



Appeal Decision

Inquiry Held on 19 September 2023

Site visit made on 20 September 2023

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2023

Appeal Ref: APP/A1015/W/23/3321962

Tapton Business Park, Brimington Road, Tapton, Derbyshire, S41 7UP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Darren Abbott of Woodall Homes Ltd against the decision of Chesterfield Borough Council.
 - The application Ref CHE/22/00604/FUL, is dated 16 August 2022.
 - The development proposed is described as *"residential development comprising demolition of all existing buildings, to be replaced by the erection of 84 no. dwellings and 41 no. apartments, 20 Flats over Garages (FOG) together with ground floor commercial units (Use Class E), landscaping, infrastructure and associated works"*.
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Decision

1. The appeal is allowed and planning permission is granted for residential development comprising demolition of all existing buildings, to be replaced by the erection of 83 no. dwellings and 41 no. apartments, 20 Flats over Garages together with ground floor commercial units (Use Class E), landscaping, infrastructure and associated works at Tapton Business Park, Brimington Road, Tapton, Derbyshire, S41 7UP in accordance with the terms of the application, Ref CHE/22/00604/FUL, dated 16 August 2022, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The description of development given in my formal decision states that 83 dwellings are proposed, rather than the 84 given on the planning application form. This reflects amendments that were made to the scheme at application stage and I have considered the appeal on that basis.

Main Issue

3. The main issue is whether the development would be consistent with local planning policy, with particular regard to accessibility and ensuring the comprehensive development of the wider strategic site.

Reasons

4. The appeal site is located within the wider 'Chesterfield Waterside and the Potteries' corridor, which encompasses a large area of previously developed land alongside the River Rother. It is subject to Policy SS3 of the Chesterfield

Borough Local Plan (2020), which states that the wider Waterside site is suitable for up to 1,550 new homes, 30,000 square metres of office space, and other uses. Policy SS3 requires that proposals within this area contribute towards *"improving access to the site including enhancing the footpath and cycle network through the site and making links to the wider Trans Pennine Trail and Chesterfield Railway Station"*. It further states that the area should be *"comprehensively developed"* and that proposals *"will be expected to contribute towards the overall delivery of the infrastructure required for comprehensive development, secured through a section 106 agreement"*.

5. The appeal is against the Council's non-determination of the application. However, prior to the Inquiry, the Council's Planning Committee resolved that it would have been minded to approve the application subject to 3 outstanding issues being addressed in a s106 agreement. These were, firstly, to secure the improvement of footpaths FP100 and FP17, secondly, to agree a process for securing the necessary evidence to ascertain the ownership of an adjoining strip of unregistered land, and thirdly, to secure a proportion of any additional profit towards off-site infrastructure. A s106 agreement was subsequently agreed that addressed each of these matters, and the Council's position at the Inquiry was that the appeal should be allowed subject to that agreement.
6. The s106 agreement requires that the site owner upgrade and widen footpaths FP100 and FP17, including the steps leading to Brimington Road. These footpaths are currently narrow, poorly surfaced, and subject to encroachment from plants and bushes. The upgrading of these footpaths is necessary to ensure that the site is served by appropriate walking and cycling routes along the River Rother. These improvements also relate solely to footpaths that adjoin the site boundary and are therefore directly related to the development, and reasonably related to it in scale and kind.
7. The s106 agreement also includes provisions relating to a strip of unregistered land between the western edge of the site and the River Rother. It requires the owner to submit an Additional Land Investigation Strategy to the Council, and then use reasonable endeavours to acquire a registerable interest in the freehold. At present, the ownership of this land is unclear, although much of it is currently utilised by the existing industrial use at the site. Were it to be kept in its current condition then it would leave an unkempt, unmanaged area of land in a prominent position within the River Rother corridor. Accordingly, I consider that these provisions are necessary, directly related to the development, and reasonably related to it in scale and kind.
8. The s106 agreement also requires the site owner to safeguard an area along the north west corner of the site for a replacement river bridge. In this regard, the existing pedestrian bridge is narrow and of poor quality, and a new bridge is clearly required to provide an adequate connection between the appeal site and the services, facilities, and footpath network on the other side of the river. This is the logical place for a replacement bridge given its position between the existing path to Brimington Road to the east, and the footbridge over the A61 to the west, which leads to the nearest primary school. The requirement is therefore necessary and directly related to the development, and I am satisfied that it is reasonably related to it in scale and kind.
9. In addition, the s106 agreement requires that a financial assessment be submitted to the Council prior to the occupation of the 139th dwelling. If this

assessment were to identify a surplus, then it would trigger a further payment to improve nearby bus stops, the Brewery Street junction, the adjoining unregistered land, to provide a replacement river bridge, and an off-site affordable housing contribution. Whilst the Chesterfield Borough Local Plan (2020) does not set out the circumstances where a viability review mechanism may be appropriate, in my view, the circumstances in this case justify such an approach. In this regard, a number of the viability assumptions are likely to change over the construction period, and the infrastructural improvements are of key importance to the delivery of the wider Waterside site. I further note that Planning Practice Guidance states that viability review mechanisms can be a tool *"to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project"* (Paragraph: 10-009-20190509).

10. Policy SS3 of the Chesterfield Borough Local Plan (2020) states that *"planning applications submitted for development outside of the existing outline planning permission, but which otherwise deliver the objectives of the approved masterplan, will be expected to contribute towards the overall delivery of the infrastructure required for comprehensive development, secured through a section 106 agreement"*. Whilst the outline permission that once covered the entire Waterside site has now lapsed, this requirement clearly applies to subsequent applications within this area. Accordingly, contributions towards infrastructural improvements necessitated by the wider Waterside site should be required from individual applications such as this.
11. Of these contributions, the bus stop sum relates to 2 bus stops on either side of Brimington Road in close proximity to the appeal site. At present, these simply consist of a sign and timetable attached to a pole. Given the number of dwellings that would be introduced, the development is likely to significantly increase their usage. The contribution would therefore be directly related to the development, and I am satisfied that it would be fairly and reasonably related to it in scale and kind. Moreover, given the basic standard of these bus stops at present, it would be necessary to incentivise public transport usage.
12. The Brewery Street junction sum relates to works to provide a light controlled junction at the Brewery Street and Brimington Road junction. This is necessitated by the cumulative strain placed upon this junction by planned development within the Waterside area, including the appeal site. In this regard, it is necessary that a proportionate contribution is made to these works, and I am satisfied that the proposed sum would be reasonably related in scale and kind to the development.
13. The river bridge sum relates to a replacement footbridge over the River Rother. For the reasons set out above, the provision of a bridge is necessary and directly related to the development, and the north west corner of the site is the most appropriate place for it to be located. In light of this, and given that future occupiers would be reliant on the bridge to access services and facilities on the other side of the A61, I am satisfied that the proposed sum would be reasonably related to the development in scale and kind.
14. The offsite affordable housing sum would be necessary to provide a policy compliant level of affordable housing for the development. The proposed sum has been agreed based on a standard calculation, and it is therefore directly related to the development, and reasonably related to it in scale and kind.

15. Finally, the additional land contribution would be necessary were the Council to compulsorily purchase this land, and landscape and manage it to an appropriate standard. This would be a last resort should all other attempts to acquire the land fail, and the sum would revert to the appellant if it were not needed for this purpose. In these circumstances, I am satisfied that the sum is necessary, directly related to the development, and reasonably related to it in scale and kind.
16. Should the financial assessment find that there is no additional surplus for these latter contributions, then they would not be funded by the development. In terms of affordable housing provision, such an approach is envisaged under Policy CLP4. However, there is no such provision regarding the bus stop, river bridge, Brewery Street junction, and unregistered land sums. Notwithstanding this, the development would provide very significant benefits, including to the regeneration of the wider Waterside area, the provision of new housing (including affordable housing), and the creation of jobs and economic activity. In my view, these benefits would outweigh the non-provision of these infrastructural contributions if, and only if, it were not viable to provide them. Moreover, the review mechanism allows for this to be revisited at a later date. At the Inquiry, the Council detailed a number of alternative funding sources that could be pursued, albeit this would be at the expense of other infrastructural priorities. In the event that the development was unable to fund these improvements, then those routes would have to be pursued.
17. For the above reasons, and in light of the s106 agreement, I conclude that the development would be consistent with local planning policy, with particular regard to accessibility and ensuring the comprehensive development of the wider strategic site. It would therefore accord with Policies SS3, CLP15 and CLP22 of the Chesterfield Borough Local Plan (2020). These policies seek to ensure, amongst other things, that new development supports the comprehensive development of the Chesterfield Waterside and the Potteries corridor, protects and enhances the green infrastructure network, and delivers improvements to walking and cycling facilities.

Other Matter

18. The appeal proposal would connect to and improve the nearby footpath network along the River Rother. There is also an existing 3 metre wide pedestrian and cycling route along the western bank of the river, which will be extended through the development of other land within the corridor. The appeal site would have good access to this route and other walking and cycling routes into Chesterfield town centre. Accordingly, I consider the 2 metre width of the proposed route along the eastern bank of the river to be acceptable. The completion of that route would also be dependent on the development of land to the south outside of the appeal site boundary.

Conditions

19. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary in the interest of certainty. Conditions requiring the submission and approval of a Construction Environmental Management Plan and a Construction Method Statement are necessary to protect residential amenity and biodiversity interests during the construction

- period, and to ensure highway safety is not prejudiced. Conditions relating to surface water flood risk are also necessary to ensure that the site is appropriately drained, both during the construction phase and post-completion. Further conditions relating to contamination and training are necessary to ensure the site is appropriately remediated and to comply with Policy CLP6 of the Chesterfield Borough Local Plan (2020). These conditions are pre-commencement in nature as they either relate to the construction process or to works below ground level. As required by Section 100ZA(5) of the Town and Country Planning Act 1990, the appellant has agreed to these conditions in writing.
20. A condition relating to historic coal mining activity is necessary to ensure any associated land instability or contamination issues are addressed. A condition requiring the submission and approval of a Landscape and Biodiversity Enhancement and Management Plan is necessary to ensure that the proposed onsite habitats are appropriately managed and monitored. Further conditions relating to landscaping works, materials, and the proposed art installation are necessary to ensure a high standard of development. An additional condition relating to adaptable and accessible homes is necessary to comply with Policy CL4 of the Chesterfield Borough Local Plan (2020).
21. Conditions relating to the vehicular access, parking and turning facilities for each dwelling, and requiring the submission and approval of a drainage verification report, are necessary to ensure that these facilities are provided. Conditions relating to the proposed access to Brimington Road and the construction of the carriageways/footways are necessary to ensure a safe and suitable access to the development. Further conditions relating to wheel washing facilities, the submitted travel plan, and restricting permitted development rights are necessary in the interests of local amenity, to encourage sustainable travel to and from the site, and to mitigate flood risk. Additional conditions relating to the "trim trail" equipment and the 2 metre wide route along the western boundary of the site are necessary to ensure that these facilities are provided. Finally, a condition relating to external lighting is necessary to avoid adverse effects to light-sensitive species, including bats.
22. Separately, a proposed condition relating to boundary treatments to plot 120 is unnecessary as this detail has already been provided in the Material and Boundary Treatment Plan. A proposed condition restricting the Class E units to convenience retail only is also unnecessary, as these would be of a size and in a location that would be most suited to meeting localised needs in any case. In this regard, they would be too small to accommodate many of the uses allowed for under Class E and would be below any impact assessment threshold set out in the Chesterfield Borough Local Plan (2020). Moreover, this condition would prevent other uses within Class E that would also serve the day-to-day needs of future occupiers, such as a chemist.

Conclusion

23. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans:
 - Apartments & Retail Units Elevations Ref n1950/100-00;
 - Apartments & Retail Units Floor Plans Ref n1950/100-01;
 - Apartments & Retail Units Floor Plans Ref n1950/100-02;
 - Apartments & Retail Units Floor Plans Ref n1950/100-03;
 - FOG 1-A Elevations Ref n1950/100-00 rev B;
 - FOG 1-A Floor Plans Ref n1950/100-01 rev B;
 - FOG 1-B Elevations Ref n1950/100-00 rev A;
 - FOG 1-B Floor Plans Ref n1950/100-01 rev A;
 - FOG 2 Elevations Ref n1950/100-00 rev A;
 - FOG 2 Floor Plans Ref n1950/100-01 rev A;
 - House Type 1 (AS/MID/OP) Elevations Ref n1950/100-00;
 - House Type 1 (AS/MID/OP) Elevations Ref n1950/100-01;
 - House Type 1 (AS/MID/OP) Elevations Ref n1950/100-02;
 - House Type 1 (AS/MID/OP) Floor Plans Ref n1950/100-03
 - House Type 1 (AS/MID/OP) Floor Plans Ref n1950/100-04
 - House Type 1 (AS/MID/OP) Floor Plans Ref n1950/100-05;
 - House Type 2-A Floor Plans and Elevations Ref n1950/100-00;
 - House Type 2-B Floor Plans and Elevations Ref n1950/100-00;
 - House Type 2-C Floor Plans and Elevations Ref n1950/100-00;
 - House Type 2-D Floor Plans and Elevations Ref n1950/100-00 rev A;
 - House Type 3 Elevations Ref n1950/100-00;
 - House Type 3 Floor Plans Ref n1950/100-01;
 - House Type 4-A Elevations Ref n1950/100-00;
 - House Type 4-A Elevations Ref n1950/100-01;
 - House Type 4-A Floor Plans Ref n1950/100-02;
 - House Type 4-B Elevations Ref n1950/100-00;
 - House Type 4-B Elevations Ref n1950/100-01;
 - House Type 4-B Floor Plans Ref n1950/100-02;
 - House Type 5 (AS/MID/OP) Elevations Ref n1950/100-00 rev A;
 - House Type 5 (AS/MID/OP) Elevations Ref n1950/100-01 rev A;
 - House Type 5 (AS/MID/OP) Elevations Ref n1950/100-02 rev A;
 - House Type 5 (AS/MID/OP) Floor Plans Ref n1950/100-03 rev A;
 - House Type 5 (AS/MID/OP) Floor Plans Ref n1950/100-04 rev A;
 - House Type 5 (AS/MID/OP) Floor Plans Ref n1950/100-05 rev A;
 - Quad Block Elevations Ref n1950/100-00 rev A;
 - Quad Block Elevations Ref n1950/100-01 rev A;
 - Quad Block Floor Plans Ref n1950/100-02 rev A;
 - Quad Block Floor Plans Ref n1950/100-03 rev A;
 - Planning Layout Ref n1950/008 rev G;
 - Materials and Boundary Treatment Plan Ref n1950/600 rev D;
 - Site Sections Ref n1950/300 rev B;
 - Site Section Locations Ref n1950/301 rev B;
 - On-Plot Detailed Landscape Plan (Sheet 1 of 2) (FPCR) Ref 10896-FPCR-XX-XXDRL0002 S03 P05;
 - On-Plot Detailed Landscape Plan (Sheet 1 of 2) (FPCR) Ref 10896-FPCR-XX-XXDRL0003 S03 P05;

- Public Open Space (POS) Proposals and Softworks Schedules (FPCR) Ref 10896-FPCR-XX-XX-DR-L-0001 S03 P05; and
- Proposed Access General Arrangement Ref CW-BWB-HML-00-DR-TR-101 S2 rev P2.

Pre-commencement conditions

- 3) No development shall take place until a detailed design and associated management and maintenance plan for the proposed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be in accordance with the principles set out within:

- i) The submitted Flood Risk Assessment (Avie Consulting Ltd, March 2023); and
- ii) DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015).

The development shall thereafter be constructed and maintained in accordance with the approved details.

- 4) No development shall take place until a scheme to manage surface water during the construction phase has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of any works that would lead to an increase in surface water run-off from the site during the construction phase.

- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) on-site turning facilities for delivery vehicles;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in constructing the development; and
- v) delivery, demolition and construction working hours.

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

- 6) No development shall take place until a Construction Environmental Management Plan ('CEMP') relating to biodiversity has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be based on the recommendations in the submitted Ecological Appraisal (FPCR, August 2022) and shall include the following:

- i) A risk assessment of construction activities in relation to wildlife and habitats;
- ii) Identification of "biodiversity protection zones";
- iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
- iv) The location and timing of sensitive works to avoid harm to biodiversity features;

- v) The times during construction when specialist ecologists need to be present on site to oversee works;
- vi) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and
- vii) The use of protective fencing and wildlife safety measures clearly marked on site plans.

The development shall thereafter be constructed in accordance with the approved CEMP.

- 7) No development shall take place until a scheme to address the further work identified at section 7.0 of the submitted Phase 1 Geotechnical and Geo-Environmental Site Investigation (Eastwood and Partners, March 2022, Ref 46965-001) has been submitted to and approved in writing by the Local Planning Authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority. If, during the course of development any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the Local Planning Authority within 30 days of the report being completed and shall be approved in writing by the Local Planning Authority.
- 8) No development shall take place until an Employment and Training Scheme has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include a strategy to promote local supply chain, employment, and training opportunities throughout the construction of the development. The approved scheme shall be adhered to throughout the construction process.

No development other than demolition conditions

- 9) No development other than demolition shall take place until an assessment of the risks posed to the development by past coal mining activity has been submitted to and approved in writing by the Local Planning Authority. This assessment shall include a scheme of intrusive investigations, which once approved, shall be undertaken before any development other than demolition takes place. If any remediation works and/or mitigation measures to address land instability arising from coal mining legacy are necessary then a report specifying the measures to be taken, including the timescale, to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.
- 10) No development other than demolition shall take place until a Landscape and Biodiversity Enhancement and Management Plan ('LBEMP') has been

submitted to and approved in writing by the Local Planning Authority. The submitted LBEMP shall be based on recommendations in the submitted Biodiversity Net Gain Report and metric (FPCR, December 2022), and shall set out how the development will achieve no less than a 68.35% net gain in habitat units. It shall include:

- i) Descriptions and locations of features to be retained, created, enhanced and managed;
- ii) Aims and objectives of management, in line with desired habitat conditions detailed in the metric;
- iii) Appropriate management methods and practices to achieve these aims and objectives;
- iv) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity);
- v) Details of the body or organization responsible for implementation of the plan;
- vi) A monitoring schedule to assess the success of the habitat creation and enhancement measures;
- vii) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met;
- viii) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022; and
- ix) Provision for a statement of compliance to be submitted upon completion of planting and enhancement works.

The LBEMP shall also include details of the legal and funding mechanisms by which the implementation of the LBEMP will be secured by the developer with the management body(ies) responsible for its delivery. The LBEMP shall be implemented as approved.

No development above ground level conditions

- 11) No development shall take place above ground level until details of all proposed walling, roofing, and fenestration materials has been submitted to and approved in writing by the Local Planning Authority. The approved materials shall thereafter be used in the construction of the development.

Within 6 months of commencement conditions

- 12) Within 6 months of commencement of the development, details of the proposed hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. These shall include:
 - i) proposed finished land levels or contours;
 - ii) means of enclosure along the southern boundary of the site;
 - iii) refuse or other storage units for the Class E units;
 - iv) any bin collection areas;
 - v) signage; and
 - vi) seating.
- 13) Within 6 months of commencement of the development, an implementation programme for both the approved hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The landscaping works shall be carried out in accordance with the agreed implementation programme. Any trees or

plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

- 14) Within 6 months of commencement of the development, details of the proposed art feature shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the landscaping scheme in accordance with the implementation programme approved under condition 13. The Art feature shall thereafter be retained.
- 15) Within 6 months of commencement of the development, a scheme to demonstrate that 25% of the dwellings across the site, including across tenures, shall be built to Requirement M4(2) (accessible and adaptable dwellings) of the Building Regulations, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented as part of the development and shall thereafter be retained.

Pre-occupation conditions

- 16) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that the drainage system has been constructed as per the approved scheme (or detail any minor variations), provide the details of any management company, and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).
- 17) Prior to the first occupation of each dwelling, the vehicular access, parking and turning facilities shall be constructed for that dwelling in accordance with the approved plans. The vehicular access, parking and turning facilities shall thereafter be retained for those purposes.

Other conditions

- 18) The proposed access to Brimington Road shall be laid out, provided with visibility sightlines as shown on plan ref CW-BWB-HML-00-DR-TR-101 S2 rev P2, and fully completed prior to the first occupation of any dwelling taking access from that junction. There shall be no obstruction between the sightline and the adjacent carriageway edge exceeding 1 metre in height above the carriageway channel level. The area in advance of the visibility sightlines shall be laid out as part of the street and shall not form part of any plot or other subdivision of the site and shall remain as such thereafter.
- 19) 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. The carriageways and footways shall be constructed up to and including base course surfacing so that each dwelling prior to occupation has a consolidated and surfaced carriageway and footway between it and the existing highway. Until final surfacing is completed, the footway base 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 between each dwelling and the existing highway shall be completed with final surface course within twelve months from the occupation of that dwelling.
- 20) Throughout the construction period vehicle wheel cleaning facilities shall be provided and utilised in order to prevent the deposition of mud or other extraneous material on the public highway.
 - 21) The Measures, Incentives and Actions set out in sections 6 and 8 of the submitted Travel Plan (BWB, dated 15th December 2022) shall be implemented prior to the first occupation of the 108th dwelling on the site and shall thereafter be monitored and reviewed in accordance with section 7 of the submitted Travel Plan.
 - 22) Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015, dwelling types HT1, HT2 (A, B, C and D), HT3, HT4 (A and B), HT5, FOG1 (A and B) and FOG2 shall be limited to parking and non-habitable uses only on the lower ground floors.
 - 23) Prior to installation of the "trim trail equipment" shown on the approved plans, full details of said equipment shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed and made available for use prior to the first occupation of the 108th dwelling on the site. These facilities shall thereafter be retained.
 - 24) The 2 metre wide route along the western boundary of the site from the junction of Rotherside Road and Main street, as shown on approved layout plan n 1950/008 Rev G, shall be fully completed to the southern site ownership boundary line prior to the first occupation of the 108th dwelling on the site, and shall thereafter be retained.
 - 25) Prior to the installation of external lighting fixtures, a detailed lighting strategy including an implementation timescale shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife, with particular consideration given to the River Rother corridor. This should provide details of the chosen luminaires, their locations, and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan shall be provided to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. The approved lighting details and measures shall thereafter be installed in accordance with the approved implementation timescale.

APPEARANCES

FOR THE APPELLANT:

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INTERESTED PARTIES:

Lisa Hopkinson

Transition Chesterfield

INQUIRY DOCUMENTS

- ID1 Appellant's opening statement and list of appearances
- ID2 Council's opening statement
- ID3 Speaking note submitted by Transition Chesterfield
- ID4 Regulation 122 compliance note submitted by the Council
- ID5 Chesterfield Waterside Revised Masterplan – Draft (March 2023)
- ID6 Council's closing submissions