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## Appeal Decision

Hearing held on 4 October 2016

Site visit made on 5 October 2016

**by I Radcliffe BSc(Hons) MRTPI MCIEH DMS**

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

**Decision date: 01 December 2016**

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**Appeal Ref: APP/M9496/W/16/3144163**

**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 refusal to grant planning permission.
  - The appeal is made by Riverside Business Park Limited against the decision of the Peak District National Park Authority.
  - The application Ref NP/DDD/0415/0339, dated 21 April 2015, was refused by notice dated 11 December 2015.
  - The development proposed is demolition of former mill buildings, associated structures and other buildings and full planning permission for Class C1 (Hotel) development incorporating ground floor floorspace with flexibility to be used for Class A3 and Class D2 uses, improvements to existing site access, parking, landscaping and other associated works.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of former mill buildings, associated structures and other buildings and full planning permission for Class C1 (Hotel) development incorporating ground floor floorspace with flexibility to be used for Class A3 and Class D2 uses, improvements to existing site access, parking, landscaping and other associated works at Riverside Business Park, Buxton Road, Bakewell, Derbyshire DE45 1GS in accordance with the terms of the application, Ref NP/DDD/0415/0339, dated 21 April 2015, subject to the conditions in the schedule at the end of this decision.

### Procedural matter

2. Riverside Business Park is currently served by two accesses: Lumford / Holme Lane and a bridge over the River Wye close to the proposed hotel. Although the Lumford/Holme Lane access is included within the red line, the existing bridge is not. However, reference to the bridge as an existing access is made on both the submitted site plan and the parking plan that formed part of the application<sup>1</sup>. Furthermore, the Transport Assessment, upon which the Highway Authority commented, is based upon the use of both accesses. On the basis of the consultation that has been carried out, the views of those who would normally have been consulted in relation to access to the site are clear. Moreover, consideration of both accesses was thoroughly discussed at the hearing which was well attended by local residents.

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<sup>1</sup> Plan refs 2014-257/108 E & 2014-257/105 C

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3. Having viewed the Business Park, it is self-evident that traffic freely uses both accesses. I have no reason to suppose, in this regard, that the existing arrangement, which includes access to the appeal site across the bridge, is not lawful, or that traffic associated with the hotel use proposed could not lawfully use the bridge access. It seems to me that, were the appeal to succeed, the bridge would continue to provide access to both the Business Park generally and to the hotel. The fact that the bridge was not included within the red line has no bearing on that. Taking all these matters into account, I am satisfied that no party would be prejudiced if I dealt with the appeal on that basis. My consideration of the case and decision is therefore based upon the use of both accesses.

### **Main Issues**

4. The main issue in this appeal is whether the appeal scheme would be acceptable in terms of local and national planning policy, having regard to;
  - its location and whether the proposed development would be provided with a safe and suitable access;
  - the effect of the proposal on the residential amenity of the occupants of the properties on Lumford and Holme Lane; and,
  - the effect of the proposed development on heritage assets.

### **Reasons**

#### *Location of development*

5. Policy RT2 of the Peak District National Park Core Strategy (adopted October 2011) deals with visitor accommodation. It supports the provision of a new hotel in Bakewell to meet the need for serviced accommodation. Reference was made to a recent planning permission granted for a scheme described as a hotel at Wye House in the town. However, as this development consists of rooms for short term let, with no reception area or food provided, it would not fulfil the same role as a hotel. As a result, a new hotel that accords with policy RT2 of the Core Strategy has not yet been provided in Bakewell.
6. Riverside Business Park is located on the north eastern side of Bakewell. Policy LB7 of the Peak District National Park Local Plan (adopted March 2001) relates to the redevelopment of the site. It supports the provision of tourist accommodation on the site by conversion of the existing listed mill building. If new development would result in an increase in existing floorspace on the site the policy also states that a new access bridge should be built across the River Wye. The proposed hotel would not involve conversion of the mill. Instead, it would be a new building built by redeveloping land currently occupied by employment related buildings which are largely not in use. Based upon the details contained within the application form, the proposed development would also increase floorspace on the appeal site and no new bridge is proposed as part of the scheme. Whilst the proposed development is supported by the Core Strategy it therefore represents a departure from policy LB7.
7. Socially and economically the proposal would generate employment during the construction and fitting out of the development. Upon completion approximately 30 year round jobs would be created and the hotel would increase local visitor expenditure by £700,000 a year. In the absence of other available sites for a hotel in the town, and given the social and economic benefits described, the Park Authority's position is that in accordance with

paragraph 116 of the National Planning Policy Framework (the Framework'), and subject to site specific issues being addressed, exceptional circumstances exist that justify supporting the principle of the proposed development.

8. The Local Plan predates the Framework and Core Strategy by over a decade, and its policies were not prepared in light of the Framework's definition of sustainable development and its approach to vehicle movements generated by new development, which includes that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe<sup>2</sup>. Consequently, I attach limited weight to policy LB7 of the Local Plan. On the basis of what I have read and seen, I therefore agree with the Council and the appellant that having regard to the development plan as a whole and the Framework the principle of the proposal is acceptable in terms of planning policy.

#### Access

9. The site has two accesses, both of which are substandard in terms of width. Holme Lane is a public highway that leads onto Lumford which is an unadopted private road. Holme Lane has an adequate footway along the side of the carriageway. By virtue of double yellow lines along Holme Lane on road parking is only allowed along parts of its northern side. The on-road parking has the effect of narrowing the road from one where two lorries travelling in opposite directions can comfortably pass each other, to one where one motor vehicle has to give way to the other. Although the Lane bends slightly, forward visibility is generally reasonable allowing vehicles to give way to one another without the need, usually, for one to reverse.
10. Lumford has a carriageway but no footway. The wide grass verge that slopes down to the Mill stream is unsuitable for pedestrians, especially if pushing a pram. It's carriageway at approximately 3.5m to 4m in width, whilst wide enough for a motor vehicle to pass a pedestrian or cyclist, is too narrow for two motor vehicles to pass each other. However, forward visibility along its straight length between Holme Lane and the eastern car park is very good. Nevertheless, given its relatively long length, I saw that vehicles travelling in opposite directions often start to drive along Lumford without contemplating the need to give way first. Owing to the absence of formal passing places when vehicles do encounter each other one will pull into the entrance of a private driveway. Such a manoeuvre allows just enough room for two vehicles to pass. Given that the carriageway is used by local residents to walk or cycle along the absence of formal passing places means that on such occasions there is a risk of conflict between these more vulnerable road users and motor vehicles.
11. In relation to the existing bridge, this access point connects the site to the A6. It is only wide enough for cars and non-articulated lorries travelling in one direction at a time to pass. As a result, articulated lorries have to use the Holme Lane and Lumford access. If a vehicle is exiting the site via the bridge vehicles waiting to turn into the site have to wait on the A6. However, as there is good visibility within the site of the other side of the bridge the likelihood of this happening is reduced. For exiting vehicles, adequate visibility splays exist in relation to oncoming traffic on the A6 in both directions.

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<sup>2</sup> Paragraph 32 of the Framework

12. The question which therefore arises is whether the proposal would intensify traffic movements along these accesses to the extent that highway safety would be harmed or the accesses would otherwise become unsuitable. It is to that question which I now turn.
13. Currently, vehicle movements to and from Riverside Business Park reflect the normal working week with peaks in the morning and afternoon when work starts and ends. Minimal traffic occurs at the weekends. During the working week highest levels occur in the afternoon, when slightly more than one vehicle a minute uses the existing bridge access, with less frequent use than this occurring of the Holme Lane and Lumford access.
14. To assess the traffic movements generated by the proposed hotel TRICS data has been used in the Transport Assessment which is based upon an average of data from 18 other hotels. Based upon what I have read and seen the hotels used form a reasonable basis for predicting the vehicle movements in relation to the proposal.
15. The Transport Assessment found that there would be an overall increase in vehicle movements if the proposed development went ahead, with increases occurring in the weekday afternoons and at weekends. Nevertheless, the resulting vehicle movements, with a maximum during peak hours of slightly more than two cars a minute in total using the accesses to the site, would not significantly increase vehicle movements. Of the two accesses, less than one vehicle movement a minute would use the Lumford / Holme Lane access during these peak periods.
16. The traffic projections in the Transport Assessment include a reduction reflecting the amount of employment space that would be lost to development. I saw that much of the space that would be demolished to allow the hotel to be built is vacant and in a poor state of repair. As a result, at present its use generates little traffic and so its loss would not significantly reduce traffic levels associated with the site. However, the upward adjustment that would need to be made to the Transport Assessment to rectify this issue is relatively small and would not materially increase overall levels of vehicle movements.
17. Although no allowance has been made for potential morning visits to the D2 use, movements for it have been based upon A3 trip rates which generate a higher level of use, albeit at a different time of the day. To an extent this approach compensates for the lack of a morning visits included in the assessment. Given this consideration and the comparatively small size of the proposed D2 use this difference in approach would not raise the level of morning visits to the extent that the accesses would become unsafe or unsuitable.
18. Reference has been made to existing companies on the Business Park whose increased production could generate significant additional vehicle movements. In the context of such potential, I agree with the highway authority that the limited number of additional movements resulting from the proposed development would not cause material harm. Furthermore, it is noteworthy that the Highway Authority did not object to the proposal, subject to conditions, on the grounds of highway safety or suitability.
19. Taking all these matters into account, the criticisms made of the Transport Assessment therefore do not alter my overall findings which are that that the proposed development would not significantly intensify use of the accesses to the extent that they would not be capable of handling the traffic generated or

that highway safety would be harmed. Having said that, the absence of passing places along Lumford increases the risk to the safety of vulnerable road users. Consequently, there is a need for passing places to be provided. However, in my view, given the limited length of Lumford, two rather than three passing places would be appropriate.

20. The Council's view in relation to the proposed passing places is that a true condition precedent exists which would prevent the implementation of a condition requiring their provision<sup>3</sup>. However, I do not agree. I have dealt with the proposal on its own particular merits and have come to the view that the use of the existing accesses together with two passing places would overcome highway concerns. I see no conflict therefore with the other permission.
21. For all of these reasons, I therefore conclude that safe and suitable access would be provided to the proposed development. The proposal would therefore comply with policy LT18 of the Local Plan and paragraph 32 of the Framework which between them seek safe and suitable access.

#### *Residential amenity*

22. The Park Authority has concerns that the additional traffic generated by the proposed development would result in an increase in noise and disturbance. It is also concerned that the increased frequency of movements would result in vehicle headlights shining into properties and causing annoyance. In its view, the cumulative effect of this would be that the residents' quiet enjoyment of their homes would be harmed. In addition, concerns regarding overlooking have been raised.
23. The houses along Lumford are set back from the carriageway behind long front gardens along the northern side of the road. The few houses that are present on Holmford Lane are set closer to the carriageway. In response to the Park Authority's concerns a noise assessment has been carried out. The residential property chosen for the monitoring is at the eastern end of Lumford in a position closer to the highway than many houses along this access route. As a result, it is a representative location for monitoring. The noise report found that the predominant noise sources along Lumford are fast moving traffic along the A6 and the noise of water from the river. On the basis of the site visit and the lower speeds of traffic that use this access route, I agree with that assessment. The report found that the modelled noise levels resulting from the predicted increase in vehicles movements would be acoustically insignificant and not discernable. I have no good reason to disagree with that finding.
24. Given the lack of sharp bends along the Lumford / Holme Lane access route, the headlights of traffic using it do not shine into neighbouring houses. Around the car park a tall hedge prevents headlights from cars that are manoeuvring from shining into dwellings. I therefore find the Council's concerns in relation to headlights causing annoyance to be misplaced and that the small increase in traffic movements would not result in problems in this regard.
25. Noise from car parks with the sound of car doors closing, luggage being moved and the sound of people's voices has the potential to be more intrusive than the sound of moving vehicles. The results of modelling in the noise survey offer some reassurance that these levels would be low. I note also that the majority of hotel parking spaces would be to the west of the houses on

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<sup>3</sup> pending the outcome of a parallel appeal in relation to permission ref NP/DDD/0316/0280

Lumford, rather than in the car park shared with companies on the Business Park to the front of a number of these houses. In the evening, background levels from the A6 are likely to be lower and noise from the car park is likely to be more prominent. However, the data for vehicle use associated with a hotel indicates that vehicle movements are generally much lower in the evening than during the day, thereby reducing the disturbance that would be caused. Moreover, I note that the employment use of Riverside Business Park is not controlled by condition. As a result, there would be nothing to prevent businesses and their employees using the shared car park at night which would have the potential to cause significant disturbance.

26. In terms of overlooking, houses face the northern side of the existing eastern car park. A tall hedge, approximately 2.5m in height, screens the front gardens and ground floor of these houses from view. Further away from the hedge, towards the middle of the car park, the first floor windows of these houses are visible. However, with a separation distance of over 20m material overlooking would not occur.
27. A car park present to the side of the house at 14 Lumford would predominantly be used by the hotel. At present there are open views of the gardens to the front, side and rear of the property from this car park. Given that the proposed hotel would result in the car park being used over a greater part of the day during the week, and at weekends, a boundary treatment is necessary to safeguard the privacy of the occupiers of this dwelling. This is a matter that could be secured by condition.
28. For all of these reasons, I therefore conclude that the proposed development would not have a material adverse impact upon the residential amenity of the occupants of the properties on Lumford and Holme Lane. The proposal would therefore comply with policy GSP3 of the Core Strategy, policy LC4 of the Local Plan which seek to prevent harm in this regard. It would therefore also comply with a core planning principle of the Framework which seeks a good standard of amenity for existing and future occupants of buildings.

#### *New bridge*

29. A new bridge providing access to Riverside Business Park is shown as part of the Master Plan for the Business Park. The view of the Council, expressed in its reasons for refusal, is that this bridge needs to be provided to serve the proposed development in order to provide a safe and suitable access and avoid harm to residential amenity. However, for the reasons that I have given use of the existing accesses for the proposed development would not be unsafe, unsuitable or harm residential amenity. Consequently, the new bridge is not necessary to make the proposed hotel and associated uses acceptable in relation to these matters.

#### *Heritage assets*

30. The Framework identifies that heritage assets are irreplaceable resources. Paragraph 132 advises that, when considering the impact of a proposed development on the significance of a designated heritage asset, such as in this case listed buildings, a Conservation Area and a Scheduled Monument, great weight should be given to the asset's conservation.

#### *Listed buildings*

31. In the exercise of planning functions, the statutory test in relation to a listed building is that 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. No works are proposed to listed buildings in the appeal scheme.
32. The Framework defines the setting of a heritage asset as the surroundings in which it is experienced. In essence, if the development proposed could be seen from, or in conjunction with, any of the heritage assets that surround the application site, then there would be an impact on their setting. An assessment is then required as to whether that impact would harm the significance of the asset.
33. On this basis, although the Grade I listed Holme Hall has been referred to, as it is not visible from the application site its setting and significance would not be harmed. The proposed development though would be located within the setting of three Grade II listed buildings. These are Lumford Mill (workshop building), the existing bridge which gives access to the site and the stone facing to the bridge over the mill stream. These assets date from the late C18 to early C18 and form part of the original Lumford Mill complex. Their significance therefore is historical.
34. The mule sheds that would be demolished post-date the listed buildings and are largely screened from view by its façade which would be retained. The scale and massing of the proposed hotel would reflect that of the original mill and the use of appropriate materials and detailing, secured by condition, together with the retention of the façade to the mule sheds would help maintain the link of the site to its industrial past. As a result, I therefore find that the proposed development would not harm the setting or significance of these listed buildings.
35. The proposal would also be located within setting of the Grade I listed Holme Bridge. As a C17 packhorse bridge it relates to a time before the construction of the turnpike roads when the only way to transport heavy goods was on horseback. Its significance therefore is also historical. The introduction of the hotel reinstating the scale and mass of the original mill would terminate long views to the west and the creation of two passing places along the Lumford carriageway in the same direction would not harm its green and rural setting. I therefore find that the setting and significance of this listed building would not be harmed.

*Conservation Area*

36. The eastern part of the appeal site, namely the eastern end of the carriageway along Lumford, the proposed passing places and existing bridge that gives access to the site, lies within Bakewell Conservation Area. The Conservation Area is focused on the town centre and its heritage significance, deriving largely from its well designed older buildings and evolution of the town, is architectural and historical.
37. The narrow width of the carriageway along Lumford contributes to the informal green landscaped character of this part of the Conservation Area where the wide grassed verge slopes gently down to the banks of the Mill stream and River Wye. Owing to the limited amount of additional hardstanding and engineering works that would be required, the creation of two well designed passing places would not harm the pleasant character of this part of the Conservation Area, or the valued characteristics of the area.

*Setting of the Conservation Area and Scheduled Monuments*

38. Whilst no statutory protection is afforded to the setting of heritage assets such as Scheduled Monuments and Conservation Areas, paragraphs 128 and 129 of the Framework require an assessment of the significance of heritage assets that might be affected by a development proposal, including any contribution to their significance made by the setting of those assets. Paragraph 132 of the Framework confirms that the significance of a heritage asset can be harmed or lost through development within its setting. The same paragraph also advises that great weight should be given to the conservation of such assets.
39. The proposed development would be located within the setting of Lumford Mill's Water Management System, which is a Scheduled Monument. The Water Management System is an important example of C19 industrial engineering. Its significance therefore is historical. The proposal would also be within the setting of Holme Bridge which is also a Scheduled Monument and whose significance I have described earlier. The proposed hotel, which would reinstate the original scale and mass of the mill, and the retention of the existing car parks and landscaping proposed would not adversely affect the setting or significance of either Scheduled Monument.
40. Given the partial overlap of the Conservation Area with the appeal site there is clear intervisibility between the two. However, given the high quality design of the proposed hotel that I have described, together with the sympathetic landscaping proposed, the setting of the Conservation Area and significance would not be adversely affected.

*Non-designated heritage assets*

41. The Mule Shed was constructed around 1875 and housed spinning mule machines. The Retort House and chimney is a surviving remnant of the later Arkwright phases of development in the middle of the C19. The Brick Chimney, constructed from dark grey brick, is a C20 addition that forms part of the skyline of the site and contributes to its character. The significance of the Mule Shed, Retort House and Chimney is historical. The significance of the Brick Chimney is its communal interest as a familiar part of the skyline of the complex.
42. The archaeological interest of the site derives largely from the Arkwright phases of development (1777- 1868) when the water powered mill was operating as originally designed and upgrades that occurred during this period. The significance of the site archaeologically therefore relates to its potential for industrial remains that date from this period.
43. The demolition of the principal sheds in the mule spinning shed to allow the hotel to be built would cause considerable harm to the historical significance of this non designated heritage asset. However, the demolition of the mule shed and construction of the hotel, which is more in keeping with the scale and mass of the original mill building, would better reveal the significance of the Retort House and Chimney, and thus improve their setting. The proposed development would not alter the Brick Chimney and it would have a neutral effect on its setting. The development has the potential to adversely affect archaeology on the site. However, with an appropriate mitigation strategy to identify and preserve any archaeological remains of national

importance, which could be secured by condition, adverse effects could be mitigated.

*Conclusion on the effect of the proposal on heritage assets*

44. The demolition of the principal sheds in the Mule Shed to allow the hotel to be built would cause considerable harm to the historical significance of this non designated heritage asset. However, as I described in the section of this decision that relates to the location of the proposed development the provision of a new hotel is a policy objective of the development plan, a lack of alternative sites exist and there would be significant social and economic benefits resulting from the development described . Furthermore, the section of the mule shed that would be lost is in poor condition and the proposed development would better reveal the significance of the Retort House and Chimney and enhance their setting. Taking all these matters into account, I therefore conclude that the harm that would be caused to this non designated heritage asset, whilst notable, is outweighed by other policy considerations, local circumstances and the benefits of the proposal.
45. Historic England has suggested that if nationally important archaeological remains are discovered their preservation could be secured by a use of a section 106 agreement. However, as paragraph 203 of the Framework makes clear, planning obligations should only be used where it is not possible to address such matters through a planning condition. As a condition could be used to deal with this matter, the suggested planning obligation is therefore unnecessary in this instance.

**Overall conclusions**

46. The Framework contains a presumption in favour of sustainable development. Notwithstanding that the proposed hotel development on Riverside Business Park would be contrary to policy LB7 of the Local Plan I have found that in the context of the more recent Core Strategy and Framework the principle of the proposed development would be acceptable in terms of planning policy.
47. Whilst there would be an increase in traffic accessing the site, it would not intensify use to the extent that the accesses would be unsuitable or safety would be impaired. Similarly, the level of increased use would not have a material adverse effect on residential amenity. In relation to the highway safety, the suitability of the access and residential amenity the proposal would therefore comply with the development plan and the Framework. Although environmentally there would be harm to non-designated heritage assets this would be outweighed by the social and economic benefits of the proposal that I have described.
48. Taking all these matters into account, I therefore conclude that the proposal would comply with the development plan as a whole and would constitute sustainable development. It therefore follows that the appeal should be allowed. In reaching this decision the views of local residents, including the Lumford and Holme Lane Residents Association, the Town Council and Civic Society have been taken into account.

*Conditions*

49. For the avoidance of doubt and in the interests of proper planning, otherwise than as set out in this decision and conditions, the development needs to be carried out in accordance with the approved plans. In order to ensure that the development complements its sensitive surroundings further details on

- materials and detailing are required. For the same reasons the landscaping proposed needs to be carried out and well maintained.
50. In the interests of highway safety, a construction management plan is necessary and passing places need to be provided on Lumford. For the same reasons, the proposed parking needs to be laid out and retained and further details on refuse storage are necessary. To safeguard bats further details of mitigation measures are required. To minimise light pollution, details of external lighting is required.
51. Given the long industrial history of the mill a contaminated land investigation is necessary. Should unexpected contamination be encountered during development, work should stop and further investigation will need to be carried out. To ensure that any soil imported onto the site is not contaminated it needs to be tested. To address flood risk, control needs to be exerted over finished floor levels and external ground levels. For the same reason, the riverside wall needs to be raised and refurbished. To minimise the contribution of surface water drainage from the development increasing flood risk a sustainable drainage scheme is necessary.
52. To safeguard the archaeological remains on the site, a site investigation is necessary. Should any archaeological remains of national importance be identified they will need to be preserved in situ. To protect amenity, noise from within the buildings and fixed plant serving the buildings, together with cooking odours need to be controlled. For the same reason, a boundary treatment needs to be provided to protect the house at 14 Lumford from overlooking and details of deliveries and waste collection agreed.
53. I have required all these matters by condition, revising the conditions suggested by the Council where necessary to reflect the advice contained within Planning Practice Guidance.
54. A condition has been suggested by the appellant to prevent a net increase in floorspace at the Business Park as a result of the development. However, given the limited weight I have attached to this policy this is not necessary. Conditions have been suggested by the Highway Authority limiting use of the existing accesses in the event that a new bridge is built across the river to the A6 and restricting use of the proposed restaurant / bar area to hotel guests. Given that a safe and suitable access would be provided though both conditions are unreasonable. Consequently, I have not attached them to this permission.

*Ian Radcliffe*

Inspector

**Schedule**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - a. Proposed Site Plan 1 of 2, ref 2014-257-105 Rev C
  - b. Proposed Site Plan 2 of 2, ref 2014-257-106 Rev B
  - c. Site Demolition, ref 2014-257-602 Rev A
  - d. Proposed Levels, ref 2014-257-803 Rev C
  - e. Delivery Vehicle Swept Path, ref 2014-257-890 Rev C
  - f. Detailed Landscape Plan 1 of 2, ref 9015-006-102 Rev F

- g. Detailed Landscape Plan 2 of 2, ref 9015-006-103 Rev D
  - h. Proposed Hotel Ground Floor Plan, ref 2014-257-201 Rev K
  - i. Proposed Hotel First Floor Plan, ref 2014-257-202 Rev E
  - j. Proposed Hotel Second Floor Plan, ref 2014-257-203 Rev E
  - k. Proposed Hotel Third Floor Plan, ref 2014-257-204 Rev F
  - l. Proposed Hotel Roof Plan, ref 2014-257-205 Rev I
  - m. Proposed Hotel Elevations, ref 2014-257-206 Rev M
  - n. Proposed Hotel Sections, ref 2014-257-207 Rev J
  - o. Proposed Hotel Sections & Elevations, ref 2014-257-208 Rev H
- 3) No development shall take place until samples of the facing and roofing materials to be used in the hotel and details of all new stonework, including pointing, copings and quoinwork, window and door details, including, colour, recesses, lintels, sills and jambs, any external metal work and rainwater goods have been submitted to and approved in writing by the National Park Authority. The development shall thereafter be carried out in accordance with the approved details.
- 4) a) No development shall take place until a Written Scheme of Investigation for archaeological work and historic building recording has been submitted to and approved by the National Park Authority in writing, and until any prestart element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
- 1. The programme and methodology of site investigation and Recording.
  - 2. The programme for post investigation assessment.
  - 3. Provision to be made for analysis of the site investigation and Recording.
  - 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
  - 5. Provision to be made for archive deposition of the analysis and records of the site investigation.
  - 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).
- c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis and publication of results and archive deposition has been secured.
- d) Should archaeological remains of national importance be identified within the development area, then development work shall cease in the relevant area until a written method statement for preservation in situ of the relevant remains has been submitted by the applicant and approved in writing by the National Park Authority. No development work shall then proceed other than in accordance with the approved method statement so as to ensure that relevant remains are preserved in situ.

- 5) Notwithstanding condition 2, the finished ground floor level of the hotel shall be set a minimum of 126.50 metres above Ordnance Datum (mAOD) as shown on the amended plan entitled 'Proposed Hotel Proposed Elevations' (Drawing Number 2014-257\_206 Rev I), unless otherwise agreed in writing by the National Park Authority in consultation with the Environment Agency.
- 6) Prior to commencement of development, details of external ground levels shall be submitted to and approved in writing by the National Park Authority in consultation with the Environment Agency. The details shall demonstrate a maximum depth of 300mm of floodwater on access roads and car parking areas in a 1 in 100 year event. The development shall be carried out in accordance with the approved details.
- 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 National Park Authority in consultation with the Environment Agency. 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 to ensure the structural integrity of the wall. Development shall be carried out in accordance with the approved details.
- 8) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Before any details are submitted to the Local Planning Authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
  - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii) include a timetable for its implementation; and,
  - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 9) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in

accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

- i) a survey of the extent, scale and nature of contamination;
  - ii) the potential risks to:
    - human health;
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
    - adjoining land;
    - ground waters and surface waters;
    - ecological systems; and
    - archaeological sites and ancient monuments.
- 10) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is first occupied.
- 11) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 12) In the event it is proposed to import soil onto the site in connection with the development or remediation the proposed soil shall be sampled at source and analysed in a UKAS accredited laboratory. The results of the analysis, and an interpretation, shall be submitted to the Local Planning Authority for approval prior to importation. Imported topsoil shall comply with British Standard 3882:2007 - Specification for topsoil and requirements for use. Only soil approved in writing by the Local Planning Authority shall be used on site.
- 13) No development shall take place until a detailed statement of mitigation measures for bat species, including timings of works and

replacement habitat, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in complete accordance with the approved statement.

- 14) The landscaping tree and shrub planting shown on the approved plans shall be carried out in the first planting and seeding seasons following occupation of the building or completion of the development whichever is the sooner. Any walling or surfacing shown on the plan shall be completed before the building is first occupied. Any trees or plant which die, are removed or become seriously damaged or diseased within five years of completion of the development shall be replaced in the next planting season with others of a similar size and species or in accordance with an alternative scheme previously agreed in writing by the National Park Authority.
- 15) Notwithstanding conditions 2 and 14, within 3 months of the commencement of development, full details of the treatment of the site boundary adjacent to the side of 14 Lumford shall be submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of a screen wall/fence to be constructed or erected and/or the species, spacing and height of hedging to be planted. The approved boundary treatment shall be constructed or erected before the hotel hereby permitted is first occupied. If hedging is approved it shall be carried out in the first planting season following first occupation of the hotel. Any approved hedging removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by soft landscaping of similar size and species to those originally required to be planted.
- 16) Before the development is first brought into use a scheme of mitigation measures designed to limit noise emanating from within the building and noise from fixed plant installations shall be submitted to and approved in writing by the National Park Authority. Development shall be carried out in accordance with the approved details prior to first occupation of the development and thereafter retained.
- 17) Before the development is first brought into use, equipment to control the emission of fumes and smell from the premises shall be installed in accordance with a scheme to be first submitted to and approved in writing by the National Park Authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.
- 18) Before the development is first brought into use, details of deliveries and waste collection shall be submitted to and approved in writing by the National Park Authority. Deliveries and waste collection shall be carried out in accordance with the approved details.
- 19) No new external lighting shall be installed within the red-edged application site until a detailed lighting plan, including the details of the precise locations and specifications of the types of lighting to be used and the lux levels at the nearest properties, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, all

new external lighting shall be installed in complete accordance with the approved scheme and shall be retained thereafter.

- 20) Notwithstanding condition 2, no development shall take place until a scheme for two passing places on Lumford has been submitted to and approved in writing by the National Park Authority. Development shall be carried out in accordance with the approved details prior to the commencement of demolition and shall thereafter be retained.
- 21) 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) wheel washing facilities;

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

- 22) The hotel and A3/D2 use hereby approved shall not be occupied until space has been laid out within the site in accordance with drawing Nos 2014-257-105 Rev C and 2014-257-890 Rev C for 143 cars to be parked, for the loading and unloading of service/delivery vehicles and for all vehicles to turn so that they may enter and leave the site a forward gear.
- 23) No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

## **APPEARANCES**

### FOR THE APPELLANT:

Mr Tucker, of Counsel	Kings Chambers
Mr Goldsmith	Nathaniel Lichfield and Partners
Mr Wooliscroft	Croft Transport Solutions
Mr Lockwood	Acoustic Design Technology

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Shiels	Peak District National Park Authority
Mrs Needham	Peak District National Park Authority

### INTERESTED PERSONS:

Mr Bateman	Chair, Lumford & Holme Lane Residents Association
Mrs Parnham	Bakewell Town Council
Mr Edwards	Bakewell Town Council
Mr Thorpe	local resident
Mrs Thorpe	local resident
Mr Stubbs	local resident
Mr Kirton	local resident

## **DOCUMENTS SUBMITTED AT THE HEARING**

- 1 Amended Schedule of Documents and Plans under Consideration at Committee (Appendix 4 to the appellant's statement)
- 2 Excerpts from the Design Manual for Roads and Bridges, Vol 5, Sec 1, Part 3, TA 79/99 Amendment No 1, 'Traffic Capacity of Urban Roads'.
- 3 Planning permission, officer report and planning application in relation to development at Wye House, Granby Road, Bakewell (Ref NP/DDD/0815/0771).