

7. FULL APPLICATION: DEMOLITION OF FORMER MILL BUILDINGS, ASSOCIATED STRUCTURES AND OTHER BUILDINGS AND CONSTRUCTION OF EMPLOYMENT UNITS (B1/B2/B8), RETENTION OF EXISTING RETORT HOUSE, IMPROVEMENTS TO EXISTING SITE ACCESS, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS AT RIVERSIDE BUSINESS PARK, BUXTON ROAD, BAKEWELL (NP/DDD/1017/1119, P4822, 421111/369121/ 30/10/2017/TS)

APPLICANT: RIVERSIDE BUSINESS PARK LIMITED

Site and Surroundings

Riverside Business Park (RBP) lies on the north west side of Bakewell in the Wye valley approximately 0.6 km from the town centre. Land in ownership extends to 5ha north of the A6 Buxton Road and comprises a mixture of buildings used primarily for business (B1 use), general industrial (B2 use), and storage and distribution purposes (B8 use). Thornbridge Brewery and Pinelog Ltd have a substantial presence on the Business Park.

There are some notable historic features on and close to the wider Business Park site including a riverside mill, adjacent river bridge and facings to the mill leat, which are grade II listed. The site was originally developed as a mill complex by Sir Richard Arkwright and the original water management system, including the mill leat, is a Scheduled Ancient Monument. By virtue of the site's proximity to the River Wye and the water management systems, the site is located within the Environment Agency Flood Zone 3.

The application site edged red is located in the centre of the business park and is currently occupied by a range of buildings that comprise of a mix of vacant and in use employment units. The application site has an area of approximately 1.6 Ha.

The application site is bounded by the River Wye and the A6 on its south western side. There are existing employments units to the west, including the buildings occupied by Pinelog and Thornbridge. A former spinning shed, which is the area of a consented hotel development, lies immediately to the east.

The eastern part of the application site (the access) lies within the Bakewell Conservation Area and the entire application site lies within the Local Plan Development Boundary for Bakewell. There is also a specific Local Plan policy (LB7) relevant to the Business Park. LB7 promotes the comprehensive redevelopment of the site, predominantly for industrial/business use (Use Classes B1 and B2). This policy also requires the provision of a new access bridge across the River Wye if further development on the site results in an increase in existing floorspace on the Business Park.

The site is currently accessed from the A6 via a narrow stone bridge unsuitable for HGVs, and from the residential road 'Holme Lane', which itself is frequently used for residential parking on its northern side, resulting in significant sections of the lane being of single vehicle width. The eastern end of Holme Lane serves 6 residential properties and a business premises. At the western end of Holme Lane, the access to the RBP reverts to a single-width tarmacked track, which passes immediately alongside the front gardens of a row of 26 terraced and semi-detached properties at Lumford, whose main vehicular access is also via Holme Lane.

Proposal

The application seeks full planning permission for the demolition of the existing employment units and the construction of new employment units. The submitted information sets out that the proposal comprises of the demolition of 5,222 square metres of existing floor space and the construction of 3,985 square metres of replacement employment floor space. Existing buildings with a combined floor area of 597 square metres would also be retained within the application

site area. The submitted information acknowledges that not all of the existing buildings that are to be demolished are currently useable. As such, whilst the total reduction in floor space is 1,237 square metres, the reduction in useable floor space is 722 square metres. The proposed buildings would all be used for B1, B2 or B8 use.

The proposed development would consist of three new build portal framed industrial units, with associated parking, loading and access areas. The buildings have been designed to replicate existing more modern industrial buildings at the northern end of the site. The new build unit labelled as 'Unit 16' on the submitted plans would adjoin the existing unit that is occupied by the Bakewell Pudding Company, and this unit would be extended to the front as part of the proposals. The plans indicate that the three units could be sub-divided into smaller units if required, up to a total of 14 units. The scheme initially proposed the change of use of the existing retort house to A1, A2 or A3 use, but the change of use of the retort house has now been omitted and it is now proposed to refurbish the retort house and retain it in its current use.

Each building would have a dual pitched roof clad in slate blue coloured metal sheeting. The walls would be a mix of coursed masonry and grey coloured pre-coated sheet cladding. Solar pv panels and roof lights are shown on the roofslopes.

The proposal includes the creation of 78 parking spaces, 12 HGV vehicle bays and 12 cycle spaces within the development site area. The development also includes the provision of two passing places on Lumford. The passing places shown on the submitted plans are the same as the passing places that have been approved as part of the hotel development on the adjacent land. It is not proposed to make any alterations to the existing access arrangements in direct relation to this development proposal. However, an indicative plan has been submitted which shows how the proposed development would relate to the provision of the consented new access road bridge to the Business Park from the A6. The proposed scheme has been designed to be compatible with the delivery of the new bridge access.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

- 1. 3 year implementation time limit.**
- 2. Adopt submitted and amended plans.**
- 3. The buildings hereby approved shall be used solely for business uses, general industrial and storage and distribution uses as specified in B1, B2 and B8 of the schedule to the Town & Country Planning (Use Classes) Order 1987(as amended) or in any order revoking and re-enacting that order.**
- 4. The external walls of the buildings hereby approved shall be coloured grey and the external roofs shall be coloured slate grey before the buildings are first brought into use. The colour finishes shall be retained and maintained for the lifetime of the development.**
- 5. Notwithstanding the provisions of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no alterations to the external appearance of the buildings hereby approved shall be carried out and no extensions, or ancillary buildings, shall be erected within the red-edged application site without the National Park Authority's prior written consent.**

6. **Limitation on floor space and restriction on the addition of any mezzanine floors.**
7. **Within 6 months of a new road bridge to the A6 being constructed and first brought into use, a scheme for the removal of the passing places and the reinstatement of the land to its former condition shall be submitted to and agreed in writing by the National Park Authority. Thereafter the agreed scheme shall be completed within 12 months of the bridge being first brought into use.**
8. **No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:**
 - **Parking of vehicles of site operatives and visitors**
 - **Routes for construction traffic**
 - **Hours of operation**
 - **Storage of plant and materials**
 - **Method of prevention of debris being carried onto highway**
 - **Pedestrian and cyclist protection**
 - **Site accommodation**
 - **Arrangements for turning vehicles**
9. **Before any operations are commenced, excluding Condition No 7 above, 2 no. passing shall be constructed in accordance with the approved scheme of works as shown on submitted drawing Ref. 216-007/902 Rev D. The passing places shall thereafter be retained.**
10. **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.**
11. **No part of the development shall be occupied until the proposed access road within the site has been constructed in accordance with application drawing number 2016-007/105 Rev D.**
12. **No unit shall be taken into use until space has been laid out within the site in accordance with application drawing number 2016-007-105 Rev D for 78 cars and 12 HGV's to be parked and for all vehicles to turn so that they may enter and leave the site in forward gear. These facilities shall thereafter be retained for use at all times.**
13. **Flood risk mitigation measures.**
14. **No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the National Park Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the buildings commencing.**

15. a) No development shall take place until a Written Scheme of Investigation for a programme of historic building recording, the equivalent of a Level 2 building survey, has been submitted to and approved by the local planning authority in writing. The Written Scheme of Investigation shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
 2. The programme and provision for post-investigation analysis and reporting
 3. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 4. Provision to be made for archive deposition of the analysis and records of the site investigation
 5. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation"
- b) No development shall take place until all on-site elements of the approved scheme have been completed to the written satisfaction of the local planning authority.
- c) The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under part (a) and the provision to be made for publication and dissemination of results and archive deposition has been secured.
16. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing in accordance with a brief for the works issued by this Authority, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority, this includes the programme of building recording. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording;
 2. The programme for post investigation assessment;
 3. Provision to be made for analysis of the site investigation and recording;
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 5. Provision to be made for archive deposition of the analysis and records of the site investigation;
 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under part (a).
- c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under part (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

17. **Should archaeological remains of national importance be identified within the development area, then work shall cease in the relevant area until a written method statement for preservation in situ of the relevant remains has been submitted by the application and approved in writing by the National Park Authority. No development work shall then proceed other than in accordance with the approved method statement so as to ensure that relevant remains are preserved in situ.**
18. **The method statement and outline mitigation and enhancement measures in relation to bats, as set out in Section 5 of the Updated Ecological Assessment (January 2018) must be followed.**
19. **No development shall take place until a method statement/construction environmental management plan has been submitted to and approved in writing by the National Park Authority. This shall deal with the treatment of any environmentally sensitive areas, including the River Wye corridor, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. Such a scheme shall include details of the following:**
 - **The timing of the works**
 - **The measures to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution)**
 - **The ecological enhancements as mitigation for the loss of habitat resulting from the development**
 - **A map or plan showing habitat areas to be specifically protected (identified in the ecological report) during the works.**
 - **Any necessary mitigation for protected species**
 - **Any necessary pollution protection methods**
 - **Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrates they are qualified for the activity they are undertaking. The works shall be carried out in accordance with the approved method statement.**
20. **Prior to the commencement of work on site an 8m buffer shall be fenced off parallel to the banks along the length of the watercourse, to protect the watercourse during construction works. No access, material storage or ground disturbance should occur within the buffer zone.**
21. **Works shall avoid the main breeding bird period spanning March to September (inclusive). If any work has to take place during the bird breeding season, then it is recommended that the suitable nesting features are surveyed for active bird nests (including barn owl) by a suitably qualified ecologist before the work is carried out. If active bird nests are present, then work within the area supporting the nests would need to be delayed until nesting activity has ceased.**
22. **No development shall take place until a scheme providing nesting opportunities for a range of bird species on the application site has been submitted to and approved in writing by the Authority. Thereafter, the development shall not be carried out other than in complete accordance with the approved scheme.**

23. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust document Bats and Lighting in the UK.
24. Any cotoneaster found on site must be removed from the site in advance of the start of works in order to minimise the risk of spreading this plant through the course of the works.
25. The proposed final details of the mitigation and method statement for the creation of a pond to translocate small pondweed on site should be submitted to and approved by the PDNPA prior to any works; no deviation from the approved method statement should be undertaken without prior agreement from the PDNPA.
26. Before commencing the development hereby approved a detailed scheme for landscaping (including tree and shrub planting seeding or turfing, earthmounding, walling, fencing or ground surfacing as necessary) shall be submitted to and approved in writing by the National Park Authority. The scheme shall include provision for the removal of the existing leylandii trees and replacement with native species. Once approved, the planting or seeding shall be carried out to the reasonable satisfaction of the Authority within the first planting seasons following completion or occupation of the development. Any walling or surfacing shown on the approved plan shall be completed before the building is first occupied. Any trees dying, being severely damaged or becoming seriously diseased shall be replaced within the next planting season with trees of an equivalent size and species or in accordance with an alternative scheme agreed in writing by the Authority before any trees are removed.
27. Prior to commencement of development other than demolition, a phase II site investigation and remediation strategy to address land contamination shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with the agreed remediation strategy.

Key Issues

- Whether the proposals accord with the requirements of Core Strategy policy E1 and saved Local Plan policy LB7 with regard to the redevelopment of the site predominantly for industrial/business use.
- Whether the proposals are acceptable in planning terms with regard to flood risk issues; ecology; archaeology and heritage assets; highway issues; site contamination and impact on amenity of local residents.

Relevant Planning History

The use of the site as an industrial estate pre-dates planning controls. Subsequently, the site has a long history of time-limited consents for "temporary" buildings which have been renewed many times from the 1950s onwards. From the late 1980s, the planning history of the site is more directly related to the organic growth of the site and provision of infrastructure to facilitate its redevelopment. The following planning history is considered to be the most relevant to the current application:

- 1989 Planning permission granted for new access road from A6 and bridge over River Wye to serve industrial estate.
- 1994 Planning permission renewed for access road and bridge to serve the industrial site based on 1989 consent.
- 2002 Planning permission renewed for access and bridge over River Wye to serve the industrial estate based on 1994 consent.
- 2004 Listed building consents granted for construction of flood defence walls (not implemented).
- 2004 Submission of an application for outline planning permission for redevelopment of the site. The application proposed a mixed use redevelopment including demolitions, conversion and new build to provide employment and residential uses.
- 2005 The Authority's Planning Committee resolved to defer determination of the 2004 application for the redevelopment of the site requiring more information about enabling development; potential for more affordable housing; a flood risk assessment; and provision of interpretative facilities relating to the archaeological and historic buildings and features on the site.
- 2005 Temporary consent granted for change of use of Unit 16 to allow textiles / embroidery mail order and teaching business including storage and ancillary retail sales.
- 2005 Planning permission granted for new industrial unit with associated service yard and parking and extension to Pinelog's existing industrial unit. A planning condition was attached stating that:
"There shall be no increase in industrial building floorspace on the Riverside business park without the prior provision of a vehicular access on to Buxton Road, which is capable of use by heavy goods vehicles. In the event of no new access being provided, a plan shall be submitted for approval and implementation showing demolition of buildings to permit replacement by the development hereby approved."
- 2006 The Authority's Planning Committee resolved to defer determination of the 2004 application for redevelopment of the site to enable further information regarding the enabling development to be obtained and reported back to the next meeting and, in addition, the potential for affordable housing, a flood-risk assessment and the provision of interpretive facilities relating to the archaeological and historic buildings features on the site.
- 2006 Temporary consent granted for retention of timber store for Pinelog.
- 2007 Submission of environmental impact assessment to support the 2008 Masterplan – Revision 18 submitted in 2008
- 2008 Planning permission renewed for creation of access road and bridge over river to provide access to W Fearnough LTD (Riverside Business Park) based on the 2002 consent.
- 2008 Submission of amended plans (Masterplan - Revision 18) to support the 2004 application for redevelopment of the site.
- 2009 Planning permission granted for installation of new solar panels on roof of Unit 11.

2010 Planning permission refused for the 2004 application for redevelopment of the site by the Authority's Planning Committee. The application was determined on the basis of the Masterplan (Revision18) and refused for the following reasons:

- The proposed development, as shown on Masterplan 18, was held contrary to Local Plan policy LB7 and the submitted details failed to offer sufficient justification or information to warrant a departure from LB7.
- The loss of employment space and the level of affordable housing shown on Masterplan 18 were considered to conflict with the requirements of RSS policy 8 and the objectives of policies in the Development Plan that seek to address the social and economic needs of the local community within the National Park.
- The submitted details were held not to provide sufficient information to demonstrate that the development and proposed phasing would secure the long term sustainability, vitality and viability of the business park and fail to demonstrate that the proposal would achieve the objectives of Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth in respects of sustainable economic growth in rural areas.

An appeal was subsequently lodged against the refusal of planning permission for the 2004 application for redevelopment of the site but the appeal was withdrawn prior to determination.

2011 Planning permission for what was effectively a resubmission of the 2004 planning application proposing demolition of existing buildings to provide a mixed use employment (Class B1/B2 and B8/residential development (new Build and conversion), car parking and associated works. This application was refused by the Authority's Planning Committee for the following reasons:

- The proposed development, as shown on Masterplan 22, was held contrary to Local Plan policy LB7 and the submitted details failed to offer sufficient justification or information to warrant a departure from LB7.
- The loss of employment space and the level, form and location of affordable housing shown on Masterplan 22 would not meet the requirements of RSS policy 8 and the objectives of policies in the Development Plan that seek to address the social and economic needs of the local community within the National Park.
- The cumulative loss of employment space and the proposed phasing would not secure the long term sustainability, or vitality and viability of the business park and the submitted details otherwise fail to demonstrate that the proposal would achieve the objectives of Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth in respects of sustainable economic growth in rural areas and Local Plan policy LB7.

An appeal was subsequently lodged against the refusal of planning permission for the 2011 application for redevelopment of the site but this appeal was again withdrawn prior to determination.

2012 Planning permission granted for a variation to the 2005 permission granted for a new industrial unit with associated service yard and parking and extension to Pinelog's existing industrial unit to allow a gym to operate from part of one of the two new units allowed by this permission. This building (Building K) now accommodates

- a gym, a cash carry and Thornbridge Brewery, who also occupy the whole of the second new unit allowed by this permission.
- 2012 Planning permission granted for a variation to the 2005 permission granted for a new industrial unit with associated service yard and parking and extension to Pinelog's existing industrial unit to allow a gym to operate from part of one of the two new units allowed by this permission. This building (Building K) now accommodates a gym, a cash carry and Thornbridge Brewery, who also occupy the whole of the second new unit allowed by this permission.
- 2013 Planning permission granted for the installation of two bulk malt handling silos adjacent to the unit occupied by Thornbridge Brewery.
- 2014 Planning permission and Listed Building Consent granted for the erection of a closed circuit security camera mast/ camera installation to provide surveillance of vehicles entering and leaving the Business Park.
- December 2015 Planning permission refused for demolition of former mill buildings, associated structures and other buildings and outline planning permission for mixed use development comprising Class A1 foodstore and floorspace with flexibility to be used for Class A1 (non-food), Class A3, Class B1/B2/B8 and Class D2 uses, improvements to existing site access including connection to previously approved and implemented new bridged access from Buxton Road, parking, landscaping and other associated works
- December 2015 Planning permission refused for proposed demolition of former mill buildings, associated structures and other buildings and seeking full planning permission for hotel (C1) development incorporating ground floor floorspace with flexibility to be used for café (A3) and gym (D2), improvements to existing site access, parking, landscaping and other associated works.
- April 2016 Appeal lodged against the refusal of the above application. The appeal was allowed on 01 December 2016 following a hearing on 4 October 2016.
- July 2016 Planning permission granted for demolition of existing industrial units and construction of replacement employment floorspace, improvements to existing site access, parking, landscaping and other associated works. The permission granted included a condition that the development shall not take place until a new road access to the business park has been provided (condition 3).
- December 2016 Appeal lodged against the inclusion of condition 3 on the granting of the above permission. The appeal was allowed on 22 June 2017 following a hearing on 04 May 2017. This effectively gave permission for the development to go ahead without the provision of the new road access.
- December 2017 Application approved to vary conditions on the hotel development scheme (ref NP/DDD/0415/0339).

Consultations

External Consultees

County Council (Highway Authority) – no objections, note that the scheme results in a reduction in floor space so traffic generation is unlikely to increase. The level of parking proposed is in accordance with current guidance. The proposed passing places would alleviate vehicular conflicts on Home Lane. Conditions are recommended for a construction management plan,

provision of passing places and the access road within the site to be constructed.

County Council (Local Lead Flood Authority) – initially submitted a holding objection as further information relating to drainage and runoff/discharge rates. Following the submission of a drainage strategy and drainage calculations, the LLFA confirmed no objections, subject to a condition for detailed surface water drainage scheme.

District Council (Economic Development Manager) –

The re-development of Bakewell Riverside Business Park with the dual purpose of enabling existing employers to expand and attracting new jobs to the site is a priority for the District Council, as set out in its Economic Plan. The scheme forms part of the phased redevelopment of the Riverside site, currently the subject of Local Growth Fund application to D2N2 LEP.

The central part of the site comprises a number of industrial units in a poor state of repair, some derelict. The submitted application will improve the site, enabling this underutilised area to be cleared and redeveloped to provide (predominantly) new employment floorspace of the type generally needed within the town. Plans indicate the three largest units proposed will be capable of subdivision into smaller workspace and include mezzanine floors.

Retaining these features within the construction, maintaining flexibility to provide the range of employment unit sizes and types indicated is important to meet local need. The inclusion of energy efficiency measures with the unit specification is also noted. Maintaining a balance with the affordability of units for local businesses will be important here.

Key considerations remain the impact on existing businesses. Demolition and subsequent redevelopment needs to be planned in liaison with existing occupiers and a phasing plan for the delivery of this element and the site as a whole would help in this regard. Whilst the submission indicates the proposed development does not result in an overall increase in net floorspace, the applicant is encouraged to bring forward the new access, consented and allowed for within this scheme, as soon as is practicable within the overall re-development of the site facilitated by potential grant support.

Environment Agency - initially objected to the scheme due to the absence of an acceptable Flood Risk Assessment. This was because the Flood Risk Assessment does not provide an adequate finished floor level for unit 17 as it would be 390mm below the modelled 10 year plus climate change flood level. Following the submission of a Supplementary Flood Risk Assessment Statement which sets out flood mitigation measures the Environment Agency maintained an objection as the Flood Risk Assessment still fails to address the potential impacts of rising ground levels or changes to the levels of flood defences, both on and off the site.

Bakewell Town Council – Supports the proposed new units, welcoming reuse of a brownfield site currently in a poor condition for use for B1/B2/B8 purposes.

The Town Council however does not support the change of use of the retort house to retail as it is contrary to the emerging Neighbourhood Plan and would threaten the vitality of the town. The site must remain a business park and not a retail park.

Note that previous appeals relating to the site as a whole have ruled no necessity for a new site access, the Town Council reluctantly has to accept this outcome which is against significant concerns raised by Lumford residents.

Internal Consultees

National Park Authority (Landscape Architect) – No objections subject to a condition for a scheme of detailed hard and soft landscaping.

National Park Authority (Ecologist) - no objections subject to conditions with regard to the submission and agreement of a construction method statement; environmental management plan; buffer to the adjacent watercourse; nesting bird protection; provision of a pond to translocate small pondweed; submission of external lighting scheme and removal of invasive species.

National Park Authority (Archaeologist) – The site is of historic and archaeological interest. This includes:

Lumford Mill water management system scheduled monument.

- Below ground remains of the site prior to the development of the 1777 mill, including the original line of the River Wye.
- Below ground remains of the ‘Great Reservoir’ associated with Arkwright’s 1777 mill.
- Below ground remains of the later development of the water management system.
- The extant Retort House and its associated chimney.
- Below ground remains of the 1844 gas plant.
- The extant brick chimney associated with the operation of the DP Battery company.
- Extant structural and belowground remains of the 19th century extension to the mill building.

The proposed development of site will result in a rearrangement and rationalisation of the industrial units, so whilst the site will retain its industrial function and character it will lose the piecemeal nature of the development of the site, and the ability to read the of the site development over time. However, the core evidential value and historical associative value of the scheduled monument will be unaltered. Whilst the change to this setting will result some minor harm to its significance, the retention of the industrial character of the site reduces the level of this harm, and the level of harm does not reach the ‘substantial harm’ threshold as set out in NPPF Chapter 12.

No objections are raised subject to conditions for appropriate building recording, archaeology evaluation and for the preservation of any nationally significant archaeological remains in situ.

Representations

Individual neighbour notifications of the Lumford residents have been undertaken and site notices have been erected.

7 objections have been received, including one from the Lumford and Holme Lane Residents association. They raise the following issues (summarised):

- Traffic intensification and the effects on residents safety and amenity
- Use of mezzanine floors within the proposed buildings could double the floorspace. Planning conditions should be placed on any approval to prevent this.
- Concerns about retail use at the site and that this could harm the town centre and result in further increases in traffic.
- The business park should not be subject to flood defences as this reduces the flood plain and results in increased flood risk elsewhere in the town.
- If the scheme unlocks funding for the new bridge the existing accesses should be closed.
- The scheme would result in intensification in traffic despite the reduction in floor space as the existing units are semi derelict and not in use.
- The existing accesses are inadequate.
- The application is silent on the delivery of the new bridge.
- Further development should not take place until the new bridge access is built.
- Issues relating to the hotel development scheme.

Relevant Policy Context

Development Plan

Core Strategy

Policy GSP1 seeks to secure National Park purposes and GSP2 builds upon this by stating that opportunities should be taken to enhance the valued characteristics of the National Park and, (in part D) specific opportunities should be taken to remove undesirable features or buildings. This is expanded in policy L1 which relates directly to enhancement of landscape character, L2 to sites of biodiversity and geodiversity importance and policy L3 relating to the conservation and enhancement of features of archaeological, architectural, artistic or historic significance.

Policy GSP3 refers to development management principles. Relevant criteria listed in this policy relate to appropriate scale of development in relation to the character and appearance of the National Park, impact on access and traffic, and impact on living conditions of communities. Policy GSP4 recommends the use of conditions and legal agreements to ensure that benefits and enhancement are achieved.

Policy DS1 is the development strategy. Bakewell is a named settlement under this policy and as such 'small scale' business premises would be permitted in or on the edge of the settlement.

Core strategy policy E1 B states that proposals for appropriate improvements to make existing employment sites in Bakewell more attractive to businesses will be welcomed.

CC5 relates to flood risk and the presumption against development which increases flood risk, and policy T1 which aims to reduce the need to travel by unsustainable means.

Saved Local Plan Policies

Saved Local Plan policy LB7 sets out specific provisions for the re-development of Riverside Business Park, which is allocated in the Local Plan as a designated employment site. LB7(a) says that Comprehensive redevelopment, predominantly for industrial/business use (Use Classes B1 and B2) will be permitted on some 5 hectares at Riverside Business Park, provided that:

- i. the Listed Building and Scheduled Ancient Monument and their settings are adequately safeguarded in the long term;
- ii. design, layout, landscaping and neighbourliness with adjacent uses are satisfactory;
- iii. a new access bridge is built across the River Wye, and the old bridge is closed to vehicles.

Policies LC16, LC17 and LC18 refer to the protection of archaeological features; site features or species of wildlife, geological or geomorphological importance; and safeguarding nature conservation interests respectively. All seek to avoid unnecessary damage and to ensure enhancement where possible.

LT10 states that in new development, parking must be of a very limited nature or accompanied by on-street waiting restrictions. LT18 seeks to ensure that the highest standard of design and material is achieved in transport infrastructure to conserve the valued character of the area.

Policy LC4 expects a high standard of design with particular attention being paid to scale, form and mass, building materials, landscaping, and amenity and privacy. LC24 requires that development on land believed to be contaminated will be permitted provided that an accredited risk assessment is agreed.

The relationship between these policies in the Development Plan and national planning policies in the National Planning Policy Framework has also been considered and it is concluded that they are consistent because the Framework promotes sustainable development sensitive to the locally distinct character of its setting and places great weight on the conservation of the scenic beauty of the National Park, its wildlife and heritage assets.

Assessment

Issue 1 - Whether the proposals accord with the requirements of Core Strategy policy E1 and saved Local Plan policy LB7 with regard to the redevelopment of the site predominantly for industrial/business use.

Principle of Development

In terms of the Town and Country Planning (Development Management Procedure) Order 2010 the current proposals represent 'major development' as they would create over 1000 sqm of floorspace. In planning policy – both national and local – the term major development is also referenced. Specifically paragraph 116 of the NPPF and Core Strategy policy GSP1 seek to resist major development in National Parks in all but exceptional circumstances.

A High Court decision in 2013 found that for the purposes of planning policy, 'major development' should not have the same meaning as in the 2010 Order; rather it should be considered in the context of the document it appears and concludes that it is reasonable to apply the 'normal meaning' of the words when interpreting policies.

It is reasonable in the instance therefore, to assess whether or not the development is major by reference to its potential impacts on the National Park's valued characteristics as protected by planning policies. In this case the site in question is located on an existing industrial park in Bakewell, and although it is large in terms of floor space, the application proposes replacement units which is unlikely to result in a significant reduction in amenity.

The proposals are to upgrade and replace the existing employment site for B1, B2 and B8 uses, without compromising the delivery of the new road bridge. The development cannot reasonably be considered to be major in terms of its likely impacts. That is not to say that its impacts could not still be significant within the context of the site itself and its immediate surroundings – only that the restrictions placed on major development by national and local policy are not considered to apply to the proposal.

Issue 2: Whether the proposals are acceptable in planning terms with regard to design and landscaping; flood risk issues; archaeology and heritage assets; ecology; site contamination; highway issues and impact on amenity of local residents .

Highway Issues including discussion of previous relevant appeal decisions

Currently there are two separate vehicular accesses which serve the Riverside Business Park, one directly off the A6 over a narrow bridge and the other via Holme Lane (part unadopted). Both access routes have their deficiencies in terms of their limited width; however, they are existing access routes which have served the site for many years, seemingly in a safe manner given there have been no recorded accidents in the recent years.

The scheme seeks to replace existing employment use units with new employment use units and to refurbish some existing units. The proposal would result in a reduction in the full existing floor space of 1,237 metres. However, the applicant acknowledges that not all of the existing floor space is useable due to the condition of some of the buildings. The applicant states that the reduction in useable floor space would actually be 722 square metres. The Authority does not have any reason to dispute this figure. It is clear therefore that the proposal would result in a reduction in the amount of useable floorspace at the business park in comparison to the existing situation.

On previous schemes at the site, the Authority has taken the view that developments that result in a reduction in floor space could still result in an increase in traffic as new units could encourage more intensive uses of the new units compared to older units and also because they could be split into several smaller units. This was the approach that was adopted for the recent application to redevelop the existing Pinelog units with new employment units. That application was approved subject to a condition for the new road bridge to be provided first. That scheme also proposed a reduction in total floor space but the Authority made the case at an appeal against the imposition of the condition requiring the bridge, that the scheme could intensify existing levels of traffic due to the new units being more attractive to different types of business' that could use them in a more intensive manner. However, the Planning Inspector did not accept this argument, noting instead that a reduction in vehicle movements as a result of a reduction in floorspace is a *"reasonable forecast to make"* and that *"the proposal would be unlikely to result in an intensification of vehicle movements over and above those that could legitimately occur. This is regardless of whether the units were occupied by a single operator or several different operators."* Furthermore, a Planning Inspector has also previously found that the existing access arrangements are safe and suitable to serve the forecast level of traffic that will be generated by the hotel development at the Business Park site.

Given the previous views of two Planning Inspectors, particularly in relation to the Pinelog development where the Inspector was very clear that the reduction in floorspace would result in a reduction in forecast traffic movements, it is considered that any argument that the current proposal, which also results in a reduction in floor space, would result in an increase in traffic movements cannot be sustained.

The Transport Statement submitted in support of the application forecasts that the existing floor space could generate 85 arrivals and 12 departures during the AM peak, and 12 arrivals and 68 departures during the PM peak. Based on the reduction in floor space that the development would result in, it is forecast that the proposed traffic generation rates would be 66 arrivals in the AM peak and 9 departures in the AM peak and 9 arrivals and 53 departures during the PM peak. This would therefore equate to a net reduction in traffic of 19 departures and 3 arrivals during the AM peak and a reduction in traffic of 3 arrivals and 15 departures during the PM peak.

The Highway Authority have raised no objections to the scheme, noting that traffic generation is unlikely to increase given the reduction in floor space, even if the new units are split into smaller units.

Given that the scheme proposes a reduction in existing floor space, the views of the Highway Authority and the previous Planning Inspector decisions, it is considered that there is no evidence on which to base a view that the proposed development would increase existing traffic movements or traffic movements that could legitimately occur without changes to the existing buildings. As such, the view must be taken that the proposed development would not increase existing traffic movements. The Highway Authority are also of the view that the parking and manoeuvring details are acceptable and that, whilst it is not envisaged that the proposals would increase the traffic associated with the site, the proposed passing places would alleviate vehicular conflicts on the narrow access track so they recommended that they are constructed as proposed. It is noted that the passing places also have to be provided in order to satisfy conditions on the approved hotel and Pinelog developments.

Policy LB7 requires a new access bridge to be built if development results in an increase in existing floorspace on the site. This proposal would result in a reduction in floor space, and as such the requirement of policy LB7 does not apply.

The Authority could only justify a requirement for a new bridge as part of the current development if there was clear evidence that the development would result in intensification in traffic movements. As there is no evidence to back up any view that the development proposal would result in increased traffic, and that the available evidence actually suggests a reduction, it is considered that there is no justification to impose a condition that requires a new road bridge in advance of this development being carried out. It is considered that any such condition would not meet the tests for conditions set out in the NPPF and it is highly likely that the Authority would not be able to defend any such condition at appeal, particularly given the similarities to the previous appeal for the Pinelog development.

It is therefore concluded that although the existing accesses to the site are considered to be sub-standard, the development would not worsen the existing situation. As such, no reason for refusal on highway grounds could be substantiated. The proposal is considered to accord with policy LT18.

Design and Landscaping

Core Strategy policy GSP3 states that development must respect, conserve and enhance all valued characteristics of the site and building that are subject to the development proposals. Policy LC4 expects a high standard of design with particular attention being paid to scale, form and mass, building materials, landscaping, and amenity and privacy.

In this case the existing buildings on the site have been erected in an ad-hoc fashion over a number of years in a variety of designs and materials. Some of the buildings are visible from the A6 and at present on the whole the buildings do not contribute positively to the character and appearance of the area.

The proposed buildings would be constructed to a standard design to match existing, adjacent buildings to the north. The buildings are fit for purpose, flexible and adaptable given that the purposes for which they are used may change over their lifetime. As a result, in the context of the site, the siting and design of the buildings is considered to be acceptable and in accordance with GSP3 and LC4.

Flood Risk

The site is located within the Environment Agency Flood Zone 3 and is therefore at high risk of flooding, primarily from the River Wye. Buildings used for offices, general industry and storage and distribution are classified as 'less vulnerable' and as a result the Exception Test does not need to be applied for any part of the proposed development.

In respect of the Sequential Test, a material consideration is that the site is allocated through saved policy LB7 for comprehensive redevelopment and as such the submitted Flood Risk Assessment (FRA) states that in consultation with the Environment Agency, it is considered that the proposals do in effect satisfy the Sequential Test required in the NPPF.

The site is protected by existing flood defences along the river bank, comprising of a substantial wall of masonry and concrete construction. To provide mitigation against flood risk to the new development, it is proposed to raise and strengthen the existing flood defence wall. It is also proposed to raise the ground levels within the site in order to provide a further flood defence measure and also to facilitate sufficient falls for drainage.

The Environment Agency initially objected to the proposal as the finished floor level of the extended unit 17 would be below the 100 year flood level. The Lead Local Flood Authority also objected due to insufficient drainage information.

Further information has been submitted by the applicant to address these concerns. A detailed drainage strategy has been submitted and additional flood mitigation measures have been proposed. The Lead Local Flood Authority has now confirmed the initial objection has been overcome, subject to relevant conditions.

However, the Environment Agency has maintained an objection to the proposal. This is because it is considered that, although the levels of the proposed flood defences and raising of ground levels is acceptable in principle, the submitted Flood Risk Assessment information fails to assess the potential impacts of raising the flood defence and raising ground levels on flood risk elsewhere both on and off site. Raising a flood defence could result in water being displaced to downstream/upstream communities during flood events which could result in increased flood risk to third parties. The Environment Agency also note that the flood defence wall will remain in private ownership and that to be acceptable a programme of maintenance and inspection over the lifetime of the development is required.

At the time of writing, the applicant is preparing further information to address these issues and further consultation with the Environment Agency will take place prior to the Committee meeting and a further update will be provided at the meeting.

Subject to Environment Agency objection being overcome and relevant drainage and flood risk conditions, it is considered that the redevelopment would not lead to a net loss in floodplain storage, would not impede water flows, and would not increase flood risk elsewhere. As such, the development would be compliant with the National Planning policy Framework and Core Strategy policies CC1 and CC5. If the Environment Agency objection cannot be overcome, it is likely that a different view will be taken.

Archaeology and Heritage Assets

The riverside mill, adjacent river bridge and facings to the mill leat are listed grade II and Arkwright's water management system is a Scheduled Monument. Whilst not within the application site edged red, these assets are in close proximity. The eastern part of the application site, compromising the access and the proposed footpath and passing places, lies within the Bakewell Conservation Area.

The Authority's Senior Archaeologist has raised no objections to the scheme, subject to conditions to ensure proper recording of the existing buildings that are considered to be of significance and protection of below ground archaeology remains.

It is considered that the form, mass and appearance of the proposed replacement buildings would not be detrimental to the setting of the designated heritage assets, including the Bakewell Conservation Area. It is noted that the passing places would be within the Conservation Area. The passing places have been accepted on previous applications and it is considered that it would not be possible to maintain any objection to the passing places because of their impact on the character of the Conservation Area at this stage.

Therefore, subject to conditions with regard to conditions to secure a programme of archaeological works (including the building recording required) and conservation in situ where required, it is considered that the proposals would conserve the significance of heritage assets and their settings in accordance with Core Strategy policy L2 and Local Plan policies LC15 and LC16.

Ecology

An updated Ecological Assessment has been completed as well as an extended Phase 1 survey. A number of buildings within the site have been assessed for their potential to support roosting bats.

Between 2004-2015 several small, occasionally used common pip roosts and a myotis roost were identified within the site. The 2017 survey has completed a daytime search for bats, but no emergence surveys have been carried out. The 2015 emergence survey covered the buildings that are subject to this application and a number of transitional roosts were identified. The recommendations are that works are carried out under an EPS license. A Method Statement and outline mitigation have been provided in the 2017 report. The mitigation and enhancement measures will need to be followed to ensure that impact upon the bat roosts are minimised.

The buildings provide suitable nesting habitat for a range of bird species. Site demolition and tree removal will lead to a loss of suitable nesting habitat. The report recommends that works take place outside of the breeding season (March to September inclusive). If works are proposed during this period, then suitable features must be surveyed by a qualified ecologist before works are carried out. If birds are found to be present, works within the vicinity of the nest will need to be delayed until the young have fledged. To compensate for the loss of nesting habitat, bird boxes and nesting features will need to be provided in the new buildings.

Previous evidence of barn owl activity was identified in building 11. No fresh evidence of barn owl use was identified during the updated survey. Precautionary measures are recommended in the report.

The site was assessed for great crested newt and the chance of encountering a newt during the course of the works was considered unlikely. The only waterbody present onsite are the settling tanks. These were classed as sub-optimal for Great Crested Newts. No ecological mitigation is required in relation to great crested newt.

There is no suitable water vole habitat within the application boundary. The report states that the proposed works will not affect any land within 10 metres of the River Wye. A condition is provided below to ensure that works do not encroach into this area.

Small pondweed (*Potamogeton berchtoldii*) a county rare plant, previously listed in the red data plant list for Derbyshire 2002, is known to occur within the site. The plant is located in three water tanks on site (BSG 2015), these tanks are to be lost to the development. The proposed mitigation works will involve the creation of a pond to the north of the working area and subsequent translocation of the plants prior to works beginning. The proposed pond creation works are subject to further detailed ground works and confirmation of the site location suitability. The mitigation works are acceptable in principle subject to final design and location details being submitted to and approved by the PDNPA. It is recommended that a condition securing the mitigation works is added to the planning permission.

No evidence of badger was located within or immediately adjacent to the site. No ecological mitigation is required in relation to badger.

Cotoneaster (an invasive species) has been previously recorded on the site and will need to be removed prior to the start of the works to minimise the risk of spreading this plant during the works.

It is considered, therefore, that the biodiversity interests would be conserved in accordance with Core Strategy policy L2 and Local Plan policy LC17 subject to appropriate planning conditions.

Site Contamination

A desk based and field data assessment on contamination risks has been completed in the form of a Phase I Site Investigation report. It is considered that a condition requiring a phase II site investigation to inform a remediation strategy would be sufficient to ensure that the development is not vulnerable to land contamination. Subject to such a condition, the proposal would meet the requirements of saved local plan policy LC24 in respect of pollution and remediation.

Impact on Amenity

It is considered that the proposed buildings, being set well back into the site and over 100m away from the nearest residential property to the south on the A6, would not give rise to any significant overbearing, overshadowing or overlooking impacts on existing properties sufficient to warrant refusal on these particular residential amenity grounds.

It is acknowledged that the application site is presently served by two substandard accesses, where the main access is presently via Holme Lane and Lumford. Given that the Holme Lane and Lumford access also serves around 32 residential properties, the impact on the residential amenities of these properties is significant material consideration in the determination of this proposal. Moreover, the traffic impacts of the proposals are clearly the main concern expressed by the Lumford residents in their representations.

Core Strategy policy GSP3 E states that all development must conform to a number of principles. Amongst these it states that particular attention will be paid to form and intensity of the proposed use or activity and its impact on the living conditions of communities. Local Plan policy LC4 (iv) reinforces this policy and states that particular attention will be paid to the amenity, privacy and security of the development and of nearby properties.

Furthermore, paragraph 17 of the Framework refers to Core land-use planning principles, amongst which is the need to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The site is currently accessed from the A6 via a narrow stone bridge unsuitable for HGVs, and from the residential road 'Holme Lane', which itself is frequently used for residential parking on its northern side, resulting in significant sections of the lane being of single vehicle width. This makes Holme Lane awkward for use by heavy goods vehicles serving the various businesses operating from the RBP.

The eastern end of Holme Lane serves 6 residential properties and a business premises. At the western end of Holme Lane, the access to the RBP reverts to a single-width tarmacked track, which passes immediately alongside the front gardens of a row of 26 terraced and semi-detached properties at Lumford, whose main vehicular access is also via Holme Lane. The majority of the Lumford properties are mainly single-aspect with their main gardens facing towards the river and the access track to the RBP.

The recent application for a hotel development at RBP was refused on the grounds that it would adversely affect the amenity of the occupants of Holme Lane and Lumford. This decision was taken because it was acknowledged that existing industrial traffic is mainly concentrated to periods of time first thing in the morning and early evening, with much reduced traffic at the weekends, particularly on a Sunday. In contrast a hotel would operate 24 hours a day, seven days a week and therefore the pattern and frequency of traffic usage would be materially different and would give rise to adverse impact through noise disturbance and impact on quiet enjoyment.

In contrast, the current proposals are to retain the same use as at present (B1, B2, B8) in a slightly reduced floorspace. It is acknowledged that if a different business were to occupy the proposed buildings than the existing 'Pinelog' tenant, then there may be some change in traffic patterns along the lane. However a key consideration is that the Authority has no control over the occupiers of the existing buildings and a new tenant, with any associated changes to vehicle movement could take occupancy of those buildings at any time. Whilst the substandard nature of the existing access is fully acknowledged, unlike the hotel proposals, it is not considered overall, within the scope of the proposed 'business uses' that the nature and degree of traffic movements along the lane would be likely intensify or change to such an extent that there would be a material change to the current impacts on residential amenity.

The amended plans show that the access track would be resurfaced and the proposed passing places would also provide some improvements to traffic movements, which would provide some benefit of local residents.

In conclusion, on balance it is considered that the proposals meet with the requirements of the NPPF and policies GSP3 and LC4 with regard to impacts on residential amenity.

Other Matters

It is understood that an important consideration for a current application by RBP for grant funding for the new A6 road bridge is that the site has implementable planning permissions in place. As a result, if planning permission were granted for the current proposals it may unlock benefits in the form of grant funding to aid in bringing the bridge forward. This is stated for information only as the current proposals are considered to be acceptable in their own right.

Conditions

In the light of concerns raised by local residents with the regard for potential or noise and disturbance in particular through vehicles movements along Holme Lane and Lumford, consideration has been given with regard to the appropriateness of a condition limiting the operating hours within the proposed buildings. In these respects it is notable that none of the other business premises at RBP have permissions which limit their operating hours. Given that this is the largest industrial/business park in the National Park it is considered that it would be unreasonable to impose more restrictive operating conditions than are currently present, especially given that it has been established that the impact on the amenity of local residents is not likely to be materially different than at present.

It is considered necessary and reasonable to append a condition limiting use of the buildings to B1 (business), B2 (general industrial) and B8 (storage and distribution) only, given the requirements of LB7. It is accepted that a B8 use throughout the site may not be appropriate as storage uses may not provide the same level of employment opportunities as other business/industrial uses. However the agent has pointed out that there is often a requirement for a certain level of storage within any business use and that the applicant does not want the current occupier of the site (Pinelog) to find themselves more restricted in terms of the use of the new buildings than they are at present. The buildings are not considered to be large enough or designed in such a way that encourage a use purely for storage purposes and as such it is considered that a condition that allows for all three 'B' uses is acceptable in order to allow for flexibility within the overall business use.

Certain extensions and alterations to offices and industrial buildings can be made as 'permitted development' under the General Permitted Development Order. Given the potential for increased floorspace to have repercussions for residential amenity it is considered that exceptional circumstances exist that would justify the removal of permitted development rights in this case.

Finally, conditions with regard to flood risk, ecology, site contamination, archaeology and landscaping are considered to be necessary and reasonable for the reasons described above

Conclusion

In conclusion the current proposals are compliant with the overarching aims of Saved Local Plan policy LB7 which seeks to secure the comprehensive redevelopment of the Riverside Business Park. Whilst this is a 'stand-alone' application for replacement employment space, approval would not compromise either the delivery of the A6 road bridge or the wider development of the rest of the site. The proposals would provide modern, flexible employment buildings that are fit for purpose and which would enhance the character of the site and the wider area.

The proposals would not lead to an increase in floorspace on the application site and so the requirement for a new road bridge under policy LB7 is not triggered. The Highway Authority is satisfied that there are no grounds for a highway safety objection and whilst the substandard nature of the existing access and the concerns of local residents are acknowledged, it is not considered that the nature and degree of traffic movements along the access lane would be likely intensify or change to such an extent that there would be a material change to the current impacts on residential amenity.

Material considerations with regard to design and landscaping; archaeology and heritage assets; ecology and site contamination can be satisfactorily addressed by means of appropriate conditions. Issues of drainage and flood risk are considered to be acceptable only subject to the Environment Agency objection being overcome prior to the Committee meeting.

Subject to the Environment Agency objection being overcome, the proposals would therefore accord with the NPPF and all relevant Development Plan policies.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil