

RB/01/n1534

Planning Policy  
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15<sup>th</sup> January 2021

Dear Sir/Madam,

### **BOTTESFORD NEIGHBOURHOOD PLAN - REGULATION 16 CONSULTATION**

nineteen47 is instructed by Davidsons Developments Ltd to submit representations to the above consultation, in specific relation to our client's land interests at The Old Clay Pit site on Grantham Road.

The Old Clay Pit site is allocated for approximately 65no. dwellings under site reference BOT2 - Land off Grantham Road in Policy C1(A) of the Melton Borough Local Plan (adopted October 2018). The site was granted outline planning permission in July 2019 for the development of up to 40no. dwellings (LPA ref: 17/O1577/OUT) and a subsequent application for reserved matters consent that was submitted in August 2020 remains under consideration (LPA ref: 20/O0962/REM). The remainder of the BOT2 allocation is being developed by Bellway Homes, following approval in January 2020 of a separate application for reserved matters consent (LPA ref: 19/O0573/REM).

Our client remains keen to engage with the emerging Neighbourhood Plan, having previously submitted a response to the Regulation 14 Consultation which took place between 30<sup>th</sup> July 2020 and 3<sup>rd</sup> September 2020. On our client's behalf, we wish to take the opportunity to engage with the emerging Neighbourhood Plan again at this Regulation 16 stage and provide the following comments in response to the current consultation.

#### **Neighbourhood Plan Policy 1: Sustainable Development and Village Envelopes**

We previously commented as part of the Regulation 14 Consultation that the biodiversity requirements of this policy were not consistent with the then draft Neighbourhood Plan Policy 3 (Protecting and Improving Biodiversity) which itself seeks to 'conserve or enhance biodiversity'. However, we note that draft Neighbourhood Plan Policy 1 has been re-worded in this current Regulation 16 Consultation and is now generally consistent with draft Neighbourhood Plan Policy 3, as well as Policy EN2 (Biodiversity and Geodiversity) of the Local Plan.

Section 2, Criterion (d) of draft Neighbourhood Plan Policy 1 defines sustainable development as meaning where the proposal would not lead to a site becoming over developed and out of scale with the immediate character of the locality. However, Policy D1 (Raising the Standard of Design) of the Local Plan requires new development to be sympathetic to the character of the area whilst also seeking to maximise the use of land as a scarce resource. Additionally, Section 11 of the Framework seeks to promote an effective use of land in meeting the need for

homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

We therefore consider that draft Neighbourhood Plan Policy 3 should be reworded to further reflect the objective of national planning policy and guidance to promote an effective use of land.

### **Neighbourhood Plan Policy 2: Protecting the Landscape Character**

We previously commented as part of the Regulation 14 Consultation that this policy was inconsistent with the Framework. In particular, the second criterion stated that development must do no harm to a specified view, whereas the Framework requires any harm to be weighed against benefits, allowing a planning judgement to be reached as to whether or not a proposal is acceptable.

We note that the policy is now drafted in a way which is aligned more with the requirements of the Framework, stating that development across Bottesford will be required to demonstrate it is sympathetic to the landscape setting as defined in the Bottesford Parish Design Code.

The impact on landscape character of the development of our client's Old Clay Pit site was subject to detailed assessment as part of the outline planning application, the approval of which confirms that landscape impacts will be acceptable.

### **Neighbourhood Plan Policy 8: Ensuring High Quality Design**

Draft Neighbourhood Plan Policy 8 is considered to generally align with Policy D1 (Raising the Standard of Design) of the Local Plan.

We note the Regulation 16 Consultation also invites respondents to comment on a draft Design Code, which itself seeks to develop design guidelines for the Neighbourhood Plan and to inform the design of future planning applications and residential developments in Bottesford.

We consider that it would be inappropriate for the prescriptive nature of a design code to be applied to an entire community and, as such, consider the document should be rebranded as a Design Guide, which should be taken account of in the planning balance when determining applications but which, in accordance with Section 12 of the Framework, should allow a suitable degree of variety where this would be justified. In particular, we are concerned that the draft Design Code does not place sufficient distinction between what are clearly existing areas of traditional and non-traditional development within the settlement.

Whilst being submitted pursuant to an outline planning permission which pre-dates this Regulation 16 Consultation, our client's current application for reserved matters consent at the Old Clay Pit site (ref: 20/00962/REM) is considered to generally reflect the design principles established in the draft Design Code.

### **Neighbourhood Plan Policy 9: Renewable Energy and Low Carbon Technologies**

Neighbourhood Plan Policy 9 requires new development to incorporate sustainable design features in order to reduce carbon emissions and mitigate against and adapt to climate change. The draft policy also requires prescribed energy standards to be met unless it is not technically feasible or would make a scheme unviable.

However, in the absence of justification for its specific requirements, we consider draft Neighbourhood Plan Policy 9 to be unreasonably more onerous than Policies EN8 (Climate Change) and EN9 (Ensuring Energy Efficient and Low Carbon Development) of the Local Plan, which already require major development proposals to demonstrate how the need to reduce carbon emissions has influenced the design, layout and energy source used, subject to viability.

### **Neighbourhood Plan Policy 10: A Mix of Housing Types**

Draft Neighbourhood Plan Policy 10 at criterion 4, requires proposals for 1-3 bed dwellings to, at a minimum, be accessible and adaptable to M4(2) standards or equivalent.

However, we consider this requirement to be excessive and, instead, an appropriate proportion should be applied, based upon clear evidence of need.

The outline permission for our client's Old Clay Pit site does not include any such requirement, and the application for reserved matters consent currently being considered (ref: 20/00962/REM) aligns with the requirements of the outline permission in this respect.

### **Neighbourhood Plan Policy 11: Self Build and Custom Build Housing**

Draft Neighbourhood Plan Policy 11 requires schemes of at least 40no. dwellings to provide at least 5% of serviced dwelling plots to be available for sale, where possible.

However, no evidence has been provided in the Regulation 16 Consultation to justify a threshold of at least 40no. dwellings – Policy C8 (Self-Build and Custom Build Housing) of the Local Plan instead using a 100no. dwelling threshold. The reason a higher threshold is provided in the Local Plan is to reflect the impact that the inclusion of self-build plots can have on a development, particularly in terms of its construction, phasing and viability.

No specific evidence is provided in terms of a need for self-build plots in Bottesford Parish to justify a need for a higher level of provision than already provided for by the Local Plan. Furthermore, the Neighbourhood Plan makes allowance for small windfall developments of 1-2no. dwellings, which would lend themselves more suitably to the provision of self-build plots if required.

### **Neighbourhood Plan Policy 16: Development of BOT2, Grantham Road**

Draft Neighbourhood Plan Policy 16 states that planning permission will be granted for residential development in accordance with Local Plan Policy C1 (A) (Housing Allocations) before highlighting the high-quality design parameters which should be demonstrated through the scheme, in line with draft Neighbourhood Plan Policy 8 (Ensuring High Quality Design).

As per the comments above in relation to draft Neighbourhood Plan Policy 11, we consider there to be no justification for requiring self-build plots within the BOT2 site. Our client's current application for reserved matters consent accords with the provisions of the outline planning permission, which does not include any requirement for the delivery of self-build plots within the site.

Criterion 6 of draft Neighbourhood Plan Policy 16 also requires proposals to deliver a net biodiversity gain in accordance with draft Neighbourhood Plan Policy 3. However, we

consider this element of the draft Neighbourhood Plan Policy 16 is not consistent with draft Neighbourhood Plan Policy 3, which itself states that proposals 'must conserve or enhance biodiversity value'.

Notwithstanding that our client's application for reserved matters consent on the Old Clay Pit site broadly aligns with the requirements of draft Neighbourhood Plan Policy 16, we again highlight that the principle of the development has already been established through the granting of the outline planning permission (ref: 17/01577/OUT) and with the current application for reserved matters consent aligning with the requirements of that planning permission.

We trust these comments will be given due consideration and our client looks forward to working with both the Parish and Borough Councils in the future as they look to deliver their development on the Old Clay Pit site. If you are able to confirm safe receipt of this correspondence, it would be appreciated.

Yours faithfully,



**Rebecca Beardsley**  
Senior Planner

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