

UPDATE SHEET

PLANNING COMMITTEE – 4 August 2020

**To be read in conjunction with the
Report of the Head of Planning and Infrastructure to Planning
Committee**

- (a) Additional information received after the publication of the main reports;**
- (b) Amendments to Conditions;**
- (c) Changes to Recommendations**

A1 20/00718/FULM Construction of B8 warehouse together with ancillary buildings and associated access, parking, service and yard areas and landscaping.
Plot 12, East Midlands Gateway, Castle Donington.

Additional Information

Consultation Responses

Since the publication of the Planning Committee agenda the District Council has received a revised consultation response from The Gardens Trust as well as a consultation response from Rushcliffe Borough Council.

In terms of The Gardens Trust they have not removed their objection to the application but have commented that the provision of landscaping to the eastern bund would assist in mitigating the visual impact, and that the harm to the setting of the Grade II Kingston Park Pleasure Gardens Registered Park and Garden is less than substantial.

Rushcliffe Borough Council have raised no objections to the application.

Noise

Officers have liaised with the District Council's Environmental Protection Team (EPT), following the Technical Briefing, to ascertain whether noise from the high bay element would result in implications to residential amenities. The EPT have confirmed that they have no concerns in relation to noise from the high bay with it being requested that any permission granted is subject to conditions which align with those imposed on the Development Consent Order (DCO).

Such conditions would include a requirement that the applicant submits a written scheme of noise monitoring prior to their operation which establish the baseline conditions (i.e. the noise levels before operation) and maximum noise levels to be observed during operation. Another condition would deal with noise complaints which allows a process to be followed should it become established that operational noise from the unit results in detriment to residential amenities. It is noted that the same conditions were imposed on the unit constructed for XPO/Nestle under application reference 17/01165/FULM.

Landscaping

The applicants have proposed a landscaping scheme which would consist of a range of heights, ages and species to ensure maximum possibility of the planting becoming established on the bunds which is considered to be good arboricultural practice. The landscaping proposals would include for both deciduous and evergreen species and at maturity these trees would range from 20-40 metres in height. It is noted that the precise scheme would be subject to a condition which would be agreed with the District Council's Tree Officer.

Officer Comment

Whilst noting that The Gardens Trust maintain their objection to the application, they do consider that revised landscaping to the eastern bund could mitigate the visual impact with the harm to the setting of the heritage asset being less than substantial. The Planning Committee report already concludes that the public benefits outweigh the less than substantial harm. It is also worth noting that Rushcliffe Borough Council have raised no objections with this authority covering the area where the Kingston Park Pleasure Gardens are located.

Conditions would be secured on any permission granted to ensure that the requests of the District Council's Environmental Protection Team are met along with the securing of the additional landscaping to be provided on the bunds which will be planted in the upcoming tree planting season.

Overall, the proposed development would be compliant with relevant planning policy as outlined in the Planning Committee report.

RECOMMENDATION – NO CHANGE TO RECOMMENDATION.

A2	14/00415/FUL	Erection of three no two-storey detached dwellings and ancillary garaging The Woodlands, Bath Lane, Moira
and		
A3	14/00417/FUL	Erection of detached two-storey dwelling with detached garage The Woodlands, Bath Lane, Moira

Additional Information Received:

The LLFA has advised that it is currently working to determine possible solutions to the flooding problem in Bath Lane with the next stage to understand costs, if a solution can be found. The LLFA has also advised that discussions around any works will then take place, and that it cannot give any guarantees on works nor any programme at this stage unfortunately.

The LLFA has also advised the following:

- it is not a statutory consultee for minor development and as such has only provided advice to the Council in this instance at its request due to the existing flood risk associated within the wider catchment. It is the Council's duty to consider all sources of flood risk to decide whether the site is suitable for development;
- the site is shown on Environment Agency mapping to be at risk of fluvial flooding. The applicant successfully challenged this by producing a localised model which demonstrated to the satisfaction of the Environment Agency that the site was at low risk of fluvial flooding;
- the site is shown to be generally at very low and low risk of surface water flooding with a small area not impacted by the development being at medium risk; however the site is immediately upstream of an area of larger medium and high risk of surface water flooding;
- the applicant has advised that proposed external surfaces will remain pervious and roofs will discharge to soakaways. The application documents are in-line with the requirements of NPPF and the supporting Planning Practice Guidance. As such, the LLFA has advised associated surface water planning conditions be applied. These conditions are to ensure a suitable surface water design is achieved while also allowing for a 40% climate change allowance, minimising the risk of any detriment in the future over the current scenario as a result of climate change.

Officer Comments:

As per both Committee Reports, conditions have been recommended to secure surface water drainage schemes for both sites during construction and once the proposals are complete in line with the conditions suggested by the LLFA.

It should also be noted that both the NPPF and the Planning Practice Guidance require development to be kept safe from flood risk. The four dwellings would be in locations that are at low risk of fluvial flooding and very low risk of surface water flooding. The parts of the site where the dwellings would be positioned were not affected by floodwater during the recent floods. The LLFA has also asked for a condition to be imposed on each application relating to finished floor levels. As the access into the site from Bath Lane has flooded in the past it is therefore considered reasonable to impose

conditions on both items requiring submission of an emergency plan to allow for safe access into and out of the site.

The Environment Agency and LLFA raise no objections on flooding grounds so it is considered there are no grounds to recommend refusal of either item on this basis. It is also considered that it would be unreasonable to refuse these applications because of an existing flooding issue elsewhere which the EA and LLFA advise would not be exacerbated by the two proposals.

RECOMMENDATION: NO CHANGE TO RECOMMENDATION subject to the imposition of conditions on both items A2 and A3 requiring submission of emergency plans for safe access into and out of the site.

This page is intentionally left blank