
6. OUTLINE APPLICATION: PROPOSED COMMERCIAL/RETAIL-LED DEVELOPMENT, MIXED USE DEVELOPMENT, ASSOCIATED WORKS AND DEMOLITION OF EXISTING BUILDINGS AT RIVERSIDE BUSINESS PARK, BUXTON ROAD, (NP/DDD/0415/0340 P.4822 421111/369121 30/11/2015/KW/CF)

APPLICANT: RIVERSIDE BUSINESS PARK LIMITED

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 Pinelog 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 Holme Lane, which itself is frequently used for informal parking on its northern side, resulting in significant sections of the lane being of single vehicle width. This makes Holme Lane awkward for use by heavy goods vehicles serving the various businesses operating from the RBP. The eastern end of Holme Lane serves 6 residential properties and a business premises. At the western end of Holme Lane, the access to the RBP reverts to a single-width tarmacked track, which passes immediately alongside the front gardens of a row of 26 terraced and semi-detached properties at Lumford, whose main vehicular access is also via Holme Lane.

Proposal

The application seeks outline planning permission for a foodstore of 1579m² (GIA) alongside a terrace of commercial units with a floor area of up to 2847m² (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 173 spaces, with 25 of these spaces allocated for use by the proposed hotel (the subject of a separate application, which is the next item on this agenda), 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 commenced so it is extant.

The application seeks full approval 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, which is not within the red line of this application, but the submitted indicative masterplan does suggest that additional industrial units would be built on this part of the site in the future.

This application is also supported by a Design and Access Statement; Extended phase 1 habitat report; Economic Benefits Assessment; Flood Risk Assessment; Heritage Impact Assessment; Archaeological desk-based assessment; Phase 1 geo-environmental site investigation; Statement of community involvement; Transport assessment; Framework construction management plan and a Planning and Retail Statement incorporating a sequential assessment and retail impact assessment.

It should also be noted that a parallel full planning application has been submitted for demolition of former mill buildings, associated structures and other buildings and 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. That application is the subject of the following report on this agenda.

The amended plans that have now been received for the hotel show that it would have 72 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 applicant considers both this application and the hotel application should be considered on a 'stand alone' basis.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. In the absence of sufficient evidence to demonstrate the current proposals would achieve a sufficiently viable scheme to fund a new road bridge over the River Wye to the site, it cannot be demonstrated that exceptional circumstances exist which demonstrate that granting planning permission for major development in the National Park is in the public interest, contrary to policy GSP1 of the Core Strategy and national planning policies in the Framework.**
- 2. In the absence of sufficient evidence to demonstrate the current proposals would achieve a sufficiently viable scheme to fund a new road bridge over the River Wye to the site, there is insufficient justification to grant permission for proposals that do not constitute the comprehensive redevelopment of the Riverside Business Park predominantly for employment uses, contrary to saved Local Plan policy LB7.**
- 3. In the absence of sufficient evidence to demonstrate the current proposals would achieve a sufficiently viable scheme to fund a new road bridge over the River Wye to the site, there is insufficient justification to grant permission for over 2600m² of floorspace for a mixture of town centre uses outside of Bakewell's town centre, contrary to saved Local Plan policy LB9 and policy HC5 of the Core Strategy.**

4. **In the absence of sufficient evidence to demonstrate the current proposals would achieve a sufficiently viable scheme to fund a new road bridge over the River Wye to the site, it cannot be demonstrated that the proposed development would be provided with a safe and suitable access, contrary to saved Local Plan policy LT18 and national planning policies in the Framework.**
5. **By virtue of the size and scale of the proposed development, and the range of town centre uses proposed on the site, granting planning permission for the current application would have a significant and adverse impact upon the viability and vitality of Bakewell Central Shopping Area by creating a quasi-town centre environment that would compete directly with the existing town centre. These impacts would be exacerbated by the cumulative impacts of the food store proposed in this application and the foodstore already granted planning permission on an adjacent site. Therefore, the proposal is contrary to the specific policies in the Framework relating to retail development and town centres, and acceptance of the proposals would not be in the public interest, contrary to the provisions of paragraph 116 of the Framework.**

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: whether the proposals represent enabling development; the impact of the out of town location of the site and the subsequent creation of a third medium order foodstore in Bakewell; and the effect of the proposals on the site and its surroundings.
- Whether the proposals are 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.

Relevant Planning History Relating to the Riverside Business Park Site

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:

1989	Planning permission granted for new access road from A6 and bridge over River Wye to serve industrial estate.
1994	Planning permission renewed for access road and bridge to serve the industrial site based on 1989 consent.
2002	Planning permission renewed for access and bridge over River Wye to serve the industrial estate based on 1994 consent.
2004	Listed building consents granted for construction of flood defence walls (not implemented).
2004	Submission of an application for outline planning permission for redevelopment of the

site. The application proposed a mixed use redevelopment including demolitions, conversion and new build to provide employment and residential uses.

- 2005 The Authority's Planning Committee resolved to defer determination of the 2004 application for the redevelopment of the site requiring more information about enabling development; potential for more affordable housing; a flood risk assessment; and provision of interpretative facilities relating to the archaeological and historic buildings and features on the site.
- 2005 Temporary consent granted for change of use of Unit 16 to allow textiles / embroidery mail order and teaching business including storage and ancillary retail sales.
- 2005 Planning permission granted for new industrial unit with associated service yard and parking and extension to Pinelog's existing industrial unit. A planning condition was attached stating that:
- “There shall be no increase in industrial building floorspace on the Riverside business park without the prior provision of a vehicular access on to Buxton Road, which is capable of use by heavy goods vehicles. In the event of no new access being provided, a plan shall be submitted for approval and implementation showing demolition of buildings to permit replacement by the development hereby approved.”*
- 2006 The Authority's Planning Committee resolved to defer determination of the 2004 application for redevelopment of the site to enable further information regarding the enabling development to be obtained and reported back to the next meeting and, in addition, the potential for affordable housing, a flood-risk assessment and the provision of interpretive facilities relating to the archaeological and historic buildings features on the site.
- 2006 Temporary consent granted for retention of timber store for Pinelog.
- 2007 Submission of environmental impact assessment to support the 2008 Masterplan – Revision 18 submitted in 2008
- 2008 Planning permission renewed for creation of access road and bridge over river to provide access to W Fearnough LTD (Riverside Business Park) based on the 2002 consent.
- 2008 Submission of amended plans (Masterplan - Revision 18) to support the 2004 application for redevelopment of the site.
- 2009 Planning permission granted for installation of new solar panels on roof of Unit 11.
- 2010 Planning permission refused for the 2004 application for redevelopment of the site by the Authority's Planning Committee. The application was determined on the basis of the Masterplan (Revision18) and refused for the following reasons:
- The proposed development, as shown on Masterplan 18, was held contrary to Local Plan policy LB7 and the submitted details failed to offer sufficient justification or information to warrant a departure from LB7.
 - The loss of employment space and the level of affordable housing shown on Masterplan 18 were considered to conflict with the requirements of RSS policy 8 and the objectives of policies in the Development Plan that seek to address the social and economic needs of the local community within the National Park.

- The submitted details were held not to provide sufficient information to demonstrate that the development and proposed phasing would secure the long term sustainability, vitality and viability of the business park and fail to demonstrate that the proposal would achieve the objectives of Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth in respects of sustainable economic growth in rural areas.

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

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

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

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

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

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.

- 2015 Submission of environmental impact assessment to support the current application. An expedited consultation exercise was carried out by the Authority that was used to inform the Authority's formal screening opinion. The responses to this consultation exercise supported the Authority's view that the proposed development was not EIA development. The Authority subsequently confirmed in April 2015 that an EIA was not required.

Other Relevant Planning History

- 2015 Full planning permission granted for the erection of a medium order/discount foodstore (Aldi) on the former Cintride factory site adjacent to the A6 immediately across the river from the RBP site to the south-west. This approval was granted on the basis that the creation of a second medium order/discount foodstore would not adversely impact upon the viability and vitality of the commercial properties operating in Bakewell Town Centre, including the existing medium order foodstore in the centre of the town (Bakewell Co-op).

Consultation Response

External Consultees

County Council (Highway Authority) – The Highway Authority requested that further information be sought from the applicant to clarify a wide range of issues arising from the original submission, which has since been submitted. At the time of writing, the Highways Authority's further comments on the current proposals have not yet been received and will be reported orally at the meeting.

County Council (Local Lead Flood Authority) – Raise concerns relating to the potential for surface water run off and the adequacy of information relating to a sustainable drainage system for the site.

District Council (Environmental Health Officer) – No objections subject to: (i) a pre-commencement condition requiring submission and agreement on a land remediation scheme taking into account the site's previous use for industrial purposes and the risk of contamination being present; (ii) submission and agreement on noise and odour reports and details of external lighting schemes; and (iii) restriction on times of deliveries and waste collection to Monday to Fridays 08:00 to 18:00; and Saturdays 09:00 to 13:00.

Environment Agency – No objections subject to a number of detailed conditions relating to flood risk, flood defence, biodiversity, land remediation, contamination and safeguarding the River Wye. The Environment Agency also comment that a s.106 legal agreement may be required to address the Agency's requirements relating to flood defence.

Historic England – No overriding objections to the amended proposals subject to a pre-commencement condition requiring a scheme of archaeological work in line with paragraph 141 (built heritage and remains of less-than-national importance) and paragraph 132 (remains of national importance) in the National Planning Policy Framework. However, Historic England also suggest the Authority may wish to consider securing the preservation of nationally important archaeological remains through a section 106 legal agreement, rather than a planning condition.

Natural England – No objections subject to an assessment of impacts on protected species and the National Park should be undertaken by the Authority's Ecologist and landscape specialists. Additionally, the scheme may also provide opportunities to incorporate features into the design, which are beneficial to wildlife.

Town Council - Object to the proposal primarily because the application appears contrary to saved Local Plan Policy LB7. The Town Council also raise the following concerns:

- Highway issues; traffic generation vehicle access road safety.
- Noise and disturbance resulting from use including proposed hours of operation.
- Effect on listed buildings and conservation area.
- Ensuring equal access to buildings/sites (e.g. for people with disabilities).
- The applicant requests 'flexibility' within the development mix. It is felt that, if approved, this could result in the establishment of a secondary retail core in Bakewell which may threaten the vitality of the existing town centre. Such flexibility could, for example, lead to the development of 'fast food' outlets that the Town Council believes would be of detriment to the town.
- The Town Council feels that the construction of the access bridge from the A6 should be the first part of Phase 1.
- Every effort should be made to mitigate any effect on the residents of Holme Lane.

Civic Society - Bakewell and District Civic Society welcome the prospect of upgrading the site, which is in parts unsightly and substantially under-used but make the following additional comments on the proposals:

- Any retail development included in the proposals should not, in their view, detract from the retail function of the town centre, which should remain the principle focus of shopping in the town although it may complement it.
- A new supermarket on the site, in addition to the Cintride site (Aldi), would probably constitute over-provision and prove detrimental to the town centre's retail functions.
- The riverside site should remain predominantly commercial/industrial in character, as it is the only significant area in Bakewell allocated for this purpose, in the interests of the future economy and employment prospects of the area.
- Ideally, a new bridge into the site from the A6, suitable for heavy vehicles, should be provided before the development commences, as the access from Holme Lane, via Lumford, is substandard.
- Welcome the suggestion of a new, medium-to-large hotel being included in the development on the footprint of the original mill, as something that has long been needed in Bakewell.
- Welcome the suggestion that renewable energy facilities should be incorporated into the developments and suggest that hydro power should be considered, as well as photo-voltaic solar power.
- Would like to see a clear and attractive pedestrian route through the site included in the

development proposals, which would form part of a route along the Wye valley linking Bakewell with Ashford.

- Welcome the proposed conservation of elements of historic industrial interest on the site and suggest the inclusion of an interpretation facility to enhance this. This could be linked with the information already provided at the Old House Museum.
- The lake at Lumford had long provided a distinctive and attractive feature of the site but has become overgrown with shrub and lost its identity. It would be good to see this restored, if not as a water feature, which would be preferred, then as an open grassed area.

13 individual letters of support have been received. Two of these are from businesses that operate from the Riverside Business Park, one of these being Thornbridge Brewery. These two businesses state that the applications should be supported for the following reasons:

- The proposed scheme will ensure the redevelopment of this large run-down Brownfield land that is currently an eyesore on the approach to Bakewell.
- With regard to the supermarket proposals, it should be noted that Aldi and Waitrose in Buxton are located across the road from each other and are not in direct competition.
- They will provide funding for a new bridge and relieve traffic along Holme lane to the business park.
- The new bridge will allow Thornbridge Brewery to significantly develop their business and create jobs accordingly. It is understood that a similar situation exists at Pinelog, Bakewell Pudding Shop and others. It is understood that approximately 600 jobs could be protected or created on the Riverside Business Park site.
- A proposed foodstore on the Cintride site next to Riverside Business Park would do great damage to the potential to fund the bridge and investment at Riverside as it is unlikely that Bakewell can support two new food stores. This would mean long-term damage to Bakewell, its economy and this part of the Peak District National Park.
- The retail business within the business park will enhance the vibrance of the town in general.
- Further development at Riverside could also have significant potential for renewable energy opportunities for the site and the locality.

A petition of support for the hotel proposal signed by 39 employees of Pinelog on the Riverside Business Park site has also been received. This makes the same points as those referred to in the above individual letters of representation.

The other individual letters of support received include the following representations:

- With regard to the supermarket proposals, it should be noted that Aldi and Waitrose in Buxton are located across the road from each other and are not in direct competition.
- A successful development at the Riverside Business park allowing a proper bridge access and relieving traffic along Holme Lane, can only be good for Bakewell.
- Support the redevelopment of this large run-down Brownfield land that is currently an eyesore on the approach to Bakewell.

Individual letters of objection

28 individual letters of objection have been received. 15 of these individual letters are from Lumford residents and other properties along Holme Lane. These letters raise the following concerns:

- The proposals seem totally out of keeping with Bakewell. They are closer to development associated with Chesterfield or Stockport. They are at best generic and do not reflect the special character of the Peak Park.
- The building of the bridge in advance of any further development is crucial.
- The application details state that there is not any grant funding for the proposed bridge access. This statement needs to be verified.
- The current cost of the bridge is estimated to be £1million. This seems to be a great deal more expensive than the previous application, even allowing for inflation. This cost needs to be verified.
- There is already sufficient increase in floorspace on the Riverside site, which should trigger the building of the bridge first, as required by policy LB7.
- The construction of a supermarket without the prior construction of a bridge will require access along Holme Lane/Lumford. If the supermarket were constructed prior to the bridge and the applicant subsequently takes a position that the bridge cannot be constructed, how could the Authority resolve this.
- This development will create a second town centre for Bakewell, and will be in completion with shops in Bakewell town centre.
- Adverse impact on the vitality of the town centre, similar to that at Ashbourne, when a similar out of town development was built.
- The site should remain in industrial usage only, supplying the need for small businesses to earn a living and keep workers in Bakewell. This proposal would displace existing businesses.
- The access lane along Lumford is not built to accommodate the amount of vehicles created, including construction vehicles.
- The increase vehicular use of the Holme Lane and Lumford access roads will be detrimental to existing residential users and visitors.
- Traffic to the business park at present tends to be concentrated in the morning between 7am – 9am and late afternoon between 4pm – 6pm; however the retail uses and proposed hotel would change this pattern to around the clock.
- The saved Peak park policy LB7 states that if there is an increase of floor space of Lumford Mill Business Park that a bridge must be built, however this application is not dependent on a bridge being built and the developers have publicly stated that no bridge will be built unless the hotel proposal and the development in the accompanying application completed.

- The new bridge will never be built while ever the developer considers that the Holme Lane/Lumford access is an option.

Letters of strong objection have also been submitted from the Lumford and Holme Lane Residents Association. These letters reiterate many of the points made in the individual letters of objection from residents on Lumford and Holme Lane, but also make the following points:

- This site is now the single best industrial employment space in Bakewell. The primary issue, and an issue now close to 30+ years old, is one of deficient accessibility. The hotel scheme offers no solutions to the access problems it only offers to exacerbate them. Furthermore, it is another step in the gradual erosion of industrial employment space to other users, but still with no bridge.
- No supermarket operator has given a statement of intent or signed an agreement to occupy the intended A1 foodstore.
- Every element of the application has to be viewed through the current Holme Lane/Lumford access arrangements. Without the long awaited bridge, which would only happen in the event of a supermarket tenancy being secured, all heavy traffic/construction traffic to and from the site will have to use the Holme Lane/Lumford access.
- The existing access along Lumford is 3.5m wide with no separate pavement, and well below the minimum highway standards for residential (5.5m) and industrial (7.3m). The proposed passing bays increase the width to 5.25m at limited points, still below residential and well below normal industrial standards. The passing of a lorry and car in the vicinity of the passing places would be tight. Residents are therefore concerned that the increase in traffic created by the hotel would lead to a further increase in disruption and an increased chance of personal injury.
- Given the potential impact on long established town centre accommodation providers and due to the site's out of centre location, surely an impact assessment should be conducted to measure the potential effects of such development.
- Under NPPF edge of centre developments should be based on being "well connected" with the existing centre. The proposed development falls well outside the distances for retail and office developments.
- A number of the smaller businesses on the Riverside site have already been given notice to vacate the site. This is contrary to the explicit wish expressed by the Authority's committee when considering previous proposals at Riverside in relation to what they would like to see in regard to the regeneration of the site.

The remaining individual letters of objection include 10 from other Bakewell residents and make the same points as those referred to by the residents along Holme Lane and Lumford, noted above. The remaining letter of objection is from a charitable organisation concerned that they will be forced out of their existing offices unless they can find alternative low-rent accommodation close-by they may be forced to leave Bakewell entirely. Another concern raised is the risk of flooding as the site lies so close to the River Wye.

Relevant Policy Context

Major Development in a National Park

The current proposals are considered to comprise 'major development' because the current

application seeks permission for commercial buildings with a floor area of significantly more than 1,000 m² as well as the complexity of the planning considerations in this case and the significant public interest in the re-development of Riverside Business Park and the provision of a new road bridge to the site. 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.

These tests and the provisions of Paragraph 116 are supported by the provisions of the preceding paragraph, Paragraph 115 of the Framework, which 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 also important considerations in a National Park. Paragraph 14 of the Framework also cross refers to the English national parks and the broads: UK government vision and circular 2010 which provides further policy guidance on development in National Parks.

Site Specific Policy

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. if development results in an increase in existing floorspace on the site, a new access bridge is built across the River Wye, and the old bridge is closed to vehicles, 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. This approach is carried forward in the emerging Development Plan Document, which states the Riverside Business Park is an example of where premises could be improved and policy would allow for a mix of uses provided a significant element of business use is retained.

LB7 is supported by Policy E1 (D) of the Core Strategy, which seeks to safeguard existing buildings, land and premises in employment uses particularly where these are high quality and in

a suitable location. E1(D) goes on to say 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. This approach is consistent with national policies in the Framework, which seek to promote economic growth in rural areas in order to create jobs and prosperity but support the re-use of employment sites where they are no longer required.

Retail

Policy DS1(F) of the Core Strategy 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. Accordingly, 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.

Saved Local Plan policy LB9 also states that 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. This approach is taken forward in the emerging Development Plan Document and in 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.

National policy applying to proposals involving retail development is set out at paragraphs 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. Paragraph 26 refers to impact assessments for particular types of out-of-centre retail development and where an application fails to satisfy the sequential test or is likely to have significant adverse impact on the vitality and viability of a town centre, it should be refused.

Wider Policy Context

Policy GSP2 of the Core Strategy builds upon the provisions of GSP1 in respects of major development in the National Park. Policy GSP1 says 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.

GSP2 says opportunities should be taken to enhance the valued characteristics of the National Park and specific opportunities should be taken to remove undesirable features or buildings. Policy L1 of the Core Strategy relates directly to enhancement of landscape character, and cross refers to the Authority's Landscape Strategy and Action Plan. Policy L3 of the Core Strategy sets out specific criteria relating to the conservation and enhancement of features of archaeological, architectural, artistic or historic significance.

Policy GSP3 of the Core Strategy refers to development management principles and 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.

Other relevant policies in the Core Strategy 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.

Other saved Local Plan policies that are relevant to the current proposals include policies LC16, LC17 and LC18, which 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. Saved Local Plan 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.

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. LC24 requires that development on land believed to be contaminated will be permitted provided that an accredited risk assessment is agreed.

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

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 complexity of the planning issues raised by the current proposals including the wider public interest in re-development of the site and a potential departure from Development Plan policies. In terms of a potential departure, 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 at Riverside Business Park 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 including saved Local Plan policy LB9 and Core Strategy policies DS1 and HC5 aim to safeguard and secure its viability and vitality. The strategic intent of these policies to direct retail development to the core of the town and avoid the spread of significant retail activity to the fringes of the town. The current proposals for a foodstore of 1579m² (GIA) alongside a terrace of commercial units with a floor area of up to 2847m² (GIA) for a flexible mix of uses including town centre uses including shops and cafes out of the town centre conflicts with these policies. Moreover, 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) as anticipated by saved Local Plan policy LB7(A).

Saved Local Plan policy LB7(a) says comprehensive redevelopment, predominantly for industrial/business use (Use Classes B1 and B2) will be permitted on some 5 hectares at Riverside Business Park. The strategic intent of this policy is to safeguard Riverside Business Park as one of the most important employment sites in Bakewell and the National Park, by ensuring that its redevelopment includes a substantial element of business use and to promote its enhancement of what is considered to be an under-used employment site. Consequently, the development proposed in this application cannot be deemed to be consistent, in principle, with policy LB7(a). Moreover, noting policies should not be read in isolation, the development proposed cannot be deemed to be consistent, in principle, with LB9 and HC5(a) which explicitly

seek to safeguard the vitality and viability of Bakewell's town centre.

A further conflict with the site specific policy LB7(a) arises from a conclusion that the proposals would not result in the comprehensive redevelopment of all of the 5ha of the site and would only comprise the redevelopment of around half of the Business Park that would not necessarily facilitate the provision of a new access bridge that would otherwise support the future viability of the site. In this respect, 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 are included in this application.

Furthermore, LB7 (b) 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. It is therefore considered that the current application proposes a departure from saved Local Plan policies LB7(a) and LB7(b) and is not a 'plan-led' development when assessed against these site specific policies.

Therefore, the proposals constitute such a substantial departure from the Development Plan. The proposals are considered to be a major development within the terms of Core Strategy policy GSP1 and paragraph 116 of the Framework. Both Core Strategy policy GSP1 and Paragraph 116 of the Framework 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. In these respects, the Framework and policy GSP1 state that major development might be permitted exceptionally following rigorous consideration of a number of tests in paragraph 116 of the Framework, which require an assessment of 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.

Exceptional Circumstances

Notwithstanding the applicant's case that the current proposals are 'policy compliant', it is also stated that the redevelopment of the site as proposed is required to fund the new road bridge that would provide a safe and suitable access to the site and thereby promote the viability of the Business Park. In these respects, the applicant argues that there are exceptional circumstances that warrant granting planning permission and it can be demonstrated that the provision of the new road bridge would be in the wider public interest because of the local employment generated by the businesses on the Business Park.

A viability appraisal has been submitted by the applicant to support this argument and seeks to demonstrate that the development proposed in this application would be enabling development that would facilitate the provision of the new road bridge across the River Wye. However, an independent viability and impact assessment has been commissioned by the Authority and concludes: *"Having regard to the analysis completed, the scheme as proposed is not viable due in part to the high cost of providing the bridge and access to the A6"*. This is based on the applicant's own costings for the bridge. This assessment also indicates that there may be other ways of producing a scheme that includes a food store that would be sufficiently viable to fund the new road bridge if the cost of the bridge was more typical of this type of infrastructure.

Therefore, it cannot be demonstrated exceptional circumstances exist that would justify granting planning permission for major development in the National Park contrary to policy GSP1 of the Core Strategy and national planning policies in the Framework. Equally, in the absence of sufficient evidence to demonstrate the current proposals would achieve a sufficiently viable

scheme to fund a new road bridge over the River Wye to the site, there is insufficient justification to grant permission for proposals that do not constitute the comprehensive redevelopment of the Riverside Business Park predominantly for employment uses, contrary to saved Local Plan policy LB7.

Furthermore, in the absence of sufficient evidence to demonstrate the current proposals would achieve a sufficiently viable scheme to fund a new road bridge over the River Wye to the site, there is insufficient justification to grant permission for over 2600m² of floorspace for a mixture of town centre uses outside of Bakewell's town centre contrary to saved Local Plan policy LB9 and policy HC5 of the Core Strategy.

Foodstore

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. Notwithstanding the policy objections to the current proposals, set out above, the independent assessment of the viability of the current proposals does confirm that a food retail store, for example, would be a more profitable development than office accommodation. Therefore, if there was a need for another foodstore in Bakewell then there may be more scope to revise the proposals to create a more viable scheme that would be more likely to fund the new road bridge and would therefore more likely to generate exceptional circumstances that would warrant an approval.

In these respects, the recent approval for the Aldi store confirms the accepted position that there is a need for at least one more medium-sized food store in Bakewell alongside the Co-operative in the town centre. However, the existing commitment to an Aldi store on the adjacent Cintride site means that an 'assessment of need' for the food store proposed on the Business Park should focus on the cumulative impacts of two additional food stores on the vitality and viability of Bakewell's town centre, taking into account that neither the Riverside nor the Cintride site are considered to be 'sequentially preferable' as they are out of centre. An impact assessment is also required by national planning policies in the Framework, also taking into account the current proposals are contrary to up-to-date retail policies in the Development Plan.

To address these issues, a Supplementary Planning and Retail Statement Addendum has been submitted by the applicant, which states that the provision of a third foodstore on the Riverside Business Park would not significantly or adversely impact upon the town centre foodstore or the local shops in the town centre. In summary, this report indicates that the provision of foodstores of the scale approved at the Aldi site and proposed at Riverside would enhance consumer choice, encourage competition and result in more sustainable food shopping patterns and address a *'possible qualitative deficiency or lack of choice for local shoppers'* in the local area.

However, an independent report commissioned by the Authority concludes that two out-of-town food stores would result in a significant adverse impact upon the health of and investment within Bakewell town centre and, based upon the contents of paragraph 27 of the Framework, the Authority should consider refusal of the current application. The report acknowledges that having two out-of-town stores may improve the potential to provide more choice in Bakewell (depending on which retailers and other businesses occupy the scheme), and for the development to contribute towards the claw-back of retail expenditure which is currently being lost from the local area to stores and centres further afield.

Against these positive points, the independent report estimates that if both food stores were to be granted planning permission small traders in the town centre could lose up to 50% of current sales and the Co-operative would trade well below the company average for a store of this size. Moreover, the independent report advises that the additional town centre uses that form part of the current proposals, alongside the hotel proposals with café, could result in the creation of a

quasi-town centre environment at Riverside Business Park, which would also be reinforced by the approved Aldi store, and add to the competition that this out-of-centre location could pose to Bakewell town centre.

It is therefore concluded that the application proposes substantial retail development outside of Bakewell's Central Shopping Area contrary to the Development Plan. Moreover, application is also contrary to the specific policies in the Framework relating to retail development and town centres. Furthermore, acceptance of the proposals would not be in the public interest contrary to the provisions of paragraph 116 of the Framework because granting planning permission for the current application would result in a significant adverse impact upon the vitality and viability of Bakewell town centre.

Impact on Site and Surroundings

Riverside Business Park is relatively well screened by trees and manmade features but the existing, modern factory buildings to the rear of the remaining single-storey façade of the original mill are in a dilapidated state. These buildings are particularly visible from the A6 in the vicinity of the approved Aldi site and detract from the character and appearance of the National Park's landscape. The land immediately to the east encompasses the proposed hotel site, and to the south are the River Wye and the Mill Stream, together with the listed mill workshop building and the existing road bridge, all of which are within the Conservation Area. The foodstore and commercial units would also be immediately adjacent to the Scheduled Ancient Monument site.

This application seeks outline planning permission for a foodstore of 1579m² (GIA) alongside a terrace of commercial units with a floor area of up to 2847m² (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 commenced and is therefore extant.

A detailed Design and Access Statement accompanies the application and detailed discussions have been undertaken involving the applicant's agent and the Authority's Conservation Architect and Archaeologist, together with Historic England.

The layout proposes a range of buildings housing the foodstore and adjacent commercial units situated along the northern half of the site close to the raised embankment of the mill leat, which is a Scheduled Ancient Monument. The remainder of the existing later buildings that occupy the southern half of the application site would be demolished and the space created used primarily for car parking serving the foodstore, commercial buildings and the hotel, assuming this is approved and built. The scheme involves the retention of the two tall chimneys and the area immediately around the later brick chimney landscaped as a public space with seating areas defined by a higher standard of surfacing, which radiates out from the footprint of the chimney. This area also encompasses the frontage to the Retort House, which is to be converted to a visitor appreciation centre explaining the industrial heritage of the site. The Retort House conversion scheme does not, however, form part of the outline proposal.

The proposed block of commercial buildings, including the foodstore, are intended to have a contemporary industrial appearance, reflecting the industrial character of the site. The preliminary images submitted with the outline application show a series of gabled frontages at varying heights to reflect the haphazard roof profiles of the existing industrial buildings.

Overall it is considered that the concept and layout proposed for the buildings is acceptable and respects the industrial character of the site and does not amount to overdevelopment of this part

of the Riverside site. This is subject to the submission of precise details of their final design and appearance, massing and materials.

It would be preferable if the buildings occupied the southern half of the site as they would then serve to screen the car parking when viewed from the A6. This is not acceptable to the applicant as it would diminish the presence of the foodstore when viewed from the A6. It is considered that, on balance, the layout as shown on the original submitted plans is acceptable, subject to appropriate landscaping to ameliorate the impacts of the car parking.

It is considered, therefore, that the disposition and layout of the buildings and car parking proposed in this outline application will respect and preserve the character, setting and relationship with the adjacent Scheduled Ancient Monument site, the remaining single-storey façade of the original mill and the adjacent listed three-storey riverside workshop building. Further archaeological assessments have also been undertaken and submitted to better inform the archaeological importance of the site and to ensure that such features of archaeological significance are preserved and respected. It should be acknowledged that this is an outline submission and therefore detailed design matters relating to proposed buildings are reserved matters.

Historic England initially considered that when taking the two applications together it appeared that the overall amount of development proposed for the mill site exceeded its sustainable capacity, overwhelming the historic character of the site by virtue of the scale and massing of what was proposed. They also considered initially that if the proposed foodstore and associated parking were deleted, there would be more scope for a more sensitive hotel or other solution.

HE's initial conclusions were that the proposed development appeared to neither perpetuate the complex and rich character of the site as extant and sympathetic industrial setting to the designated industrial heritage assets, nor on the other hand does it better reveal the significance of them through the revelation of the original form and layout of the Arkwright Mill, pond etc. HE considers that a less intensive scheme might have offered greater scope to pursue one or other of these approaches.

Following re-consultation with Historic England (HE), they now consider that the general layout of the buildings and their relation to the listed workshop building and scheduled water power buildings is acceptable, although they refer to the Authority's expert in-house conservation staff in respect of the precise design/detailing of the proposal. With regard to archaeological matters HE still raise some concerns that the application seems to pass the evaluation and mitigation of impacts upon the former principal mill building over to post-determination discharge of conditions. HE consider that this represents significant harm to the significance of the adjacent and intimately associated designated heritage assets through the loss of remains directly supporting their significance as part of the same integrate manufactory (harm as understood in the Framework paragraphs 132, 133, 134, 135, 139). HE remind the Authority that it is obliged to have special regard and apply great weight to matters concerning these designated heritage assets, as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of listed buildings and the Framework in respect of both listed buildings and Scheduled Monuments.

EH further state that adequate assessment and understanding of archaeological impacts is key to safe determination (NPPF paras 128 and 129). Delaying the evaluation of sub-surface remains to post-consent could only be acceptable in this case where it is not possible to do so in advance of consent and if there is a clear statement from the applicant that design detailing including the locations of lifts/services and footings can feasibly and would in practice be reworked to accommodate remains of either equivalent importance to the scheduled monument or which substantially supported its significance (e.g. the original water power arrangements for the mill). EH state that the applicant must own this solution through an unambiguous undertaking

to submit revised plans as necessary, and this should be underpinned by condition should the authority be minded to grant consent.

HE England therefore recommend that the Authority should only consider granting consent if the matters set out above are adequately addressed through referral to the Authority's Cultural Heritage experts.

The applicant has subsequently confirmed that it is not possible to carry out further archaeological evaluation until the buildings have been demolished. The applicant's archaeological consultant has confirmed that he would be willing to employ flexibility and incorporate design amendments post-determination as are necessary to ensure the preservation in situ of any archaeological remains, specifically the water management system, that are deemed to be of national significance following the investigative trial trenching. The Authority's Archaeologist considers that these assurances address the previously stated concerns with regard to nationally important archaeological remains, and that archaeological issues can be addressed by conditions in line with Framework paragraphs 141 and 132.

Subject to appropriate archaeological conditions it is considered that the hotel proposal would cause less than substantial harm to the designated heritage assets when weighed against the public benefits of the proposal. Consequently, it meets the terms of paragraphs 128 to 134 with regard to the conservation and enhancement of the historic environment.

In conclusion, therefore, officers consider the outline application 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. Hotel use is classed as a 'More vulnerable' use in terms of the Environment Agency's classifications, which is compatible with flood zone 3a and therefore there is a requirement for the sequential and exceptions tests to be applied in this case.

In respect of the sequential test, a material consideration is that the proposed development is part of a comprehensive redevelopment of the Riverside Business Park (RBP) site, and is allocated through saved policy LB7 for comprehensive redevelopment. The application is accompanied by a detailed flood risk assessment.

The Environment Agency (EA) initially raised objection to the scheme as the submitted Flood Risk Assessment (FRA) was not sufficient and further queries were raised in respect the applicant's ability to undertake the necessary improvements and reinforcement to existing flood defences. The EA advised that these concerns could be overcome by submitting a FRA that covered these deficiencies and demonstrated that the development would not increase risk elsewhere and possibly reduces flood risk overall.

Following further discussions between the applicant the EA and the Authority's officer, further details were submitted to the EA. The EA then assessed this additional information and having looked in detail at the River Wye flood model for this area considered that this does not conclusively demonstrate that the site is safe from flooding from the Mill race running to the north of the development site. However, given the 'Schedule of Gross External Footprint of the Existing and Proposed Buildings provided by the applicant, this demonstrates that there will be a greater footprint removed than replaced. On this basis, the EA raised no objections to the proposed development. In respect of the outline proposal the suggested EA conditions include

the following:

- Prior to the commencement of development, details of external ground levels to be submitted and agreed demonstrating a maximum depth of floodwater on access roads and car parking areas in a 1 in 100 year event.
- Prior to commencement of development, a scheme to raise and refurbish the riverside wall shall be submitted to and approved in writing by the National Park Planning Authority in consultation with the Environment Agency. The detailed wording of a suggested condition has been provided by the EA.

Other EA conditions relate to site investigation for ground contamination; submission of a Method Statement for treatment of the River Wye; Mitigation Measures during the construction period; Habitat Areas protection; Mitigation Measures for protected species and any necessary prevention and control methods and submission of a Water Vole Protection Plan.

Subject to appropriate Environment Agency conditions, it is concluded that the redevelopment will not lead to a net loss in floodplain storage, will not impede water flows, and will not increase flood risk elsewhere. As such, the development is compliant with the Framework and Core Strategy policies CC1 and CC5. The Environment Agency has recommended appropriate conditions to ensure that the recommendations within the flood risk assessment and their further requirements are carried out.

Ecology

Natural England refer to Standing advice in respect of the impacts on protected species and the Peak District National Park, assessment of which should be undertaken by the Authority's Ecologist and landscape specialists. Additionally, Natural England considers that the scheme may also provide opportunities to incorporate features into the design, which are beneficial to wildlife.

The Authority's Ecologist comments that the water vole surveys confirm the presence of the species long the Mill Stream and indicate the likely presence on the River Wye. The EA recommend that a condition is added in relation to water vole mitigation works and a method statement; this is supported by the Authority's ecologist.

Small pondweed (*Potamogeton berchtoldii*) a county rare plant, previously listed in the red data plant list for Derbyshire 2002, is known to occur within the site. The plant is located in three water tanks which are to be lost to the development. The applicant proposes mitigation works (the creation of a pond to the north of the working area and subsequent translocation of the plants). The proposed pond creation works are subject to further detailed ground works and confirmation of the site location suitability. The mitigation works are acceptable in principle subject to approval of the final design and location details. It is recommended that a condition securing the mitigation works is added to any planning permission.

With regard to bats, a survey carried out on behalf of the applicant states that a total of nine confirmed and two possible bat roosts were recorded within the site during the surveys. It is likely that bats may use a number of buildings for roosting on a regular basis across the site. The proposed works will require the demolition and renovation of a number of buildings. These works could potentially result in the disturbance, injuring or killing of bats and the damage or destruction of roosts. It is recommended that a condition requiring the submission and approval of an approved mitigation/method statement and details of an EPS issued by Natural England should be added to any planning permission. Details should also be provided of any scheme of proposed lighting for the site.

In respect of nesting birds where possible, works (including works to trees) should be carried out outside of the main bird nesting season (mid-February – August inclusive). If works are undertaken during this period a check for breeding birds should be undertaken. If breeding birds are subsequently discovered the young shall be allowed to fledge before works proceed. Proposed mitigation across the site should look to provide additional nesting opportunities for those species currently recorded by habitat planting and the addition of artificial nest boxes where possible.

The Environment Agency has requested that a construction environmental management plan (CEMP) is submitted to detail the methods to avoid impacts upon sensitive receptors such as the River Wye. The PDNPA Ecologist fully supports this recommendation and recommends that a condition is added to secure this prior to commencement.

Therefore it is recommended that in addition to the mitigation measures outlined above in relation to water vole, small pondweed, bats and birds, a range of enhancement/compensation measures are incorporated within the new builds and in the renovated buildings on site. These should include artificial nest boxes for birds such as house sparrow, starling, house martin and swifts – the majority of which can be incorporated within the fabric of the building or under eaves. Artificial bat boxes should also be incorporated where possible into the fabric of the building using bat bricks, access tiles and bat tubes.

The agent has confirmed that the suggested ecological mitigation and enhancement conditions are acceptable, but point out that it will not be practically possible to maintain the proposed 8m buffer zone for water voles along the river bank, during the construction of the proposed new river bridge.

It is considered, therefore, that there are no overriding ecological concerns that the proposals would not be capable of being mitigated for. Consequently, it is considered that the biodiversity interests would be conserved in accordance with Core Strategy policy L2, Local Plan policy LC17 and paragraphs 109 and 118 of the Framework, 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.

The impacts on the archaeological and heritage assets have been discussed in detail in the Impact on Site and Surroundings section of this report above. Following a detailed examination of the original submitted information and the additional archaeological reports and assessments that have been submitted, it is considered that the subject to the attaching of appropriate conditions, the proposed scheme will amount to less than substantial harm to the designated heritage assets and any harm that will arise would be outweighed by the public benefits from the redevelopment of the site, in compliance with Framework paragraphs 128 to 134 with regard to the conservation and enhancement of the historic environment.

The submitted outline scheme is considered to be more sympathetic to the character and appearance of the industrial setting, the adjacent designated heritage assets and the Conservation Area, than the current condition of the site. The detailed design, which would be subject to a reserved matters application, should offer significant enhancement of the site and its

setting, including the adjacent Conservation Area and the heritage assets that have been identified.

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.

In this respect, the Highway Authority states that the proposal is to utilise the previously approved, partially constructed access to the A6, via a new bridge over the river (the new access). At the time of the approval for that access it was, on balance, concluded that whilst not fully compliant with standards, the access represented an improvement over the existing access arrangements. Additional benefits of the access would, as detailed in the Transport Assessment, remove HGV's from Holme Lane and Lumford.

The new access was originally consented in 1989, when the red-line boundary of the site included the frontage of the adjacent sites. The decision notice required visibility sightlines of 4.5m x 120m to the west and 4.5m x 74m to the east. The current red-line boundary is limited to the access only and demonstrates no achievable sightlines across land within the control of the applicant.

In response to concerns raised by the Authority's Officer and the Highway Authority, the applicant has provided evidence to show that there are covenants in place over the adjacent land outside the applicant's ownership to secure and maintain the required sightlines in perpetuity. The Highway Authority considers that this land should be included within the red line application site boundary. Whilst it is appreciated that the access is 'extant' in planning terms, as it stands, the proposals would potentially increase the use of a (partially constructed) access with severely restricted visibility. The Highway Authority sought reassurances on the maintenance of these visibility sightlines in perpetuity, given the significant volumes of traffic that would be using the bridge access to the various uses generated by this outline proposal, the accompanying hotel development, and any increased future traffic generated by the expansion of the industrial uses on the western part of the Riverside Business Park site, which are not subject of this application.

Whilst the applicant has provided information to show that there are legal covenants in place over the land either side of the access entrance, which is not in his ownership, it is considered that further protection of these important visibility sightlines in perpetuity should be secured through the imposition of a section 106 legal agreement. Subject to the satisfactory provision and maintenance of the visibility sightlines in perpetuity, there appear to be no significant highway concerns in respect of the proposed outline application providing the new road bridge can be provided.

The Highway Authority's final views on the proposal are awaited and will be reported orally at the committee meeting. However, in the absence of sufficient evidence to demonstrate the current proposals would achieve a sufficiently viable scheme to fund a new road bridge over the River Wye to the site, it cannot be demonstrated that the proposed development would be provided with a safe and suitable access, contrary to saved Local Plan policy LT18 and national planning policies in the Framework.

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, and this has been reflected in the subsequent consultation responses from the Environment Agency and the District Council, who recommend approval subject to the attaching of appropriate planning conditions. It is therefore considered 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 District Council and the Environment Agency.

Impact on Amenity

The nearest residential properties are opposite the application site on the south side of the A6, in particular Bluebells 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 proposed outline development. The properties on the A6 (i.e. Buxton Road) have raised objections in relation to 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.

The likely 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 also acknowledged that the provision of a new access bridge would significantly improve the amenities of the residents along Holme Lane and Lumford 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 proposals would comply 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 if the new road bridge is provided. However, in the absence of sufficient evidence to demonstrate the current proposals would achieve a sufficiently viable scheme to fund a new road bridge over the River Wye to the site, it is possible that Holme Lane would be used by large vehicles servicing the existing premises on the Business Park, and by construction phase traffic for the proposed hotel and the redevelopment proposals in this application if planning permission is granted for both this application and the hotel proposals based on the phasing of the development sought by the applicant. Such a significant intensification of vehicular movements along Holme Lane would mean that the cumulative impacts on a stand-alone basis or both developments together would have a substantial and harmful impact on the residential amenities of the properties on Lumford and Holme Lane contrary to policy GSP3 and LC4 and core planning principles in the Framework.

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 hydro-electricity and photo-voltaic panels. 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. However, it is considered environmental management measures could be addressed by the attaching of appropriate conditions that could be fully discharged at the

reserved matters stage.

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.

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.

The agents have indicated a willingness to enter into planning obligations in order to ensure that subject to the approval of the accompanying outline application, the developments will be undertaken as soon as is practicable in order to enable the new bridge access from the A6 to be provided. The applicant has also offered to provide a bus for the local transport group, similar to the undertaking agreed as part of the Aldi proposal.

Given that officers are recommending refusal of the outline application, however, it is not considered that the undertaking of planning obligations would serve alleviate or resolve the fundamental policy objections in generated by the current proposal.

Conclusion

Officers consider that the submitted application provides insufficient justification for a departure from saved Local Plan policies LB7, LB9 and HC5, taking into account the proposals include a medium sized food store outside of Bakewell's Central Shopping Area, over 2600m² 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, as required by policy.

Officers consider that the proposals do not comply with national planning policies in the Framework primarily because there is insufficient information to demonstrate that all 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 that in view of the conclusions of the Bilfinger GVA impact and viability assessments, commissioned by the Authority to provide an independent assessment, the

proposal raises significant objections:

- It would have a significant and adverse impact upon the viability and vitality of existing Bakewell town centre uses, including the Co-operative store;
- There is no certainty that the proposed development would fund the construction of the new access bridge;
- There is no intended first occupant for the proposed food store; and
- In the absence of a formal application seeking permission for development proposals for the comprehensive redevelopment of the western half of the site, limited weight can be attached to the longer term and wider social and economic benefits that that the applicant states would be achieved by an approval for this application.

In light of these conclusions, if a comparative exercise were to be taken in respect of the food stores proposed at Riverside and the Aldi approved on the Cintride site it can be acknowledged that neither the Riverside site or Cintride site are sequentially preferable, but that in the absence of a town centre site, 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. Whilst both sites are considered to be out-of-centre sites they are also considered to be equally acceptable in terms of the sequential test for out-of-centre retail development.

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 when taking into account all relevant considerations. The Cintride site also appears to be preferable 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 report is based on the premise that the Aldi approval is sound. It is considered this approach is appropriate because the relative planning merits of the approved food store on the Cintride site are relevant to the determination of the application for a food store on the Riverside Business Park. In these respects, it is of great significance that the advice given to the Authority is that there is only the need for one additional medium order retailer in Bakewell.

In conclusion, officers have taken into account all material considerations, including the issues raised in representations, but none of these override the substantial objections to the scheme outlined in the report. In the absence of any further considerations indicating an exception to the development plan is warranted, the application is recommended for refusal for the reasons set out above.

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