

Reference: 06/20/0156/O

Parish: Ormesby St Marg

Officer: Chris Green

Expiry Date: 30/7/20

Applicant: Mr D Troy

Proposal: Residential development of 33 dwellings comprising 17 detached, 10 semi-detached and 6 affordable houses with access road and area of public open space

Site: Land off Foster Close Ormesby St Margaret.

REPORT

1. Background

- 1.1** This land is beyond the development limits for the village but considered relatively well located to goods and services and delivering a significant number of new homes including affordable homes off an access that has sufficient capacity. Currently the Council does not have a five-year housing supply, that however is based on statistics and methodologies nearly five years old and therefore nearly out of date, where in addition other permissions on land in the emergent plan will provide further supply.
- 1.2** Notwithstanding the emergent situation this carries lesser weight at present and in other regards the planning balance is considered to justify a recommendation for approval in outline subject to the completion of section 106 legal agreements.

2. Site and Context

- 2.1** The site is situated to the South of 74 Station Road, Beechcroft, Ormesby St Margaret and the access is through land that was part of its curtilage and which benefits from planning permission for a seven-unit scheme (see history below). Ormesby is categorised as a larger village where 30% of development is expected to be placed. This is taken off a stub called Foster Close, currently offering access to two dwellings.
- 2.2** This particular site is of 1.89 hectares and has no back history and is farmland of mainly grade 1 (the best agricultural land) and outside the village "residential boundary", which fringes the site to the north west and south sides.

- 2.3 The land is open scrubby grassland to the centre though google earth shows it cropped until relatively recently. There is a hedgerow to the east side of relatively low extent, with trees to the north, south and much of the west boundaries.
- 2.4 Part of the conservation area touches the site boundary in the south west corner.

3. Proposal

- 3.1 This is an outline application with access being the one matter identified as being for consideration here. The drawings submitted are to be considered as indicative therefore. That said because of the Affordable homes legal agreement for onsite provision requiring conclusion before issue of approval in outline, the numbers of properties proposed is considered established as part of this application.
- 3.2 At this stage the indicative proposal is to construct a mix of three- and four-bedroom houses as follows:
- Type A: 17 number four-bedroom detached
 - Type B: 6 number three-bedroom detached (set diagonally, in the site corners)
 - Type C: 4 number three-bedroom linked detached (in the central island)
 - Type D: (Affordable) 4 number, three-bedroom terraced, near the entrance point to the site in the northwest corner.
 - Type D: (Affordable) 2 number three bedroom semi detached

These are shown arrayed around a looped access.

- 3.3 Accompanying the proposal are the following documents:

- Planning statement /Design and Access Statement
- Flood Risk Assessment and Drainage Strategy
- Habitat Regulations Assessment
- Indicative plans and elevations
- Preliminary Ecological Assessment, received 27.7.20
- It has been confirmed by the County that a Transport Statement is not needed now that details of junction geometry have been provided.

4. Relevant Planning History

- 4.1 To the immediate north there is a considerable history of policy compliant development of the land south of Station Road. To the immediate north of this

site seven dwellings were permitted by application reference 06/17/0028/O. This land is shown as within the development limits, being gardens to 74 Station Road. This application (17/0028) was submitted by the same applicant as for the current application. This scheme is on land that features the pond referred to by some commentators. Additional information from the applicant confirms the pond is to be retained, without disturbance within one of the curtilages of the approved scheme.

- 4.2 The site will be surrounded on three sides by residential development
- 4.3 Four dwellings and a barn conversion were permitted in 2017 on land to the west on Dairy Farm 06/17/0238/F. This land is within the village conservation area but not shown as within the residential envelope.
- 4.4 This land had been put forward as an allocation in the emergent (part 2) of the local plan but rejected in favour of two other sites to the west side of the village. This land is Grade 1 agricultural land whereas the other two sites allocated in the emergent plan OT1 and OT2 are shown as being either Grade 2 (OT1) or ungraded.

5. Consultations :- All consultation responses received are available online or at the Town Hall during opening hours

5.1 The parish council for Ormesby St Margaret has objected:

- Overdevelopment
- Loss of habitat
- Loss of agricultural land
- Serious concerns regarding access, highways issues and road safety
- Vehicles needed to deliver aggregates and materials to the proposal would not be able to access Foster Close as the roads are very narrow. Station Road is a metre narrower than the surrounding streets and the Parish Council considers the development could not be built with the current surrounding roads.

5.2 Neighbours and residents of the village have objected, on the following summarised points:

- The new development will add 31% additional properties to the estate via the Station Road junction. This is excessive at school run and morning commute.
- There will be cumulative impact from other major new developments locally.
- The pandemic prevents the proper operation of democracy and there has been no attempt by the developer to seek the community's views before application.
- The proposal is premature as no neighbourhood plan is yet in place.
- There has been failure to properly consult all neighbours.
- This will impact adversely on existing services.

**5.3 Consultations – External
Norfolk County Council**

- 5.4 Highways** – No objection subject to conditions that before commencement detailed plans of the roads, footways, foul and surface water drainage have been submitted and approved by the Local Planning Authority and before occupation said works completed to accord to the approved scheme; that before occupation the road(s) and footway(s) shall be constructed to binder course level and that details of parking for construction workers shall be agreed and implemented.
- 5.5 Rights of Way Officer** – no comment
- 5.6 Historic Environment Service** – No objection subject to the three archaeology conditions being applied. There are ploughed out bronze age barrows in the vicinity and medieval field patterns.
- 5.7 Local Lead Flood Authority:** The Local Lead Flood Authority provided feedback on further technical information supplied by the agent with regard to sustainable drainage design on 8.6.20 noting continued objection due to the soakage rate being over the 24-hr period allowed (by implication attenuation therefore needed). Further information has been provided and sent for comment with replies expected from the LLFA after the closing date for report writing, the findings will be reported to members at the meeting.
- 5.8 Norfolk County Council Minerals Planning** team require a condition to establish resources that might be lost for extraction by development of this land and to allow mitigation of the impact and on-site use where appropriate.
- 5.9 Norfolk Fire and Rescue.** No objection and standard comments regarding provision for fire-fighting to accord with the Building Regulations.
- 5.10 Norfolk Police:** No objection, but disappointment that the D and A statement does not offer some insight into designing out crime at outline stage.
- 5.11 Norfolk Environment Team.** A Preliminary Environmental Assessment PEA is required. (this was received 27/7/20 and a consultation forwarded)
- 5.12 Norfolk CC Infrastructure:** A contribution of approximately £70k is requested for primary school education, and £2475 for contribution to library service through the section 106 agreement.
- 5.13 Broads Drainage Board** – The inland drainage Board do not object but note that any surface water discharge to watercourses might require further consultation and agreement with the IDB if infiltration is not achievable.
- 5.14 Natural England** – No objection subject to RAMS mitigation payments

Consultation - Internal GYBC

- 5.15 Head of Housing:** As the property is in the Rural North sub market area, the site is required to provide a 20% affordable housing contribution, totalling 7 units, the application identifies 6. The GYBC tenure split, as detailed in our

viability study, is 90% Affordable Rent Tenure and 10% Affordable Home Ownership. The site for 7 is in the same ownership 20% of 40 units is 8 affordable homes so any section 106 agreement should make this provision or justify otherwise.

- 5.16** The properties identified for affordable housing are all 3 bed, discussion is welcome on the size of the affordable properties to better meet the housing need in the area. The current housing need information for this location shows requirements for; 8% 1 bed, 29% 2 bed, 25% 3 bed, 30% 4 bed, 6% 5 bed, 1% 6 bed, 1% 7 bed

5.17 Environmental Health – (contaminated land, noise, air quality)

No objections: A full suite of conditions requiring contaminated land matters to be investigated and mitigated is needed as no information has been provided. Construction work period should be restricted to protect adjacent residents and air quality maintained during construction works.

6. Assessment of Planning Considerations: Policy Considerations:

National policy

- 6.1** Paragraph 47 of the National Planning Policy Framework states: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2** At present the Council is unable to demonstrate a 5-year supply of deliverable housing sites. Paragraph 11(d) of the NPPF, the lack of five-year supply should weigh heavily in favour of the application unless any adverse impacts of doing so would significantly and demonstrably outweigh benefits when assessed against the policies in the Framework taken as a whole.

Local Policy Adopted Core Strategy

- 6.3** Great Yarmouth Borough adopted Local Plan Policy CS1 - "Focusing on a sustainable future" seeks to create sustainable communities where growth is of a scale and in a location that complements the character and supports the function of individual settlements. This is a (small scale) major development on unallocated land.
- 6.4** The number of objections and the lack of community involvement that is implicit where a site has not been allocated as part of the planning process challenges the community's aspirations.
- 6.5** There is little long-term economic benefit associated with the proposal. Affordable housing, self-build and adaptable homes would be delivered along with public open space, by section 106 agreement

- 6.6** This site is 750m from the North Road convenience store, with the larger allocation OT1 being better placed to access this. The other allocated site OT2 is 400m from the convenience store. The proposal site is a little nearer the Spar shop associated with the filling station at approximately 550m, which appears to offer similar retail floor area albeit shared with the filling station function.
- 6.7** Policy CS3 - Addressing the borough's housing need dates to adoption in 2015. The housing requirement derives from the Core Strategy which the Council considers to be out-of-date as it will be five years old in December 2020 and the emerging Local Plan reflects this at policy UCS3. This emergent policy reduces predicted need from 7,140 to 5,303, the supporting text lays out what has been achieved to date and where delivery is likely to be provided and on that basis, there is considered to be a buffered five year supply available. A number of larger sites are at an advanced stage of planning will delivery supply in accordance with the revised yearly delivery rates.
- 6.8** The need will be reassessed in accordance with NPPF paragraph 73 which requires the five-year supply to be assessed on the basis of the local housing need calculated using the national standard methodology set out in the NPPF. Under this the housing requirement for the five-year supply is 2,142 as opposed to 3,367. The April 2019 Five Year Supply indicates a supply of 2,302 homes over the five-year period. Therefore, against the local housing need figure the Council will have a five-year supply. This however will be the situation predicted to exist in December of this year rather than now.
- 6.9** Policy CS4 - Delivering affordable housing requires 20% of housing on this site be provided as affordable, for 33 dwellings this requires 6.6 dwellings to be provided rather than the six as submitted. This normally requires on site delivery and rounding up. Given that the earlier permission for 7 by the same applicant has not been built out it is reasonable to also consider that for forty dwellings in aggregate the affordable contribution should be eight dwellings. Emergent policy H2 formalises this principle by requiring the consideration of cumulative site numbers on affordable housing requirements. The shortfall is not a refusal reason however as subject to the whole proposal being acceptable this matter can be negotiated as part of the section 106 agreement before the decision is issued.
- 6.10** Policy CS9 - "Encouraging well-designed, distinctive places": As this is a back-land greenfield site with limited opportunity for linkages being on isolated farmland where other property in the vicinity has continuous plots with no points of access other than through the former garden site accessed off Foster Close, there are little by way of contextual constraints to inform design and create "local identity". The layout shown in indicative form has some formality of layout around the central area. This might deliver a degree of distinctiveness within the scheme. This matter would if the scheme in other regards was acceptable be further addressed at reserved matters stage as would other matters such as the lighting and conservation and enhancement of biodiversity, and landscape features

- 6.11 The site is adjacent a conservation area to the south east of the site. Policy CS10 of the Core Strategy seeks the conservation of the Borough's heritage assets and their settings. With the proposal in such close proximity to the conservation area its visual impact should be carefully considered in relation to design, scale and massing and potential impacts mitigated.
- 6.12 Policies CS6 and CS12 - Utilising natural resources along with encouraging sustainable drainage and micro generation of renewables also require the minimising of the loss of the best and most versatile agricultural land by ensuring that development on such land is only permitted if it can be demonstrated that there is an overriding sustainability benefit from the development and there are no realistic opportunities for accommodating the development elsewhere. The site is defined as being grade 1 agricultural land.
- 6.13 Saved policy REC8 "Provision of recreational, amenity and play space" requires all schemes with over 20 children's bed-spaces to provide recreational and amenity space or play space, in proportion to the scheme, while this does not define the contribution the emergent policy H4 below does.

The Emergent Local Plan

Emerging policies of relevance include:

- 6.14 Policy GSP1 - Development Limits - the site is outside of the proposed development limits and therefore contrary to the emerging policy - however, see above comment about weight given that objections have already been made to this policy.
- 6.15 Policy A2 - Housing design principles, has limited import as this outline proposal features indicative plans.
- 6.16 Policy H2: Delivering affordable housing on phased or cumulative developments, as there is an adjacent permitted but undeveloped site in the same ownership adjacent (and within settlement limits) aggregation is required in calculating affordable home delivery. This policy has not been contested at examination and carries considerable weight.
- 6.17 Policy H3 - sets a minimum housing density of 30 dwellings per hectare - the proposal is 18 dwellings per hectare taking into account open space. However, the density will be higher if Policy H4 is taken into account.
- 6.18 Policy H4 - Open Space provision - this policy would require 3400sqm of open space on the site. This would result in a higher density of development on the portion not allocated as open space.
- 6.19 Policy E4 - Trees and Landscape - requires retention of trees and hedgerows.
- 6.20 Policy E7 - Water conservation - requires new dwellings to meet a higher water efficiency standard, than prescribed in Building Regulations

- 6.21** Given that if this outline application was to be approved then the required subsequent reserved matters application would at the very earliest be determined in November many of these policy concerns in the emergent plan are considered to carry greater weight.

7. Local Finance Considerations:

- 7.1** Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant such as new homes bonus or the Community Infrastructure Levy. It is noted that the Borough of Great Yarmouth does not have the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
- 7.2** It is assessed that the provision of affordable housing, contributions towards impacted local infrastructure of £70,323 for primary education, £843 for fire hydrant installation and £2475 for library provision is required by way of agreement under section 106 of the planning act and furthermore that the final layout makes consideration of green infrastructure such as walking routes. These provisions will render the impacts of the development upon the services locally will be sufficiently mitigated for the purposes of planning. financial gain does not play a part in the recommendation for the determination of this application.

8. Shadow Habitats Regulation Assessment

- 8.1** The applicant has submitted a bespoke Shadow Habitat Regulations Assessment (HRA). It is confirmed that the shadow HRA submitted by the applicant has been assessed as being suitable for the Borough Council as competent authority to use as the HRA record for the determination of the planning application, in accordance with the Conservation of Habitats and Species Regulations 2017.
- 8.2** The report rules out direct effects in isolation; but accepts that in-combination likely significant effects cannot be ruled out from increased recreational disturbance on the Broads SPA and recreational access (and potential for disturbance) is extremely limited. An Appropriate Assessment (AA) has been carried out. The AA considers that there is the potential to increase recreational pressures on the Broads SPA, but this is in-combination with other projects and can be adequately mitigated by a contribution to the Borough Council's Habitats Monitoring & Mitigation Strategy (£110 per six non-dwelling bed-spaces) to ensure that there will be no adverse effects on the integrity of the internationally protected habitat sites.

- 8.3** The Borough Council as competent authority agrees with the conclusions of this assessment. To meet the mitigation requirements, it is recommended that the appropriate contribution is secured by either S.111 or S.106 agreement.

9. Concluding Assessment

- 9.1** Some weight is given to the emergent policy because of the relative age of the housing supply calculations and the emergent reduction in need, however the housing need adjustments are being opposed in consultation and therefore will require the Inspector's scrutiny before accorded full weight.
- 9.2** The proposal site is at the edge of the settlement and density is therefore appropriately low for the site, and the dwellings offered are larger homes with no two- or one-bedroom types so land use cannot be characterised as "efficient" as required by the policy. This is an outline application however and so while the number of dwellings is cited in the application as an upper figure proposed as allowed, the numbers will be established along with design and layout including publicly accessible open space at "reserved matters".
- 9.3** No self builds are proposed on this site and there is no detail to indicate that any specialist housing provision, is to be provided. These matters could be addressed during section 106 negotiations and while adaptable home details are not provided in this outline application this might readily be achievable later in the reserved matter process.
- 9.4** The Landscape Character Assessment identifies the site as being within the Ormesby and Filby Settled Farmland character area. The character assessment identifies Ormesby St Margaret as a nucleated settlement. It identifies the boundary hedgerows as important features which indicate enclosure and indicate the landscape pattern, these features are important to the settlement and the character of Ormesby St Margaret should remain, this can be secured at reserved matters stage.
- 9.5** The site has development on three sides and therefore is contained within the landscape, especially given the boundary hedge. It is considered there is no conflict with Policy CS11. Importantly the containment of the site within other enclosing development does help to prevent settlement coalescence as being a harmful outcome.
- 9.6** The design of development on this east boundary will need to reflect the edge of settlement context when reserved matters stage follows, in line with the recommendations of G3.22 of the Landscape Character Assessment.
- 9.7** An ecology Preliminary Environmental Assessment (PEA) has been produced and submitted. While Norfolk Ecology has not yet responded to the submitted assessment, it is not considered that this needs to be done at outline application and these matters can be addressed at "reserved matters" stage. This is because the area is substantially a recently cropped field and while surrounded by trees and hedgerows these features could and should be

kept undeveloped and protected from development, as is suggested by the submitted PEA.

- 9.8** The housing team have been critical that the mix is all three bedroom development, and while the numbers are fixed by the need to agree a section 106 for affordable housing contribution at outline planning stage, this could be addressed by variations to the indicative plans at reserved matters and in any case the provision of substantial open space and a more mixed offer of property size will be necessarily negotiated as part of the reserved matters stage. This too will be able to address the need to reduce scale towards the country edge of the site to create a softened urban edge.
- 9.9** Further to this as the land to the north with the approval for seven units is as yet unbuilt and in the same ownership, for the purposes of determining affordable housing contribution this falls within emergent policy H2 – “Affordable housing on phased or cumulative developments” as this policy has not been commented on at consultation it carries very considerable weight in advance of formal adoption of the emergent plan, this matter however is subject to negotiation as part of the section 106 agreement. This however needs to reflect the combined development of 40 homes rather than 33 on this specific site and deliver 8 affordable units. If this is not secured a section 106 will not be signed and the application would have to remain undetermined, any appeal made against non-determination would then reference policy H2, but this is not a matter that would inform the recommendation in this report other than to direct how the section 106 should be framed in making recommendation at this time.
- 9.10** Access and highways: The drawing reference 20/230/04 shows vision splays of 2.4 x 67m westerly and 2.4 x 60m easterly at the Symonds Avenue to Station Road junction and 2.4 x 65m in both directions at the Symonds Avenue to Foster Close junction, this is sufficient for the County Council to make no objection with regard to the suitability of the access, the one matter identified as being for consideration at outline stage, in this regard. The County had raised an issue of continuous footway access to the village along Station Road, however this is now available as recent pavement works have been conducted and in addition there is a further off-road route.

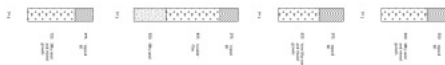
10. Conclusion

- 10.1** The site offers a relatively substantial contribution to housing supply and is relatively well located in relation to the pattern of the settlement, albeit accessed in a slightly convoluted manner, through other land with existing permission for development in this applicant's ownership.
- 10.2** The land is grade 1 Agricultural land and the predicted housing land supply and objectively assessed need might provide weight against the proposal in the future but the current objectively assessed need carries substantial weight and suggests the proposal should be approved.

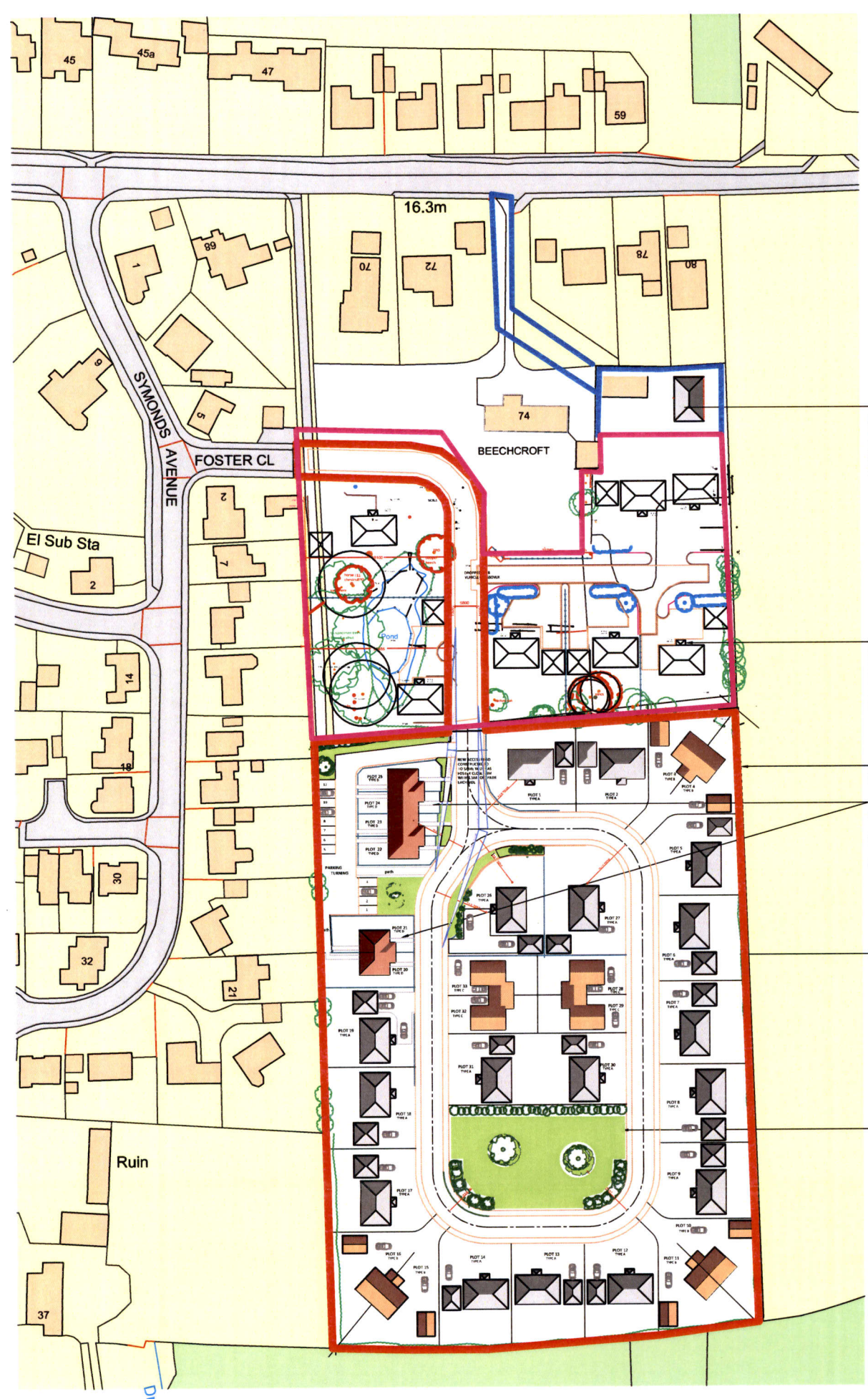
- 10.3** On balance therefore a conditional approval is recommended subject to a section 106 agreement for affordable housing to be negotiated to include the as yet unbuilt units to the north in arriving at liability figures and with conditions as discussed below:
- 10.4** Contaminated land conditions are needed, but as this is agricultural land the lack of investigation at this stage is not considered to create an impediment that would prejudice implementation. Hours of work should form a condition but given current government coronavirus recovery policy should be as liberal as possible within the overall aim of ensuring neighbour amenity. The air quality matters are more properly matters for Health and Safety at work but should be noted on any decision.
- 10.5** Mineral investigation condition as recommended by the County: It is possible that suitable materials might be extracted for use on site.
- 10.6** The approval recommendation is conditional on the completion of a section 106 agreement to cover the Suffolk County Council's infrastructure needs and for the provision of 20% affordable housing on this proposal site and the other site through which access is gained, as yet unbuilt and in the same ownership.

11. RECOMMENDATION: -

- 11.1** Approve – subject to 106 for affordable housing (in combination with the site to the north) and for Recreational mitigation based on the 33 dwellings and approximately £70k for primary school education, and £2475 for contribution to library service.
- 11.2** A timing condition in accordance with outline applications
- 11.3** Application for details of reserved matters
- 11.4** Conditions for the timing of the surfacing the access, wildlife mitigation, lighting design, security fencing for protection of trees and details of permanent hard and soft landscape within the reserved matters in 11.3.
- 11.5** Conditions are required to address potential land contamination and site development noise and dust.
- 11.6** A condition to secure further reserved matters details for electric vehicle charging facilities is recommended.
- 11.7** Archaeology conditions are required.



App. No. 06/2015610
REVISED PLAN
Received 10/07/20



PLANNING APPROVAL FOR SINGLE DETACHED DWELLING WITH SHARED ACCESS FROM STATION ROAD.
NOT PART OF THIS APPLICATION.
OUTLINED IN BLUE.
PLANNING REF: 06/17/0364/O
06/19/0481/D

PLANNING APPROVAL FOR 7NO. DETACHED DWELLINGS ACCESSED BY EXTENSION TO FOSTER CLOSE.
NOT PART OF THIS APPLICATION
OUTLINED IN MAGENTA
PLANNING REF: 06/17/0028/O
06/19/0161/D

APPLICATION SITE OUTLINED IN RED
COMPRISING 33 DWELLINGS:
6 NO. AFFORDABLE HOMES WITH PARKING
17NO. DETACHED DWELLINGS
10NO. SEMI DETACHED DWELLINGS

BOUNDARY HEDGES / TREES RETAINED

OPEN SPACE 1320 M2

CONSTRUCTION (Design and Management) Regulations 2015

It has been presumed that the 'Designer Duties' as detailed in the above regulations (CDM Regulations) have either been taken on by the Client or his chosen contractor.

This means that the person who prepared the detailed drawings for the proposed works has NOT been deemed to have been appointed as a 'Designer' (including a principal designer) and therefore is not responsible for the various duties placed on designers as set out in Regulations 9 & 10 of the above regulations.

Contractor to note that the proposal shown in this drawing is notifiable under CDM 2015.

Note that builder/contractor is warned that work is at his risk until such time as the project has the benefit of: Planning, Building Control and HSE approvals as/iff necessary

Contractors to note that Demolition Works may require a Demolition Notice to be submitted to Building Control and should check with the Local Authority before any demolition is carried out.

Prior to any refurbishment or demolition works being carried out the contractor must arrange for a Refurbishment /Demolition Survey to be carried out by specialist Asbestos Surveyors. Any Asbestos Containing Material removed must be disposed of to a Licenced Waste Facility and a Hazardous Waste Consignment Note provided.

PARTY WALL etc ACT
The Party Wall etc Act 1996 provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near to neighbouring buildings.

A building owner proposing to start work covered by the Act must give adjoining owners notice of their intentions in the way set down in the Act. Adjoining owners can agree or disagree with what is proposed. Where they disagree, the Act provides a mechanism for resolving disputes. The Act is separate from obtaining planning permission or building regulation approval.

Contractors MUST check dimensions on site.

Only figured dimensions are to be worked from.

Any discrepancies MUST be reported to Middleton & George Ltd BEFORE proceeding. If in doubt ASK

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PRELIMINARY
SUBJECT TO SURVEY

Revision		Date	Drawn by
A	Access Road from Foster Close included within the site boundary (red line) Dimensions included for Access Road and footway.	July 2020	GH

Middleton & George Ltd
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Issued For	Comment		
	Approval	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Tender	<input type="checkbox"/>	<input type="checkbox"/>
	Construction	<input type="checkbox"/>	
	Record	<input type="checkbox"/>	

Client	Mr D Troy		
Project	Proposed Residential Development on land south of Beechcroft, Station Road, Ormesby St Margaret, NR29 3NH		
Title	FEASIBILITY		
Info	Local Authority	GYBC	Date Apprvd
	Planning Ref		
	Building Ctrl Ref		
Date	March 2020	Job No.	Dwg No.
Scale	1:1000	20/230	02
Drawn By	GH		A