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Ctte Date: 10<sup>th</sup> June 2019

File No: CHE/19/00007/REM  
Plot No: 2/1637

## ITEM 7

### RESERVED MATTER APPLICATION FOR CHE/18/00083/REM1 – ERECTION OF 173 DWELLINGS AND ASSOCIATED LANDSCAPING AND INFRASTRUTURE (ADDITIONAL INFORMATION AND REVISED PLANS RECEIVED 18/04/2019 AND 25/04/2019 and 02/05/2019) ON LAND EAST OF A61 KNOWN AS CHESTERFIELD WATERSIDE, BRIMINGTON ROAD, TAPTON, CHESTERFIELD, DERBYSHIRE FOR AVANT HOMES (CENTRAL).

Local Plan: Area of Major Change  
Ward: St Helens

#### 1.0 CONSULTATIONS

<b>Local Highways Authority</b>	Comments received 13/02/2019 – see report
<b>Design Services</b>	Comments received 11/02/2019 – further detail required
<b>Environmental Services</b>	Comments received 24/05/2019 – no objections
<b>Economic Development Unit</b>	Supports application – see report
<b>Crime Prevention Design Advisor</b>	Comments received 01/02/2019 – see report
<b>Coal Authority</b>	Comments received 08/02/2019 no objection
<b>Yorkshire Water Services</b>	Comments received 15/02/2019 – concerns - see report
<b>Environment Agency</b>	Comments received 08/02/2019 – no objection
<b>Network Rail</b>	Comments received 31/01/2019 – no objection but comments on noise
<b>Derbyshire Wildlife Trust</b>	Comments received 14/02/2019 – see report
<b>Lead Local Flood Authority</b>	Comments received 12/02/2019 – further detail required

<b>Chesterfield Canal Trust</b>	Comments received 12/02/2019 – see report
<b>Trans Pennine Trail Partnership</b>	Comments received 12/02/2019 – see report
<b>DCC Countryside Service</b>	Comments received 14/02/2019 – see report
<b>Transition Town Chesterfield</b>	Comments received 01/03/2019 – see report
<b>Sustrans</b>	Comment received 19/03/2019 - see report
<b>Urban Design Officer</b>	Comments received 13/03/2019 and 27/03/2019 – see report
<b>Chesterfield Civic Society</b>	Comments received 04/03/2019 – see report
<b>Tree Officer</b>	No comments received
<b>Housing Services</b>	No comments received
<b>Leisure Services</b>	No comments received
<b>C/Field Cycle Campaign</b>	Comments received 18/01/2019, 02/02/2019 and 22/05/2019 - see report
<b>DCC Archaeologist</b>	No comments received
<b>Ward Members</b>	No comments received
<b>Site Notice / Neighbours</b>	1 letter of support 2 representations against received

## 2.0 **THE SITE**

- 2.1 The application site is a part of the wider Chesterfield Waterside Regeneration area of major change which is located between Brimington Road to the east, the A61 bypass to the west and which stretches from the Brewery Street roundabout close to the railway station to the south through to the DCC depot site to the north.
- 2.2 The River Rother bounds the east side of the site and is defined by a green corridor of semi-wooded land, with Brimington Road running parallel to the eastern boundary. The confluence between the river and canal with associated weir and canal lock gates is located at the north east corner of the site. The site is accessed from Brimington Road to the north of the housing phase already constructed on the Brimington Road frontage and which links the main part of the site over the former Arnold Laver bridge. The A61

is situated to the west and is screened by the presence of an earth bund along the majority of this boundary and which has been provided as part of the development preparatory works.

- 2.3 The overall Waterside site is largely vacant however a number of business remain on the west of Brimington Road at Peel House, the former Telephone Exchange on Holbeck Close and industrial buildings to west Brimington Road. The application site itself has been cleared of its former uses and buildings and comprises of a large level platform of rough undeveloped ground.



- 2.4 There is a riverside footpath along its east side which runs along the length of the site and which links to Brimington Road to the east just south of the housing phase already developed on the Brimington Road frontage and Canal Wharf to the west by using the A61 pedestrian footbridge which forms the southern extremity of the application site. The riverside route continues to the south of the application site through the Waterside area along the west of the river and which links to Holbeck Close and onwards to the Railway Station and town centre area. To the north the route connects to Lockoford Lane at Tapton Lock and which also doubles back up to Brimington Road at Tapton Hill Bridge. The route from Tapton Lock to Tapton Hill Bridge and then up to Brimington Road forms a part of the Trans Pennine Trail.

- 2.5 A survey of the site identifies 12 tree groups across the site comprising areas of self sown trees comprising of mainly willow and birch and woodland groups of large mature trees consisting of a mixture of species, including willow, birch, ash, oak, Alder and sycamore.
- 3.0 **RELEVANT SITE HISTORY**
- 3.1 CHE/08/00243/FUL – Construction of canal basin – Approved 10<sup>th</sup> June 2008.
- 3.2 CHE/09/00662/OUT – Outline for Mixed Use Regeneration scheme comprising residential (1560), retail (A1, A2, A3, A4, A5), Offices (B1), Doctors Surgery and Creche (D1), 2 hotels (C1), Health and Fitness (D2), Nursing Home (C2), ancillary creative uses including possible arts centre, canal link, open space and eco and linear parks, new public realm and car parking including a MSCP. – Approved with Conditions 9<sup>th</sup> March 2011 (Associated s106 legal agreement).
- 3.3 CHE/13/00464/REM – Approval of Reserved Matters for 19 dwellings, access, parking and landscaping - Approved with Conditions 8<sup>th</sup> November 2013.
- 3.4 CHE/13/00817/REM1 – Variation of Conditions of outline CHE/09/00662/OUT – 5 (phasing plan); 6 (A61 footbridge Improvement); 8 (public realm strategy); 27 (fish passage around weir); 37 (northern access to Brimington Road); 38 (Toucan crossing on Brimington Road). – Approved 26<sup>th</sup> February 2014.
- 3.5 CHE/13/00833/EIA – Screening request associated with variation of conditions 5, 6, 8, 27, 37 and 38 of outline CHE/09/00662/OUT – Determined 24<sup>th</sup> December 2013.
- 3.6 CHE/15/00119/FUL – New road bridge and access road off Brimington Road – Approved 1<sup>st</sup> July 2015.
- 3.7 CHE/15/00520/NMA – None Material Amendment to add condition to outline CHE/09/00662/OUT specifying approved plans and minor changes to conditions 5 (phasing plan), 34 (limit on other

accesses), 35 (Highways and access infrastructure staging plan), 38 (Toucan crossing on Brimington Road), 39 (timing for provision of Holbeck Close signalisation), 40 (multi user link to station from Brimington Road) and 45 (streets to base course level) – Approved 4<sup>th</sup> January 2016.

- 3.8 CHE/16/00183/REM1 – Variation of Conditions 3 (Tie to Design & Access Statement and masterplan), 10 (Code for Sustainable Homes), 11 (BREEAM very good), 12 (10% renewable energy), 13 (bird and bat opportunities), 14 (household recycling), 39 (timing for provision of Holbeck Close signalisation) and 47 (approved plans) of outline CHE/09/00662/OUT – Approved 12<sup>th</sup> May 2017.
- 3.9 CHE/16/00186/DOC – Discharge of conditions 4 (links to screening opinion and EIA), 10 (Code for Sustainable Homes), 11 (BREEAM very good), 12 (10% renewable energy), 13 (bird and bat opportunities), 14 (household recycling), 17 (split between comparison and convenience retail) and 21 (levels for Station Place area) of outline CHE/09/00662/OUT – Approved 15<sup>th</sup> December 2016.
- 3.10 CHE/16/00187/REM – Approval of Reserved Matters for layout, scale and access for Basin Square area (increasing storey heights) – Approved 16<sup>th</sup> December 2016.
- 3.11 CHE/16/00188/FUL – temporary surface car park and enabling earthworks to create development platforms in Basin Square area – Approved 14<sup>th</sup> June 2016.
- 3.12 CHE/16/00189/EIA – Screening Request for temporary car park and enabling works – Determined 1<sup>st</sup> April 2016.
- 3.13 CHE/16/00190/REM – Approval of Reserved Matters for Acoustic Bund and Enabling Earthworks – Approved 29<sup>th</sup> June 2016.
- 3.14 CHE/16/00191/DOC – Discharge of Conditions 4 (links to screening opinion and EIA), 10 (Code for Sustainable Homes), 11 (BREEAM very good), 12 (10% renewable energy), 13 (bird and bat opportunities), 14 (household recycling), 15 (ecological survey to Park and Island areas) and 21 (levels for Station Place area) of outline CHE/09/00662/OUT – Approved 15<sup>th</sup> June 2016.

- 3.15 CHE/16/00192/EIA – Screening Request for enabling development platforms – Determined 1<sup>st</sup> April 2016.
- 3.16 CHE/16/00404/DOC – Discharge of Conditions 5 (phasing plan for infrastructure across site), 8 (public realm strategy) and 9 (Ecological Management Strategy) of outline CHE/09/00662/OUT – Approved 9<sup>th</sup> August 2016.
- 3.17 CHE/16/00423/DOC – Discharge of Conditions 16 (building recording strategy) and 23 (contamination risks strategy) of outline CHE/09/00662/OUT – Approved 5<sup>th</sup> September 2016.
- 3.18 CHE/16/00475/EIA – Screening Request for dredging works to river – Determined 1<sup>st</sup> August 2016.
- 3.19 CHE/16/00528/DOC - Discharge of Conditions 3 (phasing programme for bund construction) of CHE/16/00190/REM – Approved 26<sup>th</sup> September 2016.
- 3.20 CHE/16/00529/FUL – Dredging River to make navigable with associated works – Approved 10<sup>th</sup> October 2016.
- 3.21 CHE/16/00531/DOC – Discharge of Condition 14 (phasing programme for bund construction) of CHE/16/00188/FUL – Approved 26<sup>th</sup> September 2016.
- 3.22 CHE/16/00762/DOC – Discharge of Condition 13 (barrier between site and Holbeck Close) of CHE/16/00188/FUL – Approved 1<sup>st</sup> February 2017.
- 3.23 CHE/17/00028/DOC – Temporary car park and enabling earthworks to create development platform and discharge of condition 9 (lighting strategy) of CHE/16/00188/FUL – Approved 27<sup>th</sup> June 2017.
- 3.24 CHE/17/00300/DOC – Discharge of Condition 12 (screen barrier between site and A61) of CHE/16/00188/FUL – Approved 20<sup>th</sup> June 2017.
- 3.25 CHE/17/00741/NMA – None Material Amendment of CHE/15/00119/FUL to change bridge from skew design to straight and alterations to retaining walls – Approved 31<sup>st</sup> October 2017.

- 3.26 CHE/17/00752/DOC – Discharge of Conditions 2 (bridge parapets), 3 (abutment modelling), 4 (Coal Mining Risk Assessment), 5 (soft landscaping), 10 (water vole and otter survey) and 12 (himalayan balsam) of CHE/15/00119/FUL – Approved 11<sup>th</sup> December 2017.
- 3.27 CHE/18/00083/REM1 – Variation of Conditions 3 (tie to Design & Access Statement and Masterplan), 5 (phasing plan), 8 (public realm strategy), 14 (archaeological recording and WSI), 18 (tie to FRA), 24 (Water Vole management strategy), 25 (fish passage around weir), 33 (highway and access staging plan) and 45 (approved plans) of CHE/16/00183/REM1 to omit canal arm – Approved 24<sup>th</sup> April 2018.
- 3.28 CHE/18/00599/FUL – New road bridge and access road off Brimington Road – Approved 25<sup>th</sup> October 2018.
- 3.29 CHE/18/00626/REM1 – Variation of Conditions 31 (highways improvements), 37 (junction improvements at Holbeck Close/Brimington Road), 39 (junction improvements at Brewery Street/Brimington Road), 41 (pedestrian crossing) and 45 (approved plans) of CHE/16/00183/REM1 – Approved 17<sup>th</sup> December 2018.
- 3.30 CHE/19/00069/DOC – Discharge of Condition 6 (A61 footbridge improvement) of CHE/18/00626/REM1 – Discharged 17<sup>th</sup> April 2019
- 3.31 CHE/19/00116/REM – Approval of Reserved Matters of CHE/18/00626/REM1 for office building in Basin Square area – Undetermined.
- 3.32 CHE/19/00166/COU – Change of Use of Engineering workshop (Multiplex site) to Place of Worship for IKON Church - Undetermined
- 3.33 CHE/19/00205/DOC – Discharge of Condition 5 (Ecology mitigation concerning bridge construction) of CHE/18/00599/FUL – Approved 17<sup>th</sup> May 2019

## 4.0 **THE PROPOSAL**

- 4.1 Outline planning permission was granted in 2011 under code CHE/09/00662/OUT and which was amended under application CHE/18/00083/REM1 for the overall re-development of the Waterside area. The scheme proposed a Mixed Use Regeneration of the site comprising residential (1560), retail (A1, A2, A3, A4, A5), Offices (B1), Doctors Surgery and Creche (D1), 2 hotels (C1), Health and Fitness (D2), Nursing Home (C2), ancillary creative uses including possible arts centre, canal link, open space and eco and linear parks, new public realm and car parking including a MSCP.
- 4.2 The current application site relates to a part of the wider redevelopment area and comprises what was referred to as the Park and Island character areas. The site comprises of two main sections: namely the plateau of land to the west of and between the river and the A61 and the area of land on the Brimington Road frontage. The scheme proposes a total of 173 dwellings. To the west of the river the scheme comprises of a mix of two and three storey terraced, semi detached and detached units with a mix of 2, 3 and 4 bedrooms. A block of 9 No apartments are also located towards the northern end of this part of the site. To the Brimington Road frontage the scheme proposes 3 storey apartment units in three blocks. There are 21 apartments comprising a mix of 1 and 2 bed units. Apartment block 3 includes undercroft parking.
- 4.3 The scheme is accessed from Brimington Road via a new entrance and which links into the main part of the site over the new bridge which is currently under construction on site (CHE/18/00599/FUL). The adopted access road arrangement is generally of a T shape which runs mainly from the access point to the north and south with terminating cul de sac turning heads however a private mews drive arrangement runs along the west side of the site securing a link around the back of the site between the north and south ends of the site.
- 4.4 Parking provision is generally provided on plot at the rate of 2 spaces per 2/3 bed dwelling and 3 spaces per 4 bed dwelling. 26 spaces are proposed for the 21 apartments.



- 4.5 A 3 metre wide riverside walkway/cycle route is proposed along the west side and through the landscaped area and which links into the existing path at the south east corner of the application site. The scheme initially showed a connection at the north east corner of the site linking to the river/canal peninsula and thereby linking to the Tran Pennine Trail at Tapton Hill Bridge however this link is not shown on the latest plan and is replaced by a note referring to a *future bridge link (by others)*. A formal link is shown from Brimington Road down to the existing river side path to the north of Apartment block 1 and which replaces a current desire line path.
- 4.6 The earth bund along the A61 boundary is shown to be landscaped and provided with a full length acoustic fence such that the overall height is 5 metres above the finished site levels.
- 4.7 There are a number of constraints that have been identified which impact on the proposals and to which the masterplan does not respond. These are;
- 1.2m diameter combined sewer pipes below ground, orientated north-south running the full length of the application site and with three off-shoots headed to the east in the south, north and middle of the application site;
  - 0.6m diameter surface water sewer pipes below ground in the southern part of the application site;
  - The existing warehouse to the south of the application site is a noise source. Whilst the masterplan shows redevelopment of this land, its current use is a constraint that has to be addressed at this point in time;
  - Design of the road bridge crossing of the River Rother;
  - Design proposals for the reconfiguration of the eastern side of the pedestrian bridge over the A61 are ongoing.
- 4.8 The application is supported by the following list of plans / documents:

Apartment Types

- Apartment Block 1 GF Plan - n1189 APT1\_02C
- Apartment Block 1 FF Plan - n1189 APT1\_02C
- Apartment Block 1 SF Plan - n1189 APT1\_02C
- Apartment Block 1 TF Plan - n1189 APT1\_04B
- Apartment Block 1 Front Elevation - n1189 APT1\_01C
- Apartment Block 1 Rear Elevation - n1189 APT1\_01C

- Apartment Block 1 side Elevation - n1189 APT1\_01C
- Apartment Block 1 block plan - n1189 APT1\_10B
- Apartment Block 2 Floor Plans - n1189 APT2\_01
- Apartment Block 2 Elevations 1 of 2 – n1189 APT2\_02
- Apartment Block 2 Elevations 2 of 2 – n1189 APT2\_04
- Apartment Block 2 block plan - n1189 APT2\_10
- Apartment Block 3 SF Plan - n1189 APT3\_02
- Apartment Block 3 FF Plan - n1189 APT3\_02
- Apartment Block 3 GF Plan - n1189 APT3\_02
- Apartment Block 3 Basement Plan - n1189 APT3\_02
- Apartment Block 3 Side elevations - n1189 APT3\_01
- Apartment Block 3 Rear elevation - n1189 APT3\_01
- Apartment Block 3 Front elevation - n1189 APT3\_01

### House Types

- Applebridge floor plans and elevations - n1189 AB\_03
- Beckbridge elevations version 1 – n1189 BB1\_01A
- Beckbridge floor plans version 1 – n1189 BB1\_02A
- Beckbridge elevations version 2 – n1189 BB2\_01B
- Beckbridge floor plans version 2 – n1189 BB2\_02B
- Beckbridge elevations version 3 – n1189 BB3\_01B
- Beckbridge floor plans version 3 – n1189 BB3\_02A
- Beckbridge floor plans and elevations version 3 – n1189 BB3\_03A
- Fenbridge elevations - n1189 FB\_01
- Fenbridge floor plans - n1189 FB\_02
- FOG elevations – n1189 FOG\_01A
- FOG floor plans – n1189 FOG\_02A
- Kewbridge floor plans and elevations – n1189 KB\_03A
- Kewbridge special floor plans and elevations – n1189 KBS\_03A
- Northbridge elevations – n1189 NB1\_01B
- Northbridge floor plans version 1 – n1189 NB1\_02A
- Northbridge special floor plans and elevations – n1189 NB1S\_03
- Northbridge floor plans and elevations version 2 – n1189 NB2\_03B
- Northbridge elevations version 3 – n1189 NB3\_01A
- Northbridge floor plans version 3 – n1189 NB3\_02
- Northbridge floor plans and elevations version 3 detached – n1189 NB3\_03A

- Seabridge floor plans and elevations version 1 – n1189 SB1\_03
- Seabridge floor plans and elevations version 2 – n1189 SB2\_03
- Ulbridge elevations version 1 – n1189 UB1\_01A
- Ulbridge floor plans version 1 – n1189 UB1\_02
- Ulbridge floor plans and elevations version 1 – n1189 UB1\_03A
- Vossbridge floor plans and elevations version 1 – n1189 VB1\_03C
- Vossbridge special floor plans and elevations version 1 – n1189 VB1S\_03B
- Vossbridge floor plans and elevations version 2 – n1189 VB2\_03B
- Westbridge elevations version 1 – n1189 WB1\_01A
- Westbridge floor plans version 1 – n1189 WB1\_02
- Westbridge special elevations version 1 – n1189 WB1S\_01A
- Westbridge elevations version 2 – n1189 WB2\_01A
- Westbridge floor plans version 2 – n1189 WB2\_02A
- Westbridge elevations version 2 – n1189 WB2\_04
- Westbridge floor plans version 2 – n1189 WB2\_05
- Westbridge special elevations version 2 – n1189 WB2S\_01
- Westbridge special floor plans version 2 – (plots 85, 111, 113, 114) – n1189 WB2S\_02

#### Site Layout

- Site Location Plan – n1189 001 rev C
- Presentation layout – n1189 004B
- Presentation layout (Constraints overlay) – n1189 004\_01A
- Presentation layout (Connectivity Plan) – n1189 004\_02
- Presentation layout – n1189 007P
- Indicative Site Sections – n1189 011A
- Topographic Survey 24<sup>th</sup> April 2017
- Materials Plan – n1189 106A
- Landscape Strategy Plan GL1051

#### Supporting Documents

- Design Compliance Statement (rev C) by Nineteen47 Ltd (required by condition 3);
- Visuals Pack – 8 viewpoints dated Dec 2018;

- Energy Statement dated Dec 2018 by FES Group (required by condition 11);
- Arboricultural Survey dated Sept 2018 by BWB;
- Arboricultural Impact Assessment dated Oct 2018 by BWB;
- BS5837 survey;
- Ecological Management Strategy dated Nov 2018 by BWB;
- Water Vole Mitigation Strategy dated Aug 2018 by BWB;
- Ecological Technical Note dated Jul 2018 by BWB;
- Noise Impact assessment by BWB;

## 5.0 **CONSIDERATIONS**

### **Planning Background / Principle of Development**

- 5.1 The site has a significant planning history relating to the wider Waterside Regeneration Area. The site the subject of this reserved matters application benefits from a live outline planning permission CHE/09/00662/OUT for residential development along with associated access, public open space, landscaping and surface water balancing and which was approved in 2011 subject to a number of planning conditions and a unilateral undertaking (s106 agreement) covering the provision of public art, cctv, affordable housing, an education contribution, employment and training scheme, management of green space and suds infrastructure and on and off site highways work.
- 5.2 The site is therefore accepted for redevelopment and the policy position confirms that the scheme is a priority for the Council. The following policies of the adopted Chesterfield Core Strategy: Local Plan (2013) apply:
- PS3 Chesterfield Waterside and the Potteries
  - CS7 Managing the Water Cycle
  - CS9 Green Infrastructure and Biodiversity
  - CS18 Design
  - CS19 Historic Environment
  - CS20 Influencing the Demand for Travel
- 5.3 It is also the case that the following Council Supplementary Planning Documents apply:
- Successful Places: A Guide to Sustainable Housing Layout and Design (2013)
  - Designing Out Crime (2007)

- 5.4 Due consideration is also required to be given to:
- National Planning Policy Framework (NPPF) – Core Planning Principles & Requiring Good Design.
  - National Planning Practice Guidance (NPPG) – Design (ID: 26).
  - A Building for Life 12 (BfL12) - The sign of a good place to live.
  - Waterside Design and Access Statement (Rev. A Jan 2010).
  - Waterside Public Realm Strategy (2016).
- 5.5 The development proposed is a reserved matters submission and which generally accords with the outline permission for the wider redevelopment and which also generally accords with local plan and national planning policy. The issue of the principle of the development now proposed on this part of the site is therefore accepted and which is not an issue for consideration as part of this application. Policy PS3 of the Core Strategy promotes the Waterside development as a way of contribution to jobs, restoring the canal and river to navigation with a new basin, achieving a mix of use, improved access to the site including the footpath and cycle network, a high quality environment and a scheme which manages flood risk. This particular submission is therefore all about the detail and compliance with the conditions of the outline and s106 legal agreement.
- 5.6 The Economic Development Unit (EDU) is supportive of this application. They refer to the scale of the proposal and that there will be significant employment, training and supply chain opportunities created during the construction phase of the scheme. The EDU recommend that a local labour / supply chain clause is negotiated and secured via either a s106 agreement or planning condition which would encourage local employment, training and supply chain opportunities during the construction and operational phases to promote the opportunities to local businesses and local people and for the operation of the development once construction is complete.
- 5.7 The existing s106 agreement includes clauses at 6.1 and 6.2 which require an Employment Training and Contracting Scheme and which are required to be satisfied by Avant Homes. Avant Homes have already held extensive discussions with EDU and have agreed to hold a “meet the buyer” event in order to encourage use

of a local labour force. This is linked to another Avant scheme at Woodthorpe, with the intention of running a joint event for the two schemes.

## **Design and Appearance Considerations**

### Chesterfield Civic Society

5.8

The Civic Society have commented that they are mindful of current political and social pressure to build more homes and therefore they support in principle the provision of the scheme which is very welcome development of Chesterfield Waterside. The design is commendable for the generous swathes of open space to both sides of the site, including retained woodland along the riverside and new planting to the long mound screening the dual carriageway. Unfortunately, this seems to have resulted in the houses being pushed rather tightly together in the centre and perhaps this is driven by economic necessity. This is a potentially very attractive residential site but space for children to play seems lacking and while some living rooms on the perimeter have enviable views, there are others that seem to lack both prospect and privacy. We feel that the layout is regimented with little 'interest' and does not appear to achieve the council's goal for 'place-making'. The development is far too dense in terms of the built form set against open spaces. There is little permeability, i.e. views across the site and to or from open spaces etc. There is also a lack of identity within the development – no key features, such as gateway buildings, landmarks etc. It is also inward facing and this runs against current town planning principles which favour outward facing layouts. This could be achieved by a road circumnavigating the site. The layout seems to have no clear concept and we feel that it would be better to introduce zones for different house types and the overall housing mix, with soft landscaped buffers between. These could then be the glue which holds the whole development together.

The Civic Society comment that it is good to see pedestrian links to existing footpaths at both the northern and southern ends of the site. An attractive footpath alongside the wood is also shown, which appears to connect through to the south via a road footway. Perhaps this could be enhanced to provide a cycle and pedestrian route through the site to help integrate the scheme into its setting and the local community? We are concerned at what appear to be poor pedestrian links along the canal (which may have been

constrained by the extent of the land owned by the developers). Such links could infiltrate the development like fingers. There is no indication of any water features, which again could infiltrate. In places, the absence of a buffer zone between street and home is a concern and the scheme seems to be reverting to the mean terraces of the pit village with a few added parking spaces. Perhaps such a relaxation of normal planning standards might be justifiable on a city centre development where land is at a premium and demand high, but we are of the opinion that residents on sites such as this will expect something better.

In general, the Civic Society consider that the scheme looks like 'anywhere' housing. There is too much of the same, with repetition of house-types, fenestration etc. No immediate precedents have been taken into account to ensure that this scheme fits into Chesterfield or its location within the town. The 'Dutch' gabled terraces are alien in appearance and if they are to be used, they should surely be alongside the canal. This style may be reminiscent of canalside warehouses elsewhere but have no historical connection with Chesterfield. Here the canal company built a warehouse over the terminal basin, which was spanned by an attractive elliptical arch, as can be seen in the surviving example at Worksop. There is a sad lack of 'feature' buildings, which would provide an invaluable reference for finding one's way around. Overall, it might be suggested that accountants have had a greater input than architects!

We have reservations about one or two of the house types proposed. We appreciate that in the present climate houses may only be affordable if they have, by past standards, a minimal floor area. Nevertheless, it is regrettable that people should be presented with family homes of less than 660 square feet on 'pocket handkerchief' plots with nothing between the front wall and the street. We question the desirability of w.c.s opening directly off tiny kitchen work areas. Even with mechanical ventilation, this seems to be bordering on unacceptable. The use of single-aspect dwellings to overcome privacy problems is something we would discourage. The resultant closer spacing often results in overshadowing. The termination of a small garden in someone else's two-storey blank wall is oppressive and, if the garden is subsequently occupied by a family with children, some walls may acquire basketball hoops or goal posts to the misery of those living behind them. The Civic Society are concerned that widespread and

unnecessary use of valley gutters and monopitch roofs will create long-term maintenance problems. Local precedents are not ones that appeal either to the eye or the owner's repair budget. The same aesthetic and practical questions arise with regard to the rather basic block of flats on the Brimington Road frontage. The parts with pitched roofs seem to conceal a regrettably large area offlat roofing.

- 5.9 Having regard to the detailed design and appearance considerations of the proposed reserved matters details alongside the case officers own appraisal of the scheme the Council's Urban Design Officer (UDO) and the Crime Prevention Design Advisor (CPDA) were invited to review the submission.
- 5.10 Initially the Urban Design Officer undertook a thorough review of the reserved matters submission and offered the following feedback on the initially submitted scheme:
- Compliance with Outline Masterplan*
- 5.10.1 The Waterside Design and Access Statement (Rev. A Jan 2010) was approved as part of the original outline planning permission and provided the design framework which underpins the design approach to all parts of the wider regeneration area. A statement of design compliance has been submitted (as required under Condition 03 of the outline), to demonstrate how the reserved matters accord with the Indicative Masterplan. The removal of the canal arm from Waterside (accepted under CHE/18/00083/REM1) effectively removed the Island Character Area from the wider scheme and the scheme is therefore considered to be appropriate in principle.
- Use**
- 5.10.2 The Park and Island Character Areas were envisaged as areas of contemporary family housing within a parkland and riverside setting. As such the proposed residential scheme is consistent with this objective.
- Amount**
- 5.10.3 The submission initially proposed a total of 177 residential units split between 30 - Flats (1 and 2 bed); 39 - 2-bed dwellings; 63 - 3-bed dwellings and 45 - 3+-bed dwellings;



## **Layout**

### **Site Gateway**

5.10.4 The site entrance is via the main road access from Brimington Road and across the proposed replacement bridge across the River Rother. Two sets of flats are proposed either side of the access road comprising Apartment Buildings 1 and 2. Building 1 is large scale building situated on the north side of the access road and which is 4-storeys on its east elevation and 5-storeys on its west facing elevation with parking partially within a lower ground floor area. However, its scale, disjointed roof form and appearance represented an incongruous and unappealing design at the gateway into the site. The tall rear elevation appeared stark and unsupported and would be particularly prominent from the bridge when leaving the site. The building was also detached from its riverside setting, being set back from the river corridor to the west and north. The site gateway was further undermined by the presence of broad areas of parking and hard surfaces on both sides of the street on approach to the bridge. It was suggested that consideration should be given to a design and layout that would split these apartments into two buildings that could better respond to the site context.

5.10.5 Building 2 is a smaller 3-storey building with a narrower plan, comprising 6-1bed flats. It has an unusual split roof design which is itself a somewhat incongruous feature. The relationship of the building and balconies are close to the existing neighbouring properties to the south and this building should be repositioned to increase separation and reduce overlooking of adjacent gardens. A more coherent design approach that better addresses the site gateway and achieves an improved relationship to the riverside frontages is recommended.

### **Connectivity**

5.10.6 The layout currently only provides a single point of access from Brimington Road. The Waterside Masterplan requires a connected form of development that incorporates links between the different parts of the regeneration area. The layout allows for a potential future road connection to be achieved to the north, in the event that the land to the north should come forward for development, although a mechanism should be secured to ensure this is capable of being achieved. A future connection to the south of the site and the remainder of the Waterside Regeneration corridor is less certain. A turning head off the 'Lower Square' area enters a large

private forecourt serving Plots 114-123. This incorporates a broad corridor sufficient to accommodate a future road of similar width to the main axis. However, this is currently obstructed by the continuation of the acoustic bund which is shown to return into the site in parallel with the pedestrian footbridge across the A61. The bridge is now shown to remain unchanged, whereas this was to be redesigned to afford access to the adjacent areas of Waterside.

- 5.10.7 Details of proposals to ensure the future connectivity with the remainder of Waterside should be provided to prevent The Park Character Area becoming a large isolated 'cul-de-sac' location. This is essential in respect of the sustainability of the site and the ability to connect to the remainder of Chesterfield Waterside and the town centre without reliance solely on Brimington Road.
- 5.10.8 In terms of pedestrian and cycle connectivity a riverside walkway is only partially provided (NE edge), whereas the south east green space has no walkway between Plots 128 and 147 resulting in a gap of approximately 120m and disconnected layout. Where a path is shown this is only 2m and is unable to accommodate cycles. A 3m wide shared pedestrian and cycle path should therefore be provided along the entire river corridor, connecting the Canal to the adjoining redevelopment area to the south of the footbridge. The existing ramp path on the east side of the river near Apartment Building 1 is not currently shown to remain. This ramp/path should be retained and enhanced to facilitate riverside access from Brimington Road.
- Internal permeability
- 5.10.9 Internally, the layout comprises a loop comprising a standard road design (5m carriageway) and a private mews street which connects at each end with the proposed public highway. Private roads can be problematic in respect of the servicing. Discussion with the Waste Services Team will be required.
- Relationship to River Corridor
- 5.10.10 Plots 1 & 12-17 are arranged to be outward facing and relate well to river corridor and proposed footpath link. Defensible edges with vertical boundary enclosures (not just planting) will be required to ensure a suitable relationship is secured between public and private spaces. Plot 28 appears to have no protected space between its flank wall and the adjacent POS. A reasonable front/side space and robust boundary treatment will be required to form a suitable defensible edge for this unit. Plots 135 -143

comprise a single aspect house type (Applebridge) and FOG units. These present their rear walls towards the river corridor and are an inward, rather than outward looking form of development. This creates a poor relationship towards the river corridor and is a potential source of nuisance for future occupiers in respect of the direct relationship between the rear walls and the adjacent wooded corridor. This arrangement was considered unacceptable and required reconsideration. In contrast Plots 124 -128 are arranged to be outward facing towards the river corridor and footpath link. However, these units cut across the site at an angle to create an awkward juxtaposition between the buildings resulting in a cramped and unacceptable relationship between the buildings.

#### Focal Spaces

- 5.10.11 A number of focal spaces are indicated and precedent images from York are provided to give an indication of the nature of these spaces and how they might appear within the scheme. These are appropriate and supported in principle although the detailed design for each location will be critical to the success of these locations to serve as meaningful points of interest within the development. Further details could be managed by condition, although some indication as to the design and components of these 'urban' squares is recommended. In detail, these spaces are relatively modest and where possible it is recommended that they are expanded across the adjacent road surfaces to further reinforce their presence and moderate traffic speeds. For example, the central space could be increased to narrow the carriageway and introduce a speed reduction feature.

#### Key plots and exposed side walls

- 5.10.12 A number of house types include variants with side aspects. A plan indicating the locations of plots with dual aspect designs would assist in identifying where corner turning house types are proposed, as this is not readily discernible from the details provided.

#### Parking Courts

- 5.10.13 A number of parking courts have no or only limited surveillance, lack hard and soft landscape design and the nature of boundary treatments is unclear. Lighting would also be required. In their current form these areas are likely to create poor quality environment and would not comply with the objectives of parking court design contained within the *Successful Places* (SPD).

### Residential Amenity

- 5.10.14 The introduction of single aspect house types is a concern in respect of their limited outlook and absence of private amenity space, representing a poor standard of residential amenity. The relationship between these house types and their surroundings is problematic in a number of locations (see Plots 24-27, 135-143 and 124-128). It was recommended that these house types are omitted and the relevant locations redesigned. A number of garden sizes and separation distances are undersized and create some cramped relationships in a number of locations (e.g. Plots 5-12). It is acknowledged that some tighter relationships that might infringe normal minimum standards, might be accepted based upon the 'urban village' concept underpinning the development. However, in a number of locations the relationships appear particularly tight and would impact on amenity between units in terms of proximity, outlook and/or privacy. Frontages and street widths are relatively narrow, although streets generally achieve front to front separation of 12m. that the introduction of relatively narrow streets.

### Bin Stores

- 5.10.15 Bin stores associated with the Plots 135 – 143 are potentially problematic locations and should be reconsidered, as part of the redesign of this part of the site.

### Boundary treatments

- 5.10.16 Some plots are indicated with front boundaries and low gabion walls are shown on supporting imagery. These appear somewhat limited and a more consistent approach to boundary enclosures to achieve improved continuity to the streetscene is recommended. Side boundaries against public frontages should be robust and comprise robust walls that maintain privacy and contribute to the continuity of the streetscene. Timber fences to side walls should be avoided. A plan showing proposed front, side and rear boundary treatments across site, together with typical detailed elevations of each boundary type (scale 1:20) is recommended.

### Scale and massing

- 5.10.17 The majority of buildings are two or three storeys in height which is within the height parameters set for these area within the outline planning permission. However, the flats located on the east side of the river are a split level buildings being four storeys on the front

(east elevation) and five storeys to the rear (west elevation facing the river). This includes a sub-level of parking. This height and scale is not consistent with the height parameters for this location and fall outside the limits of the outline permission. Three storey buildings at focal points is appropriate and supported in principle, subject to detailed appearance and finishes.

### **Landscaping**

- 5.10.18 Indicative landscaping is shown at this stage. Detailed proposals would need to be managed by condition. Trees in hard landscape will require appropriately designed tree pits. All hard and soft landscape details should be consistent with the Waterside Public Realm Strategy (2016).

### **Appearance**

- 5.10.19 Contemporary styling is proposed and incorporates asymmetrical roof designs, gables presented towards the street and a palette of brown, creams and cool grey tones brickwork. These represent a departure from the red brick materials generally associated with Chesterfield, although it is considered that the riverside setting of this location and the absence of a strong built context present an opportunity to undertake a more contemporary style and appearance without jarring or conflicting with their surroundings.

### **Key Buildings and Focal Points**

- 5.10.20 Building are placed to terminate view in some locations (Plots 86-87, 64, 98) although other locations are more weakly defined, particularly in some vistas along internal streets. Key building groups occupy focal point locations and around focal spaces to help reinforce their status, generally defined by the use of more distinctively coloured materials to the surrounding townscape. Embellishments to enhance the architectural status of key buildings is recommended to certain plots where these perform an important role within the townscape (see Plots 28-29 and 86-87).

### **House types**

- 5.10.21 The majority of house types are generally of plain appearance. Although some recessed panels and gable details are indicated on some house types, many appear very restrained and generally lack interest, embellishment or relief. The introduction of further subtle brick detailing to enrich the architecture is recommended. The use of projecting aluminium surrounds is indicated to some house types. Although these are useful devices to elevate the status of a

façade, they appear as somewhat inelegant fixtures and their robustness and longevity is unknown and. Further discussion of potential alternative approaches is recommended. Typical architectural details (scale 1:20) to explain the architectural details, showing typical elevation, sections to show depth of reveal (recessed panels and windows) and appearance of these features is recommended.

- 5.11 The Crime Prevention Design Advisor also commented that there are no comments regarding the general layout of the proposal which responds to context well in respect of community safety and crime preventative design. There is some detail which should be amended to improve aspects of this provision, which are set out below.

#### Boundaries.

- 5.11.1 At present there is no detail of any site boundaries excepting the indication of an acoustic fence to the A61 boundary. A comprehensive boundaries plan, with both position and detail is required, to include all external and inter-garden boundaries including the position of all garden gating and the enclosure of the land between the backs of plots 135-143 and woodland beyond. The exposed rear elevations for these plots are all untreated and abut woodland and an informal route across the river to the riverside path beyond. This presents a raised risk of graffiti, and nuisance which needs to be tackled by a suitable enclosure and partial rear house treatment.

#### House treatment

- 5.11.2 There are a number of key corner types where treatment does not provide any outlook. Specifically the Seabridge type is marked on the site plan as a dual elevation type, with a feature gable, but the windows within this feature correspond to WC and bathrooms, so no outlook is provided. These should be supplemented or the house type replaced at plots 1, 3, 6, 20, 39, 41, 60, 61, 64, 67, 69, 77, 93, 144 and 145. The Kewbridge is indicated as a dual aspect plot in some locations, but has no side windows. This should be added in to plots 21, 56, 106, 110 and 129. The Applebridge has no side treatment, to be added in to plots 24, 27, 124 (a key node facing on to the footpath convergence) and 134. The Fenbridge needs similar at plots 52 and 54. The Beckbridge requires the same at plots 23, 78 and 95. FOG plot 135 needs some side windows facing the footpath transition through the site between

plots. All of plots 135-143 have untreated rear elevations backing onto woodland. Some compromise on certain plots between front/rear outlook is needed here to provide some supervision over this open land.

#### Apartment blocks

- 5.11.3 The larger block has ground floor flats facing Brimington Road accessed through open grassed land. Does a formal path need adding here? The smaller apartment block has a stronger outlook to the south, which is quite tight up to existing property on Brimington Road, so no great view is gained here. I suggest handing the layout to provide a stronger outlook over the site entrance.

#### Lighting

- 5.11.4 In addition to any adopted scheme, which I assume would terminate prior to any communal parking areas, a lighting scheme for shared housing parking courts and apartments courts should be details, including the under-croft space for the larger apartment block, and foot access routes for both apartment blocks.

- 5.12 The UDO and CPDA's comments were fed back to the applicant / developer and a subsequent meeting took place whereby the issues highlighted and potential design solutions / responses were discussed. These discussions led to a package of revised drawings being submitted to address the concerns:

- 5.13 The proposed changes focus on four main areas: -
- Square/Waterside Edge to the North
  - Waterside area (south of the proposed road bridge)
  - Southern Parcel of development.
  - Apartments off Brimington Road

- 5.13.1 In order to ensure a good level of connectivity both within the site and also with its surroundings, a continual 3m wide cycle/footpath link is now provided through the complete riverside corridor. Whilst beyond the scope of this reserved matters application, the scheme facilitates connections to future phases of the wider site, both to the north and to the south, with the deliverability of such connections secured by way of a clause in the Transfer. This includes at para 6 of Schedule 2 of the Transfer a right reserved for the benefit of the Seller's retained land as follows:

*“subject to the prior written consent of the Transferee (not to be unreasonably withheld or delayed), a right to enter such unbuilt upon parts of the Property (excluding Plots) as are necessary by the Transfer or with or without such workmen and equipment and vehicles as are necessary to effect any works in connection with the fulfilment of any conditions or obligations relating to the Development and/or otherwise in connection with the Retained Land (all rights herein reserved being inclusive of the right to erect, maintain and use scaffolding on the unbuilt upon part of the Property (excluding Plots) as are necessary) the person exercising such rights causing as little damage and disturbance as possible and making good all damage as soon as reasonably practicable;”*

The Seller is under an obligation to comply with the planning permission and the s106 agreement.

#### Square/Waterside Edge to the North

- 5.13.2 The revised scheme introduces some apartments given that it is a premium location. The apartments will be designed in a similar style to the Westbridge with the gabled fronts giving a warehouse character. These apartments allow us to provide a frontage to both the Waterside and the proposed square and will help turn the corner as well. The result of this change is that we can also accommodate a larger ‘square’ making this a stronger feature also.

#### Waterside Area (south of the proposed road bridge)

- 5.13.3 The revised scheme provides a frontage of houses with gardens to the main street and a frontage of buildings which provide natural surveillance over a newly introduced footpath which runs along the rivers edge. It is proposed to introduce a wide ground floor window to the Applebridge elevation which will face the path and riverside. This will be located within the kitchen area and the position of the hob and the sink are switched so that the sink area benefits from the window and therefore creates opportunities for surveillance. An additional bathroom window and some brick detailing to the first floor will also be proposed. In addition, each of the Applebridge house types will have a 3m deep front garden/yard which will be set within a courtyard away from the noise constraints. The courtyard area includes some fogs and ensures there is a balance between parking, landscaping and the front yards/gardens to create an attractive space with plenty of activity.

#### Southern Parcel



5.13.4 This area has generally been loosened to improve the separation distances. Houses have been introduced to the waterside edge which have gabled fronts, again harking back to the warehouse style. An additional public realm feature has been introduced opposite the main triangular shaped space, with a small 'sister space' created - visible upon exiting the mews street. The three Applebridge house types in this area all have the front/side 3m amenity space.

#### Apartments off Brimington Road

5.13.5 The proposed footprints for the apartments off Brimington Road highlight a change in emphasis with these apartments having a similar character/form to the apartments proposed at the waterside edge to the north of the site with gabled fronts. These apartments will be a maximum of 3 storeys and designed to break up the massing of the building.

5.14 It is considered that the changes which have been made have reduced the number of units from 177 to 173 and are positive to the scheme. They provide a more meaningful 'square' to the north, have resolved amenity issues close to the square to the north due to the introduction of the apartments, introduce a pedestrian/cycle link parallel to the waterside for its entirety along the western side and provide natural surveillance to the waterside south of the bridge through the introduction of a wide ground floor window to the Applebridge in the kitchen. Every Applebridge house type on the scheme now benefits from a 3m deep front garden/yard and the southern end to the scheme is now looser and separation distances are increased.

5.15 Changes to the waterside area south of the bridge will require the removal of a number of the self-seeded trees in order to open up the waterside edge. These trees are not protected and it is considered that this is acceptable on balance to successfully open up the waterside area. The applicant intends to develop a strong new landscaping scheme for the waterside area to clearly help to mitigate this impact and has submitted a Landscape Strategy Plan setting out the principles which include the incorporation of breaks along the wooded edge with seating and meadow grassland to create glade areas looking out over the water. This will enhance connectivity with the waterside in a controlled manner whilst retaining the green edge and it will enhance the leisure and recreational value of this edge.

- 5.16 It is clear that there are a number of constraints relating to this scheme in terms of drainage easements for example running down the main street and creating a gap (between plots 124 and 143) where ordinarily it would be appropriate to terminate the vista with a building but in this instance cannot be achieved. There are also known noise constraints in the south east corner requiring a continuous built edge. Where there are some tight relationships in the south east corner this is considered better than the alternative which would be a 3m high blank wall. The revised scheme addresses such concerns. Changes have also been introduced to the house types proposed on a number of plots throughout the site including the provision of windows to ensure passive surveillance on all aspects surrounding proposed dwellings, and the provision of private amenity space for all houses. A detailed plan for all boundary treatments will need to be required alongside the landscaping proposals and a lighting scheme which can be secured by way of condition.
- 5.17 The apartment block 3 at the site entrance required amendment in so far as the arrangement and orientation of windows since the submitted plans showed main living room windows on the elevation facing apartment block 1. Such windows would be inappropriate, given the limited separation between Block 1 and Block 3. This appears to be a drafting error which can simply be resolved by handing the floor plans such that the windows referred to are positioned on the outward facing corner elevation. This has been clarified and corrected in a revised plan.  
The rear elevation of apartment block 3 (facing west) sits above a basement car park beneath the building however no details of the arrangement including the below ground space or the design or appearance of any retaining structures and any railings are currently provided. These details can however be secured by condition on any approval.
- 5.18 The footpath/cycle path link shown on the latest plan should be shown to connect to the edge of the river (red line boundary) where originally shown. This should accommodate potential desire lines both into and out of the development to link the path shown along the river corridor with the riverside path and TPT to the east of the river/canal corridor. This can be secured by condition.

- 5.19 An electricity substation is now shown on the layout plan adjacent to Plot 136 and the pedestrian/cycle link however no details of the design or appearance of this structure are provided. A robust brick enclosure in materials to match the development is recommended and this can be secured by condition on any approval.
- 5.20 The frontage parking for Plots 66-67 and associated visitor parking is shown to dominate this frontage and would benefit from the omission of the visitor spaces, which are situated very close to the adjacent dwelling on plot 68. The remaining bays for Plots 66-67 should be split into two pairs of spaces with tree planting between to echo the proposed parking arrangement on the south side of the street directly opposite (for Plots 118-124). This would achieve a consistent treatment and appearance to both side of this street and is a detail which can be secured by condition on any approval.
- 5.21 The scheme as amended shows the incorporation of textured brickwork panels and verge details for some house types, although the precise nature of these details is not currently provided. Details of these features should be required by condition. Furthermore where meter boxes are present on prominent front or side elevations, these should be colour coded to match the brickwork of the host building to reduce their visual prominence and this could be managed by condition.
- 5.22 Knee rails are proposed to provide separation between public and private areas along the river corridor. These are low and provide little defensible benefit and lack robustness and a taller say 1.2m high post and rail fence or metal railing is recommended to ensure a means of enclosure which discourages casual access into private space or access to windows overlooking the footpath/cycle link.
- 5.23 The Landscape Strategy Plan indicates the presence of gabion boundary walls to the plots along the main street and units immediately west of the bridge. These will be necessary to achieve a positive edge treatment to the street and a sense of continuity and identity to the main route. It is recommended that gabions are filled with local stone (Coal Measures Sandstone) and be of a height, width and stone content to be appropriate. Such details need to be reserved by condition on any approval.

5.24 The package of revisions received are appropriate and address the majority of points which have been made on the design and appearance of the scheme subject to a number of other minor issues which can be secured by condition on any approval. On this basis the scheme is considered to reflect the requirement of policy CS2 and CS18 of the Core Strategy, the wider NPPF and the intentions of the adopted Successful Places SPD. Overall having regard to the amendments presented it is considered that the applicant / developer has sought to address where possible the comments of consultees and the changes made are welcomed as positive improvements to the design and appearance of the overall scheme. It is considered that the scheme presents an appropriate design response that has due regard to the site constraints and opportunities which have been appropriately treated in the proposed site layout to ensure a good standard of design overall is achieved.

### **Highways Matters**

5.25 The scheme proposes a simple hierarchy of streets which aids legibility and helps to inform the character of the scheme. The 'Main Street' running north south through the site is aligned to the route of the existing underground sewer pipes. This is an interpretation of the 'Primary Vehicle Route' defined in the 2009 Design and Access Statement (DAS). A 'Mews Street' runs parallel to Main Street and forms a loop that has been requested by officers during the consultation process. This is an interpretation of the 'Mews/Homezone' street typology defined in the 2009 DAS. Other street typologies defined in the 2009 DAS (pages 62-63) such as the 'Shared Surface Promenade' are no longer considered appropriate, given the removal of the proposed canal arm from the latest version of the masterplan. The street types plan presented in the 2009 DAS defines a basic structure which is identifiable in the detailed scheme, with a strong and direct higher order street defining the structure of the scheme. The Urban Design Framework presented in the 2009 DAS sets out a basic structure to which the detailed proposals positively respond. The sole means of vehicular access is from Brimington Road via the new bridge under construction in line with the original masterplan intentions. The scheme and the legal contract between Chesterfield Waterside and Avant Homes allow for extension of the highway to serve the land to the north and south of the proposals in due course as further phases are considered. Temporary construction

access arrangements from the north via the link alongside Arnold Clark from the Tesco roundabout have also been agreed with DCC.

- 5.26 The Highway Authority response confirms that the access proposals have already been established as part of the outline approval. The outline permitted an interim junction arrangement (referred to in the approved condition as stage 2A, as identified on drawing number 3P6240/SK202/B), before the permanent junction being constructed, prior to occupation of the 100th dwelling. Given the nature of development now proposed the applicant may find it beneficial and certainly less disruptive for future residents to undertake the permanent junction arrangements (referred to in the approved condition as stage 2B) from the outset. The applicant has confirmed that the proposals will be delivered in line with the requirements of the outline planning permission.
- 5.27 The Highway Authority also made a number of detailed comments concerning the usability of some of the parking spaces shown and requesting swept path analysis to demonstrate adequate turning space is available. Comments are also made about some spaces obstructing visibility splays at junctions. These matter has been resolved in the latest revised plans.
- 5.28 The approved bridge structure has an overall plan width of 8.9m however the bridge structure indicated on the 'Presentation Layout' drawing appears to be somewhat narrower. Measurement from the plan confirms that the bridge as drawn is just short of 9 metres width.
- 5.29 The Highway Authority comment that it is presumed that the private mews will be a private, shared surface street and will presumably be managed through a management company. The applicant intends to construct the private mews to a standard which can accommodate bin lorries (11.6 metres long x 32 ton max) and confirms that if the Council collection service is not agreed then collections will be by private service as part of the management company. The use of the private mews will be beneficial since it avoids the need for any reversing of vehicles. The Councils waste collection service has been consulted on whether they would be prepared to enter the private area for waste collection purposes and their response will be report at the planning committee meeting.

- 5.30 The Highway Authority comment that the application proposals suggest new footpath links and footbridges will be provided, to connect to existing public rights of way at the north and south of the site. However, it is noted such connections could well fall outside the application site boundary. These links need to be for pedestrian and cycle use, although it is uncertain how they can be secured or delivered as part of the development.
- 5.31 The Chesterfield Waterside development secured a number of highway mitigation improvements to the surrounding highway network, in order to offset the transport impact of development. These identified the broad form of mitigation and trigger points for implementation of such works and was governed by proposals within certain 'character' areas within the development. Conditions also required details of a highway and access infrastructure staging plan highlighting the phasing of highway infrastructure to support the specific 'character' areas. This reserved matters submission is bound by the terms set out in the signed s106 agreement. Conditions of previous consents have also included requirements, for example, to provide details of improvements to the footbridge over the A61, improvement of pedestrian / cycle routes through the site and details of a Toucan crossing point on Brimington Road with pedestrian / cycle directional signage etc. The applicants intention is to comply with and satisfy the requirements of the s106 and conditions referred to.
- 5.32 As a result of receiving the comments of the Highway Authority revised plans were submitted and which have been considered by the Highway Authority. The following conditions are recommended.
- 1. Prior to any works exceeding demolition or site clearance taking place within any phase covered by this application, space shall be provided for storage of plant and construction materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.*

2. *Throughout the construction period vehicle wheel cleaning facilities shall be provided and retained within the site for use at appropriate times, in order to prevent the deposition of mud or other extraneous material on the public highway.*
3. *The carriageways of the proposed estate roads within the respective phases shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. Subsequently, the carriageways and footways shall be laid out and constructed up to and including binder course level to ensure that each dwelling, prior to occupation, has a properly consolidated and surfaced carriageway and footway for residents to use, between the dwelling and the existing highway. Until final surfacing is completed, the footway binder course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.*
4. *No dwelling shall be occupied until space has been laid out within the respective plot for the parking of residents and visitors vehicles. The parking areas shall thereafter remain free from any impediment to their designated use for the life of the development.*

5.33 The developer is also to pursue a S38 agreement for the highways layout under the provisions of associated conditions of the outline planning permission. The recommended conditions set out by the Highway Authority above can be imposed on the reserved matters consent in the interests of highway safety.

#### Chesterfield Canal Trust

5.34 Generally the Chesterfield Canal Trust is in favour of this development as it will certainly improve the area leading into the new basin. However we feel the developers have missed a real opportunity by not re-aligning the Trans Pennine Trail through the site. This would not only be much safer for cyclists than its current

route along Brimington Road but would continue a major green infrastructure route into the town and station, encouraging sustainable travel. As with other sections of the canal the TPT through the site could double up as a towpath for the navigable section of the River Rother. The current footpath on the riverbank opposite is certainly not suitable for use as a towpath due to its width and tendency to flood. They note there are two new pedestrian bridges planned within this development and would like to know who will be responsible for both the construction and maintenance of these structures. Also if these new bridges cross the navigable section of the river then sufficient height needs to be allowed for navigation including taking into account when the river is in flood. We are pleased to see a brown field site being used for a new housing development rather than green belt land. We realise this is an outline application and appreciate further details will be included in the full application but would like to add the following observations: There is no mention of any affordable housing being included within the development. There is also a requirement for charging points for electric cars in the Local Plan. There is no mention of these in the application. There are concerns over the single access onto the site although we appreciate there may be links to other areas of the layout of this scheme.

- 5.35 In response the Canal Trust misunderstands that the application is an outline. It is a reserved matters submission following the granting of the outline in 2011. The key principles for the site's redevelopment were all established at the outline stage, and have been adhered to in the reserved matters now being determined. Due to viability evidence previously presented, considered and agreed the provision of affordable housing as part of this component of the Waterside scheme could not be provided. The committee will be aware that the adjacent first phase of housing on the site delivered 100% affordable housing. It is also the case that a connection to the walking and cycling route to the east of the river/canal is beyond the control of Avant Homes and is a matter which is to be secured by Chesterfield Waterside. This is a comment which has been made by numerous consultees and is dealt with in more detail below. Realignment of the Trans Pennine Trail and the provision of new/additional pedestrian and cycle links beyond the wider site are beyond the remit of Avant Homes to deliver, but the layout has been designed to facilitate connectivity as other parcels of the Waterside site are brought forward and which will be explored by



Waterside and their preferred partners through future development of the Waterside scheme. The outline permission requires consideration of wider pedestrian / cycle routes as part of each phase (Condition 05). Additionally, Condition 42 requires a designated cycleway to be provided for as part of wider highway infrastructure works, which will ensure these issues are addressed at the appropriate stages.

With particular regard to electric vehicle charging points, there is no requirement for these within the existing outline permission and therefore there is no mechanism by which to secure this request through a reserved matters submission.

### Trans Pennine Trail Partnership

5.36

The Trans Pennine Trail Partnership object to the proposed development on the grounds that the Trans Pennine Trail is not incorporated within any of the plans. The Trans Pennine Trail Partnership has not been in any prior discussions either with the developer or Chesterfield Council regarding this application and this is considered to be a missed opportunity to engage key stakeholders at all prior stages of the Waterside development. There is no provision at all for sustainable transport schemes throughout the development or providing key links to the Trans Pennine Trail. The use of footbridge only access / egress into the development cannot be upheld on the grounds of accessibility. Page 13 of the Waterside Design Statement indicates a 'shared surface promenade' is no longer considered appropriate. The Trans Pennine Trail objects to this statement. The location of the canal and the Trans Pennine Trail provides a unique opportunity to provide such a facility that can easily be access from the site and provide a circular route for residents of all abilities to enjoy. The development is a prime location to create a traffic free route that also avoids Brimington Road.

The drawings indicate a new bridge to join both housing development sites to provide access to the Brimington Road. It should be noted that this bridge will impact on the Trans Pennine Trail. Therefore, any construction work should incorporate any required closures with suitable diversions in place for walkers and cyclists of all abilities. The bridge itself should not be stepped in structure but should be ramped to provide easy access for residents of all abilities and sustainable transport options.

Page 14 of the Waterside Design Statement notes pedestrian connectivity via the footbridge over the A61 which is unacceptable

on accessibility grounds. Any bridge should be DDA compliant to ensure access for residents of all abilities can use (including those with wheelchairs / scooters and pushchairs) and also walkers and cyclists using the Trans Pennine Trail who may wish to use this route. Avant homes should deter from designing residential schemes with footbridges as this immediately discriminates against those who cannot use steps.

The footbridge connection in the north eastern corner is also unacceptable for the same reasons determined above. It is understood Derbyshire County Council will not support this idea but should suitable location be determined Avant homes are asked to provide a design that does not include stepped access but provides full access for walkers and cyclists of all abilities. For example, a green bridge could be incorporated. The document highlights the fact that this location will provide a pocket of open space with a view of the crooked spire of Chesterfield Parish Church, adding further weight to the fact that this area should be fully accessible. The future maintenance of all bridge structures should be determined by Chesterfield Borough Council and the Developer as it is understood Derbyshire will not provide such maintenance. All associated paths should be upgraded to at least cycleway but the Trans Pennine Trail would prefer bridleway status to ensure a route is determined without discrimination to any potential future use by users of the TPT.

It is also noted that there is no sustainable transport link to the railway station or indeed Chesterfield town centre. This should be addressed to ensure sustainable transport is recognised and to enable Chesterfield Town Centre to benefit from visitor spend from users of the Trans Pennine Trail.

Section 106 monies as a result of the development should be allocated to upgrading the Trans Pennine Trail to ensure this strategic sustainable transport route provides access for walkers and cyclists of all abilities.

The Trans Pennine Trail partnership strongly recommends that Chesterfield Borough Council and the developer engage in a full stakeholder meeting to ensure suitable plans can be accommodated.

5.37

In response it is agreed that the development scheme should fully integrate with and connect to the public footpath and cycle routes around the site and this is a requirement of the existing permission and strategy for development of the wider site. The opportunity to run the TPT through the site to Holbeck Close and onwards to the

Railway Station is desirable as an alternative to the existing route along Brimington Road however this is not a requirement of the existing permission for the site. Furthermore Avant Homes can only provide a route within the limits of their red line application site and this is being proposed as a 3 metre wide surfaced route along the riverside edge within the scheme. The layout has been designed to facilitate connectivity as other parcels of the Waterside site are brought forward and which will be explored by Chesterfield Waterside and their preferred partners through future development of the Waterside scheme. The outline permission requires consideration of wider pedestrian / cycle routes as part of each phase (Condition 05). Additionally, Condition 42 requires a designated cycleway to be provided for as part of wider highway infrastructure works, which will ensure these issues are addressed at the appropriate stages. A connection to the walking and cycling route to the east of the river/canal is beyond the control of Avant Homes and is a matter which is to be secured by Chesterfield Waterside. There is a need to require Avant to reinstate the path to the waters edge at the north east end of the site so that a connection can be provided. This issue is dealt with in more detail below.

The new bridge to Brimington Road is already being constructed on site with the support of DCC as Highway Authority. This is not part of the Avant scheme but will provide access for the development to be undertaken on the west of the river. Similarly the A61 footbridge to the south of the site is outside the control of Avant Homes.

The objector refers to the bridge access to the north east of the site suggesting that it is not acceptable and should be designed such that it does not include stepped access but provides full access for walkers and cyclists of all abilities. Whilst it is accepted that the ability to develop the solution shown on the plan rests between Chesterfield Waterside and DCC, what is shown on the plan is a level connection from the site through to the TPT at Tapton Hill Bridge with no steps. The alternative involving a bridge over the navigable part of the watercourse, as illustrated in the Waterside Masterplan, will inevitably involve steps and is certainly a less preferred option.

The developer and Chesterfield Waterside intends to implement the scheme in line with the existing signed s106 agreement.

Sustrans

- 5.38 Comments have been received which state that no cycling infrastructure is provided and which goes against the local plan core strategy. Very disappointing.
- 5.39 The revised plan provides a 3 metre wide footpath/cycle route running along the riverside separate to the public highway area and that this will connect into the wider areas as and when developments come forward to the north and south. This aligns with the existing planning permission and s106 agreement which reflects the requirements of the Core Strategy.

#### Transition Chesterfield

- 5.40 Object to the application. The Waterside development represents an opportunity to make a high quality new development with attractive public space that attracts and encourages more people to walk and cycle in the area. This is particularly important given the proximity to the town centre and the strategic walking and cycle network, including the popular Cuckoo Way and Trans Pennine Trail (TPT). However, despite concerns about walking and cycling access throughout the Waterside development being raised numerous times, the current application seems to ignore those concerns. The application does not provide good walking and cycling access either within or through the site, and is the standard car-dependent housing development. It represents a significant lost opportunity that would benefit future residents of the site as well as the general community and the lack of priority given to active travel will only add to congestion and air pollution in and around the area. All of this runs contrary to the policies in the Council's Local Plan and Core Strategy, including CS18 and CS20.
- There needs to be a high quality cycle route from the TPT to the north of the site, through the Waterside site to the railway station, which is clearly identified on the Chesterfield Strategic Cycle Network. Currently the cycle route along Brimington Road is on-road, busy (and will get even busier with this development) and inadequately designed. Transition Chesterfield and Chesterfield Cycle Campaign have already objected to plans to run the cycle route along here through a loading bay. Although there is an existing footpath along the east side of the river opposite the proposed housing development, there is insufficient space to upgrade to a shared use path for walking and cycling. It is therefore essential to provide a cycle path on the west side of the river to give a traffic free route throughout the whole Waterside

development, including the housing site, for residents and anyone wanting to access the TPT.

The 2018 Masterplan for Waterside shows a bridge from the development directly to the TPT in a section where there is sufficient space for a shared walking/cycling path. It is not clear why this more sensible plan has been abandoned but we would recommend that the designers revisit this original proposal which would be presumably cheaper than three separate bridges, and provide a better, more direct route for walkers and cyclists. Reference is made to Transition Chesterfield and Chesterfield Cycle Campaign submitting a complaint in 2017 to the council about walking and cycling access to the new leisure centre. Part of this complaint was due to the council failing to abide by its own planning policies on walking and cycling. The matter was referred to the Local Government Ombudsman who referred it back to the council. Since then there have been some helpful resolution to some of the aspects of the original complaint including a useful training workshop for planning, development control and highway officers from CBC and DCC which was held in February 2019. However we remain concerned that important planning policies on walking and cycling continue to be treated as apparently optional by developers and the council. The developer should have been advised in pre-planning meetings of the need to prioritise walking and cycling within the site and to link into the existing strategic walking and cycling network. Clearly the developer has chosen to ignore that advice, or the council officers have failed to give sufficient emphasis to these policies. Either way, if the officer report for either of these developments recommends approval we intend to take our complaint back to the Ombudsman.

- 5.41 In response to the revised plans it is noted the developer has provided a 3m shared cycle/walking route within the site however there are still no connections to the TPT and beyond the site. Chesterfield's Local Plan policy CS18 states that developments should: 'provide appropriate connections both on and off site, including footpath and cycle links to adjoining areas to integrate the development with its surroundings' & 'provide safe, convenient and attractive environment for pedestrians and cyclists'. While policy CS20 states that developments should demonstrate: 'Prioritisation of pedestrian and cycle access to and within the site' & 'Protection of, or improvements to the strategic pedestrian and cycle network'.

Clearly the Local Plan requires developers to consider connections beyond the immediate area of the site and it is important that these connections are provided at the outset to ensure maximum modal shift and reduce the need to travel by car. We maintain our objection.

Given the close working relationship with Chesterfield Waterside we think the council should be more proactive and convene a meeting between the objecting parties, DCC and Bolsterstone Group to discuss proper walking and cycling connectivity is provided for this key development.

5.42

In response a number of the comments which have been made have also been made by other consultees and it is appropriate therefore to consider the response given to the Trans Pennine Trail representation.

Transition Chesterfield suggest that opportunities to provide good walking and cycling opportunities through the site are being ignored by officers. This was part of the basis of their complaint against the Council to the Local Government Ombudsman. It is however the case, as always, that such issues are not ignored by officers. Such issues are fully explored with developers hopefully at pre application stage and where possible opportunities are included into a scheme and thereby taken into account as part of the planning balance. This process of negotiation and consideration informs any recommendation and it is inappropriate to refer to this as ignoring such opportunities. It is also inappropriate to threaten the Council by suggesting that their complaint to the LGO will be reactivated if the officer report recommends approval.

Reference is made to the 2018 Masterplan for Waterside showing a bridge from the development directly to the TPT in a section where there is sufficient space for a shared walking/cycling path. Reference is made to why this more sensible plan has been abandoned but Transition Chesterfield recommend that it is revisited on the basis that it would be presumably cheaper than three separate bridges, and provide a better, more direct route for walkers and cyclists. It is the case that the bridge position shown on the masterplan links directly from the development site to the footpath route along the east of the river. This is not the TPT at this point (Cuckoo Way) and would actually be a more limiting option which would be considerably more expensive than the preferred option which is shown on the submitted plan. The span would be more significant but more importantly such a bridge position would

have to include stepped access to maintain the navigable opportunities along the river/canal. The alternative shown on the drawing would be a level route and would link direct to the TPT.

### Chesterfield Cycle Campaign

5.43

With the news that the first planning application has been submitted for the 'Park' area of Waterside can you assure the Cycle Campaign that good cycling infrastructure will be included? In particular the master plan included a bridge at the north end from the housing area to the Trans Pennine Trail and a connection at the southern end to eventually allow cycling towards the basin, business area and railway station. It is imperative that good cycling and walking links are in place by the time dwellings are occupied. We can only hope that the development lives up to Avant Homes statement "This is a fantastic opportunity for Avant Homes to demonstrate our good, better and different approach to urban regeneration."

- The bridge (shown as a 'footbridge' at the north eastern end of the development, will that be cycling and walking?
- Will the developer build the bridge and create the path to the Trans Pennine Trail (it is outside the site boundary).
- The path shown running alongside the river/canal within the development, will this be a cycle route as well (shared path) and if so built to what standard/dimensions?
- The riverside path appears to finish at the replacement Lavers bridge, why does it not carry on to the southern boundary of the site?
- The apartments shown between Brimington Road and the Lavers bridge could easily have access down to the canalside Trans Pennine Trail (there is an existing path). This would be a desirable addition.
- I return to a question the Campaign has been asking for quite some time - who is going to pay for and build the upgrading of the existing canal side path to form a traffic free extension for cyclists using the Trans Pennine Trail to get to the railway station? This development needs that in place before houses are occupied so that residents have an alternative to using a car.

5.44

As with the response to similar comments raised above, many of the issues raised by the Cycle Campaign relate to the wider site

rather than to matters within Avant Homes' control. The layout facilitates future connections, which have been improved in the amended layout and in line with suggestions and comments which have been made. The issue of connections to the wider network is referred to in more detail below.

### Derbyshire Countryside Service

5.45 Derbyshire County Council's Countryside Service recognises the importance of the specific design principles of the outline which stated:

Connections:

*To promote pedestrian and cycle connections with the town centre and adjacent neighbourhoods by enhancing, extending and linking existing routes such as canal towpaths.*

Innovations & Sustainability:

*Enhancement and refurbishment of existing footpaths and towpaths where necessary.*

The Design and Compliance Statement does not satisfactorily demonstrate how the proposals accord with the previously approved Indicative Masterplan and Design and Access Statements 2010. The original Masterplan makes numerous references to the significance of the Trans Pennine Trail (TPT) and Canal Towpath as a shared use route and the opportunities presented to embrace it within the development to deliver the above principles. The proposals of this development makes no reference. It is noted that the current application identifies that the proposals take in two character areas that are defined in the 2010 Design and Access Statement, (The Park and The Island). The Park character area in the original masterplan made reference to a refurbished towpath, (page 111) a shared surface promenade, (page 111) and continuation of the TPT, (page 71) which together form a viable proposition for making off road cycle connectivity from the canal corridor through the development to the station and town centre beyond. In the absence of further information to demonstrate how the TPT and towpath will be upgraded and continued in The Park area, comment is directed at this application's proposals and specifically the absence of cycling infrastructure and connectivity.

The Design Compliance Statement completely neglects cycling infrastructure. Considering the proximity of the TPT and Canal Towpath and the strategic significance of the Waterside corridor to connect major cycle routes to and through the town centre, it would



appear that the development is not in keeping with the local authority's 2005 planning brief as referenced in the Local Plan. A principal objective of Waterside is to, *Improve access to the site by car and more sustainable modes of transport, and enhance the footpath and cycleway network through the corridor. Page 94, Chesterfield Local Plan: Core strategy 2011 - 2031*

Neither does the development contribute to the local authority's core strategy CS20 Influencing the Demand for Travel.

*The Council will expect developments to demonstrate:*

*a. Prioritisation of pedestrian and cycle access to and within the site*

*b. Protection of, or improvements to the strategic pedestrian and cycle network*

In context of Waterside, The Local Plan also states that:

*Planning permission will only be granted for development that contributes towards improving access to the site including enhancing the footpath and cycle network.*

The absence of cycling infrastructure in the development area could also have severe implications for sustainable transport connectivity across the district and beyond which could undermine other regeneration initiatives. For example, the Staveley Regeneration Corridor which identifies the TPT and Canal Towpath as a major conduit for sustainable travel. Without the connections that Waterside's Masterplan promised, many regeneration initiatives will remain severed. It is fundamental that the development aligns with the principles of the Derbyshire Cycling Plan and its commitment to improving infrastructure by providing high quality connected routes, in all cycling environments, supporting all forms of cycling that create and support economic growth. The resultant Derbyshire Key Cycle Network identifies the strategic importance of a connecting route through the numerous Waterside development areas and should be acknowledged by the proposed development.

The justification for the removal of the shared surface promenade is not appropriate. In the original Masterplan the shared surface route was used as a central connecting route through the residential areas. The "Shared Spine Route" as it was called ran from Brimington Road to the far north of the Waterside development area. The current proposals to remove the Shared Spine Route contradicts key design principles and the Local Plan. They also remove any possible cycle connectivity to future residential developments and The Park character area located to the north as proposed in the Masterplan.

To be aligned to the key principles of the Waterside Masterplan and the Local Plan the proposals should identify an appropriate alignment within the development area that forms part of a route within the wider Waterside development for a shared use cycleway to link to Chesterfield Station and the wider cycle network. Any route should be built to DCC standard cycle network specification. Innovative design that incorporates adequate lighting and minimal maintenance costs should be adopted.

DCC as Countryside Service object to the proposals outside of the development area to install bridges and connecting footpaths on its land. The peninsula between the River Rother and Chesterfield Canal is land utilised by the Service to undertake essential maintenance obligations relating to the control of water and flood prevention along the canal. Any formal public access in this area would place severe constraints on this work and therefore cannot be permitted. The Countryside Service, alongside the Trans Pennine Trail Office are happy to engage with the developer and stakeholders to discuss more appropriate connections for pedestrian and cycle connections on the east or west of the River Rother in order to ensure appropriate connectivity through the Waterside development.

The updated 2018 Waterside Masterplan indicates two bridges, one existing and one new which connect the applications development area to the TPT. These connections are more suitable than the proposed connection to the Rother / Canal peninsula and should make provision for cycle connections at 3m minimum width and be constructed at sufficient height to facilitate unobstructed passage of boats beneath. Through Section 106 or CIL the developer should make provision for such connections at no cost to DCC and make provision for maintenance also. Section 106 or CIL monies should also be used to upgrade the Trans Pennine Trail to DCC standard cycleway network specification where physically possible from these connections to the start of the Canal towpath at St. Helena's bridge.

Overall the development appears to ignore its waterside setting and makes no provision to engage residents, and those travelling through the site with the unique character that the Waterside Masterplan offered. This is very disappointing.

- 5.46 The representation suggests that to be aligned to the key principles of the Waterside Masterplan and the Local Plan the proposals should identify an appropriate alignment within the development area that forms part of a route within the wider Waterside

development for a shared use cycleway to link to Chesterfield Station and the wider cycle network. The scheme delivers such a route alongside the west boundary of the river which will be a traffic free 3 metre wide pedestrian and cycle route. This will need to be connected to the north and south as further development phases come forwards. There is a clear need to ensure Avant deliver a connection to the rivers edge at the north east corner of the site as shown on their initial drawings and this can be required by condition. There appears to be some confusion with respect to the revisions to the overall Waterside Masterplan, together with the role of this reserved matters application which is essentially a first phase to unlock the wider site. There is a limited extent to which Avant Homes are able to address these matters in full however officers have taken the matter up directly with Chesterfield Waterside.

- 5.47 It is the case that the bridge position shown on the 2018 masterplan links directly from the development site to the footpath route along the east of the river. This is not the TPT at this point (Cuckoo Way) and would actually be a more limiting option which than what is considered to be the preferred option which is shown on the submitted plan. The span for the Masterplan bridge option would be more significant but more importantly such a bridge position would have to include stepped access to maintain the navigable opportunities along the river/canal. The alternative shown on the drawing would be a level route and would link direct to the TPT.
- 5.48 The outline permission requires consideration of wider pedestrian / cycle routes as part of each phase (Condition 05). Additionally, Condition 42 requires a designated cycleway to be provided for as part of wider highway infrastructure works. The main issue in this case is the delivery of a bridge link from the site over to the east of the canal/river. It is accepted that this is beyond the control of the applicant and it is also clear that DCC Countryside Service currently object to use of the peninsula based on their required use of this area for the regular desilting of the section of canal between the river and Tapton Mill bridge. The area of canal immediately off the river and up to the Tapton Mill bridge lock gates regularly silts up and DCC pump the silt into large storage containers placed on the peninsula and where they are allowed to free drain before the dried silt is deposited on the peninsula area. In such circumstances the route of the proposed footpath/cycle route across the peninsula

would be required to be closed for health and safety reasons. Because the silt is handled only once it is understood that there is an exemption from requiring a licence however a licence would be required in the event that the silt is removed off site. The Waterside scheme evolved to utilise the river as a navigable route from the canal to the basin following removal of what was to be a canal arm around the Island character area within the scheme. The intention is to dredge the river and dry the sludge on the Waterside site however a long term plan post development to maintain the river suitable for navigation will rely on the need for a license for removal of the silt off from site. Chesterfield Waterside are currently in discussion with DCC to consider a mechanism to allow the desilting of the canal section under licence thereby allowing removal from site and avoiding the use of the peninsula or that Chesterfield Waterside undertake to desilt the canal section at the same regular interval as their planned desilting of the river link between the canal and the basin area. Both options would then allow the use of the peninsula as the most appropriate cycle/pedestrian connection between the site and the wider network. If agreement cannot be reached an alternative favoured option would be to link the site over the river, canal and canal side footpath directly onto the Trans Pennine Trail. Because the TPT is at a higher level opposite the peninsula then no steps would be needed and the peninsula could be used for support.

- 5.49 Chesterfield Waterside has confirmed in writing that they are happy to agree to work with Chesterfield Borough Council to agree the delivery of an appropriate connection within a 3 year timescale. It is anticipated that the bridge will not be adopted, and that future maintenance would be part of the Waterside Management Company arrangements. The agreement between Chesterfield Waterside with Avant provides for each of the households to pay an annual rent charge of £250, to be used for estate maintenance.
- 5.50 This cannot be made a conditional requirement of the permission given that the applicant does not have control of such delivery since DCC own the land needed. It is considered that a 3 year timescale is reasonable given that Avant will take approximately a year to prepare the site prior to construction of any houses. They would then build somewhere between 40 and 50 units a year giving a five year overall build programme. Three years would mean approximately half the dwellings would have been constructed and potentially occupied and this is considered to be a reasonable time

to expect a connection over the river / canal. It is considered that this is the best that we will be able to achieve in the circumstances however it will be vital that the Council and Waterside are able to work together to finalise an agreement with DCC in this regard.

### **Technical Considerations**

- 5.51 The reserved matters application has been reviewed by a number of consultees (listed in section 1.0 above) having regard to matters concerning flood risk, drainage, noise, ecology protection / enhancement, land condition and contamination and these matters and the details thereof are either already dealt with under the various discharge of conditions applications (see planning history above) or will be dealt with through forthcoming details under the provisions of the conditions included in this report. Whilst some of the consultees have made comments in respect of this application reference the matters they have raised are referred to below.

### **Design Services**

- 5.52 Comment that the application is a reserved matters application and that no detail has been included for flood risk and site drainage, therefore we have no comments at this stage. These issues will require addressing prior to full approval. The site is close to the River Rother with potential risk of flooding and we would also require details of the proposed site drainage.

### **Yorkshire Water Services**

- 5.53 Commented that the submitted drawing appeared to show building proposed to be built-over and trees planted over the line of public sewers crossing the site. A re-submitted drawing should show the site-surveyed position of the public sewers crossing the site together with required building stand-off or an agreed alternative scheme such as diversion of the sewers.
- 5.54 The applicant accepts that there were potential clashes with existing sewers and this has now been addressed through amendments to the layout. A version of the layout showing the route and easements for all existing sewers has been submitted. The applicant also comments that any planting on the layout plan is indicative with detailed landscaping not submitted as part of the current application for approval of reserved matters. An initial

Landscape Strategy Plan has been submitted to provide some certainty to the local planning authority, taking full account of all site constraints, with detailed landscape design to follow in due course. This would be dealt with by condition on any approval.

#### Environment Agency

- 5.55 Confirm they are satisfied with the submitted topographical survey and have no further comments. Furthermore the submitted water vole management strategy is acceptable. As stated in condition 26 of the outline planning permission the agreed compensatory habitat creation and public access controls must be implemented on site prior to works which cause water vole displacement.

#### Lead Local Flood Authority

- 5.56 The LLFA comment that they are unable to provide an informed comment until the applicant has provided further information. They comment that the proposed site layout shown on page 2 of the 'Chesterfield Waterside Design Compliance Statement' is different from that submitted to the LLFA as part of an early engagement consultation and it is unclear where the required attenuation storage is to be accommodated within the current proposed site layout.
- 5.57 The proposed layout adheres to the principles agreed at the pre-application stage, and a detailed drainage design will be issued in due course, involving the use of oversized pipes and storage tanks within the site.

#### Coal Authority

- 5.58 On the basis that none of the conditions relate to coal mining legacy, and that there are no coal mining features within the site to dictate any development layout, The Coal Authority has confirmed no objections to the application.

#### Network Rail

- 5.59 Network Rail has confirmed no objection in principle to the development, but has raised issues concerning noise and soundproofing and access to the railway.  
Noise/Soundproofing:

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. In a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

**Access to Railway:**

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. There are railway access points on Brimington Road which are in use on a 24/7 basis for inspection, maintenance and emergency services. This should remain clear and unobstructed at all times both during and after works at the site.

- 5.60 A detailed Noise Assessment has been undertaken and used to inform both the layout and any mitigation required to address potential impacts from various noise sources. This refers to baseline noise measurements in line with current WHO standards and guidance and confirms that a satisfactory environment will be created in respect of both internal and external noise levels, and provision of the required mitigation can be secured by condition. The specific mitigation measures proposed include provision of an acoustic fence on top of the existing bund along the western boundary, to address noise arising from the A61 Rother Way. As set out in paragraph 4.12 of the noise report, the fence shall extend to a height of at least 5m, have a minimum mass of 15kg/m<sup>2</sup>, and form a solid boundary. In respect of noise from the industrial unit to the south east, the assessment was undertaken on the basis of an earlier iteration of the layout which had been designed specifically to mitigate against the impacts of this noise source, through the siting of single-aspect dwellings to form a barrier to noise penetrating further into the site. The assessment concludes that this approach provides a good form of screening, but emphasises the need for this area to form a continuous barrier. These principles have been retained and developed further through the layout now submitted, as discussed further above.
- 5.61 The following condition is recommended in mitigation of noise issues.

*Prior to occupation, a scheme of sound insulation shall be submitted to and agreed in writing with Derbyshire County Council to ensure that the following levels are not exceeded:*

- *Daytime (07:00 – 23:00hrs) LAeq, 16hr 35 dB in bedrooms and living rooms;*

- *Daytime (07:00 – 23:00hrs) LAeq, 16hr 55 dB in gardens;*

- *Night-time (23:00 – 07:00hrs) LAeq, 8hr 30 dB in bedrooms;*

- *Night-time (23:00 – 07:00hrs) LAFmax levels to not regularly exceed 45 dB in bedrooms.*

#### Environmental Health Officer

- 5.62 The EHO has considered the application, with particular reference to the noise assessment and agrees with the findings and the suggested mitigation.

#### Energy and Carbon Reduction

- 5.63 The submitted Energy and Carbon Reduction report by FES Group reviews the proposed energy and carbon reduction strategy advanced by Avant Homes Central within the context of local and national planning policy. The report considers and evaluates the measures incorporated into the design of the development to reduce the predicted CO<sub>2</sub> consumption of the site equal to a 10% improvement over and above the building regulation requirements in line with condition 11.

Avant Homes Central propose a series of fabric and building service enhancements that exceeds the minimum requirements of Part L1A 2013. By placing a significant emphasis on the performance of the fabric of each property, reductions in energy and carbon will be achieved.

- 5.64 Avant Homes Central have adopted a set of constructive thermal bridging details which are to be implemented on the site. These reduce thermal bridging throughout junctions and penetrations through the building fabric, typically producing a dwelling Y-value of between 0.03 and 0.06, (equal approximately a 60% improvement over the Governments ACD details). This is to be achieved by



- Efficient independent heating systems with a programmer, room
- thermostats and thermostatic radiator valves. These will allow the eventual occupants to exercise control over their heating system and thus reduce energy consumption.
- Energy efficient lamps will be installed in each light fitting.
- Water consumption is now included in the calculation of a property's energy consumption. Thus each property will adhere to the requirements of Approved Document Part G 2015 of 125 litres per person per day.

A total CO<sub>2</sub> reduction after fabric first improvements have been applied and which reduces CO<sub>2</sub> on the site by **9,383.33 Kg/year**. To satisfy the requirements of achieving a 10% site wide carbon reduction, Avant Homes Central propose the incorporation of PV panels to a proportion of the development. Suitably sized PV array panels will be provided across the site capable of generating at least **18,444.80 kg/year**. This is converted into kWh/year as follows:

- $18,444.80 / 0.519 = 35,539.11$  kWh/year.

5.65 It is concluded that the preferred energy strategy of the applicant adheres to the principles and aspirations of sustainable design and construction as advanced by national and local government and the house building industry and which satisfies the requirements of condition 11 of the outline permission.

#### Derbyshire Wildlife Trust

5.66 The Presentation Layout for this phase of the development, including The Island character area and part of The Park character area, includes the key green corridors, buffer to the River Rother and river crossing points. As such, we have no comments relating to ecology.

*Condition 12. Any reserved matters application of relevance for the development of each Character Area a detailed plan indicating details and positions of roosting and nesting opportunities for birds and bats as part of the development of that Character Area shall be submitted to the Local Planning Authority for consideration. Only those details or any amendments to those details that receive the written approval of the Local Planning Authority shall be implemented on site prior to the occupation of the building.*

The document 'Waterside, Chesterfield - Ecological Management Strategy (BWB, November 2018)' provides details of bat and bird

boxes and locations for the character area dealt with in this application.

DWT comment that Figure 4 should be amended to include two extra swift boxes, as per the text in Figure 1. DWT advise that they are installed in the gable ends of three dwellings in close proximity to each other, rather than three dwellings scattered across the site, as swifts tend to nest in colonies. We also advise that two tree-mounted bat boxes should also be added to Figure 4 (location can be indicative to be informed by Ecological clerk of Works on site).

*Condition 13. The consent as granted does not extend to the proposed layout of The Park Character Area where it shares a boundary with the proposed Eco Park. Reserved matters applications for The Park or The Island character areas shall include a detailed ecological survey and habitat and species mitigation strategy, which shall include details of an agreed buffer zone to be submitted to the Local Planning Authority for consideration. Only those details approved by the Local Planning Authority shall be implemented unless otherwise agreed in writing.* The documents 'Waterside, Chesterfield - Ecological Management Strategy and separate document 'Waterside, Chesterfield – Water Vole Mitigation Strategy provide details of species survey and mitigation measures.

DWT advise that the Nesting Bird section should provide more specific advice regarding kingfishers to ensure contractors and the SQE differentiate between vegetation clearance and bankside alterations. It should be updated to specify that any works to the river banks should be undertaken outside the breeding bird season and if this is not possible, then a bank inspection will be carried out by the SQE specifically to look for kingfisher nest tunnels. This will particularly be relevant in the areas of new or existing river crossings, which should be identified in the text. The Ecological Management Strategy doesn't specifically address the buffer zone between The Island and The Park character areas and the Eco Park. This is only relevant in one corner of the site at the boundary of the Eco Park. To fully discharge the condition, a section should be added to the document detailing the width of the buffer in this area and planting information. The Method Statement for Construction section in the Water Vole Mitigation Strategy should make clear that such measures are only required where bankside works are necessary, such as to new and existing river crossings. Strimming a 5m width along the river bank will also displace other wildlife, such as birds and mammals, and should only be

undertaken where necessary. A nesting bird check should also proceed the strimming to avoid killing and injuring waterfowl.

- 5.67 The applicant will need to satisfy the requirements of these conditions prior to the development proceeding however compliance with these conditions stands alone and the submitted BWB documents can be amended to cover the suggestions made by the Wildlife Trust in relation to the nesting bird and water vole sections. The additional swift and bat boxes can be referred to in a condition on the reserved matters application.

## 6.0 **REPRESENTATIONS**

- 6.1 The application has been publicised by site notice and by advertisement in the local press on 31/01/2019.

- 6.2 As a result of the applications publicity there have been representations received from three local residents as follows:

### **Dan Sellers**

17/01/2019 – Supports the redevelopment of the site and likes the appearance of the proposed buildings.

### **Mr K Hearn**

15/04/2019 – Visual concerns - Avant Homes installed signage for new housing yet the application is undecided and therefore presumptuous.

### **Mr M G Brook**

27/03/2019 -

1. There is insufficient information and plans of the ingress/egress on to Brimington road (B6543).
2. No indication of any improvements to the road, pavement, parking restrictions, speed restriction facilities.
3. Access and egress on to Holbrook Close.
4. The site will introduce a further 354 cars (at least) on to an already overused road that facilitates Tipton Innovation centre, Tipton Business park, 5 car parks not including town centre car parks, Courthouse, Chesterfield Technical college and access to the Chesterfield Bypass.
5. The 5 car parks can hold at least 1000 cars collectively.
6. The B6543 is used as an alternative to the congested by pass during rush hours.

7. The B6543 is used by heavy traffic servicing Tapton Business Park
8. Heavy construction traffic to the building site.
9. Environmental air pollution
10. The road already suffers indiscriminate parking particularly at bollard restrictions. Buses regularly sound their horns in annoyance at the parkers.
11. There are regular buses from 9 services.
12. I support the DCC traffic department's comments but would like further information regarding alternatives, traffic management and speed restrictions.

## 7.0 **HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> October 2000, an authority must be in a position to show:
  - Its action is in accordance with clearly established law
  - The objective is sufficiently important to justify the action taken
  - The decisions taken are objective and not irrational or arbitrary
  - The methods used are no more than are necessary to accomplish the legitimate objective
  - The interference impairs as little as possible the right or freedom
- 7.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.
- 7.4 Whilst, in the opinion of the objectors, the development raises issues of concern, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control

## 8.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

- 8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country

Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the National Planning Policy Framework (NPPF).

8.2 Given that the proposed development accords with the development plan and does not conflict with the NPPF, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for. The applicant has taken advantage of pre application submission conversations.

8.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

## 9.0 **CONCLUSION**

9.1 The proposals are considered to be appropriately designed having regard to the character of the surrounding area and which are considered to be generally in line with the outline planning permission, the masterplan and the aspirations for the site. The proposal would not have an unacceptable detrimental impact on the amenities of local residents or highway safety. It is accepted that ongoing conversations need to take place between the Council, Chesterfield Waterside and DCC to ensure a connected solution to the TPT is secured and provided and all parties have indicated a willingness to establish a solution which can be implemented. As such, the proposal accords with the requirements of policies CS2, CS10, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

9.2 The outline planning permission already includes appropriate planning conditions such that the proposals are considered to demonstrate wider compliance with policies CS7, CS8, CS9 and CS10 of the Core Strategy and the wider NPPF in respect of technical considerations.

## 10.0 **RECOMMENDATION**

10.1

It is therefore recommended that the application be GRANTED subject to the following conditions:

01. All external dimensions and elevational treatments shall be as shown on the approved plans / documents (listed below) with the exception of any approved non material amendment.

Apartment Types

- Apartment Block 1 GF Plan - n1189 APT1\_02C
- Apartment Block 1 FF Plan - n1189 APT1\_02C
- Apartment Block 1 SF Plan - n1189 APT1\_02C
- Apartment Block 1 TF Plan - n1189 APT1\_04B
- Apartment Block 1 Front Elevation - n1189 APT1\_01C
- Apartment Block 1 Rear Elevation - n1189 APT1\_01C
- Apartment Block 1 side Elevation - n1189 APT1\_01C
- Apartment Block 1 block plan - n1189 APT1\_10B
- Apartment Block 2 Floor Plans - n1189 APT2\_01
- Apartment Block 2 Elevations 1 of 2 – n1189 APT2\_02
- Apartment Block 2 Elevations 2 of 2 – n1189 APT2\_04
- Apartment Block 2 block plan - n1189 APT2\_10
- Apartment Block 3 SF Plan - n1189 APT3\_02
- Apartment Block 3 FF Plan - n1189 APT3\_02
- Apartment Block 3 GF Plan - n1189 APT3\_02
- Apartment Block 3 Basement Plan - n1189 APT3\_02
- Apartment Block 3 Side elevations - n1189 APT3\_01
- Apartment Block 3 Rear elevation - n1189 APT3\_01
- Apartment Block 3 Front elevation - n1189 APT3\_01

House Types

- Applebridge floor plans and elevations - n1189 AB\_03
- Beckbridge elevations version 1 – n1189 BB1\_01A
- Beckbridge floor plans version 1 – n1189 BB1\_02A
- Beckbridge elevations version 2 – n1189 BB2\_01B
- Beckbridge floor plans version 2 – n1189 BB2\_02B
- Beckbridge elevations version 3 – n1189 BB3\_01B
- Beckbridge floor plans version 3 – n1189 BB3\_02A
- Beckbridge floor plans and elevations version 3 – n1189 BB3\_03A
- Fenbridge elevations - n1189 FB\_01
- Fenbridge floor plans - n1189 FB\_02
- FOG elevations – n1189 FOG\_01A
- FOG floor plans – n1189 FOG\_02A
- Kewbridge floor plans and elevations – n1189 KB\_03A

- Kewbridge special floor plans and elevations – n1189 KBS\_03A
- Northbridge elevations – n1189 NB1\_01B
- Northbridge floor plans version 1 – n1189 NB1\_02A
- Northbridge special floor plans and elevations – n1189 NB1S\_03
- Northbridge floor plans and elevations version 2 – n1189 NB2\_03B
- Northbridge elevations version 3 – n1189 NB3\_01A
- Northbridge floor plans version 3 – n1189 NB3\_02
- Northbridge floor plans and elevations version 3 detached – n1189 NB3\_03A
- Seabridge floor plans and elevations version 1 – n1189 SB1\_03
- Seabridge floor plans and elevations version 2 – n1189 SB2\_03
- Ulbridge elevations version 1 – n1189 UB1\_01A
- Ulbridge floor plans version 1 – n1189 UB1\_02
- Ulbridge floor plans and elevations version 1 – n1189 UB1\_03A
- Vossbridge floor plans and elevations version 1 – n1189 VB1\_03C
- Vossbridge special floor plans and elevations version 1 – n1189 VB1S\_03B
- Vossbridge floor plans and elevations version 2 – n1189 VB2\_03B
- Westbridge elevations version 1 – n1189 WB1\_01A
- Westbridge floor plans version 1 – n1189 WB1\_02
- Westbridge special elevations version 1 – n1189 WB1S\_01A
- Westbridge elevations version 2 – n1189 WB2\_01A
- Westbridge floor plans version 2 – n1189 WB2\_02A
- Westbridge elevations version 2 – n1189 WB2\_04
- Westbridge floor plans version 2 – n1189 WB2\_05
- Westbridge special elevations version 2 – n1189 WB2S\_01
- Westbridge special floor plans version 2 – (plots 85, 111, 113, 114) – n1189 WB2S\_02

#### Site Layout

- Site Location Plan – n1189 001 rev C
- Presentation layout – n1189 004B
- Presentation layout (Constraints overlay) – n1189 004\_01A
- Presentation layout (Connectivity Plan) – n1189 004\_02

- Presentation layout – n1189 007P
- Indicative Site Sections – n1189 011A
- Topographic Survey 24<sup>th</sup> April 2017
- Materials Plan – n1189 106A
- Landscape Strategy Plan GL1051

Supporting Documents

- Design Compliance Statement (rev C) by Nineteen47 Ltd (required by condition 3);
- Visuals Pack – 8 viewpoints dated Dec 2018;
- Energy Statement dated Dec 2018 by FES Group (required by condition 11);
- Arboricultural Survey dated Sept 2018 by BWB;
- Arboricultural Impact Assessment dated Oct 2018 by BWB;
- BS5837 survey;
- Ecological Management Strategy dated Nov 2018 by BWB;
- Water Vole Mitigation Strategy dated Aug 2018 by BWB;
- Ecological Technical Note dated Jul 2018 by BWB;
- Noise Impact assessment by BWB;

*Reason - In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.*

02. Before ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.

*Reason - The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.*

03. Prior to any works taking place a Construction Management Plan shall be submitted showing space to be provided for storage of plant and construction materials, site accommodation, loading, unloading and manoeuvring of



goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

*Reason – In the interests of highway safety.*

04. Throughout the construction period vehicle wheel cleaning facilities shall be provided and retained within the site for use at appropriate times, in order to prevent the deposition of mud or other extraneous material on the public highway.

*Reason – In the interests of highway safety.*

05. The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. Subsequently, the carriageways and footways shall be laid out and constructed up to and including binder course level to ensure that each dwelling, prior to occupation, has a properly consolidated and surfaced carriageway and footway for residents to use, between the dwelling and the existing highway. Until final surfacing is completed, the footway binder course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

*Reason – In the interests of highway safety.*

06. No dwelling shall be occupied until space has been laid out within the respective plot for the parking of residents and visitors vehicles. The parking spaces shall thereafter remain free from any impediment to its designated use for the life of the development.

*Reason – In the interests of highway safety.*

07. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-
- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
  - b) evidence of existing positive drainage to public sewer and the current points of connection;
  - c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 100 year storm event, to allow for climate change; and
  - d) details of either the proposed diversion of the public sewer which crosses the site and its easement protection which accords with the requirements of Yorkshire Water Services, or confirmation of a build over agreement approved with Yorkshire Water Services.
- Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

*Reason - To ensure that no drainage discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.*

08. Prior to the commencement of the development, a scheme for the protection of the retained trees, in accordance with BS 5837:2012 including a tree protection plan(s) (TPP) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Specific issues to be dealt with in the TPP include:

- a) Location and installation of services/ utilities/ drainage.
- b) Details of construction within the RPA or that may impact on the retained trees.

- c) a full specification for the construction of any hard landscaping and footways, including details of any no-dig specification and extent of the areas hard landscaping and footpaths to be constructed using a no-dig specification. Details shall include relevant sections through them.
- d) A specification for protective fencing to safeguard trees during construction phases and a plan indicating the alignment of the protective fencing.
- e) a specification for scaffolding and ground protection within tree protection zones.
- f) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- g) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires

*Reason: To satisfy the Local Planning Authority that the trees to be retained will not be damaged during construction and to protect and enhance the appearance and character of the site and locality.*

09. No vegetation clearance works shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

*Reason – In the interests of biodiversity and to accord with policy CS9 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.*

10. No development above any floor-slab/D.P.C level shall take place until details of two additional swift boxes to be attached to houses on the scheme and bat boxes to be included in the landscape scheme have been submitted to and approved in writing by the Local Planning Authority. The agreed details, or any approved amendments to those details, shall be carried out prior to occupation of the dwelling to which they

relate and as part of the agreed landscaping programme and shall be retained thereafter.

*Reason – In the interests of biodiversity and to accord with policy CS9 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.*

11. Within 2 months of commencement of development full details of hard landscape works for the approved development shall be submitted to the Local Planning Authority for consideration.  
Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwellings.

*Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.*

12. Within 2 months of commencement of development details of a soft landscaping scheme for the approved development shall be submitted to the Local Planning Authority for consideration.  
The required soft landscape scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, an implementation programme and a schedule of landscape maintenance for a minimum period of five years. Those details, or any approved amendments to those details shall be carried out in accordance with the implementation programme.

*Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.*

13. If, within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant

planted as a replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

*Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.*

14. No development above any floor-slab/D.P.C level shall take place until details of the proposed boundary treatments have been submitted to and approved in writing by the Local Planning Authority. These details shall include the fill material for gabion baskets and the increase in knee rail fencing to 1.2 metres height. The agreed details, or any approved amendments to those details, shall be carried out prior to occupation of the dwelling to which they relate and shall be retained thereafter.

*Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.*

15. Prior to the construction of the EI Sb Station, full details of the external appearance and materials of construction shall be submitted to the local planning authority for consideration. The EI Sub Station shall only be constructed in accordance with the details which have been agreed in writing by the Local Planning Authority.

*Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.*

16. Prior to the implementation of a lighting scheme for the site, full details of the lighting scheme shall be submitted to the local planning authority for consideration. The lighting scheme shall only be constructed in accordance with the details which have been agreed in writing by the Local Planning Authority and which shall be retained as such thereafter.

*Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.*

17. The meter boxes on the dwellings and apartments hereby approved shall be colour co-ordinated to blend with the external materials of the respective dwellings and apartments.

*Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.*

18. Prior to the construction of the Applebridge house type, details of brick detailing to the rear elevation shall be submitted to the local planning authority for consideration. The Applebridge house type shall only be constructed in accordance with the details which have been agreed in writing by the Local Planning Authority.

*Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.*

19. Full details of the proposed textured brickwork and verges on various house types shall be submitted to the local planning authority for consideration. The agreed details shall be carried out in accordance with the details which have been agreed in writing by the Local Planning Authority.

*Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.*

20. This consent shall not relate to the parking spaces shown for plots 66 and 67. A revised plan shall be submitted showing deletion of the 2 visitor spaces and splitting the remaining 4 spaces into two pairs with tree planting between to reflect the opposite side of the street. The parking shall be carried out in accordance with the details which have been agreed in writing by the Local Planning Authority and which shall be

available for use concurrent with first occupation of plots 66 or 67 and which shall be retained as such thereafter.

*Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.*

21. Prior to occupation of dwellings on the site, a scheme of sound insulation shall have been submitted to and agreed in writing with the Local Planning Authority to ensure that the following levels are not exceeded:
- Daytime (07:00 – 23:00hrs) LAeq, 16hr 35 dB in bedrooms and living rooms;
  - Daytime (07:00 – 23:00hrs) LAeq, 16hr 55 dB in gardens;
  - Night-time (23:00 – 07:00hrs) LAeq, 8hr 30 dB in bedrooms;
  - Night-time (23:00 – 07:00hrs) LAFmax levels to not regularly exceed 45 dB in bedrooms.

*Reason - The condition is imposed in the interests of the amenity of residents of the site.*

22. Prior to the implementation of the acoustic fence along the bund, full details shall be submitted to the local planning authority for consideration. The acoustic fence shall only be constructed in accordance with the details which have been agreed in writing by the Local Planning Authority and which shall be retained as such thereafter.

*Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the amenity of residents of the site.*

23. Full details of a 3 metre wide pedestrian/cycle path connection to the red line boundary north east corner of the site shall be submitted to the local planning authority for consideration. The agreed details shall be carried out in accordance with the details which have been agreed in writing by the Local Planning Authority and shall be available for use within 3 years of the date upon which construction works started on the site.

*Reason - The condition is imposed in order to ensure a connection can be made to connections to be provided by Chesterfield Waterside and the footpath and cycle network to the east of the river and canal environment.*

## Notes

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. This permission is granted further to an earlier grant of outline planning permission (CHE/09/00662/OUT as amended by CHE/18/00083/REM1) to which any developer should also refer.
04. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director Economy, Transport and Environment at County Hall, Matlock (telephone: 01629 580000 and ask for the Development Control Implementation Officer - North).
05. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps



(e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

06. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
07. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980. Where residential construction works commence ahead of any adoption Agreement being in place the Highway Authority will be obliged to pursue the Advance Payments Code sum identified in the notice.