



**REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER**

**TO: WEST CRAVEN COMMITTEE**

**DATE: 6<sup>th</sup> December 2016**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## REPORT TO WEST CRAVEN COMMITTEE ON 6<sup>th</sup> DECEMBER, 2016

**Application Ref:** 16/0617/FUL

**Proposal:** Full: Demolition of ambulance station and erection of nine dwellinghouses, four semi-detached with access off Brogden View and five detached accessed off Brogden Lane.

**At:** Ambulance Station, Brogden View, Barnoldswick

**On behalf of:** Mr Graham Harker

**Date Registered:** 15 September 2016

**Expiry Date:** 16 November 2016

**Case Officer:** Kathryn Hughes

### **Site Description and Proposal**

This application seeks permission to demolish the ambulance station and erect nine dwellinghouses with access off Brogden Lane and Brogden View.

The application site is a brownfield site located within the settlement boundary of Barnoldswick.

The site is a rectangular piece of land which measures 0.26ha. The scheme would consist of four semi-detached properties accessed from Brogden View and five detached properties accessed from Brogden Lane.

Lane End Farmhouse is a Grade II listed building which lies to the north-east of the site at the junction of Gisburn Road and Brogden Lane.

The former Ambulance Station has now been completely demolished and the site tidied and made secure.

### **Relevant Planning History**

None.

### **Consultee Response**

LCC Highways –No objections in principle to the proposed nine dwellings, providing the recommended sight lines are provided, a 2m wide footpath is provided for the full frontage of the site with Brogden Lane and turning facilities for twin axel refuse vehicles are provided off Brogden View.

TRICS is the national standard system used to predict trip generation and analysis of various types of development. Using a typical TRICS report for a privately owned housing development, the development will generate an estimated 60 vehicular movements a day with an estimated peak flow of 6, two way vehicles movements during the am and pm rush hours.

The Highway Development Control Section is of the opinion that the proposed development should have a negligible impact on highway capacity in the immediate vicinity of the site / the development will have detrimental impact on highway capacity in the immediate vicinity of the site.

The Lancashire County Councils five year data base for Personal Injury Accident (PIA) was checked on the 22<sup>nd</sup> September 2016. The data based indicates there have not been any reported incidents near the new development or at the junctions with Brogden Lane and Brogden View with Gisburn Road.

The Highway Development Control Section is of the opinion that the highway network surrounding the site is considered to have a good accident record and indicates there is no underlying issue which the proposed development would exacerbate.

The sight lines of 2.0x 43m to be provided in both directions from the centre of the private drives onto Brogden Lane. The site line requirement is based on table 7.1 from Manual for Streets and the classified speed of the road, 30 mph.

Where acceptable sight lines at plot 1 are not provided the Highway Development Control Section would raise an objection to the development in the interest of highway safety

The Highway Development Control Section is of the opinion that applicant should provide a 2m wide footpath for the full frontage of the site with Brogden Lane and Brogden View to support sustainable forms of transport and the promotion of social inclusion. The footpath provision would also protect the sight lines from the private drives.

A turning head is required on Brogden View to allow refuse vehicle and emergency vehicles to turn within the site for the following reasons: -

- The maximum distance a refuse vehicle should reverse is 12m, from Manual for streets and BS5930: 2005.
- Fire and rescue Services Section should not have to reverse more than 20m from the end of an access road. From Manual for streets and diagram 24 of Approved Document B (Fire Safety).

Additional considerations when locating the turning head are:-

- 25m is the maximum distance a two wheeled refuse container is to be transported to the refuse wagon. From Manual for streets and BS5930: 2005.
- A resident should not be required to carry the waste more than 30m to the refuse storage point. From Manual for streets and BS5930: 2005.
- A fire appliance needs to be able to approach to a point within 45m of a suitable entrance to any dwelling. From Manual for Streets and section 11.2 of Approved Document B (Fire Safety).

The Highway Development Control Section is of the opinion that the proposed development should not have a detrimental impact on highway safety providing the sight lines, turning head and footpath are provided as recommended above.

While the internal highway off Brogden View is not adoptable the Highway Development Control Section is of the opinion that the highway layout is acceptable for all road users providing the recommended turning head provision is provided.

Based on the car parking recommendations in the Replacement Pendle Local Plan 2001-2016 Appendix 2: Car and Cycle Parking Standards the Highway Development Control Section is of the opinion that plots 6 and 7 have a under provision of car parking.

The Highway Development Control Section recommends conditions relating to wheel washing, level of driveways, layout to allow vehicles to leave the highway in forward gear, visibility splays, car parking spaces, restriction on use of garages, off-site highway works, joint survey and traffic management plan be attached to any grant of planning permission.

Architectural Liaison Unit

United Utilities – Drainage Conditions

United Utilities will have no objection to the proposed development provided that conditions relating to separate foul and surface water systems and details of a surface water drainage scheme based on the hierarchy of drainage options in the National Planning Practice Guidance are submitted.

### **Water Comments**

The level of cover to the water mains and sewers must not be compromised either during or after construction.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999.

Yorkshire Water

Lancashire Fire & Rescue – comments relate to Building Regulation submissions.

PBC Environmental Health – Request conditions be attached to any grant of permission for land contamination and electric vehicles.

PBC Environment Officer – No objection.

Barnoldswick Town Council

### **Public Response**

Nearest neighbours notified by letter. 12 responses received to date objecting on the following grounds:-

- The proposed site is close to my Grade II Listed property and Brogden lane is a Roman Road of great local and historical interest;
- This proposal will entirely block my view of Weets Hill;
- Brogden Lane is an area of few dwellings and an intense agricultural environment and local land and property owners direct traffic to permit access and egress onto Gisburn Road which is dangerous with the junction being undulated, worn and water logged due to the level of use;

- The driveways of the of proposed dwellinghouse opposite existing properties do not have sufficient room to support this plan and any additional parking on the lane would cause an obstruction;
- There is no footpath on Brodgen Lane which has recreational use in the form of walking and cycling by hundreds of people every week of the year, driveways will cause a danger to these people;
- I suggest access for all the properties to be from Brodgen View and not Brogden Lane;
- The height of plots 6 and 7 appear taller than existing properties which could be imposing;
- There is seasonal flooding both on the field adjacent and on Gisburn Road;
- The comments by the Highways Dept appear to be based purely on statistical information rather than detailed analysis of the roads affected and there is nothing that will effectively mitigate the risk of collisions;
- The proposed properties are not in keeping at 2.5/3 stories and would represent over development;
- We are not opposed to a smaller scale development accessed from Brogden View;
- The site has been an eyesore for three years and I welcome the application to demolish and build new houses but these plans are ill-conceived and cram too many properties into the area;
- Nine further dwellings would exacerbate the existing sewage problem;
- When they start building and digging up the road how would we gain access to our properties;
- Will provision be made to clean our vehicles and drives;
- Plot 6 and 7 are set further back from our property and plot 15 and thus are not in keeping with the current layout and present a visual block from the rear of our property especially as the height of the buildings would be greater than current properties on the estate;
- The plans do not indicate any street lighting;
- Who will be responsible for the road and maintenance and upkeep? Will the Council purchase and be responsible for maintaining it?
- Plots 5 & 6 pose overlooking/privacy issues for the adjacent properties on Brogden Lane/Brogden View;
- The state of the road on Brogden View is very poor and would need to be resurfaced and
- Concerned that surface water may cause extra load on the existing system in adverse weather conditions.

Amended plans have been received and a further 14 days have been given for comments on these. Any response will be reported to the meeting.

### **Officer Comments**

The issues for consideration are policy issues, layout and impact on amenity, design and material, flooding and drainage and highways issues.

- Policy

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework (the Framework) must be given full weight in the decision making process. Other material considerations may then be set against the Local plan policies so far as they are relevant.

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

## **Local Plan Part 1: Core Strategy**

The following Local Plan policies are relevant to this application:

Policy ENV1 Protecting and Enhancing Our Natural and Historic Environments requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings. The proposal's compliance with this policy is addressed in the design and amenity sections.

Policy ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere. The proposal's compliance with this policy is addressed in the flooding and drainage section.

Policy LIV1 sets out the housing requirements for 2011 to 2030 and how this will be delivered.

Policy LIV3 provided guidance on the housing needs in order to provide a range of residential accommodation.

Policy LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

The following saved policies from the Replacement Pendle Local Plan are also relevant:

Policy 16 'Landscaping in New Development' requires that developments provide a scheme of planting which is sympathetic to the area.

Policy 31 'Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP. This is addressed in the Highways Issues/Parking section.

In national terms the National Planning Policy Framework ("the Framework") provides guidance on housing requirements, design and sustainable development which is relevant to this proposal.

Paragraph 47 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements. The SHLAA was updated in support of the publication of the Core Strategy. This is dealt with in detail below.

Section 7 of the Framework deals with design and makes it clear that design is a key aspect of sustainable development. Paragraph 64 of the Framework states that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

The Framework expects that Councils meet their full objectively assessed housing needs and to annually update their supply of specific deliverable sites to meet a five year supply. Where there has been persistent under delivery a 20% buffer needs to be added to the 5 year supply.

The Framework states that good design is a key aspect of sustainable development and is indivisible from good planning. Design is to contribute positively to making places better for people (para. 56). To accomplish this development is to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and responding to local character and history (para. 58). It is also proper to seek to promote or reinforce local distinctiveness (para. 60).

Para 64 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving character and quality of an area and the way it functions. This paragraph is unqualified. If a development is poor in design it should be refused. There is no balancing exercise to be undertaken with other sections of the Framework as poor design is not sustainable development and the requirement under paragraph 14 is to allow sustainable development to come forward.

## 1. Principle of Housing

This proposal is for the erection of nine dwellings on a Brownfield site within the settlement boundary for Barnoldswick.

This site is therefore sustainable and the principle of housing acceptable and accords with policy LIV1.

- Layout and Impact on Amenity

The nearest properties are 4 & 15 Brodgen View, Cherry Tree Cottage, Hazel Bank, Norwood and Denismoor. No 4 and Cherry Tree lies to the east of the site and No. 15 to south west whilst Hazel Bank, Norwood and Denismoor all lie to the north.

The site proposes a mix of housetypes with the layout showing acceptable distances between existing and proposed units can be achieved.

Plot 1 would be a 4 bed detached house with double garage and driveway onto Brodgen Lane.

Plot 2 – 5 would be 4 bed three storey detached houses with garage and driveway onto Brodgen Lane.

Plot 6 and 7 would be 3 bed three storey semi-detached houses with two parking spaces per unit accessed off Brodgen View.

Plot 8 - 9 would be 3 bed two storey semi-detached with two parking spaces per unit accessed off Brodgen View.

Comments have been made regarding loss of private views which are not a planning matter.

The site is not prominent in terms of views and amended plans in terms of height and design have been submitted and are acceptable in terms of how this development would impact on the amenity of the area.

Details of boundary treatments have been submitted and include timber fences and dry stone walls which are acceptable.

Subject to appropriate conditions this layout would be acceptable in terms of design and impact and accords with policies ENV1 and ENV2.

- Design and Materials

The proposed houses are modern in style with gables roofs to the front elevation and link detached garages. Plots 6 – 9 would be similar in style to those on Brogden View and would not be out of character on this small cul-de-sac. The bungalow proposed at plot 9 has been replaced with a two storey dwelling with a single storey element closest to the dwelling at No. 4. This is more in keeping and reflects the existing character of the area.

The roof heights of plots 2-5 on Brogden Lane have been reduced so they would be only slightly higher than existing properties on this Lane including Cherry Tree Cottage.

The materials proposed are natural stone and natural blue slate with grey upvc windows and doors which are acceptable in this location. Samples of materials should be submitted for approval and this can be controlled by condition.

- Flooding and Drainage

The site is not within a Flood Risk area and an appropriate scheme for the disposal of surface water can be achieved on the site.

In terms of drainage this can be controlled by an appropriate condition. United Utilities have no objections to this scheme subject to conditions relating to appropriate drainage scheme which will need to be agreed prior to commencement of development. This will include foul drainage and will seek to address any inadequacies that might arise from the additional dwellinghouses.

The development is acceptable in terms of flood risk and accords with policy ENV7.

- Highways Issues

Plots 1 to 5 will be accessed by private drives off Brogden Lane. Brogden Lane is adopted and is an unclassified road and is categorised as a local access road with a speed limit of 30mph fronting the frontage of the site.

Plots 6 to 9 will be accessed off Brogden View. Brogden View is an unclassified road and is categorised as a cul-de-sac with a speed limit of 20 mph. Brogden View, fronting the applicant's site, is unadopted highway with no formal agreement for adoption.

It is not the developer's intention to have this road adopted although the work required will need to be carried out to adoptable standards and this can be controlled by condition.

Acceptable visibility splays can be achieved from both access roads and the road widths are sufficient for the number of properties proposed.

Revised plans now show a 2m wide footpath to the front of plots 1-5 on Brogden Lane and the required visibility splays can be achieved.

This is a small scale scheme with four additional dwellings proposed off Brogden View and five off Brodgen Lane this would not lead to an unacceptable amount of additional traffic on the highway network.

This scheme would provide off-street car parking for vehicles in a combination of garages and driveways. It would be advisable to attach a condition to any grant of permission which restricts the use of the garages of any other use than the parking of motor vehicles.

This would provide off-street car parking spaces in line with the car parking standards set out in the Replacement Pendle Local Plan.

Subject to appropriate conditions the proposal would not result in any adverse impact on highway safety issues.

- Historic Buildings

Lane End Farmhouse is a Grade II listed building which lies to the north-east of the site at the junction of Gisburn Road and Brodgen Lane.

The Farmhouse has existing development on all sides and is bounded by Gisburn Road and Brogden Lane on two sides. The application site is a brownfield site set across the highway and does not have a direct relationship with the Listed Building.

The setting of the building is thereby already defined by existing built form. Given the separation distances and intervening development this proposal would not adversely impact upon the setting of the listed building.

No assessment has been requested or is necessary in this situation.

- Landscaping

Policy LIV5 requires all proposals for residential units to provide on-site open space which can take the form of Green Corridors and spacious layouts.

The site layout provides ample private amenity spaces for the plots which helps to soften the scheme and provide some visual interest in the overall layout.

Details of the overall landscaping for the site can be controlled by an appropriate condition.

The proposal therefore accords with this policy.

## **Summary**

The principle of residential development in this location is acceptable in terms of layout, design, materials, highway conditions and landscaping subject to appropriate conditions. The proposed development would not have a detrimental impact on residential amenity and accords with the adopted policies of the Pendle Local Plan: Part 1.

## **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. Subject to appropriate conditions the proposal would not unduly impact on amenity or raise undue highway concerns and the development therefore complies with the development

plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

### **RECOMMENDATION: Approve**

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

ADM/16/26/06, ADM (Brodgen View), ADM/16/26/01 Rev. A, ADM/16/26/02 Rev A, ADM/16/26/03 REV A, ADM/16/26/04, ADM/16/26/05 Rev A, ADM/16/26/07 Rev A.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

- (i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation

of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.

- (ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.
- (iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

**Reason:** In order to protect the health of the occupants of the new development and/or in order to prevent contamination of the controlled waters.

4. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence unless and until a scheme for the disposal of foul and surface water for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 14 l/s. The development shall be completed, maintained and managed in accordance with the approved details.

**Reason:** To ensure a satisfactory form of development and to prevent an undue increase in surface water run off and to reduce the risk of flooding

5. No part of the development shall be commenced unless and until a Construction Code-of-Practice method statement has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:

- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.
- h) Location and details of site compounds
- k) Parking area(s) for construction traffic and personnel
- L) Details of the provision and use of wheel washing on the site

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that adequate measures are in place to protect the environment during the construction phase(s).

6. No part of the development hereby approved shall be occupied until all the off-site highway works have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority.

**Reason:** In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

7. The new estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level to each plot before any development commences on that plot. The final wearing course shall be completed to each plot within 2 years of the substantial completion of each plot or within one week of the substantial completion of the final house on site whichever shall occur first unless another timescale is agreed in writing by the Local Planning Authority. If an alternative timescale is agreed the completion of the highway shall be undertaken in strict accordance with the agreed timescale.

**Reason:** To ensure that satisfactory access is provided to the site before construction of the development hereby permitted commences.

8. The access shall be so constructed that there is clear visibility from a point 1.05m above ground level at the centre of the access road and 2.4m distant from the adjoining edge of the carriageway, to points 1.05m above ground level at the edge of the carriageway and 43m distant in each direction measured from the centre of the access along the nearside adjoin edge of carriageway of Brodgen Lane prior to the commencement of any other works on site and thereafter be permanently retained.

**Reason:** To order to ensure satisfactory visibility splays are provided in the interests of highway safety.

9. Within two weeks of the commencement of development samples of the materials to be used in the construction of the external surfaces of the development hereby permitted (notwithstanding any details shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Development shall then be completed in accordance with the approved details.

**Reason:** To ensure a satisfactory form of development in the interest of visual amenity of the area.

10. Windows and doors shall be set back from the external face of the walls of the units by at least 100mm in depth.

**Reason:** To ensure a satisfactory form of development.

11. The car parking areas shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.

**Reason:** To allow for the effective use of the parking areas.

12. The garages hereby permitted shall not at any time be used for any purpose which would preclude their use for the parking of a motor car.

**Reason:** To ensure that there is adequate off-street parking provision within the site to prevent on-street car parking that would be inimical to highway safety.

13. Notwithstanding the submitted landscaping plan, the development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;

- c. an outline specification for ground preparation;
- d. all proposed hard landscape elements, boundary treatments and pavings, including layout, materials and colours;
- e. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

**Reason:** To ensure that the development is adequately landscaped so as to integrate with its surroundings

- 14. Before a dwelling unit is occupied waste containers shall be provided on each plot.

**Reason:** To ensure adequate provision for the storage and disposal of waste.



**Application Ref:** 16/0617/FUL

**Proposal:** Full: Demolition of ambulance station and erection of nine dwellinghouses, four semi-detached with access off Brogden View and five detached accessed off Brogden Lane.

**At:** Ambulance Station, Brogden View, Barnoldswick

**On behalf of:** Mr Graham Harker

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NW/SM**

**Date: 28<sup>th</sup> November 2016**