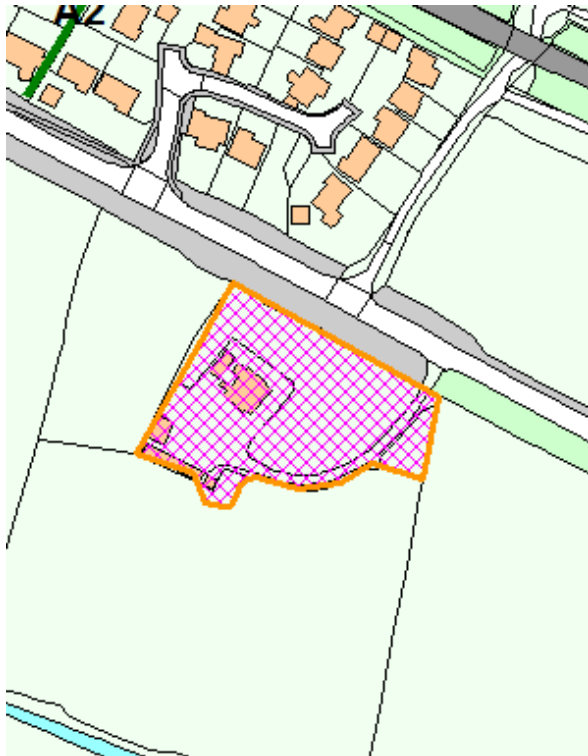




Demolition of existing dwelling and to allow the erection of 5 detached dwellings. South View 120 Grantham Road, Bottesford.

Corporate Priority:	Delivering Sustainable and Inclusive Growth in Melton
Relevant Ward Member(s):	Councillor P Chandler and Cllr Don Pritchett
Date of consultation with Ward Member(s):	18 March 2021
Exempt Information:	None

1 Summary



- 1.1 The application site is located on the south side of Grantham Road, close to the edge of Bottesford. The site had previously accommodated a detached dormer bungalow, which is still in situ although in very poor state of repair. The former bungalow had been set within a relatively large plot, measuring 0.5ha in total area.
- 1.2 Vehicular access to the site comes via a gated private drive directly off Grantham Road. Established hedgerow runs along the frontage of the site.
- 1.3 To the north and west of the site are residential properties, and to the east and south of the site is open countryside. The river Devon is located approx. 87m to the south-west of the site.
- 1.4 Outline planning permission including access, layout and landscaping is sought for the demolition of the existing dwelling and the erection of 5 detached dwellings.
- 1.5 An indicative layout scheme has been submitted to show how the proposed dwellings could appear in plan form however the appearance and scale of the proposed scheme are reserved matters and are therefore not a consideration within this application.
- 1.6 The indicative plan shows the existing vehicular access to be utilised leading to a central private drive serving the 5 plots.

RECOMMENDATION(S)

1 It is recommended that the Planning application is REFUSED

2 Reason for Recommendations

- 2.1 The application site is located on the edge of the Bottesford and outside of the limit to development set within the Neighbourhood Plan.
- 2.2 Neighbourhood Plan Policy 1 of the Bottesford Neighbourhood Plan requires all new residential development to be within the set limit to development.
- 2.3 On sites that are located outside of settlements and within the open countryside, Policy SS2 of the Melton Local Plan states new development will be restricted to that which is necessary and appropriate in the open countryside.
- 2.4 The erection of 5 new detached dwellings at the site is not considered to fall into a development type that would be necessary or appropriate. The principle of the proposed development is therefore considered to conflict with the aims and objectives of both Neighbourhood Plan Policy 1 and Policy SS2.
- 2.5 The proposal is considered to be acceptable in terms of the impact on the character of the site, Highway safety, residential amenity, flood risk and ecology.
- 2.6 Potential wider public benefits of the scheme have been put forward, including the reduction of the speed limit on the adjacent highway and provision of a new residential development on an untidy site. The potential benefits have been acknowledged and afforded limited weight, however these are considered to not outweigh the clear conflict with policy guidance in relation to the principle of development.

3 Key Factors

3.1 Reason for Committee Determination

3.1.1 A call in request has been received by the Local ward member in order to ensure consideration against adopted policies on the basis of the applications submission prior to the Neighbourhood Plan having been adopted but determination following the Neighbourhood Plans adoption.

3.2 Relevant Policies

3.2.1 The Melton Local Plan 2011-2036 was adopted on 10th October 2018.

3.2.2 The Local Plan Policies remain up to date and consistent with national planning policies and guidelines as contained in the National Planning Policy Framework (2021).

3.2.3 The Bottesford Neighbourhood Plan was adopted in October 2021.

3.2.4 Please see Appendix E for a list of all applicable policies.

3.3 Main Issues

Principle of Development

Benefits of the Scheme

Visual Amenity

Residential Amenity

Highway Safety

4 Report Detail

4.1 Position under the Development Plan Policies

4.2 The Bottesford Parish Neighbourhood Plan is a 'made' plan and adopted (3rd September 2021) and, whereas the Melton Local Plan does not include village envelopes, the Neighbourhood Plan has included clear village envelopes for Bottesford, Easthorpe and Muston.

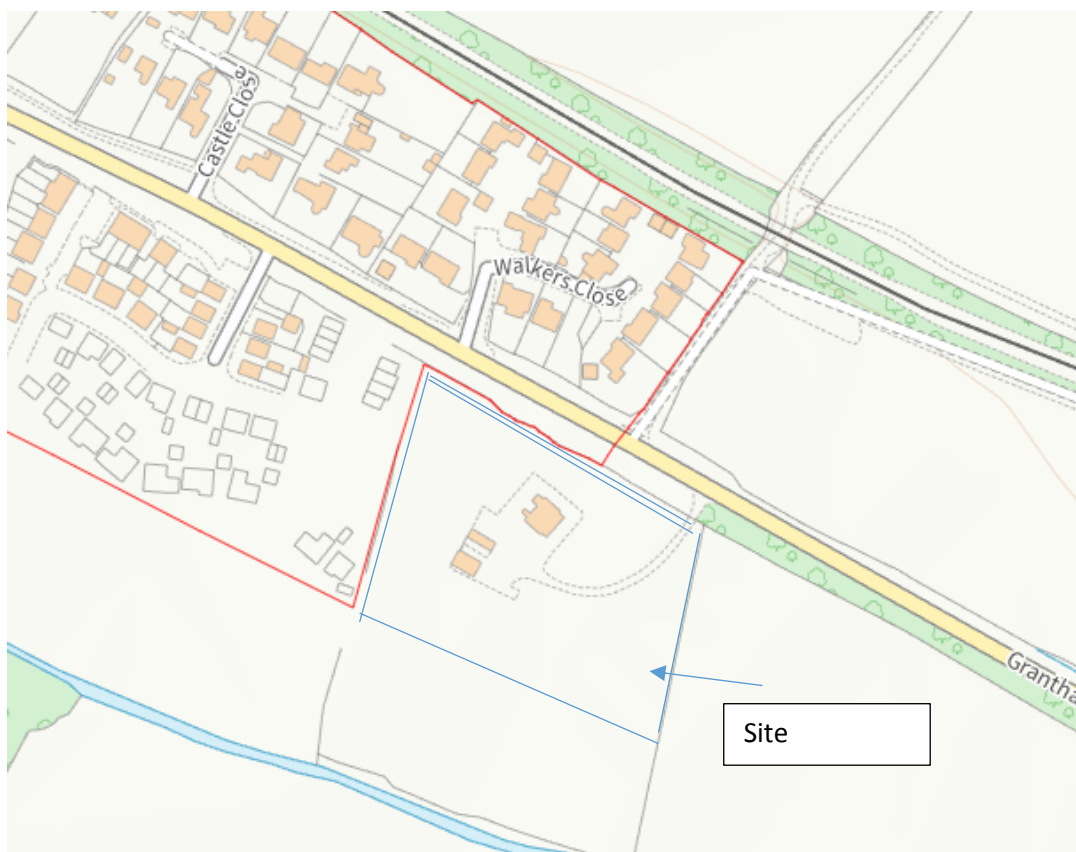
4.3 At Para 77 of the Neighbourhood Plan, the rationale of including village envelopes into the Neighbourhood Plan is explained and states '(t)his allows for the growth required in accordance with the MBC Local Plan and protects areas of valued landscape and open countryside around and within the Villages. This provides a degree of certainty and a clear policy framework about the extent of the built form to direct applications for small residential schemes to locations that are considered more suitable.'

4.4 Para 79 of the Neighbourhood Plan explains the settlement hierarchy within the plan area and advises further on the steer towards development proposals outside of village envelopes and states;

4.5 'Bottesford is a Service Centre, Easthorpe is a Rural Hub and Normanton and Muston are both Rural Settlements. As Bottesford and Easthorpe have allocated sites the village envelopes have been drawn round them to protect nearby open countryside from unnecessary development. Therefore, windfall development beyond the Village Envelopes of Bottesford and Easthorpe would not normally be supported.'

4.6 Neighbourhood Plan Policy 1 of the Bottesford Parish Neighbourhood Plan advises on residential development within Bottesford and Para 2 of this policy states;

- 4.7 In the case of residential development in Bottesford village development proposals will be supported which address the following matters:
- a) being located within the Village Envelope as defined on Map 5a; or
 - b) on sites allocated in the MBC Local Plan; or
 - c) on unallocated sites where the proposal is up to about 10 dwellings within the Village Envelope; and
 - d) where the proposal would not lead to a site becoming over developed and out of scale with the immediate character of the locality.'
- 4.8 As the proposed development falls outside of the recently adopted village envelope defined within the Neighbourhood Plan, it is considered that the principle of the development would clearly be contrary to the aims of Neighbourhood Plan Policy.
- 4.9 Furthermore, as the site is now considered to be outside of the settlement, the open countryside element of Policy SS2 of the MBC Local Plan is also relevant which states; 'Outside the settlements identified as Service Centres, and those villages identified as Rural Hubs and Rural Settlements, new development will be restricted to that which is necessary and appropriate in the open countryside.'
- 4.10 The proposed development of the erection of 5 residential dwellings is not considered to fall within a development type that is necessary or appropriate within the open countryside
- 4.11 **Principle of Development**
- 4.11.1 The application site is located close to the edge of Bottesford. Bottesford is identified as a 'Service Centre' under Policy C1(A) of the Local Plan and as such is appropriate for a limited quantity of development in the form of allocations and accommodation of smaller sites
- 4.11.2 However, the limit to development for Bottesford has been drawn tightly around the existing settlement and allocated sites in order to protect the surrounding countryside. As discussed above, the application site falls outside of the limit to development and consequently is considered to be open countryside.



- 4.11.3 Given the conflict between the aims of Neighbourhood Plan Policy 1 and Policy SS2 of the Melton Local Plan, the principle of proposed development is considered unacceptable due to the sites siting outside of the limits to development as defined in the Neighbourhood Plan.
- 4.11.4 **Benefits of the scheme**
- 4.11.5 Following discussions with the case officer, an additional supporting statement has been received which puts forward the benefits of the scheme in order for these to be considered as part of the overall assessment.
- 4.11.6 The supporting statement sets out a brief timeframe of the application from submission, emphasising that the application had been submitted before the full adoption of the Neighbourhood Plan.
- 4.11.7 The advantages of the scheme put forward by the applicant briefly comprises a reduction in the speed limit on the edge of the village to 30mph. This is argued to benefit the local community due to the proximity of the site to the nearby allocated residential site.
- 4.11.8 It is also argued that the proposed development would improve the visual amenity of the site, with the current site being unsightly.
- 4.11.9 The creation of a footpath link from the site through to the village is argued to improve connectivity within the locality.
- 4.11.10 The applicant also puts forward the suggestion that the site should have been included in the Neighbourhood Plan, arguing that the site has sustainable credentials being on the edge of the settlement and already developed with a residential bungalow.
- 4.11.11 In terms of the weight to be attached to these matters, it is acknowledged and accepted that at the time of application submission, the Neighbourhood Plan had not been fully

adopted and that the policies contained within the Neighbourhood Plan would not have been afforded full weight had the application been determined prior to full adoption.

- 4.11.12 However, the application must be assessed against the most up to date policies at the time of determination. The Neighbourhood Plan policies prior to full adoption would have still been afforded moderate to significant weight and the direction of travel in terms of the limit to development would still have been clear. It is considered that the timeframes for determining the application and the adoption process of the Neighbourhood Plan would not, on their own, justify a departure from the aims and objectives of the Neighbourhood Plan.
- 4.11.13 The reduction in the speed limit at the site and the edge of the village is noted and the potential wider benefits to the community through lowering road noise is acknowledged. Although it is also noted that the Highway Authority would have requested this to ensure that the proposed development is acceptable from a highway safety perspective regardless of any balancing exercise required by the LPA in determining or forming a recommendation on the application.
- 4.11.14 In terms of the benefits to the visual amenity of the area, it is accepted that the proposed development has the potential to provide an attractive and well-designed residential development. The site is also in need of clearing from the partially demolished bungalow. However, the site is largely open and free from built form, as well as being well screened by established hedgerow. On the basis that the site is cleared from the debris of the recent demolition works which could be secured through separate legislation, the site is not considered to be unattractive in character and appearance. Accordingly, only limited weight is given to the potential benefits to the visual amenity of the site arriving from the proposed development.
- 4.11.15 The revised indicative layout plan includes a pedestrian footpath around plot 2 connecting to Grantham Road. This feature would allow future residents of the application site access to the existing public footpaths which lead to Bottesford. This feature is acknowledged as a potential benefit of the proposed development and would encourage sustainable travel for short trips by future residents. However, as the footpath is connected to the private drive with a gated access, its use would be limited to those residents of the application site only. As such, only limited weight can be afforded to this feature as a wider public benefit of the scheme.
- 4.11.16 In terms of whether the site should have been included in the Neighbourhood Plan, it is considered that this is a separate issue and outside the remit for consideration within this application. The Neighbourhood Plan, including site allocations and the limits to the development, has been found to be sound by a planning inspector and democratically voted on before being fully made. Accordingly, the Neighbourhood Plan policies are now given full weight.
- 4.11.17 Overall, while it is accepted that the proposed development would result in some wider public benefits, for the reasons described above it is considered that only limited weight can be attached to those benefits, which would not overcome or outweigh the conflict with Neighbourhood Plan Policy 1 and Policy SS2 of the Melton Local Plan in terms of the principle of the development.

4.12 Impact upon the character of the area

- 4.12.1 Policy D1 of the Local Plan states that all new developments should be of high-quality design. Policy EN1 of the Local Plan aims to ensure new development is sensitive to its

landscape setting and that it seeks, where possible, to enhance the distinctive qualities of the landscape character areas (as defined in the Landscape Character Assessment); and requires new developments to respect existing landscape character and features.

- 4.12.2 Policy EN6 of the Melton Local Plan states that development proposals will be supported where they do not harm open areas which contribute positively to the individual character of a settlement or form a key entrance and/or gateway to a settlement.
- 4.12.3 It is acknowledged that this site is located on the eastern edge of the village and previously accommodated a modest single bungalow. The proposed development for the erection of 5 detached dwellings would therefore alter its character to a far more intensive residential nature.
- 4.12.4 However, the site is considered capable of accommodating dwellings of a size and scale shown on the indicative layout plan with an appropriate level of private amenity space afforded to each dwelling.
- 4.12.5 While the orientation of the dwellings positioned close to the highway is not considered to be acceptable with the flank elevations addressing the highway, rather than an active frontage, the general positioning within the site in terms of separation and relationship between the proposed dwellings is considered to be satisfactory. The orientation of architectural features is an issue that would be dealt with at reserved matters stage.
- 4.12.6 The established hedgerow along the boundary with Grantham Road is shown to be retained, with gaps infilled which would help soften the appearance of the proposed development from the adjacent highway. Additional hedgerows are shown to the outer boundaries of the site as well as the internal shared driveway. The new planting is considered to give a semi-rural aesthetic and pay respect to the edge of settlement location and allow for biodiversity opportunities throughout the site.
- 4.12.7 Overall, subject to further detailed consideration of the scale and appearance at reserved matters stage, the proposals are considered to be acceptable on the grounds of impacts upon the character of the area and complies with the above policies.

4.13 **Impact upon residential amenities**

- 4.13.1 Policy D1 of the MBC Local Plan requires development to protect residential amenity. Neighbourhood Plan 8 of the Bottesford Parish Neighbourhood Plan requires development to be of a high quality and to demonstrate sensitive positioning within plots and be of such scale and form as to not dominate neighbouring properties or the streetscape
- 4.13.2 The submitted indicative plan is considered to show a good level of separation between dwellings within the site, with either garden space or private drives within the intervening spaces. While details such as position of the windows are not known at this stage, the proposed layout does not give rise to any significant concerns from overbearing, overshadowing or overlooking perspective.
- 4.13.3 Planning permission has been granted on the allocated site to the west of the site for 60 dwellings (application Ref. 19/00573/REM). However, it is considered that there is sufficient separation from this site, approx. 40m. for the proposed development to not give rise to any material impact on the future amenity of these dwellings.

4.14 **Contamination and Noise**

- 4.15 The applicant has submitted a phase 1 contaminated land report in support of their application. The comments from Environmental Health Officer on this report, including the points raised on the absent aspects of the report.

- 4.16 However, it is noted that no objection has been received from Environmental Health. Furthermore, with the recommended conditions including the submission of a phase 2 contaminated survey attached to any grant of planning permission, it is considered that appropriate mitigation measures could be secured which would allow the proposal to be acceptable in terms of contamination and the risk to the health of future occupants.
- 4.17 The condition restricting times for construction work, demolition work and deliveries to the site is also considered appropriate to attach to any grant of planning permission in order to protect neighbouring amenity.
- 4.17.1 In light of the above, it is considered that the proposed development would comply with the aims Policy D1 of the MBC Local Plan and Neighbourhood Plan 8 of the Bottesford Parish Neighbourhood Plan and would be acceptable from a neighbouring amenity perspective.
- 4.18 **Highway Safety**
- 4.18.1 Policy D1 requires development to secure safe access to the highway network. Policy IN2 seeks, amongst other criteria to ensure that new development is located where travel can be minimised and the use of sustainable transport modes maximised. Policy IN2 also seeks to ensure appropriate and effective parking provision and servicing arrangements
- 4.18.2 The proposal would utilize the existing access which would lead to a re-worked shared private drive. The submitted indicative plan shows each plot to have a detached double garage with parking spaces in front.
- 4.18.3 It is noted that the Highway Authority have not raised any objection to the scheme and consider the access arrangements to be suitable. Furthermore, the level of off street parking amenity to serve each plot is considered to be satisfactory.
- 4.18.4 A financial contribution towards the submission of a Traffic Regulation Order (TRO) for reducing the speed limit at the site has been sought in the interests of highway safety, which the applicant has accepted.
- 4.18.5 On the basis that the applicant entered a legal agreement to secure the requested financial contribution for the TRO, it is considered that the proposed development would comply with the aims of Policies D1 and IN2 and would not result in any material impact on highway safety.
- 4.19 **Ecology**
- 4.19.1 Policy EN2 of MBC Local Plan and Neighbourhood Plan Policy 3 seek to achieve net gains for nature and protect biodiversity as well as natural habitat for local wildlife.
- 4.19.2 Given that the existing bungalow is now partly demolished (roof partly removed) and in a poor state of repair, it is acknowledged that any bat roosting opportunities are no longer present at the site. The comments from LCC Ecology are noted, and the recommended condition requiring bat boxes into the new scheme is considered appropriate to attach to any grant of planning permission.
- 4.20 **Flood Risk/Drainage**
- 4.20.1 The location of the proposed development would be located in flood zone 1 and in area identified by the EA flood maps as an area of low risk from surface water flooding. It is noted that the Environment Agency do not raise any objection to the scheme on this basis and as such it is considered that the proposal would not give rise to any material impact on flood risk at the site.

4.20.2 The recommended condition from Severn Trent in relation to drainage plans is considered appropriate to attach to any grant of planning permission.

5 Consultation & Feedback

5.1 A site notice was posted and an advertisement placed in the local press. There have been no written representations received.

6 Financial Implications

6.1 A section 106 agreement for the fee to carry out a Traffic Regulation Order consultation, in accordance with the Road Traffic Regulation Act 1984, for the proposed relocation of the 40mph entry speed 90.0m east along Grantham Road would be applicable.

Financial Implications reviewed by: N/A

7 Legal and Governance Implications

7.1 None identified.

Legal Implications reviewed by: Tom Pickwell (Solicitor)

8 Background Papers

8.1 98/00305/COU - Proposed vehicle repairs and sales on part of dwelling site - Refused 14.07.1998

8.2 98/00306/FUL - Proposed location of mobile home to be used as staff rest room/canteen – Refused 14.07.1998

8.3 98/00566/COU - Proposed change of use for temporary (5 year) permission for repair and sales of vehicles – Refused 11.11.1998

9 Appendices

9.1 A: Summary of Statutory Consultation responses

B: Reason for Refusal

C: List of applicable Development Plan policies

Report Author:	Gareth Elliott Planning Officer
Report Author Contact Details:	gelliott@melton.gov.uk
Chief Officer Responsible:	Paul Feehily , Interim Assistant Director for Planning
Chief Officer Contact Details:	01664 502418 pfeehily@melton.gov.uk

Appendix A : Consultation replies summary

Ward Member

I have revisited this and am pleased to see a footway exit to connect to the expected Bellway footpath. No other comments.

In respect of the letter dated 17th March 2021 from the Bottesford Parish Council available on the portal a point of clarification. The assurances given were repeats of reports of the conditions attaching to the Bellway and Davidsons Old Clay pit sites that a footway is required to join with Easthorpe view. Previously copies of the decision notices had been provided to the Chair of the PC.

The letter states Cllrs Chandler and Pritchett gave verbal assurances a cycle path was to be provided. This was not the case. At the PC meeting of a week or so previous I repeated a number of times that the conditions were set at outline planning stage and a cycleway could likely not be added now, Cllrs, Mr Worley and or the Chief Executive could not amend the decision/conditions resulting from a proper planning process. I recall Cllr Chandler did not mention at the meeting that a cycle path was included in the conditions.

Have I noted a bit of gazumping by LCC from about £8,000 to £15,000 for the speed reduction consultation?

Parish Council:

Although the Parish Council voted not to object to this application the vote was split. Cllrs are concerned that there is no provision for a footpath or cycleway from the development into the village and it was noted that the entrance to the development is in a 60mph zone.

The Council requests better links for walkers and cyclists and asks for the opportunity to meet with the developer to discuss details prior to the submission of a full application.

LCC Highways:

The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019), subject to the conditions and/or planning obligations outlined in this report.

1.No part of the development hereby permitted shall be occupied until such time as the access arrangements including: dimensions, surfacing, visibility, radii, pedestrian access and the setback of gates as shown on Drawing 26107_08_020_01 Rev C have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).

2. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Drawing DB/DB/20/38/02 Rev C.

Thereafter the onsite parking provision shall be so maintained in perpetuity

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

3. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

Contributions The Applicant is required to pay a sum of £15,000.00 for the submission of a Traffic Regulation Order (TRO) consultation, in accordance with the Road Traffic Regulation Act 1984, for the proposed relocation of the 40mph entry speed 90.0m east along Grantham Road.

Informative

Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.

It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

LCC Ecology:

Further informal comments received following advice that the roof of the existing bungalow was no longer in situ

'I recommend as a condition that min. 4 bat boxes are installed within the fabric of the proposed buildings at suitable locations (south-facing and at least 3m high) in order to replace any potential roosting features lost.'

Original comments

The dwelling proposed for demolition is sited within open countryside in an area with good bat foraging habitat, and there are known bat roosts nearby. There is therefore a strong possibility

that bats are roosting within the existing building and could be affected by the proposed works. A bat survey is therefore needed. Bat surveys involve an external and internal inspection of the building by an appropriately licensed bat worker and an assessment of its potential value for bat roosting. This can be done at any time of year.

If evidence of bat use is found, or the building is considered to have low, moderate or high value, or the surveyor cannot fully inspect the building, a suite of emergence surveys may also be required.

Emergence surveys can only be carried out between May and mid Sept. The number of survey visits needed depends on the findings of the inspection, and should follow national guidelines. Buildings with low roost potential require 1 survey; medium require 2, and high potential require 3 surveys. The suite of surveys should include at least one between May and August.

A list of consultants able to do this work is available on request, and guidance on bat surveys is at this link.

<https://www.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-and-rutlandenvironment-records-centre-lrerc>.

Depending on the results of these surveys, a bat mitigation plan may be required, and may be the subject of a planning condition and possibly a European Protected Species license application to Natural England.

As the site is located within open countryside and it appears that agricultural outbuildings/barns are present, the site should also be surveyed for barn owl and other nesting birds. This can be done at any time of year and should follow best practice guidelines. A list of consultants able to do this work is available on request. Depending on the results of these surveys, mitigation may be required, and may be the subject of a planning condition

Please note that ODPM Regulations require protected species surveys to be submitted prior to determination of a planning application. It is also essential that the extent that they may be affected by the proposed development is established before the planning permission is granted. (Reference:

Paragraph 99 of ODPM Circular 06/2005 (Biodiversity and Geological Conservation

Environment Agency

We have reviewed the submitted documents and on this occasion the Environment Agency has no formal comment to make. Whilst flood zones 2 and 3 are present south of the site, the development proposed lies entirely within flood zone 1.

Severn Trent

With reference to the above planning application the Company's observations regarding sewerage are as follows.

Condition

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered

as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Suggested Informative

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals.

Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

MBC Environmental Health

Planning application 20/01054/OUT – Demolition of existing dwelling and erection of five detached dwellings – South View, 120 Grantham Rd, Bottesford.

I acknowledge receipt of your consultation request dated 26 January 2021. I have reviewed the planning application and supporting documentation. On behalf of Environmental Health as statutory consultee to the Local Planning Authority I make the following comments.

Contaminated Land

Is a material consideration under the planning regime and is relevant to this development. The applicant has submitted a phase 1 contaminated land report in support of their application. The report, undertaken by Erda Associates Ltd – project reference: EAL.77.20 is dated September 2020.

Having reviewed our strategic contaminated land database I have identified the following system entries:

- ID 162 – Old clay pit
- ID 147 – Timber yard
- ID 409 – Pole depot
- ID 408 – Fencing manufacturers

We are also aware of a minor pollution incident on the adjacent residential development in 2020. This involved the loss of hydraulic fluid following mechanical breakdown.

I have reviewed the consultant's report which has identified the majority of the same. Looking at the preliminary conceptual model I would agree that the primarily risks are:

- (1) Historic landfill – ground gas
- (2) Made ground – contaminated soils

(3) Contaminative land use – contaminated soils

I would also add a low risk of organic enrichment from alluvial deposits which may result in ground gassing.

At this time a – medium risk rating is appropriate.

However there are four aspects of the report that are absent:

The local Waste Authority – Leicestershire County Council is likely to hold further information on the historic landfill associated with the old clay pit. In particular, what waste was deposited, where and when. Knowing what type of 'inert' and 'industrial' waste is present, as per the Groundsure report, will indicate the likelihood of significant gas generation. This information can be requested via an FOI / EIR.

A phase 1 contaminated land report should include a site walkover and assessor appraisal of site conditions. I can see no evidence of this in the report. I want to know what the assessor observed on site – activities and processes that might have a contaminative impact. For example, I'd want to know what the two outbuildings are used for. The walkover should be accompanied by photographs to enable to reader to experience the same.

Agricultural land is not typically associated with gross contamination. However, agricultural land can be associated with fuels, oils, lubricants, solvents, sheep dips, pesticides, manure heaps / slurry pits and poor waste handling practices – disposal of materials by burning and burial. Exposure to these materials can, in certain circumstances, be harmful to human health. Such polluting materials and activities are unlikely to be identified from historic mapping and can be missed on the phase 1 site walkover. In identifying potentially contaminative sources on farm land, the farmer is often the best source of local knowledge – farms are often generational. With that in mind can I ask the applicant to liaise with the farmer to answer the following questions:

1. What were the former outbuildings located south west of the existing dwelling used for prior to demolition in the 1990s?
2. What were the former outbuildings located adjacent the south western boundary used for prior to phased demolition in the 1970s and 1990s?
3. Where any non-native soils /materials imported to construct the foundations of the existing dwelling and outbuildings, past and present?
4. Knowledge of infilled ponds?
5. Knowledge of other made ground /imported soils?
6. Location of fuel tanks, past and present?
7. Significant losses of fuels, oils, lubricants or solvents?
8. Persistent burning of materials, particularly where this has occurred in the same location?
9. Disposal by burial including animal carcasses?
10. Long term (greater than 1 year) manure heaps and slurry lagoons?
11. Use of sheep dip pits?
12. Use of pesticides?
13. Any other activities which might have caused ground contamination?

A peer review of relevant geotechnical reports. I have identified two developments and four applications for adjacent land as follows:

18/00632/OUT – 60 dwellings – Phase 1 attached
19/00573/REM – 60 dwellings – No report

17/01577/OUT – 40 dwellings – Phase 1 attached
20/00962/REM – 40 dwellings – No report

The findings of these reports should be summarised in the phase 1 for this development. Some of the risks and uncertainties may already have been addressed.

More work can be done at the phase 1 stage to further refine the conceptual risk model. The additional information may provide a steer as to whether a phase 2 contaminated land assessment is required and if so, what that should include. In order to expedite this outline application I have attached full contaminated land conditions below. However, depending on the outcome of the additional phase 1 work, a phase 2 assessment may not be required.

'No development shall take place until a phase 2 site investigation and risk assessment has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site and to identify and control any unacceptable risks to human health or the environment taking into account the sites actual or intended use, whether or not the contamination originates on the site. The investigation and risk assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' or any subsequent guidance which replaces it and must be undertaken by competent persons. The Local Planning Authority may require further investigatory works to be carried out if the assessment is found to be inconclusive. The results of the investigation(s) shall be provided to and approved by the Local Planning Authority.'

'No development approved by this planning permission shall be commenced until a remediation method statement, detailing the remediation requirements to protect human health and the environment, has been submitted to the Local Planning Authority. The remediation method statement shall use the information obtained from the site investigation and include details of all works to be undertaken, proposed remediation objectives and remediation criteria. The remediation method statement must be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.'

'Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statements. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. The remediation method statement once approved by the Local Planning Authority shall be implemented in full and written evidence to confirm completion of the work provided and approved by the Local Planning Authority.'

'In the event that it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source such that a representative sample is obtained and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme or another approved scheme. The results shall be submitted to the Planning Authority for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.'

Noise

'In order to minimise noise disturbance to the occupiers of adjacent residential property, construction work, demolition work and deliveries to the site should only be permitted between the following hours. Any deviation from this requirement shall be with the prior approval of the Environmental Health department of Melton Borough Council.'

07:00 – 19:00 Monday to Friday daily
08:00 – 13:00 Saturdays
No works to be undertaken on Sundays or bank holidays'

Appendix B: Reason For Refusal

1. The proposed development would be located outside of the limits to development for Bottesford, as defined by Map 5a of the Bottesford Parish Neighbourhood Plan. The proposed development is also considered to not fall within a development type that is necessary or appropriate within the open countryside. The proposed development is therefore contrary to the aims of Neighbourhood Plan Policy 1 of the Bottesford Parish Neighbourhood Plan and Policy SS2 of the Melton Borough Council Local Plan. While limited weight has been attached to identified wider public benefits to the scheme these are not considered to outweigh the clear conflict with the core aims of the Neighbourhood Plan and Local Plan.

Appendix C : Applicable Development Plan Policies

Melton Local Plan

Policy SS1 Presumption in Favour of Sustainable Development

Policy SS2 Development Strategy

Policy EN1 Landscape

Policy EN6 Settlement Character

Policy EN8 Climate Change

Policy D1 Raising the Standard of Design

Policy IN2 Transport, Accessibility and Parking

Bottesford Neighbourhood Plan

Neighbourhood Planning Policy 1: Sustainable Development and the Village Envelopes

Neighbourhood Planning Policy 2: Protecting the Landscape Character

Neighbourhood Planning Policy 3: Protecting and Enhancing Biodiversity