

Application:	2021/0170/MAO	ITEM 2	
Proposal:	Outline planning application for 30 residential dwellings (Class C3), with all matters reserved except for access.		
Address:	Greetham Quarry, Stretton Road, Greetham, Rutland, LE15 7NP		
Applicant:	Hereward Homes (Greetham) Ltd	Parish	Greetham
Agent:		Ward	Greetham
Reason for presenting to Committee:	Policy and Objections		
Date of Committee:	20 September 2022		
Determination Date:			
Agreed Extension of Time Date:			

EXECUTIVE SUMMARY

The proposal is on the edge of a sustainable settlement and would be relatively low key in terms of impact on the landscape. Whilst it is outside the PLD, in view of the lack of a 5 year housing land supply, there are no technical or amenity reasons for withholding permission on this site to provide much needed market and affordable housing.

RECOMMENDATION

APPROVAL, subject to the completion of a s106 agreement to provide affordable housing and the provision and maintenance of open space, and the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 18 months from the date of this permission.
Reason – To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the appearance, landscaping, layout and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason – The application as submitted does not provide sufficient particulars for consideration of these details.
3. The development shall be begun before the expiration of one year from the date of approval of the last of the reserved matters to be approved.
Reason – To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
4. The Reserved Matters shall provide for a maximum of 30 dwellings.
Reason – It remains to be demonstrated that 30 dwellings can be accommodated on the site whilst maintaining space available for open space, sustainable drainage and ecological interests and thus resulting in a cramped form of development and in accordance with Policies SP5 and SP15.
5. The Reserved Matters shall have regard to:
 - The Design & Access Statement,
Reason – To ensure that the final development accords with the parameters set out in the outline application, has an acceptable relationship with the adjoining properties,

provides adequate open space and a sustainable drainage scheme and in the interests of proper planning.

6. The development shall be carried out in accordance with the access plan number LE112-11PD-001A.
Reason – To ensure that the site is accessed safely in accordance with the approved plan.
7. The development shall be carried out in accordance with the Travel Plan
Reason – To ensure that sustainable travel is built into the development.
8. No development shall commence until details of existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted to and approved in writing by the Local Planning Authority. The layout of the 2 or more storey houses shall take account of the levels change across the site and demonstrate that they will have a satisfactory relationship with the landform, wider visual amenity and adjacent residents. The development shall be completed in accordance with the agreed scheme before any dwelling is first occupied.
Reason – To ensure that the relations hip of the proposed dwellings to each other and to adjacent dwellings is acceptable, in the interests of residential amenity.
9. No development shall take place until precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the dwellings to which they relate being first occupied and thereafter be retained in the approved form.
Reason – To ensure that appropriate boundaries are installed in the interests of visual and residential amenity.
10. The landscaping scheme to be submitted as part of the reserved matters shall be accompanied by a Biodiversity Net Gain matrix to demonstrate that the scheme can achieve at least neutral impact.
Reason – To ensure that the development provides the current minimum requirement for biodiversity on the site.
11. No development shall commence until the invasive weed Piri-Piri Burr has been eradicated from the site which shall have been confirmed in writing by a suitably qualified Ecologist.
Reason: To ensure that the invasive weed does not spread further as a result of development traffic and movement and to protect the future amenity of residents.
12. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details, approved in Condition 2 above, shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.
Reason – To ensure that the landscaping is carried out at the appropriate time and is properly maintained, in the interests of residential and visual amenity.
13. No development shall take place until the existing trees on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping / shown to be retained on the approved plan, have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning

Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason – The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site, in accordance with Policy SP15.

14. The development hereby permitted shall not commence until full details of the design, implementation, maintenance and management of a sustainable surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:
- a) Information about the temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
 - b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts and ditch clearance where relevant);
 - c) Flood water exceedance routes, both on and off site;
 - d) A full capacity and condition assessment of the existing ditches from the discharge points.
 - e) Site investigation and test results to confirm infiltrations rates; and
 - f) A detailed management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
 - g) An assessment of the risks to controlled waters.

The development shall not be occupied until the approved scheme has been implemented in full.

Reason – To ensure that the proposed development can be adequately drained whilst ensuring there is no flood risk on or off the site resulting from the proposed development.

15. No development other than that required to be carried out as part of an approved scheme of remediation shall not commence until sections (i) to (iv) of this condition, below, have been complied with. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section (iv) has been complied with in relation to that contamination.

(i) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- a) a survey of the extent, scale and nature of contamination;
- b) an assessment of the potential risks to:
- c) human health,
- d) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- e) adjoining land,
- f) groundwaters and surface waters,
- g) ecological systems,
- h) archaeological sites and ancient monuments;
- i) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(ii) Submission of Remediation Scheme

In the event that any contamination is found under (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and approved in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(iii) Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be produced and approved in writing by the Local Planning Authority.

(iv) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of section (i), and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of section (ii), which shall be approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and approved in writing by the Local Planning Authority in accordance with section (iii).

(v) Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of [x] years, and the provision of reports on the same shall be prepared, both of which shall be subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out shall be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16. Car parking including garages and turning shall be provided in accordance with the approved layout plans prior to the first occupation of the dwellings to which it relates. It shall thereafter be retained and not used for any other purpose other than the parking and turning of vehicles.
Reason – In order to ensure that sufficient car parking and turning remains available on site.
17. Any new trees located within 5m of the existing or proposed public highway must be planted with root-protection, details of which must be approved in writing by the Local Planning Authority.
Reason – In the interests of highway safety.
18. All vehicular and pedestrian accesses will be designed to prevent the discharge of surface water from the development onto the existing or proposed public highway.
Reason – To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.
19. The carriageway of the proposed principal junction with the existing public highway shall be constructed up to and including at least road base level or be constructed as a temporary access and be available for use prior to the commencement of any development including the delivery of materials.
Reason – To ensure that the junction is available for use at the outset in the interests of highway safety.
20. No dwelling shall be occupied until the access road or driveway linking that dwelling to the public highway has been completed to a minimum of base course level and shared surfaces and footways/cycleways shall be completed to surface course level. In the event any of the dwellings will be occupied prior to the carriageway serving that property being fully surfaced then a timetable and phasing plan for completing the roads shall be submitted to and approved in writing by the Local Planning Authority. The carriageways shall thereafter be completed in accordance with the approved timetable and phasing plan.
Reason – In the interests of highway safety.
21. Prior to first occupation of any dwelling, vehicle to vehicle visibility splays of 2.4m x 25m at internal junctions, vehicle to pedestrian visibility splays of 2m x 2m at all vehicle accesses and forward visibility splays of 25m shall be provided in accordance with the details shown on the approved plan.
Reason – In the interest of highway safety.
22. The developer shall carry out a joint pre-condition highway survey for the full extent of highway including verges with the Local Highway Authority 500m either side of the proposed access on Stretton Road before site traffic commences. The results of the inspection will be provided by way of a photographic survey by the developer to the Local Highway Authority. A similar inspection will take place on completion of the development to assess any damage and remediation required.
Reason – In the interests of highway safety.
23. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved

Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) the parking of vehicles of site operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials used in constructing the development
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- e) wheel washing facilities
- f) measures to control the emission of dust and dirt during construction
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works
- h) Hours of working on site

Reason – To ensure that the development is carried out in a manner that minimises disruption to the highway network, in the interests of highway safety and in accordance with Policy SP15.

24. The development shall be carried out in accordance with recommendations from revised ecological surveys that shall have first been submitted to the LPA for approval.

Reason – To ensure that the ecological interests of the site are protected during and after the development and because by the time reserved matters are submitted the existing surveys will be out of date.

Site & Surroundings

1. Greetham Quarry is an established quarry (limestone) situated within the north-east part of Rutland, to the west of the A1 and within 3 kilometre (km) of the County Boundary with Lincolnshire. Access to the existing site is gained via the B668 Stretton Road; The extant permissions, MIN/2004/1051/CC, and M/1999/0326/09, are both time limited with an expiry date of 30/09/2020 (the extant permissions are subject to section 73 permissions to vary the date of the final restoration). Quarrying on site has now ceased, all mineral being exhausted. A separate application to form a quarry extension to the north west is also being considered. There is also a separate application for warehousing development on the remainder of the worked out quarry floor.
2. The Site is located north of Stretton Road, abutting the eastern boundary of Greetham and comprises a total gross area of 2.31ha. The site area does not include the land required for the offsite highways works along Stretton Road, which equates to an additional 0.21ha. The Site comprises the southern portion of the now redundant (Phase 1) Greetham limestone quarry, which has been worked out for block stone and aggregate.
3. The application site has been subject to partial restoration in accordance with an approved restoration scheme. No further restoration is understood to be required in respect of the application site.
4. The application site contains a number of redundant buildings and an area formerly used to weigh the minerals relating to the former use of the site. The site has remained unused since the quarrying activities ceased. The surface of the site has been previously excavated and lies between 2m below the prevailing level of the surrounding land at its shallowest point closest to the edge of the village to a maximum depth of 12m to the north east of the site. Whilst the surface has little vegetation there are outcrops of

buddleia and piri-piri burr (*Acaena novae-zelandiae*) which is recognised as an alien and invasive species which inhibits the development of more diverse species and habitats.

5. The site is surrounded by woodland to the north-west, west, south, and south-east of the site, with the remainder of the site not having a formal boundary as it relates to the wider quarry site. Approximately 130m (minimum) to the west are a range of poultry buildings.
6. The wider site is currently accessed directly off Stretton Road, with a graded slope leading to the quarry floor. The application site does not have an existing direct access onto Stretton Road which defines the southern boundary. This boundary is presently well screened by a substantial mature hedge so for the most part there are no views of the quarry arising from the presence of this mature planting along the road boundary.
7. The wider site is identified as a Regionally Important Geological Site, and there are three locally protected/notable habitats within 200m of the survey area including the deciduous woodland located adjacent to the application site and a section of hedgerow along Stretton Road on the eastern portion of the wider site.

Proposal

8. The application is in outline and is for the erection of up to 30 new dwellings. All matters are reserved except access. This would be formed as a new access from Stretton Road, closer to the village than the existing quarry access.
9. The access would include a right turn lane and central bollards to act as traffic management features. Some hedging along Stretton Road would be lost to provide the required carriageway widths and visibility splays.

10. In terms of open space provision the accompanying Planning Statement confirms:

As a minimum, provision of 0.075ha of amenity space and provision for young children can be provided on site. It is proposed that the requirement for outdoor sports and indoor facilities be addressed through a financial contribution where the Fields in Trust Guidance for Outdoor Sports and Play recommends that outdoor sports and similar provisions (MUGA) are addressed through payments for off-site provision on residential schemes of less than 200 dwellings. In any event the scheme cannot make a meaningful contribution to on site indoor space but can make a financial contribution to support existing village facilities. It is noted that the CIL Charging Schedule Table 1 Estimated Infrastructure Requirements to 2026 includes the provision of Indoor and Outdoor Sports and Playing Fields as one of the matters whose cost was assessed and included within the basis of the CIL Charging Rates.

11. An indicative layout has been submitted and is reproduced as an Appendix to this report.

Relevant Planning History

None other than previous mineral applications.

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2021

Chapter 2 – Achieving Sustainable Development (inc Para 11(d))
Chapter 5 – Delivering a sufficient supply of homes
Chapter 11 – Making efficient use of land
Chapter 12 – Achieving well designed places

Chapter 16 – Conserving the Historic Environment

Site Allocations and Policies DPD (2014)

SP5 - Built Development in the Towns and Villages
SP6 - Housing in the Countryside
SP9 - Affordable Housing
SP15 - Design and Amenity
SP20 - The Historic Environment
SP23 - Landscape Character in the Countryside

Core Strategy DPD (2011)

CS04 - The Location of Development
CS03 - The Settlement Hierarchy
CS08 - Developer Contributions
CS10 - Housing Density & Mix
CS11 - Affordable Housing
CS19 - Promoting Good Design
CS22 - The Historic and Cultural Environment

Neighbourhood Plan

Greetham Neighbourhood Plan was made in October 2017.
Policy CH1 – Built Form
Policy CH2 – Green Infrastructure
Policy HD2 – Housing Mix

Officer Evaluation

12. The main issues are planning policy, highway safety, residential amenity, impact on the conservation area, drainage, ecology, and provision of affordable housing.

Principle of the use

13. The site is outside the Planned Limit to Development (PLD) for Greetham. As members are aware the locational policies of the Development Plan are out of date until a 5 year housing land supply can be demonstrated. Consequently the PLD carries little weight at the time of determining this application.
14. Para 11(d) of the Framework states that:
*Plans and decisions should apply a presumption in favour of sustainable development. For **decision-taking** this means:*
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:
i). the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii). any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
15. The site is not covered by and specific designation in relation to i) above. It is therefore down to any adverse impact of allowing the development that might outweigh the presumption in favour.
16. The Glossary of the NPPF states that previously developed land does not include land that has been used for mineral extraction and where a restoration scheme is in place via

the development management system. Mineral extraction is only a temporary use of land and should be restored afterwards. Therefore the current use of the land is not previously developed land as defined by the NPPF. That is not to say a planning application for an alternative use cannot be approved but it needs to be considered on its merits in accordance with policy, guidance and any other consideration relevant at the time and Para 11(d) applies and the status of the land is irrelevant in the case of no 5 year supply.

17. The principle of development is thereby acceptable unless any adverse impacts outweigh it.

Design/Layout

18. The application is in outline form with only the access included for approval. An indicative Masterplan has been submitted which shows a density of around 12 dwellings per hectare. This is low compared with the Core Strategy requirement for 30dph in the villages but account needs to be taken of later advice in the Framework which states density should reflect local trends. The application states that this is reflected in the greater width and depth of plots compared to more recent housing, which is again more reflective of longer established parts of the village.
19. The existing woodland buffer to the south and south-west is to be retained as part of the proposals, with the site frontage onto Stretton Road also being retained where possible, with all of the boundaries being enhanced where suitable having regard to the overall context of the site's location. The form of layout and density of development provides scope for additional planting to be provided within the site, interspersed between residential units to soften the appearance of the development, a feature again typically characteristic of parts of the existing village including along Church Lane, and around Pond Lane.
20. In terms of open space, the indicative layout provides for no obvious open space. The applicant has responded to this with the following comments:
 - a) *In regard to the provision of open space on the site, we would highlight that this is an outline application with all matters reserved except for access. The submitted site plan is purely indicative. Section 6 of the Planning Statement identifies a commitment to provide an appropriate area of open space and we would be happy that you provide a condition to the effect that the submission of Reserved Matters applications should identify a suitable area of open space.*
 - b) *Please also note that the woodland area and paddock to the west are shown within the blue line of the application (and within the blue line of the employment application). We would invite a condition that ensures that these are publicly accessible subject to avoiding any conflict with the intention to support existing flora and fauna – Planning Statement 7.12 and EIA Chapter 4.*
 - c) *It is, for the record, also our view that the bund between the residential and employment land would also be available as informal open space, however that area is included in the red line of the employment applications (as well as the blue line of the residential) and so we would not rely on it at this stage. Overall however we think that the site as a whole more than exceed the POS requirements in the Local Plan regardless on the providing within the red line area which can be conditioned.*

Impact of the use on the character of the area

21. The site is well contained within the former quarry floor, thereby minimising its impact on the wider landscape, especially when boundaries are retained and enhanced. There is a substantial hedge all along Stretton Road on the quarry boundary.

Impact on the character and appearance of the Conservation Area

22. As the site lies near a conservation area, there is a requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 as Amended.
23. NPPF - Furthermore, the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (NPPF 2021). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.
24. The site does not immediately abut the conservation area boundary and is separated largely by topography, trees, hedging and scrub.
25. The Conservation Officer comments are set out below, although they relate jointly to this application and also to the other application in the former quarry for warehousing development. The reference to additional traffic through the village is less relevant to this residential proposal and it is HGV traffic that was the main concern.
26. The Conservation Officer points out that the actual built development on the site would not of itself impact directly on any designated heritage assets. The impact of traffic from a relatively small residential scheme such as this would be negligible. It is therefore concluded that the wider benefits of providing much needed housing would not be outweighed by any less than substantial harm to listed buildings in the village as a result of vehicle movements from this development.

Impact on the neighbouring properties

27. There is only one immediate neighbouring house whose garden just joins the south east corner of the site. The nearest are on Stretton Road. There would appear to be around a minimum of 50 metres between the proposed dwellings and those on Stretton Road opposite the Wheatsheaf PH. This is well beyond any normal minimum distance and there is a tree screen in between.

Noise

28. The applicant has provided an additional noise report which assesses the impact of the quarrying operations on the 30 unit residential development with, and without, the commercial development in place (if it is in place it would act as a screen to mitigate the noise from the new quarry at the proposed residential development). The daytime background noise levels have been calculated at 39 dB LA90. The Planning Practice Guidance (PPG) advises that noise levels from quarrying should not exceed 10 dB above background, which allows a maximum limit of 49 dB LAeq, 1 hr. The maximum estimated noise impact from the quarrying operations (Phase 5), without the commercial

development in place would be 48 dB LAeq,1hr . This demonstrates that the noise impact of the quarrying, both with and without the commercial development would be within the PPG limit.

29. In terms of noise from the (potential) commercial development, the joint noise report suggests that all 3 proposals around this site would be compatible with each other. There is a proposed mound between the residential and commercial sites, although it is within the commercial red line. If the commercial development is permitted at any stage it will need to mitigate noise to the residential, so would be dealt with through that application.

Dust

30. An analysis of dust impact from the proposed quarry extension has been carried out, including fairly long term monitoring to obtain a background level whilst the quarry has not been in production.
31. In response to all the issues and concerns raised about potential dust impacts on sensitive receptors from the proposed quarry extension, a baseline air quality monitoring campaign was undertaken by the quarry applicants consultants in order to quantify existing particulate matter levels within Greetham. The results indicated that concentrations of particulate matter with an aerodynamic diameter of less than 10µm (PM10) were 8.1µg/m³. This is significantly below the relevant air quality standard of 40µg/m³ and also the value of 17µg/m³ provided by the Institute of Air Quality Management, below which impacts on existing particulate matter concentrations can be classified as not significant. The results also indicated concentrations of particulate matter with an aerodynamic diameter of less than 2.5µm (PM2.5) of 6.2µg/m³, which is significantly below the relevant air quality standard of 20µg/m³.
32. The impacts of dust from the proposed quarry extension have been considered as part of that application. Conditions are recommended to control dust in the event that permission is granted for the quarry extension.

Ecology

33. The issue of Piri-Piri Burr is clearly one that needs addressing. The latest information from the applicant (Sept 22) is that it has been treated with Glyphosate on this residential site and the treatment appears to have been successful. This will need to be monitored to ensure that it is eradicated fully and hence a condition is recommended. The development will need to demonstrate at least a neutral bio-diversity situation in the Reserved Matters. There is condition 11 to ensure that the Piri-Piri Burr is extinguished prior to any development commencing on the Site.

Drainage

34. Foul drainage would be connected to an existing foul sewer in Stretton Road.
35. Surface water would largely soakaway into the limestone base. The detail of drainage would be dealt with at reserved matters stage under the SUDS condition above.

Section 106 Heads of Terms

36. These will relate to provision of affordable housing. There is no open space indicated on the layout at present but that issue is addressed above and would need to be included and therefore if permission is granted this shall be subject to the S106 agreement including obligations relating to the provision of Public Open Space on the Site.

Crime and Disorder

- 37. It is considered that the proposal would not result in any significant crime and disorder implications.

Human Rights Implications

- 38. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.
- 39. It is considered that no relevant Article of that act will be breached.

Consultations

40. Greetham Parish Council

Biodiversity Assessment of Former Quarry, Greetham - Planning Reference 2021/0170/MAO & 2021/0171/MAO

We previously advised the planning authority of legal advice provided to Greetham PC regarding our concerns the biodiversity assessment undertaken by the developer in support of the above applications and evaluated by the Mineral Planning Authority's statutory advisor for Ecology, Ms Sue Timms, failed to provide proper evaluation and understanding of the biodiversity impacts of the calcareous grassland required by the planning consent for the former quarry.

This advice stated:

"The ecologist can only report on what his/her survey reveals about the site in its current state. However, the failure of the applicant to restore the land is a material consideration that the decision maker should take into account. The potential biodiversity value of the restored land should attract substantial weight. I think it is very unlikely that the current biodiversity value of the land would be given more importance than its value once restored."

The response to this advice from Ms Timms, below, is welcome in part and addresses the importance of former limestone quarries for the development of calcareous grasslands:

*"From: Sue Timms [mailto:Sue.Timms@leics.gov.uk]
Sent: 14 May 2021 09:32
To: Nick Hodgett
Subject: 2021/0170/MAO - 30 residential properties and Planning Application 2021/0171/MAO for warehousing.*

Dear Nick,

I do have sympathy for the concerns raised - there was every expectation locally that the quarry would be restored to open space of biodiversity value.....

.....

As far as use of a standard biodiversity metric is concerned, ecologists can only assess what is on the ground at the moment. It is not possible to apply the metric to sites on the basis of a hypothetical future condition. The quarry is in a poor condition for wildlife due

to the presence of pirri-pirri burr, and this affects the outcome of applying the metric. I have covered this in some detail in my previous comments.

On a more strategic level, worked-out limestone quarries are ideal sites for habitat creation or regeneration of calcareous grassland - and probably the only viable option available in Rutland for restoring this habitat in the County. It is a wasted opportunity to use the site for warehousing - this can go anywhere. If this is a permitted, the issue for me would be a failure of the planning system to hold developers to their conditions of planning permission. I'm not a planner, and I have to defer to planning specialists on the mechanisms for ensuring this is done. The policy in RCC's Minerals Local Plan seems clear: "MCS Policy 12 - Restoration The County Council will seek to ensure that the restoration of mineral workings enhance and complement the natural and historic environment in keeping with the local area, including its landscape character and with due regard to the setting of historic assets. The County Council's primary objective will be to achieve after-uses that enhance or add to biodiversity and geological conservation interests."

The situation at Greetham is complicated by the presence of the pernicious weed, Pirri-pirri Burr. As well as preventing natural regeneration or creation of calcareous grassland, it can be very harmful to wildlife, especially ground feeding birds; the burrs get matted in the feathers, causing a lingering and painful death. I am particularly anxious to avoid it spreading onto adjacent land and into the proposed quarry extension; in fact; I do not think the ground should be opened up for the quarry extension until the pirri-pirri burr is eliminated from the main quarry; I would recommend this as a condition of permission for the extension. The contaminating plant has to be removed, and the only way I can see for this to happen is herbicide use. My usual preference of allowing natural regeneration simply will not work; a 'do nothing' approach will also be disastrous, and whatever after-use is permitted, elimination of the plant has to be a first step.

*Sue Timms
Team Manager (Ecology)
Leicestershire County Council
County Hall
Leicester*

The importance of these former limestone quarries for supporting calcareous grasslands is identified within the County Biodiversity Action Plan 2016 - 2026. This is very relevant to the former Greetham quarry, particularly as there remains legal obligations for it to be restored to a calcareous grassland. It is important to remember too that the operator has stated such works are nearly complete requiring only a further 2 months work to finalise.

Greetham Parish Council Suggestion for Type of Properties and Design

As we have indicated in our Neighbourhood Plan we believe the housing requirement for Greetham is 1,2 and 3 bedroom properties making them affordable for single young people, young families or elderly requiring to downsize to find the appropriate property within the village to meet their needs.

1,2 and 3 Bedroom Properties

Of the 30 properties proposed in the design and access statement, Greetham Parish Council would like to see a minimum of 60% of the build (18 properties) in the 1,2 and 3 bedroom bracket. These should not be in partnership with a Housing Association but should be built in a style that reflects the character of the East End of the village (e.g. terraced quarry man cottages).

These could be a mix of 1 bedroom maisonettes (4 dwellings) plus 6 semi-detached Dwellings of 3 bedrooms, and a further 8 terraced houses (8 dwellings) of 2 bedrooms. These should be privately owned with a lower price range which would be more appropriate to the financial ability of locals to pay.

Materials for these properties could be mixed to reflect the character of the east end of Greetham.

We recognise that this development needs to be profitable to the developers and believe that with the right mix of materials (possibly timber framed and clad with render, brick or stone) these properties would be within budget as starter homes but also cost effective for the developer.

For information a picture of a development which has been well designed and which would Meet our requirements is attached for your information.

Larger Properties – 4 bedroom

The remaining 9 properties should be built to reflect the need of our elderly residents to downsize and would suggest that 5 executive style bungalows would be preferable and would still be economically viable for developers to provide. These would be on larger sites, In addition a terrace of 4 bungalows offering sheltered accommodation (under a housing association scheme) should be considered.

Materials

We would like to see the majority of the properties of a larger size built in local stone and a proportion of the terraced /maisonettes also built in local stone with a combination of render and or brick to add character and design flair as per images provided.

Access onto the B668

In the interest of transport management we believe the access point to the B668 is not a safe position being too close to a speed bump, bend and blind corner and would be better positioned closer to the existing entrance to the quarry.

Sustainable Development

We would request that these homes have the most up to date energy efficient technology included in their design.

Biodiversity

We also request that post restoration biodiversity gains of the existing quarry, as completed in Phases 1-4 of the restoration plan and signed off by the Mineral Planning Department, should be retained within this development and the larger quarry area.

Consultation

We would request that if planning consent is granted with outline planning permission it should be upon condition that the developers discuss design and dwelling mix with Greetham Parish Council.

Housing Strategy Officer

To address the Parish Council's comments on affordable housing, there are 30 properties proposed. With a 30% affordable requirement, this is a requirement for 9

dwellings. A minimum of 25% of these should be First Homes. This has replaced the concept of 'starter homes' and are usually provided by a private sector developer and not a housing association, for first time buyers with a 30% discount. This would be 3 dwellings (these should be 2 or 3 bedroom houses), which also meets the requirement for 10% of the overall site to be affordable home ownership in the NPPF.

The 6 remaining affordable dwellings should be affordable rent or social rent dwellings provided by a housing association. According to our records, there are only 9 affordable bungalows for rent in Greetham, and 8 of these only have 1 bedroom. Therefore, there should be 2 no 2 bedroom bungalows, 2 no. 2 bedroom houses and 2 no. 3 bedroom houses.

A suitable section 106 agreement is required to regulate the use of the 9 affordable homes.

The developer should be aware of the requirements for Development Standards in the standard Government section 106 clauses for First Homes. There is a link to these from the First Homes section of the Planning Practice Guidance.

All affordable housing should be well-integrated with market housing in line with Policy SP9 and the standard clauses for First Homes.

41. **Conservation Officer**

The quarry subject of this and the accompanying application for the erection of industrial units is adjacent to the north-east edge of Greetham village, alongside the B668, the principal approach road from the east.

Aside from mud deposits on the road and the HGV traffic moving to and from the quarry, the sizable area that has been the subject of limestone extraction is, subject seasonal variations, largely concealed from view by mature vegetation on the site perimeter.

A succinct description of the historic pattern of development of Greetham can be found in the adopted Neighbourhood Plan (2016 - 2036):

"The pattern of building in the village is typical of the northern part of Rutland. Greetham is a linear village, running roughly east / west along the course of the North Brook stream, with a series of lanes running mainly northwards from Main Street. The older houses are mainly built from local limestone and have either Collyweston slate or thatched roofs. Later, as with all villages in Rutland, orange and red pantiles, blue Welsh slate, and various shades of brickwork started to be used. Greetham has a number of interesting buildings of varied types and ages which are listed for their architectural and historic importance including, among others, the church, the Manor House on Little Lane, the old stonemason's shop on Great Lane, and Jacobs (sic) Well on Church Lane."

As Historic England's 2017 publication Historic Environment Good Practice Advice in Planning: 3 (2nd Edition) explains:

"The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places."

Obviously, the present authorised use of the site as a quarry for the extraction of Limestone results in issues of noise and dust, although these problems are mitigated to

an extent by the quarry's location on the north east of the village where the prevailing wind carries noise and dust away from the village.

Whilst there would be no direct harm to heritage assets, my concerns lie with the potential indirect impacts. The traffic likely to be generated by the proposed development will add significantly to the number of vehicles traversing the village's narrow Main Street onto which most of the settlement's designated and non-designated heritage assets front, in some instances in very close proximity to the road. Also, there are significant lengths where there is no footpath on the south side of Main Street.

Main Street is effectively a single-track road for much of its length and there are several unsightly but necessary traffic management measures that have been put in place to address this problem. Nonetheless, a building immediately to the east of the Village Shop was the subject of a vehicle impact a couple of years ago necessitating significant rebuilding. The proposal may result in the need to introduce additional traffic management measures that would further harm the character of the historic core of the village resulting in a more urban appearance.

Paragraph 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Similarly, when considering the impact of development on a Conservation Area, Section 72 of the 1990 Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area.

The NPPF (2019) sets out central Government policy in relation to the Conserving and Enhancing the Historic Environment. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 goes on to require that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

In instances where it is concluded that there would be less than substantial harm to the historic environment, paragraph 196 of the NPPF requires that harm be weighed against the public benefits of the proposal. This is a matter for the decision maker to come to a judgement on having regard to all the relevant issues.

Policy CS22 of the Core Strategy requires that all developments protect and where possible enhance historic assets and their settings, maintain local distinctiveness and the character of identified features.

Policy SP20 of the Site Allocations and Policies Development Plan Document (Adopted October 2014) seeks to safeguard the character and appearance of conservation areas from development that would be harmful to their character or appearance.

Whilst the actual built development on the site would not of itself impact directly on any designated heritage assets, there would be an increased likelihood of both physical damage to heritage assets from vehicle impacts as a result of increased traffic negotiating the narrow, Main Street, the principle thoroughfare through the village and harm arising from further traffic management measures.

The submitted Transport Assessment acknowledges at Paragraph 8.1 that "a key issue in relation to the planning application will be the impact of additional traffic on the B668 through Greetham Village. The key areas of concern being the speed of traffic and the width constraint of the B668 at the location of entering the built up area of the village from the east."

It is stated that measures will be put in place to prevent H.G.V.s from travelling through the village. In my opinion the proposed development would result in less than substantial harm to the Greetham Conservation Area as it would significantly increase the amount of traffic negotiating the narrow, main thoroughfare through the village and consequently harming the character and appearance of this part of the designated Area through both increased noise and disturbance and potential harm to buildings, many of which are Listed, as the result of vibrations and impacts from passing heavy goods vehicles.

It is for the decision maker to come to a conclusion as to whether the public benefits of the proposal outweigh any harm to the historic environment. I would only re-emphasise what paragraph 193 of the NPPF says about great weight being attached to a heritage assets conservation when coming to a decision.

42. **Ecology**

The ecology survey by Greenwood Environmental is acceptable apart from two elements - the lack of a reptile survey, and the net-gain assessment and association habitat compensation proposals. I have a holding objection pending resolution of these issues.

A single metric has been used for the combined site - the housing element (2021/0170/MAO) and the commercial element (2021/0171/MAO). In my detailed response I have had to consider both parts of the quarry re-development together, even though they are two separate applications. Most of the potential biodiversity enhancements are related to the commercial aspect, but this is also the part of the site that would experience most loss. As far as biodiversity net-gain is concerned, it is impossible to unpick the two applications, and the ecologists have made no attempt to do this in their biodiversity surveys and assessment.

As an additional complication, there are two options for the commercial element layout, one of which has not been covered by the net-gain assessment. The acceptability of the redevelopment is dependent on the inclusion of new habitat creation within the landscaping proposals for the whole site. The development will result in the loss of a local priority habitat, calcareous grassland, but this habitat is infested with a pernicious non-native invasive plant (piri-piri burr).

The value of the grassland is severely compromised by this. I do not believe that the best interests of biodiversity would be served by retention of this habitat the piri-piri burr problem will only become worse, and there is a risk of the contamination spreading to adjacent quarried land in future. Any redevelopment scheme must include a plan for elimination of this plant.

Although I find the Phase 1 survey acceptable, I have concerns over the net-gain assessment. Specifically, I am not happy with the way the calcareous grassland has been treated, both in the baseline and in the on-site mitigation. I cannot accept the net-gain assessment in its current form. On the evidence I have, the development will be in net loss once corrections to the submitted metric have been made.

The proposed compensatory habitats are not sufficient to take it into net-gain. Offsetting is a possibility, but it is difficult to create limestone grassland successfully outside a quarry. We have some excellent example of both creation and natural regeneration of

calcareous grassland within former quarries in Rutland, and it is disappointing to see a proposal which only allows such a small amount of this priority habitat. A former limestone quarry is a superb opportunity to create this ' to lose it to a warehouse is a huge missed opportunity.

Limestone quarries can be good habitats for reptiles, especially common lizard; surveys are needed.

Sue Timms
Team Manager (Ecology)
Leicestershire County Council

14 May 2021 Further response:

I do have sympathy for the concerns raised (by the Parish Council) - there was every expectation locally that the quarry would be restored to open space of biodiversity value. For this kind of application to come in as soon as the quarry is worked out is disappointing, to say the least, and I can see how it could feel like a betrayal of the commitment made when the permission was granted on the basis of the restoration. Will this also happen to the proposed quarry extension, where we have also recommending a greenspace/biodiversity after-use? It is a legitimate concern of local people and biodiversity specialists.

As far as use of a standard biodiversity metric is concerned, ecologists can only assess what is on the ground at the moment. It is not possible to apply the metric to sites on the basis of a hypothetical future condition. The quarry is in a poor condition for wildlife due to the presence of pirri-pirri burr, and this affects the outcome of applying the metric. I have covered this in some detail in my previous comments.

On a more strategic level, worked-out limestone quarries are ideal sites for habitat creation or regeneration of calcareous grassland - and probably the only viable option available in Rutland for restoring this habitat in the County. It is a wasted opportunity to use the site for warehousing - this can go anywhere. If this is a permitted, the issue for me would be a failure of the planning system to hold developers to their conditions of planning permission. I'm not a planner, and I have to defer to planning specialists on the mechanisms for ensuring this is done.

The policy in RCC's Minerals Local Plan seems clear: "MCS Policy 12 - Restoration The County Council will seek to ensure that the restoration of mineral workings enhance and complement the natural and historic environment in keeping with the local area, including its landscape character and with due regard to the setting of historic assets. The County Council's primary objective will be to achieve after-uses that enhance or add to biodiversity and geological conservation interests."

The situation at Greetham is complicated by the presence of the pernicious weed, Pirri-pirri Burr. As well as preventing natural regeneration or creation of calcareous grassland, it can be very harmful to wildlife, especially ground feeding birds; the burrs get matted in the feathers, causing a lingering and painful death. I am particularly anxious to avoid it spreading onto adjacent land and into the proposed quarry extension; in fact, I do not think the ground should be opened up for the quarry extension until the pirri-pirri burr is eliminated from the main quarry; I would recommend this as a condition of permission for the extension. The contaminating plant has to be removed, and the only way I can see for this to happen is herbicide use. My usual preference of allowing natural regeneration simply will not work; a 'do nothing' approach will also be disastrous, and whatever after-use is permitted, elimination of the plant has to be a first step.

Sue Timms

Team Manager (Ecology)
Leicestershire County Council

30th July 2021 – Further response:

The reptile survey (CBE 2021) is satisfactory. Although not exactly within the optimum survey season I feel it is adequate; minor use by grass-snake was identified. No populations of significance were identified or are likely. No evidence of lizard, slow-worm or adder was present.

The ecologist has recommended a fingertip search of the area before ground clearance, which I would agree with as a precautionary measure; however, I have to caution against doing this during cold weather as disturbance of any individuals may cause harm or death of the animal, and be a breach of legislation. This should be a planning condition.

This should remove my holding objection to the application on biodiversity grounds, but has the matter of RCC minerals planning policy been addressed? This is the issue raised by the Parish council; I refer you to my e-mail of 14th May, which I have attached for reference.

Sue Timms
Team Manager (Ecology)
Leicestershire County Council

43. **Anglian Water**

ASSETS

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

WASTEWATER SERVICES

The foul drainage from this development is in the catchment of Cottesmore Water Recycling Centre that will have available capacity for these flows

Section 3 - Used Water Network

This response has been based on the following submitted documents: Flood Risk Assessment & Outline Sustainable Drainage Strategy Residential Development Greetham Quarry dated February 2021. Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. We therefore request a condition requiring on-site drainage strategy.

(1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991.

Contact Development Services Team 0345 606 6087.

(2) INFORMATIVE -

Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(3) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(4) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Section 5 - Suggested Planning Conditions Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Used Water Sewerage Network (Section 3)

We have no objection subject to the following condition:

Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason To prevent environmental and amenity problems arising from flooding.

FOR THE ATTENTION OF THE APPLICANT - if Section 3 or Section 4 condition has been recommended above, please see below information:

Next steps

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx>

Once submitted, we will work with you in developing a feasible mitigation solution. If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

Foul water:

Feasible drainage strategy agreed with Anglian Water detailing the discharge solution including:

Development size

Proposed discharge rate (Should you require a pumped connection, please note that our minimum pumped discharge rate is 3.8l/s)

Connecting manhole discharge location (No connections can be made into a public rising main)

Notification of intention to connect to the public sewer under S106 of the Water Industry Act (More information can be found on our website)

Feasible mitigation strategy in agreement with Anglian Water (if required)

44. **Environment Agency**

We have reviewed the Geo-Environmental Desk Study Report (ref: 19-1174-P-R1- Rev A) by Obsidian Geo-consulting, dated February 2021 with regard to the risk posed to controlled waters.

Environment Agency position - The previous use of the proposed development site presents a potential risk of contamination that could be mobilised during construction to pollute controlled waters.

Controlled waters are particularly sensitive in this location because the proposed development site is located above a principal aquifer and is within source protection zone 2. The application's Geo-Environmental Desk Study Report demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if planning conditions are included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 182 of the National Planning Policy Framework. In addition we request a condition to ensure any proposals for infiltration drainage do not risk mobilisation of contamination. Without these conditions we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it could not be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition 1

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

We consider that the Desk Study Report provided in support of the planning application is sufficient to satisfy Part 1 of this condition. We consider that a Phase 2 intrusive investigation is the next appropriate phase of investigation to fully assess the potential risks to controlled waters.

Condition 2

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 3

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution

from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

Condition 4

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework.

Advice to the applicant We recommend that developers should:

- Follow the risk management framework provided in 'Land contamination: risk management' when dealing with land affected by contamination
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site
- the local authority can advise on risk to other receptors, such as human health
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the contaminated land pages on gov.uk for more information

45. **Archaeology**

Thank you for your consultation on the above planning application.

Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), we do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest of any known or potential heritage assets due to the area previously been quarried. We would therefore advise that the application warrants no further archaeological action (NPPF Section 16, para. 189-190), although it recommended that you seek the advice of your specialist (Historic Building Officer/Conservation Officer) regarding any potential impacts of the development upon the setting and significance of the several listed buildings/structures, including the Grade II listed nos. 1 & 3 Bridge Lane and the Manor House, all designated heritage assets.

46. **Public Protection**

I want to place an objection on the basis that I want to be fully satisfied about the impact on this development from the adjoining proposed development 2021/0171/MAO:(Outline planning permission with all matters reserved except access for a maximum of 94,000m2 of Class B8 and Class B2 and E(g) and ancillary business and service space Class E) does not significantly harm the amenity of future residents.

I would want to know whether the development would be affected by the lighting from the proposed adjacent large commercial development. An assessment will be required in the form of a lighting assessment in accordance with E2 Environmental Zone Institute of Lighting Professionals Guidance Note 1 on the reduction of obtrusive lighting'. The efficacy of the proposed buffer strip requires to properly explained and how it will mitigate obtrusive lighting from the commercial enterprise.

The close proximity of the 30 residential premises to what is, 2 substantial commercial operations, namely: a 24/7 distribution centres and a quarry requires careful consideration as the location makes these properties very susceptible to disturbance from sound and possibly dust. The impact would be relentless on future occupiers and therefore, we need the evidence to be robust in order that they will be protected from harm. Although there is a trend to try and mix development, the reality is the quality of life and amenity is poorer in mixed use than areas where they are properly separated.

I have read the report and the methodology used for the calculations. The preferred methodology of the assessment of impact of sound namely:

BS4142:+A1:2019 Methods for rating and assessing industrial and commercial sound has been used. The long-term magnitude of change has been calculated as +4, which is on the threshold of minor to moderate impact. This is a fine (theoretical) margins that in reality may be exceeded. From our experience 24/7, 365 day per year distribution centres can and do cause complaints. This can occur from a miscalculated or unexpected sound source that only becomes apparent once the distribution centre becomes operational. I am concerned about the robustness of the sound information, which is only theoretical. In addition, impact sound, alarms and other sound sources can be very intrusive and need to be considered. These can have real impacts but don't appear to be fully addressed in the assessment.

The applicant's consultant has stated that only detailed design and layout 'can only be done once detailed information relating to the proposed commercial development becomes available'. Would it not be better to address these unknowable acoustics issues once the commercial development is in place and measurements made of it before designing and committing to a residential development? Otherwise, we would require some real sound monitoring data from an equivalent operation to confirm the robustness of the modelling.

The applicant's consultant has made a number of recommendations, which should be implemented in full once we have clear evidence that resident's amenity could meet a satisfactory standard.

The following statement and this should be conditioned: 'It is recommended that the sound insulation performance of the building envelope should be specified via detailed calculations once further details of the proposed scheme become available. In order to undertake these calculations, knowledge of the following is required. ' Frequency characteristics of the external sound (detailed in Table 6.10);

' Surface area of the common constructions (e.g. windows, wall, roofs); ' Frequency characteristics of all sound reducing elements; ' Dimensions and reverberation time of the internal receiving space. We are aware of many new buildings failing to meet their expected acoustic performance and therefore, we would recommend post construction sound tests to ensure the compliance with the designed for criteria. Therefore, a condition requiring the following is needed:

Detailed calculations are typically undertaken following a successful outline application and once the proposed design has progressed to a detailed stage. The implementation of adequate mitigation can be formalised, at reserved matters stage, by an appropriately worded planning condition that requires a scheme of noise mitigation measures to be submitted to, and approved by, the local planning authority prior to commencement of building works. 6.6.18 It is also recommended that any sound insulation scheme for the proposed residential dwellings takes into consideration the potential impacts of the proposed future noise environment.

However this 'can only be done once detailed information relating to the proposed commercial development becomes available'. In addition, the layout and construction of the dwellings and possibly the numbers be agreed at a later stage when the supporting acoustic information is produced to support the proposal.

The development of the 30 residential dwellings does depend on the conditions and operation of the nearby commercial unit and quarry. It is important to protect the amenity of the residents that conditions are applied to the adjoining commercial development, whose operation will inform the environmental mitigation for the residential development. Again, once the commercial operation is operating real sound measurements will inform what is required for a reasonable standard of amenity.

To control noise from the commercial plant a condition requiring the following:

Should outline permission be granted it is suggested that plant noise emissions could be controlled through the detailed design process via the selection of appropriate plant, careful micro-siting, the incorporation of noise reduction features such as silencers, screens and acoustic enclosures. In addition to the above, plant noise levels could also be controlled via a suitably worded condition with If the commercial development is approved a noise management will be required as follows: Measures such as those detailed above could be incorporated into a Noise Management Plan for the site which could be secured via a condition requiring a suitable scheme to be submitted and approved by the Local Planning Authority prior to the commencement of operational activities.

- a) Plant and machinery should be maintained in good working order and used in accordance with the manufacturer's instructions. Any defective items should not be used;
- b) Audible reversing warning systems on mobile plant should be of a type which, whilst ensuring that they give proper warning, have a minimum noise impact on persons outside the site;
- c) Plant from which the noise generated is known to be particularly directional should, wherever practicable, be orientated so that the noise is directed away from noise-sensitive areas;
- d) Equipment should be switched off or throttled down to a minimum when not required. Any covers, panels or enclosure doors to engines should be kept closed when the equipment is in use;
- e) Avoid unnecessary horn usage and revving of engines;
- f) Keep vehicle routes through the site clear, well maintained and free from defects such as pot-holes. Avoid the use of speed humps where possible;
- g) Where practicable, personnel doors and roller shutter doors should be closed when not in use;
- h) Ensure that building facades are regularly inspected for defects/damage/wear and tear/weathering that may negatively impact upon the sound insulation performance of the building façade;
- i) Operatives should be trained to employ appropriate techniques to keep site noise to a minimum, and should be effectively supervised to ensure that best working practice in respect of noise minimisation is followed;
- j) In the event of any emergency or unforeseen circumstances arising that cause safety to be put at risk, it is important that every effort be made to ensure that the work in question is completed as quickly and as quietly as possible and with the minimum of disturbance to people living or working nearby.

In respect to contaminated land we support our colleagues in the Environment Agency letter to the LPA reference: AN/2021/131580/01-L01. A bespoke intrusive investigation and remediation strategy is required to ensure it is suitable for use as detailed in paragraph 5.4.

47. **Ketton Parish Council**

Ketton Parish Council objects to these planning applications.

Ketton is very similar to Greetham in many respects. Both villages are close to the A1, designated as Local Service Centres in Rutland's Settlement Hierarchy, have quarries and are mostly linear villages clustered around a busy E/W route. Therefore, if these planning applications are accepted it will set a precedence for similar developments in villages such as ours, especially given that we are on an A road linked to the A1, have a branch link at Hansons to the main train line, and a very large quarried area.

The proposed development is outside the planned limits of development. It is totally unsympathetic and far too big and dominating for a rural village and its environment, being situated just 20m from the nearest property in Greetham village. The B road through the village is narrow with pinch points and an S bend.

Inevitably E/W traffic will travel through the village, and given the purpose of the proposed development, this traffic will be constant day and night. For Ketton there is the very real probability that vehicles will transit past Exton and come via Empingham into Ketton via the Empingham Road to gain access to the A47 and/or A43. Both routes can be reached from the A1, but there is no way to prevent this other than restrictions to the width of the roads which would cause issues with bus routes etc.

The scale of the proposed development, and the business of distribution centres will generate an unacceptable number of both light and heavy vehicle movements near or through Greetham. This will result in constant noise, vibration, air (both dust and vehicle emission) and visual pollution, which will negatively affect the residents, heritage assets and businesses (Greetham Camping, Wheatsheaf Inn etc). It will also significantly increase Greetham's carbon footprint at a time when Rutland is working towards a carbon reduction target; Rutland has the 14th largest C footprint in the UK and is 4x the average C footprint.

The quarry was given permission on the understanding that it would be restored on completion of use. Restored limestone quarries have a huge potential to achieve biodiversity gain, as calcareous grassland is a scarce but biodiverse-rich habitat.

Distribution centres, such as is proposed here, function more effectively if situated on motorway interchanges, not on a B road linked to the A1 in one of its most congested and accident prone stretches.

48. **Stretton Parish Council**

- a) Stretton Parish Council believe that no development should take place until there is sufficient capacity in the sewage network for the existing villages of Stretton and Greetham, to allow for the planned extension of Stocken Prison, and additional capacity and future proofing for any other developments.
- b) Stretton Parish Council believe that the proposed location is unsuitable to provide a reasonable quality of life for residents living in the properties next to a heavy industrial area.

49. **Historic England**

In particular to the impact on the setting of the Conservation Area we refer you to; Historic Environment Good Practice Advice in Planning:3 (2nd Edition) (December 2017).

Please note there may be cumulative impacts with application reference; 2021/0171/MAO.

We also suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.

Neighbour Representations

50. There have been 107 objections from local residents. Many relate to both applications on the site. These are summarised as follows:

- Contrary to the development plan
- Minerals sites are not brownfield land
- Contrary to Greetham Neighbourhood Plan HD1, HD2, HD3, CH1, CH2.
- Lack of sufficient infrastructure
- Unsustainable in co-location with warehousing development.
- Poor location adjacent to poultry sheds
- Main Street though the village is too narrow and busy for more development
- In a 'hole' – risk of flooding?

Conclusion

The site is on the edge of a sustainable settlement and has limited impact on interests of acknowledged importance. As the locational policies of the development plan are out of date, so the tilted balance is engaged it is considered that the wider public benefits of providing additional housing outweigh any potential less than significant harm from the development the proposal is therefore recommended for approval.

Appendix 1
Indicative layout



Illustration from Design & Access Statement of whole site and surroundings

Appendix 2

Access detail

