

For publication

Title of report (EG010R)

Meeting:	Cabinet
Date:	18 July 2023
Cabinet portfolio:	Cabinet Member for Climate Change, Planning, and Environment
Directorate:	Economic Growth
For publication	

1.0 Purpose of the report

- 1.1 Provide Cabinet members with an update on progress and current planning and delivery position relating to strategic regeneration project known as Chesterfield Waterside
- 1.2 Seek approval from Cabinet to carry out targeted consultation with land owners and stakeholders on a revised masterplan for Chesterfield Waterside.

2.0 Recommendations

- 2.1 That Cabinet approve the draft masterplan for the Chesterfield Waterside site for targeted consultation with landowners and stakeholders.
- 2.2 To delegate authority to the Cabinet Member for Climate Change, Planning, and Environment, in consultation with officers and the Service Director for Economic Growth to finalise materials and arrangements for consultation.

3.0 Reason for recommendations

- 3.1 An updated masterplan is required to support the determination of planning applications relating to Chesterfield Waterside in accordance with policy SS3 of the adopted Chesterfield Borough Local Plan 2018-2023. To provide a robust update to this masterplan, planning officers are required to consult with landowners and stakeholders who have an interest in the area covered by Chesterfield Waterside.
- 3.2 To allow for the preparation of materials and arrangements for consultation on the masterplan.

4.0 Report details

4.1 Chesterfield Waterside is a strategic regeneration area within the borough, defined as site SS3 in the 2020 Chesterfield Local Plan. It is located towards the south east of the town centre and adjacent to the railway station.

"SS3 Chesterfield Waterside and the Potteries

Within the Chesterfield Waterside area as set out on the Policies Map, the council will support development proposals that contribute towards:

- a) creating jobs in office, industry, retail, tourism and education;*
- b) restoring Chesterfield Canal and the River Rother to navigation and*
- c) creating a new canal terminus;*
- d) achieving a mix of uses including residential (up to 1550 new homes),*
- e) office (up to 30,000 sqm), employment, leisure, health and fitness, hotels,*
- f) creche, doctor's surgery and nursing home;*
- g) 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;*
- h) a high quality urban environment including eco-park and green infrastructure corridor;*
- i) managing flood risk.*

Land within the Chesterfield Waterside area will be comprehensively redeveloped in accordance with an approved masterplan, including provision of a new Local Centre located adjacent to the existing canal basin.

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."

4.2 Waterside is also one of the projects set out in the Council Plan 2023-2027 under the Priority "Making Chesterfield a thriving borough", under the aspiration: "To build a competitive place infrastructure that accelerates employment and housing growth".

4.3 Covering approximately 23 hectares, Chesterfield Waterside extends north from the junction of Brewery Street/Makin street to the northern end of the DCC Highways Depot on Meltham Lane, between the A61 and the Midland Mainline railway, and is predominantly previously developed employment or 'brownfield land' located between Brimington Road to the east and the A61 to the west.

- 4.4 The Council has worked over a number of years with landowners and potential developers to help secure the redevelopment of land previously occupied by industrial and commercial uses following the closure of factories from 2006 onwards.
- 4.5 A legal partnership known as Chesterfield Waterside Limited (CWL) was formed, constituted of two substantial land owners (Bolsterstone and Arnold Laver) and Chesterfield Borough Council, to bring forward the regeneration of the area. In 2011 CWL secured outline planning consent for comprehensive redevelopment of the area based on an illustrative masterplan, planning reference: CHE/09/00662/OUT
- 4.6 The 2011 outline planning permission referenced above, permitted a new residential neighbourhood of up to 1550 high density homes (predominantly apartments) centred around the river Rother. The key principles were to establish a new community, maximise active travel connections, bring forward new infrastructure and create a new commercial centre (approximately 30,000 sqm of employment space) centred around a new canal basin which would accept boats accessing a river which had been returned to navigation.
- 4.7 It was anticipated that CWL would act as a 'master developer' working towards a fully comprehensive development across the whole area, taking a calibrated approach, initially establishing a market and subsequently building value as development progressed, enabling CWL to purchase land from owners within the Waterside boundary and help fund the required infrastructure.
- 4.8 Since obtaining the outline consent in 2011, CWL have enabled residential development of 192 homes by Avant Homes and Great Places Housing on an area of Chesterfield Waterside previously occupied by the Arnold Laver timber yard. The Council has also demonstrated leadership and supported development through securing external funding for infrastructure and funding a new office building around the canal basin (One Waterside Place).
- 4.9 Development of the wider SS3 – Waterside comprehensive neighbourhood has not progressed as planned and, despite physical development identified in para 4.7 which has come forward under the 2011 outline permission, CWL were not able to secure further development or ownership of land, and the outline permission lapsed in respect of new reserved matters planning applications in March 2021 (with the exception of two reserved matters applications already submitted, for a Multi Storey Car Park, and Hotel and 314 apartments respectively, both in the Basin Square character area).
- 4.10 It is therefore not possible for CWL or other landowners to bring forward further developments as a reserved matter planning applications under the 2011 outline permission CHE/09/00662/OUT.

- 4.11 This has subsequently created ambiguity for landowners and developers around the planning requirements, and challenges for the Council in its role as place shaper, especially in relation to the Council's ability to enable a comprehensive or wider development and negotiate with developers on developer contributions.
- 4.12 As stated in para 4.5, Chesterfield Waterside outline permission CHE/09/00662/OUT contained an illustrative masterplan on how development across the area would look and how the area would connect internally and externally, and Local Plan policy SS3 refers to specifically to land within the Chesterfield Waterside area being "comprehensively redeveloped in accordance with an approved masterplan". Therefore, as the outline permission has now lapsed, the illustrative masterplan still carries planning 'weight' in decision making.
- 4.13 However, in the 13 years since the application was approved there have been changes in national and local planning policy, and the market demand for high density homes and not developed in Chesterfield as predicted when the masterplan was written. Furthermore, structural changes to how businesses operate has meant that the demand for office and commercial space has also changed. The Council sought advice from the surveyors BNP Paribas, which highlighted there is limited speculative demand for commercial space in this area.

Masterplan Review

- 4.14 To ensure the council are able to respond to changes in market conditions and ensure it is able to demonstrate leadership in setting the framework for a new neighbourhood that is comprehensive and brought forward in a co-ordinated way, the Council has produced a revised of the masterplan.
- 4.15 This draft masterplan takes the adopted Local Plan policies and the outline planning permission masterplan (as updated in 2016 and 2018) as the starting point. The 'refresh' is intended to replace and update the previous masterplan. The draft refresh retains the 'core' principles of connectivity and addressing the river environment and is fully in conformity with the Local Plan allocation, whilst recognising that building densities would likely be lower across the site, and the mix of development have a higher ratio of houses than apartments and a reduced amount of office floorspace.
- 4.16 In support of the masterplan review, the Council commissioned a number of pieces of work to provide specialist and technical advice. These consist of:
- Strategic Review (Planning and Transport Planning) June 2021 – AECOM;

- Review of Development Options and Market Setting, March 2022 – BNP Paribas;
 - Infrastructure Study, June 2023 – AECOM.
- 4.17 In preparing the masterplan review, Council officers have had regard to the evidence, national and local planning policy, and other national guidance including the government's National Cycling Infrastructure Design Guidance (LTN1/20), and the National Design Guide.
- 4.18 The draft masterplan refresh can be viewed in appendix 1.
- 4.19 The revised masterplan still envisages a mixed use development structured around restoration of the river to navigation, with a commercial and local centre around the existing canal basin.
- 4.20 The number of dwellings anticipated has been reduced from up to 1550, to 880, although the majority of these are now anticipated to be family houses rather than apartments. Commercial development will largely be limited to the existing office, retail and food and drink uses around the canal basin, and a hotel.
- 4.21 The work undertaken by AECOM has provided indicative costs and designs for the infrastructure required to support the development of Waterside, including walking and cycling routes, new and replacement bridges, and the works necessary to restore the river to navigation and provide a lock to the existing canal basin. The total cost of infrastructure is in the region of £10m, the majority of which is expected to be funded from developer contributions via Section 106 agreements on planning applications and Community Infrastructure Levy (CIL), combined with external grant funding. Initial discussions have been undertaken with Homes England and Sustrans regarding the development.

Consultation

- 4.22 Consultation on the revised masterplan will be undertaken in accordance with the Council's Statement of Community Involvement (SCI) and Community Engagement Standards.
- 4.23 Proposals for Chesterfield Waterside have already been the subject of significant consultation, through various planning applications and, most recently, the consultation and Examination in Public of the Chesterfield Borough Local Plan (adopted in 2020). As the masterplan retains the mix of uses and strategic objectives set out in the Local Plan, and concentrates on changes of detail and implementation, the intention is to focus the consultation on those most directly impacted. This will consist of:

- Statutory, Duty to Co-operate and General consultees (as set out in the SCI)
- Land owners and developers with an interest in land within the Waterside site
- Adjoining occupiers, including residents of the Avant and Great Places Development

Planning Appeal

4.24 In August 2022 Woodall Homes submitted a planning application for 145 homes on the site of Tapton Business Park, Brimington Road, within the Waterside area. In May 2023 Woodall Homes submitted an appeal to the Planning Inspectorate against the non-determination of their application by the Council. This is to be heard as a Planning Inquiry commencing on 19th September 2023. The timetable for consultation and approval of the refreshed masterplan is intended to result in an approved masterplan by the time the appeal is heard, to ensure that the Planning Inspector's determination of the appeal is based on the most up to date evidence possible.

5.0 Alternative options

5.1 **Retain existing masterplan** – The original masterplan was prepared in 2009 and approved in 2011. Although individual elements have been amended through planning applications (in 2016 and 2018 specifically), the outline permission to which it was related has now lapsed, and elements of the masterplan and evidence that it was based on, particularly the market conditions and infrastructure costs, have changed. In addition the masterplan was based on the assumption that the site would be delivered by a single master developer and did not break down infrastructure costs by character area or by element of infrastructure. Over time the existing masterplan is likely to face further challenges from potential developers and it will be increasingly difficult to afford full weight to the masterplan in determining planning applications.

5.2 **Start Masterplan from Scratch** – It would be possible to review the masterplan from the ground up, including reviewing all the land uses and requirements. However as the principles of the development were recently examined as part of the Examination in Public into the Local Plan and found sound, and developer interest in the scheme suggest that it is still attractive to the market, this is not considered to be an effective use of time or resources.

6.0 Implications for consideration – Financial and value for money

- 6.1 Development of the masterplan review has been undertaken largely by Council officers in the Strategic Planning Team using existing resources. Expert and technical advice has been funded using a combination of external funding, including a £50K contribution from Homes England, Community Infrastructure Levy (CIL – to undertake high level design and costing of infrastructure) and Business Rates Retention.
- 6.2 The costs of providing the infrastructure needed to support the development of Waterside are expected to be met by a combination of developer contributions (secured by S106 agreement, planning conditions and/or CIL) and bids for external funding.

7.0 Implications for consideration – Legal

- 7.1 The masterplan has been prepared in accordance with the Council's own procedures, and consultation will be undertaken in accordance with the adopted Statement of Community Involvement and the Council's Community Engagement Standards.

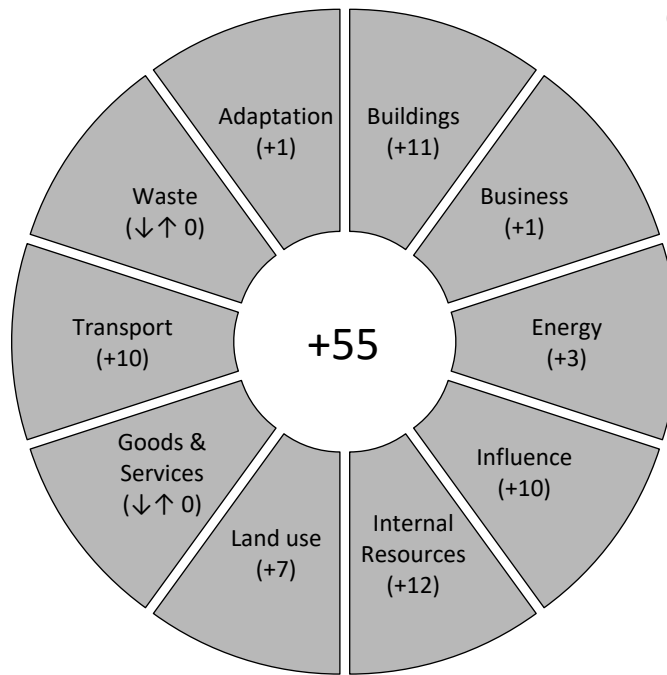
8.0 Implications for consideration – Human resources

- 8.1 There are no implications for Human Resources.

9.0 Implications for consideration – Council plan

- 9.1 Waterside is also one of the projects set out in the Council Plan 2023-2027 under the Priority "Making Chesterfield a thriving borough", under the aspiration "": To build a competitive place infrastructure that accelerates employment and housing growth".

10.0 Implications for consideration – Climate change



Chesterfield Borough Council has committed to being a carbon neutral organisation by 2030 (6 years and 5 months away).

10.1

11.0 Implications for consideration – Equality and diversity

11.1 A preliminary EIA has been undertaken, which identified no negative impacts on groups with protected characteristics, and a potential positive impact in respect of disability and long term conditions through the provision of improved, accessible pedestrian and cycling facilities that will encourage activity and access to green infrastructure and the countryside

12.0 Implications for consideration – Risk management

12.1

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
Masterplan is not updated	High	Medium	Undertaken consultation on, and adopt, revised masterplan	Low	Low
Objections received to masterplan	Medium	High	Consider all representation prior to approval of final masterplan	Medium	Low
Further planning applications received	High	High	Undertaken consultation on, and	Low	Low

before revised for development			adopt, revised masterplan		
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Decision information

Key decision number	1189
Wards affected	Spire

Document information

Report author	
Alan Morey, Strategic Planning and Key Sites Manager, Strategic Planning and Key Sites, Economic Growth Directorate	
Background documents	
These are unpublished works which have been relied on to a material extent when the report was prepared.	
<p>AECOM Strategic Review of Waterside Masterplan - 2021 BNP Paribas Review of Development Options and Market Setting – 2022 AECOM Infrastructure Study and Technical Reports - 2023</p>	
Appendices to the report	
Appendix 1	Chesterfield Waterside Masterplan – consultation draft