

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**23<sup>rd</sup> October 2023**

<b>Application No:</b>	HPK/2022/0300	
<b>Location</b>	ALDI, Station Road, Buxton, Derbyshire, SK17 6AQ	
<b>Proposal</b>	Demolition of existing supermarket and erection of freestanding restaurant with drive-thru facility, car parking, landscaping and associated works at ALDI, Station Road, Buxton.	
<b>Applicant</b>	McDonald's Restaurants Ltd	
<b>Agent</b>	Planware Ltd	
<b>Parish/Ward</b>	Cobar Ward	Date registered: 20/07/2022
<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		

**REFERRAL**

The scheme is considered to be locally contentious. However, it has also attracted a notable level of support.

**1. SUMMARY OF RECOMMENDATION**

<b>Delegate authority to APPROVE subject to recommended planning conditions.</b>
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**2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 2.1 The elevated, broadly rectangular 'brownfield' site is approximately 0.6 hectares in area and currently hosts a supermarket with car parking located within a town centre position fronting Station Road, Buxton opposite the Spring Gardens shopping centre and carpark. 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.
- 2.2 A notable retaining wall faced in reconstituted stone with railings above with 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 sits Buxton Railway Station with frontage car parking 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 is a Grade II listed structure.

- 2.3 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.
- 2.4 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.

### **3. DESCRIPTION OF THE PROPOSAL**

- 3.1 Full planning permission is sought for the demolition of the present supermarket, which is relocating to the edge of town, with the redevelopment of the site for a freestanding drive-through McDonalds restaurant. The scheme would comprise of a single-storey building, adjoining rear corral together with a drive-through lane, customer parking, cycle store and associated works, including hardstanding and landscaping. Provision would be made for takeaway customers, both from the restaurant counter and also the drive-thru lane. Consequently, the building proposed would be considered as a mixed use of restaurant / takeaway i.e. sui generis and therefore any permitted future change would be subject to a planning application to be determined on its merits.
- 3.2 The restaurant / takeaway building would be constructed at the eastern end of the site, broadly within the siting of the existing building's footprint. Its' rectangular form, excluding the open corral would have an overall length and width of 26.8 and 13.7 metres respectively and be covered with a mansard roof with plant and equipment concealed within. The structure would have an overall height of 7.2 metres from ground level whereby the parapet wall height would stand at 5.0 metres. The new building would have a gross internal area of 377.00 sqm (square metres) including the corral and freezer chill area and the internal floor area is disaggregated as follows: dining area @ 78.0 sqm, ancillary public area @ 46.0sqm and kitchen / staff and back of house storage @ 198.0 sqm. Facing materials are to be comprised of natural stone to the building's walls beneath a natural slate roof.
- 3.3 The restaurant would provide approximately 76 seats for customers, with take-away available. An outdoor seating area is proposed in an L-shape, to the west and north of the proposed building. The main customer entrance to the restaurant would be accessed via this outdoor area, on the west facing (front) elevation. 24/7 opening hours are preferred. However, alternative hours of

operation are given as 6.00am to midnight. The proposed advertisements are subject to separate consent applications and therefore will not be determined as part of this proposal.

- 3.4 The site incorporates the existing access point and associated surfaced car parking area. A cycle shelter would be provided for customers with a separate cycle locker for staff. To the north of the site, there would be a separate bay for lorry deliveries only. There would be 53 car parking spaces, including 3 disabled car parking bays and 2 grill bays for those waiting for drive thru orders. The drive-thru lane would be entered along the building's northern boundary, then run along the eastern (rear) boundary adjacent to Charles Street, bound by a proposed stone wall, with the lane extending around the south of the building fronting Station Road screened by a continuation of the proposed wall. The existing pedestrian access, currently taken from Station Road on the southern edge of the site would also be retained. The proposed landscaping scheme focusses on new tree planting within the green buffer to the site's northern and eastern boundaries, car parking area and frontage landscaped buffer.
- 3.5 The supporting statement accompanying the submission highlights that the proposed scheme represents a multi-million-pound investment by a national operator in Buxton and will provide over 62 full-time equivalent jobs for the community. The McDonald's training philosophy is stated as centring on career long learning "*from the crew room to the boardroom*". The reuse of the existing building has been considered by the applicant but has been stated as being an unviable option.
- 3.6 Amendments to the design and layout of the scheme were received on the 10<sup>th</sup> March 2023 in response to design and layout commentary from officers. Further neighbour and consultee notifications have been undertaken on the 4<sup>th</sup> March 2023 for these revised plans.
- 3.7 Further revisions have followed and the latest plans (excluding signage details) are detailed as follows:
- 11551-AEW-1706-0002 Rev J A3 1:500 Block Plan
  - 11551-AEW-1706-0004 Rev J A1 1:200 Proposed Site Plan
  - 11551-AEW-1706-0005 Rev H A1 1:100 Proposed Building Elevation
  - 11551-AEW-1706-0006 Rev E A1 1:100 Proposed Floor and Roof Plan
  - 11551-AEW-1706-0007 Rev J A1 1:200 Roof Plan
  - 11551-AEW-1706-0015 Rev J A1 1:200 Proposed Landscape Plan
  - 11551-AEW-1706-0019 Rev D A3 As Shown Indicative Site Section
- 3.6 The application, the details attached to it including the plans, comments made by residents and the responses of the consultees can be found on the Council's website at:

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=255850>

#### 4. RELEVANT PLANNING HISTORY

HPK/0001/1617 – Proposed Extension To side of Main Parking Garage Forming Cash Office, Drivers and Conductors Cash Up Area, Larger Dts and Inspectors Officer with Larger Canteen and Kitchen APPROVED

HPK/0002/1813 – Steam Train Operations APPROVED 20<sup>th</sup> August 1984

HPK/0002/6330 – Extension to Existing Bottling Plant APPROVED 21<sup>st</sup> March 1988

HPK/0003/7464 – Demolition of Bus Depot and Erection of food Retail Store (class A1) And Alterations to Access APPROVED 07<sup>th</sup> January 1999

HPK/0003/7981 – 1 Post sign and 2 Wall Mounted Signs APPROVED 07<sup>th</sup> May 1999

HPK/0003/8375 – 2 Mounted signs APPROVED 08<sup>th</sup> September 1999

HPK/2004/1159 – Rear store Extension APPROVED 24<sup>th</sup> February 2005

HPK/2022/0297 – Various Site Signage including 4 no. freestanding signs, 3 no. banners, 1 no. playland sign and 13 no. dot signs PENDING

HPK/2022/0299 – Installation of 6 no. Fascia signs, 3 No. Booth Lettering Signs and 1 no. 15” Digital Booth Screen PENDING

#### 5. CONSULTATIONS

##### Expiry:

Site notice	Expired
Press notice	N/A
Neighbours (revised)	Expired

##### Public Comments

##### Objections (81):

##### Principle

- The town centre in Buxton, the local economy, health and environment would be negatively impacted by the scheme
- In a wellbeing economy we need to discourage unhealthy eating
- Buxton should be retained as an independent town
- Not a suitable place for young people to spend their evenings
- Encourages anti-social behaviour
- Visitors should be encouraged to stay and explore Buxton rather than drive thru
- Question the need for 24 hour opening

- Subway has failed twice in Buxton whilst KFC has also failed
- This McDonald's scheme is too large
- Aldi should remain where it is and McDonald's should be proposed elsewhere
- Considered to be an unimaginative use of the land
- McDonald's profit would not be spent within the local area
- An unused space on the High Street or within Spring Gardens should be utilised before this site is redeveloped
- Pushing affordable supermarket away from the town centre and the weekly food shop will be harder for those with limited vehicle access

### Local Economy

- Would take away trade from local businesses who may cease trading as a result of the scheme
- Buxton is a town of independent business and is not the right venue for a McDonalds
- Independent businesses are valued for their contribution to Buxton's local economy
- Businesses are required within the town which can offer permanent jobs with prospects
- Fast food is not essential, there are plenty of local cafes, pubs and eateries in the town which need to be supported
- Proposal would add to the difficulties which local independent businesses are facing and also to the burdens of the struggling town centre
- There are already existing staffing resource issues within Buxton
- Drive-thru would draw people away from the town centre
- Loss of employment by workers at the existing Aldi is queried as a result of its relocation
- High end retail facilities are desired within the town centre
- McDonalds is not in keeping with the regeneration of Spring Gardens

### Highway Safety

- Scheme would increase traffic on an already busy and often congested road
- Would create traffic issues 24 hours a day
- Proposed Medical Centre on site nearby would also increase traffic levels and use of public transport to access medical treatment
- McDonalds traffic may make the site difficult to access
- Scheme would exacerbate parking and traffic issues in an already busy town centre
- The no. 58 bus has been delayed several times owing to existing traffic congestion and this scheme may exacerbate the issue
- The entrance to Aldi is located on a blind corner for pedestrians and this would become more dangerous as a result of the proposed McDonalds
- Often McDonalds restaurants with drive through facilities leave cars queueing into the main road as the site cannot cater to demand
- Traffic, particularly between 4pm and 7pm, weekends and bank holidays would increase exponentially

- Would encourage young ‘racer’ drivers to terrorise the town centre

### Amenity

- Noise and litter pollution is inappropriate within this location next to residential accommodation for older people
- Would increase the amount of people hanging around Spring Gardens and its carpark
- Increased antisocial behaviour
- Light and odour pollution for local residents
- 24 hour opening would impact upon retirement residence next door and should be limited
- Concerns from McCarthy Stone YOURLIFE Management regarding noise and disturbance on living conditions of the elderly residents
- Levels of advertisements should be kept to a minimum

### Pollution and Climate Change

- High Peak has declared a climate emergency
- A useable building should not be demolished and McDonalds should repurpose the existing building
- Scheme should install eco-friendly equipment to mitigate usage, such as solar panels and heat pumps
- Coca-Cola, PepsiCo and McDonald's are jointly responsible for 39% of the UK's branded packaging pollution
- McDonalds is one of the main contributors to childhood obesity
- Increased air pollution
- Promotes littering around the immediate location and surrounding areas creating an environmental hazard
- The government's food tsar, Henry Dimbleby recently stated England must reduce its meat intake to avoid a climate breakdown, however, McDonalds primarily sells beef and chicken meals
- Climate breakdown and the resulting changes are a planning matter
- Encourages people to drive in a climate crisis and we need to discourage the use of cars
- McDonalds are within the top 10 of the worst offending companies regarding its impact to the global environment
- Undermines everyone's efforts at trying to alleviate the climate emergency the planet is facing
- EVC charging spots should be included onsite
- We should be encouraging active travel not drive thru facilities

### Heritage / Visual Impact

- Buxton is a unique spa town with a strong heritage
- Scheme would be an eyesore in the town centre and would not fit in with the new McCarthy and Stone development
- Does not enhance the visual appearances of the Georgian buildings of Buxton

- Incongruous with the local surroundings and not in keeping with the historic local buildings
- Would ruin the iconic view from Solomon's temple and detract from the historic spa town
- This proposal is out of keeping with Historic England's High Street Heritage Action Zones (HAZ), which aims to champion and revive historic high streets, where there was a commitment to regenerate high streets and restore local historic character
- Associated littering would harm nearby beauty spots

### Public Health

- The UK has the second highest population of morbidly obese people in the world
- Cancer Research UK estimates that 71% (42 Million people) of the UK's population will be obese by 2040
- We should be moving towards a more sustainable model of living
- The NHS is being destroyed, partly by the obesity epidemic and this type of operation encourages sedentary habits and poor diet choices
- Scheme would not be a responsible decision for the community's health and we should be promoting a healthy lifestyle
- There are a large number of fast food outlets already in the town centre
- It would also contradict the aims of the new health centre and NHS

### Miscellaneous

- We need Marks and Spencer's food store to come back to Buxton, not fast food chains
- Why not put up a climbing gym instead?
- The site should be reserved for a budget town centre supermarket which can be easily accessed from Fairfield and it is considered immoral that ALDI can prevent this from happening
- The residents of the town have so many other needs which are not being met and a new McDonalds is last on the list
- Many day visitors and tourists arrive by public transport and it should be vital to any scheme to provide a good "first impression" of all Buxton has to offer
- The newly completed regeneration of The Crescent and surrounding area shows what can be achieved by using well thought through planning and design to improve and regenerate an area as a whole
- The number of fast food outlets in a geographic area has a direct association with the levels of deprivation and poverty
- Most of the jobs provided by McDonalds would be minimum wage and we need higher paying jobs to support our residents during this crisis
- Having a fast food outlet next to a proposed health hub gives out the wrong message and could affect the image of the town, especially after the restoration of the Crescent to a 5 star hotel
- A better use of the building or area can surely be found e.g. recreation facilities for teenagers

- The motives and the moral standpoint of people in the Council who have allowed the application to make it this far are questioned
- Consequently this scheme should have been shut down immediately and not be allowed to continue, even if only for discussion
- The fact the Council is even asking the public for views just shows how out of touch the Council is on such matters
- Buxton is still a sleepy town - supermarkets have no demand to be open 24hrs and for the population there is already a good range of fast food outlets
- McDonald's should give consideration to building on Staden Lane as the town centre does not need a McDonald's
- The application was not posted on the Major Development section of the website
- There has been a huge amount of copy and paste comment submitted as a result of a social media campaign and therefore more planning weight should be given to those who have taken the trouble to compose their own comments
- A sad day for Buxton and the National Park if the Council allows McDonald's to come to Buxton
- We encourage the Council to take a much more imaginative approach to this site – such as an indoor leisure facility to benefit visitors and locals alike when the weather is poor, and,
- Concerns regarding children's health.

### **Support (633):**

While 633 support comments were received, 566 were identical comments stating the following:

*"I support the application because it would provide a McDonald's that is closer and more convenient than other existing branches, create local jobs and represent a significant investment in the local area".*

The remaining comments expressed the following points of support (67):

#### Principle

- Would help bring the town up to date and Buxton needs development
- Reduces the risk of a brownfield site being left unoccupied for a long time once Aldi relocates and better than using another empty site
- Closer and more convenient than the existing McDonald branches
- Would diversity the food outlets available and attract more people to the town
- No large fast food chains available in the town since KFC closed
- Central and in close proximity to the town's train station and bus services
- Would fit perfectly with the plans for the town centre transformation plan
- A much needed commodity for the town
- More choice for residents and tourists

#### Local Economy



- Would provide an option to sit and eat later at night as well as a Sunday evening
- Catalyst for further investment by other larger chains
- Cheaper food options to those available currently
- Would attract different clientele to protect local businesses.
- McDonalds is a good employer
- Jobs for young people as well as older people wishing to supplement their retirement

### Amenity

- Significant consideration has been made regarding environment, noise and litter in the surrounding area.
- The town is growing from a residential perspective but remains in the past regarding the variety and quality of facilities

### Highway Safety

- Would not create more traffic than the existing Aldi store
- Aldi proves the site can cope with the McDonalds traffic and footfall
- Site is within easy walking distance of the town centre and rail station
- Many currently drive out of town to access the nearest McDonald's
- Some larger vehicle parking spaces should be included within the carpark

### Visual Impact

- Proposed design appears to blend in with both older and more recent heritage style buildings
- Would be more attractive than the current supermarket

### Young people / families

- A must for the younger generation and there is little for young people to do in Buxton
- Strong demand from young people and families, both local and visitors
- Would provide a treat for after kids activities
- A play area would be beneficial
- Provides for a place for young people to meet other than cafes
- McDonalds have a history of working with local sports clubs and businesses on mutually beneficial undertakings

### Miscellaneous

- Site would not be left to fall into disrepair
- Proposed facility is no nearer to the Devonshire Place apartments than the existing Aldi store which is open until 10.00pm
- Modular off-site design should speed up the construction process
- McDonald's is known to be committed to support local community projects
- Additional bonus for visitors

- Planning committee are asked to stipulate rubbish/bin provision, and planting/screening where possible to mitigate against the impact of waiting traffic (for the drive thru) and the parking itself, especially for the newly built flats next to the site
- Aldi needed a revamp compared to other towns, so a new one would be perfect
- Support scheme in principle, however, the building would not be in keeping with Buxton and it is Victorian/Edwardian heritage
- Consequently, it would be prudent to insist on a unique new build along our heritage and maintain a uniqueness which would enhance the town and not conflict or detract from it
- *“McDonalds is committing to complete at least 3 times daily litter picking within 150m of the restaurant of all litter, not just that created by McDonalds customers”* and this should be expanded to a wider area
- All packaging should have a number plate video jet lettering on it all to stop fly tipping in the town
- All items brought through a drive through should be labelled with the car registration
- Traffic on an already busy road and it is questioned how would this affect busy rush hours and school runs

### **Neither (5)**

- Buxton does not need a McDonalds, there are enough cafes, from which it will take business away
- It is ironic to be placed next to a new health centre
- It will have an adverse effect on young people’s health
- Drive-thru will exacerbate existing traffic problems
- Some local businesses are still struggling after the hospitality sector took a hit during covid and it would put extra strain on the problem
- It is about time Buxton had a McDonald’s and the Aldi site is perfect for this
- It will be good for children and tourists as Buxton needs more commercial shops to draw people in
- Residents in the High Peak enjoy better health than average across England, however, a McDonald’s will erode that record
- The franchisee should promote healthy options (e.g. healthy sides and soft drinks like water)
- Increased amount of pedestrians and cyclists coming from town centre with no accessible pedestrian / cycle ramp
- Franchise should be made to litter pick within a 250 metre radius from the site
- A contribution to the cost of extra general waste bins should be considered
- Onsite cups will be sent to a specialist recycler, however, the Council should ensure there are local facilities to recycle cups
- The consultation period should be extended as the Devonshire Place apartments are still being marketed
- Most jobs created will be part-time on a minimum wage and will be in competition with other local businesses needing staff
- Mcdonalds should emulate the good employment practices which are seen elsewhere, such as at the existing Aldi store

- A public briefing session would be helpful
- We do not need another fast food outlet
- 24 hour opening may lead to anti-social behaviour
- Hopefully it will bring similar establishments to a national standard in regards to service and healthy menu choices
- The cladding panels are inappropriate for its prime position in the centre of town
- Affordable food for the younger generation
- Support families through cost of living by providing cheaper option
- Scheme would not be in keeping with the area and does not sit well with the McCarthy Stone development
- Design of the buildings owes nothing to the character of Buxton
- Landscaping should fully shield the 'drive through' area so that waiting cars are screened
- Noise of the car parking and use of the site needs to be very carefully considered
- The large sign for McDonalds should be refused, and,
- Proposal should be in keeping with any future regeneration of Buxton High Street.

### **Consultees**

<b><u>Consultee</u></b>	<b><u>Comment</u></b>	<b><u>Officer Response</u></b>
<b>Alliance Waste</b>	Awaited	<b>Refer to Highways Section</b>
<p><b>06.10.23:</b></p> <p>The scheme would not affect the Domestic Refuse Collection service, however, from a Street Cleansing perspective, conditions should be inserted into the Planning Approval (if granted) such as:</p> <p>Daily Litter Picks of the site and at least a 200m stretch both ways along Station Road ... before 8am, and, litter bins provided on site and emptied regularly.</p> <p>I can also envisage an issue with litter in the Waitrose Car Park opposite as well and therefore a litter pick before 8am would also be a request.</p>		
<b>Buxton Mineral Water</b>	<b>Awaited</b>	<b>Refer to Update Sheet.</b>
-		
<b>County Archaeologist</b>	<b>No objection</b>	<b>Refer to Heritage Section</b>
<p><b>24.08.22:</b></p> <p>The proposal will have no archaeological impact.</p>		

County Highways	Conditional Response	Refer to Highways Section
<b>12.10.23:</b>		
Regarding offsite tree planting to the frontage buffer, there are two options:		
1. Section 142 of the Highways Act 1980.		
This a licence to plant within the Highway maintainable at Public Expense, which is shown in green on the plan below.		
To make the proposals acceptable to the Local Highway Authority a S142 Statutory process is required. This is governed by legislation outside the planning process and administered by the Local Highway Authority. Consequently, you should not commence your permitted works until details of the S142 licence has been submitted and approved by the Local Highway Authority. The application details will undergo an assessment process and shall include the type, location and any tree pit information, plus subject to the successful outcome, the trees will be implemented at the applicant's cost.		
		
<b>OR</b>		
2. Section 278 of the Highways Act 1980.		
Works on the Public Highway (HM@PE).		
You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.		
Contact the Highway Authority's Implementation team at <a href="mailto:development.implementation@derbyshire.gov.uk">development.implementation@derbyshire.gov.uk</a> allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover		



the Council's costs in undertaking the following actions:

Drafting the Agreement  
A Monitoring Fee  
Approving the highway details  
Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

**10.10.23:**

No objection to the site plan ref. 11551-AEW-1706-0004 Rev J A1 1:200 Proposed Site Plan.

**23.08.2022**

I note the submitted information does not contain any information relating to the amount of seating available which enables the County Council to assess the amount of parking spaces required, but due to the existing 'No waiting at Any Time' parking restrictions on Station Road, it is highly unlikely that vehicles associated with site will park outside the development site.

Therefore, it is recommended that the following conditions/informatives are included in any consent granted.

1. The proposed parking/turning shall be provided in accordance with the application drawing for a vehicles/cycles to park/turn. Once provided, the spaces/turning area shall be retained free from any impediment to its designated use for the life of the development.
2. There shall be no gates or other barriers on the access/driveway.
3. Space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. The facilities shall be retained free from any impediment to their designated use throughout the construction period.
4. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

In addition, the following notes shall be included for the benefit of the applicant.

- Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken during the construction phase to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway.

Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

- If construction works are likely to require Traffic Management, advice regarding procedures should be sought from Mr J Adams, Traffic Management, 01629 538628. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - [http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/roadworks/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp)

**Derbyshire Wildlife Trust**

**Awaited**

**Refer to Update Sheet**

**07.08.23:**

The PBRA describes the building as having moderate bat roost potential and therefore requires two nocturnal surveys. Photographs are not provided but the description is as follows:

*Many of the roof tiles were slipped and dislodged and others were generally raised, providing small gaps where bats could either roost beneath or potentially fit through to gain access between the felt and tiles or into the small loft. Gaps suitable for use by roosting bats were also noted at eaves level between the metal soffits and stonework, as well as between some of the hip and ridge tiles where the bedding mortar has failed over time. Other locations that may be used by bats included areas where the lead flashing has raised and buckled over time. The loft was relatively warm during the survey, the timbers were exposed to the ridge, which provided a suitable roosting environment for void-dwelling species such as brown long-eared bat *Plecotus auritus*.*

*Many potential roost features (PRF) were noted in the building, which could be used by roosting bats or provide access into the structure of the building. Although the site is set within an urban environment, connectivity between the site and the wider landscape is provided by local green spaces, lines of trees and other wooded corridors, as well as the railway line to the north. Given the number of features suitable for use by roosting bats and taking into consideration the surrounding habitats, the building has been classified as providing bats with moderate roosting potential.*

The PBRA was carried out by a licensed bat ecologist and I have no reason to query the assessment.

**07.08.23:**

We have reviewed the proposal against our biodiversity datasets and do not consider that it is likely to have any significant biodiversity impacts. However, we would advise that the application is accompanied by a Preliminary Ecological

Appraisal and that the PEA gives consideration to any suitability within existing buildings for bats and/ or nesting birds. If any buildings with suitability for roosting bats are likely to be affected a Preliminary Bat Roost Assessment should be completed prior to the determination of the application.

Although it does not appear likely that any semi-natural habitats will be affected we would advise that if there are likely to be any losses of habitats the applicant should clearly demonstrate a measurable net gain for biodiversity at the site.

<b>Environment Agency</b>	<b>No Comments received at the time of report preparation</b>	<b>Refer to Environmental Section</b>
<b>Peak Rail</b>	<b>No Comments received at the time of report preparation</b>	
<b>Force Designing Out Crime Officer (Derbyshire Constabulary)</b>	<b>No objection</b>	<b>Refer to Design and Heritage Section</b>

**16.01.23:**

There is no reason in principle why we would reasonably object to a McDonalds store from the grounds of crime or disorder. There may be contextual issues that would make a particular site unsuitable, but again I do not see reasonable grounds for this site.

There are clearly many grounds for objection raised by residents, with some local support, and a well-orchestrated support petition. Anti-social behaviour has been raised both by objectors referring to other sites out of the county, and by the applicants in parts 3.16 and 3.17 of their supporting statement.

Whilst McDonalds sites are inevitably gathering points it would not be accurate to say that anti-social behaviour is inevitable, and tends to be a site specific matter relating to context and management. I do not see any specifics that would mean A.S.B is a high risk here and the applicants management policy is appropriate to risk. Mention is made of appropriate physical security, without this being expanded upon.

Approval should be conditional upon a site wide CCTV provision to deter and detect offences, with specific focus upon car and cycle parking areas, movement route and gathering points. Images should be recorded and retained in line with the Information Commissioners Office best practice guidance, and made available to the Police at any reasonable time.

In respect of cycle parking provision, the public facility is acceptable.

Staff provision is shown as Broxap Birkdale, which according to the Broxap website is no longer available, so some clarification is needed here. Irrespective, the Birkdale has a padlock hasp security fitting, dependent upon the supply of one's own padlock. As the staff cycle storage is not within a secured area, I would prefer to see

an intrinsically secure provision such as the Broxap Wardale anti-vandal or Technoshelter compound, for example.

The supporting application form indicates that hours of use are not relevant to the application, which is clearly not right. Given the concerns expressed regarding noise nuisance and late night gathering, and the comments of your E.H.O the late use of external areas should be subject to scrutiny and appropriate restriction.

<b>HPBC Officer</b>	<b>Aboricultural</b>	<b>Awaited regarding the landscaping scheme submitted 13.10.23</b>	<b>Refer to Heritage Section</b>
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**11.01.23:**

*Tree on Site:*

- Two small low quality trees in car park – both to be removed
- 22 Proposed trees

*Tree Concerns:*

- Poor choice of tree species and form.
- Continuation of a low tree canopied car park

*Discussion:*

Given the existing building, car park and lack of significant tree removals there is little tree based reasons for objecting to the scheme, however the proposed landscaping scheme currently has a number of poor elements that could be improved that would lead to a more pleasant greener site.

Tree landscaping issues include the species choice, species forms, layout, and potentially soil volume issues.

*Species choice*

For a robust, sustainable tree planting scheme that will be successful into the future the species need to come from variety of tree genus and plant families. This helps to protect the population and tree cover of a site from future pressures and diseases. The current scheme, whilst successfully choosing trees from 4 different genus has only chosen 2 plant families, with the majority of trees coming from the Betulaceae family. This can be resolved via condition.

*Species form*

All proposed species have a very fastigate form, particularly the fastigate Silver birch and hornbeam, which produce mature specimens with canopies that resemble pencils. Whilst this appreciated to be necessary in locations where delivery vehicles require access this is not the case for 90% of the proposed tree locations. The northern and eastern boundary has greater scope for using more natural forms or trees with ascending habits that are also capable of wider canopies at maturity. I add some suggestions below.

I would suggest that it is only these three trees that will require a strict upwards growth habit (if the planting plan stays as its):

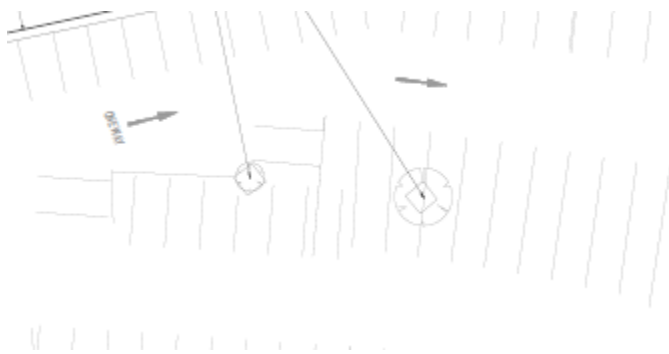




The other locations within the car park area places the trees in locations that stand a good 4-5 metres back from the main route through the site. Ample distance for less severe tree forms to be used.

### *Tree Layout*

At a recent meeting we discussed improving tree cover in centre of the car park and there were concerns about trees and delivery vehicles. This doesn't have to be an issues if a different layout of the centre car park spaces is chosen. The current layout of the centre spaces is shown below:



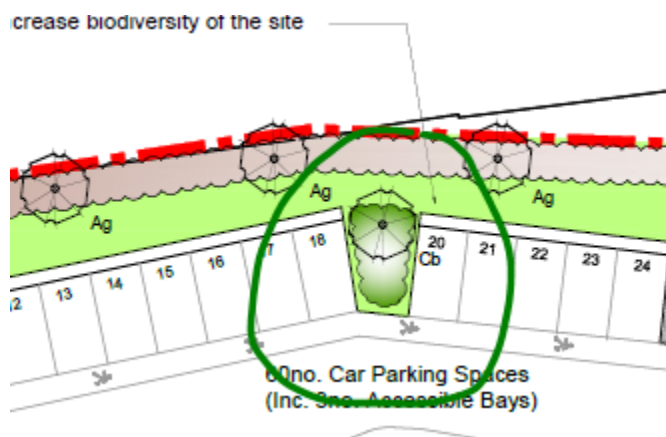
With the current scheme providing an improved soft landscaping area for two trees. However this could be altered slightly to move the eastern tree further towards the store so that the planting could take place in the centre of the bays rather than by the access road. This would allow the retention of the same number of car park spaces, whilst allowing a larger canopied tree to be located away from the access road and helping to provide a more pleasant environment within the car park:



The layout of the trees along the northern boundary also appears unnecessarily formal with trees proposed every 10 metres or so. There is an opportunity along this boundary to provide something softer, combining trees of varying heights and forms in both individual and grouped locations:

#### Soil volume issues

For a tree to grow to maturity, they require a suitable level of healthy, uncompacted soil for its roots to grow into. As a result of creating several planting locations out of an old car park and in a couple of cases up against a retaining wall several of the locations may not provide suitable soil levels. The main issue is this potential tree, which will have roadway on 3 sides and a retaining wall to the north all restricting access to soil. We would be expecting the level of soil to be commensurate with the requirements of the trees. For details on what are suitable rooting volumes then please consult resources such as: <https://greenblue.com/gb/resources/soil-calculator/>



#### Alternative Tree Species:

Small-Medium trees presenting broadly fastigate forms

- Acer campestre arends
- Acer campestre Elegant
- Acer campestre Elsrijk
- Acer campestre Lineco

Acer campestre Louisa Red Shine  
Acer campestre Queen Elizabeth  
Acer x freemanii Armstrong  
Alnus incana Aurea  
Betula papyrifera Kenaica  
Ilex Koehneana  
Liquidambar styraciflua Manon Variegata  
Liriodendron tulipifera Fastigiatum  
Prunus padus Albertii  
Prunus Sunset Boulevard  
Sorbus x arnoldiana schouten  
Sorbus aucuparia Cardinal Royal  
Sorbus aucuparia Golden Wonder

Medium-Large trees presenting with an upright canopy

Acer platanoides Columnare  
Acer platanoides Fairview  
Acer platanoides Olmstead  
Alnus glutinosa Lacinata  
Alnus glutinosa Imperialis  
Alnus incana  
Alnus incana Laciniata  
Betula albosinensis Fascination  
Betula ermanii  
Betula pendula  
Betula pubescens  
Corylus colurna  
Ginkgo biloba  
Gleditsia triacanthos Draves Street Keeper  
Larix decidua  
Liquidambar acalycina  
Liquidambar styraciflua  
Liquidambar styraciflua Lane Roberts  
Liquidambar styraciflua Worplesdon  
Platanus hispanica Tremonia  
Pyrus calleryana chanticleer  
Pyrus calleryana redspire  
Tilia Americana American Sentry  
Tilia cordata greenspire  
Tilia cordata mongolica harvest gold  
Tilia cordata rancho  
Zelkova serrata green vase

*Decision:*

There is no objection from a tree point of view, however it is recommended that a Tree landscaping condition is applied to any granted consent to ensure that the future landscaping achieves a successful scheme.

*Conditions:*

*Tree planting and soil rooting volume condition*

A suitable scheme of proposed tree planting and pits shall be submitted to and approved by the Local Planning Authority prior to the first use of the development hereby approved.

No operations shall commence on site in connection with the development hereby approved until a suitable scheme of proposed tree planting and tree pits have been submitted to and approved by the Local Planning Authority. The scheme shall include the following comprehensive details of all trees to be planted:

- Full planting specification - tree size, species, the numbers of trees and any changes from the original application proposals.
- Locations of all proposed species.
- Comprehensive details of ground/tree pit preparation to include:
  - Plans detailing adequate soil volume provision to allow the tree to grow to maturity
  - Engineering solutions to demonstrate the tree will not interfere with structures (e.g. root barriers/deflectors) in the future
  - Staking/tying method(s).
  - Five year post planting maintenance and inspection schedule.

All tree planting must be carried out in full accordance with the approved scheme in the nearest planting season (1st October to 28th February inclusive). The quality of all approved tree planting should be carried out to the levels detailed in British Standard 8545, Trees: from nursery to independence in the landscape - Recommendations.

Any trees which die, are removed, uprooted, significantly damaged, become diseased or malformed within five years from the completion of planting, must be replaced during the nearest planting season (1st October to 31st March inclusive) with a tree/s of the same size, species and quality as previously approved.

<b>HPBC Officer</b>	<b>Conservation</b>	<b>Conditional Response</b>	<b>Refer to Heritage Section</b>
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**06.10.23:**

Having regard to my previous responses of concern for the first concept of this scheme we have since worked to achieve a building that is more appropriate by way of form, scale, design and material palette. In addition, I acknowledge the revised Heritage Statement that rectifies ambiguity that had previously been noted.

The revised and now final scheme is a result of incremental and substantial improvements. This includes but is not limited to a revision in building form and design, material palette, and landscaping.

The final scheme provides a bespoke well screened and small structure, with a material palette and form that accurately reflects the local vernacular and it is deemed to now sit quietly within its location.

The final scheme provides the addition of new soft planting and a more submissive site plan which is seen to be an enhancement to the marginally open and exposed vicinity of the site.

In terms of heritage and from a heritage perspective the final scheme is a vast improvement and it will result in a neutral addition to the vicinity. This is taking into consideration the proximity of the scheme to the Hardwick Conservation Area and wider identity of the town.

My final response is therefore No Objection subject to the following conditions:

Prior to the commencement of works on site a full lighting schedule demonstrating all illuminations and their locations for all signage, ancillary structures, car parking, covered car parking port, pedestrian areas, bollards, boundaries, building signage, customer order boards and 'drive through' zone, cycle store, 2no. electric car charging points, outside seating, and main vehicle exit and entry area should be submitted to the Local Planning Authority. Once approved in writing the development shall be carried out in strict accordance to this specification.

Reason: to safeguard the character and the visual amenity of the area.

Prior to the commencement of works on site a full schedule of all finishing and facing materials including building walling, 'drive through' screen walling, window and door surrounds, string courses, eaves and parapets details, roof materials, rainwater goods, window and door joinery including colour code, roof vents, covered car parking port, hardscaping including that which is on entry to the building, and boundary treatment should be submitted to the Local Planning Authority. Once approved in writing the development shall be carried out in strict accordance to this specification.

Reason: to safeguard the character and the visual amenity of the area.

**18.09.23:**

In light of the work and time put in to create a well screened and appropriately designed building for this area of Buxton, in planning and heritage terms it appears as though the scheme will become a neutral addition.

**05.05.23:**

- The recently submitted heritage statement appears to comment mostly on archaeology, regarding this as being limited and 'may well be lost', and details about the immediate site and vicinity.
- Page 39: *'The proposed development site is visible from within the adjacent boundary of the Hardwick Conservation Area in Buxton, particularly the commercial area to the rear of Spring Gardens, though it is unlikely that it will have an impact on the immediate setting of any known heritage asset as most have no, or at most partial, intervisibility, especially the Listed Buildings situated to the west within the Central and The Park Conservation Areas, such as The Quadrant and the Buxton Pavilion Gardens. Given the setting of the proposed development, and its potentially limited evidential and aesthetic value, it seems*

*unlikely that it will be incongruous or have any obvious negative impact within its immediate setting'.*

- Page 10-11 goes on to highlight some of the profound quantity of surviving historic architecture of the town.
- Table 1 does not indicate that Hardwick C Area forms part of the impact assessment from 6.2, as above, no real discussion has been undertaken regarding the C Area as a heritage asset, what it contains, its characteristics, periods of development, urban topography, relationships between landscape and architecture, factors of how it forms part of this portion of Buxton and the like.
- I am not confident we have received a clear understanding of any impacts of the proposal in order for Table 1 to arrive briefly at 'neutral to positive'. This remains vague.
- I am not sure what the term 'Setting' under Heritage Asset indicates. As per H.E Guidance: *Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.*
- The statement appears to separate or cut the proposal site from the rest of the town, despite it forming a crucial part in the overall setting. Station Road is a main thoroughfare due to the pedestrianised Spring Gardens, resulting in the proposal site being open and not easily concealable.
- The historic backdrop of Hardwick C Area to the west sees Gll Hogshaw Lane Viaduct which is in direct line of sight. This appears to be unacknowledged.
- My initial comments regarding both Hardwick, of which the proposal directly abuts, and Central C Areas remain. Due to the lay of the land and historic street networks, as it rises by the station and drops toward the east the proposal site is open and vulnerable. I believe there will be intervisibility across the north portion of the town and notably from The Palace (Gll) due to its lofty position, and as above, the Viaduct. From satellite imagery, these are legible key marker points and areas framing the introduction into the centre of the town from the east.
- A watching brief to mitigate harm to archaeology does not solely and comprehensively mitigate harm on the Conservation Areas and setting of the closest listed buildings in the vicinity and immediate C Areas.
- I remain in the belief that there will be some visual conflict imposed and as discussed in terms of harm on heritage this would equate to less than substantial.

### **23.03.23:**

I am in receipt of revised drawings.

Notwithstanding this unfortunately despite discussion there has been no agreement reached regarding this scheme. Additionally, there remains the omission of a Heritage Statement within the proposal application which does not adhere to wording within the NPPF, namely paragraphs 194 and 195 regarding *Proposals affecting heritage assets*. I anticipated this to accompany the revisions noted above.

Further, wording from the PPG Historic Environment reads '*the setting of a heritage asset may reflect the character of the wider townscape or landscape in which it is situated, or be quite distinct from it, whether fortuitously or by design. Setting in urban areas, given the potential numbers and proximity of heritage assets, is*

*therefore intimately linked to considerations of townscape and urban design of the character and appearance of conservation areas. The cumulative impact of proposed development adjacent, would suggest how much impact on the setting should be taken into account'.*

My concerns regarding setting due to the sites proximity to the Hardwick Conservation Area designated heritage asset, remain. I have also noted the proximity to Buxton Central Conservation Area, and the visual conflict imposed on views within this vicinity across both Conservation Areas.

I point out in drwg ref: 11551\_AEW\_1706\_0004E\_Proposed Site Plan the proposed use of '2.4m high close boarded timber acoustic fence 'Jackoustic' (reflective or similar).' This would not be appropriate for the location and would be quite an obvious alien material.

To conclude:

I cannot give full support to the scheme as there remains a level of harm imposed. Without a Heritage Statement and consideration of impact on significance, I cannot give a thorough response at this time.

**30.08.22:**

I can see from the proposed architectural drawings that the proposal is not sensitive to the overall setting of Buxton. It does not take reference from, or utilise fully the surrounding environment to inform the design or material palette to be best integrated into the environment. It is a large plot of brownfield land in a prominent position, and I can see there is an opportunity to avoid such a harsh mix of design elements in this portion of Buxton. The overall shapes and use of timber on the elevations creates a harsh utilitarian style structure not looking to be a part of the overall setting of the townscape.

There is also a large concern for the encouragement and management of litter which will be town-centre wide within a matter of weeks then further afield then on after. I have particular concern for the repercussions this would have on the Pavilion Gardens and the Serpentine Walk, the wildlife there and stream as well as the wider picturesque areas surrounding the town. Over the summer these quality green spaces were awash with tourists, visitors and their families and I fear this picturesque gem of the town will be spoilt.

I feel the proposal will have a detrimental impact on a variety of elements townscape-wide as well as the design not aligning fully with the Buxton Design Guide SPD. Therefore I recommend this proposal for refusal.

<b>HPBC Health</b>	<b>Environmental</b>	<b>Conditional Response</b>	<b>Refer to Environmental Matters Section</b>
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**19.01.23:**

With regard to the comments from McDonalds and the noise impact assessment

submitted in support of the application:

Acoustic Associates SW Ltd, "*Environmental Noise Assessment: McDonald's, Station Road, Buxton. SK17 6AQ*" (ref: 7623 rev0), dated 20 December 2021

The report focuses on mechanical noise from cooling fans etc, however it does assess people noise by looking at the noise generated by the current site use. On this basis the report concludes that people noise will not be significant.

The issue with the proposed development is not likely to be the "normal" use of the site, but rather anti-social behaviour, associated with young adults congregating and inconsiderate vehicle use. There is nothing to suggest that this cannot be managed as an addition to the existing night-time economy, and a town centre location (such as this) would tend to be preferable for late night refreshment facilities.

I do not consider there are grounds for EH to object, although the LPA may be in a position to tackle any amenity issue more holistically within broader planning policy. You could consider attaching suitable conditions on an approval that would help to manage anti-social behaviour.

- ASB management policy, with reporting process for the public
- Security cameras with 30 day data retention
- Provision of security / door staff at the discretion of the LPA
- Police are in the best provision to advise in detail.

#### **28.10.22:**

The Environmental Health Department has no objection to the proposed development subject to the conditions set out below being applied to any permission granted.

#### **Noise:**

Noise impact assessment submitted in support of the application may be accepted.

- Acoustic Associates SW Ltd, "*Environmental Noise Assessment: McDonald's, Station Road, Buxton. SK17 6AQ*" (ref: 7623 rev0), dated 20 December 2021

The following conditions 1 and 2 are recommended to protect local amenity with regard to noise

#### **Land Contamination:**

The development site has a history of industrial use, for this reason and to protect the health of the public and the wider environment condition 3 is recommended.

#### **Construction:**

The construction/demolition stage of the development could lead to an increase of noise and dust etc. experienced at sensitive premises and subsequent loss of amenity, for this reason conditions 4 to 9 are suggested.



**Artificial Lighting:**

Condition 10 is recommended to restrict the intensity of the illumination on either or both amenity/public safety grounds

**INF12 – DEMOLITION/REFURBISHMENT: ASBESTOS INFORMATIVE**

A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition/renovation of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: <http://www.hse.gov.uk/>

**CONDITIONS:****1. NSD01 – LIMIT TO L90****BS4142 limit on external noise levels produced by fixed external plant**

The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed 35dB(A) when measured or calculated at any noise sensitive premises.

All measurements or calculations shall be made in accordance with the methodology of BS4142: 2014 Methods for rating and assessing industrial and commercial sound and/or its subsequent amendments.

Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

**2. Noise from Vehicles**

During the life of the development, reasonable steps shall be taken to ensure that noise from vehicle radios and sounds systems, does not escape the site and have an unreasonable adverse effect on neighbouring noise sensitive premises.

**3. CL05 CONTAMINATED LAND – IF FOUND DURING DEVELOPMENT**

If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA, and appropriate remediation proposals, and shall be submitted to the Local Planning Authority without delay. The approved remediation scheme shall be implemented to the satisfaction of the Local Planning Authority.

**4. CDD01B - CONSTRUCTION AND DEMOLITION – DUST**

No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely affect adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient

water resources on site for dust suppression. These should be made available for inspection when required by officers of the Local Planning Authority

**5. CDD02 - CONSTRUCTION & DEMOLITION: WASTE DISPOSAL**

Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment.

There shall be no fires lit on the site for purpose of disposing of demolition materials. Any open fires that arise shall be extinguished without delay.

**6. NSD12 - BEST PRACTICAL MEANS**

The best practicable means, as defined in Section 72 of the Control of Pollution Act 1974 to reduce noise and vibration from the site to a minimum, shall be employed at all times during construction.

**7. NSD02B - NOISE CONSTRUCTION: PILING 2**

No piling shall take place outside the hours 09:00 hours to 16:00 hours Mondays to Fridays.

**8. NS02A – CONSTRUCTION & DEMOLITION WORKS: TIME OF OPERATIONS**

Unless prior permission has been obtained in writing from the Local Planning Authority, all noise-generating activities shall be restricted to the following times of operations.

- 07:30 - 18:00 hours (Monday to Friday);
- 08:30 - 14:00 hours (Saturday)
- No working is permitted on Sundays or Bank Holidays.

In this condition, a noise-generating activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

**9. CDD14 - ON SITE RADIO**

During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary.

**10. LGD05 - ARTIFICIAL LIGHTING (EXTERNAL)**

Any artificial lighting associated with the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone – E3 contained within Table 1 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01-21.

**HPBC Regeneration**

**Conditional  
Response**

**Refer to Planning Balance  
& Conclusion Section**

**04.04.23:**

The proposed development will impact on the local economy in terms of jobs and purchasing of supplies and services. In order to assess the economic impact of this development, we have relied upon the data supplied by the applicant and used the Council's approved multipliers to prepare these comments.

It is recognised by the Council that economic investment in the district, such as through the creation of new businesses and investment in new premises, has positive wider impacts on the local economy, including through stimulation of the supply chain. The applicant states the development will create 30 Full Time and 90 Part Time jobs – 62 FTE roles.

Between 4.5 and 9% of employees overall household spend is spent within 2-3 miles of their place of employment. In High Peak this would equate to £1394 per annum. Based on creation of 62 full time equivalent roles the proposed scheme could generate an additional £86,428 uplift per annum for local shops and traders.

Additionally the Council would benefit from academy national non-domestic rates (NNDR) from the development.

In view of this there would be a positive economic benefit from the proposed development which should be considered in line with planning policy

**Network Rail**

**No Comments**

**Noted.**

**08.08.2022:**

Network Rail has no comments.

**6. PLANNING POLICIES RELEVANT TO THE DECISION**

**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

## **7. POLICY, MATERIAL CONSIDERATIONS AND PLANNING BALANCE**

### Decision Making Framework

- 7.1 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.
- 7.2 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.
- 7.3 Achieving sustainable development sits at the heart of the NPPF. Paragraph 8 of the NPPF outlines that achieving sustainable development requires the consideration of three overarching and mutually dependant objectives being: economic, social and environmental where they are to be applied to local circumstances of character, need and opportunity of each area. These objectives are interdependent and should be pursued in mutually supportive ways and comprise;
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of the present and future generations; and by fostering well designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well being; and,

- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making the effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 7.4 Section 5 of the Framework relates to delivering a sufficient supply of homes. Paragraph 60 identifies that to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 7.5 LP (Local Plan) Policy S1a establishes a presumption in favour of sustainable development as contained within NPPF paragraph 11. It requires decision makers to apply a presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay or where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless:-
- I. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.6 On 23rd June 2022, the Council Executive agreed High Peak Local Plan Policies S3 ‘Strategic Housing Development’ and Policy H4 ‘Affordable Housing’ were deemed out of date for development management purposes, meaning less weight can be given to them when determining planning applications. For the avoidance of doubt, all other policies within the High Peak Local Plan should continue to be given full weight until further notice.

#### Principle of Development

7.7 LP Policy S1 ‘Sustainable Development Principles’ states: *“The Borough Council will expect that all new development makes a positive contribution towards the sustainability of communities and to protecting, and where possible enhancing, the environment; and mitigating the process of climate change, within the Plan Area. This will be achieved by:*

- *Making effective use of land (including the remediation of contaminated land and reuse of brownfield land), buildings and existing infrastructure;*
- *Making efficient use of land by ensuring that the density of proposals is appropriate (and informed by the surrounding built environment);*

- *Taking account of the distinct Peak District character, landscape, townscape, roles and setting of different areas and settlements in the High Peak;*
- *Protecting and enhancing the natural and historic environment of the High Peak and its surrounding areas including the Peak District National Park;*
- *Providing for a mix of types and tenures of quality homes to meet the needs and aspirations of existing and future residents in sustainable locations;*
- *Minimising the need to travel by promoting development in locations where there is access to a broad range of jobs, services and facilities which are accessible by foot, cycle or public transport with minimal reliance on the private car;*
- *Requiring that all new development addresses flood risk mitigation/adaptation, ensuring for example that sustainable drainage systems are considered at the outset within proposals (and to comply with legislative requirements);*
- *Seeking to secure high quality, locally distinctive and inclusive design in all development that can be accessed and used by everyone including disabled people;*
- *Seeking to secure developments provide a high standard of amenity for all existing and future occupants of land and buildings, ensuring communities have a healthy, safe and attractive living and working environment and the risks from potential hazards are minimised”.*

7.8 The Borough’s settlement hierarchy as set out at Local Plan (LP) Policy S2 directs development towards the most sustainable locations. The market towns, including Buxton will be the main focus for housing, employment and service growth consistent with maintaining and where possible enhancing their role, distinctive character vitality and appearance.

7.9 LP Policy S7 ‘Buxton Sub-area Strategy’ sets out that the Council and its partners will seek to establish Buxton as England’s leading spa town and consolidate its role as the principal service centre for the Peak District. Of relevance, Policy S7 states this will be achieved by: *“protecting and enhancing the unique character of Buxton’s spa heritage, townscape and natural environment to maintain the quality of life, act as a catalyst for tourism and providing for the housing needs of the community by planning for sustainable housing”*. In addition, development proposals should have regard to the Buxton Mineral Water Catchment Area, Nitrate Vulnerable and Groundwater Source Protection Zones in terms of their impact on water quality and quantity.

7.10 The application site falls within the town centre as identified within the Adopted Local Plan and therefore LP Policy CF1 ‘Retail and Town Centres’ is herein relevant. It states that: *“The Council will seek to maintain and enhance the vitality and viability of town centres and local centres as defined on the Polices Map in accordance with their function and scale as identified in Policy S2 (Settlement Hierarchy) and identified development needs”* by:

- *“Permitting appropriate retail, leisure, cultural and business development in centres of a scale and type appropriate to the role and function of that centre”.*

7.11 In addition, LP Policy CF1, amongst other matters, requires developments to achieve the following matters:

- *“Creating safe, attractive and accessible town and local centres, providing a good range of shopping, food and drink uses, services, offices, and entertainment and leisure facilities, and high quality public spaces*
- *Proposals that would create a concentration of evening economy uses (A3, A4 & A5) that would give rise to social and environmental issues will not be supported*
- *Ensuring that there are adequate parking facilities in suitable locations to serve town centre developments and they are accessible by public transport, walking and cycling.*
- *Town centre regeneration proposals should seek to connect to and where appropriate, improve existing or proposed Public Rights of Way and multi-user trails. Suitable and safe provision should also be made for servicing and deliveries*
- *Supporting proposals that seek to deliver qualitative environmental improvements and support the local distinctiveness of town centre environments through high quality design.*
- *Supporting proposals that would help to deliver regeneration programmes and implement relevant town centre initiatives*
- *Requiring active ground floor frontages to be maintained and created within town centres with appropriate town centre uses ...”.*

7.12 The site also falls within the wider local plan allocation DS22 ‘Station Road and Spring Gardens Regeneration Area, Buxton’. The policy detail confirms land amounting to 3.34ha is allocated for town centre regeneration uses, including residential, office, hotel and tourist accommodation, leisure and cultural related developments. It confirms development will be subject to compliance with other relevant Local Plan policies, and should have regard to the Buxton Design and Place Making Strategy SPD as well as the Station Road Design Framework SPD. In addition, applications will be subject to the following requirements:

- *Applications for retail development outside of the Primary Shopping Area will require a sequential and impact assessment;*
- *Preparation of a comprehensive development plan and phasing programme, including a physical design assessment and viability appraisal;*
- *Heritage Assessment;*
- *Archaeological Assessment;*
- *Contributions towards infrastructure, services and other community needs, including: local labour agreement employment and training scheme; highway, parking and traffic management measures; greenways and public realm;*
- *Provision of additional parking (approximately 30 spaces) to serve Buxton Station to the north of Station Road;*

- *Transport Assessment;*
- *Travel Plan;*
- *Environmental Impact Assessment if required;*
- *Ecological Survey;*
- *Hydrological Survey;*
- *Flood Risk Assessment, including surface water control measures via the use of SuDS.*

7.13 Of note, the following planning approvals have been granted within the regeneration allocation (area north of Station Road) as follows:

- HPK/2018/0120 '*Erection of Extra Care accommodation for older people, landscaping and car parking*' approved 11<sup>th</sup> January 2019. This scheme has created 54 'flexible' supported residential apartments with communal facilities over 4 levels and lies immediately to the west of the application site. The development has been fully implemented and is now occupied.
- HPK/2018/0124 '*Proposed new access road to the Station Road site adjacent to Buxton train station. It is an extension to an existing road which provides access to a now vacant site*' approved 28<sup>th</sup> June 2018. The access road has been fully implemented and provides access to the former Nestle Bottling Factory site, whereby the site has been cleared of previous structures.
- HPK/2018/0125 '*New multi-agency healthcare campus*' approved 11<sup>th</sup> January 2019 has now lapsed. Notwithstanding this and as stated above, the site sitting to the rear of the scheme is fully accessible and cleared to present a redevelopment opportunity within the framework of the LP DS22 Regeneration allocation.

7.14 Of relevance, the application site is currently in use as a discount retailer, which has planning permission to relocate to Foxlow Farm Local Centre, planning permission ref. 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 31<sup>st</sup> August 2022.

7.15 Importantly, the related s106 legal agreement for planning permission ref. HPK/2021/0145 restricts the net sales of the existing Aldi food store floorspace to no more than 429 square metres for the sale of convenience goods upon the trading of the new Aldi store in order to protect the vitality and viability of Buxton Town Centre. Consequently, the future use of the application site is restricted and therefore it would be unlikely for a similar use to be recommended for an approval in these regards.

7.16 The proposal is considered to be acceptable in principle subject to these requirements being met as set out above as well as complying with all other



policies within the Local Plan as a whole. In particular, the scheme would add to the range of food and drink uses available without creating an overconcentration of evening economy uses within this aspect of town subject to the imposition of appropriate opening times and other measures and achieving a high quality design as will be discussed below.

## **Heritage & Design**

7.17 LP Policy EQ6 'Design and Place Making' states: *"All development should be well designed and of a high quality that responds positively to both its environment and the challenge of climate change, whilst also contributing to local distinctiveness and sense of place. This will be achieved by:*

- *Requiring development to be well designed to respect the character, identity and context of High Peak's townscapes and landscapes*
- *Requiring that development on the edge of settlement is of high quality design that protects, enhances and / or restores landscape character, particularly in relation to the setting and character of the Peak District National Park*
- *Requiring that development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features*
- *Requiring that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity*
- *Requiring that public and private spaces are well-designed, safe, attractive, complement the built form and provide for the retention of significant landscape features such as mature trees*
- *Requiring that developments are easy to move through and around, incorporating well integrated car parking, pedestrian routes and, where appropriate, cycle routes and facilities*
- *Requiring that developments are designed to minimise opportunities for anti-social or criminal behaviour and promote safe living environments*
- *Requiring the inclusive design of development, including buildings and the surrounding spaces, to ensure development can be accessed and used by everyone, including disabled people*
- *Requiring new homes in residential developments meet environmental performance standards in accordance with Local Plan Policy EQ1;*
- *Requiring that commercial developments, meet environmental performance standards in accordance with Local Plan Policy EQ1*
- *Ensuring that development takes account of national design guidance and Supplementary Planning Documents".*

7.18 The Council's 'Station Road Design Framework' SPD covers a significant proportion of Buxton Town centre including the primary retail focus of lower town of Spring Gardens and Spring Gardens Shopping Centre. It references the study area playing a pivotal role by acting as the main gateway into and arrival point to the town centre and as a key destination within it. In addition,

the relationship between the study area, Upper Town centre and wider heritage attractions is considered as fundamental to the future economic, social and cultural well-being of the town centre as a whole.

7.19 The Design Framework establishes a number of design principles which respond to specific pressures and opportunities facing the area. These principles will inform and direct future developers and their design teams. The Framework does not attempt to provide a masterplan or comprehensive design for the study area. In terms of design principles, however, development should:

- *realise the full potential of the area as the gateway to the town centre;*
- *promote and secure the sustainable design of the area;*
- *address the negative impacts of Station Road;*
- *reveal and integrate the River Wye (whilst addressing flood risk considerations); improve pedestrian movement and connectivity to key destinations*
- *establish a vibrant mix of uses across the area; and*
- *secure high quality, place specific development.*

7.20 In terms of scale, the Design Framework seeks to achieve development which exploits the sloping landform of the area to enhance the town and its landscape setting by ensuring height, scale and massing is related to surrounding buildings, respects the existing skyline, does not adversely affect key views and vistas (in and out, across and within the area) and avoids obtrusive roof forms and roof top plant. Moreover, development should respond to the sloping topography of the study area, steps up the valley side to the Railway Station avoiding blank facades and large monolithic building blocks with poor permeability.

7.21 Specifically in terms of character, the Framework envisages design which should avoid pastiche in favour of high quality contemporary architecture responding to the distinctive building and townscape qualities of Buxton town centre and the integration of local art and craft traditions to reveal and communicate the place qualities of Buxton through the incorporation of art works and details within building and public space designs.

7.22 The Buxton Design and Place Making Strategy SPD *“provides a clear vision for how Buxton’s town centre will look as it continues to attract an increasing amount of development and regeneration activity and a set of design principles to guide and manage future changes. It promotes the highest standard of urban design and architecture and is rooted in a careful analysis of the town centre and the characteristics that make it work and make it special”*.

7.23 With regard to the above strategy, the application site falls within ‘The Station’ character area described as: *“A ‘green gateway’ to the town centre, both in terms of landscape and sustainable transport, where change has the potential to create a high quality new piece of town”*.

7.24 The statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings

and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

7.25 LP Policy EQ7 'Built and Historic Environment', states "*The Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment in accordance with sub area strategies S5, S6 and S7. Particular protection will be given to designated and non-designated heritage assets and their settings including: ...Listed Buildings, Conservation Areas, Archaeological sites*". "*This will be achieved by ... Preventing the loss of buildings and features which make a positive contribution to the character or heritage of an area through preservation or appropriate reuse and sensitive development, including enabling development, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or other relevant provisions of the NPPF apply*".

7.26 Paragraph 194 of the NPPF states: "*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance*". Annex 2 of the NPPF defines an heritage asset as follows: "*A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)*".

7.27 The proposed development site lies to the west of the Hardwick Conservation Area and to the east of the Buxton Central Conservation Areas; the Buxton Area of Archaeological Interest is situated c.100m south of the proposed development site. No Scheduled Ancient Monuments are situated within the HER search area of the proposed development site. A total of 88 Listed Buildings are included within the HER search area and a number are located close to the proposed development site including:

- Listed screen wall of the former train shed built for the LNWR (Grade II)
- To the northwest is the mid-19th century Palace Hotel (Grade II)
- Late 18th century, The Crescent, which is located on The Quadrant to the southeast of the study site (Grade I)
- Old Hall Hotel, a 17th century building with later additions, incorporates an earlier hall dated 1572-3 (Grade II\*)
- Cavendish Shopping Arcade, built as baths c.1853 and converted to shops in c.1984 (Grade II)

- Situated within 100m of the southwestern edge of the study site is the mid-19th century Winster Place (Grade II)
- Grove Hotel and Grove Parade (Grade II)
- Nos 1 to 9, a row of shops that were built c.1860 (Grade II)
- No. 14 Cavendish Arcade and Nos. 3-6 The Colonnade were built in 1864 as part of a parade of shops adjoining the Hot Baths (Grade II)
- Buxton Pavilion Gardens (Registered Parks and Gardens)

7.28 In addition, to the east, the Grade II listed Hogshaw Lane Viaduct lies in close proximity to the application site.

7.29 Following on from the identified of heritage assets, the Heritage Statement (as revised) has assessed the significance of the application site as follows:

7.30 *“Despite the extensive heritage assets situated to the south and southwest, especially the post-medieval built environment, the significance of the study site is its association with the Buxton railway stations (remains of), booking office and screen wall (HER MDR9027). The study site and much of the immediate surrounding area have been extensively developed, and then re-developed, since the mid-19th century, and have been the site of transportation infrastructure (railway and buses), industrial/commercial works and properties, and housing. The proposed development site is partially surrounded by modern developments, such as the recently built, large, modern Spring Gardens Shopping Centre situated on the opposite side of Station Road to the south and the imposing Devonshire Place McCarthy Stone retirement flats situated immediately to the west ...*

*The construction of the railway infrastructure, extensive terracing and other groundworks that have taken place on the site, and the immediate area, may well have removed or truncated any potential archaeological remains. Consequently, the historical and archaeological significance of the site, as well as its evidential value, is likely limited to the later post-medieval and early modern periods. As the site is currently occupied by a brick-built structure that dates from 1999 there is no significant architectural or historic fabric to preserve, which in turn entails that the aesthetic value of the site is of limited importance and its communal value is entirely commercial. Moreover, it is situated in an area of relatively high vehicular traffic as Station Road forms part of the A53 road that links with a ‘mini-roundabout controlled junction to the east of the town centre’ (adjacent to the study site) entailing that traffic on the A6 (Bakewell Road and Fairfield Road) ‘does not travel through the town centre’ (HPBC 2007b). Thus, this area forms a key thoroughfare into central Buxton via the A6 and the railway.*

7.31 The applicant’s Heritage Statement describes the impacts of the scheme on designated heritage assets and resources within the following table:

Heritage Asset / Resource	Period	Significance	Impact of Development / Possible
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			Mitigation Strategy
Hardwick Conservation Area	Post medieval to modern	Low-moderate/Local	Neutral to Positive
Buxton Central Conservation Area	Post medieval to modern	Low-moderate/Local	Neutral to Positive
Buxton Railway Stations (remains of), booking office and screen wall	Post medieval	High/Local	Neutral to Positive
Pre-medieval and post medieval remains	Low	High/Local	Watching Brief
Post medieval features	High	High/Local	Watching Brief

7.32 With regard to any perceived negative impact on the historic environment, the heritage statement suggests interpretative signage, photographs or murals for the scheme, which could seek to mitigate this impact through the promotion of Buxton's industrial past. For potential archaeological mitigation, a Watching Brief to safeguard any below-ground cultural remain has not been advised by County Archaeology as they consider the scheme would have no archaeological impact.

7.33 Notably, the Heritage Statement reaches the following conclusions:

7.34 *“Although lying outside of both, the proposed development site is nestled between the Hardwick and Buxton Central Conservation Areas. As such, the setting of the site is of considerable importance, particularly that of the Grade II listed viaduct and associated stone built cottages that represent Buxton's industrial past and overlook the Aldi site from the Hardwick Conservation Area. Whilst of historic significance, these 19th century buildings are situated within an area recognised by the High Peak Borough Council as being in considerable need of regeneration, suffering as it does from heavy traffic and unsympathetic modern architecture. The listed buildings and other heritage assets that lie in the Buxton Central Conservation Area, a little further from the proposed development site and, indeed, other areas where the topography of the town allows a glimpse of the proposed restaurant, would be less affected due to limited intervisibility. Regardless of the degree of intervisibility, the proposed development offers a considerable improvement to the overall setting in that the present brick-built structure would be replaced with one constructed in local stone and set within a carefully landscaped, verdant plot. The potentially positive impacts of the proposed development are not limited to the aesthetic value of the site, but would also address some of the factors considered in the Buxton Station Road Design Framework by providing a popular visitor facility and thereby enhancing the vibrancy of the area and providing both recreational*

*and job/career opportunities for young and old alike”.*

- 7.35 When determining applications, paragraph 197 of the NPPF states: *“local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness”.*
- 7.36 A key element of the area’s regeneration policy is to create a first class gateway into the town centre by exploiting the full potential of landmark buildings at key entry points into the area. In these regards, the application site is considered to be located at a key gateway into the town, particularly for those arriving by rail and also travelling along Station Road, which is a principal route into and through town.
- 7.37 Furthermore, the site is considered to be sensitive both in conservation and urban design terms. It is located in close proximity to the Grade II listed railway station buildings positioned to the west and is seen against the Grade II listed Hogshaw viaduct in viewpoints towards the east. Although the scheme would not be considered to be overly visible to form an important part of the townscape from elevated viewpoints around the periphery of the town nor seen in the context of notable listed buildings unlike the adjoining, 4-storey retirement facility. Notwithstanding this, careful and well thought out architectural treatment would be critical to the success of the scheme, including the careful consideration of building massing / scale, materials, boundary treatment and landscaping given its prominent gateway positioning within the town centre and heritage viaduct setting towards the east and north.
- 7.38 As stated above, the Station Road Design Framework seeks to achieve development which enhances the town and its landscape setting by ensuring development is well related to its surroundings and would not adversely affect key views and vistas, as well as avoiding obtrusive roof forms including rooftop plant, blank facades and large monolithic building blocks with poor permeability. Consequently, the redevelopment scheme for a restaurant with ‘drive thru’ presents an opportunity for high quality contemporary architecture by utilising local building materials and traditions whilst referencing the character of the town without resulting in a pastiche building form.
- 7.39 The scheme as originally submitted raised a number of concerns. In particular, the Council’s Conservation Officer considered the proposal to be insensitive to the overall setting of Buxton as it did not take reference from or utilise fully the surrounding environment to inform the design or material palette for the building by presenting a harsh mix of design elements within a prominent town centre position. In particular, the overall shapes and use of timber on the elevations was considered to create a severe, utilitarian style structure, which would not be integral to overall townscape setting and refusal of the scheme was recommended in these regards. In addition, the latterly submitted Heritage

Statement did not properly address the significance of above ground heritage assets potentially affected by the scheme, including any contribution made by their setting to be able to properly understand the potential impact of the scheme on their significance to raise further objections in these regards.

- 7.40 Such concerns were presented to the applicant, and consequently a series of productive meetings have taken place between the case officer and Council's Conservation Officer, together with the applicant's design team to culminate in the submission of further revised plans. The revised scheme is a result of incremental and substantial improvements including its building form and design, material palette and landscaping.
- 7.41 With regard to the scheme submission, the fallback position of the scale, siting and appearance of the existing supermarket building, together with its layout arrangement including car parking area should be considered as a material consideration of substantial weight when assessing the proposal. The retention of the building i.e. fallback position was considered to be a much better prospect when compared to the original and earlier revisions of the scheme.
- 7.42 In relation to the revised scheme, it continues to work with existing site levels as demonstrated by the indicative site section to remain elevated above Station Road. Notwithstanding this, the building fails to positively address Station Road through the provision of the drive thru lane with the resultant unsightly and negative visual impact of queuing vehicles readily observed within a prominent gateway location. Whilst existing landscaping and tree planting within the highway controlled green buffer along this boundary would assist in partially screening such views, a high quality gritstone wall of sufficient height (to screen all vehicles including transits vans) is considered to be necessary to the exposed perimeter of the drive thru lane, including the Charles Street site boundary to result in a seamless setting for this aspect of the scheme, which could be further enhanced through the provision of proposed additional tree planting and management of the existing green buffer. The proposed stone walling would therefore ensure a robust screen of the drive thru lane, particularly during autumn / winter months when trees lose their leaves whilst providing a strong sense of enclosure along this aspect of Station Road / Charles Street. Although this aspect of the scheme lacks permeability and an active frontage, the current supermarket building turns its back on the street scene and therefore the proposal is considered to be no more harmful in these regards.
- 7.43 The restaurant / drive thru scheme would utilise the existing car parking area. However, tree planting numbers have notably been increased to improve the overall setting of the application site through enhanced soft landscaping proposals. Whilst the pedestrian ramp providing on foot access into the application site from Station Road provides an opening within the frontage landscaped buffer, parked cars would largely be screened from view and is reflective of the existing situation with viewpoints being short range in any case.

- 7.44 The adjacent 4-storey high retirement facility provides for a landmark / focal point building at the junction with Station Road thereby making a significant statement impact on the street scene when travelling along Station Road in either direction. Consequently, there is considered to be limited intervisibility with the application site and the Grade II listed former railway structures located close by to the west, particularly given the scale of the McCarthy and Stone building and its substantive and mature landscaped frontage. As noted above, the scheme is seen against the Grade II listed Hogshaw viaduct in viewpoints towards both the north and east.
- 7.45 The revised design has achieved a single building mass with mansard roof by eliminating the previously objected to modular blocks with varying roof heights. The overall design approach adopting a strong vertical emphasis to the building form is considered to be acceptable by reflecting Buxton's architectural vernacular whilst employing a more contemporary approach in relation to some design elements. Rooftop plant and equipment are now hidden in the fully enclosed mansard roof with air venting positioned to the less prominent northern roof plane. In view of heritage and design concerns, rooftop solar panels have now been positioned to the proposed carport to the rear of the site and present a balanced approach to this sensitive site. Whilst this amendment has resulted in a greater solid to void ratio to the elevations, this impact would only likely be noted from the building's front elevation. In addition, the legibility and detailing of the entrance points to the building's frontage is still considered to be poor. However, design improvements could be achieved via a planning condition. In these regards, the legibility of the entrance points should be enhanced by providing a stronger statement whilst serving to break up the massing of the building as outlined in the point above. Similarly, a condition should address the parapet walling detailing, which still appears weak and requires a better depth of cornice.
- 7.46 In general, proposed materials should be of sufficient quality and consist of natural stone beneath natural slate. Coursed stone should have a pitched face rather than split and consist of gritstone rather than limestone. The play area / equipment has been removed from the scheme following officer objections raised, although, other external features / paraphernalia would need to be tightly controlled through planning conditions to ensure they would not detract from scheme improvements secured.
- 7.47 In relation to the revised scheme, the Council's Conservation Officer considers the scheme to more accurately reflect the local vernacular and is now deemed to now sit quietly within its location. Furthermore, the addition of new soft planting and a more submissive site plan is viewed as an enhancement to the marginally open and exposed vicinity of the site. From a heritage perspective, the final scheme is confirmed as resulting in a 'neutral' addition to the vicinity taking into consideration the proximity of the proposal to the Hardwick Conservation Area and wider identity of the town.
- 7.48 In these regards, the proposed scheme has taken into account its impact on



the setting of the adjoining Hardwick Conservation Area, by striving to be in keeping with the existing scale, massing and materials of the surrounding area subject to the imposition of planning conditions addressing the need to review outstanding matters of concern including (and not limited to): front entrance to building, its cornice detailing, railings, bollards, lighting, soft / hard landscaping etc. Furthermore, the detailed soft landscaping scheme to be secured, as well as addressing the concerns of the Council's Aboricultural Officer, would need to further compensate for the loss of the proposed additional tree planting (3 trees) within the frontage buffer given the comments of the Local Highway Authority requiring either a licence agreement or s.278 agreement to be obtained firstly and therefore will require a minor amendment to the car parking layout in these regards. This matter appears to be readily achievable in respect of the over provision of car parking within the application site as discussed below.

7.49 Arguably, the scheme's reduced scale against the fallback position of the existing supermarket building would better reveal the significance of the Grade II listed Hogshaw viaduct in some viewpoints provided the drive-thru lane activity was appropriately screened as set out above. Furthermore, the proposal would be broadly consistent with the design advice as contained within the Station Road Design Framework and Buxton Design and Place Making Strategy SPDs.

7.50 Accordingly, the scheme would comply with relevant local and national historic environment planning policy. In particular, regard has been given to LP Policies SS1, EQ6, EQ7 as well as NPPF Chapters 12 'Achieving well-designed places' and 15 'Conserving and Enhancing the Historic Environment'. These matters will be returned to within the Planning Balance and Concluding Section of the report as detailed below.

## **Highway Safety**

7.51 LP Policy CF6 'Accessibility and Transport' sets out the need to ensure that development can be safely accessed in a sustainable manner, whilst minimising the need to travel particularly by unsustainable modes of transport. Section 9 of the NPPF states transport issues should be considered from the earliest stages of development proposals to identify and pursue opportunities from existing or proposed walking, cycling and public transport infrastructure and patterns of movement, streets, parking and other transport considerations are integral to the scheme design and contribute to making high quality places with priority first to pedestrian and cycle movements within the scheme and to neighbouring areas.

7.52 In addition, NPPF paragraph 110 states development proposals should meet with the following criteria: *"appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; safe and suitable access to the site can be achieved for all users; the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design*

*Code 46; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”.*

7.53 Furthermore, NPPF paragraph 111 highlights: “*development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.*

7.54 A Transport Assessment (TA) accompanies the application submission, which confirms vehicle access to the proposed restaurant would be via the existing priority T-junction serving the site whilst pedestrians would access the restaurant via the existing ramp off Station Road or via the footways on the site access. In addition, a zebra crossing would be provided over the exit of the drive thru lane to provide a pedestrian route from the ramp to the restaurant entrance. Delivery vehicles would also access the site via the main customer access and park within a proposed delivery bay situated on the northern edge of the site to unload to provide for appropriate servicing arrangements.

7.55 The occupation of the application site by a 1,500sqm food store is highlighted by the TA, which benefits from existing vehicle, pedestrian and cycle access i.e. the fallback position. In these regards, the site benefits from a reasonably good level of walking, cycling and public transport accessibility commensurate with the existing use of the site. Furthermore, compared to the existing use of the site, the scheme would result in a reduction in traffic generation during the network peak hours and therefore would have no material impact on the operation of the surrounding local road network as stated within the TA. In addition, it is stated that accident records do not indicate any highway safety issues on the existing network, which would need to be addressed as part of this planning application submission.

7.56 The TA document confirms the scheme’s drive thru lane as an integral part of the McDonald’s operation, which is shown wrapping around the northern, eastern and southern edges of the proposed building. When a customer wishes to purchase a meal without leaving their vehicle, it states the following steps are followed:

- 1) Enter the drive thru lane
- 2) Place an order at one of the Customer Order Display (COD) units
- 3) Pay at the first booth
- 4) Collect meal from the second booth (halfway along the southern elevation) and continue out of the drive thru lane or
- 5) Reserve bays (two) are provided for those customers placing a large order to prevent a delay within the drive thru lane

7.57 The Local Highway Authority have provided consultation comments on the revised scheme, including latest plans. In these regards, they have considered the impact of the development within this location, including associated traffic movements and access matters and raise no objections to the scheme subject

to recommended planning conditions securing provision of parking and turning in accordance with the approved scheme layout plan, an ungated access, as well as construction management during the development build out phase.

- 7.58 The Highways Officer notes a lack of information relating to the amount of seating available within the restaurant to allow an assessment of the amount of parking spaces required. However, consideration has been given to the existence of 'No waiting at Any Time' parking restrictions on Station Road and therefore he considers it unlikely for any vehicles associated with the proposed use would park outside of the site. Notwithstanding such commentary, the submission confirms the restaurant would provide approximately 76 seats for customers with take-away available. The LP Appendix 1 Parking Guidance, however, requires 1 space per 4.0sqm of dining area or public waiting space in takeaways for both customers and staff. Accordingly, the dining area @ 78.0sqm and ancillary public area @ 46.0sqm would result in a combined area of 124sqm and therefore onsite parking requirement of 21 car parking spaces. In these regards, the scheme would provide for a total of 53 car parking spaces, including 3 disabled car parking bays and 2 grill bays for those waiting for drive thru orders. As discussed above, a minor layout amendment would be sought to achieve further tree planting within the site and mostly likely result in a reduction of car parking spaces available. However, the scheme layout appears to over provide in these regards.
- 7.59 Cycle store facilities would be provided for both customers and staff within the application site. The Force Designing Out Crime Officer (Derbyshire Constabulary) considers the public facility is acceptable, but, raises some concern regarding staff provision, which is provided in an insecure area. Notwithstanding these comments, which relate to designing out crime, a planning condition securing a site wide detailed cycle storage scheme would ensure provision is both adequate for both customers and staff.
- 7.60 Accordingly, the scheme is considered to comply with LP Policy CF6 in particular whereby it would be located where the highway network can satisfactorily accommodate traffic generated by the development whilst integrating within existing transport infrastructure to ensure a choice of transportation method and enhance potential accessibility benefits as well as ensuring the development would not lead to an increase in on street parking to the detriment of the free and safe flow of traffic. In addition, the scheme would further comply with Chapter 9 'Meeting the challenge of climate change, flooding and coastal change' of the NPPF.

## **Environmental Matters**

- 7.61 LP Policy EQ10 broadly seeks to protect people and the environment from unsafe, unhealthy and polluted environments. NPPF paragraph 174(e) of the NPPF states "*new and existing development should not contribute to, or be put at an unacceptable risk from, or be adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability*".
- 7.62 The Council's Environmental Health Department have assessed the potential

unacceptable impacts of the scheme, particularly in relation to noise and odour pollution. The noise impact assessment ref: 7623 Rev 0 dated 20 December 2021 submitted in support of the application is confirmed as focussing on mechanical noise from cooling fans etc. Whilst it is noted as assessing people noise, this is only by examining the noise generated by the current rather than proposed use and on this basis concludes people noise would not be significant. In these regards, Environmental Health state the proposed scheme is unlikely to be a normal use of the site, but rather anti-social behaviour, associated with young adults congregating and inconsiderate vehicle use. In these regards, it is stated there is no reason to suggest these potential issues cannot be managed as an addition to the existing night-time economy and a town centre location, which would tend to be preferable for late night refreshment facilities. On this basis, Environmental Health have considered there would be no reasonable grounds for objection and state it should be a planning judgement matter regarding amenity impacts as a result of the scheme.

- 7.63 In these regards, suitable planning conditions managing anti-social behaviour are suggested as a control mechanism but EH consider Derbyshire Constabulary are best placed to advise in such matters. Further planning conditions are recommended in relation to the control of the development during the build out phase (including piling), limiting external noise produced by fixed external plant / noise from car sound systems, dealing with unknown contamination whilst ensuring artificial lighting complies with the requirements of relevant guidance.
- 7.64 In relation to the above commentary and 3<sup>rd</sup> party objections, Derbyshire Constabulary's 'Force Designing Out Crime Officer' states there is no reason in principle to reasonably object to the McDonalds scheme from the grounds of crime or disorder whereby there appears to be no contextual issues which would make this site particularly unsuitable for this facility. Furthermore, whilst McDonalds sites are inevitably gathering points, it would not be accurate to say anti-social behaviour is to be expected and these issues relate to matters of context and management, although, anti-social behaviour is not considered to be a high risk within this location. The applicant's risk management policy is considered to be appropriate to risk, but, mention of appropriate physical security is stated as unclear. Consequently, the Force Designing Out Crime Officer recommends a planning condition to secure site wide CCTV provision to deter and detect offences, with a specific focus upon car and cycle parking areas, movement route and gathering points.
- 7.64 The Force Designing Out Crime Officer states given the concerns expressed regarding noise nuisance and late night gathering and the comments of Environmental Health Department, the late use of external areas should be subject to scrutiny and appropriate restriction. In these regards and considering the proximity of the adjacent retirement facility and ability to control car sound systems from a planning enforcement perspective, it is considered reasonable to apply the following operational and delivery timing restrictions to the scheme as follows despite the applicant's request of opening hours of 6.00 am to

midnight:

- No opening to customers outside the hours of 0700 and 2300 on any day, and,
- No deliveries / refuse collection outside the hours of 0700 and 2200 Mondays to Saturdays and Sundays 0800 and 2200.

7.65 The comments of Nestle Water Ltd regarding the source protection zones are outstanding and Members are directed to the Update Report in these regards. Subject to the satisfactory confirmation of no risks to ground water as a result of the scheme, no overall objections are raised to the proposal subject to the satisfactory resolution of these matters and imposition of planning conditions intended to ensure the protection of public health and the wider environment in relation to site contamination matters as well as the protection of local amenity during the construction stage of the development to accord with LP Policies EQ6 and EQ10 as well as the NPPF.

### **Local Flood Risk & Drainage**

7.66 LP Policy EQ11 'Flood Risk Management' states that the Council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere, where this is viable and compatible with other policies aimed at achieving sustainable patterns of development. NPPF 159 states development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

7.67 Such matters of flood risk and drainage fall to Building Regulations to assess given the application's siting within Flood Zone 1 to accord with LP Policy EQ11 as well as the NPPF by directing development away from areas at highest risk of flooding.

### **Ecology**

7.68 LP Policy EQ5 states that the biodiversity and geological resources of the Plan Area and its surroundings will be conserved and where possible enhanced by ensuring that development proposals will not result in significant harm to biodiversity or geodiversity interests. The policy then goes on to identify how this will be achieved, specifying a number of criteria.

7.69 The NPPF at chapter 15 identifies how development is expected to conserve and enhance the natural environment. Paragraph 174 advises that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, minimising impacts on and providing net gains for biodiversity. Additionally, paragraph 180 identifies that when determining planning applications planning permission should be refused if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for.

- 7.70 The application site is not designated under any statutory ecological designation, including local designation. The wording of LP Policy EQ5 requires that development proposals should conserve biodiversity by ensuring no significant harm to these interests. With regards to the site there is no requirement under the policy to achieve an overall biodiversity net gain, albeit the supporting text does seek this where possible.
- 7.71 The Conservation of Habitats and Species Regulations 2017 translates into UK legislation, the EEC Council Directive 92/43/EEC, The Conservation of Natural Habitats and of wild fauna and flora, known as the Habitats Directive. This legislation protects habitats and species across Europe and so includes species on animal found in the UK. These species are known as European Protected Species (EPS) and these regulations are the primary regulations protecting these species, not the Wildlife and Countryside Act. These species include the otter, common dormouse and all bats.
- 7.72 Derbyshire Wildlife Trust (DWT) have reviewed the scheme against its biodiversity datasets and does not consider any likely significant biodiversity impacts as a result. The scheme, however, should be accompanied by a Preliminary Ecological Appraisal (PEA), which should give consideration to any suitability within the existing building for bats and / or nesting birds. Should this be the case, then it should be followed by a Preliminary Roost Assessment (PRA) should the building be considered suitable for bats / birds as a prior determination matter. The initial PEA confirmed the building as having moderate bat roost potential and therefore required two nocturnal surveys. The latterly submitted Preliminary Roost Assessment (PRA) has confirmed the building within the application site does not contain any bat roosts and therefore no mitigation is required to comply with relevant legislation. DWT have been invited to comment on the PRA and any comments will be provided on the Update Sheet in these regards. Members are advised DWT comments must indicate an approval on these matters before any decision can be issued.
- 7.73 For the scheme to accord with the provisions of the NPPF, a planning condition would ensure new development provided net gains for biodiversity with regard to the Biodiversity Metric 3.0 Calculator (or its successor). Accordingly, suitable conditions to secure mitigation and biodiversity enhancements at the application site with particular regard to new tree planting should be achievable.
- 7.74 As a consequence, as the site does not form part of a designated biodiversity site and would not result in significant harm to biodiversity, it would accord with LP Policy EQ5 as well as the NPPF regarding net gains for biodiversity.

### **Other Matters**

- 7.75 Regarding objections concerning littering generated by the scheme, particularly offsite, the planning practice guidance on healthy and safe communities has been updated to include a new paragraph titled: "*How can local authorities help control the litter associated with hot food takeaway?*" The new paragraph 13 states that, when considering planning applications for new fast food outlets,

planning authorities *"should consider seeking details from applicants, setting out what measures will be put in place to reduce the litter associated with a proposed development, to ensure there is no unacceptable impact from litter on the amenity of the area"*. It adds details *"can include proposals to install litter bins, commitments to undertake litter picking and advisory signage"*.

7.76 The guidance further advises that *"litter generated from such premises may be deposited away from the immediate vicinity of the premises. Councils can consider the wider effect this has on local amenity – such as by asking for premises to undertake litter picking to collect litter (generated from off-sales from that premises) which has been deposited further away from the immediate vicinity"*. The document adds it will *"often be appropriate to impose conditions to require ongoing compliance with any measures proposed"*.

7.77 The supporting statement accompanying the application submission outlines McDonald's is committed to tackling litter in as many different ways as possible. In these regards, it is confirmed company policy is to conduct a minimum of three daily litter patrols, whereby employees pick up not only McDonald's packaging, but also any other litter which may have been discarded within a 150.0m vicinity of a restaurant and may be expanded to suit local needs. Furthermore, it is confirmed litter bins are provided outside all restaurants and packaging carries anti-littering symbols to encourage customers to dispose of litter responsibly. In addition, anti-littering signage is displayed within restaurants and car parking areas and McDonald's support is provided to Keep Britain Tidy, Keep Wales Tidy, Keep Scotland Beautiful, Keep Northern Ireland Beautiful and Capital Clean-up. Accordingly, a planning condition is recommended to ensure appropriate litter bin provision and management for the proposal scheme.

7.78 The new paragraph also flags the 'extensive' existing legislation around litter and the responsibilities of landowners *"to keep land clean and clear of litter and refuse"*. Stating *"Section 215 of the Town and Country Planning Act 1990 empowers local planning authorities to require owners/occupiers tidy up a site if it is adversely affecting the amenity of the neighbourhood. There are also relevant powers available to local authorities contained in the Anti-social Behaviour, Crime and Policing Act 2014 and the Licencing Act 2003"*. Additionally, the guidance states: *"It may be appropriate for local planning authorities to make applicants aware of these powers in order to emphasise the importance of ensuring appropriate measures are put in place to avoid non-compliance with standards and obligations"*. These obligations could be added by means of an informative should Members be minded to approve the scheme.

7.79 Objections have been raised in relation to the loss of the existing building from a sustainability perspective. Whilst this matter is regrettable, the building is not considered to be valuable in heritage or townscape terms whereby the scheme has presented a replacement building deemed to be neutral against the fallback position regarding its impact upon the historic environment and therefore complies with relevant planning policy in these regards.

## **Nutrient Neutrality**

7.80 The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council has been notified that action must be taken to address exceedances of phosphorus in the River. As such, the Council cannot grant consent for development unless it can rule out “likely significant effects” on the SAC. A Habitats Regulations Assessment (HRA) will be required when the plan or project creates a source of water pollution or has an impact on water quality and when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if “likely significant effects” (alone or in-combination) on the SAC can be ruled out. If not, this will be followed by an “Appropriate Assessment” where the impact of the plan or project is considered in detail.

### Screening Assessment

7.81 The proposal is not directly connected with or necessary for the conservation management of a European site. The proposal will not increase overnight stays or result in any material change in surface water run-off from the site given that it is already predominantly hardstanding and roof area, and will remain so. Therefore it will not risk having a significant negative effect on the SAC either on its own or in combination with other proposals and therefore it is not necessary to carry out an Appropriate Assessment.

## **8.0 CONCLUSION AND PLANNING BALANCE**

- 8.1 The application site is prominently positioned within the local plan allocation DS22 ‘Station Road and Springs Gardens Regeneration Area and is considered to meet with its principles to assist with the further regeneration of the town centre whilst safeguarding its vitality and viability. In addition, the scheme would provide for notable local employment / training opportunities. These clear economic benefits are considered to be of significant material weight in the planning balance.
- 8.2 The design and layout of the scheme has taken account of its historical context with particular regard to the Hardwick Conservation Area and Grade II listed Hogshaw viaduct resulting in a neutral impact concerning the existing fallback position having regard to LP Policy EQ7 ‘Built and Historic Environment’ in particular as well as the NPPF.
- 8.3 Highway considerations have taken into account the existing use of the site, as a supermarket and car parking provision is deemed as suitable. Ecology matters are subject to the final comments of Derbyshire Wildlife Trust. Overall, Environmental matters are considered to be satisfactory subject to confirmation of no risks to ground water as a result of the proposal.
- 8.5 In these regards, the proposal would accord with the development plan as a whole and therefore amount to sustainable development.



8.6 Accordingly, the scheme proposal is recommended for approval. However, given that consultation responses are awaited from Nestle Water, DWT, the EA and Peak Rail, it is recommended that delegated authority be granted to approve the application subject to no objections being received from those bodies.

## **RECOMMENDATION**

**A. Delegate authority to the Head of Development Services to approve subject to no objections from outstanding consultees and the following conditions:-**

- 1. 3 year Time Limit**
- 2. Schedule of Approved Plans**
- 3. Prior to commencement of development: Amended Plans regarding Frontage Elevation, Cornice Detailing and Additional Tree Planting**
- 4. Prior to Damp Proof Course: External Walls (Natural Gritstone) and Roof (Slate)**
- 5. Prior to Damp Proof Course: Sample Panel Stone Coursing Details**
- 6. Prior to Damp Proof Course: Hard Surfacing**
- 7. Aperture Recess 150mm**
- 8. Prior to Damp Proof Course: Window and Door Details**
- 9. Prior to Damp Proof Course: including and not limited to: Rainwater Goods, Extractor Vents, Heater Flues, Bollards, ancillary signage, customer order boards electric car charging points, external seating / tables**
- 10. Prior to Damp Proof Course: All Boundary Treatment (Natural Gritstone to Charles Street / Station Road boundary)**
- 11. Prior to commencement of development: Existing and Proposed Site Levels, including Sections**
- 12. Prior to Damp Proof Course: Refuse Storage**
- 13. Prior to commencement of development: Car Port & Solar Panel Scheme**
- 14. Prior to commencement of development: Tree Planting & Soil Rooting Volume**
- 15. Prior to commencement of development: detailed landscaping scheme**
- 16. Prior to commencement of development: detailed Landscape, Biodiversity and Ecological Management Plan and Woodland Management Plan to achieve Biodiversity Net Gain**
- 17. Controlling: No topsoil / fill material shall be imported until deemed suitable**
- 18. Prior to commencement of development: Construction Environmental Management Plan**
- 19. Controlling: Piling Timing**
- 20. Controlling: No Gates or other barriers to the approved access**
- 21. Prior to commencement of development: Secure Cycle Facilities (Staff & Customers)**
- 22. Controlling: Control of operational use times, including delivery**
- 23. Prior to commencement of development: Noise Source Protection**
- 24. Prior to commencement of development: Artificial Lighting**
- 25. Prior to commencement of development: CCTV detailed scheme**

## 26. Prior to Damp Proof Course: Litter Bin Provision and Management

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 Location Plan

