

Zurich Assurance Ltd C/o  
Threadneedle Asset Management &  
Sainsbury's Stores Ltd.

Spring Gardens Shopping Centre,  
New Wye Street, Buxton, SK17 6DF

## PLANNING STATEMENT

**March 2009**

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## INTRODUCTION & OVERVIEW

- 1.0 This planning statement has been prepared on behalf of Zurich Assurance c/o Threadneedle Asset Management and Sainsbury's Supermarkets Ltd in support of the planning application for permission to redevelop the existing public car park to the north of the Spring Gardens Shopping Centre in Buxton, along with the other associated works set out below.
- 1.1 This proposal has been developed in the light of development plan policy, and in particular, the Council's Regeneration Strategy, Policy TC-15 of the adopted Local Plan, (which allocates the site for, amongst other things, retail and tourism purposes), together with the Station Road Design Framework Supplementary Planning Document (SPD).
- 1.2 In accordance with these policy documents, the application provides:
- **Retail space** in the form of a new Sainsbury's food store, and four further smaller retail units
  - **An 82 bed hotel**, to be operated by Premier Inns
  - Office accommodation,
  - **Enhanced public carpark** facilities, providing a total of spaces
  - **Extensive enhancements to the public realm** including a new area of landscaped open space within the development and improvements to Station Road, and new routes through from Station road to Spring Gardens, enhancing permeability.
  - Other benefits would include the provision of a **Variable Message Signage System** and other measures to address traffic management in the town.
  - A Section 106 **Legal Agreement** is proposed, to include provisions to **promote local employment**, and provide contingencies for **further transport improvements** if these become necessary.
- 1.3 The proposals also address the Council's regeneration aspirations through the provision of jobs, and significant inward investment. The hotel proposal addresses the Council's Tourism Strategy objectives by providing new, high-quality visitor accommodation.
- 1.4 The existing site is formed of the car park and service yard for the Spring Gardens shopping centre. This is predominantly an unrelieved area of open hard-standing. It detracts from the character of surrounding conservation areas,

and the setting of nearby listed buildings. Views of the rear of the existing shopping centre are similarly unattractive and detrimental, and unscreened.

- 1.5 From Station Road, the development would conceal the existing service yard, car park and shopping centre which were constructed on the site of the former railway shed and goodsyard in the late 1970's. This would provide a much improved 'townscape' to Station Road, through the provision of high quality buildings, and enhancements to the public realm. New pedestrian links are proposed, linking the town centre from the railway station as well as improvements to existing routes and public spaces. The design has been informed by the commentary set out in the Station Road Design Framework SPD.
- 1.6 The purpose of this planning statement is to provide a summary of each of the main topics surrounding the development and to explain how the development proposals comply with the requirements of the development plan and other relevant government guidance. This report should be read in conjunction with the submitted application documents, and in particular:
- Submitted Plans and Drawings
  - Design and Access Statement
  - Environmental Statement
  - Transport Assessment and associated documents.
  - Retail Assessment
  - Flood Risk Assessment
  - Statement of Community Involvement
- 1.7 The submitted Statement of Community Involvement sets out the scheme's evolution through consultation with Members and Officers at High Peak Borough Council , local residents and other Key 'stakeholder' groups, including;
- Derbyshire County Council Highways Department
  - The Environment Agency
  - English Heritage
  - Buxton Civic Society
  - The Buxton Forum
  - West Midlands Design Review Panel
- 1.8 The application consists of a package of work which has been evolved and developed since 2005 - through a comprehensive and ongoing consultation

process. This process has played a key part in achieving the current development proposals for the site and over the course of the project; the feedback received has allowed the scheme to be refined to a point where we believe that it fully complies with local, national and regional policy, providing an opportunity to significantly regenerate and enhance this part of Buxton.

- 1.9 Zurich Assurance Ltd. And Sainsbury's Supermarkets Ltd are not speculative developers; they are a life assurance fund and a foodstore operator. They are thus able to take a longer-term view of their involvement with the town. Consequently, they are concerned to ensure that the proposals provide a long-term benefit, enhancing people's choice, providing jobs, and creating an attractive and well-used environment for those living, working in and visiting Buxton.

## **2.0 THE SITE AND PLANNING HISTORY**

- 2.1 The site is located within Buxton town centre and primarily consists of the service yard and public car park of the Spring Gardens Shopping Centre. It is bounded on the southern side by the shopping centre buildings, and Spring Gardens and to the north the site shares a boundary with Station Road. To the western side is Station Approach, which provides access to the service yard and to the east is New Wye Street, which is predominantly used as service road for those shops in Spring Gardens. The River Wye runs through the site and is open at two points in the car park before becoming culverted underneath the shopping centre. A red line plan dated December 2008 delineates the area the subject of the application.
- 2.2 The site forms what was originally a railway goods-yard for a now-defunct second terminus in the town. This was cut into the sloping land, and thus Station Road to the North West is approximately 13 metres above the service yard of the shopping centre. There is a substantial concrete retaining wall along the northern boundary, though the New Wye Street entrance to the car park is at approximately the same level as the main shopping centre.
- 2.3 Buxton is a historic market town. The buildings within the application site are not listed and the development site itself is not within a Conservation Area. However, it does fall within the 'setting' of several of the identified 'Character Areas' of the adjacent Buxton Conservation Area. The posts adjacent to the site (though outside it) at the top of Station Approach are grade II listed. Additionally, from certain views, the development can be seen within the 'setting' of a number of other listed buildings. A map showing these heritage receptors can be found within Appendix 5.3 of the Environmental Statement prepared by Indigo.
- 2.4 The site does fall within the identified 'flood plain' of the River Wye and therefore a Flood Risk Assessment has been provided by Capita Symonds within the EIA at Chapter 9. This document has been prepared through consultation with the Environment Agency.
- 2.5 We have obtained details of a number of previous permissions. However, the majority of the planning history is of little relevance to the proposals for the redevelopment of the site. The most relevant being the permission for the existing shopping centre granted in the 1970's. Consequently, there has been no significant growth of the shopping centre since its construction to correspond with the increase in population or to help it compete with other shopping centres outside of the catchment area.

- 2.6 The background and history of the site is explored in greater detail within the Design and Access Statement prepared by DLG Architects.

### 3.0 THE PROPOSAL

- 3.1 The design and its development, together with the rationale for the proposals are described within the Design and Access Statement prepared by DLG Architects. Here we provide a general 'overview' of the scheme.

#### Land Use

- 3.2 The application proposals are for the redevelopment of the Spring Gardens Shopping Centre car park, to provide a mixed use development comprising Offices, Hotel (82 Bedrooms), Supermarket as well as four retail units, together with 629 car parking spaces, new pedestrian links, associated landscaping, open space, and public realm enhancement works.

#### Floor Areas

- 3.3 A break down of the areas is as follows:

Use	Floor Area (GEA)	Floor Area (GIA)
Supermarket	6,174 sq m	5,949 sq m
Other retail units	1,556. sq m	1,421 sq m
Hotel.	3,570 sq m	3,335 sq m
Town Centre Car Park	17,965 sq m	17,964 sq m
Office Building	430 sq m	346 sq m

#### Building Form – Supermarket and Office

- 3.4 The ground floor level to the western section of the site would remain in use as a service yard and car park with the same defined areas, with the exception of a small section of the car park, which would be used to provide a loading area for the supermarket. A 'mezzanine' level beneath the supermarket would provide a further level of parking. The new supermarket building would be situated above. A new customer entrance, accessed via the existing Spring Gardens Shopping Centre would link it to the remainder of the town centre. Lifts and a ramped access would also allow access from the car park to the store. A new 'active' frontage to Station Road would be created, facing the station. The level change on site means that the supermarket would additionally have a pedestrian entrance from Station Road.



### **Building Form – Hotel and Multi-Storey Car Park**

- 3.5 The eastern section of the site principally provides an 82 bedroom hotel, which fronts Station Road and part of New Wye Street by wrapping around the proposed multi-storey element of the car park which is to the rear. The hotel consists of a restaurant and reception area at ground floor, which fronts the New Wye Street junction. The upper four floors provide single aspect rooms with a corridor behind. The multi-storey element of the car park partially fronts New Wye Street and it is from here that the main access point would be located. Highway works are proposed to the junction at New Wye Street, adding an additional lane to the northbound side of the road. This is designed to assist traffic leaving the car park. The car park is one storey lower in height than the hotel.

### **Building Form- Retail Units**

- 3.6 On the western side of the car park and hotel, a new pedestrian route from Station Road through to the proposed four new retail units would be formed. These are located around the river Wye, connecting into the existing eastern pedestrian exit from the Spring Gardens Shopping Centre. Two of these units are located immediately to the south of the multi-storey element of the car park (north of the River Wye). The other two units proposed are to the south of the river. The units would be two storeys in height and provide an additional 1,556 sq m of retail floor space. The area in and around these units would be landscaped.

#### **4.0 PLANNING POLICY FRAMEWORK AND ASSESSMENT**

4.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the policies of the statutory development plan, unless material considerations indicate otherwise. S.70 of the Town and Country Planning Act provides that the Local Authority may grant permission subject to conditions as they think fit.

4.2 The Statutory Development Plan for this site consists of:

- The adopted East Midlands Regional Spatial Strategy (2002).
- The Derby and Derbyshire Joint Structure Plan (2001).
- The saved policies in the adopted High Peak Local Plan (March 2005).

The Draft East Midlands Regional Spatial Strategy, Panel Report (2007) and Secretary of State's Proposed Changes are also of relevance.

4.3 At regional level the Draft East Midlands Regional Spatial Strategy has had its Panel Report and the Secretary of States Proposed Changes published. Upon adoption the East Midlands Plan will replace the adopted RSS and Structure Plan. At national level, Planning Policy Guidance Notes and Planning Policy Statements set out the government's policies on different aspects of planning. The most relevant to this application are:

- PPS1 (Delivering Sustainable Development together with the addendum Planning and Climate Change),
- PPS6 (Planning for Town Centres),
- PPS22 (Renewable Energy),
- PPG15 (Planning and the Historic Environment),
- PPG13 (Transport)
- PPS25 (Flooding).

4.4 In addition, Draft PPS6 and Draft PPS4 'Planning for Sustainable Economic Development' are also of relevance.

4.5 The Structure Plan has been largely superseded in many respects although it will remain relevant until the adoption of the present draft East Midlands RSS.

4.6 The Local Plan was adopted in March 2005 and was saved for a period of three years. High Peak Borough Council applied to the Government Office for the East

Midlands on the 27<sup>th</sup> September 2007 to save the policies for a further period. The Government Office for the East Midlands (GOEM) in a letter dated 26 March 2008, confirmed that the Secretary of State had approved the submitted Saved Policies. The majority of the policies within the adopted Local Plan therefore remain relevant for the assessment of this planning application.

- 4.7 A full assessment of national, regional and local policy can be found in chapter 3 (Planning Policy Context) of the Environmental Statement prepared by Indigo. This is further explored by subject matter in each of the further chapters. The main point to note is that under the adopted Local Plan the site is identified as a regeneration area and suitable for retail and office development, and tourist accommodation through saved Policy TC15. Consequently, the principle of these uses on the site has been clearly established. Further assessment of the proposed retail floorspace can be found in the PPS6 retail statement prepared by Montagu Evans.
- 4.8 Other relevant guidance includes the adopted Buxton Station Road Design Framework Supplementary Planning Document (adopted 2007).
- 4.9 With regard to the emerging plan, the 'Core Strategy' of the Local Development Framework is presently undergoing consultation on the 'issues and options' paper and therefore little weight can be attached to this document and for the purposes of determining planning applications it is the saved policies of the adopted Local Plan that are relevant.
- 4.10 The appropriateness of the proposals will be assessed in the context of relevant national regional and local planning policies in the remainder of this section. This statement addresses the following planning considerations:
- a) Retail, Office and Hotel Use
  - b) Transport, The Highway Network and Car Parking
  - c) Conservation and Design Matters
  - d) Flood Risk
  - e) Energy Efficiency and Natural Resources
  - f) Economic regeneration
  - g) S.106 Agreement and Associated 'Heads of Terms'
- 4.9 Each of these topics is summarised in the sections below, and more detailed information can be found in the supporting documents which accompany the application and these are referenced where appropriate.

## 5.0 RETAIL AND HOTEL USES

- 5.1 The application site is located within the town centre boundary and is immediately adjacent, and contiguous with, the Primary Shopping Frontage. The application site is identified under saved Policy TC15 (Buxton Regeneration Area) as being suitable for all forms of retail, office and tourist development and saved policy TC-3 identifies the Town Centre as being suitable for large scale retail development in excess of 500sqm provided:

*“it is of satisfactory siting, design and layout appropriate to the size and character of the Town Centre and has safe and convenient pedestrian links to existing facilities; and*

*The proposal, due to its scale and nature, does not individually or cumulatively undermine the vitality and viability of any other existing nearby centre.”*

- 5.2 Moreover, the Buxton Station Road Design Framework, adopted in July 2007, seeks to guide development and regeneration activity within the area designated by the adopted High Peak Local Plan under Policy TC-15. This SPD covers the majority of the Buxton Regeneration Area. This SPD does not attempt to alter the development objectives and alterations set out under Policy TC-15 but provides additional detailed design guidance setting out the requirements that will be sought from future planning applications for development within the area. This document sets out a vision for the study area as a vibrant and sustainable new quarter of Buxton.
- 5.3 The application of the PPS 6 tests is set out in detail in the retail statement prepared by Montagu Evans. In summary the tests of need, sequential site selection and impact do not apply to this proposal, as it is located within the Primary Shopping Area of the Town Centre, therefore the tests that apply are those of scale and accessibility.
- 5.4 The scale of the proposals is appropriate for a town the size of Buxton, which is identified in the Local Plan as one of two town centres within the borough which perform the function of a Major Service Centre, both physically and conceptually. The floor space of the proposed store is not dissimilar to those stores in comparable sized towns elsewhere within the Derbyshire area, or more widely. Moreover, Policy 10 (Managing Tourism and Visitors in the Peak Sub-Area) of the East Midlands Regional Plan (proposed changes July 2008) comments that local authorities should encourage and promote tourism opportunities that could ease pressure on the park itself.
- 5.5 In addition to being a town centre location, the Transport Assessment highlights the public transport accessibility credentials of the site - identifying bus stops on Station

Road and Terrace Road which are served by a number of routes from the surrounding area, and the site is also directly opposite the train station, which links Buxton to the rest of the district and beyond.

- 5.6 The location and accessibility of the site also means it has the potential to increase the number of 'linked trips' undertaken within the town centre. The transport accessibility is assessed in greater detail in the Transport Assessment undertaken by Ashley Helme Associates and is outlined in the section below.
- 5.7 In summary, in terms of location, all of the proposed uses on the site are entirely in line with policy at all levels. In particular Policy TC-15 of the adopted Local Plan identifies the site for Retail and Tourism uses. The Council's Tourism Strategy seeks to further enhance tourism in the town and the aims of the Council's Regeneration Strategy would be addressed through the creation of new jobs, at 'entry' through to management level, both full and part time, with opportunities for vocational training. The inclusion of hotel accommodation accords with the Council's Tourism Strategy. We thus conclude that the proposals would enhance the vitality and viability of the town centre.

## 6.0 TRANSPORTATION, THE HIGHWAY NETWORK AND CAR PARKING

6.1 This section sets out the modes of transport available; it also gives a broad overview in relation to traffic generation, impact upon the highway network as well as the level car parking. A full assessment of transportation impacts on the Highway Network and car parking have been undertaken by Ashley Helme Associates in the following documents:

- Highway Audit
- Environmental Statement Chapter 6
- Transport Assessment
- Car Parking Management and Access Strategy
- Journey Time Study

6.2 The adopted Local Plan's principal aims for transport within the borough are set out in Policy TR1 which seeks to:

- Reduce the Need to Travel
- Widen Transport Choice for People and Goods
- Integrate Transport and Land Use

6.3 Policy TR5 (Access Parking and Design) relates to the safe operation and free flow of the Highway Network. In particular development is expected to:

*'make safe and appropriate provision for access and egress by pedestrians, cyclists, public transport users and the private car'*

And provide:

*'a high standard of design and layout having regard to the parking, access, manoeuvring, servicing and highway guidelines'*

6.4 This operation of the highway network is discussed below.

### **The Highway Network**

6.5 The Transport Assessment has identified a study network of 7 junctions, which are as follows:

1. Existing Spring Gardens Car Park Entry/ New Wye Street

2. Existing Spring Gardens Car Park Exit/ New Wye Street
3. New Wye Street Car Park entry / exit (east side of New Wye Street)
4. New Wye Street Station Road
5. Bridge Street/ Spring Gardens
6. A6 Bakewell Road/ A6 Fairfield Road
7. Station Road/ The Quadrant

- 6.6 The journey time study revealed that all of the existing junctions are presently functioning without problems. However, it was noted that pelican crossings on Farifield Road are causing an increase to the average journey time for cars due to the priority given to pedestrians.

#### **Traffic Modelling/Trip Generation**

- 6.7 Having assessed these conditions, the predicted traffic generation was assessed against the highway network, in order to understand whether it has sufficient capacity to accommodate any additional traffic generated by the development. The Transport Assessment concluded that junctions 4, 5, 6, 7 would operate in an acceptable manner with the development proposals, when including the proposed alterations for Junction 4.

#### **Proposed Site Access Arrangements**

- 6.8 The Station Road / New Wye Street junction (4) would be the point at which traffic would enter the development. The proposed junction improvements at the roundabout comprises carriage way widening on the western side of New Wye Street, to provide a two lane approach to the roundabout from the car park exit. This improves the flows on the roundabout and allows it to operate in an acceptable manner.

#### **Servicing**

- 6.9 The site has four servicing areas, these are accessed from:
- Station Approach (Main Service Yard to Shopping Centre)
  - Spring Gardens (Serving Rest of Shopping Centre)
  - Wye Street (Serving Spring Gardens)
  - New Wye Street
- 6.10 The first three would remain as existing, with the exception of the service yard off Station Approach which would have an additional area made within the retaining wall

of the service yard to make provision for the servicing of the supermarket. On New Wye Street, a new service bay is provided on the western side of the Street which would serve the retail units. A small service area is also provided from within the car park, which would serve the hotel. No other significant amendments are made to the servicing arrangements, due in part to the fact that the new development simply spans over the existing service area to the Spring Gardens Shopping Centre.

### **Public Transport**

- 6.11 Bus stops are located on Station Road. The remainder of bus stops within the town centre are within walking distance of the site. 10 towns are directly accessible from Buxton. 12 buses per hour call at the Station Road stops.
- 6.12 The railway station is directly opposite the site to the north and operates an hourly service Monday to Saturday, heading to Blackpool via Manchester.

### **Walking, Cycling and the Mobility Impaired**

- 6.13 The majority of Households within the town are within a 25 minute walk of the site. The majority of the residential areas of Buxton are within a 2km cycle ride of the site (a ten minute ride). A number of the surrounding villages are within a 5km cycle ride. 37 Cycle spaces are provided, a provision that is now expected in all developments in accordance with PPG13 and the addendum to PPS1. This provision also accords with the 5% required by Policy TR12 the Adopted Local Plan.
- 6.14 Provision for the mobility impaired is discussed in more detail elsewhere in the application documentation. However we note here that the proposals provide 38 parking spaces for the mobility impaired, along with appropriate lift access, and other measures to ensure that the development will be fully accessible, and comply with the requirements of the Disability Discrimination Act (DDA).

### **Maximising the Use of Existing Car Parking Capacity**

- 6.15 In assessing the proposed level of car parking provision, the starting point needs to be the existing level of public car parking, not just on the site but within the town centre as a whole. The TA identified the following car parks within the Town Centre.
- Pavilion Gardens 263 spaces
  - Market Street 87 spaces
  - The Slopes, Buxton Town Hall 64 Spaces



- Sylvan Park 68 Spaces
- Market Place 52 Spaces.

- 6.16 A study of these car parks revealed that much of the time, they are under used. The Pavilion Gardens car park in particular has lower occupancy rates than the rest of the town centre.
- 6.17 Spring Gardens car park presently provides the majority of the spaces within the town (427 spaces) and the proposed redevelopment would provide an additional 203 spaces.
- 6.18 A 'variable message signage system' (VMS) is proposed as a part of the application package. These systems are widely used to help ensure that the existing car parking capacity is properly utilised. Essentially, the existing signs directing people to the town would be modified to indicate which car parks had capacity. For example, were the Spring Gardens car park (despite the increase in the number of spaces provided) to be approaching capacity, the signs would direct drivers to alternative car parks in the town which still had space. The system is designed to assist in making best use of the existing car parking infrastructure in the town, and avoiding the potential for congestion as a consequence of unnecessary queuing.
- 6.19 The traffic models and car parking strategy are discussed in more detail within the Transport Assessment prepared by Ashley Helme.

## 7.0 CONSERVATION AND DESIGN

7.1 The rationale for the design of the proposals is set out in the Design and Access Statement prepared by DLG Architects and the assessment of the proposals in relation to the historic environment and the wider area of Buxton is explored in detail within Chapter 5 of the Environmental Statement.

7.2 Policy BC-5 of the adopted Local Plan allows for development affecting the setting of a Conservation Area or listed building providing:

*'The use, siting, scale and detailed design, external appearance and landscape treatment of the development will preserve or enhance the special architectural or historical character or appearance of the area; and'*

*'Important buildings, open spaces, views, trees, walls and other natural and man made features which positively contribute to the special architectural or historic character or appearance of the area will be protected from harmful development.'*

7.2 The proposals have been worked up having careful regard to this policy and policy BC1 (Materials), and also to reflect the adopted Station Road design framework SPD. The main aims for the Framework are to:

- Transform the area of Station Road / Bridge Street.
- Create a first class gateway into the Town Centre.
- Provide a development that contributes to and enhances the existing townscape qualities that combine to create the image and identity of Buxton
- Radically improve the quality of the pedestrian environment.
- Support the creation of a vibrant town centre.
- Support the vision to develop Buxton as a thriving spa town.

7.3 Station Road is presently on a gradient increasing in height as one moves west. The existing car park is level; consequently there is a significant difference in levels (approximately 13m) between the site and Station. Therefore, an active frontage to Station Road is provided on the third floor of the development directly opposite the train Station Road.

7.4 The active frontage will be further enhanced through the provision of the hotel building at the eastern end of the site which follows the curve of the road, wrapping around the car park. This part of the proposal creates an 'entrance' to the town centre.

- 7.5 The pedestrian environment would be enhanced as a result of the proposals. Station Road would benefit from new active frontage in the form a hotel and supermarket, in line with SPD guidance. A new pedestrian link is also created running from Station Road. Additionally, access to the main shopping frontage can be gained by walking along Station Approach, which would also benefit from public realm improvements.
- 7.6 The proposals would provide new areas of public realm and significant enhancements to existing areas of the public realm. The main area to be enhanced is the area around the River Wye and Wye Street, through the provision of new planting, seating, lighting together with new high quality materials for the treatment of surfaces. It is also proposed that the areas to the outside the perimeter of the site (through a s.106 agreement), would also be enhanced with new paving, landscaping and the creation of public spaces.

#### **Historic Environment.**

- 7.7 The proposals are adjacent to a number of historic buildings and a Conservation Area within the town, although the site itself does not fall within a Conservation Area or have any listed buildings. The Conservation Areas and Listed Buildings are shown on the map at appendix 5.3 of the ES. The following listed buildings are in proximity to the site, and there is potential for their setting to be affected.

- Buxton Railway Station Grade II
- Bollards at the top of Station Approach Grade II
- Hogshaw Lane Viaduct Grade II
- 1-9 the Quadrant Grade II

- 7.7 Buxton has one Conservation Area divided into 9 distinct 'character areas'. The character areas identified as being relevant to this application are:

- Crescent Character Area 1
- Spring Gardens Character Area 3
- Hardwick Character Area 6

- 7.8 These areas are immediately adjoining the site to the south and west. Full descriptions of these character areas are provided in chapter 5 of the EIA. The criteria for the assessment of the development against these heritage receptors are outlined here.

#### **Listed Buildings and Conservation Areas Act 1990**

- 7.9 Section 66 of the Act states that local planning authorities in exercising control over development which would affect a listed building or its setting, should have special regard to the desirability of preserving that setting.
- 7.10 Section 72 of the act states that in exercise of planning powers *within* a Conservation Area, local authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Thus the statutory provision is satisfied if the development does one thing or the other, and there will be cases where proposals will both preserve and enhance a Conservation Area. The meaning of preservation in this context (according to PPG15) is generally taken to be the avoidance of harm. Character relates to physical characteristics but also to more general qualities such as uses or activity within an area. Appearance relates to the visible physical qualities of the area.

**Planning Policy Guidance Note 15: Planning and the Historic Environment**

- 7.10 There is no statutory provision that covers development which impacts upon the setting of Conservation Areas. This consideration is dealt with in PPG15 at point 4.14, which states that: *'the desirability of preserving or enhancing the area should also, in the Secretary of State's view, be a material consideration in the planning authority's handling of development proposals which are outside the Conservation Area but would affect its setting, or views into or out of the area'*. Therefore the test of whether the development preserves or enhances the heritage receptors identified should be applied when assessing the proposals.
- 7.11 Section 4.16 of PPG 15 recognises that many Conservation Areas include the commercial centres of the towns and villages of which they form part, and whilst conservation (whether by preservation or enhancement) of their character or appearance must be a major consideration, this cannot realistically take the form of preventing all new development: the emphasis will generally need to be on controlled and positive management of change. PPG15 goes on to state that *'in general it is better that old buildings are not set apart, but are woven into the fabric of the living and working community. This can be done, provided that the new buildings are carefully designed to respect their setting, follow fundamental architectural principles of scale, height, massing and alignment, and use appropriate materials'*
- 7.12 This policy guidance goes on to suggest that any replacement should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area. What is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context.

7.13 Section 4.20 of PPG15 discusses the precise interpretation of 'preserve and enhance'. It states that there is no requirement in legislation that Conservation Areas should be protected from all development which does not enhance or positively preserve. Whilst the character and appearance of Conservation Areas should always be given full weight in planning decisions, the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.

7.14 In assessing whether the building makes a positive contribution to the character and appearance of the Conservation Area, reference should be made to English Heritage's Guidance on Management of Conservation Areas and Conservation Appraisal Guidance (2006). Particular attention also needs to be paid to adopted Local Plan Conservation and Heritage Policies identified at chapter 3 of the ES.

#### **Assessment of Proposals**

7.18 A full assessment of the proposals in relation to the surrounding townscape is set out in Chapter 5 of the ES together with the landscape and visual assessment. The document concludes that the development will complement surrounding land uses and can be integrated successfully within its surrounding town centre context including built heritage features in the vicinity of the site.

## 8.0 FLOOD RISK

- 8.1 Local Plan policy GD10 (Flood Prevention) was not saved, and therefore assessment of flooding considerations should be undertaken in accordance with the criteria laid out in PPS25. This applies a 'sequential test' to development by seeking to locate development which is vulnerable to the effects of flooding away from the areas which are at flood risk by requiring applicants to explore the potential for the development to be accommodated on alternative sites, which are either of a lower flood risk or not at risk at all.
- 8.2 The River Wye runs through the application site, and flows in culvert directly upstream from the site. It opens out briefly for a section of 52 metres adjacent to the Spring Gardens Shopping Centre, before entering another culvert for a further distance of 56 metres to pass under the south east area of the site. The site partly lies in Flood Zone 2 with the remainder in Flood Zone 3. Flood Zone two is described as being at a medium risk of flooding disregarding the effects of any flood defences and is assessed as having between a 1 in 100 yr and 1 in a 1000 yr possibility of flooding. Flood Zone 3 is described as having a greater than 1 in 100 yr possibility of flooding.
- 8.3 The proposed retail units adjacent to the River Wye have the potential to flood in extreme events such as the 1 in 100 year event (1% chance in any year). The whole of unit 2 and some of unit 1 are potentially at risk in this scenario. Retail units 1 and 2 are proposed to have 287.375m A.O.D finished floor levels with current site levels maintained for units 3 and 4. These finished floor levels are acceptable as the evacuation routes are no more than 300mm below the 1 in 100 year flood level. The 100 year flood level around retail units 1 and 2 is 287.77mAOD therefore evacuation routes and land surrounding these units is above the minimum level of 287.47m AOD.
- 8.4 Consequently units 1 and 2 will be allowed to flood in the most extreme flood events to avoid the loss of proportional flood plain volume. The ES recommends that these units should use of flood-resilient materials and construction methods. The Environment Agency has agreed that there is no need to provide compensatory flood storage.
- 8.5 Retail units are classed as 'less vulnerable' development at table D.2 of PPS25 and can therefore, if no other sequentially preferable sites are available, be accommodated within the flood zone 3a.
- 8.6 This is one such case. The site was allocated under policy TC-15 as being appropriate for development within the town centre, and is indeed the only site within

the town centre which can accommodate the size and scale of retail accommodation sought by High Peak Borough Council. Therefore the application site is sequentially preferable as there are no other sites within the town centre, which is the most sequentially preferable location under PPS6.

- 8.7 Table D.3 identifies that providing the sequential test has been met, the exception test need not be applied to less vulnerable development located within flood zone 3a
- 8.8 Surface water drainage arrangements will remain as existing on site, although additional capacity will be built in to the new drainage system.
- 8.9 A full assessment of Hydrological issues can be found in chapter 9 of the ES. Chapter 1 of the ES demonstrates that the sequential test has been satisfied at paragraph 1.38.

## 9.0 SUSTAINABILITY

9.1 An assessment of sustainability issues in relation to the application can be found within the sustainability section of the ES at chapter 11 and also within WSP's Sustainability report.

9.2 So as to identify opportunities to realise the potential areas for energy saving the assessment of the proposals has had regard to the following documents:

- High Peak Borough Council, Sustainable Design and Construction. Guidance on Local Plan policy. March 2007
- Hotel Operator's general specification Sept 2006
- Foodstore Operator's shell specification June 2006
- Scheme Preliminary drawings

9.3 WSP's report explores all aspects of Local Plan Policy in relation to sustainability issues, including land use, travel and transport, energy efficiency and renewable energy amongst other areas. The document refers to the Design Team's aspiration to achieve a BREEAM Very Good rating for the development through the design and construction of the development. The ES draws the following conclusions on sustainability:

- The proposed development involves the redevelopment of a brownfield site of low ecological and environmental value. The ecological value of the site will be enhanced through the provision of landscaping features within the development.
- The development will provide town centre facilities (retail and hotel) in a highly accessible location within the existing town centre.
- The development is of a scale, density and design which is appropriate and sensitive to the existing town centre and the nearby Conservation Areas. The development will generate a significant level of employment for the local population.
- The development proposals have been influenced by the cultural heritage of the site and surroundings.
- The proposed development is located close to public transport links and local amenities, facilities and services.
- Pedestrian routes throughout the site will be developed and storage facilities for cycles will be provided with a view to reduce the need for vehicle travel and promote the adoption of more sustainable transport modes.
- Contractors will carry out construction activities in accordance with best practice with a view to preventing, minimising or controlling any impact



of the construction and demolition.

- Construction processes will be carried out in a way which would where possible minimise the indirect impact of materials with sustainable materials being selected wherever possible.

9.4 WSP have carried out an evaluation of sources of renewable energy, to assess whether there is a realistic opportunity for its provision on site. The report concludes that possible options include Photovoltaics and Biomass. Further detailed consideration needs to be given to these options.

9.6 In line with current thinking on issues surrounding sustainable development, and because of the particular difficulties exhibited by this site, the team's view is that an 'energy-reduction' based approach is likely to be the best strategy in this case – to this end, on-site generation, and combined heat and power (CHP) technologies appear to offer a potentially attractive solution, combined with very high standards of thermal performance for the fabric of the buildings, and careful specification of components to minimise energy consumption in the first instance.

## 10.0 ECONOMIC REGENERATION

10.1 The third Regional Economic Strategy for the East Midlands prepared by the East Midlands Development Agency identifies a number of weaknesses within the region, and seeks to:

- Reduce the low pay-low skill equilibrium by improving the skills of the Region's Workforce.
- Develop the service sector, to maintain regional competitiveness.
- Achieve economic inclusion
- Enhance the quality of life within the region.

10.2 The town of Buxton has pockets of significant deprivation, in particular in the Wards of Stonebench and Buxton Central. This is highlighted in detail in Policy 19 of the draft RSS which identifies the 'High Peak Sub Area' as a Regional Priority Area for Regeneration. The specific reasons for this are evident from the Council's Regeneration Strategy (2005-2010). The document identifies that despite there being a large proportion of persons in the borough who are 'knowledge workers', (managers, professionals and associate professionals), there are a large proportion of people within the borough who are dependent upon the declining industries of manufacturing and public services.

10.3 The following table (Sourced from the High Peak Regeneration Strategy) highlights the level of income support claimants, persons claiming job seekers allowance and working age people without qualifications for all the wards which cover Buxton:

Ward	% Income Support Claimants	% Working Age People Without Qualifications	No. of persons on job seekers allowance (Sourced from ONS)
Temple	3	21	Not available
Barms	8	31	38
Stone Bench	12	41	61
Cobar	9	25	27
Coteheath	5.5	32	40
Buxton Central	9	25	83
<b>Total</b>			<b>249</b>

10.4 The proposals have the potential to significantly alter these trends through the creation of approximately 350 jobs which offer training, plus those jobs created during

the course of construction. The majority of these would be 'entry level' jobs suitable for those of working age, say, without qualifications or with low level qualifications.

10.5 We consider that the development has the potential to meet the aims of the Regeneration Strategy through:

- Increasing wage levels.
- Increasing job opportunities.
- Resulting in a potential need for fewer people to commute out of the borough to work.
- Multiplier effects.

10.6 The proposals would also address the aims of the regeneration strategy by:

- Encouraging more people to use the town centre.
- Increasing satisfaction levels with the town centre.
- Reducing the number of people travelling outside of the Borough to shop.
- Improving access to services.

10.7 Matters relating to the socio-economic context of the site are explored further in chapter 4 of the Environmental Statement and also in section 6.0 of the retail statement, both of which accompany the application.

## 11.0 S.106 PROPOSALS

11.1 The following heads of terms for the s.106 agreement have been discussed with Officers:

- Local labour recruitment clause.
- Travel Plan
- Highway Work, VMS Signage and Highway Monitoring
- Public Realm Improvements

11.2 A draft s.106 agreement is included with the application, detailing how these benefits might be delivered.

### **Local Labour Recruitment**

11.3 This relates to a commitment within the s106 agreement to facilitate local recruitment of construction labour. The draft agreement proposes the following obligation:

*The employment and training scheme shall contain*

*Details of how the Developer shall liaise with the Council's training and employment officers;*

*A commitment from the Developer to use its Reasonable Endeavours to employ local people in the construction of the Development and operation of the supermarket and the hotel; and*

*The procedure by which the Developer shall notify employment vacancies to local employment agencies.*

11.4 A guarantee of local recruitment will assist in addressing the regeneration aspirations of the local area. This will be assisted by the training programmes offered by the operators of the supermarket and the hotel, where the hotel offers an apprenticeship programme through which employees can train to achieve NVQ level 1 and level 2, and the supermarket offers a retail management training scheme and a DfES Skills Pledge, which is a commitment to employee improvement.

### **Travel Plan**

11.5 This is provided as part of the package of Transport measures for the scheme. It is proposed that this be incorporated within the s.106 as part of these arrangements. It will be submitted for approval prior to the occupation of any of the units.

### **VMS Signage and Highways Monitoring Payment**

- 11.6 Through discussion with Derbyshire County Council, the applicant is willing to fund the provision of Variable Message Signage and other highway work identified on submitted drawings, and set out in the accompanying TA documentation through a s.106 or s.278 agreement, as appropriate.
- 11.7 In addition to this, there is provision in the agreement for a payment to:
1. fund survey work on a regular basis and
  2. fund any necessary mitigation schemes – such as physical changes or TRO's to address any identified problems.
  3. A liaison group would be established including the applicants, the County and HPBC to review the outcome of the monitoring work and to agree the necessary expenditure on amelioration measures.
- 11.8 The Section 106 Agreement therefore contains provisions for sums for:
- Public transport co-ordination
  - Survey work
  - Remedial work contingency
- 11.9 Sums will be agreed in relation to these issues and to specifically to consider:
- The linking of the signals on Station Approach
  - Potential TROs/traffic calming measures
  - In relation to the VMS proposals the potential need for TROs to encourage alternative car park use.
  - The review of timetabling for bus services in order to coordinate more fully with other public transport
- 11.10 These matters will need to be the subject of further detailed discussions with both HPBC and Derbyshire County highways Dept. and we look forward to reviewing these points with relevant officers.

### **Public Realm Improvements**

- 11.11 The areas to be improved outside of the applicant's ownership on the submitted landscape plans would form part of the public realm improvements. The materials and any further necessary detailed design information can be agreed by way of a condition.

## 12.0 CONCLUSION

12.1 The proposals have been developed through extensive public consultation since their inception in 2005. This consultation process with various stake holders has enabled to scheme to be brought forward which we believe to be fully compliant with planning policy at all levels as demonstrated in this, and other supporting documentation. Overall the proposals would provide significant benefits to Buxton:

- The proposals offer the opportunity for both economic and regeneration benefits, with further measures, such as local recruitment policies, secured through a section 106 legal agreement.
- The design of the new buildings has been evolved in the light of extensive discussions with the council's officers, English Heritage, local amenity societies. The scheme has been the subject of extensive wider public consultation to ensure that it preserves and enhances the setting of nearby conservation areas and listed buildings.
- The proposals offer the potential to enhance the town centre and to bring more trade to independent retailers in the town as a whole, through attracting trade to the supermarket currently being lost to other centres, as well as by providing more parking, and more information about the availability of spaces in other car parks.
- Provision has also been made within the legal agreement for monitoring and if necessary, the funding of further traffic and transport measures in order to ensure that any potential adverse effects from increased traffic levels can be appropriately mitigated.

12.2 Zurich Assurance Ltd. And Sainsbury's Supermarkets Ltd are not speculative developers, they are a life assurance fund and a foodstore operator. They are thus able to take a longer-term view of their assets. Consequently, they are concerned to ensure that the proposals provide a long-term benefit to the town, enhancing people's choice, providing jobs, and creating a pleasant and well-used environment for those living, working in and visiting Buxton.