

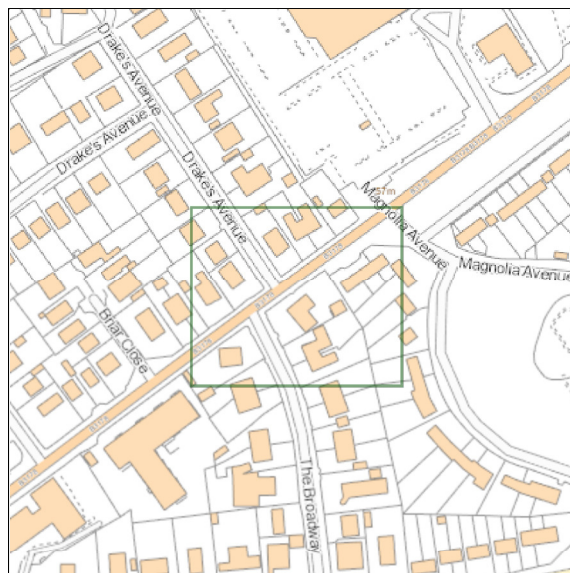
Ward Exmouth Littleham

Reference 19/2580/FUL

Applicant Mr Andrew Taylor

Location Land Adjacent 1 The Broadway Exmouth EX8 2NW

Proposal Proposed new dwelling, new access onto highway, cycle storage and 2.1m high boundary fence



RECOMMENDATION:

1. That the Habitat Regulations Appropriate Assessment forming part of the Committee Report be adopted; and,
2. That the application be **APPROVED** with conditions.



		Committee Date: 15th July 2020	
Exmouth Littleham (Exmouth)	19/2580/FUL	Target	Date:
		23.01.2020	
Applicant:	Mr Andrew Taylor		
Location:	Land Adjacent 1 The Broadway Exmouth		
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RECOMMENDATION:

- 1. That the Habitat Regulations Appropriate Assessment forming part of the Committee Report be adopted; and,**
- 2. That the application be APPROVED with conditions.**

EXECUTIVE SUMMARY

This application is before Members because the officer recommendation is contrary to the view of a Ward Member.

Planning permission has been granted, and remains extant for a new dwelling occupying the same footprint and of a similar design to that currently being proposed. The main differences relate to the natural ground levels of the site being maintained and not being reduced as previously proposed, the result of which is that the height of the dwelling has been increased by approximately 500mm. The need for retaining the existing ground level stems from providing an adequate drainage connection to the existing sewer.

The concerns raised in respect of the differences between the previously approved planning applications and the current proposal are noted, however this is an independent and unrelated application which must be considered on its individual merits.

Whilst any increase in height of the building will have some impact on the character of the area and potential to affect the amenity of neighbouring residents, in this instance it is not considered that the additional impact arising from the proposals over that previously granted permission would be unreasonable within the streetscene, or that the proposed alterations would be unacceptable in terms of impact on the residential amenities of the occupiers of adjacent properties.

As such the application is supported.

CONSULTATIONS

Local Consultations

Exmouth Littleham - Cllr Nick Hookway

27.01.20

I am objecting to this application as I am concerned over the impact upon neighbouring properties. Having visited both numbers 1 and 3 The Broadway in recent months, I observed that the entire site of No 1 is naturally higher than that of No 3, so that the issues of Overlooking and loss of privacy were already in existence and have now become paramount when considering this application.

I question why the proposed dwelling has to be raised by 470mm just to create a shared drive that is level. The impact upon neighbouring properties by raising the proposed building by 470 mm would be substantial and would therefore impose an unacceptable level of intrusion in terms of being overlooked and loss of privacy, particularly upon No. 3 The Broadway.

Planning officers have raised similar concerns, see email sent 09/01/2020 Have these concerns being fully answered?

I am of the opinion that this application and the issues that it raises should be discussed fully at DMC

I reserve the right to amend my opinion should I be made aware of other facts relating to this application.

Further comments:

12.06.20

Further to my earlier comments I feel that I must continue to object to this proposal. The main concerns here this application are to do with overlooking and loss of privacy. Although the latest amendments to this application have gone some way to address these concerns, I find that the raising of the roofline by nearly 500mm will only make matters worse.

I reserve the right to alter my views when I have the full facts of this application placed before me.

Parish/Town Council

Meeting 09.12.19

Objection, this revised application was significant departure from the previous approved application. This revised scheme included additional roof windows and a higher ridge height to the detriment of the neighbouring property which the previous

approved application was conditioned to protect. Members questioned the labelling on the plans ' the NE & SW elevation appeared to be incorrectly labelled.

Further comments:

Meeting 20.01.20

Objection sustained, the amended plans still did not mitigate concerns raised over the higher ridge height.

Further comments:

08.06.20

Objection sustained; the amended plans did not mitigate concerns regarding the raise height from the previously approved proposal. Additionally, it was noted that the original application stipulated restricted opening widths of the windows between 100 and 200mm and this was not noted on the amended plans.

Due to the restrictions placed on the council as a result of the pandemic Coronavirus, this response represents the opinion of members of Exmouth Town Council Planning Committee agreed via co-ordinated telephone and email consultation process and will be ratified at the next appropriate meeting of the council.

Technical Consultations

Devon County Highway Authority

This site has been the subject of a handful of applications within the last few years.

This application involves only the new access.

The access has satisfactory visibility in the Northern direction of Salterton Road, though the re-aligned 2m high stone wall will further assist with this and I note the refuse and cycle storage will be kept behind this wall.

The apron of the access and the set-back delineation with the neighbours helps the visibility looking in the southern direction and so the visibility in the southern direction is also acceptable.

Off-carriageway parking and a turning head is also provided for on the internal site plot. Therefore the County Highway Authority has no objection to this planning application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Other Representations

7 representations have been received, 5 raising objections and 2 supporting the proposal. These are summarised below

Objections

- Lack of parking and turning for second vehicle
- Difference in ground levels between the 2 sites
- Not lowering the ground level will result in an increase in overbearing impact upon neighbours
- Increase in windows on the south east elevation resulting in loss of privacy and overlooking
- No plans showing details of gates and pillars
- Application should be considered in conjunction with adjacent site
- Proposal not in accordance with previous consents and conditions
- The alterations to previous approvals will impact on property, privacy and amenity
- The fence between the driveway serving 1 The Broadway and application site is too high
- The existing site plan identifies an office on the plot which is not there
- The site office has an unacceptable impact
- The flat roof will attract seaguls

PLANNING HISTORY

Reference	Description	Decision	Date
19/1447/FUL	Erection of dwelling in garden, creation of new accesses onto Salterton Road, closure of access onto The Broadway and erection of extension to existing dwelling	Approved	20.09.2019
18/1582/FUL	Construction of 1 no. dwelling, alterations and extensions to existing dwelling (including raising the ridge height and the installation of dormer windows) to create 3 no. dwellings, creation of vehicular access onto Salterton Road	Approved	28.09.2018

17/3051/FUL	Construction of 1 no. dwelling, alterations and extensions to existing dwelling (including raising the ridge height and the installation of dormer windows) to create 3 no. dwellings, creation of vehicular access onto Salterton Road	Withdrawn	27.06.2018
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POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

EN14 (Control of Pollution)

Exmouth Neighbourhood Plan

Policy EN1

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Site Location and Description

The application site consists of part of the rear garden formerly associated with 1 The Broadway, a large detached dwelling occupying a corner plot at the junction of Salterton Road and The Broadway. It is a relatively level site, extending to an area of 308 square metres, and having a stone boundary wall to the frontage of Salterton Road into which a new vehicular entrance has been recently created.

The site is within the built-up area boundary of Exmouth, with existing dwellings to the north, south and eastern boundaries, and a further dwelling on the opposite side of Salterton Road.

Proposed Development

This application seeks full planning permission for the construction of a new dwelling, with access onto Salterton Road, and the construction of a cycle store to the rear. The application is submitted as an alternative to that previously approved on the site, on

the same footprint, and with the same overall massing but with the dwelling sited on the existing ground level, rather than the site level being reduced as was previously proposed.

This will result in the ridge height of the proposed dwelling being 0.49m higher, with the ground floor of the building being raised by 0.47m over the previous consent. It is understood that the reduction in ground levels previously proposed would not allow connection into the existing sewer due to the invert levels without being pumped at extra cost.

The proposed dwelling would occupy the position, and have the same footprint as that of a previously approved dwelling, although the design and layout has been amended.

The accommodation is arranged over three floors, with the second storey being contained within the roofspace. Living accommodation is on the ground floor, 3 bedrooms, an en-suite and bathroom on the first floor, and a further 2 bedrooms and shower room on the second floor.

The design is relatively traditional, constructed in facing brick work with tile hanging to the gable above the full height bay to the front, and a triangular dormer window, again tile hung, within the tiled roof to the front of the house. Three high level rooflights are proposed within the rear roof plane.

Access is to be taken from Salterton Road, with a parking and turning area to the front of the property.

Since the submission of the application it has become clear that construction on site has commenced and that it is this proposal that is being implemented.

Planning History

The site has a complex history with the following applications having been recently submitted. These application were for the application site and number 1 The Broadway. In effect, the consents below have permitted works to number 1 itself, including extensions and conversion to 3 flats, as well as a detached dwelling in the garden. It is this dwelling in the garden that the current application seeks to vary.

Reference	Description	Decision	Date
19/1447/FUL	Erection of dwelling in garden, creation of new accesses onto Salterton Road, closure of access onto The Broadway and erection of extension to existing dwelling	Approved	20.09.2019

18/1582/FUL	Construction of 1 no. dwelling, alterations and extensions to existing dwelling (including raising the ridge height and the installation of dormer windows) to create 3 no. dwellings, creation of vehicular access onto Salterton Road	Approved	28.09.2018
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CONSIDERATION AND ASSESSMENT

The main issues to be considered in the determination of this application relate to the principle of the development and any impact on the character and appearance of the area, on residential amenity, or on highway safety.

Principle

The application site is located within the built-up area boundary for Exmouth, and there is therefore no 'in-principle' objection to additional residential development with Exmouth identified as a sustainable location for new development under the provisions of Strategy 6 (Development within Built-Up Area Boundaries), and Strategy 22 (Development at Exmouth) of the East Devon Local Plan. The site is considered to be particularly sustainable being located on a main transport route, with easy access to a range of services, shops and other facilities.

Given this, and given that consent for a dwelling on this site has been granted on two previous occasions very recently, the principle of development is acceptable.

Character and Appearance

The design of the proposed building is relatively traditional, with its form and design taking reference from other properties in the vicinity. It has been amended from that previously approved on the site, with the removal of the integral garage and alterations to the fenestration.

The main difference in terms of impact on the character and area relate to the increase in the ridge height of the proposed building over that previously approved. In terms of the appearance to the Salterton Road frontage of the site, the increase in the ridge height is not considered to be so significant as to have a material impact on the character and appearance of this part of Salterton Road. In this respect the ridge

height (63.89m) will be lower than both of the neighbouring properties, with 1 The Broadway having a ridge height of 64.68m and 94 Salterton Road with a ridge height of 64.19m. Although higher than number 3 The Broadway (63.35m), within the site context, and given that the proposal is not readily see from the public domain in conjunction with number 3, it is not considered that the additional height would appear to be visually intrusive, or unacceptable within the street scene.

The amendments to the appearance of the front of the property within the context of the public realm are considered to be modest. The removal of the integral garage with covered porch and the use of brickwork to the first floor are not considered to have a detrimental impact on the appearance of the property, and the use of soldier course brickwork arch detailing above the ground floor windows would provide interest to the elevation.

As the position of the dwelling, its scale and massing have been previously found to be acceptable within the context of the site and the wider character of the area, it is not considered that the proposed retention of the existing ground levels, would result in a material impact on the character and appearance of the area such that it would be reasonable to withhold permission on this basis.

Residential Amenity

The principle of a new dwelling has been established on this site through the previous extant planning permission when the impact of the proposal on the amenity of the occupiers of the neighbouring properties was considered and, subject to appropriate conditions, found to be acceptable. Therefore the determinative issues in the consideration of this application are in terms of any additional or other impact resulting from the proposed amendments suggested.

The installation of the cycle store in the south eastern corner of the site is a modest functional structure which is not considered to have any detrimental impact on the amenity of the neighbouring residents.

In respect of the alterations to the proposed dwelling, the main issues are considered to be any impact on the amenities of the occupiers of the neighbouring properties, particularly those to the south east of the site at 3 The Broadway, whose property and garden levels are at a lower level than the site (approximately 1m lower).

The proposed dwelling is located partly on the site previously occupied by a home office which has been relocated outside of the application site. As has previously been accepted the construction of a dwelling within the application site will have some impact on the amenities of the occupiers of the neighbouring property, it is the degree of harm and the difference over and above that which was previously found to be acceptable which needs to be considered as part of this application.

As stated above the siting of the proposed dwelling is the same as that previously considered, although there will be some additional impact arising as the ground levels are not now proposed to be reduced. This will result in more of the rear wall of the new dwelling being visible above the 2.1m high fence boundary, and whilst this will have some additional impact in terms of outlook, it is considered that this would not be

so significant that it would be unreasonably visually intrusive or result in such substantive additional harm to sustain an objection on this basis, particularly given that the roof slopes away from the boundary within number 3. Given the orientation and relationship of the proposed dwelling with that existing there will not be any loss of day light or sunlight arising from the amended plans to number 3.

In terms of loss of privacy, the fenestration arrangements have been amended during the course of the application to result in a similar number of opening to the previous consent.

There is now a similar impact to the previous consent with 3 high levels windows (two of which are obscure glazed) to the rear at first floor level with no roof lights facing number 3. Within the roof space, there are now no rooflights to the rear facing number 3. An improvement over the previous consent.

Whilst the appearance of this elevation will be altered, the use of high level windows, obscure glazing and height of opening windows is such that no additional overlooking or loss of privacy will occur as a result of these amendments.

The use of a 2.1m fence to the rear boundary of the site will be maintained which will also further ensure privacy for the occupiers of no. 3 The Broadway from the use of the ground floor and garden area of the new dwelling.

With the above in mind it is recognised that the proposed dwelling will result in a perception of being overlooked for the occupiers of no. 3 The Broadway to the south east, and that the current situation will be altered. However the impact arising from the construction of a dwelling in this position has already been found to be acceptable by the previous approvals on this site and this proposal will not result in any additional levels of overlooking or perception of overlooking. The additional impact arising from the amended proposals is not considered to be unreasonable or such that would render the proposal unacceptable. In this respect the amended proposal is considered to be in compliance with policy D1 (Design and Local Distinctiveness) of the Local Plan which seeks to ensure that proposals do not adversely affect the amenity of existing occupiers.

The proposed dwelling would also have some impact on the amenity of the occupiers of the property to the north east of the site, 94 Salterton Road which has a single ground floor window on the side elevation, although the outlook from this is to a certain extent limited by the presence of an existing boundary wall. The distance to the side wall of the proposed dwelling has an overall separation distance of around 5m. Two high level windows are proposed within the side elevation of the proposed dwelling which will not facilitate any overlooking or loss of privacy for the occupiers of the existing property.

The distance and presence of the road to the site frontage will protect any amenity to properties on the opposite side of Salterton Road.

On balance it is considered that subject to appropriate conditions to ensure that the proposed fenestration arrangements are maintained, and that no further windows or

openings are proposed without consent at the first floor (or above) level, the proposal is considered to be acceptable.

In addition it is also considered to be reasonable, as previously, to remove permitted development rights in respect of further extensions to the proposed dwelling, dormer windows, roof lights or other outbuilding which could impact on the amenity of existing residents.

Highway Safety

The proposed access onto Salterton Road to serve the dwelling has been considered by officers at Devon County Council as the Highway Authority. This has been found to be acceptable from a highway safety perspective and would comply with the necessary visibility requirements.

Adequate turning and parking provision has been made within the site to be compliant with the Local Plan policy and whilst the concerns raised by neighbours in respect of the highway arrangements are noted, no objection has been raised by the County Highway Authority.

Some concern was also raised that there was a difference in levels between the driveway serving the existing property and the proposed dwelling, which is not the case. The further concerns relating to position of the proposed fencing between the driveway serving 1 the Broadway and the new dwelling have been considered with amended plans submitted indicating a minimum set back of 5m from the highway for any proposed dividing fence which will comply with highway safety requirements.

Compliance with previous conditions

The consent granted under application 18/1582/FUL for the current application site and number 1, contained a number of conditions. This ensured that windows to the rear of the proposed dwelling were obscured glazed, that the 2.1m high boundary fence on the boundary with number 3 be provided, that there be no further openings, no further extensions without consent and that the dwelling should not be occupied until the new driveway has been created. Similar conditions will need to be placed on the current application if Members grant planning permission.

The second consent for the site (19/1447/FUL), also contained similar conditions but also contained a further condition to ensure that the new access serving number 1 was provided and that within 1 month of its provision and use, the existing driveway to 1 The Broadway was closed. Should this permission be implemented in relation to number 1, this condition will still be binding upon that consent regardless of whether further planning permission is granted through the current application.

Habitats Mitigation and Appropriate Assessment

The nature of this application and its location close to the Exe Estuary and Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely

Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

Other matters

There is a site office on the boundary with number 3 and whilst this is visible from the garden of number 3 The Broadway, it does not require planning permission for the duration of the building works being carried out to number 1 The Broadway.

Concerns have been raised about the inclusion of a flat roof to the centre of the proposal building and potential for nesting seagulls, however this may not occur and it is within the gift of the occupiers of the new dwelling to control any nesting. The application could not therefore be refused on these grounds.

CONCLUSION

Planning permission has been granted, and remains extant for a new dwelling occupying the same footprint and of a similar design to that currently being proposed. The main differences relate to the natural ground levels of the site being maintained and not being reduced as previously proposed, the result of which is that the height of the dwelling has been increased by approximately 500mm.

The concerns raised in respect of the differences between the previously approved planning applications and the current proposal are noted, however this is an independent and unrelated application which must be considered on its individual merits. In this respect the proposal alterations to the design of the dwelling, levels of the site and proposed access arrangements are considered to be appropriate within this context subject to a number of conditions to protect the amenity of adjoining occupiers.

Whilst any increase in height of the building will have some impact on the character of the area and potential to affect the amenity of neighbouring residents, in this instance it is not considered that the impact arising from the proposals would be unreasonable, or that the proposed alterations would be unacceptable in terms of additional impact on the amenities of the occupiers of adjacent properties.

RECOMMENDATION

- 1. That the Habitat Regulations Appropriate Assessment forming part of the report be adopted; and,**
- 2. That the application be APPROVED subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with 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 approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No development above ground finished floor level shall take place until samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
4. The development hereby permitted shall be undertaken in accordance with the finished floor, ridge height and garden levels indicated on the approved plans listed at the end of this decision notice. No alterations to the levels shall be undertaken without written approval of the Local Planning Authority.
(Reason - In the interests of the character and appearance of the locality and to protect the residential amenities of adjoining properties in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
5. Before the dwelling hereby permitted is occupied and in accordance with the details shown on drawing no's 19-825 A.05 Rev F; 19-825 A.06 Rev F; 19-825 A.07 Rev F; 19-825 A.08 Rev C; 19-825 A.10 Rev E; 19-825 A.11 Rev C the windows indicated on the drawings shall be installed as indicated and annotated on the approved plans.
(Reason – To protect the privacy of adjoining occupiers in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031.)
6. Before the dwelling hereby permitted is occupied and in accordance with drawing no. 19-825 A.10 Rev E the first floor opening windows shall have been fitted with obscure glass and shall have a restricted opening of between 100 and 200mm. The obscure glazing and opening limitation of these windows shall thereafter be retained at all times.
(Reason – To protect the privacy of adjoining occupiers in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031.)

7. Prior to first occupation of the dwelling hereby permitted the 2.1 metre high rear garden fence shall have been installed in accordance with the details shown on drawing no 19-825 A.01 Rev E, 19-825 A.12 Rev E and Landscaping Scheme 19/305/01D. The fence shall thereafter be retained and maintained in perpetuity. (Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works within the Schedule Part 1 Classes A, B, C or E for the enlargement, improvement or other alterations to the dwelling hereby permitted, or the provision within the curtilage of the dwellinghouse hereby permitted of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, other than works that do not materially affect the external appearance of the buildings, shall be undertaken. (Reason - The space available would not permit such additions with detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, doors, rooflights or other openings other than those shown on the plans hereby permitted shall be formed in the south eastern elevation of the dwelling hereby approved. (Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
10. The new dwelling hereby approved shall not be occupied until the access, turning space and parking shown on drawing no 19-825 A.01 Rev E have been provided in accordance with the approved details. These shall thereafter be retained and kept available for those purposes at all times. (Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with the requirements of Policy TC7 - Adequacy of Road Network and Site Access of the Adopted New East Devon Local Plan 2016.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

Landscaping details	Additional Information	10.01.20
19/305/01	Landscaping	10.01.20
A.13: Details of cycle store	Other Plans	10.01.20
T1	Location Plan	22.11.19
A01 rev E (amended)	Proposed Site Plan	04.06.20
A02 rev F : foundation plan (amended)	Other Plans	04.06.20
A03 rev E : ground (amended)	Proposed Floor Plans	04.06.20
A04 rev G : first (amended)	Proposed Floor Plans	04.06.20
A05 rev F : loft (amended)	Proposed Floor Plans	04.06.20
A06 rev F (amended)	Proposed roof plans	04.06.20
A07 rev F (amended)	Sections	04.06.20
A08 rev C : Front North West (amended)	Proposed Elevation	04.06.20
A09 rev C : Side North East (amended)	Proposed Elevation	04.06.20
A10 rev E : Rear South East (amended)	Proposed Elevation	04.06.20

A11 rev C : Side South West (amended)	Proposed Elevation	04.06.20
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A12 rev E (amended)	Sections	04.06.20
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List of Background Papers

Application file, consultations and policy documents referred to in the report.