

## Item No. 4

### Application Reference Number P/18/2600/2

<b>Application Type:</b>	Full	<b>Date Valid:</b>	09/04/2019
<b>Applicant:</b>	Mr Christopher Shield		
<b>Proposal:</b>	Conversion of existing farmhouse and farm buildings, and erection of new building to form seven dwellings and rear extension to the existing cottage together with associated car parking, landscaping and access.		
<b>Location:</b>	Home Farm, Main Street, Beeby, LE7 3BL		
<b>Parish:</b>	Beeby	<b>Ward:</b>	Queniborough
<b>Case Officer:</b>	Lewis Marshall	<b>Tel No:</b>	07714 846497

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## Background

This application has been brought to plans committee as it relates to a housing development, outside current limits to development and is considered a departure from the development plan and is recommended for approval. The application has also been called in by Ward Cllr Grimley due to the significance of the proposal for the village.

## Description of the Application Site

The application site lies within an area of Countryside and within the Beeby Conservation Area. The property is a farmstead which is now redundant and is sited on the south-eastern side Main Street, and close to the Barkby Brook which bounds the site to the south with Hungarton Lane beyond. The existing larger farmhouse on the road frontage is a Grade II Listed Building and a further, smaller farmhouse lies next door and is known as Home Farm Cottage. This dwelling is not listed but provides a positive contribution to the character of the Conservation Area, although, as a vacant building, is showing signs of neglect. The remainder of the site includes stables, tack room, a grain store, a machine shed, cow bier, cart shed, and a Dutch barn.

Home Farm is a Grade II Listed Building and is described in its official listing as *“House, early C19. Flemish bond brickwork with slightly blue headers. Low pitched Swithland slate roof. 2 storeys, 4 bays, though left hand bay contains only blind openings on each floor. Doorway is central in the other 3 bays and has an overlight. Windows are 16 light sashes with horns, and that over the door is narrower and of 12 lights only. All openings have slightly cambered gauged brick heads. Wood eaves cornice, but dentilled on north wing. Brick gable end stacks.”*

The surrounding attached buildings would be covered by the listing and any that are within the curtilage that pre-date the statutory listing would also be considered as curtilage listed buildings and would be afforded the same level of protection as the primary listed building itself.

## **Description of the Proposal**

The application has been amended significantly since first submission. The original proposed a mix use development to include new commercial buildings and a total of 8 residential dwellings.

The amended application now proposes only the refurbishment and conversion of the listed farmstead to provide 7 dwellings, two of which (the Farm House and the Cottage) are existing. There would therefore be a net increase of 5 dwellings. The proposal includes the associated works to provide the access, parking areas and landscaping.

The mix of dwellings proposed is as follows;

- Farm House - 160m<sup>2</sup> - 3 Bed - Two storey
- Cottage - 134m<sup>2</sup> - 3 Bed - Two storey
- The Byre - 230m<sup>2</sup> - 4 Bed - One and a half storey
- The Old Barn - 326m<sup>2</sup> - 4 Bed - One and a half storey
- The Grain Drier - 246m<sup>2</sup> - 4 Bed - Two storey
- The Granary - 130m<sup>2</sup> - 3 Bed - Two/one and a half storey
- Open Barn - 213m<sup>2</sup> - 4 Bed - Single storey

A summary of the works is provided below;

### **Existing Dwellings**

Retention of the principal Grade II listed farmhouse as a 3-bed dwelling.

Whilst the continued use of the farmhouse as a single dwelling will maintain the existing floor plan and circulation routes, some modest internal and external alterations are required to adapt the building to a modern dwelling;

Retention and refurbishment of the existing cottage as a single dwelling to retain its historic residential use, along with the addition of a two storey rear extension;

### **Proposed Dwellings**

Conversion of the former granary to the rear of the farmhouse to a 3-bed dwelling over two storeys with some modest internal and external alterations to sub-divide the internal spaces for living accommodation;

Conversion of the principal farm buildings (The Old Barn & The Byre), along with associated alterations, to form two, 4-bed residential units over two storeys with some modest internal and external alterations to sub-divide the internal spaces for living accommodation;

The change of use of the linear barn to the rear of the farmhouse (The Grain Dryer) along with associated alterations, to form a 4-bed residential unit over two storeys;

Conversion of the former cart shed (The Open Barn) towards the rear of the site, along with associated alterations together with a linked single storey extension, some 7m x 20m max and some 5.25m high, to provide a single storey, 4-bed residential unit.

### **Demolition**

The existing steel-framed Dutch barn towards the rear of the site, which has a ground plan of some 14m x 9m, is to be demolished and it is proposed that its floor area be transferred to the extension of the former cart shed to minimise new floor space on the site.

### **Parking and Amenity Areas**

New parking areas to serve the residential uses will be provided within the site together with private and shared amenity space, all of which can be suitably landscaped to minimise their impact within the Conservation Area.

The submitted Planning Statement confirms that the proposed works are likely to require a combination of both repairs to the listed buildings, which perhaps do not need listed building consent, as well as alterations, which will clearly require listed building consent. The purpose of this planning application is therefore to seek an approval for the principle and scope of the development, which shows details of the physical alterations/changes to the listed buildings, and if approved, a more detailed application for listed building consent will be submitted, providing a full schedule of the necessary alterations and repair works. An informative is recommended to remind the applicant of their responsibility to secure listed building consent for the aspects of the proposal that require listed building consent.

### **Development Plan Policies**

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

Policy CS1 – Development Strategy – Sets out a growth hierarchy for the borough that sequentially guides development towards the most sustainable settlements. This identifies Beeby as a “small villages and hamlets” settlement, (5th in a hierarchy of 5) where development meeting a specific local or economic need shall be responded positively to.

Policy CS2 – High Quality Design – requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access, and protect the amenity of people who live or work nearby.

Policy CS3 Strategic Housing Needs - supports an appropriate housing mix for the Borough and sets targets for affordable homes provision to meet need.

Policy CS11 Landscape and Countryside - seeks to protect the character of the landscape and countryside. It requires new development to protect landscape

character, reinforce sense of place and local distinctiveness, tranquillity and to maintain separate identities of settlements.

Policy CS13 Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and expects development proposals to consider and take account of the impacts on biodiversity and geodiversity, particularly with regard to recognised features.

Policy CS14 - Heritage - sets out to conserve and enhance our historic assets for their own value and the community, environmental and economic contribution they make.

Policy CS16 Sustainable Construction and Energy - supports sustainable design and construction techniques.

Policy CS17 Sustainable Travel – Seeks to increase sustainable travel patterns and ensure major development is aligned with this.

Policy CS 18 – The Local and Strategic Road Network – Seeks to maximise the efficiency of the road network by delivering sustainable travel.

Policy CS 24 Delivering Infrastructure – is concerned with ensuring development is served by essential infrastructure. As part of this it seeks to relate the type, amount and timing of infrastructure to the scale of development, viability and impact on the surrounding area.

Policy CS25 Presumption in favour of sustainable development - echoes the sentiments of the National Planning Policy Framework in terms of sustainable development.

#### Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

Policy ST/2 Limits to Development – this policy sets out limits to development for settlements within Charnwood.

Policy CT/1 General Principles for areas of countryside - This policy defines which types of development are acceptable in principle within areas of countryside.

Policy CT/2 – Development in the Countryside – Sets out how development that is within the countryside will be assessed to ensure there is no harm to the rural character of the area.

Policy EV/1 Design - This seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, layout, whilst using landforms and other natural

features. Developments should meet the needs of all groups and create safe places for people.

Policy TR/18 Parking in New Development - This seeks to set the maximum standards by which development should provide for off street car parking.

### **Other material considerations**

#### The National Planning Policy Framework (2021)

The National Planning Policy Framework sets out the Government's view of what sustainable development means. It is a material consideration in planning decisions and contains a presumption in favour of sustainable development. For planning decisions this means approving proposals that comply with an up to date development plan without delay. If the Development Plan is silent or policies most relevant to determining the application are out of date permission should be granted unless protective policies within the National Planning Policy Framework give a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the National Planning Policy Framework as a whole.

The National Planning Policy Framework policy guidance of particular relevance to this proposal includes:

#### **Section 5: Delivering a sufficient supply of homes**

The National Planning Policy Framework requires local planning authorities to significantly boost the supply of housing and provide five years' worth of housing against housing requirements (paragraph 74). Where this is not achieved policies for the supply of housing are rendered out of date and for decision-taking this means granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, (paragraph 11d). Paragraph 14 sets out what the status of neighbourhood plans is where the presumption at paragraph 11d applies. Local planning authorities should plan for a mix of housing and identify the size, type, tenure and range of housing that is required and set policies for meeting the need for affordable housing on site (paragraph 62).

#### **Section 8: Promoting healthy and safe communities**

Planning decisions should promote a sense of community and deliver the social, recreational and cultural facilities and services that such a community needs.

#### **Section 9: Promoting Sustainable Transport**

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan (paragraph 113). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 105). Developments should be designed to give priority to pedestrian and cycle movements and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and within large scale developments, key facilities should be located within walking distance of most

properties (paragraph 106). Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts would be severe (paragraph 111).

Section 12: Requiring well-designed places.

The National Planning Policy Framework recognises that good design is a key aspect of sustainable development and that high quality and inclusive design should be planned for positively (paragraph 126).

Section 14: Meeting the challenge of climate change, flooding and coastal change  
New development should help reduce greenhouse gas emissions and energy efficiency improvements in buildings should be actively supported (paragraph 153). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 157) and renewable and low carbon energy development should be maximised (paragraph 158).

*Section 16 – Conserving and Enhancing the Historic Environment*

In determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Where a development proposal will lead to less than substantial harm to the significance of the heritage asset, the harm should be weighed against the public benefit,

### Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework. The guidance sets out relevant guidance on aspects of flooding, air quality, noise, design, the setting and significance of heritage assets, landscape, contaminated land, Community Infrastructure Levy, transport assessments and travels plans, supporting the policy framework as set out in the NPPF.

### National Design Guide

This is a document created by government which seeks to inspire higher standards of design quality in all new development.

### The Planning (Listed Buildings and Conservation Areas) Act 1990.

This Act provides special controls over developments to or effecting Listed Buildings or Conservation Areas.

### Leicestershire Housing and Economic Development Needs Assessment (HEDNA) – 2017

HEDNA provides an up to date evidence base of local housing needs including an objectively assessed housing need figure to 2036 based on forecasts and an assessment of the recommended housing mix based on the expected demographic changes over the same period. The housing mix evidence can be accorded significant weight as it reflects known demographic changes.

Housing Supplementary Planning Document (adopted May 2017 – updated December 2017) The SPD provides guidance on affordable housing to support Core Strategy Policy CS3.

#### Design Supplementary Planning Document (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life.

#### Leicestershire Highways Design Guide

This is a guide for use by developers and published by Leicestershire County Council, the local highway authority, and provides information to developers and local planning authorities to assist in the design of road layouts in new development. The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; as well as to help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking required to be provided in new housing development.

Landscape Character Appraisal: The Borough of Charnwood Landscape Character Assessment was prepared in July 2012. The purpose of the report was to assess the baseline study of the landscape character, at a sub-regional level that gives a further understanding of the landscape resource. The document 'provides a structured evaluation of the landscape of the borough including a landscape strategy with guidelines for the protection, conservation and enhancement of the character of the landscape, which will inform development management decisions and development of plans for the future of the Borough'.

#### Beeby Conservation Area Character Appraisal

The purpose of this document is to examine the historical development of the village and to describe its present appearance in order to assess the special architectural and historic interest of the Beeby Conservation Area. The village is described as a small rural hamlet comprising a series of scattered houses that remain of a shrunken medieval village. It is described as an isolated settlement and that this has been a factor to its constrained growth. The document describes its historic core and identifies that it is the informal and open groupings of farmhouses and their associated buildings that gives Beeby its distinctive character. The village has associations with Stilton cheese production and brewing although cheese manufacture was short lived due to disease and relocation of producers to outside the area. Brewing had also ceased by 1918. The village and its buildings have been little altered in the last 100 years.

Technical Housing Space Standards (2015):

Seeks to encourage minimum space standards for housing. This document has not been adopted for the purposes of Development Management at Charnwood Borough Council, it is however a material consideration.

Conservation of Habitat and Species Regulations 2010 (as amended)

The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England.

Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality.

The Draft Charnwood Local Plan 2021-37

This document has reached the Preferred Options Consultation stage, and went out for public consultation between 4 November 2019 and 16th December 2019. This document sets out the Council's draft strategic and detailed policies for the plan period 2019-36. This document carries very limited weight at the current time.

**Consultation Responses**

The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

<b>Consultee</b>	<b>Response</b>
Leicestershire Lead Local Flood Authority - LCC	Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable. A number of conditions are recommended to be attached to any grant of planning permission.
Leicestershire County Council – Highways	In its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Does not object to the proposal in principle subject to a number of conditions to provide the following: <ul style="list-style-type: none"><li>• Provision of the access arrangements</li><li>• A construction traffic management plan</li></ul>

	<ul style="list-style-type: none"> <li>• Removal of PD rights for gates within 5m of the highway</li> <li>• Provision and maintenance of pedestrian visibility splays</li> </ul>
Historic England	Raises no objections to the application on heritage grounds. Suggests some amendments in order for the application to meet the requirements of the NPPF.
Environment Agency	Raises no objection subject to conditions in respect of flood mitigation, water pollution and suggests that a ground contamination remediation strategy and verification report be submitted and approved prior to the development being occupied.
CBC Environmental Health	Raises no objection subject to conditions that require remediation and verification of the hotspot of land contamination found on the site. A further condition is recommended to remedy any unforeseen contamination.
Beeby Parish Meeting	The majority view of the village, as expressed through the annual Village Meeting, is in support of the application. It is accepted that there is an urgent need for the site to be developed in a sensitive way, in keeping with its position at the centre of the village and as an integral part of the Beeby Conservation Area.
Cllr Grimley	Requests that the application be referred to Plans Committee for the following reason: <ul style="list-style-type: none"> <li>• It is a significant proposal the village.</li> </ul>
Cllr Seaton as County Councillor	Concerned that the buildings have been left to degrade and deteriorate.

### Other Comments Received

2 Letters of comment have been received raising the following matters:

- Issues of safe access need to be addressed.
- Requests that the design reflects the conservation area
- Requests that the landscaping and management of open areas be secured by planning conditions
- Requests that privacy be maintained.

2 letters of objection have been received from local residents that relate to the proposal as originally submitted. Objections raised are summarised as follows:

- Development will increase population of the village by 50%
- Increased traffic and unsafe access from additional residents and commercial businesses

- Proliferation of 'For Sale' and 'To Let' boards will harm the area and should be prohibited.

5 letters of support have been received. Reasons for support are as follows:

- The site needs to be developed as a matter of urgency since the existing residencies have been vacant for a number of years and are showing resultant signs of deterioration
- Sympathetic development of the site can only serve to enhance this integral part of the village.
- The open areas around the buildings are planted and landscaped to provide a natural environment.
- The design and construction of the barn conversions and any additional buildings are in keeping with the village environment.
- The contemporary rural look will highlight that Beeby is a village of character in a conservation area
- Current buildings reflect negatively on the village
- New residents will support the local area

All comments submitted can be read in full via the Planning Explorer pages on the Council's website.

### **Relevant Planning History**

- P/14/1962/2 – Demolition and conversion of outbuildings to create four dwellings – Refused
- P/13/1342/2 - Erection of 10 dwellings and conversion and extension of outbuildings to form 3 dwellings, creation of access and electric gate – Refused

### **Consideration of the Planning Issues**

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Charnwood Local Plan 2011-2028 Core Strategy (2015), those "saved" policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy. It is acknowledged that several of these plans are over 5 years old; therefore, it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. With the exception of those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national advice. Accordingly, there is no reason to reduce the weight given to them.

As the Core strategy is now five years old the Authority must use the standard method to calculate a housing requirement. In light of this, the Authority cannot currently demonstrate a 5 year supply of housing land (3.34 years), and as a result,

any policies which directly relate to the supply of housing are out of date and cannot be afforded full weight.

The shortfall in the supply of deliverable housing sites also means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused.

Part i) of paragraph 11d sets out that where there are National Planning Policy Framework policies that protect areas or assets this can be a clear reason to refuse an application. These are set out in footnote 6 and are generally nationally designated areas such as SSSI's although Local Green Space and areas of archaeological interest demonstrably equivalent to ancient monuments can be included. In this case although the site is outside of the defined limits to development and within the open countryside it does not benefit from any designations to qualify as an area or asset of particular importance as set out in footnote 6. For these reasons it is not considered by officers that in this instance paragraph 11d i) would apply.

The main issues are considered to be:

- The Principle of Development
- Landscape and Visual Impact
- Design and Heritage
- Impact on residential amenity
- Highway Matters
- Flooding and drainage
- Ecology and Biodiversity
- Contaminated Land and Public Safety

### **The Principle of the Development**

The application site is located outside of the Development Limits to the any settlement as established under "saved" Policy ST/2 of the Borough of Charnwood Local Plan (2004). For land outside these Development Limits policies CT/1 and CT/2 apply which seek to control development outside of a relatively narrow set of criteria. Policy CS1 of the Core Strategy outlines a development strategy for the Borough, including a settlement hierarchy.

The Core Strategy settlement hierarchy and the Settlement Hierarchy Review of 2018 places Beeby as a small village or Hamlet. Policy CS1 requires that proposed development in such locations should be borne out of a specific local social or economic need previously identified in a Neighbourhood Plan or other appropriate community-led strategy. This is to ensure that development meets a specific local social or economic need. This is the Council's local expression of what a sustainable pattern of development means in policy terms. In the absence of any such evidence to support the proposal, the development would be considered contrary to Policy CS1.

These policies are those that are the most important for establishing whether development of the site for housing is acceptable in principle.

The development is at odds with these housing supply policies as it comprises a housing development that is outside the limits to development. However, given the current lack of a 5 year supply of housing land, these policies must be considered to be out of date and the presumption in favour of sustainable development requires an assessment to be made as to whether there are any adverse impacts of granting permission that would significantly or demonstrably outweigh the benefits of the proposal.

Within this assessment, it should be recognised the proposal would result in the provision of an additional 5 dwellings at a time when the Local Planning Authority cannot demonstrate a five-year supply of housing land. Weighed against this benefit would be the conflict with the above policies which can be considered as an adverse impact. However given the 5 year supply position of the Borough Council and the age of policies CS1, CT/1, CT/2 and ST/2, the weight that can be ascribed to them would be reduced. Accordingly, there is some harm resulting from conflict with the development approach set out in policies CS1, CT/1, CT/2, and ST/2, which seek to direct growth away from smaller settlements. This weighs against the proposal and it is considered that the harm arising from this would be significant and demonstrably outweigh the benefits provided by just 5 additional dwellings. Accordingly, the proposal is considered to be unacceptable in principle. The conflict with the Development Plan can however be considered within the overall planning balance for the proposal alongside the other benefits of the proposal, including securing the optimum viable use of the listed buildings.

## **Landscape and Visual Impact**

Policies CS2 and EV/1 seeks to require high quality design where people would wish to live through design that responds positively to its context. Policies CS11 and CT/2 seek to protect landscape character and countryside. These policies generally accord with the National Planning Policy Framework and do not directly frustrate the delivery of housing. As a result, it is not considered that there is a need to reduce the weight given to these policies in this regard.

There are no specific landscape designations for the site. The site is located within the High Leicestershire Landscape Character Area, an area noted for its undulating ridge and valley landscape with open and extensive views. It is an area of remote tranquil character with pasture in valleys and arable on ridges. Built development consists of isolated farmhouses and small settlements. The strength of the landscape character is of strong quality, and the landscape condition overall is moderate to good with a moderate sensitivity to change. The guidelines are to generally conserve and enhance the rural character of the area.

The site lies in open country outside of any settlement limits. It's characteristic as a historic farmstead that makes up the character of the landscape area. The site is partially screened and confined by the existing farmstead building, hedgerows and surrounding buildings that make up the village of Beeby.

Whilst there would be some minor changes to the immediate appearance of the landscape through the construction of the formalised access road and the presence of an additional building together with the presence of additional domestic paraphernalia and parked cars, these effects overall would be relatively localised and of extremely limited overall landscape impact. It should also be considered that the quality of the existing buildings which are to be retained contribute to the rural landscape and the appearance of the area. Retention and conversion will ensure their legacy and contribution to the immediate and wider landscape character. Furthermore, any additional building proposed would be offset by the removal of other large more modern agricultural structures which do not contribute positively to the character and appearance of landscape.

The proposal is therefore concluded to comply with policies CS11 and CT/2.

### **Housing Mix**

Policy CS3 seeks an appropriate mix of housing having regard for identified housing need. Housing need in Charnwood is identified by the Housing and Economic Development Needs Assessment 2017 (HEDNA). This forms the evidence base for the policy, is up-to-date and should be given significant weight in the determination of planning applications. When seeking an appropriate mix, regard should be had for a number of factors which include the nature of the development site and the character of the wider area, as well as economic viability.

The proposal would provide for a mix of 3 and 4 bedroom homes. Given the number of units proposed and the nature of the development being that of a conversion, it is considered that the proposed mix provides an appropriate mix of housing that would meet needs having regard for the rural location.

Overall it is considered that the mix accords with policy CS3 of the Core Strategy and the Housing SPD.

### **Design and Impact on Heritage Assets**

Policy CS2 seeks high quality design for new development. These policies generally accord with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

Policy CS14 of the Core Strategy seeks to conserve heritage assets and their settings. Paragraph 190 of the National Planning Policy framework states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

In the case of determining planning applications, Section 66 of the Town and Country Planning (Listed building and Conservation areas) Act 1990 requires that

special regard shall be had for preserving and enhancing listed buildings and their settings. Section 72 requires that special attention shall be had for preserving or enhancing the character and/or appearance of the conservation area.

Home farm is one of several farmsteads that, together with the church, create the distinctive built form of Beeby and by virtue of its position within the village, Home Farm is one of the most visually prominent. The farmstead at Home Farm makes a significant contribution to the character of the conservation area. The integrity of the group of buildings that form the farmstead is fundamental to their aesthetic and historic value and hence their value to the character of the conservation area.

The farmhouse and outbuildings have been added to over a long period of time to accommodate changes in farming practice, including alternative activities such as cheese making which has a strong association with farm buildings in Leicestershire. It is these characteristics that create the intrinsic historic and aesthetic value of the group of buildings that identifies what needs to be protected, in order to ensure that both the architectural and historic importance of the farmstead, and the contribution they make to the character and appearance of the conservation area is not lost.

The Application site includes Grade II Listed Home Farmhouse and is located to the north of Grade II\* Listed All Saints Church. The site also lies within the Beeby Conservation Area which has remained largely unaltered in the last century. Given their proximity and the historic relationship between the two sites the application site forms an important part of the church's setting and features in many views of the church. The church's architectural and historic interest are recognised in its Grade II\* Listing.

The amended proposal has reduced the extent of new development and seeks to retain the frontage development, being the farm house and the cottage, largely in its original form and retains the farmstead largely in its original footprint. The proposal would therefore respect the layout of the farmstead and better preserve the character and appearance of the Beeby Conservation Area. The proposed green buffer between the farmstead and the Grade II\* Listed All Saints Church together with retaining the original form and layout of the site will ensure that no harm befalls the setting of this nearby listed building.

In respect of the setting of the application site, the grade II listed Home Farm and its associated curtilage listed buildings, the change of use proposed would introduce additional domestic elements, such as car parking, new openings and boundary treatments that would, to a degree, erode the original character of the agricultural farmsteads from which their significance is derived. This harm is considered to be less than substantial. However, it has to be recognised that in order for the buildings to be preserved and put to an optimum viable use, some harm can be accepted provided that the public benefits of the proposal outweigh the less than substantial harm. This is considered within the planning balance below.

Overall it is considered that the proposal would preserve the significance and setting of designated and non-designated heritage assets. Accordingly, it is considered that the proposal in terms of design and impact on heritage assets complies with

Policies CS2, CS14, EV/1 of the Development Plan and national guidance in terms of design could be achieved for the site. In accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposal would preserve the listed building and its setting which is affected by the application. It is also considered that in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal would preserve the character and appearance of the Beeby conservation area.

### **Impact on Residential Amenity**

Policy CS2 of the Core strategy and EV/1 of the Local Plan seeks to protect the amenity of existing and future residents. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity.

Objections have been received with concerns raised over the potential loss of privacy and amenity from the development.

The amended proposal has seen the removal of the large commercial premises and associated car park which was of main concern to nearby residents in terms of loss of amenity. The development is separated from the nearest dwellings (1 and 2 Church cottages) by the proposed green buffer, the details and long term management of which can be secured by planning condition.

In respect of the future occupiers of the proposed development, the internal floor areas proposed would accord with the guidance contained within the Technical Housing Space Standards (2015) with each dwelling benefiting from adequate outside space in accordance with the Design SPD.

The proposal would therefore comply with the provisions of policies CS2 and EV/1 along with the guidance set out in the Design and Housing SPD's to protect residential amenity.

### **Highway Matters**

Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan seeks to ensure safe access is provided to new development and policy CS17 is concerned with encouraging sustainable transport patterns. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

Paragraph 110 of the NPPF seeks to promote sustainable travel choices. Paragraph 111 of the NPPF seeks to ensure new development does not result in an unacceptable impact on highway safety, or a severe residual cumulative impact on the road network.

Main Street is a classified c road subject to a speed limit of 30mph. The proposal would intensify the use of two existing access points to serve respective elements of

the proposal and in accordance with the Leicestershire Highways design Guide should demonstrate 43m visibility splays in both directions from a 2.4m setback. The access width, geometry and visibility is acceptable to the local highway authority subject to conditions being imposed that require the access and visibility splays to be implemented and maintained.

In terms of parking, each of the three and four bedroom dwellings will have at least three parking spaces with convenient access to serve the respective dwelling and as such is not likely to result in indiscriminate parking within the Highway. In respect of impact on the Highway Network capacity, the net increase in dwellings proposed and the resultant cumulative impact will not be severe in accordance with the NPPF.

In terms of sustainable transport, it is recognised that Beeby is a less sustainable settlement due to its very limited services and facilities within the village. However, its proximity to other nearby settlements does support residents of the village where there is close access to the Principal Urban Area. The village is serviced by an infrequent bus service between Syston and Melton Mowbray, but nonetheless, does provide some transport choice. It is considered overall having regard for the quantum of development, it would constitute a sustainable location for development.

In conclusion the proposal is considered to comprise a safe and suitable access for the amount of development proposed. The proposal would not lead to severe residual cumulative impacts on the highway. Accordingly the proposal is considered to comply with relevant development plan policies and national guidance, and not to give rise to transport related harm.

## **Flooding and Drainage**

Policy CS16 of the Core Strategy seeks to ensure that new development is not at risk of flooding and that it does not cause flood risk elsewhere. This policy generally accords with the NPPF and does not frustrate the supply of housing. It is therefore not considered there is a need to reduce the weight afforded to this policy.

The site is situated largely in Flood Zone 2, being at medium risk of fluvial flooding. A large portion of the site is also at high risk of surface water flooding. The application includes a detailed flood risk assessment and drainage proposals.

The Environment Agency has not raised specific objections to the proposal in respect of fluvial flooding subject to conditions that require the development to be carried out in accordance with the submitted Flood Risk Assessment in relation to finished floor levels. In terms of surface water flooding, the Local Lead Flood Authority has not raised any objections and based on the information submitted, and is satisfied that, subject to conditions to obtain detailed design, on site surface water issues would not be exacerbated by the development and it is recognised that the application provides an opportunity to improve the current situation with holding techniques and permeable paving.

The proposal is therefore concluded to be compliant with policy CS16 of the Core Strategy and the Framework.

## **Ecology and Biodiversity**

Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. The application is supported by an Ecological Assessment and protected species survey. .

The Borough Council's Senior Ecologist has confirmed that the proposal's effects on biodiversity could be satisfactorily addressed by detailed measures secured by approval of planning conditions. In the light of the submitted evidence which shows the site has some limited potential for bats, there is no objection to the application subject to conditions to secure details of integrated bat boxes. The proposed green buffer Landscaped area would also mitigate any harm or loss and details of planting and long term maintenance having regard for biodiversity can be secured by way of planning conditions.

Overall, it is considered that a carefully considered design of which details can be secured by planning condition could result in a development which can ensure there is not a biodiversity net loss. Policy CS13 supports development which protects biodiversity or enhances restores or creates biodiversity, and which does not harm ecological networks. It is concluded that the proposal could be made acceptable with regards to biodiversity in compliance with policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy.

## **Contaminated Land and Public Safety**

The application has been supported by the submission of a Phase I and II ground investigation report which identifies a hotspot of lead contamination within the site. The Councils Environmental Protection team have been consulted in connection with the proposal and has suggested planning conditions to require the development to be carried out in accordance with the remediation measures as proposed which completion can be verified with the submission and approval of a verification report prior to occupation of the new development.

Having regard for all of the above, it is not considered that there would be any risk to existing or future residents that cannot be adequately mitigated and therefore the application is considered to accord with Paragraph 174 of the NPPF.

## **Planning Balance and Conclusion**

Overall, the proposal has been carefully assessed against the comments and consultation responses received and the policies of the Development Plan and the National Planning Policy Framework.

As there is currently an insufficient supply of deliverable housing sites (3.34 years), this application would have to be determined on the basis of para 11d of the presumption in favour of sustainable development in the National Planning Policy Framework. This means that there must be adverse impacts which would significantly and demonstrably outweigh the benefits for planning permission to be

refused. Whilst the benefits of the five additional houses would not be sufficient in itself to outweigh the conflict with the development plan, another significant benefit of the scheme is the proposal to put the heritage assets into optimum viable use consistent with their significance. Additionally, the proposal would ensure that the buildings are retained and continue to contribute towards the heritage significance of the Beeby conservation area. These public benefits are considered substantial and outweigh the harms both in terms of the conflict with the development plan and the less than substantial harm that would arise to the setting of the grade II listed building, Home Farm. No other harm would arise as a result of the proposal in terms of the setting of All Saints Church and the proposal is considered to enhance the character and appearance of the conservation area.

No other harm would arise in terms of highway safety, parking, flooding, contamination or amenity.

Accordingly, it is recommended planning permission should be granted conditionally subject to conditions set out below.

**RECOMMENDATION :-**

That, planning permission be granted subject to the following conditions and notes:

1.	<p>The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.</p> <p>REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Proposed Master Plan - 641-300  Proposed Ground Floor Master Plan - 641-301  Proposed Farmhouse Plans - 641-303  Proposed Cottage Plans - 641-305  Proposed Cottage Elevations - 641-306  Proposed Byre Plans - 641-307  Proposed Old Barn Plans - 641-309  Proposed Old Barn Elevations - 641-310  Proposed Open Barn Plans - 641-311  Proposed Open Barn Elevations - 641-312  Proposed Grain Dryer Plans - 641-313  Proposed Grain Dryer Elevations - 641-314  Proposed Granary Plans - 641-315  Proposed Granary Elevations - 641-316 all dated 26/10/2020  Proposed Farmhouse Elevations - 641-304 amendment dated 7/12/2020  Proposed First Floor Master Plan - 641-302 amendment dated</p>

	<p>11/12/2020 Proposed Byre Elevations - 641-308A dated 14.6.2021 Site Location Plan 641.000</p> <p>REASON: To provide certainty and define the terms of the permission</p>
3.	<p>Within three months of the date of this permission, a scheme and a timetable for the implementation of measures to protect the buildings from further decline or deterioration, including measures to make the buildings wind and weather tight, shall be submitted for the approval of the local planning authority. The approved scheme shall be completed in strict accordance with the agreed details/timetable.</p> <p>REASON: To protect the listed buildings at risk to prevent further decline of the structure</p>
4.	<p>No development, including site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the local planning authority:</p> <ul style="list-style-type: none"> <li>i) the treatment proposed for all ground surfaces, including hard areas;</li> <li>ii) full details of tree planting;</li> <li>iii) planting schedules, noting the species, sizes, numbers and densities of plants;</li> <li>iv) finished levels or contours;</li> <li>v) any structures to be erected or constructed (including the bin store, boundary treatments or enclosures);</li> <li>vi) functional services above and below ground; and</li> <li>vii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.</li> </ul> <p>REASON: To make sure that a satisfactory landscaping scheme for the development is agreed in accordance with policy CS2, CS14 and CS13 of the Core Strategy</p>
5.	<p>The landscaping scheme agreed as part of condition 5 shall be fully completed, in accordance with the approved details, in the first planting and seeding seasons following completion of the approved development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.</p>

	<p>REASON: To make sure that the appearance of the completed development is satisfactory, to mitigate the impacts on biodiversity and to help assimilate the development into its surroundings in accordance with Policy CS2, CS14 and CS13 of the Core Strategy</p>
6.	<p>Prior to the commencement of development full details, specifications and large scale drawings shall be submitted and approved in writing by the local planning authority in respect of the below matters:</p> <ul style="list-style-type: none"> <li>a. Details of all new, repaired and replacement fenestration (including roof lights)</li> <li>b. Details of all new, repaired and replacement wall and roof coverings (to include ridge tiles)</li> <li>c. Details of all new, repaired and replacement eaves detail, guttering and down pipes.</li> </ul> <p>The development shall be carried out in accordance with the approved details</p> <p>REASON: To make sure that the appearance of the completed development is satisfactory in accordance with Policies CS2 and CS14</p>
7.	<p>No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on drawing number 641.201E have been implemented in full. Visibility splays once provided shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.</p> <p>REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).</p>
8.	<p>The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Master Plan drawing number 641.300. Thereafter the onsite parking provision shall be so maintained in perpetuity.</p> <p>REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).</p>
9.	<p>Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no</p>

	<p>vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary, nor shall any be erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway.</p> <p>REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2021).</p>
7.	<p>No development shall commence on the site until such time as a construction method statement and traffic management plan has been submitted to and approved in writing by the Local Planning Authority. This shall include as a minimum:</p> <ul style="list-style-type: none"> <li>• Details of the routing of construction traffic</li> <li>• Wheel cleansing facilities</li> <li>• Vehicle parking facilities</li> <li>• Dust control measures</li> <li>• Hours of work on site, including deliveries and removal of materials</li> <li>• Location of temporary buildings and associated generators, compounds, structures and enclosures,</li> <li>• A timetable for their provision.</li> </ul> <p>The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.</p> <p>REASON: to protect the amenity of nearby residents and to reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.</p>
8	<p>The development is to be carried out in strict accordance with the submitted Ground Investigation Report by Ivy House Environmental (ref. IV.58.19.) dated April 2019.</p> <p>REASON: To prevent pollution of controlled waters and new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ground or water pollution</p>
9	<p>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</p>

	<p>Authority. The remediation strategy shall be implemented as approved.</p> <p>REASON: To prevent pollution of controlled waters and new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ground or water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person is presented.</p>
10	<p>The development shall be carried out in accordance with the submitted flood risk assessment ref VBW130/01/02 prepared by VBW Consulting Limited dated 13/12/18 and the following mitigation measures it details:</p> <p>Finished floor levels shall be set no lower than 82.78m above Ordnance Datum (AOD).</p> <p>REASON: To reduce the risk of flooding to the proposed development and future occupants.</p>
11.	<p>The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented as approved.</p> <p>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.</p>
12.	<p>The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.</p> <p>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.</p>
13.	<p>Prior to the occupation of any dwelling a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all public open spaces and ecological mitigation areas shall be submitted to and approved in writing by the local planning authority. The approved landscape management plan shall then be fully implemented and maintained in accordance with the approved scheme in perpetuity.</p> <p>REASON: To ensure that public open spaces are maintained so that they are of good quality. This is to make sure the development remains in compliance with Development Plan policies CS2, CS11, CS13, CS15 and</p>

	CS16.
13.	<p>No development, including site works, shall begin until the hedges and trees located within the application site boundaries that are to be retained, have been protected, in a manner previously agreed in writing by the local planning authority. The hedges shall be protected in the agreed manner for the duration of building operations on the application site.</p> <p>REASON: The hedges and trees are an important feature in the area and this condition is imposed to make sure that it is properly protected while building works take place on the site.</p>
14.	<p>No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation.</p> <p>REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.</p>
15.	<p>No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.</p> <p>REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase.</p>
16.	<p>No dwelling approved by this planning permission shall be occupied until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.</p> <p>REASON: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development.</p>
17.	<p>No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted</p>

	<p>to and approved in writing by the Local Planning Authority.</p> <p>REASON: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.</p>
18.	<p>No development approved by this planning permission shall commence until an Ecological Mitigation Strategy is submitted that accords with the recommendations contained within the submitted and approved Protected Species survey and Ecological Assessment by BJ Collins dated March 2021. The development shall thereafter be carried out in accordance with the approved strategy and completed prior to occupation of the final unit.</p> <p>REASON: to mitigate the impacts of the development and protect biodiversity in accordance with Policy CS13</p>

Informative Note(s):

1. Planning Permission has been granted for this development because the Council has determined that it is generally in accordance with the terms of Development Plan policies CS1, CS2, CS3, CS11, CS13, CS14, CS16, CS24, CS25, ST/2, CT/1, CT/2, EV/1, TR/18, because the benefits of the proposal are not significantly and demonstrably outweighed by the harm identified. There are no other issues arising that would indicate that planning permission should be refused.
2. The Local Planning Authority has acted pro-actively through early engagement with the Applicant at the pre-application stage and throughout the consideration of this planning application. This has led to improvements with regards the development scheme in order to secure a sustainable form of development in line with the requirements of Paragraph 38 of the National Planning Policy Framework (2019), and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
3. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

4. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001). A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk) to progress an application.
5. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
6. Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.
7. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
8. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
9. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.
10. The following points should be noted wherever infiltration drainage (such as soakaways) is proposed at a site: Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water should drain directly to the system entering after any pollution prevention methods. No infiltration system should be sited

in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated. There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table. A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.

11. The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
12. You are reminded that in order for the proposed development to be undertaken, a separate application and approval for listed building consent will be required. Any unauthorised works undertaken to the listed building is a criminal offence.

