
7. FULL APPLICATION – DEMOLITION OF EXISTING INDUSTRIAL AND OFFICE BUILDINGS AND CONSTRUCTION OF NEW FOOD STORE, CAR PARK, ACCESS ROADS AND PATHS AND ASSOCIATED DRAINAGE WORKS AND LANDSCAPING AT FORMER CINTRIDE SITE, BUXTON ROAD, BAKEWELL, (NP/DDD/0115/0043, P7628, 420997/369004, 20/01/2015/ALN)

APPLICANT: ALDI STORES LTD

Site and Surroundings

The application site is situated adjacent to the A6 approximately 0.8km to the north west of the town centre. The site comprises a 1.03 hectare brownfield area, mostly covered by buildings associated with the previous use of the site as an engineering works commonly referred to as the Cintride factory. The former engineering works closed in 2001 and since then most of the site has remained vacant. Part of the most southerly building has subsequently been granted approval for use as an auction room. The storage of building materials is currently taking place in areas around the buildings.

The River Wye bounds the application site to the north and the A6 (Buxton Road) runs along the southern boundary. The general topography of the site and the surrounding land falls towards the river. On the southern side of Buxton Road, Endcliffe Wood covers the relatively steep slope. A number of residential properties and the Deepdale Business Park are situated at the foot of the slope along the roadside. On the northern side of the River Wye the Riverside Business Park is present. To the west is open grassland which is land safeguarded for general industrial or business development (Use classes B1 and B2) under saved Local Plan policy LB6. This area and the open land beyond is covered by a Tree Preservation Order.

The central portion of the site is occupied by two buildings. The buildings are constructed in a broad mixture of styles and materials, having evolved incrementally since the early 1960s. The most southerly of the two comprises a two storey office flat roofed building with single storey workshops to the west and south. These have a series of a-symmetrical pitched roofs covered with felt. The second, smaller workshop is a long linear building running adjacent to the river. It is a high single storey building and it has a flat roof. The total footprint of the two buildings is approximately 4069 m².

The site access ramps down from the A6 into the site in its south eastern corner and a car park is situated to the east and south of the buildings. To the south there is an area of amenity grassland with a hedgerow separating this from the road.

The site falls within the Bakewell Development boundary (Local Plan policy LB1) but is outside of the Central Shopping Area (Local Plan policy LB9). Within the application site, a strip of land approximately 12m wide and running along the north-western length of the site falls within the area safeguarded for B1 and B2 uses under saved Local Plan policy LB6.

The Environment Agency (EA) flood zone map shows Flood Zone 2 (moderate risk of flooding) to run parallel to the river and to extend across the site roughly in line with the south west elevation of the smaller building. Flood zone 3a (high risk of flooding) extends across an area closer to the river bank and roughly in line with it.

Approximately 150m to the north and east of the site are the water management earthworks and structures of the water management system associated with Arkwright's Mill, which are designated as a Scheduled Monument.

Proposals

The application seeks consent for the erection of a Class A1 foodstore with associated access from Buxton Road. The food store building would have a gross external area of 1782 m², a gross internal area of 1722 m² and total sales floor space of 1254 m². It would be positioned at the north western end of the application site with its entrance facing south east towards a car park for 106 vehicles.

A new access onto the A6 would be provided directly to the south west of the existing access point and the existing access would be closed off. A new approach road would ramp down from the access point and would run along the south eastern and north eastern sides of the application site to give access to the car park from the north east. The access road would also continue westwards to meet the western boundary of the site in order to provide future access to the safeguarded land beyond.

A ramped pedestrian access would be provided from the A6 to the frontage of the store. Of the 106 parking spaces, 6 would be designated for disabled parking and 6 spaces for parent and child, all positioned immediately adjacent to the building.

The proposed foodstore would be a single storey building, contemporary in style, with a monopitched roof which slopes downwards from the entrance elevation. The overall height of the front elevation would be 7.5m, reducing down to 5.5m on the rear. External materials include areas of natural 'drystone' limestone walls interspersed with glazing, below dark 'anthracite grey' coloured panels, around a glazed entrance and a matching projecting entrance canopy. The roof would also be clad with dark grey panels and a row of solar panels would be arranged running north east to south west across the roof. A delivery bay and unloading area would be provided on the north eastern side of the building and warehousing and ancillary servicing and staff areas along the north western side.

The application is supported by a Planning Statement, Design and Access Statement, Land Contamination Report, Bat survey, Statement of Community Involvement, Flood Risk Assessment, Environmental Noise Survey, Transport Assessment and a Travel Plan.

RECOMMENDATION:

That the application be APPROVED subject to a legal agreement requiring the applicant to fund the purchase of a new bus for Bakewell and Eyam Community Transport and subject to the following conditions:

- 1. 3 year implementation time limit.**
- 2. Adopt amended plans.**
- 3. Submit and agree details of site layout and storage facilities before work commences.**
- 4. Submit and agree details of construction management plan or method statement before work commences.**
- 5. New access and full extent of access road to be laid out and constructed before store first brought into use.**
- 6. Existing vehicular access to be closed before store first brought into use.**
- 7. Wheel cleaning facilities to be provided and retained on site.**

8. **Car park, cycles stands and loading and unloading areas to be provided before store is first brought into use and thereafter maintained.**
9. **Modified access to be no steeper than 1:14 for first 10m and 1:10 thereafter.**
10. **Environmental Health Authority conditions requiring investigations and risk assessment to take place in relation to land contamination. The results of these investigations along with any recommendations for mitigation to be submitted to the NPA for agreement. Mitigation measures shall thereafter be implemented.**
11. **Any unexpected contamination to be reported to the National Park Authority and if necessary a remediation scheme submitted, approved and verified.**
12. **Any imported soil to be sampled and analysed and the results submitted to and approved by the National Park Authority.**
13. **Deliveries and waste collection to be limited to between 08:00 to 18:00 Mon to Fri and 09:00 to 13:00 Saturdays. No deliveries or waste collection on Sundays and Bank Holidays.**
14. **Opening hours of foodstore to be limited to 08:00 to 22:00 Mon to Sat and 10:00 to 16:00 Sundays.**
15. **Submission and agreement of surface water drainage scheme.**
16. **Piling or foundation designs using penetrative methods not permitted other than with express written consent of National Park Authority.**
17. **5m buffer zone between the development and River Wye to be maintained during and post development phase. No vehicle movements within the area and any tree/shrub planting completed by hand and supervised by qualified ecologist.**
18. **Rubble between the building and the River Wye to only be removed during peak active period for great crested newts between April and June inclusive.**
19. **Recommendation of Section R1 of the submitted bat report to be adhered to.**
20. **Revised lighting scheme to implemented and maintained.**
21. **Revised landscaping scheme and landscape maintenance and management plan to be implemented. Top soil depths for grassland mix/wild flower area to be reduced to 20-30mm.**
22. **Within the building hereby approved no more than 250sqm of net sales area shall be used for the sale of non-convenience goods.**
23. **Remove permitted development rights for change of use from A1 (shop) to A2 (financial and professional services) or A1 to a mixed use.**
24. **Sample panel of walling on building and stone boundary walls to be submitted and agreed.**
25. **Rooflights to be in accordance with submitted specification.**
26. **Sample of block paving to be submitted and agreed.**

27. External railings to be painted matt black.

28. Full details of external cladding on building to be submitted and agreed.

Key Issues

- Whether, having regard to local and national policy, the material considerations in this case would amount to the exceptional circumstances necessary to justify major development in the Peak District National Park, with particular reference to: the impact of the out of town location of the site, potential impact of the loss of employment land and the effect on the character and appearance of the landscape.
- Whether the proposals are acceptable with in planning terms with regards to: (i) Flood Risk Issues; (ii) Ecology, Archaeology and Heritage Assets; (iii) Highway Issues; (iv) Site Contamination; (v) Impact on Amenity of Local Residents; (vi) Environmental Management; (vii) Community Involvement; (viii) Planning Obligations; and (ix) Implications of any approval of the current application in terms of the future viability of the adjacent employment site, Riverside Business Park.

History

February 1960 – consent granted to erect drill and tool factory.

February 1963 – consent granted to extend factory.

May 1968 – consent granted to erect warehouse, offices and canteen.

September 1972 – consent granted to extend factory.

July 1973 – consent granted to erect a two storey building.

April 2003 – temporary 10 year consent granted for change of use of part of building from industrial to auction room.(NP/DDD/0303/101)

March 2005 – consent refused for change of use of a different part of the same building from industrial to auction room.(NP/DDD/0105/0026)

April 2007 – consent granted for change of use from industrial to auction room subject to a section 106 agreement to rescind the 2003 consent.(NP/DDD/0405/0414)

Consultations

External Consultees

Highway Authority – no objections subject to conditions regarding submission of details of on-site storage of plant and materials, site accommodation, loading and manoeuvring of vehicles; submission and agreement of construction management plan; creation of new access and closure of existing access before store is brought into use; wheel cleaning facilities to be provided; car parking, loading and unloading areas and cycle stands to be provided and controlling access gradient.

District Council (Planning) – no response to date

Town Council - welcomes this application and urge acceptance of it by the Planning Committee for the following reasons:

The Community research and consultation paper Bakewell 2012 and Beyond identified the provision of more diverse retail outlets and a second supermarket as a priority issue for Bakewell. It states: *‘A greater diversity of retail outlets is required to meet the needs of residents and to encourage them to shop locally’ A supermarket at the former Cintride site would be a sustainable development in that it would reduce retail leakage from Bakewell and encourage more residents to shop locally rather than travelling to surrounding towns. It would also significantly enhance local employment opportunities. Although a site within the current Bakewell Central Shopping Area would be preferable, no such site is currently available nor is there any likelihood of such a site in the medium term. The site under consideration at the former Cintride site is acceptable in that it is a relatively short journey from the Central Shopping Area and its development would dramatically enhance the northern gateway to Bakewell which has been blighted with disfiguring dereliction for very many years”.*

Environment Agency – no objections subject to conditions requiring submission and agreement of a surface water drainage scheme, contamination investigation and risk assessment and remediation scheme and preventing use of piling.

District Council (Environmental Health) – no objections subject to conditions requiring the submission and agreement of a contamination investigation and risk assessment and remediation scheme and restriction to timing of waste collections.

Natural England – no objections with regard to impact on Statutory Nature Conservation Sites. Refer to standing advice with regard to impact on protected species. Identify that opportunities may be available for landscape and biodiversity enhancements.

Natural England also refers the Authority to a published set of mapped Impact Risk Zones for sites of Special Scientific Interest (SSSI) to determine how impacts can be avoided or mitigated.

Derbyshire County Council Flood Risk Management Team – no objections. Gives recommendations and offers to provide guidance on sustainable drainage strategy. Advises discussions with the Environment Agency and investigations for the potential for hidden watercourses. Water vole have been noted within proximity of the site – recommends that advice taken from a competent ecologist. Recommends site specific ground investigation with regard to groundwater.

Internal Consultees

National Park Authority - Archaeologist – no objections - there is no direct impact on the scheduled monument that is the mill pond and goit and other associated remains that formed part of the water delivery system for powering Arkwright’s mill. Additionally, on the basis of assessment of the provided drawings, plans and profiles, as well as the site photographs which included tree cover in both summer and winter, there appears to be little or no impact on the setting of the scheduled remains.

National Park Authority - Landscape Architect – no objections subject to minor amendments

National Park Authority - Ecologist – no objections subject to conditions requiring rubble to be removed only between April and June inclusive; 5m buffer zone between the development and the River Wye to be maintained during and post development works; recommendations of bat report to be adhered to; revised lighting scheme to be implemented and revised landscaping scheme to be followed other than top soil depths for the grassland mix/wild flower areas to be reduced to 20-30mm to establish a poorer soil which is more suitable for wild flower colonisation.

Representations

A total of 299 letters of support have been received. Four main points that have been raised are:

1. 114 (38%) of respondents felt that the proposals would result in an enhancement of a site that is currently an eyesore.
2. 99 of respondents (33%) stated that the new foodstore would prevent the current need for shoppers to leave Bakewell and travel to other centres such as Buxton and Chesterfield.
3. 91 (30%) stated that the proposals would increase competition and choice.
4. 77 (26%) felt that the development would provide employment opportunities.

Other points raised, in order of frequency of mention are:

- Aldi would have lower prices/be more affordable.
- The store would bring general benefit to Bakewell and local people.
- Aldi would not be detrimental to or would bring benefit to existing retailers in Bakewell.
- The site is within easy reach of the town centre.
- Development is important for people on low incomes.
- A new supermarket would be better than more coffee shops/gift shops/outdoor shops for tourists.
- Will/may encourage other stores/businesses to come to Bakewell.
- Proposals would reduce pressure on town centre car parks/good to have free parking.
- The development needs a bus service from Bakewell.
- The design is in keeping with the area.
- More disabled parking spaces needed.
- Need to look at lighting/flood issues.
- Landscaping is important in the interests of amenity.
- Attenuation of refrigeration plant needed.
- Speed limit should be reduced.
- Store could support community projects.

8 letters of objection have been received raising the following issues:

- The design doesn't take account of the sensitive location.
- Site is outside the central retail area.
- Proposals are contrary to adopted policies.
- Any further development beyond application boundary should be considered.
- The site should have another use e.g. hotel/housing
- Out of town development is inappropriate in a National Park.
- Budget supermarket would damage Bakewell's 'brand'.
- Aldi should be located in a more 'discreet' location.
- Sightlines appear to be inadequate.
- Landscaping limited and inadequate.
- Proposals would cause increase in traffic and congestion.
- Pedestrian/cycle bridge over River Wye needed.
- Retail Impact Assessment not detailed enough.
- Loss of employment land.
- Two road junctions adjacent to each other is not ideal.
- Car park layout is poor.
- Riverside is a better location.

2 letters have been received raising 'general comments' with regard to design standards, and the fact that no evidence in the form of a planning application from the competitor has been received

and local people are not aware of a public consultation process by the competitor.

Bakewell and District Civic Society – raise the following points:

- Loss of industrial land.
- Concerns about negative impact on retail activity in Bakewell town centre.
- Extra traffic may cause congestion.
- Location likely to disadvantage shoppers using public transport or who shop on foot.
- There are other preferred locations, ideally in the town centre or alternatively at Riverside site.
- A direct comparison of the relative merits of the current application and the Riverside proposals should be made.
- If approval is granted planning gain in the form of town centre enhancement improved pedestrian/cycle routes or conservation enhancements should be secured to benefit the community.

Riverside Business Park Ltd (RBPL) – 2 letters have been received, one from the owner and one from the planning consultant acting for the adjacent Riverside Business Park. They raise the following issues:

- A scheme for commercial redevelopment (including medium-sized foodstore) of Riverside Business Park has been worked-up and public consultation carried out.
- Regeneration of the Riverside business park should take precedence over the Aldi (Cintride) site as it is plan-led development (in accordance with policy) and a more sustainable development.
- Policy LB7 allocates Riverside Business Park for further commercial development and the mix of uses proposed by RBPL is more suitable than a stand-alone foodstore.
- Granting permission for the Aldi proposal would undermine planned investment by RBPL which is intended to safeguard the future of Riverside Business Park for existing business including Pinelog and Thornbridge and the integrity of its heritage assets.
- Failure to secure a foodstore operator at Riverside Business Park would undermine delivery of the new bridge access fronting the A6 which is the trigger for more intensive employment use and securing long term futures of existing businesses.
- Visibility from site access does not meet adopted standards.
- Design pays little regard to its setting.
- Representations support a foodstore and specific operators but do not give site specific support to a foodstore on the Cintride site.
- Agree that an additional medium sized foodstore would not have a significant adverse impact on the health of Bakewell Town Centre.
- Agree that there are no other suitable sites within the town centre.
- The consented access to the Riverside Business Park was designed and intended to provide for further development of the Cintride site and the land beyond.
- Proposals for residential use of the Riverside site have been refused by Committee twice and grant applications have been unsuccessful.

Response from Agents acting for Aldi - the planning consultants acting for Aldi have written in response to the letter received by Riverside Business Park, raising the following points:

- No scheme has been submitted for RBP and there is no evidence that an operator is interested in trading from the site.
- Proposals at RBP would not be compliant with LB7. LB7 envisages the site being redevelopment for predominantly B1/B2 uses with other minor parts of the site being redeveloped for other acceptable uses.

- Retail need/capacity is not a material planning consideration.
- If scheme comes forward on RBP it will be up to applicant to demonstrate that there is scope to accommodate the development in addition to the Aldi Store.
- Bridged access is not guiding element in LB7.
- NPPF only requires impact on planned investment to be addressed in centres, not out of centre proposals.
- Aldi not interested in RBP site as site is poor from a commercial perspective.
- Visibility splays have been agreed with the Highway Authority.
- Design shaped by pre-app discussion with PDNPA.

Main Policies

National Policy

As the current application seeks permission for a building of more than 1,000 m², the proposals are considered to comprise 'major development'. GSP1 (D) in the Authority's Core Strategy says in securing National Park purposes major development should not take place within the Peak District National Park. Major development will only be permitted following rigorous consideration of the criteria in national policy.

National policy (at paragraph 116 of the National Planning Policy Framework) says planning permission should be refused for major developments in National Parks except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important.

National Policy applying to proposals involving retail development is set out at paras 23-27 of the Framework. Para 24 confirms that Local Authorities should apply a 'sequential test' to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Such proposals are required to be located in town centres, then edge-of-centre locations, and only if suitable sites are not available should out-of-centre sites be considered. The Framework advises that in considering edge and out-of-centre sites, preference should be given to sites that are accessible and well connected to the town centre.

Para 26 confirms that when assessing applications for retail development outside of town centres, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold. If there is no locally set threshold, the default threshold is 2,500 sqm. Where impact assessments are required these should include an assessment of the impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposals and the impact of the proposals on town centre vitality and viability, up to five years from the time the application is made and ten years for major schemes where the full impact will not be realised in five years.

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

Further government guidance on planning for town centres is given in the Planning Practice Guidance note 'Ensuring the Vitality of Town Centres'. This confirms that the 'sequential test' seeks to deliver the Government's 'town centre first' policy by placing existing town centres foremost in plan making and decision taking.

With regard to delivering sustainable development, para 19 of the Framework states that significant weight should be placed on the need to support economic growth through the planning system. Para 22 states that where there is no reasonable prospect of a site being used for allocated employment use applications for alternative uses of land should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. Para 28 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity.

The Framework recognises the value and importance of pre-application engagement. It also recognises that planning obligations may be required to make a development acceptable but they should only be sought where necessary, directly related to the development and fairly and reasonably related in scale and kind of development.

Local Policy

Core Strategy

Policy GSP1 relates back to the Park's statutory purposes and states that applications for major development within the National Park will only be permitted following rigorous consideration of the criteria in national policy. Where a proposal for major development can demonstrate a significant net benefit, every effort to mitigate potential localised harm and compensate for any residual harm would be expected to be secured. Policy 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, 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' retail development would be permitted in or on the edge of the settlement. DS1 (F) outlines the spatial strategy for Bakewell which includes protection of the range and integrity of the Central Shopping Area and safeguarding employment site and promote the take-up and enhancement of under-used employment sites.

Policy E1 (D) seeks to safeguard existing buildings, land and premises, particularly where these are high quality and in a suitable location. Where the location, premises, activities or operations of an employment site are considered by the Authority to no longer be appropriate, opportunities for enhancement will be sought, which may include redevelopment to provide affordable housing or community uses.

Policy HC5 (A) seeks to direct the location of new hope to the Bakewell Central Shopping Area and to be of an appropriate scale to serve the needs of the local community and the settlement's visitor capacity. HC5(B) states that significant out of centre retails development will not be permitted.

Other relevant policies include policy CC1 relating to environmental management measures, CC5 relating 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

Policy LB9 states that within the Central Shopping Area, development in Use Classes A1, A2 and A3 will be permitted. Retail development will not be permitted outside the Central Shopping Area, except for individual shop units of a scale appropriate to serve the needs of nearby residents. LB6 safeguards land adjoining the Cintride factory (to the west) for general industry and business uses (Classes B1 and B2).

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.

Other Relevant Documents

Peak Sub-Region Employment Land Review

This report was published in 2008. As the Cintride site is not specifically safeguarded in policy it was not individually surveyed in the review and therefore the report gives little specific detail. It does state that the land adjacent to the Cintride Factory site was unlikely to come forward whilst the factory was in low-level use and that a new access road would be required through the adjacent site. It identifies a pattern of continued decline of manufacturing and an oversupply of employment land within the Sub-Region in quantitative terms. It identifies that there may be scope to lose some employment site and that factors to be taken into account in identifying sites for de-allocation includes the role and function of the site, local authority's aspirations for the site, site constraints and deliverability and environmental impacts of their operation.

Peak Sub-Regional Retail and Town Centre Study

Completed in 2009 by GVA Grimley this study states that with regards to convenience goods, the medium-sized Co-op store on the Market Square accounts for 98% of the expenditure directed towards the Bakewell town centre. It also identifies significant outflows of main food expenditure to mainstream foodstores in other centres within and outside the area, namely Buxton and Chesterfield. At that time the Co-op store was trading at £5.4million over its company benchmark turnover of £7 million. The capacity model estimates that assuming the occupier is a medium order/discount foodstore, there will be capacity for 1,575 sq m (gross) at 2014 rising to 1604 sqm (gross) in 2017.

These conclusions are caveated in that the re-assignment of the overtrading surplus from the existing Co-op store is only considered beneficial if any new foodstore provision is located within or adjacent to the town centre and thus adds to the vitality and viability of the existing offer. Any qualitative benefits arising would be diminished if new provision came forward out of centre, allowing shoppers to effectively 'by-pass' the existing town centre.

Adopted Landscape Strategy

Bakewell falls within the Derwent Valley area, which separates the limestones of the White Peak from the prominent gritstone edges of the Eastern Moors to the east and high moorland of the Dark Peak to the north. The application site falls mainly within the Riverside Meadows landscape character type where the priority is to enhance the diversity of agricultural grassland and manage and enhance linear tree cover and amenity trees.

Assessment

Issue 1 - Whether, having regard to local and national policy, the material considerations would amount to the exceptional circumstances necessary to justify major development in the Peak District National Park, with particular reference to: the impact of the out of town location of the site, potential impact of the loss of employment land and the effect on the character and appearance of the landscape.

Principle of Development

The current proposals are considered to be major development not only in terms of the proposed floor area of the foodstore but also as a potential departure from Development Plan policies and the potential to impact upon the vitality and viability of Bakewell and, in particular, its town centre. Bakewell is the largest settlement in the National Park and acts as an important service centre for a wide rural area. It serves the shopping needs of its residents and those living in outlying areas. As such policies aim to safeguard and secure its viability and vitality.

Both Core Strategy policy GSP1 and Para 116 of the NPPF state that in securing National Park purposes major development should not take place within the National Park other than in exceptional circumstances and where it can be demonstrated they are in the public interest. As such, the current proposals may represent a departure from Development Plan and national planning policies in respect of major development.

In addition, the proposals potentially represent a departure from a number of other Development Plan policies including Core Strategy policy DS1 and Local Plan policy LB9 which seek to direct retail development into Bakewell's Central Shopping Area and Core Strategy policy HC5 which prohibits significant out of centre retail developments. The application site, whilst on the edge of the built settlement of Bakewell, is outside of (800m from) the Central Shopping Area (CSA) and therefore out of centre for policy purposes.

Whilst there is a presumption against major development in the National park, the Framework and policy GSP1 state that it might be permitted exceptionally following rigorous consideration of a number of tests which seek to assess the need for the development, the cost of and scope for developing elsewhere and any detrimental effect of the environment and the landscape. These tests are examined as part of the analysis of other material considerations below.

Need for the Development

Whilst there is no requirement in the Framework for applicants to demonstrate 'need' in relation to retail developments, an assessment of need is one of tests identified in Framework in the consideration of 'major' development. As such the first consideration in determining the application is whether there is capacity within Bakewell for a 1,782 sqm (gross) foodstore.

The retail evidence base for the proposals comprises the Peak Sub-Region Retail and Town Centre Study (2009), prepared by GVA Grimley. The GVA capacity model estimates that, assuming the occupier is a medium order/discount foodstore, there will be capacity for 1,575 sqm (gross) at 2014, rising to 1604 sqm (gross) in 2017. This estimate is calculated using a number of assumptions, including the re-assignment of the overtrading surplus from the existing Co-op.

GVA's conclusions are, however caveated in that the re-assignment of the overtrading surplus from the Co-op store is only considered to be beneficial if any new foodstore provision is located within or adjacent to the town centre and thus adds to the vitality and viability of the existing offer. However the Framework states that where no suitable edge or out of centre sites are available then out of centre sites can be acceptable, subject to the impact 'test' and other relevant planning considerations. Therefore whilst in principle it appears that there is capacity within the town for a food-store of the size proposed consideration of the 'sequential test', and an assessment of the impact of the proposals on the Town Centre are crucial to the determination of the proposals.

As further evidence of a perceived need for the proposed foodstore are the letters of representation received with regards to the proposals. 299 letters of support have been received and one of the main points raised by supporters is that a new foodstore would provide competition and give more choice to consumers.

Sequential Test

Para 24 of the Framework states that local planning authorities should apply the sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable site are not available should out of centre sites be considered.

The current application is supported by an assessment of other sites within and outside the Central Shopping Area. It is clear because of the tight-grained character of Bakewell town centre that there are few sites with the potential for development of this nature and none within the CSA. However the assessment identifies four possible alternative sites (in consultation with officers): Torne Valley Farm and Country Stores on Haddon Road the Agricultural Business Centre, the car park adjacent to the Agricultural Business Centre, and Riverside Business Park. In relation to site characteristics, the principle assessment parameters as set out in the Framework are:

Availability – whether site is available now or is likely to become available for development within a reasonable period of time.

Suitability – with due regard to the requirements to demonstrate flexibility, whether sites are suitable to accommodate the proposal. Where the proposals would be located out of centre, preference should be given to accessible sites that are well-connected to the town centre

The applicant also includes considerations of viability as this is referenced in the NPPG with regard to site identification.

Torne Valley Farm and Country Stores

The site lies on the south western side of the A6 (Haddon Road). It is located approximately 220m outside of the CSA. It is currently occupied by Torne Valley Farm and Country Stores and a Murco petrol filling station (PFS). It is understood that the site is not being actively marketed but the report states that part of the site is potentially available; however the owners require an excessive price and require that the PFS continues to trade.

The applicants consider that the PFS, which occupies a significant proportion of the site's frontage would conflict with any foodstore operator's requirement for their stores to have good visibility from the main road network. In addition whilst the site at 0.7 hectares could be large enough to accommodate a foodstore, the proximity of residential dwellings on three sides of the site constitutes a significant constraint.

Officers consider that this is potentially a more sustainable site for the proposed use given that it is significantly closer to the town centre with good pedestrian links. However the constraints identified in the assessment lead to the conclusion that the site is not a suitable or viable alternative to the chosen site.

Agricultural Business Centre (ABC)

This site lies approximately 150m to the east of the CSA. It is large site at 2 hectares but it is in intensive use as a livestock market and is not being actively marketed. Removal of such a facility is likely to be met with serious objections, as it is considered a vital functional component of Bakewell's agricultural market town identity. The car parking at the ABC is already failing to meet demand for parking provision in the town. Visual prominence and issues with access also render the site unsuitable for use by a major retailer. The unsuitability of the site is further compounded by the fact that it lies within Flood Zone 3. Consequently the ABC is not sequentially preferable by virtue of the fact that it is not suitable, available or a viable alternative to the proposed site.

Smith Island - Car Park adjacent to the Agricultural Business Centre (ABC)

The site lies on the banks of the River Wye and is approximately 30m to the east of the CSA with two pedestrian bridges giving good access over the River Wye into the town centre. This is the only identified site that could be classed as being 'on the edge of' the CSA. However vehicular access is restricted to a narrow access via Rutland Mill to the north. The access arrangements are wholly unsuitable for HGV's. The site is well used as a car park serving the town centre and is not being actively marketed. The site also has limited visual prominence from the main road network. As such this site, whilst closer to the town centre is not sequentially preferable due to the fact that it is not a suitable, available or viable alternative.

Riverside Business Park

The Riverside Business Park lies immediately to the north of the application site. As with the application site it is located a significant distance from the CSA and as an 'out of centre' site it is therefore not sequentially preferable in principle. In any case, in terms of measured distance, given the need to gain access cross the River from the A6, the difference in distance from the town centre between the two sites is minimal. The site is large enough to accommodate a medium sized foodstore and is available as evidenced by current planning applications for commercial/retail led and hotel-led schemes on the eastern part of the site.

A new bridge vehicular access would be required across the River Wye for which permission has been granted and the consent has been saved. The submitted assessment states that the cost of the bridge and the fact that the resulting store would be in a commercially less prominent location than the Cintride factory site means that it would not be sequentially preferable.

Officers consider that the Riverside site has similar connectivity to the town centre as the Cintride Site and there is no difference in terms of public transport accessibility.

Given that the sequential test does not require 'out of centre' sites to be compared one against the other, (except in terms of accessibility and connectivity - discussed above) then sequentially neither the Riverside or the Cintride site takes precedence and therefore the sequential test is passed. Moreover consideration as to whether Riverside Business Park is a more appropriate site for a foodstore must rest on other planning considerations such as compliance with relevant

Development Plan policies and the potential to secure the road bridge and the implications for securing the future of other business on the site. These issues are discussed in later sections of this report.

Impact on Town Centre

The Framework states that in assessing applications for retail development outside of town centre, which are not in accordance with an up-to-date Local Plan local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (or 2,300 sqm as a default threshold). The National Park Authority has not set a threshold and the site area is below the default threshold. However, given the fact that Bakewell is the principle centre within the National Park and following discussions with officers at the pre-application stage the applicant has submitted a retail impact assessment incorporating a 'Bakewell Healthcheck'.

The Framework states that the impact assessment should include assessment of the impact of the proposal on existing, committed and planned public and private investment in a centre in the catchment area and the impact of the proposals on town centre vitality and viability. Where an application is likely to have significant adverse impact on one of more of the above factors it should be refused.

In terms of the 'Bakewell Healthcheck' the report concludes that despite difficult economic conditions Bakewell is performing well, assisted by a strong independent retail offer and high levels of tourist spending. In the twelve months up to November 2014 the number of vacancies had fallen by six units bringing the overall vacancy rate of the town centre (at 2.1%) well below the most recent national average (12.45%). The submitted report states that the main deficiency is the lack of choice of foodstores for those people seeking to meet their weekly bulk food shopping needs.

With regard to the Retail Impact Assessment, the analysis is based on the outputs of a household telephone survey undertaken in July 2014. Market share analysis indicates that stores in Bakewell town centre draw only 15% of household shopping trips (relating to food and grocery shopping) from the study area. The majority of respondents undertake their convenience goods shopping at locations outside of the survey area: In Buxton (39%), Matlock (17%) and Chesterfield (11%). The Morrisons store in Buxton and the Sainsbury's in Matlock achieve the highest levels of draw from the study area (20% and 13% respectively). The ALDI store in Buxton draws 9% of total household shopping trips. The reports states that this demonstrates that there is a significant outflow of trips and spending currently to alternative destinations outside the study area and that there is potential to 'claw back' expenditure to Bakewell through improvements to the choice and range of shopping provision.

In connection with trade draw, it is estimated that convenience goods impact on Bakewell town centre is estimated to be -7.9% in 2019 (-6% for the Co-op and -5.5% for local shops) and if expenditure from tourism inflow is factored in to the assessment of centre turnover, the overall level of impact is lower; falling to -6.5% at 2019. The report emphasises that the bulk of existing units in the town centre fall within the comparison (50.3%) and service sectors (15%) and that therefore the impact of a discount foodstore, (that will principally compete with similar main food facilities) on Bakewell town centre would be limited and would not undermine its long-term functions and overall viability and vitality.

The report concludes that the introduction of the proposed foodstore would bolster Bakewell's convenience goods offer. Although it will result in some diversion of trade mainly from the Cop-op store in the town centre, it would also 'claw back' trade attracted to other stores further afield.

Details submitted by the applicant explain that Aldi Stores is a discount supermarket which operates over 450 stores in the UK offering 'bulk' products which make up a typical weekly shop.

Each store has a uniform size and layout and provides approximately 1000 identical product lines, which contrasts with other supermarkets which typically have between 2,500 and 40,000 product lines. Due to the concentration on a limited range of products, this has allowed the retailer to provide low cost, bulk products without providing products such as tobacco or lottery tickets and in house facilities such a delicatessen, pharmacies and opticians, typically found in other national supermarkets. As a result of this business model Aldi does not offer a 'one stop shop' meaning that customers will also have to visit other shops and services to complete their shopping trip. Furthermore stores have only a limited amount of non-food floorspace (around 20%) and as such impact on existing comparison goods retailers is unlikely to be significant.

Finally, with regard to impact upon planned and committed private and public investment, there are no current schemes within the Central Shopping Area that would be affected by the proposals.

The findings of the Retail Impact Assessment are not contested and therefore it can be concluded that whilst there would be some impact on the town centre this is unlikely to pose a significant threat to its viability and vitality and is unlikely to deter future investment in the town centre. As such assessed impacts are not 'significantly adverse' and the proposal is accordingly in compliance with the retail guidance in the NPPF.

In conclusion. there is capacity within Bakewell for the retail foodstore proposed, the sequential test demonstrates that there is no other sequentially preferable site and the retail impact assessment finds that impacts on the town centre would not be 'significantly adverse'. These assessments demonstrate that two of the tests for 'major' development are passed in that there is an established for the need for the development and there is no scope for development elsewhere closer to the town centre. These findings need to be weighed against the presumptions in Core Strategy policy DS1 (F), Core Strategy policy HC5 and Local Plan policy LB9 (which seek to prohibit retail development outside of the CSA) and on balance they indicate that in principle a new foodstore on the application site can be accepted, subject to other material planning considerations including the impact of loss of employment land and impact on the environment and landscape.

Employment Use

Development Plan policies with regard to business development seek to enable the National Park economy to become stronger and more sustainable and as such the National Park Authority wishes to keep the best business sites and buildings from other development pressures.

Policy E1 (D) seeks to safeguard existing buildings, land and premises, particularly where these are high quality and in a suitable location. Where the location, premises, activities or operations of an employment site are considered by the Authority to no longer be appropriate, opportunities for enhancement will be sought, which may include redevelopment to provide affordable housing or community uses. The NPPF states at Para 22 that where there is no reasonable prospect of a site being used for allocated employment use applications for alternative uses of land should be treated on their merits having regard to market signal and the relative need for different land uses to support sustainable local communities

The majority of the application site is not specifically allocated for employment (B1 and B2 uses) in Local Plan policy LB9, which seeks to safeguard particular sites in Bakewell. However a narrow strip of land on the north western edge of the application site does fall within part of the area described as 'Land adjoining Cintride site' in policy LB9 and this area is specifically safeguarded for B1 and B2 uses. The main body of the site was not explicitly safeguarded because at the time of the adoption of the Local Plan, it was still in industrial use.

Notwithstanding this, it is not clear what the lawful use of the application site is at present. The manufacturing use (Use Class B2) ceased some 14 years ago and since then most of the site

has remained vacant. Parts of the site have been used as an auction room in the intervening period and other areas used for storage of building materials.

With regard to whether the location, premises or activity are still appropriate, the site has clearly been vacant for around 14 years and the premises has gradually fallen into disrepair such that it now detracts from the appearance of the area and the entrance to the town. The premises remained empty even before the global recession began. Locationally the site is suitable for continued use for B2 or for B1 offices, being a large, relatively level area with good access to the A6 and in a predominantly industrial area of the town. However the submitted Planning Support Statement states that a number of agents, have marketed the site unsuccessfully over the last 7 years. An assessment from one local agent who marketed the property from 2001 has been submitted which explains that whilst some short term letting of part of the site were achieved there was no interest in the site as a whole, despite prominent 'To Let' boards at the site. The report explains that the buildings are in poor condition, dated in their layout and materials and do not lend themselves readily to splitting into more manageable units. Whilst some interest was shown with regard to use of the part of the site as a new medical practice this never materialised.

Furthermore the applicant estimates that the new foodstore will itself generate in the region of 40 retail jobs (full and part time contracts). Whilst these jobs might not necessarily provide the skilled employment opportunities often associated with B1/B2 uses they can nevertheless be seen to be of benefit to the local economy and the potential for the creation of jobs for local people was one of the key factors raised in written representations

A key consideration is that if this site does not remain in B2 use, whether there are sufficient remaining opportunities in the town for the provision of office/industrial uses in furtherance of Core Strategy policy E1. Whilst some office space within the town has recently been lost to residential use following the loosening of permitted development rights, officers are aware that there is still capacity for additional businesses at Deepdale Business Park and Riverside Business Park, for example. Other sites like Station Road are coming under increasing pressure for changes to different uses.

Furthermore, The Peak Sub-Regional Employment Land Review (2008), although now somewhat dated, identified that for the site immediately adjacent to the Cintride Factory which is safeguarded for B1/B2 use, the lack of suitable access provides the principle constraint to development at that site. Officers consider that the material benefits of the proposed new service access arrangement to that site as part of the current proposals outweigh the loss of approximately 0.1 hectares of safeguarded employment land.

In conclusion, locationally the site is suitable for B1 or B2 uses and in this respect the proposals do not entirely accord with the provision of policies DS1 and E1. However the site has been actively marketed for a number of years without success and job opportunities, albeit of a different nature, would be provided by the proposed use. Furthermore DS1 (F) does state that the spatial strategy seeks to promote the take-up and enhancement of under-used employment sites and the fact that the proposals would support the delivery of the adjacent allocated site which if brought into beneficial use could provide the kind of high quality employment uses promoted by adopted policies, weighs in favour of the current proposals, in particular if the proposals offer up an enhancement to the appearance of the site.

Impact on Character and Appearance of the Area.

The submitted plans and Design and Access Statement show that the proposed store would be sited along the north western boundary of the site, overlooking the 106 space car park to the south east. The massing design of the building follows pre-application advice by officers in consultation with Authority's Built Environment Team. The building would be single storey with a contemporary design. The store's roof slopes from front to back. The topography of the site falls away from the road and it is considered that the proposed massing echoes this character. The

local vernacular style does not lend itself to a building of this size. For example narrow gables, pitched roofs and extensive use of stone and slate would be difficult to accommodate and could result in the building looking more prominent and out of context in its surroundings. From the A6 the building would be seen in the context of other modern industrial buildings beyond at Riverside Business Park.

Following negotiations the applicant has agreed to the use of natural limestone panels, laid with a 'drystone' effect, similar to the stone used on the Agricultural Business Centre. It is considered that this helps to break up the elevations and enables the building to be more reflective of its setting. The cladding on the higher levels of the walls would be coloured dark grey which would help to minimise the visual prominence of the building and amended plans show it detailed with a horizontal emphasis to provide some visual interest and rhythm to the elevations.

The impact of the development would be mitigated by proposed landscaping which would help to screen the site and provide enhancement opportunities for bio-diversity.

The submitted landscaping masterplan and landscaping management and maintenance plan have been drawn up following discussion with the Authority's landscape architect and ecologist. Indigenous trees would be planted between the store and the road together with a wildflower grassland mix. Tree planting is also shown between the access road and River Wye at the request of the Authority's ecologist and further trees are proposed at the end of the rows of parking bays and to the east of the proposed access bellmouth. An indigenous hedgerow would be planted to demark both the north western and south eastern boundaries of the application site. Following negotiations the line of the ramped pedestrian footway from the road to the store has been altered to follow more closely the natural contours of the land. Retaining walls within the site would be constructed as traditional drystone limestone walls with half round copers.

In conclusion it is acknowledged that the proposed building would be a large modern structure and would be clearly visible from the A6 but in the context of its surroundings and with the landscaping proposed it is considered to be appropriate to the landscape character type in which it would sit. The scheme would result in a significant enhancement to the appearance of the site which is currently semi-derelict, unsightly and harmful to the character of this prominent gateway into the town. Therefore, the proposals are considered to be wholly in accordance with Core Strategy policies GSP2 and L1 and Local Plan policy LC4.

This factor is key to the determination of the proposals in that officers consider that when taken with the other considerations above, the potential enhancement of a prominent site at the gateway to the town outweighs any residual concerns with regard to the loss of employment land. It also means that subject to satisfactory resolution of any ecological issues the third test for major development in the National Park is met (which requires consideration of any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.) As such it is considered that in principle, approval of this major development as an exception to adopted policies can be accepted.

Issue 2 - Other Material Considerations

Flood Risk

The Environment Agency (EA) flood zone map shows Flood Zone 2 (moderate risk of flooding) to run parallel to the river bank and to extend across the site roughly in line with the south west elevation of the smaller building. Flood zone 3a (high risk of flooding) extends across an area closer to the river bank and roughly in line with it.

Core Strategy policy CC5 states that development proposals that would unacceptably increase flood risk will not normally be permitted.

Retail use is classed as a 'less vulnerable' use in terms of the Environment Agency's classifications, which is compatible with flood zones 2 and 3a and therefore there is no requirement for the sequential and exceptions tests to be applied.

The submitted Flood Risk assessment concludes that the principle flood risk on the site is from surface water run-off from drainage on site. Flood risk from the River Wye is not considered to be significant as the narrow strip of land adjacent to the river which is in Flood Zone 3a would be covered only by landscaping and the edge of the proposed access road.

The Environment Agency initially objected to the proposals on the grounds that the flood risk assessment failed to demonstrate that the drainage scheme proposed would provide a sustainable drainage strategy and failed to demonstrate how the surface water drainage system would limit the runoff from the site to brownfield areas and deal with the surface water run-off from the site.

Additional information has now been submitted by the agent and the Environment Agency have lifted their objection subject to a condition requiring full details of the surface water drainage scheme to be submitted and agreed. This is required to be a pre-commencement condition as it is considered to be crucial to the design of the scheme to prevent increased risks of flooding to the site. Subject to conditions therefore it is considered that the development would not unacceptably increase flood risk in accordance with CC5.

Ecology, Archaeology and Heritage Assets

A bat survey has been submitted with the application. No evidence of bats was found within the existing buildings. However pipistrelle and daubentons bats were recorded commuting and foraging in and around the site, particularly along the River Wye corridor to the north of the site and the report recommends that light pollution in this area should be minimised. Subsequently the submitted lighting scheme has been amended to omit the lighting that was originally proposed along the access road close to the river.

The Authority's ecologist is satisfied that other protected species would not be affected by the development including water voles. However there is potential for great crested newts to hibernate in the tall ruderal vegetation on the site and timing restrictions for the removal of rubble will be required. Subject to conditions, it is therefore considered that the proposals would conserve species of biodiversity and their setting in accordance with Core Strategy policy L2 and Local Plan policy LC17.

With regard to archaeology the Authority's Archaeologist is satisfied that there would be no direct impact on the scheduled monument that is the mill pond and goit and other associated remains that formed part of the water delivery system for powering Arkwright's mill. Additionally, on the basis of assessment of the provided drawings, plans and profiles, and observations that show tree cover in both summer and winter, there appears to be little or no impact on the setting of the scheduled remains. As such the proposals would accord with the requirement of Core Strategy policy L3 and Local Plan policies LC15 and LC16.

Bluebell Cottage and Greenlands are two grade II listed dwellings located on the opposite side of the A6 to the application site. Because of the distances involved, the presence of the intervening road and given the previous industrial use of the site it is not considered that the current proposals would have any significant adverse impact on the setting of these buildings in accordance with Core Strategy Policy L3 and Local Plan policy LC6.

Highway Issues

A transport assessment has been submitted with the application. This considers the impact of the traffic that would be attracted to the development and concludes that the development traffic

effect of the proposal would be minimal for all peak periods and all the junctions analysed are predicted to operate within capacity. The Highway Authority, in its response, states that it does not consider that there is an evidence base to suggest that the conclusion that the development would not have a significant adverse effect on capacity or safety of the local road network is incorrect.

With regard to parking it is proposed to provide 106 parking spaces including 6 spaces reserved for use by the disabled. The adopted parking standards in the Local Plan suggest that for stores between 1000 and 3000 sqm a maximum of 1 space per 20 sqm should be provided for customers plus 1 space per 100sqm for staff. The maximum number of spaces permitted under these standards is 107. The proposed provision of 106 spaces accords with the standard.

Turning to pedestrian access there is a footway located along the northern side of the A6 which connects the site with the pedestrian network in Bakewell. The report states that guidance suggests that for retail trips, people are prepared to walk a maximum of 800m. There are a number of residential properties to the north west and south east of the site that are within the customer walk catchment. However most of the properties within Bakewell will be outside of this catchment and so while there are some opportunities for pedestrian trips it is likely that most shoppers will visit the site by car. There are bus stops on the A6 within 300m of the site although some of the local respondents have flagged up a requirement to improve bus services to the site. This is discussed later in the report with regard to planning obligations. Cycle stands for up to 12 bicycles would be provided adjacent to the store.

A travel plan has also been submitted, the intention of which is to maximise the potential for travel by sustainable modes of transport. The plan outlines specific measures which include awareness initiatives and infrastructure provision and it is considered reasonable and necessary to impose a condition that requires the recommendations of the plan to be adhered to.

It is proposed to construct a new priority junction onto the A6. The submitted plans show that where it meets the A6 the access bellmouth would be some 32m wide. It has been designed around vehicle tracking models for delivery vehicles to and from the site. The Highway Authority did initially indicate that the junction width could be reduced by reducing the proposed 'exit lanes' to a single lane. However having regard to the fact that the junction could in the future, serve an unquantified development of B1 or B2 use on the site adjacent, the Highway Authority now consider that the width as proposed is appropriate.

The new junction, albeit accompanied by the closing up of the existing adjacent opening, would have a significant visual presence on the roadside, especially as the land levels drop into the site and the access road will therefore be ramped up. However, on the basis that this is a more heavily developed part of the town and the access is required to facilitate the enhancement identified above it is considered on balance that the visual harm identified is offset and outweighed.

The owners of the adjacent Riverside site have objected in particular with regard to the proposed visibility splays on the basis that they do not meet adopted standards. The Highway Authority has been re-consulted on this issue and has confirmed that whilst the proposed splays are based on minimum standards, they are in accordance with current design guidance within Manual for Streets 2.

The Highway Authority also initially recommended that a right turn harbourage be provided to prevent vehicles waiting on the major road to turn right, inhibiting the through flow and creating a hazard. However the applicants transport consultant disputed this requirement and provided additional information, including an explanation that the junction would need to be positioned further west to provide a right turn harbourage, due to the availability of land along the site frontage to Buxton Road for widening to accommodate the third lane. At this location there is an 8m difference between the road and the site which is a prohibitive factor. Additional information

with regard to expected traffic levels generated by the potential future use of the adjacent site was also provided. These demonstrated that even if the adjacent site is developed the right turn harbourage is unlikely to be required and the Highway Authority has accepted this position.

Subject to conditions including the provision of a site compound, construction management plan, closure of existing access, and provision and car parking spaces and cycle stands, and further consideration of bus services, it is considered that the proposals accord with the requirements of Local Plan policies LT10 and LT18. The conditions relating to submission of details for site compound and construction management plan would be 'pre-commencement' conditions and this is considered necessary in the interests of highway and site safety.

Site Contamination

A land contamination report has been submitted. The report summarises potential ground contamination risks arising from the site's past use for industrial purposes. To remediate this, the Environmental Health Officer has recommended a number of conditions including requirements for the submission and agreement of a site investigation and risk assessment and remediation measures. Subject to these conditions the proposals meet the requirements of saved Local Plan policy LC24.

Impact on Amenity

The nearest residential properties are opposite the application site on the south side of the A6, in particular 'Bluebell Cottage' and 'Greenlands' and the dwellings recently converted from offices at Deepdale Business Park. Due to the intervening distances and surrounding topography it is not considered that the amenity of these properties would be compromised by the presence of the foodstore in terms of overshadowing or overlooking.

Proposed opening hours of the foodstore are 8am to 10pm Monday to Saturday and 10am to 4pm on Sundays. Given the previous industrial use of the site and the potential for noise and disturbance as a result of that use it is not considered that the proposed use of the site for retail purposes during these hours would have more impact upon amenity and privacy. However in order to minimise disturbance from deliveries as well as waste collection, Environmental Health has suggested that they should be restricted to take place between 08:00 to 18:00 Mondays to Fridays, 09:00 to 13:00 on Saturdays and no deliveries or waste collection on Sundays and Bank Holidays. This can be controlled by means of a condition.

A lighting scheme has been submitted which includes types of lighting used as well as the lux levels at the nearest properties. The scheme shows the use of asymmetric lighting to minimise the light spill at residential properties and the indicated light levels are at 0 Lux at the residential properties. Whilst this does not mean that the lights from the site would not be visible at these properties, the light should not be spill onto their boundaries.

A noise survey has also been submitted and this concludes that noise levels at the nearest receptors would be within acceptable levels. However at the suggestion of the Environmental Health Officer amended plans have been submitted showing a close boarded fence around the refrigeration plant at the rear of the building to reduce the tonal nature of the noise emissions.

In conclusion there would no significant adverse impact on the amenity of nearby residential properties as a result of the proposals in accordance with Core Strategy policy GSP2 and Local Plan policy LC4.

Environmental Management

The application includes the provision of a row of solar panels on the roof of the foodstore. These are anticipated to provide approximately 13% of the energy requirements of the average

store. Store heating is also provided by waste machinery heat using a heat recovery system from the freezer condensers.

The Design and Access Statement also explains that energy efficient freezers and lighting are used throughout the store and that Aldi stores are supplied from regional distribution centres each serving 80-90 stores each, which minimises road travel, resulting in a lower carbon footprint. The agent has also confirmed that permeable surfacing will be used on parts of the car park and most waste from the store comprises cardboard packaging which is compacted on site and transported to the distribution centre for recycling by returning delivery vehicles. As such it is considered that the proposals meet with the requirement of Core Strategy policy CC1.

Community Involvement

The NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the application system for all parties. A submitted Statement of Community Involvement explains that the applicants held a public exhibition in Bakewell in October 2014. Invitations were sent to 2,500 local residents and businesses. The exhibition was advertised in the local press. 286 people attended the exhibition. Local stakeholders were invited to attend a preview session prior to the main exhibition. It is stated that feedback received at the pre-application stage was, where possible fed into amended proposals.

Planning Obligations

National policy recognises that some development may adversely affect some people and that local planning authorities can use planning conditions or obligations to ameliorate this. The Framework makes it clear that negotiated benefits must be: necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonable related in scale and kind to the development.

Discussions have taken place between the applicant, officers and the Town Council with regard to the possible provisions of a planning obligation, bearing in mind the tests outlined above. The Town Council identified in particular a number of areas of paving within the town centre which are in need of re-surfacing. However officers are not convinced that these improvements could be seen as being necessary to make the development acceptable or directly related to the development, given that whilst there would be some impact on the town centre as a result of the proposals, this would not be significant. Furthermore, footpath improvements such as widening the footway alongside the A6 would be difficult to achieve due to the constrained nature of the carriageway in this area.

An alternative opportunity was suggested by officers in the light of comments received in representations with regard to a requirement to improve bus linkages to the site. Bakewell and Eyam Community Transport is a registered charity based in the Bakewell Area which provides essential transport for people with disabilities, elderly people and community groups. This service provides an opportunity to provide links from Bakewell and the surrounding area to the proposed foodstore. The applicants have agreed to fund the purchase of an additional bus for this purpose through the provision of a legal agreement. It is considered that the benefits that this would bring to the local community are necessary, in that bus services to the site are currently limited, and providing a public transport link to the store would be directly related to the development and fairly and reasonably related in scale and kind to the development in accordance with the Framework.

Implications for Riverside Business Park (RBP)

During the latter part of the determination period of the current scheme, two planning applications have been submitted for RBP. The first is a full application for a hotel with 69 bed spaces and associated car parking. The hotel building would be located towards the south eastern end of

the business park, on the footprint of existing buildings formerly used for Class B industrial uses. The second is an outline application for a terrace of commercial units including a foodstore of 1,579 sqm (GIA) is proposed alongside flexible Class A1/A3/B1/B2/B8/D2 floorspace up to 2,627 sqm (GIA).

Associated works include a car park providing 150 spaces, landscaping and demolition of existing buildings. The western half of the business park would remain in business use. It is intended that vehicular access would be via a new bridge access from the A6, which already has the benefit of planning consent and upon which a material start has been made. A supplementary report which explains the RBP proposals in more detail is included on this agenda.

The similarities between the current application and the retail-led proposal at RBP are that both would provide a similar sized foodstore. Crucially however, there is no evidence to suggest that there is capacity within Bakewell for more than one additional foodstore. The owners of Riverside Business Park state that failure to secure a foodstore operator at Riverside Business Park would undermine delivery of the new bridge access fronting the A6, which is the trigger for more intensive employment use as well as securing the long term futures of existing businesses and safeguarding the integrity of its heritage assets.

This is relevant to the determination of the current application because if approval is granted, the owners of RBP consider that they would find it difficult to achieve the outcomes outlined above. As such it is important to summarise the merits of the two applications with reference to the key issues outlined above. As discussed in earlier sections of this report, sequentially neither the Cintride nor the Riverside site takes preference. However the Cintride site has the clear advantage that access is easier to provide and the site may be commercially preferable because it is road fronting and a generally more prominent site

With regard to impact on the town centre, the current proposals on the Cintride site are for a standalone food store where it has been demonstrated that the impact on the vitality and viability of Bakewell town centre would not be significantly adverse. It is likely therefore that the impact of a comparably sized foodstore at RBP would have a similar impact on the town centre. However at Riverside the current proposals indicate that a further 6 commercial units over and above the main foodstore would be created. If these were in retail use it is likely that the impact on the existing retail offer in the town centre would be more significant if the Riverside proposals were to be approved 'as submitted'.

Turning to loss of employment land, the agents for RBP state that the proposals would be fully compliant with saved Local Plan policy LB7 which states that the comprehensive redevelopment, of the site predominantly for industrial/business use (Classes B1 and B2) will be permitted and indicates that minor part of the site may include affordable housing, general market housing or tourist accommodation by conversion. In fact the scheme would not be compliant with this policy in that if the two applications were approved, around 50% of the site would be given over to uses falling outside B1 and B2.

Notwithstanding this neither application would nullify the development of adjacent land allocated as employment land under LB6 and LB7 insofar as the Cintride application would open up the adjacent safeguarded land by providing a new access and the RBP application would enable easier access to the existing units on the western half of the site by providing the road bridge. Both proposals have the potential to create additional service sector jobs but neither proposal proposes the creation of jobs in industry other than the construction phases of the construction phases may provide some employment opportunities.

With regard to other planning considerations, it is too early in the determination of the RBP applications to make a formal determination on a range of issues. However, there is a general presumption that both sites could be developed for a foodstore and neither of the two proposals

are likely to cause significant harm to the landscape. Notwithstanding this, it is considered the Cintride proposals would offer up a more significant enhancement to the landscape setting of the two sites due to the more prominent roadside location of the existing dilapidated buildings.

In this case, there is however no absolute guarantee that the site at Cintride will be developed out by Aldi, should permission be granted – the permission would be for an A1 shop with a condition to limit the floorspace given over to non-convenience goods. Nonetheless, it is considered there is a reasonable prospect of this given that Aldi have submitted the application and committed substantial time and resources to the application process and so there is no reason to believe that they would not follow through to occupation. At RBP there is no information with regard to which operator would take the site and what the timeframes would be.

At this stage therefore officers consider that the application at the Cintride site has the advantage in that a medium order/discount retailer, as identified in the GVA retail study as meeting the needs of the community is more likely to come forward. There is more uncertainty about the proposals at Riverside. In addition there is no viability assessment which demonstrates that the foodstore would fund the construction of the bridge and officers consider that the provision of a foodstore may not be the only means by which to secure the construction of the bridge. Other options have not been fully explored and exhausted at this stage.

In conclusion the advantage of the Cintride proposals is that they are more readily deliverable, offer up significant enhancement on a more prominent site, potentially would have less impact on the Town Centre, have received clear public support and offer up planning gain in terms of the funding a new community bus. Therefore, officers consider that the case for a foodstore on the Cintride site is stronger in planning terms than the case for a foodstore at RBP. However, these conclusions do not amount to the pre-determination of the RBP application, which is still at a very early stage of the application process.

Members may therefore consider that it is preferable to wait for the consultation responses on the RBP application, and representations to be made on the RBP proposals and for this application to be reported back to committee before making a decision on the current application, which would lead to a decision to defer this application. However, for clarity and for the avoidance of doubt, officers consider the current application is acceptable on its individual planning merits for the reasons set out in the above report.

Conclusion

In conclusion, this is an application for a major retail development outside of the town centre. There is a national and development plan policy presumption against major development in the National Park other than in exceptional circumstances. Development Plan policies seek to direct retail development into the town centre and protect existing employment sites where appropriate. However the material considerations outlined above, which include; an identified capacity for the store; a less than significant impact on the town centre; a lack of alternative sites in or on the edge of the centre; the opportunity to open up the adjacent allocated employment site for future development; the significant visual enhancement proposed; considerable local support and the planning gain offered up, when considered together, constitute the exceptional circumstances that would warrant approval of the proposals.

Accordingly, the current application is recommended for approval subject to the legal agreement and conditions outlined above.

Human Rights

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