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File No: CHE/19/00116/REM
Plot No: 2/1637

Item 4

RESERVED MATTER APPLICATION FOR APPROVAL OF LAYOUT, SCALE, APPEARANCE AND LANDSCAPING OF THE OFFICE BUILDING WITHIN BASIN SQUARE PURSUANT TO CHE/18/00626/REM1 ON LAND EAST OF A61 KNOWN AS CHESTERFIELD WATERSIDE, BRIMINGTON ROAD, TAPTON, CHESTERFIELD, DERBYSHIRE FOR CHESTERFIELD WATERSIDE LTD.

Local Plan: Area of Major Change
Ward: St Helens

1.0 **CONSULTATIONS**

Local Highways Authority	Comments received 16/05/2019 and 28/06/19 – see report
Design Services	Comments received 26/03/2019 – see report
Environmental Services	Comments received 13/03/2019
Economic Development Unit	Supports application – see report – 13/03/19
Crime Prevention Design Advisor	Comments received 25/03 – see report
Coal Authority	Comments received 25/03/2019 no objection
Yorkshire Water Services	Comments received 28/03/2019 – concerns - see report
Environment Agency	No formal comment to make 13/03/19
Lead Local Flood Authority	Comments received 11/03/2019 – No comments to make
DCC Policy and Monitoring	Comments received 01/04/2019 – see report
Sustrans	Comment received 18/03/2019 - see report
Urban Design Officer	Comments received 08/04/2019 – see report
C/Field Cycle Campaign	Comments received 12/04/2019 – see report

Transition Chesterfield	Comments received 22/04/2019 Objection – see report
Ward Members	No comments received
Site Notice / Neighbours	No representations 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 site is a part of the Basin Square Character area at the southern end of the site and which comprises a mix of potential uses comprising of residential, office, hotel/spa and MSCP along with areas of public realm. The Basin Square area of the site is accessed from Brimington Road to the north of the proposed office building and which links into the wider public realm area up to the basin area. The A61 is situated to the west and separated from the site by a mature landscaped boundary.

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 but prepared ground and which is currently being used as a temporary public car park.



- 3.0 **RELEVANT SITE HISTORY – Basin Square area**
- 3.1 CHE/08/00243/FUL – Construction of canal basin – Approved 10th 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 9th March 2011 (Associated s106 legal agreement).
- 3.3 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 26th February 2014.
- 3.4 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 24th December 2013.
- 3.5 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 4th January 2016.
- 3.6 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 12th May 2017.

- 3.7 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 15th December 2016.
- 3.8 CHE/16/00187/REM – Approval of Reserved Matters for layout, scale and access for Basin Square area (increasing storey heights) – Approved 16th December 2016.
- 3.9 CHE/16/00188/FUL – temporary surface car park and enabling earthworks to create development platforms in Basin Square area – Approved 14th June 2016.
- 3.10 CHE/16/00189/EIA – Screening Request for temporary car park and enabling works – Determined 1st April 2016.
- 3.11 CHE/16/00190/REM – Approval of Reserved Matters for Acoustic Bund and Enabling Earthworks – Approved 29th June 2016.
- 3.12 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 15th June 2016.
- 3.13 CHE/16/00192/EIA – Screening Request for enabling development platforms – Determined 1st April 2016.
- 3.14 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 9th August 2016.
- 3.15 CHE/16/00423/DOC – Discharge of Conditions 16 (building recording strategy) and 23 (contamination risks strategy) of outline CHE/09/00662/OUT – Approved 5th September 2016.

- 3.16 CHE/16/00528/DOC - Discharge of Conditions 3 (phasing programme for bund construction) of CHE/16/00190/REM – Approved 26th September 2016.
- 3.17 CHE/16/00531/DOC – Discharge of Condition 14 (phasing programme for bund construction) of CHE/16/00188/FUL – Approved 26th September 2016.
- 3.18 CHE/16/00762/DOC – Discharge of Condition 13 (barrier between site and Holbeck Close) of CHE/16/00188/FUL – Approved 1st February 2017.
- 3.19 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 27th June 2017.
- 3.20 CHE/17/00300/DOC – Discharge of Condition 12 (screen barrier between site and A61) of CHE/16/00188/FUL – Approved 20th June 2017.
- 3.21 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 24th April 2018.
- 3.22 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 17th December 2018.

4.0 **THE PROPOSAL**

- 4.1 Outline planning permission was granted in 2011 under code CHE/09/00662/OUT and which was amended under applications CHE/16/00183/REM1 and CHE/18/00626/REM1 in so far as the

Basin Square area of the Waterside area. Reserved Matters were subsequently agreed for layout, scale and access for Basin Square area under code CHE/16/00187/REM. The Waterside 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 Basin Square character area. The site comprises of one main section which is a plateau of land to the west of and between Brimington Road and the A61. The scheme proposes a 7 storey office building with ground floor retail space totalling overall approximately 4008 gross internal m² of floor space. The retail space on the ground floor amounts to a gross internal area of 491 sqm.
- 4.3 The overall building height will be 28.50m. The building form will comprise of brick facades and a flat roof from ground level to sixth floor with a combination of recessed storey height double glazed windows and façade modelled brick detailing to create a 3D visual effect to enhance the shadowing of day-lighting / sun-lighting. A podium level is defined by storey-height metal clad panels with large apertures and metal balustrade to create visual interest to pedestrians in Basin Square.
- 4.4 In terms of landscaping, the scheme proposes a scheme for the public realm area is proposed and which includes:
- i. A public realm apron of both hard and soft materials around the building which help to activate the building edges and create useable spaces; and
 - ii. The main vehicular entrance access off Brimington Road, which transitions into a shared space.
- The scheme proposes 4 trees in the proposed verge across the frontage of the building to Brimington Road.

- 4.5 The proposed materials of construction for the building will be as follows:
- Facades:
Ground to sixth floors - Facing brick facades with feature brick panels all supported on concealed stainless steel angles fixed to steel structural frame.
Seventh floor - To be dark metal wall cladding. External louvers to plant area to be aluminium, polyester powder coated.
 - Windows
Polyester powder coated thermally broken aluminium frames with hermetically sealed double glazed solar controlled glazing and spandrel panels will be used. Window system includes aluminium louvre where required for mechanical ventilation.
 - Doors
Polyester powder coated thermally broken aluminium frames with hermetically sealed double glazed solar controlled glazing will be used. The main entrance doors will be electrically operated automatic telescopic glazed sliding doors. Main entrance doors to retail unit(s) will be subject to separate application by the retailer(s).
- 4.6 The scheme is accessed from Brimington Road via a new entrance which has already been agreed and which links into the other components of the Basin Square area. Under phase 1A associated with this scheme it is proposed to provide:
- A 3 metre wide shared footpath and cycle way along the west side of Brimington Road with a 2 metre verge to the rear and which runs from the new access radii northwards for approximately 115 metres.
 - A new bus shelter and bus stop on the northbound side of Brimington road positioned 40 metres north of the proposed office building.
 - A new bus stop on the southbound side of Brimington Road positioned 60 metres north of the proposed office building.
 - A new proposed pedestrian crossing over Brimington road positioned 8 metres to the north of the proposed office building.
- 4.7 The proposed permanent parking solution for the Basin Square element of the Waterside project is for the construction of a multi-storey car park that will have around 442 parking spaces to be provided over 7 floors and which will provide the permanent parking solution for the built-to-rent apartments, commercial office

space (subject of this application), a hotel and any demand from the ancillary retail with a large proportion of the car park also expected to be used by the general public for off street parking. The multi storey car park is envisaged to be constructed in the latter phase of the Basin Square character area after the construction of the office building. There is an existing temporary car park located to the south of the Basin Square site and accessed directly from the Brewery Street/Brimington Road mini roundabout and which has the capacity for around 90 vehicles and is used by members of the general public.

4.8 The application is supported by the following list of plans / documents:

Site Layout

- Site Location Plan – CWD-BBA-01-ZZ-DR-A-1100 rev P01
- Floor Plans (levels 00,01,02,03) – CWD-BBA-01-ZZ-DR-A-2100 rev P01
- Floor Plans (levels 04,05,06,RF) – CWD-BBA-01-ZZ-DR-A-2101 rev P03
- Proposed Site Plan – CWD-ALA-00-XX-DR-L-0004 rev P01
- Elevations sheet 2 - CWD-BBA-01-ZZ-DR-A-3102 rev P02
- Elevations sheet 1 - CWD-BBA-01-ZZ-DR-A-3101 rev P02
- Site Sections - CWD-ALA-00-XX-DR-L-0003 rev P01
- Site Sections - CWD-BBA-01-ZZ-DR-A-4101 rev P01
- Site Sections - CWD-BBA-01-ZZ-DR-A-4102 rev P01
- Illustrative Plan - CWD-ALA-00-XX-DR-L-0004 rev P02
- Landscaping Plan - XXX-ALA-00-XX-DR-L-0001 rev P01
- Planting Plan - CWD-ALA-00-XX-DR-L-0002 rev P01
- Proposed Highway Works A – 05/004 rev V06
- Proposed Highway Works B – 05/005 rev V05
- Access junction Swept Path Analysis – 05/006 rev V03

Supporting Documents

- BREEAM Pre Assessment Summary report by 3 Planets dated 27/02/18
- Preliminary Energy Assessment report by SDA dated Oct 2017
- EIA Screening report by Avison Young dated Feb 2019
- Planning Statement by Avison Young dated Feb 2019
- Design and Access Statement by Bond Bryan Architects dated 12/06/18

- Landscape Design and Access Statement by Ares Landscape Architects dated April 2018
- Technical Note – access proposal and car park strategy by Curtins dated 15/02/19
- Ecology Advice Note by Bowland Ecology Ltd dated 25/01/18

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 mixed-use development plus comprising 58,800 square metres of commercial and 1,550 residential units set out in six character areas 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 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 A Section 73 planning application (reference: CHE/16/00183/REM1) to vary conditions associated to the outline planning permission was submitted in March 2016. It varied the conditions to increase the height parameters of selected buildings approved within the Basin Square Character Area and was granted on 12th May 2017. As well as amending the conditions to refer to an updated Building Heights Parameter Plan, it was also necessary to amend a condition relating to the proposed highways works within the Basin Square Character Area on Brimington Road, south of the junction with Holbeck Close, to enable a phased approach to the implementation of these works to take place. The Section 73 application was submitted alongside a Reserved Matters application for Phase 1 Basin Square to approve the layout, scale and access for a mixed-use development including a hotel, multi storey car park, office accommodation and apartments together with ground floor retail uses within the Basin Square Character Area. This Reserved Matters application was approved on 16th December 2016.

- 5.3 Another Section 73 planning application was submitted in February 2018 to vary the conditions under planning permission CHE/16/00183/REM1 to amend the approved plans to omit the canal arm (reference: CHE/18/00083/REM1). As part of the original outline planning permission, it was proposed to raise the water levels in the River Rother through construction of a new weir, which was intended to provide a navigable section of the river for canal boats via a new canal arm. An alternative, less intrusive engineering method was proposed to ensure delivery of a navigable section for canal boats along the River Rother linking the Chesterfield Canal with the new basin without the need for a new canal arm. The Section 73 planning application was granted on 24th April 2018.
- 5.4 A further S73 planning application was submitted reference CHE/2018/00626/REM1 to seek amendments to some of the conditions as currently worded under the outline planning permission reference CHE/18/00083/REM1 to update the Highways drawings. Since the original outline planning permission was granted, the highways scheme for Basin Square has progressed and a more appropriate and economical scheme had been agreed with Derbyshire County Council. A new proposed highways plan (drawing reference: 05011-P09) at Basin Square was submitted as part of the S73 planning application and was agreed 17th December 2018.
- 5.5 The proposed office use building is located within the southern section of the 'Basin Square' Character Area and is being brought forward in line with the aspirations for the site as approved under the outline permission as amended by the s73 submissions referred to above and in line with the approval of reserved matters scheme agreed for siting, access and layout.
- 5.6 The outline permission is supported by an Indicative Masterplan (Drawing Reference CWD-BB1-Z0-ZZ-DR-01005 P02 without canal arm) which outlined key development principles for the site for later Reserved Matters applications. Scale parameters for each use with reference to a schedule of accommodation and a number of parameters plans were also agreed. These plans included a Building Heights Parameter Plan which specifies maximum building heights and outlined the maximum scale parameters and formed the basis of the Environmental Impact Assessment (EIA). Condition 45 of the permission requires:

“The development hereby permitted shall be carried out in accordance with the following approved plans, unless otherwise agreed with the Local Planning Authority:

- Site plan edge red (MM001 Rev C)*
- Building Heights Parameters Plan (ref no: CWD-BBA-Z0-ZZ-DR-01006 P02)*
- Character Area Plan (drawing no. CWD-BBA-Z0-ZZ-DR-A-01008 P01)*
- 05012-P02 (Proposed Staging Masterplan)*

- 5.7 The proposals which form the basis of this Reserved Matters application have been informed by the development parameters that were approved as part of the outline planning permission. The scheme is therefore accepted for redevelopment as proposed and the policy position confirms that the scheme is a priority for the Council.
- 5.8 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
 - CS20 Influencing the Demand for Travel
- 5.9 It is also the case that the following Council Supplementary Planning Document applies:
- Designing Out Crime (2007)
- 5.10 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).
 - Waterside Design and Access Statement (Rev. A Jan 2010).
 - Waterside Public Realm Strategy (2016).
- 5.11 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 permission and s106 legal agreement.

- 5.12 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.
- 5.13 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 the applicant.

Design and Appearance Considerations

- 5.14 The National Planning Policy Framework (NPPF) confirms that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. Importantly, the Framework requires development to function well and add to the overall quality of the area; establish a strong sense of place, optimise the potential for the site to accommodate development; respond to local character and history; create safe and accessible environments; and be visually attractive as a result of good architecture and appropriate landscaping.
- 5.15 The layout of the office building seeks to maximise the efficiency of the site and to promote the local street scene. It is also set within the parameters the agreed Masterplan and within the approved Building Heights Parameters Plan. The office development will

eventually be brought forward alongside the build to rent development, hotel and multi storey car park, however these buildings will be subject to separate Reserved Matters planning applications. It is envisaged that all of Basin Square Phase 1 will all be arranged around a large public 'square' which forms the centre piece of the public realm with accessible routes into and through the site. The office building includes the opportunity for retail use on the ground floor which will assist in providing an attractive and active frontage to Brimington Road thereby seeking to improve the overall streetscape. The office is located adjacent to the site's entrance, so will add to the principle route through the site.

- 5.16 The building extends to 6 storeys plus a reduced podium storey with space for an external plant and occupant amenity spaces. It is proposed for the ground floor of the building to be used for retail use and for the remaining floors to be in office use. Whilst the proposal is technically for a 7 storey building it is considered that this accords generally with the reference in the building heights parameters which have been agreed which refers to the office building as 6+ storey. It is considered the podium storey is not as much a 7-storey building and therefore can be regarded as 6+ storeys. It is the case that the building would not be as significant given the scale of neighbouring proposed buildings which include a 12 storey build to rent building and 9 storey hotel. The Council has already agreed this approach to the proposed height of the office development in November 2017.
- 5.17 The building form comprises brick facades from ground level to sixth floor with a combination of recessed storey height double glazed windows and facade modelled brick detailing to create a 3D visual effect to enhance the shadowing of day-lighting/ sunlighting. Consideration is also been given to different masonry products, raised masonry features etc. Ground and first floor storeys are visually combined using double height glazing to differentiate the retail and office uses. These levels also incorporate a horizontal band to control the location of retail signage, the details of which will be subject to a separate 'display of advertisements' application by the retail tenant(s).



- 5.18 Having regard to the detailed design and appearance considerations of the proposed reserved matters submission the Council's Urban Design Officer (UDO) and the Crime Prevention Design Advisor (CPDA) were invited to review the submission.
- 5.19 The UDO comments that the scale and mass of the building reflects that proposed under the previous reserved matters approval. Recessed panels and fenestration with vertical proportions add depth and modelling to the façade and assist in moderating the otherwise relatively bulky form of the building. Double height openings to the ground floor will create the impression of large windows at street level and provide a positive interface with the adjacent public frontages and the building. The UDO comments that overall, the planting proposals are acceptable. A line of fastigiata oak trees are indicated to the south side of the access and along Brimington Road and which will represent a positive addition to the streetscene and will form the first part of a tree lined edge that will extend further along Brimington Road with subsequent development around Basin Square. The general arrangement of hard landscaping is acceptable however, details of hard landscape materials, walls, retaining walls and raised planting beds, together with all street furniture should also be required by condition. The cycle shelter is relatively large and prominently positioned and a suitable design and finish will be required.

- 5.20 The UDO comments that architectural details, such as recessed window openings and panels will be critical to achieving the depth and modelling required helping moderate the scale and mass of the building. The depth of reveal to the windows and panels should be sufficiently deep to achieve visual relief to the façade. As such, the inclusion of some raised decorative brickwork panels and/or replacement of some spandrel panels with coloured glazed brick panels could introduce subtle 'accents' and assist in creating additional interest and personality to the appearance of the building. Additional relief to the blank north facing elevation in the form of further modelling of the façade would also be beneficial, particularly at lower levels.
- 5.21 It is noted that the proposals indicate the presence of an electricity substation within the red line on the western edge of the site, adjacent to the proposed MSCP. Substations can be utilitarian in appearance and it is recommended that details of its design, appearance and finished treatment are required by condition. The UDO also comments that it is unclear at this stage, how it is intended to provide external lighting. For example will lighting be fixed to the building or are lighting columns intended? If so, where are these to be located and what will they look like? It will be important to ensure that any external lighting is carefully integrated into both the landscape and building design in order to harmonise with the scheme as a whole. In addition, the narrow passageway on the north side of the office building will need to be well lit and safe for people using this route, particularly given the absence of windows on this elevation (for fire separation reasons). As such, details of external lighting will be necessary and should be required by condition.
- 5.22 The Crime Prevention Design Advisor has assessed the scheme and the BREEAM pre assessment and agrees the scheme is acceptable in so far as access, outlook and external landscaping are concerned and the CPDA has no further comments to make.
- 5.23 The applicant has provided revised plans and accepted the need for conditions to deal with the issues raised. The package of revisions received are appropriate and on this basis the scheme is considered to reflect the requirement of policy CS2 and CS18 of the Core Strategy and the wider NPPF. 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 opportunities and which has been appropriately treated in the proposed site layout to ensure a good standard of design overall is achieved.

Highways Matters

- 5.24 Proposed revised highways plans (drawing references: 05/005-V04 and 05/004-V04) have been submitted by Curtins and which show the extent of works proposed in connection with the phase 1A works with the office scheme.
- 5.25 The scheme is accessed from Brimington Road via a new entrance which has already been agreed in terms of position and which links into the other components of the Basin Square area. Under phase 1A associated with this scheme (as revised) it is proposed to provide:
- A 3 metre wide shared footpath and cycle way along the west side of Brimington Road with a 2 metre verge to the rear and which runs from the new access radii northwards for approximately 115 metres.
 - Provision of the new access with kerb radii but providing a 2 metre footway to the south of the access (Increased to 3 metres as part of phase 1C works).
 - A new bus shelter and bus stop on the northbound side of Brimington road positioned 40 metres north of the proposed office building.
 - A new bus stop on the southbound side of Brimington Road positioned 60 metres north of the proposed office building.
 - A new proposed pedestrian crossing over Brimington road positioned 8 metres to the north of the proposed office building.
- 5.26 The Highway Authority has confirmed its support for the latest revised details with just one issue remaining. This concerns the provision of a clear 3 metres to the rear of the proposed new bus stop on Brimington Road (north bound). The submitted plan showed a deflection in the footpath to achieve a 2 metres clearance based on a bus shelter of 1 metre wide by 2 metres length set at 0.5 metres from the carriageway edge. It is

understood that the details of the type and size of the bus shelter have not been considered or agreed by the Public Transport Unit at DCC however similar bus stops are in place in the vicinity. It is clearly necessary to ensure an increase in the footway width behind the bus stop to 3 metres on the basis that the route will be a shared footway and cycle route and is likely to be well used as the developments on the site are realised over time as phases are built out.

5.27 The applicant has agreed to the need to achieve the standard referred to by the highway authority and has submitted further revised plans which show a clear 3 metres width behind the bus shelter. The Highway Authority confirm their support for the revised plans which have been submitted.

5.28 The Highway Authority has recommended a number of conditions which it considers appropriate to impose as follows:

- A Construction Management Plan 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.
- Throughout the construction period vehicle wheel cleaning facilities.
- Delivery of the proposed phase 1a highway works.
- Delivery of the on site manoeuvring space prior to occupation.
- Increase in pavement width to rear of bus stop.

5.29 In parking terms the development of a MSCP will provide the long term future parking arrangements for office workers however this would be the subject of a separate planning application. It is necessary therefore to consider where office workers arriving by car will park and in this respect the applicants car parking strategy relies on the availability of the temporary surface car park areas which exist in the applicants control on neighbouring sites. The Highway Authority has also commented that the Borough Council

needs to be satisfied that the parking provision and strategy is appropriate and whilst it is clear that the permanent MSCP solution will need to come forward in the near future the use of the temporary spaces available on adjacent land is considered to be acceptable. This is not a matter which needs to be controlled by condition because it is clear that prospective tenants of the office building will need to ensure the parking strategy is appropriate and this will be tied up in the legal arrangements between developer and tenant. It is unlikely therefore that the office building will be developed out, let and provided with no car parking opportunities.

- 5.30 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.

Sustrans

- 5.31 Comments have been received objecting to the proposal which state that the local plan requires upgrading of all access routes to the canal and the Waterside Basin for both pedestrian and cycle use. They state that the local plan 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. Sustrans comment that they are very disappointed that the footbridge is not being upgraded to achieve the local plan requirement
- 5.32 The scheme provides a new 3 metre wide shared footpath/cycle route running along the Brimington Road frontage as an

enhancement of what currently exists and which links into a proposed wider pedestrian and cycle network improvement which will connect into the wider area as and when developments come forward on the Waterside site. This aligns with the existing planning permission and s106 agreement which reflects the requirements of the Core Strategy. Reference to the footbridge is a reference to the A61 footbridge which is not part of this application and is being considered separately under the relevant DOC submission with DCC. The Sustrans comments are therefore considered not to relate to this application and are being considered separately under the DOC submission (condition 6 of the outline approval)

Chesterfield Cycle Campaign

- 5.33 The scheme includes 10 No Sheffield Style cycle racks in a covered structure located to the rear of the building. The building also provides 2 shower rooms/changing facilities.
- 5.34 The Cycle Campaign has confirmed it has no objection to this particular scheme but they do go on to comment that they are disappointed to see an entrance to a proposed 700 space car park crossing a previously approved shared pedestrian and cycle path on the west side of Brimington Road. They refer to the opportunity for a Copenhagen style crossing similar to what has been built on Derby Road.
- 5.35 Transition Chesterfield raises a concern that opportunities to create a pedestrian and cycle friendly development are being lost. They comment that development will create significant additional traffic along Brimington Road and Brewery St making it more hazardous for pedestrians to cross. This includes significant numbers of students and other people crossing Brimington Road en route from the train station to Chesterfield College or the new development. They comment that they have previously raised concerns about plans to amend the mini roundabout which will make it faster and busier, and we have also raised repeated concerns about the need for a zebra crossing instead of the existing inadequate 'refuge' on Brimington Road. This ideally would be a Copenhagen style wide crossing to accommodate the large numbers of people that will want to cross here. Instead the plan proposes a shared use footway with tactile paving. This means at busy times pedestrians will have to wait a long time to cross, or, more likely, weave in and

out of stationary traffic or wait for a vehicle to stop to let them pass. The main entrance to the office building also provides a wide vehicle access with a raised junction area but again no dedicated crossing point for pedestrians or cyclists. This is on a newly provided shared use path which further down the road will also cross a loading bay. It appears that pedestrians and cyclists are given low priority and their needs are being simply fitted around the needs of vehicular traffic, with the minimum of thought and cost.

- 5.36 It is not clear where the 700 space car park reference has come from since the application document cross references to an intended mscp providing approximately 442 spaces. Notwithstanding this the access position referred to has already been agreed and accepted and this issue is not therefore one for consideration as part of the current reserved matters submission. The latest submitted drawings show works proposed within highway limits at the junction of Brewery Street with Brimington Road which will come forward under phase 1B as part of the development of the plot at this corner of the site and which include a new pedestrian crossing, new bus shelter and footway/cyclerooute works. The standard and specification of the new access and the works within highway limits is considered and agreed by Derbyshire County Council as local highway authority.

Technical Considerations

- 5.37 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

- 5.38 Comment that no objections arise and that the conditions of CHE/18/00626/REM1 will need to be agreed prior to construction.

Yorkshire Water Services

- 5.39 Commented that the submitted drawing appears to show the building proposed to be built-over the line of a 690/300mm public combined sewer crossing the site and that a 6.5 metre stand off distance is required.
- 5.40 It is understood that the sewer was diverted as part of the infrastructure delivery preparation for the site and the works were undertaken with grant assistance to redirect the sewer along the bypass boundary in connection with the provision of the bund. Yorkshire Water Services are therefore based on out of date plans.

Environment Agency

- 5.41 Confirm they have no comment to make regarding the scheme.

Lead Local Flood Authority

- 5.42 The LLFA comment that they have no comment to make on the application but will comment further at the discharge of condition stage.

Coal Authority

- 5.43 On the basis that the outline permission predates the risk based approach to Development Management by the Coal Authority then no objections arise to the proposal however they hope the developer will ensure that consideration is given to the risks posed by past coal mining activity when developing the site.

Environmental Health Officer

- 5.44 The EHO has considered the application and comments that on the basis traffic was modelled and assessed as part of the original outline application in 2009, traffic levels and assumptions made at the time will now be out of date and should therefore be undertaken again.

- 5.45 This is a reserved matters submission flowing from the outline planning approval and it is not possible therefore to require a repeat of the traffic data collection and modelling exercise. The information agreed at the outline stage has to be accepted as being appropriate.

Energy and Carbon Reduction

- 5.46 The application includes a Preliminary Energy Assessment by SDA and a BREEAM Pre Assessment by 3 Planets and which consider how the building can achieve the BREEAM Excellent standard by reviewing the proposed energy and carbon reduction strategy within the context of local and national planning policy. The reports consider and evaluate the building fabric as well as the heating and cooling systems as the only variables able to be changed are the air permeability and fabric U-values. The scheme incorporates U-value levels and air permeability levels which are 20% better in comparison to the Building regulations AD L2A limits. The scheme is also designed to limit solar heating in the summer and thereby reducing the need for air conditioning but at the same time maximise natural lighting into the building. The measures incorporated into the design of the development reduce the predicted CO₂ consumption from 25.7kgCO₂/m² to 20.8kgCO₂/m² which allows for an outstanding BREEAM score and which is over and above the building regulation requirements and in line with condition 11 of the outline planning permission.
- 5.47 It is concluded that the energy strategy of the applicant adheres to the principles and aspirations of sustainable design and construction as advanced by national and local government and which satisfies the requirements of condition 11 of the outline permission.

Ecology

- 5.48 The applicant has provided an Ecology update which confirms that the site is of very low ecological value due to its use as a hardsurfaced temporary car park area.

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice on 8th March 2019 and by advertisement in the local press on 21st March 2019 and no representations have been received as a result.

7.0 **HUMAN RIGHTS ACT 1998**

7.1 Under the Human Rights Act 1998, which came into force on 2nd 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.

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 will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

9.0 **CONCLUSION**

9.1 The proposals which form the basis of the Reserved Matters application being submitted generally comply with the parameters of the outline planning permission. The outline planning permission approved 30,350 sqm of B1 office use and the Indicative Masterplan shows offices to be located at first floor level fronting Brimington Road, with ground floor retail uses. This Reserved Matters planning application accords with the location and amount as previously approved. It has been previously agreed with the Council that the number of storeys proposed is acceptable as it will not be significant given the reference to 6+ storeys and the scale of neighbouring proposed buildings.

9.2 The proposed development is entirely acceptable in planning terms and will act as an important catalyst to the overall regeneration of the Chesterfield Waterside area.

9.3 The proposals are considered to be appropriately designed having regard to the intended 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. 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.

9.4 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.

Site Layout

- Site Location Plan – CWD-BBA-01-ZZ-DR-A-1100 rev P01
- Floor Plans (levels 00,01,02,03) – CWD-BBA-01-ZZ-DR-A-2100 rev P01
- Floor Plans (levels 04,05,06,RF) – CWD-BBA-01-ZZ-DR-A-2101 rev P03
- Proposed Site Plan – CWD-ALA-00-XX-DR-L-0004 rev P01
- Elevations sheet 2 - CWD-BBA-01-ZZ-DR-A-3102 rev P02
- Elevations sheet 1 - CWD-BBA-01-ZZ-DR-A-3101 rev P02
- Site Sections - CWD-ALA-00-XX-DR-L-0003 rev P01
- Site Sections - CWD-BBA-01-ZZ-DR-A-4101 rev P01
- Site Sections - CWD-BBA-01-ZZ-DR-A-4102 rev P01
- Illustrative Plan - CWD-ALA-00-XX-DR-L-0004 rev P02
- Landscaping Plan - XXX-ALA-00-XX-DR-L-0001 rev P01
- Planting Plan - CWD-ALA-00-XX-DR-L-0002 rev P01
- Proposed Highway Works A – 05/004 rev V06
- Proposed Highway Works B – 05/005 rev V05
- Access junction Swept Path Analysis – 05/006 rev V03

Supporting Documents

- BREEAM Pre Assessment Summary report by 3 Planets dated 27/02/18
- Preliminary Energy Assessment report by SDA dated Oct 2017
- EIA Screening report by Avison Young dated Feb 2019
- Planning Statement by Avison Young dated Feb 2019
- Design and Access Statement by Bond Bryan Architects dated 12/06/18
- Landscape Design and Access Statement by Ares Landscape Architects dated April 2018
- Technical Note – access proposal and car park strategy by Curtins dated 15/02/19
- Ecology Advice Note by Bowland Ecology Ltd dated 25/01/18

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, podium roofing and glazing 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 highway works shown on Curtins drawings 05/005-V05 and 05/004-V06 as phase 1A shall have been completed prior to first occupation of the building hereby approved.

Reason – In order to achieve appropriate highways infrastructure to support the development in the interests of highway safety

06. The onsite manoeuvring and turning spaces shown on Ares drawing CWD-ALA-00-XX-DR-L-0004 S2 REV P02 shall have been completed and be available for use prior to first occupation of the building hereby approved and shall be retained available for use thereafter.

Reason – In order to achieve appropriate highways infrastructure to support the development in the interests of highway safety.

07. 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 first occupation of the office building.

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

08. The soft landscape scheme detailed on drawing CWD-ALA-00-XX-DR-L-0002 S2 REVP01 shall be implemented within the first planting season following completion of the development in accord with an implementation programme which has previously been agreed in writing by the local planning authority. The implementation programme shall include a schedule of landscape maintenance for a minimum period of five years. The agreed 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.

09. 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.

10. No development above floor-slab/D.P.C level shall take place until details of the proposed shop frontages 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 first occupation of the office building 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.

11. No development above floor-slab/D.P.C level shall take place until details of inclusion of some raised decorative brickwork panels and/or replacement of some spandrel panels with coloured brick panels have been submitted to the Local Planning Authority for consideration. The details subsequently agreed in writing, or any approved amendments to those details, shall be carried out as part of the construction of the building 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.

12. 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.

13. 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.

14. Prior to the construction of the cycle parking facility, full details of the proposed building shall be submitted to the local planning authority for consideration. The cycle parking facility shall only be constructed 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 the first occupation of the office building. The cycle parking facility shall be retained available for use thereafter.

Reason - The condition is imposed in order to enhance the provision for cyclists within the development in line with policy CS18 and CS20 of the Core Strategy 2011-31.

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/18/00626/REM1) to which any developer should also refer.
04. 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.