



Planning Committee

9 December 2020

Report of: Assistant Director for Planning and Delivery

20/01095/FUL - Demolition of redundant barns and their replacement with a single dwelling house (Class C3)

Applicant : Mr and Mrs Bell

Corporate Priority:	3: Delivering Sustainable and Inclusive Growth in Melton
Relevant Ward Member(s):	Stathern : Councillor Melanie Steadman and Councillor Chris Evans
Date of consultation with Ward Member(s):	14 October 2020
Exempt Information:	None

1 Summary

- 1.1 The application site sits on the eastern edge of the village of Stathern and currently comprises large redundant barns which have previously been used for agricultural and equestrian use. The barns are in extremely poor conditions and it is proposed to seek full planning permission to demolish all buildings on site and replace with a two storey dwelling.
- 1.2 The land sits detached from the existing residential development on this (northern) side of Tofts Hill with a gap to the existing dwelling no. 7. Dwellings project further up Tofts Hill than the application site on the opposite side of the road.
- 1.3 Levels rise significantly as you leave Stathern and travel up Tofts Hill to the application site from the centre of the village. As such, the existing barns sit higher than the village and can be seen from numerous points within the village and from further afield.
- 1.4 The site is not within but near to the Conservation Area of Stathern and there are no listed buildings immediately in the vicinity of the application site with the nearest being the Grade II Listed Bassingdean (Number 3) And Adjoining House To North (Number 1, Church Corner and The Manor House And Blacksmiths Cottage.

2 Recommendation(s)

2.1 It is recommended that the Planning application is REFUSED for the following reason:

1. In the opinion of the Local Planning Authority the proposed development would result

in the introduction of residential development that would occupy a detached location outside of the built up confines of Stathern. The site is adjacent to the Conservation Area and contributes to the rural setting of the village of which the introduction of residential development and associated paraphernalia, by virtue of its scale, form and mass, would disrupt. As such, the proposal would have adverse impacts upon the character of the local area, wider landscape and Conservation Area. For these reasons, the proposal is considered to conflict with Policies EN1, EN6 and EN13 of the Melton Local Plan and as such would not represent a form of suitable windfall residential development as stated in Policies SS1 and SS2 of the Melton Local Plan.

3 Reason for Recommendations

- 3.1 The development would raise no significant, adverse impacts on ecology, archeology or highway safety grounds that would warrant refusal.
- 3.2 However the proposal would introduce residential development that would be sited detached from the existing built form on the northern side of Tofts Hill and would appear out of place in the context of the rural and undeveloped nature of the area. The dwelling, although of an appearance as a barn conversion style, would result in the domestications of the site and would be significantly detrimental to the rural character and appearance of the site and surroundings
- 3.3 It is for these reasons, the proposal is considered to be contrary to Policies EN1, EN6, and EN13 of the Melton Local Plan and would therefore not represent a sustainable form of small scale residential development as stated under the provisions of Policies SS1 and SS2 of the Melton Local Plan.



4 Key Factors

4.1 Reason for Committee Determination

The application is required to be presented to the Committee due to receiving more than 10 letters of representations from separate households which are contrary to the officers recommendation.

4.2 Relevant Policies

4.2.1 The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.

4.2.2 No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date'.

4.2.3 Please see Appendix D for a list of all applicable policies.

4.2.4 . Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

4.2.5 There is no 'made' Neighbourhood Plan which covers the application site. Comments have been received that the proposal conflicts with a number of Policies within the Neighbourhood Plan. The draft Stathern Neighbourhood Plan is currently subject to 'Regulation 14' Consultation with consideration of the responses, Regulation 16 consultation, Examination and Referendum to follow and therefore limited weight can be attributed to this in the determination of this application.

4.3 Main Issues

4.3.1 The main issues for this application are considered to be:

- Position under the Development Plan Policies.
- Principle of development, Impact upon the character of the area and heritage assets
- Impact upon residential amenities
- Impact upon highways and parking
- Impact on ecology
- Impact on archaeology
- Impact on flood risk/drainage

5 Report Detail

5.1 Position under the Development Plan Policies

5.1.1 The site lies on the edge of the village of Stathern. Stathern is defined as a Service Centre within the Melton Local Plan and therefore Policies SS1-SS2 apply. These two policies reflect the presumption in favour of sustainable development within the National Planning Policy Framework (NPPF) and sets out the strategy of delivering housing across Melton borough through identifying the most suitable locations for new housing within a settlement hierarchy, devised from sustainable 'credentials'.

5.1.2 Windfall sites are an important element of housing supply and calculations on the likely amount of windfall housing as a realistic proportion of overall delivery is estimated through the Local Plan process but there is no ceiling for windfall housing provision.

5.2 Principle of Development, Impact upon the Character of the Area and Heritage Assets

- 5.2.1 The site is on the edge of the settlement of Stathern where Policies SS1-SS2 apply. Stathern is defined as a Service Centre within the Melton Local Plan
- 5.2.2 Policy SS2 provides support to sustainable development within Service Centres and Rural Hubs: i.e. that housing needs will be met by 'planning positively for the development of sites allocated within and adjoining the Service Centres and Rural Hubs by 2036, and by encouraging small scale residential development where it would represent sustainable development under Policy SS1 above or would enhance the sustainability of the community in accordance with Policy SS3'.
- 5.2.3 Policy SS2 is therefore applicable for small scale development in Service Centres and Rural Hubs and Policy SS3 provides a further opportunity for small scale development in Service Centres and Rural Hubs, as well as being applicable to Rural Settlements. Policy SS3 is therefore not considered to be applicable to this application.
- 5.2.4 The supporting text in the Local Plan states that for windfall sites, schemes of up to about 10 dwellings may be appropriate within or on the edge of Service Centres, schemes of up to about 5 dwellings for Rural Hubs, and schemes of up to about 3 dwellings for Rural Settlements.
- 5.2.5 Windfall sites are an important element of housing supply and calculations on the likely amount of windfall housing as a realistic proportion of overall delivery is estimated through the Local Plan process but there is no ceiling for windfall housing provision.
- 5.2.6 The NPPF does not seek to place an arbitrary limit on development quantities and each application must be considered on its own merits. Within the glossary of the NPPF 'windfall' sites are defined as 'Sites not specifically identified in the development plan'.
- 5.2.7 This development would result in the erection of 1 dwelling and is sited on the edge of a Service Centre.
- 5.2.8 It is for these reasons that the proposal is considered to fall under the provisions of small scale development subject to satisfying all other material planning considerations.
- 5.2.9 Comments have been received regarding the development being outside of the limits to development as identified in the Neighbourhood Plan. However the Neighbourhood Plan has not been advanced to a stage where significant weight can be attributed to it, being at 'Regulation 14' Consultation.
- 5.2.10 Comments have also been received that Stathern has already met its number of houses required. However, as always, there is no maximum number of dwellings and given that Policy SS2 allows for small scale development and sets no upper limit.
- 5.2.11 Comments have been received that there are a number of houses for sale in the village, thus indicating that no further development is needed. This is not a material consideration in the determination of this application.
- 5.2.12 Comments have also been raised that there is no identified housing need for the dwelling, however Policy SS3 is not relevant to this application which does require an identified housing need.
- 5.2.13 The application site currently comprises a significantly large redundant barn of which it is proposed to demolish and replace with the erection of one, 2 storey dwelling which would span across a significant footprint of the existing barn. It is also proposed to site the dwelling back into the site, set back from the road and therefore further into the rural setting.

- 5.2.14 The adjacent part of Stathern to the west comprises a cluster of dwellings fronting onto adjacent highways at a fairly high density. This existing built form then ceases at no. 7 Tofts Hill with an area of agricultural land separating the application site from what would be considered the conclusion of the village's residential edge. The proposal would result in new residential use and the domestication of the site that would appear at odds and contrasting to the surrounding rural character of the area.
- 5.2.15 Overall, the visual intrusion of the proposed residential development, resulting in the development of a site detached from the village, would be unduly harmful in terms of land use and visual impact. The site is not adjacent to the dwellings to the west, would be separated by the field/paddock and would therefore be considered to not be well related to the settlement.
- 5.2.16 It is noted that the proposal would remove the existing barns, which is welcomed, however the resultant residential development would result in a significant visual incursion into the countryside that would be out of place with the character of the site and the role the site plays on the edge of the village and the rural gateway to the adjacent countryside. In addition, the existing buildings are clearly farm buildings and as such are of a type associated with such a location. The proposed dwelling although of a barn style proposal would still be read as and seen as a new dwelling, given the formalisation of the site including driveway, parking and lights associated with a residential use.
- 5.2.17 The site also has a significantly greater depth compared to the adjacent housing with the proposed dwelling to be set well into the site, at odds with the prevailing characteristic of dwellings fronting onto the highway.
- 5.2.18 The development would bring a sense of formality to this site which would impact upon the part this parcel of land plays within the village. The transition role that the site performs between the village and the rural surroundings and the adjacent countryside and escarpment would be notably lessened. Indeed reference is given within Appendix 1 of the Melton Local Plan stating that.
- “The village lies at the foot of the escarpment which forms the Vale of Belvoir. The existing pattern of development spreads up the lower parts of this slope; however it would be inappropriate in landscape and development pattern terms to continue this pattern of development. Therefore sites on lower lying land are considered most appropriate for allocation”.
- 5.2.19 Taking the above into consideration, the development of this land as currently proposed with the dwelling sited at depth and further up Tofts Hill could be considered as inappropriate in the landscape, as detailed above and therefore contrary to Policy EN1 of the Melton Local Plan.
- 5.2.20 It should be noted that a planning application for 2 dwellings was refused on this site in 2016 and was subsequently dismissed at appeal. Although the previous development was different to that proposed within this application (in respect of design, appearance), the key points within the Appeal Decision relating to the detached nature of the site from the village still remains pertinent to this proposal. The key point from the inspectors decision regarding the introduction of residential development are copied here:

The appeal site is beyond the last dwelling on the north-eastern side of Tofts Hill, which similarly marks a clearly-defined limit to the built-up part of Stathern. The appeal site is outside the defined settlement envelope and separated from the

extent of housing along this side of Tofts Hill by an open field which provides an undeveloped gap of some 50m.

Whilst this gap is not particularly wide, it nevertheless clearly separates the appeal site from the present extent of housing and would place the proposed development clearly within open countryside. Whilst this scheme would replace the large footprint of the rather ramshackle agricultural buildings with a smaller area of new housing, the existing farm structures are of a rural character. The house, bungalow and garage block would be a more spaciouly arranged and less characteristic form of development. In addition to the clear gap separating the appeal site from the village, the proposals would also be set back substantially from the road and thereby extend housing further into open countryside.

- 5.2.21 Further to this appeal decision, a further recent appeal decision on land immediately adjacent to the application site (on the parcel of land between the site and the existing built form) was dismissed as the proposal 'would fail to successfully integrate into the edge of the village and would not be an appropriate gateway in and out of the village'. Again, although this application is different and each application must be considered on their own merits, similar conclusions can be drawn here in respect of the development being an inappropriate gateway in and out of the village.
- 5.2.22 In terms of scale and design, the proposed development of one dwelling shows a development that would be set within the footprint of the existing building and would be of a similar height to that of the existing building. In addition, the proposal is to be predominantly clad in dark timber which would replicate that of the existing building. The consideration given for the proposed design and appearance of the dwelling is noted, however it would still be evident from passing views that the proposal would be of a residential use with a domestic character.
- 5.2.23 This impact is worsened further by the associated residential paraphernalia that comes with a dwelling. For example the garden area, extensive amount of gravel forecourt, paved footpaths and paved terracing surrounding the dwelling would further make it evident of the residential use.
- 5.2.24 Finally, due to the change of levels through the site, a significant number of steps throughout the site are required, 2 bridges from the first floor to a decking area and balconies are proposed on two of the gable elevations. All of these elements make it apparent that the domestic nature of the proposal would urbanise the site further, contrary to the current rural character of the location and therefore contrary to Policy EN6 of the Melton Local Plan.
- 5.2.25 Whilst landscaping is proposed and there is existing vegetation on the boundary with Tofts Hill which would help screen the development from view, the development would still be visible when leaving the village and for the reasons identified above would be to the detriment of the setting of Stathern as viewed from Tofts Hill, and harm the existing outward views of open countryside rising away from the village.
- 5.2.26 The site sits near to the Conservation Area of Stathern. The Stathern Conservation Area Character Appraisal states that the Conservation Area largely derives its significance from loose knit development interspersed with green open spaces. Tofts Hill has scatterings of buildings before opening up to countryside.
- 5.2.27 As identified above, the development is considered to result in adverse impacts upon the character of the area and due to the role the site plays within the village and the

wider area, it is considered that the impacts of the development would result in less than substantial harm to the character and appearance of the conservation by virtue of the development failing to preserve or enhance the character and appearance of the Conservation Area contrary to Policy EN13.

5.2.28 Although the development would result in minor benefits from the contribution of one dwelling to the local housing supply and the removal of existing poor-quality barns, it is considered that the harm to the Conservation Area identified above would outweigh the public benefits of the proposal.

5.2.29 Due to the siting of the application site and separation distances, it is not considered that the proposal would adversely impact upon the setting of the nearby listed buildings. Views of the listed buildings and the further afield listed Church of St Guthlac would still be available and not adversely impacted from the relevant viewpoints.

5.2.30 Overall, due to the concerns highlighted above, it is considered that the development would not contribute positively to the individual character of the settlement, would not be sensitive to its landscape setting and would not enhance the character of the Conservation Area. As such, by virtue of the development being contrary to Policies EN1, EN6 and EN13, the development would not represent a form of suitable windfall residential development as stated in Policies SS1 and SS2 of the Melton Local Plan.

5.3 Impact upon Residential Amenities

5.3.1 There are no neighbouring properties that immediately border the site and the dwellings to the west are set a sufficient distance away so as not to be adversely impacted by the development. Balconies are proposed on the northern elevation of the property however these are orientated so they do not afford direct views overlooking the nearest property, no. 7. In addition, screening is proposed and views from the balcony are restricted so as not to result in any adverse overlooking impacts.

5.3.2 Dwellings located to the south are separated by Tofts Hill itself and are a sufficient distance away so as not to result in any adverse impacts.

5.3.3 The proposal would not have an adverse impact on the amenity of neighbouring land uses and as such the proposal would comply with Policy D1 of the Local Plan.

5.4 Highway Safety

5.4.1 Policy D1 states that development proposals should include appropriate, safe connection to the existing highway network and should make adequate provision for car parking. Policy IN2 requires that development does not unacceptably impact on the safety and movement of traffic on the highway network and provides appropriate and effective parking provision and servicing arrangements.

5.4.2 Access to the site for the occupiers of the dwelling would be via the existing access onto Tofts Hill. It is proposed to provide an access and drive that would be of sufficient width to cater for the proposed development. Given that it is an existing access with a permitted agricultural use, the proposed development of one dwelling is not considered to be of a significant scale to result in severe highway safety impacts, subject to the implementation of the proposed access drive.

5.4.3 Sufficient off street parking is proposed to cater for the development and turning space is provided to allow vehicles to manoeuvre and leave in a forward gear.

5.4.4 **As such, subject to conditions the proposal would be acceptable in highway safety terms and would comply with the policies D1 and IN2.**

5.5 Ecology

5.5.1 An Ecology Survey (Curious Ecologists, May 2019) has been submitted in support of this application. There was no evidence of bats found during the survey and the building was assessed as having negligible potential for roosting bats.

5.5.2 There was at least one active nest found in the area of the proposed development, plus there were buildings (open fronted outbuildings) and vegetation in the vicinity of the proposed development that would be suitable for birds to nest in, particularly in the large hedgerows and hedgerow trees. No evidence of barn owls was found during the survey and there was no evidence of badgers found on site.

5.5.3 As such, no objection is raised on ecology grounds subject to vegetation clearance taking place outside the bird-nesting season.

5.5.4 **Overall, it is not considered that the application would have an adverse impact upon ecological matters.**

5.6 Archaeology

5.6.1 The application area is located just outside the Historic Settlement Core (HER ref: MLE8887) and therefore there is the chance for associated remains with the historic village to lie within the area.

5.6.2 As such, an appropriate archaeological mitigation programme and methodology of site investigation and recording should be undertaken prior to commencement of development and this could be secured by condition should the application be approved contrary to the recommendation in this report

5.6.3 **Overall, subject to conditions based on the advice of expert advisors, it is not considered that the application would have an adverse impact upon archaeological matters to warrant refusal.**

5.7 Flood Risk/Drainage

5.7.1 A drainage strategy has been submitted in support of the application and the proposed drainage is as follows:

Roof drainage from building. Soakaways are not a practical solution due to limited infiltration. As such, a traditional piped system will be used to link with the crate storage system. It is proposed that catch pit manholes are used to collect silts and grits from the roofs as a form of pre-treatment.

Road/parking area drainage. The paved areas adjacent to the building will drain to ACCO drains and then into the crate tank. The access drive will be constructed from permeable gravel and SUDs statement has been supplied with the application.

5.7.2 The application site sits within Flood Zone 1 being at low risk of fluvial flooding. There is a very low risk of surface water flooding across the site and as such subject to compliance with the proposed drainage strategy which would be secured by condition, **the proposal complies with policy EN11 and EN12 of the Local Plan.**

5.8 Other issues

Comments have been received regarding the setting of a precedent and potential for further development on development. Each application is considered on its own merits and will be determined against the national and local plans which are in place at the time of determination.

6 Impact on Infrastructure

6.1 None identified.

7 Consultation & Feedback

7.1 A site notice was posted and neighbouring properties consulted. As a result, 28 letters of objection, and 21 letters of support have been received.

8 Financial Implications

8.1 None identified.

Financial Implications reviewed by: N/A

9 Legal and Governance Implications

9.1 The application is required to be presented to the Committee due to receiving more than 10 letters of representation which are contrary to the recommendation.

9.2 The application engages the statutory duty under section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

9.3 Legal implications are set out in the report where relevant. Legal advisors will also be present at the meeting.

Legal Implications reviewed by: Deputy Monitoring Officer

10 Background Papers

10.1 16/00223/FUL Demolition of existing agricultural buildings and erection of one detached house, one bungalow and outbuildings. - Field Nos 5000 And 5812, Tofts Hill, Stathern

10.2 19/00741/FUL Demolition of 2 existing dwellings and a barn, and their replacement with 9 new dwellings and associated private access driveways
16/00146/OUT Demolition of livestock buildings and construction of 12 dwellings. - Field OS 4011, Tofts Hill, Stathern

11 Appendices

A: Summary of Statutory Consultation responses

B: Summary of representations received

C: Reason for Refusal

D: List of applicable Development Plan policies

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Appendix A : Consultation replies summary

Parish Council:

The Parish Council wish to strongly object to this application which would seriously damage the landscape setting of the village and its Conservation area. We believe it to be wholly inappropriate and out of scale for the site

This site was previously rejected for development on appeal in 2017 (ref APP/Y4130/W/16/3161385) Original application 16/00233/FUL, and had been recommended for refusal by Planning Officer and refused by Planning Committee.

This scheme is bigger, more intrusive, and will have a greater detrimental effect on the landscape than that rejected in 2017. It would do significant harm to the landscape, built form and character of Stathern.

The proposed dwelling is significantly larger than the previous two together (>30% more sq m) despite being 'only one house' and extends beyond the footprint of the barns. The current barns totally disappear after dark so for half the time they are invisible whilst this proposal has large areas of glass facing down the hill; it has first floor living area with balcony adding to the imposing nature and also has roof lights in the lower parts adding a 'searchlight' effect. The scale and design of this will dominate the view for miles around, totally change the character of the area and will generate light pollution on a massive scale. It will dominate the village and its conservation area to an unacceptable degree.

Background to Toft's Hill

Area is described as "**highly sensitive to development**" in the Leics Landscape Assessment within the Strategic Growth Plan.

Melton Local Plan has *Objectives to 'Conserve the historic environment and ... heritage assets' and 'Protect the rural character of the Borough'*.

In the Service Centre Assessment of Stathern in Appendix 1 it says, '**the settlement spreads up the lower slopes and it would be inappropriate in landscape and development terms to continue this pattern of development**'

The Stathern Neighbourhood Plan, developed over the last two years, recognises the importance and value of this landscape (see policy below)

Relevant Policies

Melton Local Plan

SS1 / SS2 State developments have to be in line with overall policies and the development strategy

EN1 which states the need to be sensitive to the landscape setting and not to harm distinctive topography and important views. It also says that it should not have an adverse effect on an area's sense of place and local distinctiveness and not have an unacceptable adverse effect on tranquillity (**including dark skies**)

EN2 which requires respect and sensitivity for landscape features and to protect and enhance them;

EN6 which says that development should not harm open areas which contribute to the setting and character of the settlement, conservation areas and the built form.

Taken together they aim to protect sensitive areas. The weight which should be given to these policies can be seen in the decisions below.

Stathern Neighbourhood Plan has specific policies (CFA4) to protect Toft's Hill and a limit to development well below this site. It has been well documented for many years that Toft's Hill is a special site and important to the community.

Decisions

2017 Inspector (see above) concluded that it should be rejected because '*...benefits would be significantly outweighed by the environmental harm. This was under NPPF as Local Plan not yet ready*

On 4th November 2020 another inspector dismissed an appeal for a development in the neighbouring field. (**Appeal ref APP/Y2430/W/20/3248878**). Again he said that it "**would adversely affect the character and appearance of the area.contrary to Policies SS1, SS2, EN1 & EN6**". He added that he could not see how the council had previously allowed the permission for houses going up Toft's Hill (implying that they shouldn't have).

There can be no justification for allowing this proposal to succeed. It should be refused.

LCC Highways:

Refer to Leicestershire Highways Design Guide.

LCC Archaeology:

No objection subject to conditions.

LCC Ecology:

No objection.

Appendix B : Summary of representations received

Neighbours:

Letters of objections have been received on the following grounds:

- Large and bulky design
- Contrary to Policies EN1, EN2, EN6, EN11 and EN12 and as a result does not represent sustainable development under SS1 and SS2.
- Outside limits to development in the neighbourhood plan
- 2 previous appeal decisions show the inappropriate nature of the site
- Light pollution would be significant
- Visual impact of the dwelling being above the roofline of the village
- Tofts Hill regularly used by walkers and horse riders
- Setting of a precedent if approved outside of the limits of development
- Drainage issues resulting from the topography of the site
- Increased water run off and flooding
- Outward views from the village would be impacted

- No need for any more houses nor is there an identified need for this dwelling
- Local Plan discourages building up Tofts Hill
- Too much glazing
- Urbanisation of the rural area
- Loss of wildlife
- Development would not be integrated into the settlement edge
- Impact upon views back towards the village from further afield
- Scheme is more intrusive and larger than previously refused application
- Dominate the village and conservation area
- Insufficient off street parking

Letters of support have been received raising the following comments:

- Proposal well thought out and is of particular architectural merit or worth
- Building is smaller footprint and lower roofline than existing buildings
- Removal of old unsightly and unsafe barns would be a benefit
- Dwelling would be no further up Tofts Hill than neighbouring properties
- High quality and well designed proposal
- Wildlife enhancements
- Proposal fits in with the character of the local area
- Impact upon traffic will be negligible
- Removal of barns will reduce anti-social behavior

Appendix C: Reason For Refusal

1. In the opinion of the Local Planning Authority the proposed development would result in the introduction of residential development that would occupy a relatively detached location outside of the built up confines of Stathern. The site is adjacent to the conservation area and contributes to the rural setting of the village of which the introduction of residential development and associated paraphernalia, by virtue of its scale, form and mass, would disrupt. As such, the proposal would have adverse impacts upon the character of the local area, wider landscape and Conservation Area. For these reasons, the proposal is considered to conflict with Policies EN1, EN6 and EN13 of the Melton Local Plan and as such would not represent a form of suitable windfall residential development as stated in Policies SS1 and SS2 of the Melton Local Plan.

Appendix D : Applicable Development Plan Policies

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy.
- Policy IN2 Transport, Accessibility and Parking
- Policy D1 Raising the Standard of Design.
- Policy EN1 Landscape
- Policy EN2 Biodiversity

- Policy EN6 Settlement Character
- Policy EN8 Climate Change
- Policy EN9 Energy Efficient and Low Carbon Development
- Policy EN11 Minimising the risk of Flooding
- Policy EN12 Sustainable Drainage Systems
- Policy EN13 Heritage Assets