



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Planning Committee

A Special Meeting of the **Planning Committee** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 24 April 2019** at **14:00** to consider the undernoted business.

1 Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

2 Minutes

The accuracy of the Minutes of meeting of the Committee held on 20 March 2019 and will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3 Isle of Arran

Submit reports on the following applications:

3.1 19/00199/PP: Lamlash Public Toilet, Lamlash, Brodick, Isle of Arran

Replacement of existing toilet block with new toilet facilities, shelter & 'Geo-park' information board (copy enclosed).

4 Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: Land to North East of Birchbrae, Corrie, Isle of Arran

Submit report by the Executive Director (Economy and Communities) seeking to serve a notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring that the soil and aggregate placed on the land be removed and the land be reinstated to its former condition (copy enclosed).

5 Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: 9-15 Bath Street, Largs

Submit report by the Executive Director (Economy and Communities) seeking to serve a notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring proper maintenance of the land for the abatement of the adverse impact on the local area. (copy enclosed).

6 Urgent Items

Any other items which the Chair considers to be urgent.

Planning Committee Sederunt

Tom Marshall (Chair)
Timothy Billings (Vice-Chair)
Robert Barr
Ian Clarkson
Robert Foster
Christina Larsen
Shaun Macaulay
Ellen McMaster
Ronnie McNicol
Donald Reid

Chair:

Apologies:

Attending:

**Planning Committee
20 March 2019**

Agenda Item 2

Irvine, 20 March 2019 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Tom Marshall, Robert Barr, Ian Clarkson, Christina Larsen, Ellen McMaster, Ronnie McNicol and Donald Reid.

In Attendance

J. Miller, Senior Manager (Economy and Communities); J. Law, Solicitor (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

Timothy Billings, Robert Foster and Shaun Macaulay.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minutes of the meeting of the Planning Committee held on 20 February 2019 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 19/00125/MDPO: Busbie Muir, Ardrossan

Mr John Ross Weir has applied for the discharge of a Section 75 obligation attached to planning permission 05/01151/PP in relation to Part 2 of the development site. No objections were received.

Planning permission 05/01151/PP relates to the development of the second phase of Busbie Muir Windfarm and is subject to a Section 75 legal obligation in relation to the restoration and development of the site. One turbine (T14) is located on Blackshaw Farm which is owned by the applicant. The applicant seeks to discharge of the obligation in relation to areas of the land which do not contain turbines to allow the land to be sold.

The Committee unanimously agreed to grant the application.

4. Supplementary Planning Guidance Work Programme

Submitted a report by the Executive Director (Economies and Communities) on a number of supplementary planning guidance documents which will become obsolete following the adoption of the Local Development Plan 2.

The Senior Manager (Planning) set out the terms of the report, highlighting a number of points including the list of guidance documents which are recommended for deletion as set out in section 3.1 of the report.

Members asked questions and were provided with further information in relation the development at Cairnhouse Farm which received planning permission by adhering closely to the design brief and whether future developments would be held to the same standard; and confusion for developers and Members in terms of multiple guidance documents, how these link with each other and how the proposed deletion should improve this.

The Committee unanimously agreed to approve the deletion of the supplementary guidance documents and design briefs as set out in the report.

The Meeting ended at 2:15 p.m.

NORTH AYRSHIRE COUNCIL

24th April 2019

Planning Committee

Locality	Isle of Arran
Reference	19/00199/PP
Application Registered	12th March 2019
Decision Due	12th May 2019
Ward	Ardrossan And Arran

Recommendation	Approved subject to Conditions
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Location	Lamlash Public Toilet Lamlash Brodick Isle of Arran
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Applicant	Lamlash Improvements Per Mr T Billings
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Proposal	Replacement of existing toilet block with new toilet facilities, shelter & 'Geo-park' information board
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1. Description

This application seeks planning permission to replace the existing toilet block on the seafront at Lamlash with a new building, also incorporating a shelter and public information board. The existing 21m² building has a flat felt roof and is externally finished in a white roughcast render. It has two entrance doors onto the coastal footpath at the south east side and is in a poor state of repair.

It is proposed to replace this with a 12m² building which would contain two unisex WC cubicles and a small store room and would have a flat roof 3.6m high which would also extend over a 27m² area to the south west of the new building, within which a public notice board with benches to either side would be installed. The building would be externally clad in robust, durable cladding panels. A 5.7m high rooftop flagpole feature would extend up from the centre of the building attached by 'rigging' to either end of the roof.

A supporting statement was submitted which claims that the existing building is in poor repair and has dampness problems, hence Lamlash Improvements Association's wish to replace it. The new building has been designed to reflect its proximity to the sea, and to provide accessible facilities and seating next to a notice board presenting information on Lamlash and the surrounding area, geological features, walking and cycle routes etc. The development would thereby help to support the ongoing Arran bid for UNESCO GeoPark

status. The nautical context of the nearby boatyard and pier would be reflected by the roof flagpole and 'rigging' in the shape of boat sails.

The site is level and is adjoined by a public playpark to the rear (north west) and the foreshore to the front (south east); by the lifeboat station to the north east and by a public car park to the south west. Lamlash Green is further to the south west.

The site is within the settlement boundary of Lamlash, as identified within the Adopted North Ayrshire Council Local Development Plan ('the LDP') and also within Lamlash Conservation Area. The proposal requires to be assessed against Policy HE1 (Conservation Areas) and the General Policy of the LDP.

The building is currently owned by North Ayrshire Council and leased to Lamlash Improvements Association. An asset transfer of the building and surrounding land is currently being negotiated.

Relevant Planning History

None.

Relevant Development Plan Policies

HE1

POLICY HE 1: CONSERVATION AREAS

(a) Development within Conservation Areas:

Proposals for development which would adversely affect the visual amenity or historical/architectural character of a conservation area, including its setting, buildings, open space or trees, shall not accord with the LDP.

(b) Development adjacent to Conservation Areas:

Proposal for development adjacent to a conservation area which has a significant adverse effect on its architectural and historical character and wider setting shall not accord with the LDP.

(c) Demolition within Conservation Areas:

Demolition of a building in a conservation area shall not accord with the LDP unless it can be justified against the following criteria:

(i) an assessment of the importance of the building and its contribution to the local scene concludes there is little or no value in retention; OR

(ii) the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period; OR

(iii) the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; AND

(iv) there is an acceptable comprehensive redevelopment proposal.

Note:

Applicants must prove that retention, restoration, and sympathetic conversion to some other compatible use is not possible before proposals to demolish are accepted.

The Council encourages pre-application discussions regarding demolition and redevelopment. Detailed plans for an acceptable replacement building should accompany applications for conservation area consent.

General Policy GENERAL POLICY

(a) Siting, Design and External Appearance:

- Siting of development should have regard to the relationship of the development to existing buildings and the visual effects of the development on the surrounding area and landscape.
- Design should have regard to existing townscape and consideration should be given to size, scale, form, massing, height, and density.
- External appearance should have regard to the locality in terms of style, fenestration, materials and colours.
- Development will require to incorporate the principles of 'Designing Streets' and 'Designing Places'.
- The particularly unique setting of North Ayrshire's rural, coastal, neighbourhood and town centre areas, and those with similar characteristics, necessitates that all development proposals reflect specific design principles unique to these areas. Coastal, Rural, Neighbourhood and Town Centre Design Guidance (four separate documents) are Supplementary Guidance to the Plan and contain further details.
- Consideration should be given to proper planning of the area and the avoidance of piecemeal and backland development.
- Design should have regard to the need to reduce carbon emissions within new buildings.

(b) Amenity:

Development should have regard to the character of the area in which it is located.

Regard should be given to the impact on amenity of:

- Lighting;
- Levels and effects of noise and vibration;
- Smell or fumes;
- Levels and effects of emissions including smoke, soot, ash, dust and grit or any other environmental pollution;
- Disturbance by reason of vehicular or pedestrian traffic.

Development should avoid significant adverse impact on biodiversity and upon natural heritage resources, including those outwith designated sites and within the wider countryside. Development proposals should further have regard to the preservation and planting of trees and hedgerows, and should also have regard to their potential to contribute to national and local green network objectives.

In relation to neighbouring properties regard should be taken of privacy, sunlight and daylight.

(c) Landscape Character:

In the case of development on edge of settlement sites, substantial structure planting will generally be required to ensure an appropriate boundary between town and country is provided. Such proposals should include native tree planting, retain natural features where possible and make provision for future maintenance.

Development should seek to protect the landscape character from insensitive

development and the Ayrshire Landscape Character Assessment shall be used to assist assessment of significant proposals.

(d) Access, Road Layout, Parking Provision:

Access on foot, by cycle, by public transport and other forms of transport should be an integral part of any significant development proposal. Development should have regard to North Ayrshire Council's Roads Development Guidelines and meet access, internal road layout and parking requirements.

(e) Safeguarding Zones:

Pipelines, airports and certain other sites have designated safeguarding areas associated with them where specific consultation is required in assessing planning applications. The objective is to ensure that no development takes place which is incompatible from a safety viewpoint. The need for consultation within Safeguarding Zones is identified when an application is submitted. Supporting Information Paper No. 7 provides further information on Safeguarding Zones.

(f) The Precautionary Principle

The precautionary principle may be adopted where there are good scientific, engineering, health or other grounds for judging that a development could cause significant irreversible damage to the environment, existing development or any proposed development, including the application itself.

g) Infrastructure and Developer Contributions

For development proposals which create a need for new or improved public services, facilities or infrastructure, and where it is proposed that planning permission be granted, the Council will seek from the developer a fair and reasonable contribution in cash or kind towards these additional costs or requirements. Developer contributions, where required, will be sought through planning conditions or, where this is not feasible, planning or other legal agreements where the tests in Circular 3/2012 are met. Other potential adverse impacts of any development proposal will normally be addressed by planning condition(s) but may also require a contribution secured by agreement.

This will emerge from assessment of the impact of development proposals upon:

- Education;
- Healthcare facilities;
- Transportation and Access;
- Infrastructure;
- Strategic landscaping; and,
- Play facilities.

Further to analysis of infrastructure, indicative requirements for housing land allocations are set out within the Action Programme. Developer contributions will be further established by Supplementary Guidance (timing, costs etc.).

In addition to the above, Mixed Use Employment Areas are identified within the LDP. These sites are allocated for a mix of uses, subject to an element of employment space

creation or improvement being provided. This will be informed by a business plan and masterplan. In these specific cases, contributions to the above (and affordable housing requirements as set out in Section 5) will also be required.

h) 'Natura 2000' Sites

Any development likely to have an adverse effect on the integrity of a 'Natura 2000' site will only be approved if it can be demonstrated, by means of an 'appropriate assessment', that the integrity of the 'Natura 2000' site will not be significantly adversely affected.

i) Waste Management

Applications for development which constitutes "national" or "major" development under the terms of the Planning Etc. (Scotland) Act 2006 will require the preparation of a Site Waste Management Plan (SWMP), which will be secured by a condition of the planning consent.

2. Consultations and Representations

The statutory neighbour notification procedures were followed, and no objections were received.

CONSULTATIONS

NAC Estates: No objection

Response: Noted

3. Analysis

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications be determined with regard to the development plan and any other material considerations. The determining factor is therefore whether the proposal complies with policy HE1 (Conservation Areas) and the General Policy. HE1 requires that development should not adversely affect the visual amenity or historical or architectural character of a conservation area, including its setting, buildings, open space or trees.

The proposal is a replacement of an existing small functional building at the same location. There would be no adverse effect on any existing buildings or the village green further to the south west and the design of the building would reflect the coastal harbourside location without being a pastiche or novelty by the addition of a simple flagpole, resembling the mast of a yacht, to the roof. No details have been submitted of any flag to be flown from the roof but any future addition which constituted an advertisement would require advertisement consent.

The applicant's agent has indicated that vitreous enamel cladding panels were chosen for the wall finishes in preference to a simple white rendered finish for maintenance reasons and the potential to engage artists to create decorative finishes. The details in the application are simple white panels which would be considered appropriate, and a planning condition could be applied requiring any variation to be submitted for the approval of the

Council. The proposal would not have a significant adverse effect on the conservation area and therefore complies with HE1.

In terms of the General Policy, criterion (a) Siting, Design and Amenity, the replacement building is appropriate for the reasons outlined above, and in terms of (b) Amenity, there would be no adverse effects on the amenity of any other properties. The proposal therefore complies with the General Policy.

The proposed development therefore accords with the relevant provisions of the LDP.

The emerging North Ayrshire Proposed Local Development Plan is a material consideration, and the proposal has also been assessed against the terms of the Proposed LDP. In this instance, this does not alter the conclusion of the assessment of the proposal against the adopted LDP as because the policies in the Proposed LDP are substantially similar to those in the adopted LDP, and it does not raise any new issues that would alter the foregoing assessment of the proposal.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That the external walls shall be finished in white vitreous enamel cladding panels, as indicated in the drawings hereby approved unless any variation has been approved in writing by North Ayrshire Council as Planning Authority.

Reason

In the interest of the amenity of the area.

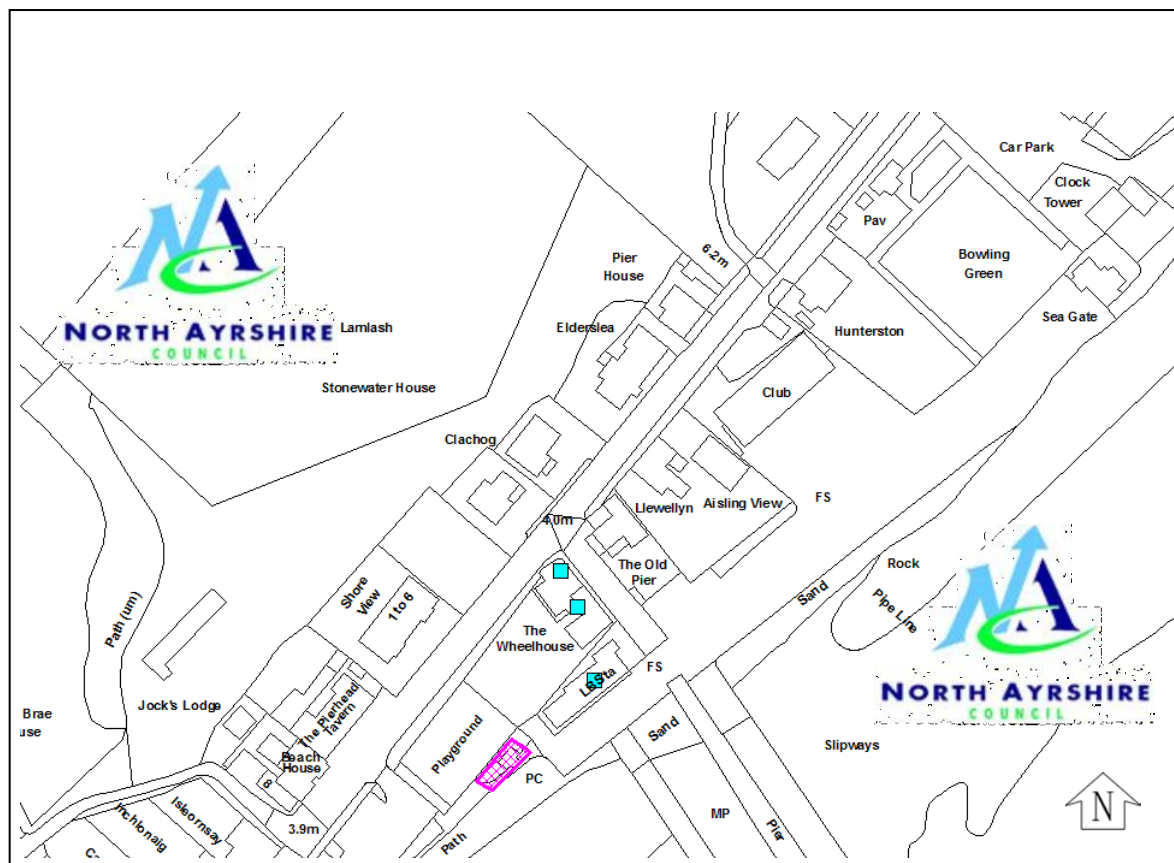


Karen Yeomans
Executive Director
Economy & Communities

For further information please contact Mr Neil McAteer Planning Officer on 01294 324316.

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL

24 April 2019

Planning Committee

Title:	Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: Land to North East of Birchbrae, Corrie, Isle of Arran
Purpose:	To seek authority to serve a notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 in relation to land to the north east of Birchbrae, Corrie, Isle of Arran
Recommendation:	Agree that authority be given to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring that the soil and aggregate placed on the land be removed and the land be reinstated to its former condition.

1. Executive Summary

- 1.1 A quantity (c.50-60m³) of spoil material (soil and aggregate) from a nearby approved development site has been deposited on an area of wild hillside.
- 1.2 The site is located immediately to the west of the settlement boundary of Corrie, as identified in the Adopted North Ayrshire Local Development Plan ("the LDP"). The site lies within the North Arran National Scenic Area and a Special Landscape Area, and is adjacent to the boundary of Corrie Conservation Area, all as identified in the LDP.
- 1.3 The unauthorized operational development is held to be contrary to the following LDP policies: HE1(b) (Development adjacent to Conservation Areas); ENV7 (Special Landscape Areas); and criterion (c) (Landscape Character) of the General Policy.
- 1.4 It is recommended that authority for the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997, as amended, (an "Enforcement Notice") be approved. An Enforcement Notice would require removal of the spoil material and reinstatement of the land to its former wild state. The Enforcement Notice would take effect not less than 35 days from the date on which it is served, unless an appeal is lodged before it takes effect. The Enforcement Notice would require to be fully complied within 3 months of the date that it takes effect. There is a right of appeal against an Enforcement Notice, but not on the grounds that planning permission ought to be granted.

2. Background

- 2.1 Planning permission (17/00364/PP) was granted subject to conditions on 1st June 2017 for erection of a replacement house on a site at Birchbrae, some 20m to the south west.

The 'pre-start' conditions were discharged, and the development was commenced on site.

- 2.2 Planning Services received a complaint from a neighbouring proprietor on 23rd July 2018 that soil from the site had been 'dumped' on land downhill, which is on a slope some 25-30m above several dwellinghouses: Cromla; Cromla Cottage; and Wayside.
- 2.3 A site visit on 1st August 2018 confirmed the situation and the developer of Birchbrae, Mr. Barry Mochan, acknowledged on 2nd August 2018 that the material was 'cut and fill' spoil from his site which had been deposited on the land outwith his site boundary due to a 'misunderstanding' by his groundwork's contractor. He advised that the intention was to move the material back up to the site to backfill areas following initial construction of foundations and walls which was ongoing.
- 2.4 Various discussions have since been undertaken between Mr. Mochan, his architect, Building Standards and Planning Services regarding potential changes to the approved development, as issues have arisen with the site, which is a hillside site accessed only by a steep, narrow, single track road causing difficulties with transportation of materials to and from the development. The remedy of this unauthorized breach of planning control has been raised as part of these negotiations and the Council was advised that this matter would be carried out as part of the development. No further planning applications for variation of the approved design have been received.
- 2.5 Ownership of the land in question has been confirmed by Mr. Charles Fforde of Arran Estates, who confirmed awareness of the operations without his prior consent and his lack of progress in having, either the ground contractor, Murchie Sand and Gravel Ltd, or Mr. Mochan, remedy the breach.
- 2.6 Being located within the National Scenic Area and adjacent to a Conservation Area, it is considered that the dumped material constitutes an adverse effect on both landscape character and the visual amenity and historical/architectural character of the conservation area as well as potential public safety issues arising from the hillside location. A planning application for the retention of the mound as landscaping or engineering would not therefore be supported.
- 2.7 Given the above, it is recommended that the enforcement notice be served on both the land owner, Arran Estates, and the operators, Mr. Barry Mochan c/o Arena Architects and Murchie Sand and Gravel Ltd of Market Road, Brodick.

3. Proposals

- 3.1 In the interest of preserving the integrity of the North Arran National Scenic Area and the character of Corrie conservation area it is recommended that Committee approves the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require the following:-
 - i) Removal of the dumped soil and aggregate; and
 - ii) Restoration of the site to its previous wild, hillside condition.

4. Implications/Socio-economic Duty

Financial:	Should any requirement of the Notice not be complied with following expiry of the compliance period, the Council as planning authority may enter the land and carry out such steps to achieve compliance with the requirements of the Notice. The Council may then seek to recover from the person(s) who was the then the owner or lessee any expenses reasonably incurred during the carrying out of these works. Cleansing has been made aware of the condition of the land and the possibility of the Council carrying out the works itself. The estimated cost of any works is to be advised.
Human Resources:	N/A
Legal:	The proposed Enforcement Notice is in accordance with Statutory Regulations. Non-compliance with such a Notice is an offence and the Council, as Planning Authority, could report such an offence to the Procurator Fiscal.
Equality:	N/A
Socio economic:	N/A
Children and Young People:	N/A
Environmental & Sustainability:	N/A
Key Priorities:	The proposed Wasteland Notice supports the Council Plan priority - "North Ayrshire is a vibrant, welcoming and attractive environment."
Community Benefits:	The proposed Wasteland Notice would address complaints about the condition of the site.

5. Consultation

5.1 Finance has been advised of the report in terms of its budgetary provision.



Karen Yeomans
Executive Director (Economy and Communities)

For further information please contact **Neil McAteer, Planning Officer**, on **01294 324316**.

Background Papers

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NORTH AYRSHIRE COUNCIL

24 April 2019

Planning Committee

Title:	Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: 9-15 Bath Street, Largs
Purpose:	To seek approval to serve a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring proper maintenance of the land for the abatement of the adverse impact on the local area.
Recommendation:	That the Committee grants authority for the service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to abate the adverse impact on the land on the local area.

1. Executive Summary

- 1.1 This report recommends the service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 ("Wasteland Notice") in relation to the land at 9-15 Bath Street, Largs. A Wasteland Notice allows the Council as Planning Authority to serve on the owner, lessee and occupier of the land, which is adversely affecting the amenity of any part of the area, a notice requiring steps to be taken to abate the adverse effect of the condition of the land
- 1.2 9-15 Bath Street, Largs comprises of a vacant plot either side of an access from Bath Street to the rear of properties on Main Street, Largs. The building on the plot was demolished many years ago. The land is now used as an informal car park. The site is within the town centre of Largs with commercial properties to all sides and residential properties nearby.
- 1.3 The site has accumulated litter and some items have been dumped on the site. The land is visible from Bath Street, which is part of the town centre and one of the main roads to and from Main Street. The condition of the land, due to the accumulation of refuse, has a significant adverse impact on the amenity of the local area.

2. Background

- 2.1 The site is a vacant plot which is used informally for car parking. Access to the rear of properties on Main Street is gained through the site and the land to the immediate east is a parking and service area for those properties. The land is identified in the Local Development Plan as part of the Largs Town Centre.

- 2.2 The Council has received several complaints regarding the site. An investigation of the condition of the site was undertaken in 2012. At that time the owner cleared refuse from the site and its condition was held to no longer harm amenity. Further complaints were received in 2017 and 2018, which related to litter and dumping on the site and land to the rear (east). The dumping on the land to the rear was cleared, apparently by properties on Main Street. However, no action has been taken in respect of the site of the former building.
- 2.3 The owner has been requested in writing to clear the site and confirm intentions on several occasions, most recently on 21st January 2019. No response has been received to recent correspondence. The owner has been advised that the Council is now considering formal enforcement action requiring clearance of the site. To date no response has been received. An inspection of the property on the 26th March 2019 revealed that the litter and refuse remained on the land.
- 2.3 Given the above, it is considered that the owner has been given adequate opportunity to alleviate the harm caused by the condition of the land. The required works have not been undertaken and the condition of the land continues to cause harm to local amenity.

3. Proposals

- 3.1 The condition of the land is having a significant adverse impact upon the amenity of the area. The site is within the town centre and the refuse is visible from one of the main approaches to the centre of Largs.
- 3.2 In the interest of the amenity of the area, it is recommended that Committee approves the serving of a Notice under Section 179 of the Town and Country planning (Scotland) Act 1997 requiring the following;
- (i) Removal of all litter and refuse from the site of the former building;
- 3.3 It is proposed that the owner would be given 6 weeks from the date of any Notice taking effect in which to carry out the requirements.

4. Implications/Socio-economic Duty

Financial:	Should any requirement of the Notice not be complied with following expiry of the compliance period, the Council as planning authority may enter the land and carry out such steps to achieve compliance with the requirements of the Notice. The Council may then seek to recover from the person(s) who was the then the owner or lessee any expenses reasonably incurred during the carrying out of these works. Cleansing has been made aware of the condition of the land and the possibility of the Council carrying out the works itself. The estimated cost of any works is to be advised.
Human Resources:	N/A
Legal:	The proposed Wasteland Notice is in accordance with Statutory Regulations.
Equality:	N/A
Socio economic:	N/A
Children and Young People:	N/A
Environmental & Sustainability:	N/A
Key Priorities:	The proposed Wasteland Notice supports the Council Plan priority - "North Ayrshire is a vibrant, welcoming and attractive environment."
Community Benefits:	The proposed Wasteland Notice would address complaints about the condition of the site.

5. Consultation

5.1 Finance has been advised of the report in terms of its budgetary provision.

Karen Yeomans
Executive Director (Economy and Communities)

For further information please contact **Iain Davies, Senior Development Management Officer**, on **01294 324 320**.

Background Papers

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