

***Plans Committee Extras Report**

14 December 2023

National Planning Policy Framework (NPPF)

The Government consulted on revisions to the NPPF earlier in 2023. It is expected that a new NPPF will be published before the end of the calendar year. There is reasonable confidence that it will be published before the meeting on 14 December 2023 or before resolutions from the committee can be implemented soon after.

If the NPPF is published before the meeting on 14 December 2023, the committee may wish to consider if the planning applications on the agenda should be heard or if they should be deferred to a later meeting. A deferral would enable officers to consider the potential implications of any changes in policy on those applications and provide updates for members to consider.

If the NPPF is published after the meeting on 14 December 2023 and before decisions are issued, this would require the applications to be reassessed against the new NPPF before a decision could be released. In these circumstances it would be good practice to give delegated authority to officers to assess the impacts of the NPPF in a 'delegated decision update report' and, where the changes are considered to have minor or no material bearing on the decision members took, to amend the conditions (including adding/deleting conditions), as may be necessary. The update report would be held on the public file.

Recommendation

That delegated authority be given to officers to amend decision notices in light of the revised version of the NPPF where these changes are minor and would not materially affect the decisions taken by Committee.

Item No. 5d

Planning Application Number: P/23/0668/2

Site Address: Land at Watermead Business Park, Thurmaston

Updates

Item 1: National Highways

Confirmation from National Highways that, following the deletion of the solar farm from the application, no further period is required for a consultation response and the comments submitted on 11th September 2023 remain applicable.

Item 2: Further representation

A further representation has been received from an interested party whose comments are already reported within the report at section 3. The representation is identical in most respects but adds the following observations:

- (i) Concerns regarding the use of the land north of the A46 as a new lake:
 - The work required to deliver this.
 - Part of the proposed development land had been used as landfill. This has been identified as containing contaminants including Asbestos and gaseous materials. It is uncertain how works will impact the local environment, both natural and residential.
 - The North Field and surrounding areas are flood plains. It is unclear how a new lake will impact the development and the surrounding areas.
 - It is unclear how the area's ability to flood will transfer pollutants across the surrounding area including interconnected waterways (Grand Union Canal, River Soar and lakes).
 - The canal between Wanlip Road and Meadow Lane (including land next to the North field) contain moorings. On the other side of Meadow Lane bridge there is a boat yard and moorings which are in permanent use by those who use the boats and location as homes.
(Images of the area in flood conditions supplied)
- (ii) The only mitigations being offered is a buffer between the site and the canal and soft lighting.
- (iii) Overall conclusion (planning balance)
Granting outline planning permission will only do harm. But the reality is that very little has changed. There has been a loss of employment space associated with the development but the following still apply.
 - This is on land that was once green wedge.
 - The development is next to a country park and has been identified wrongly as employment land.
 - There will be increased traffic volume.
 - There will be more heavy goods vehicles placing further stress on the local transport network.

- Associated pollution/ vehicle emissions.
- Air quality impacts associated with dust emissions during the construction phase and operation of the proposed development.
- The work to develop the site will take over a year.
- The site will operate 24/7.
- The noise pollution associated with its operation.
- There will be a significant impact on the local resident population.
- There will be a significant impact on local wildlife including protected species.
- There will be the potential for the pollution of the Grand Union Canal, River Soar and lakes.
- There are still considerable question marks associated with the development and future works.
- Other issues (unspecified)

Officer Response

Item 1: National Highways

The comments of 11th September 2023 are reported to the Committee within the main report ('Appendix 1': table at paragraph 3.1). The conditions requested are incorporated into the recommendation as recommended condition 4 part (vi).

Item 2: Further representation:

- (i) The issues raised relate to the potential effects of the land north of the A46 containing a pond. However in the amendments the 'northern' lake area was removed and the proposal is for repurposing this area as biodiversity enhancement area;
- (ii) Mitigation (protected species):
Mitigation measures extend beyond a buffer between the site and the canal and soft lighting. Please see paragraph 5.25 of the report for further detail, and how these measures are proposed to be secured.
- (iii) The consequence of the reduction of commercial floorspace and impacts arising from the amendments due to the retention of the lake within 'Zone B' on the scale and layout of the site – and how this affects the immediate and wider environment – are addressed in the report.

It is unclear why the allocation of the site for employment land under Core Strategy Policy CS21 is described as wrong: this was the result of a full Development Plan process including independent Examination.

The 'former Green Wedge' reference is to the Charnwood Local Plan 2004 which was superseded, for this site, by the Core Strategy in 2015 (please refer to paragraph 9.1.4 of the 'main report' (Appendix A) for details.

Recommendation

No change to recommendation

Item No. 5e

Planning Application Number: P/23/0805/2

Site Address: Land at Limehurst Avenue, Loughborough

Updates

Item 1: Environment Agency

Whilst the plans committee report fully addresses all flooding and mitigation measures and comments from the Environment Agency in this regard. The comments from the Environment Agency in relation to phase I and II Groundwater Investigation report produced by MEC dated February 2023 (ref: 27669-GEO-0401) were not reported in the plans committee report.

It is confirmed by the Environment Agency the report has identified the presence of a number of historic tanks at the site, which may be a potential source of contamination, which could pose a risk to controlled waters. It is confirmed that the committee report makes reference at section 14 to recommendations contained within the MEC report for further works including additional monitoring/sampling and analysis of groundwater to inform further assessments. No objections are raised from the Environment Agency to this approach, or to the initial remedial solutions proposed in section 13 of the report, as the submitted information demonstrates that it will be possible to manage the risks posed. The Environment Agency therefore consider that a planning condition should be imposed to ensure the development accords with paragraph 174 of the NPPF.

Officer response

The proposed conditions as stated in the response from the Environment Agency are included in condition 19 and condition 20 under recommendation B of the plans committee report, as also suggested following consideration of the report by the Council's Environmental Health Team.

Item 2 – comments received from the flood resilience team

The Local Resilience Forum (LRF) were consulted on the application following comments received from the EA. The LRF have now responded requesting a Flood Risk Management Response Plan and a Resident's Flood Response Plan be secured by condition.

Officer response

The flood resilience team (LRF) have not raised concerns about the development or the use of the basement for non-critical infrastructure. The majority of the site is in flood zone 1 and as discussed in the main body of the plans committee report, there will be two physical lines of protection, the first being a permanent physical bund (circa 450mm above ground level) and the second being flood proof doors at the basement level and the plant will be lifted 200mm from the flood. A Flood Risk Management Plan and Residents Flood Response Plan have been submitted in support of the application and the Environment Agency have confirmed no objection to the scheme, subject to planning conditions being imposed. The necessary control is provided under condition 2.

Item 3 – Archaeology

The Council's Archaeologist, having further considered the details contained in the Desk Based Heritage Statement prepared by Local Archaeological Services, has suggested that part of condition 24 referring to the Archaeological Work Scheme to be submitted for approval, be amended to remove the assessment of significance and research questions, as this work has already been carried out in the desk top study.

Officer response

It is considered necessary to amend the planning condition further to ensure the recommendations in the report are also carried out. The amended condition should therefore read:

'24. No development shall take place until a programme of archaeological work, which includes a written scheme of investigation, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Details of the recommendations contained in the Desk Based Heritage Statement prepared by Local Archaeological Services
- The programme and methodology of site investigation and method
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
Provision to be made for the publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

All works including site clearance shall be carried out in accordance with the Written Scheme of Investigation.

REASON: To make sure that any heritage assets are appropriately recorded and/or protected to allow compliance with policies CS14 of the Development Plan and the advice within the NPPF.

Recommendation

no change to the recommendation