

ITEM 3

CHE/21/00246/FUL Change of Use to caravan and motorhome sales centre with ancillary offices, workshop, display and parking area (sui generis use) at Multiplex Engineering, Holbeck Close, Chesterfield for Future Properties Ltd / Kimberley Caravan Centre Ltd

Local Plan: SS3 Chesterfield Waterside and the Potteries

Ward: St Helens

Plot No: 1637

Committee Date: 4th October 2021

CONSULTATIONS

Chesterfield Cycle Campaign: The site plan shows the extent of the site includes the canal towpath (current Trans Pennine Trail walking route) and the river. The Waterside masterplan has a desire to create a walking and cycling route between the northern end of the site and the junction of Holbeck Close and Brimington Road. If this application is approved it will remove any possibility of creating a 3m wide shared path alongside the river.

It would also make the parcel of land between the northern boundary of this site and the A61 footbridge inaccessible unless the bund is removed from the Waterside housing development and an access road built under the footbridge.

The Coal Authority:

The submission to which this consultation relates falls on our exemptions list, you are therefore advised to consult the Coal Authority guidance (provided to all LPAs on 18/12/2020) on this issue and to include the necessary notes/advice on any consent granted.

Chesterfield Canal Trust: We do not accept the applicants' premise that the masterplan approved by the permission no longer has any validity, now the permission has expired. The requirement for development on this site to accord with a comprehensive masterplan is built into the Local Plan, at Policy SS3, and the Local Plan covers the period until 2038. That said, and without prejudice to our continuing wish for a comprehensive redevelopment at Waterside, we do accept the argument that office development on this site has become unlikely for the foreseeable future. In the circumstances, it is reasonable to permit an alternative form of development that satisfies other Local Plan requirements, especially by creating employment and making environmental and aesthetic improvements.

The trust therefore does not wish to object. Our concern is firstly that the site has a long frontage to the River Rother, which in due course will become the navigable route to the new waterway terminus at Basin Square. It is important that the river frontage of the site is landscaped and maintained to a high standard, and that the open parts of the site are kept in a tidy state and not used for open storage. Our second concern is with the area between the site and the river. We fully support the view of the Chesterfield Cycle Campaign that the provision of a three-metre-wide walking and cycling route along this area is essential.

CBC Design Services: According to the Environment Agency Flood Maps, the site is shown to be at risk of flooding from the River Rother adjacent with sections of the site showing to be within flood zones 2 and 3. With this development not being used for residential purposes, it may be classed as less vulnerable and therefore may be compatible within these flood zones, according to the National Planning Policy Framework guidance.

CBC Environmental Health: No comments to make

Derbyshire Constabulary Designing Out Crime Officer: There are no objections to the principle of use change to a sales centre for caravans and motor homes at this site. The boundary fencing is extensively damaged and needs replacing. The applicants will probably not need warning of the risk to stock any site trespass would bring, and the need for adequate boundary security, with an early intruder detection provision and /or site specific security provision to limit losses.

DCC Archaeology: Thank you for consulting us on this application. We do not consider that the proposal will have any archaeological impact and we would not wish to comment further on the scheme.

Highway Authority: The applicant should be aware that Holbeck Close is not adopted as part of the publicly maintainable highway and the area the subject of the application does not connect to the publicly maintainable highway. The Highway Authority does not consider that there is evidence to suggest that the conclusion that the development would not have a significant adverse effect on capacity or safety of the local road network is incorrect. There is no data that would support a reason for refusal of planning permission on the basis that the development would result in severe harm on the highway network. This is a full application but the layout plan submitted is only labelled as indicative. Comments are given on the basis that this indicative layout would be the layout of the site. Off-street parking should be provided in accordance with your Authority's standards. Parking spaces for cars should be a minimum 2.4m x 5.5m clear of any shared/manoeuvring area, with 6m to the rear for manoeuvring.

Environment Agency: The Environment Agency has no objection subject to the following condition being included on the decision notice.

Derbyshire Wildlife Trust: There is no ecological assessment. There are no statutory or non-statutory nature conservation designations on or immediately adjacent to the site and no habitats of principal importance. However, the site supports some trees and shrubs. The extent to which these habitats will be impacted is not clear.

The River Rother lies to the east and there are records for water vole from the river. Although, unlikely there could be a risk to water vole if the development came within 10m or so of the riverbanks.

It is unclear what the development plans to do with the existing buildings on site and any renovations or demolition could affect bats.

There may be potential for Japanese knotweed.

Whilst biodiversity impacts at the site are likely to be relatively limited these need to be resolved in order to understand impacts, mitigation and enhancement. Prior to determination of this application, it is recommended that a Preliminary Ecological Appraisal is undertaken.

Trans Pennine Trail: The Trans Pennine Trail is a partnership of 27 Local Authorities and welcomes the opportunity to consult on this proposal:

It is noted that this is not the original development as outlined in the initial plans for Waterside but the development would enable local employment opportunities. It is essential that consideration is given to the sustainable transport route along the waterfront at this location to connect to the wider network. The TPT cannot support this application in its current form.

This application should not ignore one of the fundamental underlying proposals of the Waterside

development, to provide fully accessible walking and cycling opportunities.

The application makes no reference to possible walking and cycling opportunities. It is imperative that the intention to provide a fully accessible walking and cycling route along the river is included to ensure that Waterside can deliver on its initial commitment.

Chesterfield has agreed that the proposal to include a 3m wide walking / cycling route along the river will be provided as one of the earlier housing planning applications (Avant).

As part of this application the TPT requests the towpath is widened to 3m to link into the above facility to provide a continuous safe accessible sustainable transport route to the A61 footbridge.

DCC Countryside Services: Chesterfield public Footpath 17 is the proposed route of Derbyshire County Council's Key Cycle Network. This route links the northern and eastern communities of the borough directly to Chesterfield Station. To lose the opportunity to deliver a walking and cycling route through the development as originally planned would be a significant missed opportunity and perplexing considering the benefits that such a route would offer to the people of Chesterfield. This route is fundamental to the connectivity of the Key cycle Network in Chesterfield, and could be delivered with moderate ease on the periphery of the proposed development area.

It is crucial that approval of the development does not sever this potential cycle link to Chesterfield Station.

The Countryside Service are open to discussing a collaborative approach to secure this walking and cycling connection. It may be advisable to ensure that any approval of the development safeguards a 5 metre corridor to ensure that delivery of a cycle route in the future remains possible.

CBC Tree Officer:

No Tree Survey or Arboricultural Impact Assessment has been submitted with the application. Although the impacts may be minimal, it is unknown what effects the proposal will have on the trees within the site and along the boundaries which border the Trans Pennine Trail and A61.

Parking and storage areas are proposed adjacent to the existing trees. This may result in the trees along the boundaries being cut back or removed to reduce any overhanging branches which could cause debris or insect residue to fall onto the parked and stored vehicles. Furthermore, there is no information provided to show how the trees roots which may encroach into the site will be safeguarded for any proposed hard surfacing and associated drainage.

There is inevitably going to be some net loss in biodiversity through tree removal. I object to the application as it stands until a Tree Survey, AIA and suitable landscape enhancement opportunities are provided.

Lead Local Flood Authority: We are unable to provide informed comment until we receive additional information as detailed below:

We need to know how the on-site surface water management fits in with the wider site drainage.

Where is the outfall(s) and what arrangements exist for management/maintenance of any surface water drainage system between the site and the River Rother?

Representations:

Transition Chesterfield have commented noting: Transition Chesterfield is a local community group in Chesterfield that aims to raise awareness of climate change and the need to develop a resilient, sustainable, low-carbon society. We object to the above-captioned planning application. Although we have no objections in

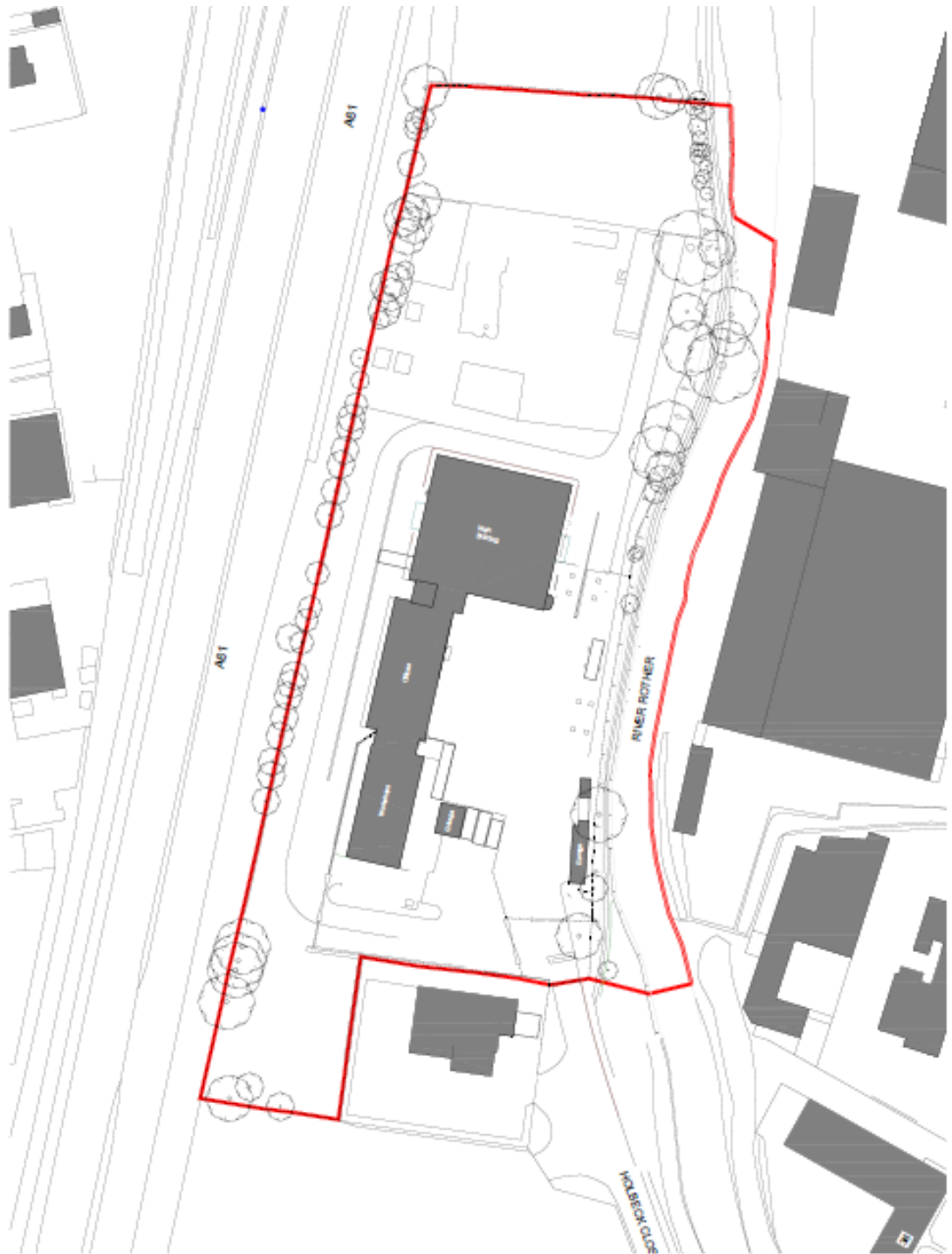
principle to the proposed change in use, we are concerned that the application appears to ignore many of the principles and proposals for the masterplan for Waterside. Further detail is provided in the representations section of the report below.

Chesterfield Waterside Ltd have commented noting: The redevelopment of the application site for the display and sale of Caravans and Motorhomes with associated offices and staff facilities would be contrary to the Policy SS3 of the adopted Local Plan.

2.0 THE SITE

- 2.1 This vacant site extends to 1.35 hectares of generally flat land located between the A61 and the River Rother to the north east of Chesterfield Town Centre. The site is within the defined area of Chesterfield Waterside and the Potteries as referred to in policy SS3 of the Adopted Local Plan. The Trans Pennine Trail leads along the side of the site adjacent to the River.
- 2.2 The site is hard surfaced and in a generally dilapidated state with the boundary fencing broken down in many areas. The red brick building to the centre of the site appears in need of refurbishment.
- 2.3 Access to the site is via Holbeck close leading from Brimington Road. To the south of the site is the newly formed basin area and car park. To the north is a parcel of vacant land that is currently inaccessible and beyond this the Avant homes development site. Across the River to the east are existing commercial units.





3.0 **SITE HISTORY**

- 3.1 CHE/21/00184/REM Approval of reserved matters of
CHE/18/00626/OUT (Variation of conditions 31 (highway
improvements) ,37 (junction improvements Holbeck Close/Brimington
Road),39 (junction improvements Brewery St/Brimington Road) 41

(pedestrian crossing) and 45 (approved plans) of CHE/16/00183/REM1) for hotel and apartments – Pending consideration

3.2 CHE/21/00186/REM Approval of reserved matters of CHE/18/00626/OUT (Variation of conditions 31 (highway improvements) ,37 (junction improvements Holbeck Close/Brimington Road),39 (junction improvements Brewery St/Brimington Road) 41 (pedestrian crossing) and 45 (approved plans) of CHE/16/00183/REM1) for MSCP – Pending consideration

3.3 CHE/19/00166/COU Change of Use from engineering unit to place of worship (D1) Refused against officer recommendation for a temporary 3 year permission - 23.07.2019 - Reasons for refusal:-

01. In the opinion of the Local Planning Authority the development proposals are contrary to the provisions of policy PS3 of the Chesterfield Local Plan: Core Strategy 2011 - 2031. The development proposals seek a piecemeal permission to change the use of an existing building which lies within the Chesterfield Waterside area, which has been identified under the provisions of policy PS3 as a component to the Chesterfield Waterside Regeneration Masterplan. Acceptance of the development proposals will jeopardise and undermine the ability to deliver the specific objectives of policy PS3, which seeks to comprehensively redevelopment Chesterfield Waterside in accordance with the site's wider Masterplan.

02. Given the scale of the development proposals the operation of the building as a D1 use class will lead to an influx in unpredictable traffic movements on the nearby highway network, which is already under pressure, against the best interests of highway safety and policy CS20 of the Chesterfield Local Plan: Core Strategy 2011 - 2031.

3.4 CHE/18/00626/REM1 Variation of conditions 31 (highway improvements) ,37 (junction improvements Holbeck Close/Brimington Road),39 (junction improvements Brewery St/Brimington Road) 41 (pedestrian crossing) and 45 (approved plans) of CHE/16/00183/REM1 - 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 Conditional permission - 17.12.2018

- 3.5 CHE/18/00599/FUL New road bridge and access road - Conditional Permission 25.10.2018
- 3.6 CHE/18/00083/REM1 Variation of conditions 3,5,8,14,18,24,25,33 and 45 of CHE/16/00183/REM1 - 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 – Conditional permission 24.04.2018
- 3.7 CHE/16/00529/FUL Dredging a section of the River Rother to reinstate a navigable channel for canal boats from the existing Chesterfield Canal to the recently constructed Canal Basin within the Chesterfield Waterside site to the north of Tapton Bridge. Retaining elements/bank stabilisation to be installed to the River Bank where dredging may undermine the existing Bank.- Section of the River Rother between Tapton Bridge and the Chesterfield Canal – Conditional permission 10.10.2016
- 3.8 CHE/16/00475/EIA EIA screening request in relation to land at Chesterfield waterside - Environmental Assessment Not Required 01.08.2016

- 3.9 CHE/16/00190/REM Reserved matters application for an acoustic bund and enabling earthworks in relation to application CHE/09/00662/OUT - Conditional permission 29.06.2016
- 3.10 CHE/16/00189/EIA Screening request for temporary car park and ground levelling enabling works - Environmental Assessment Not Required 01.04.2016
- 3.11 CHE/16/00188/FUL Creation of a temporary surface car park and enabling of earthworks to create a development platform on land to the north of Brewery Street - Conditional Permission 14.06.2016
- 3.12 CHE/16/00187/REM Application for the approval of the layout, scale and access reserved matters pursuant to outline planning permission CHE/09/00662/OUT for a mixed use development including a hotel, multi storey car park, office accommodation, apartments together with ground floor retail and leisure uses within the Basin Square Character Area of the Chesterfield Waterside development, revised highways plans rec'd 22/01/2010, additional information rec'd 01/02/2010, revised ES addendum received 26/09/2016 at Land at East of A61 known as Chesterfield Waterside, Brimington Road, Tapton, Derbyshire for Chesterfield Waterside Ltd. - Conditional Permission 16.12.2016
- 3.13 CHE/16/00183/REM1 Variation of planning conditions 3,10,11,12,13,14,39 and 47 of CHE/09/00662/OUT - 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, Chesterfield, revised highways plans received 22nd January 2010, additional information received 1st February 2010 - Revised ES Addendum received 26/9/2016- Conditional Permission 12.05.2017

- 3.14 CHE/13/00833/EIA Environmental impact assessment - variation of conditions to outline planning permission reference CHE/09/00662/OUT - Environmental Assessment Not Required 24.12.2013
- 3.15 CHE/13/00817/REM1 Variation of Conditions 5, 6, 8, 27, 37, 38 of Planning Application CHE/09/00662/OUT (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, Chesterfield, revised highways plans received 22nd January 2010, additional information received 1st February 2010 at land at east of A61 known as Chesterfield Waterside, Brimington Road, Chesterfield, Derbyshire) - Conditional Permission 26.02.2014
- 3.16 CHE/09/00662/OUT 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, Chesterfield, revised highways plans received 22nd January 2010, additional information received 1st February 2010 - Conditional Permission 09.03.2011

3.17 CHE/0991/0596 Extension to existing canopy - Conditional Permission 11.02.1992

3.18 CHE/0788/0550 Permission for conversion of storage area into classroom / training areas with provision of windows at British Telecom Engineering Centre - Conditional Permission 12.09.1988

4.0 THE PROPOSAL

4.1 Planning permission is sought to change the use of the site from an Industrial use with ancillary training rooms, offices and parking classified as a Sui Generis use, to a caravan and motorhome sales centre with ancillary offices, workshops and parking, again as a Sui Generis use. After discussion with the applicant's agent it has been confirmed that the permission is now sought for a temporary three year period.



4.2

This plan shows the larger part of the building to the north would be the sales building or showroom, leading from a customer entrance area, which to the south leads to offices and beyond this a workshop area. Sales and staff parking would be to the east of the centre of the building with service parking to the south, sales parking to the west and sales storage area to the north of the building. The plan also appears to show a new canopy to the front of the building however this does not form part of this application. New signage proposed for the operator of the premises also does not form part of this application.

5.0 CONSIDERATIONS

5.1 Planning Policy

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, ‘applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise’. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.2 Chesterfield Borough Local Plan 2018 – 2035

CLP1 Spatial Strategy (Strategic Policy)

CLP2 Principles for Location of Development (Strategic Policy)

CLP6 Economic Growth (Strategic Policy)

CLP9 Retail

CLP11 Infrastructure Delivery

CLP13 Managing the Water Cycle

CLP14 A Healthy Environment

CLP15 Green Infrastructure

CLP16 Biodiversity, Geodiversity and the Ecological Network

CLP18 Chesterfield Canal

CLP19 River Corridors

CLP20 Design

CLP22 Influencing the Demand for Travel

SS3 Chesterfield Waterside and the Potteries (Strategic Policy)

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)
 - Part 2. Achieving sustainable development
 - Part 4. Decision-making
 - Part 5. Delivering a sufficient supply of homes
 - Part 6. Building a strong, competitive economy
 - Part 7. Ensuring the vitality of town centres
 - Part 8. Promoting healthy and safe communities
 - Part 9. Promoting sustainable transport

- Part 10. Supporting high quality communications
- Part 11. Making effective use of land
- Part 12. Achieving well-designed places
- Part 13. Protecting Green Belt land
- Part 14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment
- Part 16. Conserving and enhancing the historic environment

5.4 **Key Issues**

- Principle of development
- Highway safety and parking;
- Biodiversity and impact on protected species
- Drainage and flooding

5.5 **Principle of Development**

- 5.5.1 The application site is allocated for comprehensive redevelopment as part of Strategic Sites policy SS3 Chesterfield Waterside and the Potteries which states that;
- SS3 – “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 creating a new canal terminus;*
 - c) achieving a mix of uses including residential (up to 1550 new homes), office (up to 30,000 sqm), employment, leisure, health and fitness, hotels, creche, doctor’s surgery and nursing home;*
 - 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.”

5.5.2 The policy refers to an approved masterplan, the most recent version of this is set out in relation to the Outline planning approval that was granted for the development under the 2009 permission noted above and which has evolved with the various amendments to the scheme since that date. However as the outline permission has now lapsed the masterplan is now being reviewed with the intention of securing an up to date masterplan to accompany subsequent submissions concerning the wider site.

5.5.3 The applicant’s agent argues that as the outline permission has now expired for any areas where reserved matters have not been discharged, the masterplan can no longer be considered to hold any weight. This is not considered to be the case. The outline permission has not ‘expired’ although it is no longer possible to submit any new reserved matters. Furthermore, policy SS3 specifically requires “Land within the Chesterfield Waterside area [to] be comprehensively redeveloped in accordance with an approved masterplan” – the masterplan from the 2009 application is reproduced on page 105 of the Local Plan. The masterplan that was set out in the Design and Access statement accompanying CHE/09/00662/OUT therefore continues to be a material consideration until such a time as a new masterplan is adopted.

5.5.4 As referred to above it should be noted that the council is also currently reviewing the existing masterplan with the aim of publishing an updated version of the plan before the end of 2021, taking into account changes in the economy post covid. Having discussed the matter with the

Council's Forward Planning Team it is anticipated that this work should be completed with a new masterplan fully adopted within 3 years.

5.5.5

Within the masterplan the application site is noted to be part of the 'Waterfront' Character Area. The principles set out for the development of this area are for office development of 4-5 stories and a shared surface Riverside promenade running north south alongside the River Rother as part of the walking and cycling 'spine' throughout the wider Waterside Development. This character area would be expected to provide the largest proportion of new employment development within the Waterside Scheme (up to 32,000 sqm of B1 office floorspace). The detail is demonstrated on the plans below:

Master plan, with the site roughly within the circled area:



Character area, with the site roughly within the circled area:



5.5.6 The proposed development which will merely utilise the existing building on site for a temporary period, will not provide the riverside walking and cycle route or access to the isolated site to the north, and therefore is clearly contrary to the aims of policy SS3. In addition, the visual impact of caravans and motor homes being sited within the centre of this redevelopment area does not result in the high-quality urban environment the policy seeks to secure. For these reasons the permanent change of use of the site would not be supported.

5.5.7 It is the case that the Waterside scheme is progressing with reserved matters submissions agreed for components of the site and works are underway on site, however, the site subject to this application has not been included within any of the submitted schemes so far. The Council previously agreed to the opportunity to secure sites through the CPO process should they be required for the comprehensive redevelopment of the site however it is accepted that this has not been progressed to date and there are no clear or definitive timescales for submission of a scheme reflecting the masterplan on the application site.

- 5.5.8 The proposed change of use would deliver none of the requirements of the approved masterplan. The use is at odds with the use proposed for the site in the masterplan, it does not make any provision for the shared surface that would be necessary to improve walking and cycling provision through the site, which in the long term will be required to connect proposed development in the Basin Square Character Area to the south (which is being developed with a new office building, and applications for apartments, hotel and MSDCP which are being processed) and the Park and Island Character Areas to the north (currently being developed with permission for 173 houses by Avant Homes). Failure to secure such improvements would significantly harm the ability to deliver the comprehensive improvements to the environment and accessibility required to link these sites and ensure a sustainable form of development.
- 5.5.9 The current building is not particularly attractive and its retention would not be in accordance with the objective of creating a 'high quality urban environment ... and green infrastructure corridor'. Policy SS3 also seeks to enhance the footpath and cycle network within this area and no proposals are included for such improvements and the proposed development would sever the proposed shared surface link through the site.
- 5.5.10 The outline planning permission is subject to a detailed S106 agreement that sets out planning obligations relating to highways and transport improvements, affordable housing, open space, public art, education provision and site management. These were put in place to oversee the comprehensive provision of suitable infrastructure to support the wider regeneration scheme and ongoing maintenance and management of public spaces and infrastructure. If the current scheme were approved on a long term basis, it is likely that the proportion of contribution to the wider pot will not be realised and a section 106 agreement requiring proportionate contributions to the relevant elements including the travel plan requirements, public art, open space, and management arrangements is unlikely to be agreed.
- 5.5.11 Through the pre application and application process the inappropriate nature of the proposal has been made clear to the applicant's agent and

as a result the proposal has subsequently been amended to be for a temporary three year period only.

5.5.12 Notwithstanding the clear concerns and objections to the scheme as referred to above and what would be considered to be a clear and convincing reason for refusal of the proposal the NPPF requires at para 55 that local planning authorities consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Whereas the applicant desires a permanent permission, a temporary permission is now being sought in this case and section 72 of the Town and Country Planning Act 1990 allows the local planning authority to grant a planning permission for a specified temporary period and in this case it is necessary therefore to consider whether say a temporary 3 year consent would be appropriate. The applicant considers that the existing building is suitable for use as proposed in its current format without the need for external alterations. It is also the case that Chesterfield Waterside would need to work with the owners of the property or proceed along the route of Compulsory Purchase and this has not happened so far. It is considered unlikely that a 3 year temporary permission would cause a problem in so far as bringing forward this site as part of the comprehensive redevelopment of the wider site in line with the masterplan. After 3 years the permission would be lost unless a further permission is granted to continue with the use and such an arrangement would safeguard the opportunity to CPO the site and proceed with the desired redevelopment scheme. The alternative would be that the building remains unused and continues falling into disrepair.

5.13 The circumstances where a temporary permission may be appropriate include for example where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period. A temporary planning permission may also be appropriate on vacant land/buildings to enable use for a temporary period prior to any longer term regeneration plans coming forward (a meanwhile use) or more generally to encourage empty property to be brought back into use. This can benefit an area by increasing activity. The NPPF indicates that it will rarely be justifiable to grant a second temporary permission

and further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning of planning permission should be granted permanently. It is considered appropriate in this case to recommend a temporary 3 year consent.

5.5.14 In this regard it needs to be acknowledged that the site is vacant and likely to remain so whilst the master plan is under revision and the applicant has now acquired the site. It is also acknowledged that the development would result in the creation of jobs albeit for a temporary period (the application form refers to 37.5 total full time equivalent jobs). It is also known that the review of the masterplan for whole site is due to be completed within the 3 year period. It is therefore considered that the proposed change of use for the temporary period is a reasonable use of the site that will bring economic benefits in the short term, whilst in the longer term a time limited permission will allow for the operator to find an alternative site for the proposed caravan and motor home sales and to progress proposals for the redevelopment of this site in line with an updated masterplan. On this basis the proposal, whilst contrary to policy SS3, is considered to be an acceptable temporary proposal for this vacant site.

5.5.15 Whilst for a temporary period it is still important to consider the detailed aspects of the site and scheme.

5.6 Highways Safety and Parking

5.6.1 Local Plan policies CLP20 and CLP22 require consideration of parking provision and highway safety. In this case access to the site is to be as existing via Holbeck Close and parking for up to 150 spaces as existing on the hard surfaced area of the site.

5.6.2 The Highway Authority queried the access to the public highway noting that Holbeck Close is not part of the Adopted Highway, however the applicant's agent has reassured that access rights to the site are agreed, and it is acknowledged that no works are proposed or required to the access road. The site clearly has an access along Holbeck Close and through the gates at the end of the cul de sac turning head. This

would be a private matter between the owner of Holbeck Close and the applicant.

5.6.3 The Highway Authority go on to note that: In this case the Highway Authority does not consider that there is an evidence base to suggest that the conclusion that the development would not have a significant adverse effect on capacity or safety of the local road network is incorrect. Certainly, there is no data that would support a reason for refusal of planning permission on the basis that the development would result in severe harm on the highway network. A number of conditions are then recommended relating to the provision of site storage through construction and provision of parking for vehicles to enter and leave the site in a forward gear before the use begins to operate.

5.6.4 As the site has been in commercial use with appropriate visibility at the access and given that the use proposed is on a temporary basis it is considered that the proposal is acceptable in terms of highway safety subject to the recommended conditions in line with policies CLP20 and 22.

5.7 **Biodiversity and Impact on Protected Species**

5.7.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

5.7.2 Derbyshire Wildlife Trust have commented on the case noting: *We note that the application is not accompanied by any ecological assessment but that there are no statutory or non-statutory nature conservation designations on or immediately adjacent to the site and we have no information to suggest that there are habitats of principal importance (S41 NERC Act, 2007) present. However, there are trees and shrubs*

both within and around the periphery of the site the impact on these is unknown. In addition, the River Rother lies to the east of the proposed development and there are records for water vole from the river. Although, probably unlikely there could be a risk to water vole if the development came within 10m or so of the riverbanks. It is also noted that Japanese knotweed (non-native invasive species) occurs in this area, and could potentially be present within the site. The Trust conclude that; whilst biodiversity impacts at the site are likely to be relatively limited there are a number of issues that do need to be resolved and potential biodiversity enhancements considered.

5.7.3

The comments received from the Trust were in relation to the permanent proposal. As the proposal is re-using the site and building as it exists with no additional works proposed as part of this application, it is not considered that the proposal will result in harm to wildlife or habitat. The edge of the river corridor will be fenced for security which will protect the wildlife area of the riverbank. It is understood these fencing works are under way and it should be noted that planning permission is not required for this. In addition, biodiversity net gain issues are difficult to provide on such a short term 3-year permission when the site is aiming to be redeveloped in the long term where appropriate long-term biodiversity enhancements can be fully considered. On this basis it is considered that the scheme will have a neutral impact on ecology and cannot reasonably provide a biodiversity net gain. Compliance with policy CLP16 is therefore secured through the temporary nature of any permission granted with the aim of seeking long term enhancement through appropriate redevelopment.

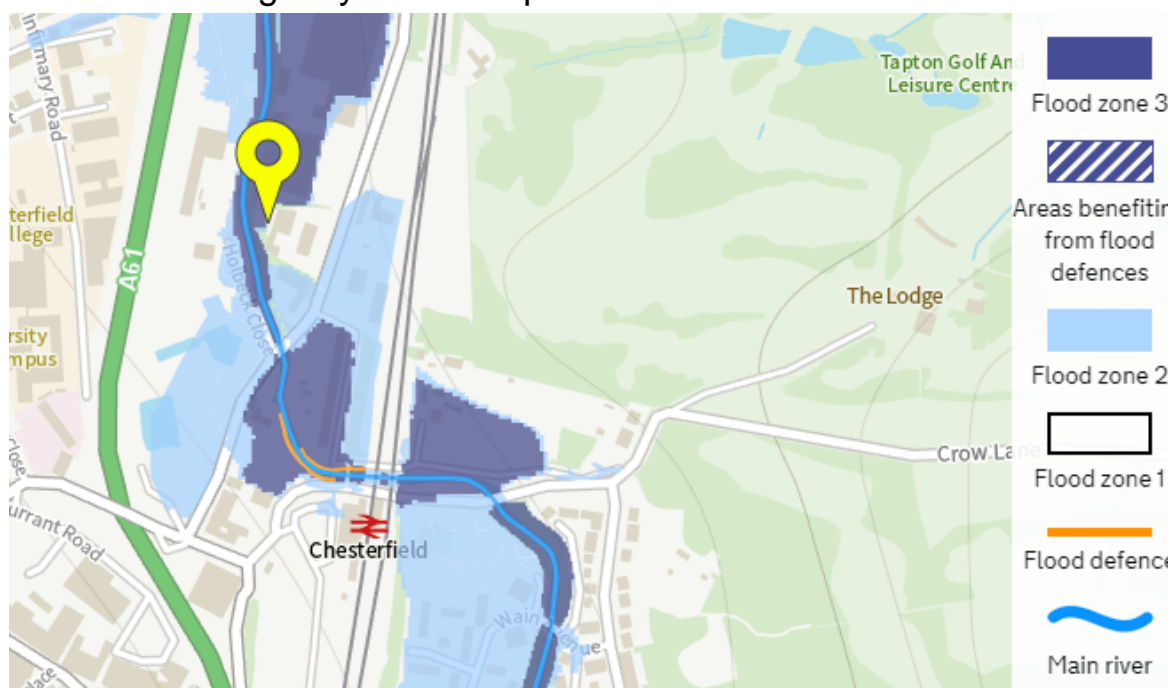
5.7.4

The Tree Officer has raised concern regarding tree removal at the site as limited details have been submitted to address this. As part of this application any re-surfacing of the site is not being considered and therefore there is limited impact on surrounding trees. The concerns raised regarding potential cutting back due to the parking of vehicles is noted. In this regard it is considered reasonable to impose a condition regarding details of any works to trees to be agreed prior to those works taking place. On this basis it is considered that any adverse impacts to trees is appropriately mitigated.

5.8 Drainage and Flooding

5.8.1 Policy CLP13 requires flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere.

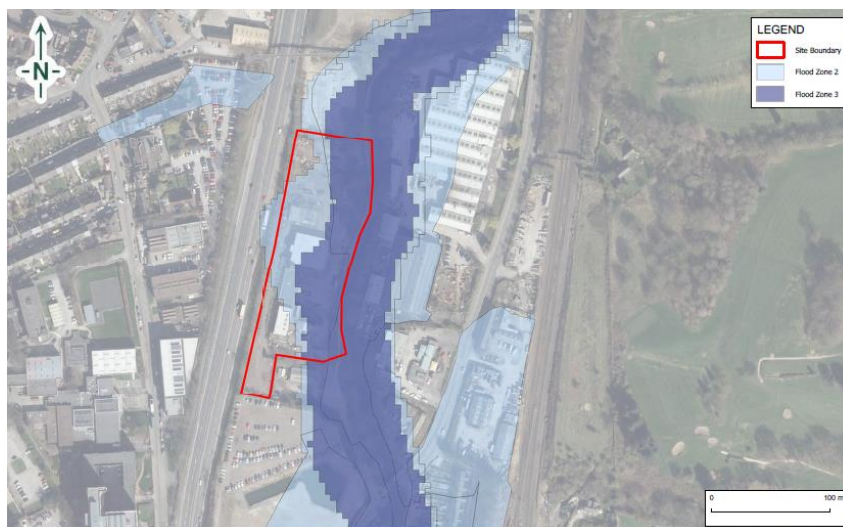
5.8.2 The application site is partially within Flood zone 2 as show on the Environment Agency Flood map below:



5.8.3 The applicant has submitted a flood risk assessment which advises that:
“This proposed use is classed as less vulnerable in accordance with the existing land use and is therefore considered compatible with Flood Zones 2 and 3 in line with the National Planning Policy Framework guidance. The vulnerability classification of this proposal is consistent with that of the 2019 application at the Site (ref: CHE/19/00166/COU) and is therefore expected to receive similar comments from the EA and the LLFA regarding flood risk and associated requirements.
Summary of flood risk:

- The proposed Change of Use does not lie within the defended 1 in 200 year flood extents which have been used as a proxy in the absence of climate change data;
- Based on an analysis of the maximum on-Site 1 in 200 year flood level and Site topography, the existing units will observe a minimum freeboard of 0.15 m above the maximum flood level;
- There has been one instance of historic flooding on-Site in 2007, however the existing units were not affected. No other historic flood events were identified; and
- The proposed development will not remove any existing permeable land or generate any new raised development, therefore the flood risk to the surrounding area will not be exacerbated.

Recommendations: Produce a Flood Warning Evacuation Plan (FWEP) to advise site management and users on the correct course of action to prepare for, react to and recover from a flooding event.” The document provide the following:



5.8.4 The Environment Agency has been consulted regarding the proposed development and has raised no objection to the proposal subject to a condition.

5.8.5 A fundamental part of flood risk concerns surface water flooding. The Lead Local Flood Authority were consulted on the permanent proposal and requested further information to be provided in regard to; *how the on-site surface water management fits in with the wider site drainage*

along with the outfall(s) and what arrangements exist for management/maintenance of any surface water drainage system between the site and the River Rother. Further information has been requested from the LLFA regarding the temporary use however no response has been received.

5.8.6 It has to be noted that in considering the temporary permission the surfacing of the site will remain as existing and the drainage on site will remain unaltered from the previous use. It is not therefore considered necessary for the temporary use to submit and agree full details of the drainage of the site. However, the proposed use may impact on water flowing into the River in terms of the vehicles on site and this concern needs to be appropriately addressed through a condition to ensure acceptable arrangement to prevent contaminated water leaking into the river.

5.8.7 Subject to the recommended conditions the proposal is considered to be acceptable in terms of flooding in line with policy CLP13.

5.9 Designing out crime

5.9.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours. Paragraph 130 of the NPPF refers to creating places that are safe.

5.9.2 The application site is not overlooked by other developments or housing where natural surveillance can take place. The boundary of the site is broken and in need of replacement as mentioned by Derbyshire Constabulary. It is understood new boundary fencing is being installed which will aid the security of the site. It is noted that the site due to its position could be at risk of crime and therefore it is recommended by Derbyshire Constabulary that a condition be imposed to ensure security measures. Subject to such a condition it is considered that the use of the site will be safe in accordance with policy CLP14 and para 130 of the NPPF.

6.0 REPRESENTATIONS

6.1 Transition Chesterfield: Transition Chesterfield is a local community group in Chesterfield whose aims are to raise awareness of the issues associated with climate change and the need to develop a resilient, sustainable, low-carbon society. We object to this planning application. Although we have no objections in principle to the proposed change in use, we are concerned that the application appears to ignore many of the principles and proposals for the masterplan for Waterside. We have made numerous submissions to the council in various planning applications for Waterside and repeat the point that the Waterside development represents an opportunity to make a high quality new development with attractive public space that attracts and encourages more people to walk and cycle in the area. This is particularly important given the proximity to the town centre and the strategic walking and cycle network, including the popular Cuckoo Way and Trans Pennine Trail (TPT). This aim is even more important since the Masterplan was developed as Chesterfield Borough Council have since declared a Climate Emergency, and the government has committed to achieving net zero and provided significant funding to local councils to develop walking and cycling access. The masterplan required a walking and cycling route throughout Waterside. There are plans to build a 3m wide shared walking/cycling path along the river, as is proposed at the Avant housing development to the north of the site. We recommend that the towpath alongside this site up to the A61 footbridge is widened to at least 3m to join up with the path being created at the Avant housing development. We believe that this is a simple amend to the plan and can and should be resolved before it goes to Planning Committee through small changes to design at little cost to the developer.

6.2 Chesterfield Waterside Ltd: Chesterfield Waterside Limited raise objection to planning application CHE/21/00246/FUL.
Background -
The Chesterfield Waterside Development is an important regeneration scheme for Chesterfield which has long been earmarked as a key priority for regeneration through the delivery of a high-quality, mixed-use development.

Grounds of Objection -

The site is located within the wider Chesterfield Waterside site. This wider site is allocated within the adopted Development Plan for mixed-use development.

Policy SS3 of the Adopted Local Plan requires the site to be comprehensively redeveloped in accordance with an approved masterplan, including provision of a new Local Centre located adjacent to the existing Canal Basin. The Adopted Local Plan on page 105 includes the Illustrative Masterplan which was approved by the recently lapsed outline planning permission.

Parts of the wider site have already come forward for development or will be developed in the near future through subsequent Reserved Matters applications which were pursuant to the outline approval and accord with the approved parameters and Character Areas.

The application site is located within the Waterfront Character Area as illustrated on the approved Character Area Plan. The Character Area Plan clearly identifies the Waterfront Character Area for office accommodation of 4-5 storeys.

The redevelopment of the application site for the display and sale of Caravans and Motorhomes with associated offices and staff facilities would be contrary to the Policy SS3 for the following reasons:

1. Whilst the Planning Statement identifies that the development would be employment generating it would not specifically create jobs in office, industry, retail, tourism and education as required by Policy SS3 criteria a).
2. Policy SS3 criteria c) relates to achieving a mix of uses including residential (up to 1550 new homes), office (up to 30,000 sq m), employment, leisure, health and fitness, hotels, creche, doctors surgery and nursing home. The proposed development is contrary to this requirement because a) the proposed use does not fall within any of the uses specified and b) it would use land which has been identified for office development on the Illustrative Masterplan provided at page 105 of the Local Plan which would prejudice the delivery of up to 30,000 sq m of office development required by the policy.
3. The planning application fails to demonstrate how pedestrian and cycle connectivity would be enhanced across the site in accordance

with criteria d) of the Adopted Local Plan. The proposed development would have no permeability with the wider Chesterfield Waterside site.

4. The Applicants Planning Statement identifies that the outline planning application expired in March 2021 and therefore the approved Masterplan has expired and as such weight can no longer be given to it. Chesterfield Waterside do not agree with this position for the following reasons:

(a) Whilst the outline planning permission has lapsed, the approved Masterplan is provided at page 105 of the Local Plan. The Local Plan was adopted very recently in 2020 and therefore it is not correct to say that no weight can be attributed to the approved masterplan which is provided in the recently adopted Local Plan found sound by the Local Plan Inspector.

(b) The policy call's for "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". If it were the case that no weight can be attributed to the approved Masterplan (which for the reason set out at point (a) above we do not agree with), then that does not mean that piecemeal development such as this proposal can come forwards. There is a requirement for Chesterfield Waterside to be comprehensively developed and the planning application fails to demonstrate how the proposed development will contribute to the comprehensive development of the wider site or provide an alternative Masterplan for approval.

5. The planning application also fails to identify or commit to contributions towards the overall delivery of the infrastructure required for comprehensive development which would be secured through a section 106 agreement.

Summary -

Chesterfield Waterside is a major strategic site, fundamental to the regeneration of Chesterfield town and Chesterfield Canal, and also a key strategic site required to make a significant contribution towards the Boroughs housing and employment requirements.

The proposed development is contrary to Policy SS3 of the Adopted Local Plan. It would result in piecemeal development which would not contribute towards the comprehensive redevelopment of Chesterfield

Waterside. For the reasons set out in this letter, Chesterfield Waterside Ltd objects to planning application CHE/21/00246/FUL and requests that planning permission be refused by CBC.

6.3 The issues raised here have been addressed in principle section of the report above. The key consideration here is that the proposed 3 year temporary permission does not compromise the ability to deliver the wider masterplan aspirations for the site. The cycle/walking route along the river will be a part of a scheme which would come forwards for a permanent solution to the development of the land. A 3 year temporary permission cannot reasonably require such an investment with the uncertainties of any future scheme unknown.

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 achieving a development in line with the masterplan and policy aspirations for the development of the wider area 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 2019 National Planning Policy Framework (NPPF).

8.2 The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant with regard to considering a temporary use on the site to overcome the policy conflict of the proposal in terms of policy SS3 of the Adopted Local Plan.

8.3 The applicant /agent and any objectors will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the website.

9.0 **CONCLUSION**

9.1 Whilst the permanent change of use of the site and building is contrary to Policy SS3 which seeks redevelopment of the site in line with the approved masterplan, it is acknowledged that the site is vacant and likely to remain so whilst the master plan is under revision. It is also acknowledged that the development would result in economic benefits in the short term. It is understood that the review of the masterplan for whole site is due to be completed within a 3-year period. It is therefore considered that the proposed change of use for the temporary period is a reasonable use of the site in the short term. In the longer term a time limited permission will allow for the operator to find an alternative site for the proposed caravan and motor home sales and to progress proposals for the redevelopment of this site in line with an updated masterplan. On this basis the proposal, whilst contrary to policy SS3 is considered to be an acceptable temporary proposal for this vacant site and is therefore recommended for approval.

10.0 **RECOMMENDATION**

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

Conditions

1. This permission is valid for a limited period only, expiring on the 5th October 2024. On or before that date the use hereby approved shall cease and the site be reinstated to its existing use unless a further planning application has been submitted to and approved by the Local Planning Authority.

Reason: The development is of a type not considered suitable for permanent retention in accordance with Policy SS3 of the Adopted Local Plan.

2. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason: In the interest of highway safety in accordance with Policies CLP20 and 22 of the Adopted Local Plan.

3. The premises, the subject of the application, shall not be taken into use until space has been laid out within the site for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. Once provided, such spaces shall be maintained free from any impediment to their designated use for the life of the development.

Reason: In the interest of highway safety in accordance with Policies CLP20 and 22 of the Adopted Local Plan.

4. The development shall be carried out in accordance with the submitted flood risk assessment (ref March 2021 / 21-0085.01 / Delta Simons) and the following mitigation measures it details:
 - Finished floor levels shall be set no lower than existing

- There shall be no new raised development

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CLP13 of the Adopted Local Plan.

5. Within the time limit of this permission no tree within the site or overhanging the site shall be cut down, uprooted or destroyed, topped or lopped without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work). If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity in accordance with Policies CLP16 and 20 of the Adopted Local Plan.

6. Within 28 days of the first occupation of the premises, measures to minimise the risk of crime to meet the specific security needs of the development shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise the risk of crime in accordance with policy CLP14 and Paragraph 130 of the NPPF.

7. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor

designed and constructed to have a capacity and details compatible with the site being drained.

Reason: To prevent pollution of the water environment in accordance with Policies CLP13 and 16 of the Adopted Local Plan.

8. There shall be no discharge of foul or contaminated drainage from the site into either ground water or any surface water, whether direct or via soakaways.

Reason: To prevent pollution of the water environment in accordance with Policies CLP16 and 19 of the Adopted Local Plan

Informative Notes

1. 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.
2. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

3. The buildings may have potential to support nesting birds. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing

eggs or chicks, or on which fledged chicks are still dependent. No building demolition work should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.

4. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation.

5. Highways:

The application site is affected by a Public Right of Way (Footpath 17 on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190.

- Please note that the granting of planning permission is not consent to divert or obstruct a public right of way.

- If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.

The applicant should be aware that HS2 is within 200m of the site. For further information, contact details are given below.

E-mail HS2enquiries@hs2.org.uk

Telephone the Help Desk on 02079444908

Write to High Speed Two (HS2) Ltd

Two Snow Hill

Queensway
Birmingham B4 6GA

6. EA Informative:

We support the intention for the occupants to sign up for the Environment Agency's Flood Warning Service Environmental permit - advice to applicant The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environmentagency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Flood resistance and resilience -

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance.

Further guidance on flood resistance and resilience measures can also be found in:

Government guidance on flood resilient construction
<https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings>

CIRIA Code of Practice for property flood resilience

https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience_.aspx

planning practice guidance (PPG) to the National Planning Policy.