13th September 2019

Strategic Planning
Chesterfield Borough Council
Town Hall
Rose Hill
Chesterfield
S40 1LP

Dear Sir or Madam

RE: CHESTERFIELD LOCAL PLAN EXAMINATION IN PUBLIC

These representations have been prepared by Avison Young (formerly GVA HOW Planning) on behalf of Chesterfield Waterside Limited (“CWL”) and are submitted in relation to land at Chesterfield Waterside (“the site”). They should be read in conjunction with CWL’s previous representations to Chesterfield’s New Local Plan Consultation, which have included the following:

- Response to Chesterfield new Local Plan draft January 2017
- Response to Chesterfield Borough Council Pre-Submission Draft Local Plan (January 2019).

This letter is in response to the forthcoming Examination in Public and CWL would request this letter be considered as part of the Local Plan Examination.

The Local Plan Examination commences on the 16th October 2019, with the Chesterfield Waterside due to be discussed and considered on the 24th October 2019.

Chesterfield Waterside benefits from an allocation for mixed use development in the Adopted Chesterfield Local Plan: Core Strategy (July 2013) under policy PS3 and an outline planning permission (LPA ref. CHE/09/00662/OUT) which was granted in March 2011 for a comprehensive mixed-use regeneration scheme. The Chesterfield Submission Version of the Local Plan identifies the site as a Strategic Site under draft Policy SS3.

A Site Location Plan is enclosed in Appendix I which identifies the boundaries of the site in red.
Background to the site

The Chesterfield Waterside Development is an important regeneration scheme for Chesterfield. Having identified the Chesterfield Waterside site as a key priority for regeneration, the main objective is to deliver a high-quality, mixed-use development at the site.

The previous representation submitted by HOW Planning (now Avison Young) on behalf of CWL on the 27th February 2017, described the background of the site comprehensively. However, the following provides further background and adds to the previous representations by setting out a progress update for the site.

An outline planning application was made by CWL on 20th October 2009 (Reference CHE/09/0662/OUT), which was supported by an Environmental Statement, planning permission was granted by Chesterfield Borough Council on 9th March 2011. The description of development was as follows:

“Outline planning application with all matters reserved except for means of access proposing the demolition of existing buildings and erection of a comprehensive mixed use regeneration scheme comprising residential (use class C3); retail (use class A1); financial/professional services (use class A2); restaurants, drinking establishments and hot food establishments (use classes A3, A4 and A5); offices (use class B1); doctors surgery and creche (use class D1); two hotels (use class C1); health and fitness (use class D2); nursing home (use class C2); ancillary creative uses including a possible arts centre, a new canal link, new open spaces including linear and eco parks, new public realm and car parking arrangements including two multi storey car parks at Chesterfield Waterside, A61 Corridor”

Following on from the above, a Section 73 planning application (reference: CHE/16/00183/REM1) was made to vary conditions associated with the outline planning permission. The application varied conditions of the outline planning permission (CHE/09/00662/OUT) to increase the height parameters of selected buildings approved within the Basin Square Character Area. This was granted planning permission on 12th May 2017.

The above Section 73 application was submitted alongside a Reserved Matters application (reference CHE/16/00187/REM1), 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.

On the 4th August 2016, a planning application was submitted (reference CHE/2016/00529/FUL), to dredge a section of the River Rother, to reinstate a navigable channel for channel boats from the
existing Chesterfield Canal to the canal basin within the Chesterfield Waterside site. This was granted planning permission on the 10th October 2016.

A second Section 73 planning application was submitted in February 2018 (reference CHE/18/00083/REM1), to vary the conditions under planning permission CHE/16/00183/REM1, to amend the approved plans to omit the canal arm. 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. As part of this application, an alternative, less intrusive engineering method was proposed to ensure delivery of a navigable section for canal boats along this part of the River Rother, without the need for a new canal arm. The Section 73 planning application was granted planning permission on 24th April 2018.

On the 31st August 2018, a planning application was submitted (reference CHE/18/0599/FUL) proposing a new road bridge and access road. This was granted planning permission on the 25th October 2018.

On the 12th September 2018, a third S73 planning application was submitted (reference CHE/2018/00626/REM1), to seek amendments to some of the conditions wording under the outline planning permission reference CHE/18/00083/REM1, in relation to the highways works. Since the original outline planning permission was granted, the highways scheme for Basin Square has progressed and a more appropriate and economical scheme was agreed with Derbyshire County Council. The application was granted planning permission on the 17th December 2018.

A reserved matters application (reference CHE/19/00007/REM) was submitted pursuant to previous approval CHE/18/00083/REM1, for the development of 177 dwellings, public open space and associated infrastructure. Appearance, Layout and scale were considered as part of this application, which was granted permission on the 12th June 2019.

In addition, a reserved matters application (reference CHE/2019/00116/REM) was submitted pursuant to previous approval CHE/2018/00626/REM for an office building at basin square. Layout, scale, appearance and landscaping considered as part of this application, which was granted permission on the 26th July 2019.
Response to Chesterfield Local Plan Submission Document & Examination in Public Consultation

The site is identified as a Strategic Site under draft Policy SS3 in the Submission Local Plan document. This document will set out the Council’s overall strategy for the Borough and new site allocations looking ahead to 2033. Upon adoption, the new Local Plan will replace the current Local Plan: Core Strategy (2011-2031), which was adopted in July 2013. The site is denoted on the map below in purple.

The site is identified as a Housing Allocation under draft Policy SS3 on page 24 as a site capable of delivering 1000 dwellings. The sites draft housing allocation is strongly supported by CWL; however, we do have some observations on the detailed policy wording, which we respectfully request are taken into consideration by the Inspector.

In relation to the housing allocation, it should be noted as set out above, the site has planning permission for 1550 dwellings. Therefore, this amount should be changed in the Local Plan to reflect what has already been granted planning permission. On that basis, the allocation should be amended from 1000 to 1550 residential dwellings.

In terms of Policy SS3, the exact wording in the Submission Local Plan Document is as follows:

“Within the Chesterfield Waterside area as set out on the policies map, planning permission will only be granted for development that contributes towards:

a) Creating jobs in office, industry, retail, tourism and education
b) Restoring Chesterfield Canal and the River Rother to navigation and creating a new canal terminus

c) Achieving a mix of uses including residential, office, employment and leisure

d) 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

e) A high-quality urban environment including eco-park and green infrastructure corridor

f) 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.

As set out above, paragraph 11.15 of the draft Local Plan states that outline permission was granted for a number of uses and these uses should be included within the policy wording above. Therefore, it is respectfully requested that part c of the policy above is amended to include the uses health and fitness, hotels, doctor’s surgery and crèche and nursing home. With that considered, it is requested that part c of the policy is amended as follows:

c) Achieving a mix of uses including residential, office, employment, leisure, health and fitness, hotels, creche and doctor’s surgery and nursing home

**Summary**

In summary, CWL strongly support the allocation of the site in the new Local Plan under Policy SS3. The wording of draft policy SS3 is very similar to the site allocation under policy PS3 in the adopted Local Plan Core Strategy. However, whilst CWL support Policy SS3 it is respectfully requested that, the wording of the policy is amended as set out in this letter.

I trust the above is in order and would be grateful if you could take these representations into account in the preparation of the next version of the Local Plan. We would also be grateful if you could confirm
safe receipt. Should you have any queries or would like to discuss, then please do not hesitate to contact me.

Yours faithfully

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For and on behalf of Avison Young
APPENDIX I

Application Red Edge Boundary Plan
APPENDIX II

Illustrative Masterplan