

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**4<sup>th</sup> October 2021**

**ADDENDUM REPORT**

<b>Application No:</b>	HPK/2021/0145	
<b>Location</b>	Land at Foxlow Farm, Buxton	
<b>Proposal</b>	Full planning application for the development of a Local Centre comprising a foodstore (Use Class E (a)), children's day nursery (Use Class E (f)) and flexible commercial/retail units (Use Class E and Sui Generis (hot food takeaway, veterinary surgery, public house/drinking establishment)) along with parking, access and other associated works	
<b>Applicant</b>	HDD Buxton Ltd, Aldi Stores Ltd, Philip Heathcote and Hallam Land Management	
<b>Agent</b>	n/a	
<b>Parish/Ward</b>	Buxton	<b>Date registered:</b> 29/03/2021
<b>If you have a question about this report please contact:</b> Rachael Simpkin <a href="mailto:rachael.simpkin@highpeak.gov.uk">rachael.simpkin@highpeak.gov.uk</a> 01538 395400 extension 4122		

**1. SUMMARY OF RECOMMENDATION**

**APPROVE, subject to conditions and legal agreements.**

**2. OFFICER COMMENTS**

2.1 On the 13th September 2021, Members of the Development Control Committee resolved that consideration of the application be deferred pending:

(i) Further discussions with the applicant around: local geography and shopping habits due to concerns that the proposed location of the new store may restrict access for some areas of the population and cause additional vehicle movements; to reconsider either a green roof or solar panels; to explore potential for a 2 store model in Buxton or modification to the existing store to increase capacity; to reconsider the nursery design to maximise outdoor play space and minimise potential safety concerns due to shared car parking.

(ii) Further discussions with highways around the impact of the proposed development on the local network.

2.2 The matters raised can be summarised as follows:

- **Highways and accessibility**
- **Use and role of Aldi**
- **Role of the local centre and design**
- **Nursery drop off / outdoor space**

2.2 In response to the deferral, the applicant has sought to provide detailed commentary with an executive summary, revised site plan, including parking plan and amended retail elevations. In addition, the applicant's Highways Consultant has also responded to the highways related matters raised attached as **Appendix A**. Furthermore, Aldi have provided a further submission regarding their operational requirements and is attached as **Appendix B**.

### **Applicant's Executive Summary**

- **Cross town journeys** – *the transport assessment allows for the potential for these and highlights that the increase in trips generated compared to the outline consent will be very limited.*
- **Accessibility** – *the foodstore will provide a new facility in a location that is easily accessible to a large part of the town and surrounding area where residents currently have to travel longer distances to meet their main food shopping needs.*
- **Existing store** – *the issues with the store on the operation and customer experience are of such significance that Aldi has been seeking a replacement for the last decade. In other circumstances, where a replacement store cannot be secured, Aldi have been forced to close these older stores and rely upon their network of stores further afield to serve its local customer base.*
- **Use of store** – *Aldi's existing store is principally used for larger main food shopping trips attracting car based trips and the new store will be no exception. However, the store will be well located to a large customer base in the immediate vicinity, thereby reducing the need to travel.*
- **Ability to accommodate two smaller stores** – *Aldi cannot deliver two smaller stores in Buxton given that small stores are only delivered in extremely high footfall city centre locations. In any case, the delivery of two smaller stores would fail to provide the full product range and result in customers having to travel to Chapel-en-le-Frith or Bakewell to access the full offer and meet their needs.*
- **Ability to extend existing store** – *the potential to extend the existing store has been fully explored, including the potential delivery of floorspace on a mezzanine floor. This is not possible due to the issues this creates in terms of customers access to upper floors with a trolley.*
- **Meeting local needs** – *the development will meet local needs through the creation of a range of small units with the applicant having interest from a range of local and regional operators for varying uses. The outline permission has already permitted uses that would draw visitors and employees from much further afield given the inclusion of business, office and leisure uses.*
- **Design / Green Roof** – *suggested amendments to the design have been made which include the removal of the wooden cladding as well as the potential delivery of solar voltaic panels on the roof of the Aldi store. The green roof suggestion cannot be accommodated given the significant costs this would incur, thus affecting the schemes viability whilst also significantly*

*increasing CO2 emissions associated with the construction and manufacture of materials, by requiring strengthening (and additional materials) to accommodate the additional weight created by such structures.*

- **Sustainability features of new store** – *in addition to the offer of introducing solar panels on the Aldi store, the proposed store will incorporate a significant number of sustainable technologies and features including an air source heat pump that would provide all of the store's heating requirements. Such features are not in place in the existing store and cannot be retrofitted ensuring a significant improvement in the sustainable operation of the Aldi store in the town.*
- **Nursery drop off** – *alterations have been made to the car parking plan to allow for dedicated parking spaces to be used solely for the drop-off and pick-up of children from the nursery.*

### **Highways and Accessibility**

2.3 The applicant's Highways Consultant has provided a response to issues raised regarding the sustainability of the site, generation of additional cross town traffic and impact as a result of the uplift in trips associated with the proposed new Local Centre including Aldi foodstore. The note confirms that these matters have been considered through the submission Transport Assessment as agreed with by County Highways and highlights the following key matters:

- The number of new trips on the highway network as a result of the proposed development is limited when compared with the current outline consent for the local centre (fallback position) which the proposed development would replace.
- The outline consent local centre fallback position permits a range of uses and floorspace including business space, offices and leisure uses that would draw visitors and staff from much further afield than Buxton and its rural hinterland when compared with the proposed local centre and foodstore.
- The creation of a new foodstore in a location where there is no existing provision would reduce the need to travel for local residents, whilst those living close to the existing Aldi store would still have a choice of foodstore provision in and around the current store site should they choose not to travel to the new store.

2.4 County Highways have been consulted on the submission note and any comments received will be reported on the Update Sheet.

### **The Use and Role of Aldi**

2.5 In response to Members concerns, Aldi have provided a detailed response concerning the use and future operation of its existing Station Road store as discussed by the applicant's representative below:

- **Issues with the current store**

*“The letter highlights the significant issues with the current store and Aldi’s attempts over the best part of a decade to find a new site in Buxton. The issues with the existing store are of such significance that there is a risk that the retailer will be forced to close their existing store in the future and rely upon their existing modern format stores at Chapel-en-le-Frith and Bakewell to serve their customer base. Whilst such instances are always the last resort for the retailer, Aldi have been forced to close first generation stores such as this in the past including stores within Manchester, Rochdale and Blackpool. Such an occurrence would result in the loss of an important retailer to the town and result in trade being lost outside Buxton and an increase in the need for local residents to travel further afield”.*

- **How the existing store is used and how the new store will be used**

*“In terms of how existing customers will use the store, there is no existing data held by Aldi on where customer’s live or how they travel to the store given that Aldi do not operate a customer loyalty/rewards scheme from which data could be gathered. Likewise, there is no data available through the Council Retail Study. Nevertheless, Aldi have a strong understanding of their customer base, and how their Buxton customers use their store including the significant focus on larger trolley / main-food shopping trips, with average customer spend being around 25% greater than the company average.*

*The Aldi letter clearly highlights that much of its customer base are undertaking very large trolley / main-food shopping trips at the store and as such are likely to already be reliant upon car-based trips to serve these. Those customers who are currently walking or cycling to the store, are likely doing this as the store will be their closest and such customers are therefore less pre-disposed to change shopping patterns to continue visiting the relocated store, instead choosing to visit another existing store nearby (e.g. Waitrose or Iceland) which provide a good offer. Nevertheless, the southern part of the town does not benefit from easy access to any foodstores and as such existing residents in this area will no longer have to make these longer trips to the existing Aldi or Morrisons stores.*

*Dealing solely with the new Foxlow Farm development, the new residents living on the site will generate around £2.0million in annual convenience goods expenditure, which is a significant amount and almost a half of the increase in turnover associated with the proposed Aldi store”.*

- **The inability to deliver an appropriately sized store on the existing site including mezzanine floorspace**

*“The potential for the existing store to be re-developed or remodelled to meet the needs of Aldi have been extensively considered by Aldi and there is no ability to provide sufficient floorspace and car parking, even with the use of mezzanine floors, noting that modestly sized foodstores such as this, and their servicing model, do not allow for customer or goods storage to be split across floors. Splitting customer floorspace across two floors would require the installation of travellators for trollies, significantly increasing the floorspace required across the store and would be unattractive for customers who generally want to undertake their convenience goods shopping in a manner that is quick, and convenient to*

*them. Travelling between floors, multiple times if something is forgotten will be time consuming and likely to deter customers from using the store. As such, it is clear that a store with mezzanine provision cannot meet the needs of the proposed development whilst all other options have been considered in detail and clearly highlight that it is not possible to accommodate a store of the size required plus sufficient on-site customer parking”.*

- **Why two smaller Aldi stores cannot be supported in Buxton.**

*Finally, Aldi have set out why they cannot, and would not, operate two smaller foodstores within the town as these would fail to provide the offer and range of goods that Aldi customer's expect.*

### **The role of the Local Centre and Design**

The applicant's representative has provided further commentary in response to the following points raised by Members:

- **The role of the local centre and meeting local need**

*“Comments were raised that the proposed development would not deliver the local centre that was envisaged through the outline planning permission, or planned through the Local Plan with the view that it would not solely meet localised needs. It is important to note that the proposed mix and scale of uses will still principally be focused on serving the local area with the children's nursery and parade of small units proposed entirely to meet this purpose.*

*The small parade of units being proposed at Foxlow will complement the foodstore and provide good local amenities for local people. During the pandemic there has been a real resurgence in quality local and regional operators who have adopted a more resilient approach to deal with the changing restrictions no doubt benefitting from reduced commuting and being able to attract a greater proportion of locally generated expenditure. This is a trend which is continuing as restrictions are lifted.*

*As such, whilst a full marketing campaign has yet to be launched, and would only be done so upon the grant of planning permission, the applicant; HDD envisages that the focus for the units will be on these quality local and regional operators and have already secured a keen interest from an independent coffee shop which is linked to cycling and walking. This operator already has two existing shops in the Peak District and are looking to expand their offer to Buxton. Interest has also been expressed for other uses and the following type of uses are those which will be targeted to occupy the proposed units:*

- *Health and Beauty;*
- *Hair Dressers;*
- *Regional Bakers;*
- *Gents Barbers; and*
- *Veterinary Practice.*

*In terms of the proposed nursery use, HDD are in discussions with a local nursery operator who already has two other nursery's locally and is looking to expand*

*their business to the site. This would complement the wider development, providing an important local facility within walking distance of its target catchment. Whilst the proposed Aldi store will undoubtedly attract customers from a wider area, it will still serve a local function and provide a foodstore to the south of the town in an area that has no such provision. The current closest foodstore to the site is the Morrisons store off Bakewell Road, however there are no bus routes between the south of the town and the store, without first having to travel into the town centre.*

*In any case, it is important to highlight that the local centre approved through the outline planning permission and promoted in the Local Plan, allows for and promotes a wide range of uses which would draw employees or visitors from beyond the immediate local area and instead serve / attract those across the wider Buxton area and beyond. These uses include business space, offices and leisure uses which would have clearly attracted people from further afield, and further away than Aldi customers are likely to travel.*

*It is also important to note that almost 7 years has passed since the original application was approved, yet the proposals represent the first scheme that has been submitted in order to bring forward a local centre on the site and deliver the local facilities for new and existing residents as envisaged by the site's allocation. This lack of progress in delivering a local centre to date serves to highlight the difficulties in delivering a viable scheme in this location and securing potential end uses / occupiers, something that has been made more challenging in the last 18 months given increasing construction costs and, at best, flat rental levels for the uses to be delivered for the local centre".*

- **Design and Sustainability Matters**

*"Comments were made by your officers, and referred to by Members, regarding the proposed use of timber cladding on the proposed parade of small retail units. The applicants are happy to substitute this for a painted render, of a colour to be determined, similar to that proposed for the nursery unit, if that is considered more appropriate and desirable by members. We have submitted plans as to how this would look to officer's (plan ref. 1240-320 Rev G).*

*As set out in our previous letter prior to committee, it is not possible to incorporate a 'green roof' on the proposed Aldi store, or any of the other buildings, due to the impact that this would have on the structure of the Aldi store and scheme viability. Advice on this has been sought from structural engineers who confirmed that the increased load generated by green roof technology would require the proposed structures and foundations to be strengthened, beyond that required for traditional roof materials. The letter from Aldi stores provides further information on this and estimates an increase to construction costs of £1 million in order to provide a green roof on the foodstore. Such a significant increase in costs could not be absorbed without making the construction of the store unviable.*

*Aside from the costs implications, the introduction of a green roof would also result in a significant increase in CO2 emissions thought the construction process associated with the manufacture of the additional steel and concrete required to support this, even before allowance is made for the transport, manufacture and maintenance (including watering) of the actual green roof technology. Generally*

*green roof technology is employed on taller structures with more than a single storey and which already have stronger steel frames and foundations to allow for the additional storeys.*

*The costs of this are so prohibitive that they would hamper efforts to deliver a local centre facility in this location and retain Aldi in the town with the costs of this and the maintenance having to be passed onto the end occupiers which could make attracting occupiers even more challenging. In any case, it is important to note that a green roof on the store, or any other unit, has not been requested by response on heritage, design or biodiversity and it is important to consider the roof design in its context of being surrounded by 395 non-green roofs due to, and currently being, delivered across the wider site.*

*In terms of biodiversity, the scheme has been designed to deliver the greatest number of 'credits' with the scheme incorporating wildflower meadow planting across the site, and a significant number of new trees. It should also be noted that there is a net gain of 0.29 hedgerow units delivered by the proposals. Whilst it is not possible to combine the unit values of both components of the biodiversity calculations, the net gain in hedge units demonstrates a commitment to providing suitable enhancement in the context of the scheme. The applicant has agreed to make a financial contribution, as agreed with the Derbyshire Wildlife Trust to offset the small number of habitat units being lost and help fund biodiversity net gain elsewhere within Buxton.*

*In terms of the sustainability of the scheme, the Aldi letter enclosed provides further details on the sustainable features proposed within the new store which includes an air source heat pump heat recovery system which reduces energy demand in new stores and provides all of the foodstores heating demands, removing the need for an independent gas heating system. Alongside this, other sustainability measures are incorporated into the design including low energy lighting, underfloor heating and electric vehicle charging points. In comparison, the existing store does not include this technology given that it was originally constructed over 20 years ago and as such the proposals represent a step change in sustainability of the Aldi foodstore to serve Buxton.*

*Even given the significant sustainability technologies included in the proposed store, Aldi would be willing to install some solar voltaic panels on the roof to generate green energy, via a scheme to be agreed by condition, given the nature of solar panels it is noted that these are likely to be more visible from the surrounding area than the current roof plan / materials. Nevertheless, it is noted that several of the units on the adjacent Staden Business Park do have solar panels on roofs. We are happy to make the offer to members who will no doubt be guided by officers on this matter”.*

- **Nursery Drop-off and Outdoor Space**

*“Comment was made regarding the drop off arrangements for parents / guardians to the nursery within the car park and the potential use of shared spaces intended for this purpose by foodstore customers. At the outset, those spaces located closest to the nursery which would be used by staff and parents / guardians are located furthest away from the store entrance and are unlikely to be used by those shopping at the foodstore. Nevertheless, the car parking and site plans*

have been altered to provide an extra parking space directly in front of the nursery and additional controls proposed which would ensure that these are marked and used solely for nursery drop off / pick up. This can be seen on the submitted car parking plan (Ref. 1240-CPP Rev B). This will help ensure that there is easy and sufficient parking spaces for those using the nursery.



Members also commented on the potential to deliver a flat roof on the proposed nursery building which could then be used for outdoor space with the Nursery. This would materially affect the appearance of the building but in any case is not considered necessary as sufficient outdoor space would be made available within the garden areas of the nursery. HDD have delivered in excess of 20 children's day nurseries in all types of locations, as a consequence HDD have excellent relationships with the key national and regional operators and based on these discussions, the potential of a roof top garden would not be an option, or requirement in this location.

Roof top gardens are a last resort in major cities where green external space is not available and even then, it is a rarity. In no circumstances would they operate a roof top garden when there is green outdoor space at ground floor and where they can simply open the rear classroom doors and give the children the opportunity to play both indoors and outdoors”.

### 3. PLANNING BALANCE & CONCLUSIONS

3.1 The starting point for the determination of any planning application is section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) states that planning applications should be determined in accordance with the development plan, unless there are material considerations which indicate otherwise.

3.2 Whilst the application proposes a greater amount of convenience retail floorspace than that envisaged by the Adopted Local Plan for the Foxlow Farm

Local Centre and fallback position; the scheme, however, is considered to be compliant with Local Plan policies in relation to the principle of the uses proposed to achieve compliance with the requirements of LP Policies CF1 'Retail and Town Centres' and DS20 'Land off Ashbourne Road and Foxlow Farm' in particular and the NPPF regarding retail impact assessment in relation to town centre vitality and viability. This approach therefore would be subject to the imposition of suitably worded planning conditions including a limitation on the proposed foodstore to effectively restrict the operation of the foodstore to a discounter model as well as legal agreement restricting the agreement limiting the future convenience good floorspace of the existing Aldi Station Road store to 429.0sqm going forward.

3.3 The scheme raises no adverse impacts in terms of amenity, drainage, underground archaeology, ecology / biodiversity and highway safety matters as a result of the proposed Local Centre scheme.

3.4 Set against this, the layout and design of some parts of the Local Centre scheme fail to respect the Ancient Monument setting and Harpur Hill site gateway into Buxton with particular regard to the more intensive form of development and reduced site area over and above the fallback position. As a result, there are some concerns that the Local Centre would not deliver a development which overall responds positively to its environment or would fully contribute towards local distinctiveness.

3.5 In terms of resultant heritage harm, the NPPF requires the public benefits of the scheme to be weighed against any resultant harm, which in this case would be less than substantial.

3.6 With this in mind, the new foodstore development as part of the Local Centre scheme would have significant sustainability benefits when considered on its own merits by providing a retail facility that could meet both the main food shopping and top-up shopping needs of the large number of residents who would occupy the new residential development at Foxlow Farm. Together, the scheme would also provide further community service and facility delivery with associated economic growth including job creation. It is estimated that the new Aldi store would provide between 40-50 new jobs with the other elements providing approximately 50 jobs. Taking all of these matters into account it is considered that the public benefits associated with the development would outweigh the less than substantial harm to the heritage asset.

3.7 The application scheme, whilst it is considered to be more balanced in respect of layout and design matters, nevertheless represents sustainable development under the terms of the Adopted Local Plan and NPPF.

3.8 It is considered that the applicant has addressed by way of the additional information as summarised above the concerns and queries raised by Members at their previous meeting Accordingly, the Local Centre scheme is therefore recommended for approval.

#### **4. RECOMMENDATIONS**

**A. APPROVE, subject to conditions and legal agreement(s) to secure financial contributions towards offsite ecology mitigation, highway monitoring / TRO and travel plan as well as the restriction of convenience floorspace regarding the existing Aldi Foodstore, Station Road and conditions as follows:**

- 1. Standard 3-year time limit;**
- 2. Approved plans (TBC);**
- 3. Development Phasing**

#### **Foodstore Restrictions**

- 4. Limit amount for food store floorspace to 1,804m<sup>2</sup> (1,315m<sup>2</sup> sales area) with no more than 20% comparison goods**
- 5. Limit the amount of retail floorspace (557m<sup>2</sup> GIA) within the 5 proposed retail units (uses as applied for)**
- 6. No additional floor area within the food store through the installation of a mezzanine**
- 7. Restriction of foodstore to discounter store**

#### **Nursery & Retail Restrictions**

- 8. Removal of use class permitted development in relation to the nursery and retail units**

#### **Character and Appearance**

- 9. Facing / Hard surfacing Materials**
- 10. Boundary treatment, including retaining walls**
- 11. Solar Roof Panels design and implementation**
- 12. Scheme of Repair, Maintenance and retention of dry stone walls.**
- 13. Levels**
- 14. Detailed landscaping, phasing and implementation, including LEMP**

#### **Ecology**

- 15. Bat and Bird Boxes**
- 16. Badger Protection during construction**
- 17. No ground clearance during bird nesting season unless otherwise approved**

#### **Highways**

- 18. New vehicular access prior to any other operation**
- 19. Parking etc. to be provided prior to occupation**
- 20. 55 spaces to be made available to all Local Centre Users**
- 21. Aldi store to provide showers, lockers etc (revised floorplan TBC)**

#### **Environmental Health**

- 22. CEMP**
- 23. Noise Source Protection**

- 24. Artificial Lighting**
- 25. Acoustic fencing to nursery**
- 26. Control of operational, including delivery times**
- 27. Securing X Electrical Vehicle Charging Points and future infrastructure**

#### **Drainage / Flood Risk**

- 28. Design and associated management and maintenance plan of the surface water drainage**
- 29. Details of how additional surface water run-off from the site will be avoided during the construction phase**
- 30. Verification Report to demonstrate construction of approved drainage system and management company**

#### **Mineral Water Quality**

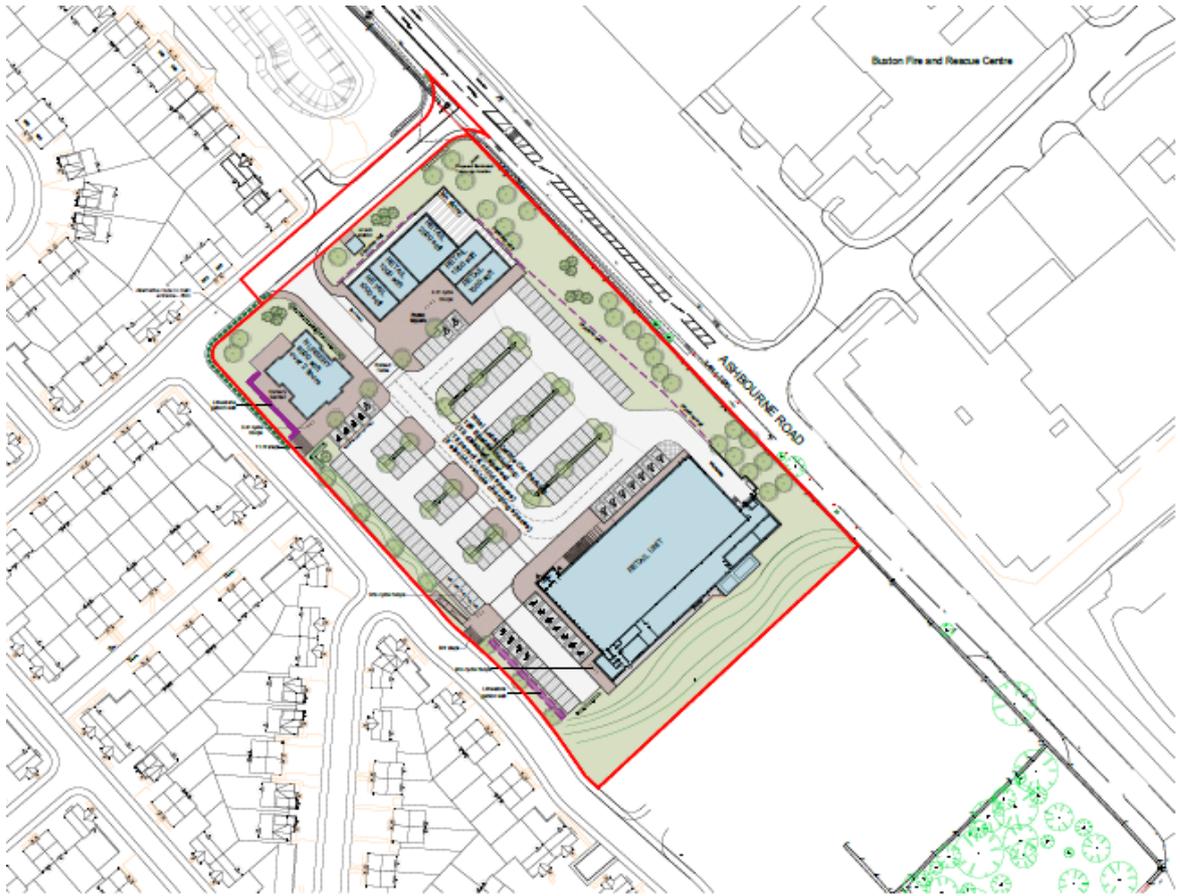
- 31. Oil receptors and maintenance plan**

#### **Archaeology**

- 32. Development in accordance with approved WSI**

**B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Development Control Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

#### **Site Plan**



d Site Plan  
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## **APPENDICES**

**APPENDIX A Applicant's Highways Consultant's Note September 2021**

**APPENDIX B Aldi Submission September 2021**