



## Appeal Decision

Hearing held on 4 May 2017

Site visit made on 4 May 2017

**by R C Kirby BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 22<sup>nd</sup> June 2017**

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**Appeal Ref: APP/M9496/W/16/3156948**

**Riverside Business Park, Buxton Road, Bakewell, Derbyshire DE45 1GS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by Riverside Business Park Ltd against the decision of Peak District National Park Authority.
  - The application Ref NP/DDD/0316/0280, dated 30 March 2016, was approved on 15 July 2016 and planning permission was granted subject to conditions.
  - The development permitted is demolition of existing industrial units and construction of replacement employment floorspace, improvements to existing site access, parking, landscaping and other associated works.
  - The condition in dispute is No 3 which states that: *No development shall take place until a new road access to the business park has been provided in accordance with the implemented planning permission (office code no NP/DDD/0511/0487).*
  - The reason given for the condition is: *In the interests of the proper planning of the local area and in the interests of highway safety, and to safeguard the character and amenities of the local area.*
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing industrial units and construction of replacement employment floorspace, improvements to existing site access, parking, landscaping and other associated works at Riverside Business Park, Buxton Road, Bakewell, Derbyshire DE45 1GS in accordance with the terms of application Ref NP/DDD/0316/0280, dated 30 March 2016 and subject to the 19 conditions in the attached Schedule.

### Costs Application

2. An application for costs was made at the Hearing by Riverside Business Park Ltd against Peak District National Park Authority. This is the subject of a separate Decision.

### Procedural Matters

3. The National Park Authority (NPA) has indicated that the application number quoted in condition No 3 above is incorrect. Both main parties confirm that the correct application number is NP/DDD/0307/0192. This planning permission relates to the creation of an access road over the River Wye from the A6 into the business park, to the west of the existing access across the river. I have considered the appeal proposal on this basis.
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4. During the course of the planning application the proposal was amended and the number of passing bays proposed along Lumford was reduced from 3 to 2. The NPA determined the planning application on this basis and I have considered the appeal proposal accordingly.
5. At the Hearing my attention was drawn to the emerging Bakewell Neighbourhood Plan (BNP). I was advised that this Plan was at pre-publication stage and that no formal public consultation exercise has been undertaken in respect of it. I therefore concur with both main parties that given the stage the BNP is at, I am unable to attach weight to it in my consideration of the appeal.

### **Main Issues**

6. The main issues in this case are whether the disputed condition is reasonable and necessary in the interests of highway safety and the character and appearance of the area, including its enjoyment by residents and visitors. area.

### **Reasons**

#### *Highway Safety*

7. The appeal site is located on the Riverside Business Park (RBP) in Bakewell. The RBP is served by two access; one from the A6 across a bridge over the River Wye and the other along Holme Lane and Lumford. The RBP is an employment site identified within the Peak District National Park Local Plan (LP). LP Policy LB7 relates to the RBP (formerly known as Lumford Mill). This is a permissive policy which allows for the comprehensive redevelopment of some 5 hectares of land for predominantly industrial/business use, subject to certain criteria being satisfied. Criterion (iii) requires a new access bridge to be built across the River Wye if development results in an increase in existing floorspace on the site. It also requires the existing bridge across the river to be closed to vehicles.
8. Although both main parties agree that the proposal would not result in an increase in floorspace upon the site, concerns have been raised by the Lumford and Holme Lane Residents Association that the proposed redevelopment of the site would result in an increase in floorspace. It is submitted amongst other matters, that the entire business park should be assessed rather than individual development sites and that buildings without planning permission and temporary buildings should not be included in the existing floor space calculation. Whilst noting the representations made, there is nothing within LP Policy LB7 which prevents parts of the site being developed individually and independently from the remainder of the site.
9. There are a number of buildings on the site which do not appear to have been granted planning permission. In terms of these buildings, the NPA confirmed at the Hearing that they are exempt from enforcement action because of the length of time they have been constructed and used. Accordingly it is necessary and reasonable to include these within the existing floorspace calculations. In terms of the temporary buildings upon the site, these amount to a floorspace of around 588 square metres (sq.m). I agree that this floorspace should be excluded from the existing floorspace calculations given the temporary nature of these buildings.

10. Even removing the temporary buildings from the existing floorspace calculation, I share the main parties' view that the proposed floorspace upon the site would be less than the existing floorspace. As such, there is no requirement under LP Policy LB7 to construct a new access bridge from the A6 to serve the development.
11. Whilst accepting that the proposal would not result in conflict with LP Policy LB7, the NPA and interested parties consider that the new employment buildings would result in a significant change in traffic generation using unsuitable accesses into and out of the site. In the interests of highway safety, a new access into the site is necessary.
12. Policy GSP3 of the Peak District National Park Local Development Framework Core Strategy Development Plan Document (CS) requires development to conform to a number of principles, including its impact on access and traffic levels. Amongst other matters LP Policy LT18 requires that safe access arrangements are provided. These policies are broadly consistent with the National Planning Policy Framework (the Framework) which requires, amongst other matters, for a safe and suitable access to the site to be achieved for all people.
13. There is no dispute between the main parties that the access over the bridge is wide enough for only one vehicle to use at any one time. If a vehicle is exiting the site via the bridge, vehicles waiting to turn into the site would need to wait within the carriageway of the A6. This is at a point in the road where there is good visibility and the likelihood of conflict with other road users would be likely to be low. The bridge access is unsuitable for large vehicles, and signs on the A6 and within the site indicate this. There is no footway across this bridge; however pedestrians would be visible to drivers of vehicles along this small stretch of carriageway and vice versa. Conflict would be unlikely to occur as a result.
14. Both parties acknowledge that the visibility for vehicles exiting this junction onto the A6 is below adopted standards. However, a reduction in visibility below the recommended levels is not necessarily a problem, unless there is local evidence to the contrary<sup>1</sup>. I have not been provided with convincing evidence that the visibility at this access has resulted in harm to highway safety and from my observations, I found that I was able to see clearly whether it was safe to manoeuvre into the A6 from this junction. It is noteworthy that the Highway Authority raised no objection to the scheme in this regard.
15. Lumford is a private road with street lighting and no footway. It serves a number of residential properties as well as the RBP. This road is in the control of the appellant. It is narrow with an uneven surface, and whilst wide enough to allow a pedestrian and a vehicle to pass, it is too narrow to allow 2 vehicles to pass each other. The road has good forward visibility along its length and users of this road would be able to see clearly other road users and give way as necessary. Notwithstanding my findings, I observed that vehicles do not always wait at the end of Lumford to allow another to pass along it. This results in vehicles pulling into nearby residential driveways. Such a manoeuvre allows just enough room for 2 vehicles to pass, but has the potential to cause conflict with pedestrians and nearby occupiers, including those with pushchairs

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<sup>1</sup> Manual for Streets 2

- or disabilities. The wide grass verge sloping down to the river would allow a pedestrian to seek refuge in such circumstances, but this would not be suitable for those in a wheelchair or with a pushchair.
16. Holme Lane has a footway along its length and street lighting. There are double yellow lines along this road, however on street parking is permitted along parts of it. Where this occurs, it has the effect of narrowing the carriageway width such that large vehicles using the road may have to wait whilst another passes. There is a slight bend in the road, however forward visibility is reasonable allowing vehicles to give way to one another without the need, usually, for one to reverse.
  17. There is no dispute that there are deficiencies with the existing accesses serving the site. However, it seems that the suitability of the access points to serve the RBP were previously found to be acceptable when the NPA allocated Lumford Mill as an employment site within the LP. My attention has not been drawn to changes to the access into the site in the intervening period, and I have not been provided with convincing evidence that the use of these accesses has resulted in harm to highway safety. The proposal includes 2 passing bays at either end of Lumford which would improve the existing highway conditions. Such provision would be likely to result in a reduction in the number of times vehicles pull into private driveways to allow another vehicle to pass, thereby reducing potential conflict between vehicles and other road users including pedestrians and cyclists.
  18. It is therefore necessary to assess whether the proposal would intensify the use of the accesses to the extent that highway safety would be harmed or the accesses would otherwise become unsuitable. This is considered below.
  19. A Traffic Impact Analysis (TIA) was submitted by the appellant which predicted the volumes of traffic using the site during the AM and PM periods. Concern has been raised by local residents and the NPA that this analysis does not accurately reflect the actual vehicle movements associated with the existing operator on the site, which are considered to be predictable and fall outside the AM and PM peak periods. Whilst noting this matter, no evidence was submitted either in writing or orally at the Hearing to demonstrate this.
  20. The appellant submits that the existing operator has a short time remaining on their lease and that an analysis based on a potential future operator would provide a more accurate comparison of traffic movements to and from the site. Although the existing operator may have predictable traffic movements, given the circumstances in respect of the lease and the probability that an alternative business would be able to operate from the site, without necessarily having to first obtain planning permission from the NPA, I find that the data used by the appellant in its TIA forms a suitable basis for predicting traffic flows to and from the site. It is noteworthy that the Highway Authority did not object to the data used by the appellant in their analysis.
  21. The TIA forecasted that the potential traffic generation for the existing buildings on the site was 73 two way movements in the AM peak and 60 two way movements in the PM peak; the forecasted trip rates for the new employment buildings was 62 two way traffic movements in the AM peak and 52 two way trips in the PM peak. These forecasts show a net reduction to the number of vehicles onto the local highway network during the AM and PM peak

- periods, which, given the reduction in floorspace that would result is a reasonable forecast to make.
22. Whilst there are inadequacies with the existing accesses to the site as set out above, the proposal would be unlikely to result in an intensification of vehicle movements over and above those that could legitimately occur. This is regardless of whether the units were occupied by a single operator or several different operators. I have not been provided with convincing evidence that the existing junctions are at capacity or that their use results in harm to highway safety.
23. The NPA suggests that I take into account vehicle movements associated with nearby uses, including a hotel that was recently granted planning permission<sup>2</sup>. I have not been provided with details of vehicle movements associated with such uses and am therefore unable to consider this matter further. Nevertheless, whilst other employment uses on the site would be likely to have peak traffic flows at a similar time to the AM and PM peak, vehicles associated with the hotel would be likely to depart after the morning peak and arrive between mid-afternoon or early evening. As such there would be unlikely to be a significant change in the use of the accesses to the site, particularly at the busiest times of the day. I note that my colleague found that the use of the accesses associated with the hotel use were safe and suitable to serve this development.
24. Although no details of numbers of vehicles have been provided, my attention has been drawn to the access from the A6 along Lumford/Holme Lane and vice versa being used as a rat run to avoid peak traffic flows in the town centre. I was also told of vehicles being diverted along this route when there was an accident on the A6. I have no reason to doubt that there are instances when traffic use the roads into the RBP. However such manoeuvres do not alter my findings above that the proposed scheme would not result in an intensification of use of the accesses to a point where harm would be caused to highway safety.
25. Taking all these matters into account, I find that the proposed development would not significantly intensify the use of the accesses to the site to the extent that they would not be capable of handling the traffic generated or that highway safety would be harmed. The Framework indicates that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. This has not been demonstrated and I conclude that the a safe and suitable access to the site can be achieved for all people in accordance with paragraph 32 of the Framework and the safety objectives of CS Policy GSP3 and LP Policy LT18. Accordingly, the provision of a new road bridge over the River Wye is not necessary to prevent harm to highway safety in this case.
26. In reaching this conclusion I have had regard to the NPA's concern that the piecemeal development of the RBP may prejudice the financing of a new road access into the employment site. However, as I have found that the proposal would not prejudice highway safety and that there is no requirement for a new bridge in this case, this matter carries very limited weight in my overall Decision. Notwithstanding this, the appellant indicated that the proposal would

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<sup>2</sup> Ref APP/9496/W/16/3144163

not prejudice the provision of the new bridge and that opportunities to provide it would continue to be sought.

### **Character and Appearance**

27. The Framework at paragraph 115 advises that great weight should be given to conserving landscape and scenic beauty in National Parks and other designated areas. Such areas have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in such areas and should be given great weight in National Parks.
28. The NPA has expressed concern that vehicle movements associated with the proposal would be harmful to the character and appearance of the area and its enjoyment by local residents and visitors. There are a number of public footpaths within the vicinity of the site and I have no reason to find that they would not be well used, given the attractive location within which the appeal site is located.
29. The area was described as tranquil; however traffic on the nearby A6 was clearly audible on my site visit which has an effect on the character of the area. As I have found that the proposal would not generate vehicle movements over and above those that could reasonably take place on the site, the use of the accesses into the site would be unlikely to have a noticeable effect upon the character and appearance of the area. Local residents and visitors to the area would be unlikely to have their enjoyment of this attractive location harmed as a result.
30. The NPA acknowledged that the new passing places would not be harmful to the character and appearance of the area, and subject to their construction and surfacing, which could be controlled by planning condition, I have no reason to find differently in this regard. I note that my colleague in allowing the hotel on the RBP reached a similar conclusion.
31. In light of the foregoing I find that there would be no conflict with the character and appearance objectives of CS Policies GSP2, GSP3 or LP Policy LC4. Furthermore, there would be no conflict with the design objectives of LP Policies LB7 and LT18.

### **Other Matters**

#### *Effect on Heritage Assets*

32. There are a number of heritage assets within the vicinity of the appeal site as detailed in the NPA's Committee Report. These include the grade II listed Lumford Mill, the grade II listed bridge over the River Wye which gives access to the site and the grade II listed stone facing to the bridge over the mill stream. The Packhorse Bridge is grade I listed and the Mill Race is a Scheduled Monument. The access to the appeal site, along Lumford and from the A6 is included within the Bakewell Conservation Area.
33. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (1990 Act) requires that when considering whether to grant planning permission for development which affects a listed building or its setting, special

regard shall be had to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Section 72(1) of the 1990 Act also requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

34. When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 132 of the Framework advises that great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 131 of the Framework sets out matters which should be taken into account when determining planning applications, including sustaining and enhancing the significance of heritage assets (which includes listed buildings, scheduled monuments and conservation areas) and the desirability of new development making a positive contribution to local character and distinctiveness.
35. The appeal site is located to the rear of existing buildings upon the RBP. There is limited intervisibility between the appeal site and nearby heritage assets. Part of the proposal includes 2 passing bays along Lumford. The grass river bank makes a contribution to the informal green landscaped character of this part of the conservation area and one of the passing bays would be viewed in the context of the Packhorse Bridge and the scheduled monument. However, owing to the limited amount of hardstanding and engineering works necessary to provide these passing bays, I am satisfied that subject to suitable materials and design that the passing places would preserve the character and appearance of the conservation area and would not harm the significance or setting of nearby heritage assets.
36. I note that the NPA was satisfied that harm would not result to nearby heritage assets and non-designated heritage assets including the archaeological interest of the site. Furthermore, it is noteworthy that neither Historic England or the NPA's Archaeologist considered that the scheme was unacceptable. There would be no conflict with CS Policy L3, or LP Policies LB7, LC15, LC16 in this regard.

#### *Living Conditions*

37. A number of local residents have expressed concern that traffic associated with the redevelopment of the site would be harmful to living conditions. Properties fronting Lumford have long front gardens leading down to the road and a small area to the rear. I was told that occupiers use the front gardens for sitting out in and socialising. They are also areas where children play.
38. Given my findings above in respect of vehicle movements to and from the site, I am not convinced that harm would result to nearby occupiers' enjoyment of their properties. Construction traffic would be using the site for a relatively short period and whilst this may pose a nuisance as a result of an increase in large vehicles using Holme Lane and Lumford, this in itself is not good reason to prevent the development of an employment scheme in this location.
39. I note the concerns raised in respect of pollution from diesel vehicles. This did not form part of the NPA's case and I was not presented with evidence that the

area has air quality issues. This matter is not therefore a determining factor in this case.

40. In light of the foregoing, I conclude that the proposal and traffic associated with it would not result in harm to the living conditions of nearby occupiers. There would be no conflict with CS Policy GSP3 or LP Policy LC4 in this regard. The proposal would comply with the core planning principle of the Framework relating to a good standard of amenity being provided for all existing and future occupants of land and buildings.

#### *Flood Risk*

41. The appeal site is located within Flood Zone 3 which the Environment Agency (EA) indicate as having a high probability of flooding. The appeal proposal is classified as 'less vulnerable' and only the Sequential Test needs to be satisfied. The NPA is satisfied that as the appeal site is a designated employment site under LP Policy LB7, this has the effect of satisfying the Sequential Test.
42. The appellant submitted a Flood Risk Assessment (FRA) with the planning application. The FRA identifies that the site is protected from flooding from the River Wye by existing defences along the river bank. However the report recommends that the flood defence wall should be raised and strengthened as necessary; that general flood mitigation measures should be incorporated into the scheme including floor levels, and that areas should be left for water to pool in the event of excess storm water. Such matters can be secured by planning condition. The EA endorses such an approach.
43. In light of the above there would be no conflict with national planning policy in respect of these matters, or with CS Policies CC1 and CC5.

#### *Ecology*

44. The Framework makes it clear that the planning system should contribute to and enhance the natural and local environment by amongst other matters, minimising impacts on biodiversity and providing net gains in biodiversity where possible (paragraph 109). Paragraph 118 provides further guidance on determining planning applications, stating that local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles including mitigating harmful impacts or compensating them, as a last resort. Opportunities to incorporate biodiversity in and around developments should be encouraged and planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats.
45. It has been put to me by interested parties that the proposal would be likely to have an adverse effect upon ecology upon the site. An extended phase 1 Habitat Survey was submitted with the planning application, as well as a number of Bat Survey Reports. These reports identified that there was bat activity outside of the site associated with bats' foraging and commuting along the River Wye corridor. The surveys identified that there was little bat activity upon the site itself. A day roost for one soprano pipistrelle was however identified in building No 7 upon the site. None of the other buildings on the site or trees upon it were found to have roosts. A European Protected Species licence would be required prior to works proceeding on this building, and it is likely that the licence would only be granted if it could be demonstrated that



suitable alternative roost sites have been provided within the new development.

46. The Habitat Survey also identified a number of nesting opportunities for birds. Mitigation measures were set out in the various surveys including new planting, the creation of nesting and roosting opportunities and controls over external lighting. Such matters could be controlled by suitably worded planning conditions.
47. In light of the above, I am satisfied that the proposal would be unlikely to have an adverse effect upon biodiversity and protected species upon the site. Any impact could be suitably mitigated or compensated. I note that the NPA did not raise this matter as a concern at the Hearing or in its written evidence. There would be no conflict with the aims of CS Policy L2, LP Policies LC17 and LC18 or the Framework in this regard.

*Effect of Passing Bays on Mains Water and Sewage Pipes*

48. It has been put to me that the proposed passing bays may damage existing water and sewage infrastructure in the area. The appellant advised me that a sewer crosses the river and given its depth relative to Lumford, such infrastructure is some depth below the surface of the ground. No contrary evidence was provided by third parties at the Hearing.
49. On the basis of the evidence before, it seems that the passing bays would be unlikely to cause damage to water and sewage infrastructure in the area. In any event, if they were located within a certain distance of such infrastructure, it is likely that consent would be needed from the relevant Authority. This matter is not a determining factor in this case.

*Effect on Employment Opportunities on the Site*

50. Local residents submit that the proposal may result in the loss of existing jobs upon the site as a result of the proposed development. It was submitted that Pinelog is a major employer in the area. Mention is made of 80 jobs. The appellant stated that one of the buildings upon the site had been specifically designed for Pinelog. The NPA stated at the Hearing that even if Pinelog were to vacate the site, it is likely that the scheme would be likely to have a positive effect on employment numbers. The appellant submitted a letter from Knight Frank expressing that if Pinelog vacated, that there was a demand from other companies to relocate onto RBP.
51. On the basis of the evidence before me, I am not convinced that the proposal would result in a net reduction in the number of jobs upon the site. I note the support for the scheme from the NPA's Economic Development department. This matter is not a determining factor in this case.

**Conditions**

52. The NPA consider that the conditions attached to planning permission Ref NP/DDD/0316/0280 remain relevant to the appeal proposal. The appellant does not dispute this, other than the disputed condition No 3. There was discussion at the Hearing over the wording of a revised condition suggested by the NPA in respect of the new bridge access. The condition would allow demolition of the buildings upon the appeal site, however, it would prevent the new buildings being constructed until the new bridge access was provided. The

appellant also suggested 2 additional conditions at the Hearing in respect of the management of vehicle and pedestrian access on Lumford and the provision of a footway along this road. These additional conditions are considered below.

53. In terms of the existing conditions, with the exception of condition No 3, I find that they are reasonable and necessary for the following reasons. I consider that they comply with the guidance on conditions set out in paragraph 206 of the Framework and the Planning Practice Guidance.
54. To ensure that the development is carried out in accordance with the approved drawings, a condition is necessary. To secure the use of the site for employment purposes, a condition is necessary controlling the use of the new buildings.
55. In the interests of the character and appearance of the area, conditions are necessary controlling alterations and additions to the new buildings, in respect of landscaping, and the specification of the passing bays. Conditions are necessary in the interests of highway safety and the character and appearance of the area to provide a construction compound upon the site, wheel washing and parking and loading/unloading arrangements during construction, and car parking and HGV parking prior to occupation of the new buildings.
56. In the interests of flood prevention, conditions are necessary requiring the existing flood wall to be raised and refurbished, controlling floor levels and providing sustainable drainage systems. In the interests of archaeology, a condition is necessary requiring a Written Scheme of Investigation to be undertaken, as well as control over certain aspects of the design of the scheme including foundations.
57. To protect and enhance biodiversity upon the site conditions are necessary requiring certain measures to be undertaken including mitigation, control over lighting, habitat creation, the removal of cotoneaster and timing of works. To control pollution upon the site, the measures contained within the Site Investigation Report should be implemented.
58. In terms of the NPA's suggested condition regarding the provision of the new bridge over the river prior to construction of new buildings upon the site, I find that this is not necessary given my findings above in respect of highway safety.
59. The appellant's suggested condition in respect of a footway along Lumford was raised as a concern by the NPA who considered that such development would require an application for planning permission and could not be covered by a condition. In terms of the management of vehicles and pedestrians using Lumford, I consider that having regard to my findings in respect of vehicle movements that the scheme would generate, such a condition would not be reasonable or necessary in this case.

## **Conclusion**

60. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by removing the disputed condition.

*R C Kirby*

INSPECTOR

## **SCHEDULE**

### **CONDITIONS**

1. The development hereby permitted shall be begun within 3 years of 15 July 2016.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with submitted plan nos 2016-007-101 Rev D, 102 Rev B, 201, 202, 203 Rev A, 204 Rev A, 205, 206, 210, 211 Rev A, 213, 220, 221, 222 Rev A, 223 Rev A, 225, 226, 601 Rev B, 901 Rev C, 801 Rev C, 803 Rev A and 902 Rev B.
3. The buildings hereby approved shall be used solely for business uses, general industrial and storage and distribution uses as specified in B1, B2 and B8 of the schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) or in any order revoking and re-enacting that Order.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no alterations to the external appearance of the buildings hereby approved shall be carried out and no extensions, or ancillary buildings, shall be erected within the red-edged application site without the National Park Authority's prior written consent.
5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) site accommodation;
  - v) wheel washing facilities;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

6. No unit shall be taken into use until space has been laid out within the site in accordance with drawing number 2016-007/101 Rev D for 68 cars and 10 HGV's to be parked and for all vehicles to turn so that they may enter and leave the site in forward gear. These facilities shall thereafter be retained for use at all times.
7. Prior to commencement of development, a scheme to raise and refurbish the riverside wall shall be submitted to and approved in writing by the local planning authority. The scheme to be submitted shall demonstrate the continuity of flood protection up to a 1 in 100 year plus climate change flood event plus 400mm freeboard allowance. The scheme to be submitted shall be based upon drawings showing upstream and downstream tie-in arrangements and an assessment of the structural integrity of the existing riverside wall and shall make recommendations for any remedial measures required to the riverside wall. Thereafter, works to the riverside wall shall be carried out in full

compliance with the recommendations and details to be submitted and any phasing / timetable embodied within the scheme prior to the development hereby permitted being taken into use.

8. The finished floor levels of buildings shall be in accordance with the approved plan entitled 'Preliminary Finished Levels' (Drawing Number 2016-007/803 Revision A) unless otherwise agreed in writing by the local planning authority.
9. No building hereby permitted shall be occupied until a detailed design and associated management and maintenance plan of surface water drainage for the site, having regard to DEFRA's non-statutory technical standards for sustainable drainage systems (or any subsequent version), has been submitted to and approved in writing by the local planning authority. The approved drainage system shall thereafter be implemented in accordance with the approved detailed design prior to the use of the buildings commencing.
10. No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing in accordance with a brief for the works issued by the local planning authority, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority, this includes the programme of building recording. The scheme shall include an assessment of significance and research questions; and
  - i) A programme and methodology of site investigation and recording;
  - ii) A programme for post investigation assessment;
  - iii) Provision to be made for analysis of the site investigation and recording;
  - iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - v) Provision to be made for archive deposition of the analysis and records of the site investigation;
  - vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

No development shall take place other than in accordance with the approved archaeological Written Scheme of Investigation approved .

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved archaeological Written Scheme of Investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

11. A detailed design and methods statement for the scheme and foundation design for use in areas of archaeological sensitivity, as determined by the programme of archaeological works, shall be submitted to and approved by the local planning authority in writing prior to the commencement of the construction phase of the development. No development shall take place in areas of proven archaeological sensitivity other than in accordance with the details of the approved scheme.
12. No development shall take place until a method statement/construction environmental management plan has been submitted to and approved in

writing by the local planning authority. This shall deal with the treatment of any environmentally sensitive areas, including the River Wye corridor, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. Such a scheme shall include details of the following:

- i) The timing of the works;
- ii) The measures to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution);
- iii) The ecological enhancements as mitigation for the loss of habitat resulting from the development;
- iv) A map or plan showing habitat areas to be specifically protected (identified in the ecological report) during the works;
- v) Any necessary mitigation for protected species;
- vi) Any necessary pollution protection methods;
- vii) Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrates they are qualified for the activity they are undertaking. The works shall be carried out in accordance with the approved method statement.

Thereafter, the development shall be carried out in complete accordance with the approved method statement.

13. No development shall take place until a scheme providing nesting opportunities for a range of bird species (including grey wagtail) on the application site has been submitted to and approved in writing by the local planning authority. Thereafter, the development shall not be carried out other than in complete accordance with the approved scheme.
14. If development takes place during the bird breeding season (March to September inclusive), then suitable nesting features shall be surveyed for active bird nests before development (including demolition) is undertaken. If active bird nests are present, then development within the area supporting the nests shall be delayed until nesting activity has ceased.
15. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust document Bats and Lighting in the UK.
16. Before development commences on the site, the small stand of cotoneaster shall be removed from the site in order to minimise the risk of spreading this plant through the course of the works.
17. Before commencing the development hereby approved a detailed scheme for landscaping (including tree and shrub planting seeding or turfing, earth mounding, walling, fencing or ground surfacing as necessary) shall be submitted to and approved in writing by the local planning authority. The scheme shall include provision for the removal of the existing leylandii trees and replacement with native species. Once approved, the planting or seeding shall be carried out within the first planting seasons following completion or

occupation of the development. Any walling or surfacing shown on the approved plan shall be completed before the buildings are first occupied. Any trees dying, being severely damaged or becoming seriously diseased shall be replaced within the next planting season with trees of an equivalent size and species or in accordance with an alternative scheme agreed in writing by the local planning authority before any trees are removed.

18. The recommendations and further investigations in Chapter 6 of the Phase 1 Geotechnical and Geo-environmental Site Investigation Report by Eastwood and Partners dated April 2015 shall be fully implemented as far as they apply to the application site.
19. No development shall take place until a scheme for 2 passing places on Lumford has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the commencement of demolition and shall thereafter be retained.

## **APPEARANCES**

### **FOR THE APPELLANT**

Mr P G Tucker QC	Kings Chambers
Mr N Goldsmith	Lichfields
Mr P Wooliscroft	Croft Transport Solutions
Mr M Twelves	Litton Properties
Mr J Harrison	Thornbridge Brewery

### **FOR THE NATIONAL PARK AUTHORITY**

Mr J Scott	Director of Conservation and Planning
Mr T Shiels	Area Planning Manager
Miss J Bunting	Assistant Solicitor
Mr P Blair	White Young Green

### **INTERESTED PARTIES**

Mr C Bateman	Local Resident and Chair of Lumford and Holme Lane Residents Association
Mr S Davies	Local Resident
Mr P Stubbs	Local Resident
Mr K Thorpe	Local Resident
Mrs T Wylie	Local Resident

### **DOCUMENTS SUBMITTED AT THE HEARING**

1. Copy of Policy DME3 of Development Management Policies Part 2 of the Local Plan for the Peak District National Park Publication Version for Consultation October 2016
2. Agreed Statement of Common Ground
3. Copy of Drawing No 2016-007/806 A
4. Copy of Section 5 (Economy) of Bakewell Neighbourhood Plan
5. Copy of Planning Permission NP/DDD/0117/0066; Committee Report and Minutes
6. Copy of Letter from Litton Property Group to Bakewell Town Councillors dated 1 July 2016

7. Copy of letter from Derbyshire County Council to NPA in respect of application NP/DDD/0415/0339 for a hotel at Riverside Business Park
8. Extract of letter from Principal Development Control Engineer regarding Holme Lane and bridge access to Riverside Business Park from the A6
9. Copy of letters dated 5 December 1977 and 4 July 1978 from Derbyshire County Council in respect of access to the industrial site
10. Copy of letter dated 3 May 2017 from Litton Property Group in respect of requirements at Riverside Business Park
11. Copy of letter dated 25 April 2017 from Knight Frank in respect of Pinelog Premises
12. Copy of Judgement of Mr Lockhart-Mummery QC in respect of PF Ahern (London) Limited and The Secretary of State for the Environment and Havering Borough Council dated 10 June 1997
13. Conditions suggested by the Appellant in respect of the management of Lumford and a footway