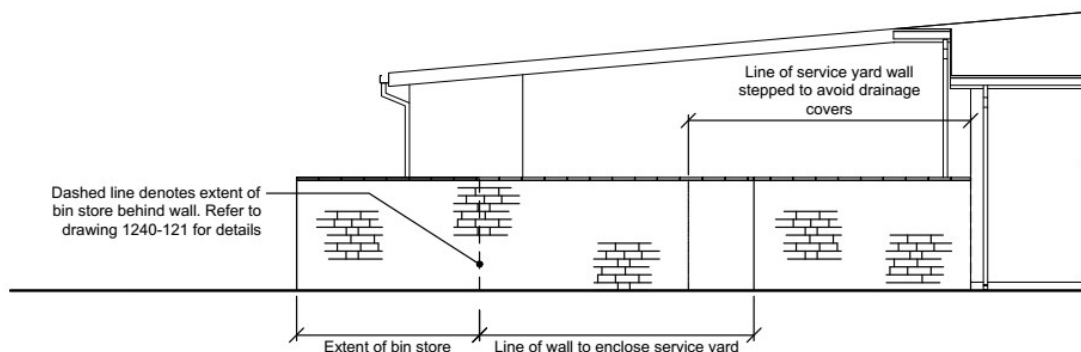
“There is no statutory definition of ‘non-material’. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The Local Planning Authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.

As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. Therefore local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views.

As by definition the changes sought will be non-material, consultation or publicity are unlikely to be necessary, and there are unlikely to be effects which would need to be addressed under the Environmental Impact Assessment Regulations 2011”.

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 application seeks a NMA (Non-Material Amendment) to planning permission ref. HPK/2021/0145 for the proposed minor alteration of the scheme concerning the non-implementation of the approved service yard wall (northeast) to the retail parade owing to the existing siting of drainage infrastructure. In these regards, a proposed repositioning of the missing section of wall would maintain the existing drainage design as confirmed by the applicant. Whilst appropriate screening of the service yard when viewed from the northwest (rear) elevation of the building to Church Meadow would be achieved by a staggered, overlapping arrangement (with matching materials) as illustrated below.



Accordingly, the proposed amendments seek to maintain a high quality development as consented and thereby would safeguard the character and appearance of the immediate context, with particular regard to the gateway location to Foxlow Fields, a major residential development (partly occupied) and the local centre itself.

In relation to the amendments to the proposed service yard wall, condition discharge ref. DOC/2023/0058 for Condition 13 'Proposed Boundary Treatments for the phase relating to unit b: retail parade would need to be updated as a positively worded planning condition regarding superseded details, including the now out of date Boundary Phasing Plan ref. 1240-113 Rev G. Similarly, the boundary treatment to be delivered prior to occupation of Foodstore Phase ref. DOC/2023/0063 for Condition 13 would also need to be updated regarding the now out of date Boundary Phasing Plan ref. 1240-113 Rev G.

Overall, the proposed changes are not material in nature within the context of the overall development to comply with Adopted Local Plan Policies EQ2 'Landscape Character' and EQ6 'Design and Place Making' in particular and the National Planning Policy Framework.

CONCLUSION

In summary, it is considered within the context of the original application, the proposed changes are not of a material nature and fall comfortably within the scope of a non-material amendment application. Accordingly, this non-material amendment application is recommended for approval.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Rachael Simpkin

Recommendation Date: 25/09/2025

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council