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**6. OUTLINE PERMISSION: PROPOSED COMMERCIAL/RETAIL-LED DEVELOPMENT MIXED USE DEVELOPMENT, ASSOCIATED WORKS AND DEMOLITION OF EXISTING BUILDINGS AT RIVERSIDE BUSINESS PARK, BUXTON ROAD, BAKEWELL (NP/DDD/0415/0340 P.4822 421111/369121 1/5/2015/CF)**

**APPLICANT: RIVERSIDE BUSINESS PARK LIMITED**

**Introduction**

This report has been prepared as a supplementary report at a very early stage in the determination period for this application and does not contain any formal recommendations for approval or refusal of planning permission. In particular, this report provides a preliminary assessment of the planning merits of the food store proposed at Riverside Business Park alongside discussion of the current application within the context of relevant policies and planning guidance.

It is considered this approach is appropriate because the relative planning merits of a food store at Riverside Business Park are highly relevant to the determination of the application for a food store on the adjacent Cintride site. In these respects, it should be noted that the available evidence indicates that there is only the need for one medium order/discount retailer in Bakewell, which would ideally be sited in or on the edge of Bakewell's town centre. Therefore, it could be considered to be highly unlikely that planning permission would be granted for a foodstore on both the Cintride site and Riverside Business Park, which are both considered to be out-of-centre sites but are also considered to be equally preferable in terms of the sequential test for out-of-centre retail development.

However, it is stated in this application that a foodstore on Riverside Business Park would serve to fund the installation of a new access bridge over the River Wye, which is required not only to provide a safe and suitable access to the proposed foodstore but also to facilitate further development of the remainder of the site for employment uses. The applicant for this application therefore considers an approval for the foodstore on the Cintride site would have a serious and adverse impact on the future viability of Riverside Business Park.

In these respects, it should be noted that members of the Authority's Planning Committee may feel pre-disposed towards either of the two foodstore proposals but must avoid pre-determining either application. However, whilst the need for more than one foodstore in Bakewell has not yet been demonstrated and any decision on the foodstore on the Cintride site would be a highly relevant consideration in the determination of this application; it does not follow that a decision on the Cintride site would automatically determine the outcome of this application. Moreover, consultation on this application has not yet been completed.

Therefore, the proposals for a foodstore on Riverside Business Park, and the overall acceptability of this application, will need to be considered on their individual planning merits when this application is returned to the Authority's Planning Committee for a final decision.

**Site and Surroundings**

Riverside Business Park lies on the north west side of Bakewell in the Wye valley approximately 0.8 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). There is also a gym on site (D2 use) and an unauthorised 'cash and carry' (A1 use/sui generis) operating from a recently constructed building at the rear of the site. Thornbridge Brewery and Pinelogs also have a substantial presence on the Business Park.

The buildings on the Business Park have been constructed at different times from the late eighteenth century onwards and include three listed stone-built buildings, modern stone buildings, modern industrial buildings of a variety of styles and finishes and states of repair and WW II blister hangers. There are also some notable historic features on the 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 eastern part of the site 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'.

### **Proposal**

The current application seeks outline planning permission for a foodstore of 1579m<sup>2</sup> (GIA) alongside a terrace of commercial units with a floor area of up to 2627m<sup>2</sup> (GIA) for a flexible mix of uses including A1 retail, A3 café and restaurants, B1 business (including light industry, research and development, and offices), B2 general industry, B8 storage and distribution, and D2 assembly and leisure. Associated works include a car park that would provide 150 spaces, landscaping and demolition of existing buildings. It is intended that vehicular access would be via a new bridge access from the A6, which already has the benefit of planning permission and the permission has been implemented.

In this case, full approval is sought for access, layout, landscaping and the scale of the proposed development leaving the appearance of the development as a reserved matter, which means that the application is not supported with full elevational drawings of the proposed buildings. The indicative block plan shows the development proposed in this application would occupy broadly two-thirds of the 'eastern half' of Riverside Business Park delineated by the central position of the approved access bridge. The application does not propose any further development on the 'western half' of the site but the submitted indicative masterplan does suggest that additional industrial units would be built out on this part of the site in the future.

This application is also supported by the submission of a design and access statement; extended phase 1 habitat report; economic benefits assessment; flood risk assessment; heritage impact assessment; phase 1 geo-environmental site investigation; statement of community involvement; transport assessment; and a planning and retail statement incorporating a sequential assessment and retail impact assessment.

It should also be noted that a parallel application has been submitted for demolition of former mill buildings, associated structures and other buildings and full planning permission for Class C1 (Hotel) development incorporating ground floor floorspace with flexibility to be used for Class A3 and Class D2 uses, improvements to existing site access, parking, landscaping and other associated works at Riverside Business Park. The hotel would have 69 bedrooms and would be operated by Premier Inn. The hotel would be located at the eastern end of the site adjacent to the car parking and the end of the terrace of commercial units proposed in this application.

However, the proposals for a hotel on Riverside Business Park are not considered in any further detail in this report. This is because the applicant considers that whilst these proposals or part of the longer term plan for redevelopment of the Business Park, they 'stand alone' insofar as the

proposals are not said to be required to facilitate the installation of the new access bridge and the applicant does not consider the new access bridge is required before the hotel could be granted planning permission. It is otherwise considered by officers that this application for a new hotel has very little direct relevance to the planning merits of a foodstore on either the Cintride site or Riverside Business Park.

### **RECOMMENDATION:**

**That this report be noted and the planning merits of the proposals for a foodstore at Riverside Business Park be taken into account in the determination of Planning Application NP/DDD/0115/0043 for the demolition of existing industrial and office buildings and construction of new food store, car park, access roads and paths, and associated drainage works at the former Cintride Site, Buxton Road, Bakewell.**

### **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 likely to be acceptable in planning terms with regards to (i) Flood Risk Issues; (ii) Ecology; (iii) Archaeology and Heritage Assets; (iv) Highway Issues; (v) Site Contamination; (vi) Impact on Amenity of Local Residents; (vii) Environmental Management; (viii) Community Involvement; and (ix) Planning Obligations.

### **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. The general character and appearance of Riverside Business Park would benefit from the removal of many of these buildings. 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:

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|------|---|
| 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.   |
| 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.
- 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 current application.
- 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.
- 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.
- 2015 Submission of parallel application proposing 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.

### **Consultations**

At the time this report was being prepared, consultation on this application had not been started. It is intended to update the Planning Committee with any significant consultation responses from statutory consultees received between the time of writing and the meeting date. However, it should be noted that an expedited consultation exercise was carried out by the Authority that were used to inform the Authority's formal screening opinion. The responses to this consultation exercise supported the Authority's view that the proposed development is not EIA development.

## **Representations**

Similarly, neighbour notification and yellow site notices had not been issued at the time of writing and it is again intended to update the Planning Committee with any significant public consultation responses received between the time of writing and the meeting date. It should be noted however that this application includes a statement of community involvement and says 62 feedback forms were received in response to pre-application consultation with the local community for redevelopment of the Business Park of which 80% were in support of the proposals in the current application.

At the time of writing, 299 letters of support for the application for an Aldi on the adjacent Cintride site have been received in response to public consultation on this application and one of the main points raised by supporters of the Aldi application is that a new foodstore would provide competition and give more choice to consumers.

## **Relevant Policy Context**

### National Policy

As the current application seeks permission for commercial buildings with a floor area of significantly more than 1,000 m<sup>2</sup>, 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 ('the 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 of the Framework 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. Paragraph 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.

Paragraph 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 2,500m<sup>2</sup>. 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, paragraph 19 of the Framework states that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 22 states that where there is no reasonable prospect of a site being used got 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. Paragraph 28 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity.

The Framework otherwise 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.

## **Development Plan**

### **Core Strategy Policies**

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 town centre uses including retail development to the Bakewell Central Shopping Area and this type of development should 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 retail 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.

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.

LB7(b) goes on to say acceptable uses on minor parts of the site may include affordable housing to meet a local need (close to existing houses), and general market housing or tourist accommodation by conversion of the existing listed mill building.

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.



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## **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 1,575m<sup>2</sup> (gross) at 2014 rising to 1604m<sup>2</sup> (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 is any new foodstore provision if 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 come forward out of centre, allowing shopper 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**

### **Principle of Development**

The current proposals are considered to be major development not only in terms of the floor area of the foodstore and the commercial units proposed in this application but also in terms of the potential departure from Development Plan policies. In this case, the out of town location proposed for the foodstore and adjacent units that are also intended for a mix of town centre uses means that the proposals have the potential to impact upon the vitality and viability of Bakewell town centre contrary to the strategic provisions of the Development Plan.

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 saved Local Plan policy LB9 and Core Strategy policies DS1 and HC5 aim to safeguard and secure its viability and vitality.

Moreover, the development proposals would have a substantial impact on the character of the Business Park but the proposals do not comply with the specific provisions of saved Local Plan policy LB7(a), which says comprehensive redevelopment, predominantly for industrial/business use (Use Classes B1 and B2) will be permitted on some 5 hectares at Riverside Business Park. In this case, the proposals do not include the comprehensive redevelopment of the site but do compromise the redevelopment of around half of the Business Park that could facilitate the provision of a new access bridge that would support the future viability of the site.

However, the current proposals, and the proposals in the parallel application for a hotel adjacent to the proposals in this application, are not predominantly for industrial/business use (Use Classes B1 and B2). LB7(b) otherwise says acceptable uses on minor parts of the site may include affordable housing to meet a local need (close to existing houses), and general market housing or tourist accommodation by conversion of the existing listed mill building. The proposals in the current application would not be on a minor part of the site, would not include the conversion of the existing mill building and would not include housing or tourist accommodation.

Furthermore, there are no development proposals for the comprehensive redevelopment of the 'western half' of the site, only indicative plans for further development of industrial units, and there is no information, such as a viability appraisal submitted with the application that demonstrates the development proposed in this application would generate the capital funds required for the new access bridge across the River Wye.

It is therefore the current application proposes a departure from both saved Local Plan policies LB7 and LB9, and the proposals raise such substantive planning issues that warrant the Authority treating these proposals as major development within the terms of Core Strategy policy GSP1 and Paragraph 116 of the Framework. 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 also represent a potential departure from Development Plan and national planning policies in respect of major development.

However, 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 this application that follows below.

#### Need for the Development

Whilst there is no requirement in the Framework for applicants to demonstrate 'need' in relation to retail developments, as noted above, 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 1,579m<sup>2</sup> (gross) foodstore, as proposed in the current application.

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 1,575m<sup>2</sup> (gross) at 2014, rising to 1604m<sup>2</sup> (gross) in 2017. This estimate is calculated using a number of assumptions, including the re-assignment of the overtrading surplus from the existing Co-operative store in the town centre.

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. Nonetheless, 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 consideration. Therefore, whilst in principle it appears that there is capacity within the town for a food-store of the size proposed in this application, 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 another foodstore in Bakewell are the letters of representation received with regards to the proposals for the Aldi store on the adjacent Cintride site. 299 letters of support for the Aldi application 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

Paragraph 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. Saved Local Plan policy LB7 and Core Strategy policy HC5 are up-to-date policies that set out very clearly the proposals for a food store at Riverside Business Park are not in accordance with the Development Plan.

In relation to site characteristics, whilst Planning Practice Guidance refers to viability with regard to site identification, the principle assessment parameters for the sequential test set out in the Framework are:

- i. Availability – whether site area available now or are likely to become available for development within a reasonable period of time.
- ii. 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

In this case, officers consider that tight-grained and historic character of Bakewell town centre and other restraints including flood risk means there are few sites with the potential for development of this nature within the Central Shopping Area as defined by LB9. However officers have identified five possible sites for a food store of a similar scale to that proposed in this application, which are: Torne Valley Farm and Country Stores on Haddon Road, the Agricultural Business Centre, Scott Island (the car park adjacent to the Agricultural Business Centre), the Cintride site and Riverside Business Park itself.

In summary, officers consider Torne Valley Farm and Country Stores would be the preferred option given that it is significantly closer to the town centre with good pedestrian links. However, the continued presence of the petrol station, which occupies a significant proportion of the site's frontage, effectively stymies the potential development of this site for a medium sized food store. The ABC and its associated car parking and the car park at Scott Island are also reasonably well related to the town centre but neither is considered to be sequentially preferable because neither site is suitable, available or a viable alternative for a food store of the size proposed in the current application.

Therefore, whilst both the Riverside Business Park and Cintride sites are located a significant distance from the town centre and as 'out of centre' sites would not normally be sequentially preferable 'in principle', both sites are large enough to accommodate a medium sized foodstore

and both may be considered to be viable and available given that planning applications have been submitted proposing a food store of a similar size on these two adjacent sites.

In terms of measured distance, given the need to gain access to the Business Park from the A6 from the proposed bridge, the difference in distance from the town centre between the two sites is minimal. Equally, 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. Therefore, sequentially, officers consider neither the Riverside or the Cintride site would take precedence as the 'preferred option' for a food store other than that Aldi are now proposing an undertaking to pay for a bus for a community transport group who would then provide a bus service to the Cintride site.

This undertaking is highly relevant to the planning merits of the two applications, and could tip the balance of a sequential assessment of the two sites in favour of Aldi's application rather than this application for a food store on the Business Park because of the impact a bus service would have on the relative accessibility of the two sites and the connectivity of the two sites to the town centre and the wider community.

Notwithstanding this, consideration of whether Riverside Business Park is actually a more appropriate site for a food store must also take into account 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 use on the site. These considerations are material to both this application and Aldi's application because it is clear that the retail study suggests that Bakewell only needs one of the two food stores proposed in the two separate applications.

This means that any approval for the Aldi application could prevent the subsequent grant of planning permission for the proposals for a food store at Riverside unless it could otherwise be demonstrated that a second out-of-centre food store in Bakewell would be acceptable in planning terms. In these respects, the impact of a single out-of-centre food store on the viability and vitality of Bakewell's town centre is a key issue in the determination of both this application and the application for a food store on the Cintride site.

### Impact on Town Centre

The Framework states that in assessing applications for retail development outside of a 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 2,300m<sup>2</sup> as a default threshold). The National Park Authority has not set a threshold and the site area is below the default threshold in the Framework but the presumption in the Development Plan is that no retail development outside of Bakewell's would be permissible. Therefore, it is appropriate that both this application and the Aldi application are supported by an impact assessment.

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.

This application is supported by an impact assessment, which reports similar findings to the Retail Impact Assessment submitted with the Aldi application, which have not been contested. 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 proposals for a foodstore on either the Riverside site or the Cintride site would accord with the

retail guidance in the Framework albeit these conclusions would not apply to a foodstore on both sites on the basis of the available evidence.

In summary, this means there is capacity within Bakewell for the retail foodstore proposed in this application, the sequential test demonstrates that there is no other sequentially preferable site albeit the Cintride site may be seen to be better connected to the town centre and more accessible by way of its undertaking to provide a bus for a local community transport group, and the retail impact assessment finds that impacts on the town centre would not be 'significantly adverse' if a foodstore was sited on either the Riverside site or Cintride site but not on both.

These assessments could demonstrate that two of the tests for 'major' development are passed in that there is an established need for the foodstore proposed in this application and there is no scope for development elsewhere closer to the town centre. Nonetheless, 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 Central Shopping Area) 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 a presumption that the additional c.2600m<sup>2</sup> floor area of commercial units would be restricted to business use rather than provide flexible space for a mixture of business and town centre uses as proposed, compliance with the strategic provisions of LB7 and the potential impact of the proposals on the environment and landscape

#### Saved Local Plan policy LB7

As noted above, 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:

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

LB7(b) goes on to say acceptable uses on minor parts of the site may include affordable housing to meet a local need (close to existing houses), and general market housing or tourist accommodation by conversion of the existing listed mill building.

In this case, the information submitted with this application states very clearly that the applicant considers the development proposals are supported by LB7 but, as noted above, officers consider the current application actually seeks permission for a departure from this policy. In the first instance, the development proposals do not provide for a comprehensive redevelopment of Riverside Business Park predominantly for industrial/business use (Use Classes B1 and B2). The proposals comprise re-development of around half of the site, which is supported by the parallel application for a hotel on the Business Park, and the character of the re-development is a retail-led development comprising a food-store (A1) and new units capable of accommodating a mixture of town centre uses (A1/A3) with offices (B1) above.

It is therefore considered the development proposals do not accord with the principles set out in LB7(a) and LB7(b). However, it is stated by the applicant that the development proposals would facilitate the installation of a new access bridge across the River Wye, as required by LB7(a)iii, which in turn would facilitate further development of the remainder of the site outside of the

scope of this application for employment uses. In these respects, the appellant considers the proposals meet the requirements of LB7. However, it is considered the applicant's case that the current proposals would accord with the strategic intentions of LB7 and facilitate further development of the Business Park for employment uses could be critically undermined by the absence of a viability appraisal.

The evidence supplied with the application for the foodstore on the Cintride site indicates that the Riverside Business Park was ruled out by Aldi because of the absence of the access bridge and because the costs of the bridge would be too expensive to make the Riverside site viable for a food retailer if a substantial contribution to the cost of the access bridge was required from the retailer. There is also concern that the additional commercial units are intended to provide a floor space over 2600m<sup>2</sup> in a flexible mixture of uses including town centre uses which would bring the application as a whole into conflict with LB9 unless these units were restricted to business use. At this stage, it is not clear if the proposals would remain viable if these commercial units were restricted to business use only.

Moreover, in pre-application discussions the applicant advised officers that the foodstore proposals would not pay for the bridge and further enabling development such as open market housing may be required to fund the construction of the bridge. From these discussions, officers are also not convinced that options other than the retail-led commercial development have been thoroughly explored or that the provision of a foodstore on Riverside is the only way of financing the new access bridge.

Therefore, at this stage, officers hold a preliminary view that the current application 'as submitted' proposes development that would be substantial a departure from LB7 as well as HC5 and LB9 that would not be justified on the basis of the information submitted with the application. Therefore, the applicant is not yet able to demonstrate that exceptional circumstances exist that would warrant approval of the major development on Riverside Business Park proposed in this application. This is because the need for a foodstore in Bakewell can be met on the Cintride site without such a substantial departure from the strategic objectives of the Authority's employment policies and without losing such a substantial extent of a designated employment site, and with less conflict with HC5 and LB9 when taking into account the development proposed in this application alongside the foodstore.

Therefore, the foodstore proposals at Riverside Business Park would not be considered to meet the tests in the Framework on need and alternative sites for major development in the National Park as comprehensively as the Aldi application at this time. If the issues around the absence of a viability appraisal and the absence of formal development proposals for the comprehensive redevelopment of the 'western half' of Riverside Business Park were to be resolved, it is considered more weight could be attached to the desirability of facilitating the provision of the access bridge and the longer term social and economic benefits arising from further development of the site for employment uses.

At this stage, officers otherwise consider the potential social and economic benefits associated with this application and Aldi's application are quite similar. Approval of either application would create a number of service industry jobs but result in some loss of employment land that may be considered to be currently under-utilised and both proposals would create employment opportunities during the respective construction phases. However, in the absence of a named retailer for the foodstore proposed at Riverside and in the absence of the access bridge, there is currently more certainty that these benefits would be delivered in the near future if the Aldi application were to be approved.

#### Impact on Character and Appearance of the Area.

Riverside Business Park is well screened by trees and man-made features but the existing, modern factory buildings detract from the character and appearance of the National Park's

landscape. The proposed building heights would be no greater than 3 storeys which would be taller than the existing buildings and it is likely that a design solution could be reached that would enhance the site and its wider landscape setting. Notwithstanding this, as noted below, the impact of the proposed development on the significance of a range of designated and non-designated heritage assets needs further assessment before a firm conclusion can be reached on the acceptability of the proposed development in terms of design and appearance. In these respects, it has not yet been demonstrated that the current application fully meets the third test for major development in a National Park set out in the Framework.

In comparison, officers acknowledge that the proposed Aldi on the Cintride site 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. It is also considered by officers that an approval for the Aldi proposals would result in a significant enhancement to the appearance of a prominent site closer to the A6 at the 'gateway' to the town centre, which is currently semi-derelict, unsightly and harmful to the character of the local area. Therefore, officers consider the Aldi application currently meets the third test in national policy on major development in the National Park in terms of its potential impact on the character and appearance of its landscape setting.

### **Other Material Considerations**

#### **Flood Risk**

The site is located within the Environment Agency Flood Zone 3. Retail use is classed as a 'less vulnerable' use in terms of the Environment Agency's classifications, which is compatible with flood zone 3a and therefore there is no requirement for the sequential and exceptions tests to be applied in this case. The application is accompanied by a detailed flood risk assessment and it is notable that flood risk was not a major factor in the determination of previous applications on this site.

It is therefore considered that, in common with the application for a food store on the Cintride site, flood risk issues are unlikely to be a determinative factor in the determination of this application and an appropriate sustainable drainage system could be achieved on site. However, the Authority would need to take full account of consultation responses from the Environment Agency and the Lead Local Flood Authority (i.e. Derbyshire County Council) before finalising its position on these issues.

#### **Ecology**

An extended phase 1 habitat report has been submitted that recommends further bat survey work and mitigation for nesting birds is required. The report does not consider that the proposals would otherwise affect any other protected species. Pending consultation responses from Natural England and the Authority's Ecologist, and pending the results of the further survey works for bats, there are no overriding concerns at this stage that the proposals would not be capable of being mitigated for. Therefore, it is likely that if the proposals in this application were to go ahead, as with the proposals on the Cintride site, biodiversity interests would be conserved in accordance with Core Strategy policy L2 and Local Plan policy LC17 subject to appropriate planning conditions.

#### **Archaeology and Heritage Assets**

The riverside mill, adjacent river bridge and facings to the mill leat are listed grade II. Arkwright's water management system is a Scheduled Monument. The eastern part of the site lies within the Conservation Area. Therefore, a detailed heritage impact assessment has been submitted with this application, which is particularly important given that Historic England have advised that the heritage issues at the site are complex and the Authority will need to properly understand the

significance of the site and its elements and their potential for re-use, the impact of proposals and the need to set any new structures within a detailed design framework which ‘speaks’ to the significance of the site.

At this stage, pending formal consultation responses from the Authority’s own in-house specialists and from Historic England also noting that the appearance of the development is a reserved matters, officers are unable to provide a preliminary view on the potential impacts of the development on the significance of a range of designated and non-designated heritage assets that could be affected by the development proposals. Therefore, officers are not yet able to properly advise whether the proposals are in conformity with the relevant policies in the Development Plan and national planning policies in the Framework.

### Highway Issues

A transport assessment has been submitted with the application. In light of this assessment and the previous approval for the access bridge over the River Wye, it is not considered likely that the proposals in the current application would give rise to overriding objections on highway safety grounds subject to the provision of the access bridge prior to the development being taken into use and subject to the Highways Authority’s formal consultation response. In these respects, only relatively minor alterations to the existing access before the proposed foodstore could be brought into use on the Cintride site, which does appear to mean the Cintride site would be the preferred option from a food retailer’s perspective in terms of access provision.

Both sites would have appear to have adequate parking provision and the Highways Authority have confirmed that there are no objections on highway safety grounds to the two new accesses being sited within each other’s visibility splays or in terms of their respective positions along a relatively short length of the A6. Officers otherwise acknowledge that it would be better in townscape terms to have one new access that provided access to both sites but it is not possible to achieve this through planning controls in the absence of an agreement between the respective landowners that would allow this to happen. Notably, the new accesses would otherwise provide a suitable and safe access to the remainder of the designated employment land adjacent to the two respective application sites.

However, the undertaking made by Aldi to pay for a bus for a local community transport group who would the provide a bus service to the store is considered to be a relevant consideration that would improve the connectivity and accessibility of the foodstore proposed on the Cintride site and has the potential to reduce car journeys to and from the Aldi store if it were to be granted planning permission.

### Site Contamination

A land contamination report has been submitted with this application and concludes there are no overriding concerns that the previous industrial uses on the site would preclude the proposed redevelopment of the site. As with the Cintride site, officers agree that remediation of the Riverside site is highly likely to be possible pending full consultation responses from the Environment Agency and the District Council. Officers anticipate that the proposals will meet the requirements of saved Local Plan policy LC24 in respect of pollution and remediation of contaminated sites subject to planning conditions suggested by either or both the District Council and/or the Environment Agency.

### 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 and the residential properties along Holme Lane. Due to the intervening distance and surrounding topography it is not considered that the amenity of these properties



would be compromised by the presence of the foodstore proposed in this application in terms of overshadowing or overlooking. The properties on the A6 (i.e. Buxton Road) may feel the impacts of increased vehicular movements to and from the site as the access bridge would bring the access to Riverside Business Park closer to these properties than the existing bridge over the River Wye.

On the Cintride application, planning conditions have been recommended in order to minimise disturbance from deliveries as well as waste collection associated with the proposed Aldi Store, but Aldi's proposed trading hours of 8am to 10pm Monday to Saturday and 10am to 4pm on Sundays are not considered to be likely to have a harmful impact on the amenities of the nearby properties on Buxton Road. It is highly likely a foodstore on the Riverside Business Park would be looked at similarly but the provision of a new access bridge would significantly improve the amenities of the residents along Holme Lane if this access to Baslow Road from the Business Park was no longer used by delivery lorries and other traffic moving to and from the site.

It is therefore considered that the Riverside proposals are likely to be found in accordance with Core Strategy policy GSP3 and Local Plan policy LC4 in terms of the potential impacts of the scheme on the living conditions of the nearest neighbouring residential properties.

### Environmental Management

The submitted planning and retail statement is silent on this particular issue but the design and access statement submitted with this application does set out a range of energy saving measures that would be incorporated into the design of the proposed development. The design and access statement goes on to say other options would be considered subject to a viability appraisal including: a hydro-electricity and photo-voltaics. There appears to be no assessment of how much of the proposed foodstore's energy requirements could or would be met by either of these options or the energy saving measures proposed in the design and access statement.

As such, it is considered that more information is needed before officers could consider the proposals for the foodstore on Riverside Business Park would meet the requirements of Core Strategy policy CC1.

In comparison, the Aldi 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 submitted with the Aldi application also explains that energy efficient freezers and lighting are used throughout their stores 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 than other retailers.

### Community Involvement

The Framework 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 March 2015. Invitations were sent to 2000 local residents and businesses. This consultation was based on the two current applications and included the hotel proposals alongside the proposals set out in this application. Local stakeholders were invited to attend a preview session prior to the main exhibition. It is stated that in total 62 feedback forms were received at the pre-application stage and where possible, comments have been fed into amended proposals for the hotel, and greater flexibility for business uses in the proposed commercial units.

It is also reported in the statement of community involvement that over 80% of the returned feedback forms supported the proposals but it should be noted the feedback forms asked whether a new foodstore would benefit Bakewell rather than whether respondents being asked whether a foodstore specifically sited on the Riverside site would benefit Bakewell. In these respects, the statement of community involvement reports only 'several' feedback forms contained comments directly related to the foodstore proposed in this application and it is acknowledged some respondents did not consider Riverside to be an ideal site for a foodstore.

At the time of writing, public consultation had not commenced. Therefore, officers cannot comment on whether these proposals will generate as similar amount of support as the Aldi proposals, which were also subject to community consultation prior to the submission of a formal planning application. As noted above, officers will update members with any significant responses to consultation on this application, and in particular responses specifically relating to the proposals for a foodstore on Riverside Business Park.

### 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 NPPF 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.

At this stage, the Authority has not discussed the need for planning obligations because a fuller assessment of the application is required before it can be determined what legal undertakings, if any would be required to make the development proposed in this application acceptable in planning terms. In these respects, the applicant has not offered any undertakings to provide a bus for the local transport group, like Aldi for example, seemingly because the applicant is satisfied the proposals for a foodstore on the Business Park are compliant with the relevant policies in the Development Plan and the Framework.

### Preliminary Conclusions

In conclusion, a formal recommendation cannot yet be made on this application because the Authority will need to take into account consultation responses from statutory consultees before making a final decision on this application. The response to public consultation on this application may also have a significant impact on determining whether the level of public support for this application could support a departure from the Development Plan.

However, officers consider on an 'as submitted basis' there is insufficient justification for a departure from saved Local Plan policies LB7 and LB9 taking into account the proposals in the current application include a medium sized food store outside of Bakewell's Central Shopping Area, over 2600m<sup>2</sup> of floorspace that could be used for a mixture of A1 retail, A3 café and restaurants, and D2 gym (i.e. a mixture of town centre uses) and do not comprise the comprehensive redevelopment of the Business Park predominantly for B1 and B2 uses. At present, officers consider this conflict has not been meaningfully addressed in the submitted application whereas the applicant's stance is that the current application is compliant with the Development Plan and national planning policies in the Framework.

Officers consider that the proposals do not comply with national planning policies in the Framework primarily because there is insufficient information to demonstrate that the three tests in national policy have been met and that there are exceptional circumstances in which to grant planning permission for major development in the National Park in this case. In these respects, it is considered the absence of a viability appraisal and intended first occupant for the proposed food store and the absence of a formal application seeking permission for development proposals for the comprehensive redevelopment of the 'western half' of the site mean that limited

weight can be attached to the longer term and wider social and economic benefits that might be achieved by an approval for this application.

It is acknowledged that neither the Riverside site or Cintride site are sequentially preferable, a single medium sized foodstore could be accommodated on either site and a medium sized foodstore on one of the sites would not adversely affect the town centre. However, at this stage, it is considered that a better planning case for a foodstore on the Cintride site has been made in the context of the prevailing policy framework and when taking into account all relevant considerations. The Cintride site also appears to have an advantage insofar as a safe and suitable access would be more readily achieved, and this site has a frontage onto the A6, which means that there appears to be more certainty that a food retailer would occupy the Cintride site rather than the Riverside site even if Aldi were not to pursue their current proposals.

This is significant because, whilst there is a substantial amount of support from the local community for Aldi in its own right as the intended first occupant of the foodstore proposed on the Cintride site, there is a clear desire within the local community for another medium-sized foodstore in Bakewell now rather than at some point in the future.

Finally, Historic England have already advised that the heritage issues at the site are complex, and at this stage, a fuller assessment of the potential impact of the proposed development at Riverside Business Park on the significance of a range of designated and non-designated assets is required before officers can offer meaningful advice on this issue. Similarly, further information is needed from the applicant on energy saving measures and any renewable energy technologies that would be incorporated into the development proposed in this application before officers could comment meaningfully on the likely environmental performance of the proposed development.

These issues are particularly significant in that until they are resolved, it cannot be demonstrated the application meets the ‘third test’ in the Framework for major development in the National Park in terms of the environmental impact of the proposals and it cannot otherwise be determined the current application proposes sustainable development within the terms of Core Strategy policy GSP1 and paragraph 14 and associated national planning policies in the Framework.

### **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