

APPLICATION NO	PA/2023/1600
APPLICANT	Mr Quirke
DEVELOPMENT	Planning permission for a replacement dwelling
LOCATION	Langley Cottage, Main Street, Howsham, LN7 6LE
PARISH	CADNEY
WARD	Brigg and Wolds
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Refuse
REASONS FOR REFERENCE TO COMMITTEE	Support by Cadney cum Howsham Parish Council

POLICIES

National Planning Policy Framework:

- 2 Achieving sustainable development.
- 4 Decision-making
- 5 Delivering a sufficient supply of homes.
- 9 Promoting sustainable transport.
- 11 Making effective use of land.
- 12 Achieving well-designed and beautiful places.
- 14 Meeting the challenge of climate change, flooding, and coastal change

North Lincolnshire Local Plan:

- RD2 Development in the open countryside
- RD10 Replacement, alteration, and extensions to dwellings in the open countryside
- H5 New housing development
- H8 Housing design and housing mix
- DS1 General requirements
- T1 Location of development
- T2 Access to development

T19 Car parking provision and standards

DS14 Foul sewage and surface water drainage

DS16 Flood risk

LC7 Landscape protection

North Lincolnshire Core Strategy:

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development.

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

CS7 Overall housing provision

CS8 Spatial distribution of housing sites

CS19 Flood risk

CS25 Promoting sustainable transport.

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until late 2024.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are:

SS1 Presumption in favour of sustainable development

SS2 A spatial strategy for North Lincolnshire

SS3 Development principles

SS5 Overall housing provision

SS11 Development limits

RD1 Supporting sustainable development in the countryside.

DQE5 Managing flood risk.

DQE6 Sustainable drainage systems

T1 Promoting sustainable transport.

T2 Promoting public transport.

T4 Parking

Supplementary Planning Guidance:

SPG3 Design in the countryside

CONSULTATIONS

Ecology: Objects to the application.

Public Rights of Way: No objections subject to informative comments.

Highways: No objections subject to conditions and informative comments.

Environmental Protection: No objections subject to conditions.

LLFA Drainage: No objections subject to informative comments.

Neighbourhood Services: No objection.

PARISH COUNCIL

Supports the application, making no further comment.

PUBLICITY

A site notice has been displayed – no comments have been received.

ASSESSMENT

Planning history

PA/2023/672: Planning permission to erect a two-storey extension and make alterations to the existing cottage – approved with conditions 14/06/2023.

Constraints

SFRA Flood Zone 1

Outside the development boundary

Site description and proposal

Planning permission is sought to erect a replacement dwelling at Langley Cottage, Main Street, Howsham. The site is outside the development boundary of Howsham and therefore in the open countryside.

The site currently contains a two-storey, white-rendered property in extensive grassed land, with tree planting to the westernmost part of the site, and extensive shrub and hedge planting to the boundaries. The applicant has indicated that the existing dwelling has suffered structural failures and is considered unsafe and unsuitable.

This proposal seeks to replace the existing two-storey dwelling with a larger one-and-a-half-storey dwelling and detached garage.

The replacement dwelling will be positioned on the same footprint as the existing dwelling. However, the total footprint would exceed the footprint of the existing dwelling. The volume of the existing dwelling is around 340 square metres, whilst the volume of the replacement dwelling would be around 1,049 square metres.

The proposed site is accessed via a track road between 10 and 11 Main Street, which also serves as Public Footpath 281, from Main Street to Langley Cottage. This existing access will be retained as the only access to the site, and a driveway and turning area will be formed within the site.

As indicated earlier, this proposal includes the demolition of the existing dwelling and the erection of a replacement dwelling and detached garage.

The proposed dwelling would be a one-and-a-half-storey detached house. It would have an open-plan living, kitchen and dining area on the ground floor, together with a utility room, snug and study. On the first floor, the dwelling would have four bedrooms.

In the northeast elevation, facing the road, the proposal would have modern slit windows on the ground floor. At the centre of this elevation, it would have full-height glass windows (glass panels on each side of the entrance door and a picture window on the first floor). The proposal would also have two box dormers on the first floor.

In the southwest elevation (rear), the dwelling would have modern slit windows and patio doors on the ground floor and two dormer windows, plus a balcony on the first floor.

In the northwest elevation (gable) the dwelling would have a door on the ground floor serving the utility room and a rooflight. In the southeast elevation (gable), the dwelling would have rooflights.

The walls of the dwelling would be finished in bricks and render, and the roof covering would be tile.

The applicant was made aware that the proposal would not meet the requirement under policy RD10, which requires that a replacement dwelling should not exceed the volume of the original dwelling, which it is to replace, by more than 20%, exclusive of the normally permitted development rights.

Following discussions, the applicant submitted a justification statement. The statement indicates that the new property has been designed to meet the functional needs of the client and his family, and although larger than the original house, is still considered modest in size for a new dwelling on such a large plot.

The statement indicates that this increase in volume is down to the existing house being quite small. The existing house (although no plans are available) has three small bedrooms and only one small bathroom, covering around 100 square metres. The rooms are all small, except for the later extension. The original cottage had low ceilings and a low-pitched roof, which further kept its overall volume low.

Further, the old house was a basic cottage, built to modest proportions, unsuitable for modern family living, the client's needs, and the plot. The new house is a four/five-bedroom modern family house, with a footprint of around 335 square metres, and when considering this against similar rural properties, it is reasonable for a new family home, taking into consideration the

requirements for larger en-suite bedrooms, a study for home working, living and entertaining areas, and utility spaces.

The statement concludes that the overall volume of the designed house is kept down by the one-and-a-half-storey construction, whereas a two-storey property of the same floor area, would be much larger in volume.

Overall, the size of the property, its location and plot size should be considered as the footprint of the original house covers only 1.5% of the entire site. The proposed house still only covers around 4.6%. It is felt this increase is negligible in relation to the plot size, especially considering its relationship with/the lack of adjacent houses.

Key issues

The key issues to consider in determining this application are:

- **the principle of development**
- **impact on the scale and character of the surrounding area**
- **impact on neighbouring amenities**
- **highway safety, access, and parking.**

Principle of the development

The site is outside the development boundary of Howsham and therefore in the open countryside. It is worth noting that the replacement of an existing dwelling is one of the very few instances where new residential development is permitted in the countryside.

Policy RD2 of the local plan seeks to strictly control development in the open countryside. It states that planning permission will only be granted for development which falls within the following criteria:

- (i) essential to the efficient operation of agriculture or forestry
- (ii) employment-related development appropriate to the open countryside
- (iii) affordable housing to meet a proven local need.
- (iv) essential for the provision of outdoor sports, countryside recreation, or local community facilities
- (v) for the re-use and adaptation of existing rural buildings
- (vi) for diversification of an established agricultural business
- (vii) for the replacement, alteration, or extension of an existing dwelling
- (viii) essential for the provision of an appropriate level of roadside services or the provision of utility services.

Under section (vii) of policy RD2, development is supported for the replacement, alteration, or extension of an existing dwelling, provided that:

- (a) the open countryside is the only appropriate location and development cannot be accommodated within defined development boundaries;
- (b) the proposed development accords with the specific requirements set out in the relevant policies of this chapter and elsewhere in this local plan;
- (c) the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design, and use of materials;
- (d) the development would not be detrimental to residential amenities or highway safety;
- (e) account is taken of whether the site is capable of being served by public transport; and
- (f) the development is sited to make the best use of existing and new landscaping.

Having reviewed the details of the proposal against policy RD2, it is judged that while policy RD2 is generally set out to regulate new housing in the countryside, and by and large requires such proposals to be allied to agriculture, forestry, rural businesses, recreation, tourism, sport and other uses normally located in the countryside, an exception has been identified at RD2 (vii) which makes conditional allowance for replacement dwellings. However, at RD2 (b) the policy sets out that any proposal should accord with the specific requirements as set out in the relevant policy within the local plan. In this regard policy RD10 is relevant.

Policy RD10 of the local plan states that proposals to replace, extend or alter dwellings in the open countryside will only be permitted provided that:

- (i) the replacement dwelling would not exceed the volume of the original dwelling, which it is to replace, by more than 20%, exclusive of the normal permitted development rights, and would not be substantially higher in elevation;
- (ii) the volume of the proposed extension or alteration does not exceed that of the original dwelling by 20%, exclusive of the normally permitted development rights, and the original dwelling forms the dominant visual feature of the dwelling as extended;
- (iii) all new construction is of a high standard of design and in particular, reflects the architecture of the building and/or vernacular styles in the locality; and
- (iv) the appearance or use of the dwelling as replaced, extended or altered will not adversely affect the amenity of residents or the appearance of the locality.

Having considered the above criteria set out within policy RD10, the proposals would not comply with all of them.

Overall, the proposals are unacceptable in principle and therefore do not accord with policies RD2 and RD10

Layout, scale and appearance

The NPPF attaches significant importance to the design of the built environment and recognises that good design is a key aspect of sustainable development. The NPPF stresses the importance of planning positively for the achievement of high-quality and inclusive design for all development, including individual buildings, public and private spaces, and wider area

development schemes. It maintains that planning policies and decisions should not attempt to impose architectural styles and they should not stifle innovation, originality, or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is recognised, however, that it is proper to seek to promote and reinforce local distinctiveness.

Policy DS1 of the local plan expects a high standard of design in all developments, in both built-up areas and the countryside, and proposals for poorly designed development will be refused. It requires that all proposals be considered against the quality of the design and amenity, among other matters. Further to this, the NPPF advises that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Policy CS5 of the Core Strategy requires that all new developments in North Lincolnshire should be well-designed and appropriate for their context. The council will encourage contemporary design if it is appropriate for its location and is informed by its surrounding context. A design that is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.

Policy RD10 of the local plan, among other criteria, requires that proposals to replace, extend or alter dwellings in the open countryside should not exceed the volume of the original dwelling, which it is to replace, by more than 20%, exclusive of the normally permitted development rights, and would not be substantially higher in elevation. Furthermore, all new construction should be of a high standard of design and reflect the architecture of the building and/or vernacular styles in the locality, and the appearance or use of the dwelling as replaced, extended, or altered should not adversely affect the amenity of residents or the appearance of the locality.

As already indicated, the replacement dwelling will be positioned on the same footprint as the existing dwelling. However, the total footprint would exceed that of the existing dwelling. The volume of the existing dwelling is around 340 square metres, whilst the replacement dwelling would be around 1,049 square metres in volume. The existing access (track road) taken from Main Street will be retained, and a driveway and turning area formed within the site. Further, the proposed dwelling would be a one-and-a-half-storey dwelling.

In considering the siting and scale of the replacement dwelling, it is expected to be located on the site of the existing dwelling and be of a modest scale compared to the existing dwelling.

In this case, while the footprint of the dwelling would be over that of the existing dwelling, the increase in footprint by about 100%, excluding the footprint of the double garage, and a volume of 300% is disproportionate and would result in development in a conspicuous position along the track road which also serves as Public Footpath 281.

As indicated earlier, policy RD10 requires that proposals to replace, extend or alter dwellings in the open countryside should not exceed the volume of the original dwelling, which it is to replace, by more than 20%, exclusive of the normal permitted development rights.

The primary purpose of this policy is to avoid dwellings which are disproportionate to the original dwelling, and that are excessive in scale or massing and thereby physically and visually intrusive. The replacement of the existing dwelling with the proposed disproportionate dwelling (over 100% increase in the footprint and 300% increase in volume) and imposing dwelling would radically change the character of the site and the surrounding area.

Turning to design and appearance, the essential issue is the impact on the character and appearance of the countryside compared to that of the existing dwelling. The replacement dwelling is expected to be of a high quality. In this case, the drawing shows a modern dwelling with full-height glass windows, slit windows and a balcony. The applicant has not taken advice from policies DS1 and CS5, or Supplementary Planning Guidance SPG3, which require that, in the countryside, it is important that new dwellings are designed and sited in harmony with the landscape, reflecting the distinct characteristics of the locality.

Regarding materials, the walls would be finished in a mix of brickwork and off-white render, and the roof covering would be tile. It is considered that the materials and finishes would not raise any planning issues.

Overall, the size, scale and design of the replacement dwelling are not acceptable. It is disproportionate and the design does not complement the countryside location. It would have a significant adverse visual impact due to its prominence. Therefore, the proposals would be contrary to policies DS1 and CS5.

Amenity impact

Policies DS1 and CS5 expect a high standard of design in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused.

They require all proposals to be considered against criteria for quality of design, amenity impact, conservation and resources.

In terms of amenity impact, this policy seeks to ensure that there is no unacceptable loss of amenity to neighbouring land uses in terms of noise, smell, fumes, dust, or other nuisance, or through the effects of overlooking or overshadowing.

It is worth noting that the site is isolated and there are no residential dwellings near the site. Therefore, it is unlikely the proposal would raise any issues of privacy, overbearing impact, or overshadowing.

The proposal would therefore accord with policies DS1 and CS5 in terms of amenity impact.

Landscaping

Policy LC7 of the local plan indicates that where development is permitted within rural settlements or the open countryside, special attention will be given to the protection of the scenic quality and distinctive local character of the landscape. Development which does not respect the character of the local landscape will not be permitted.

Landscaping is defined as the treatment of land (other than buildings) to enhance or protect the amenities of the site and the area in which it is situated. Among others, it includes the following:

- (a) screening by fences, walls, or other means
- (b) the planting of trees, hedges, shrubs, or grass
- (c) the laying out or provision of gardens, and
- (d) the provision of other amenity features.

The level of detail required for a landscape scheme is dependent on the size, type and location of the new development, and its impact on the local area.

It is evident from the site inspection that this proposal involves the removal of small trees and shrubs and would have a potential ecological impact.

Within the design and access statement, the applicant has indicated that to ensure the retention of as many natural site elements as possible, any existing trees and hedges and fencing or boundary treatments, on or adjacent to the site, will be retained.

Good quality hard landscaping will be introduced to the new drive, such as subtle block pavers and gravel. The hardstanding will be laid to a slight fall to drain into the surrounding soft landscaping.

The hard-landscaped areas will be softened with incidental planting. All new planting will be of local, deciduous specimens, suitable for this situation and locality. The trees shall be planted as feathered whips or larger; shrubs shall be planted as at least 60–90 centimetre plants. All trees and shrubs shall be supported with appropriate stakes or canes and shall be weeded and maintained for at least five years. Any plants that become damaged or diseased shall be replaced in the subsequent planting season (November to the end of February).

The applicant has also shown the landscaping proposals on plan 1815 01 Site Plans.

Having reviewed the siting and scale of the development alongside the landscaping proposals, the development is proposed in prominent locations in the open countryside and there would be a significant loss of trees.

It is judged that a modest replacement of a dwelling would be more appropriate compared with the proposed grandiose house which radically changes the character of the site and the surrounding area. The planning authority would recommend that the applicant consider a lesser scale of dwelling that would minimise the loss of trees and the impact of the dwelling on the site and the character of the wider area.

Ecology

Policy CS17 of the Core Strategy and paragraph 170 of the NPPF relate to biodiversity. Paragraph 170 states in part that a net gain for biodiversity should be achieved.

The site is not designated for any known ecological interest. However, the nature of the existing dwelling and the surrounding area requires that consideration be given to the protection of biodiversity. Accordingly, before any development (including the demolition of buildings), appropriate steps should be taken to check for the likely presence of any species protected by law,

It is worth noting that the application is supported by a biodiversity management plan. The report has considered the impact of the development on birds, bats, and hedgehogs. Notwithstanding the above, no survey has been submitted. The planning authority believes that a bat survey should have been carried out for the dwelling because it considers that bats may be present in the building. (A bat survey will usually be required for any application involving the demolition of buildings which are suitable for bats' habitat.)

From the above, the demolition of the existing dwelling has the potential to harm biodiversity in the area. Further, the development is expected to have an impact on foraging activities in the surrounding habitats due to the trees that would be removed.

The ecology officer objects to the application until a bat and nesting bird survey has been carried out and the findings considered. If permission is ultimately granted, there will be a need to secure a measurable net gain in biodiversity in accordance with policy CS17 and the National Planning Policy Framework.

The officer has commented that the building exhibits several features indicating an increased probability of a bat roost being present and no features indicating a decreased probability. Therefore, a programme of bat surveys should be requested and the results should be made available before the application can be determined. The bat survey should be carried out by a licensed and experienced bat worker and should include a detailed search for bat field signs. If it is not possible to draw clear conclusions from this search alone, then it may also be necessary to carry out at least one dusk/dawn emergence count, using standard methods. Such a survey would need to take place between May and September. Depending on the findings of the first survey, it may be necessary to carry out one or more further dusk/dawn counts, in accordance with the standing advice. Local meteorological data should be provided for the survey date(s) along with the survey results. The approach used and the survey effort applied must be clearly justified in the survey report to be submitted.

The officer has indicated that whilst carrying out the bat surveys, it will also be necessary for the ecologists to check for signs of nesting birds around any buildings and vegetation to be affected by the proposals.

As it stands, insufficient information has been submitted to ensure the protection of biodiversity in the area, and it is therefore contrary to policy CS17 and the National Planning Policy Framework.

Drainage

Policy CS19 of the Core Strategy is concerned with flood risk. Policy DS14 of the local plan is concerned with foul sewage and surface water drainage. Policy DS16 of the local plan seeks to ensure that new development is not at risk from flooding.

The site lies within an area at low risk of flooding (SFRA flood zone 1). It is not considered there would be a risk of flooding on the site and adjacent land.

The LLFA Drainage team has assessed the proposal and has no objections subject to compliance with accompanying informative comments.

Highways

Policy T2 of the local plan states that all development should be served by satisfactory access. Policy T19 is concerned with parking provisions, as well as general highway safety.

There is an existing access (track road) from Main Street. The access will be retained, and a driveway and turning area formed within the site. The access is shared; however, it is believed that the development will not result in a significant increase in traffic along the access.

Highways have no comments or objections to make on this application. It is therefore considered that the scheme is in accordance with policies T2 and T19.

Public Right of Way

Comments have been received from the PROW officer in relation to Public Footpath 281, which coincides with the access to Langley Cottage from Main Street. They recommend that the applicant first satisfies himself so that he knows what form lawful authority takes for him and his other household members, and visitors, who will use the track road.

Conclusion

The principle of development is unacceptable as the development is contrary to policies RD2 and RD10.

The siting and layout of the proposal are not acceptable because the footprint and volume of the dwelling would result in an excessive increase in that of the existing dwelling.

The scale of the replacement dwelling is considered unacceptable. It would harm the character of the site and the wider landscape of the rural area. The appearance would be unacceptable because it does not correspond to a traditional dwelling.

The proposal would not harm or have any amenity impact, by way of overshadowing, being overbearing or loss of privacy, as there are no residential properties close by. The proposal would therefore not accord with the policies of the North Lincolnshire Local Plan or the North Lincolnshire Core Strategy and is recommended for refusal.

RECOMMENDATION: Refuse permission for the following reasons:

1.

The application site lies outside the development boundary, in the open countryside, an area where there is a presumption against inappropriate development. The proposed replacement dwelling is inappropriate development in the countryside by virtue of its floor space and volume (size and scale), which are materially greater than the existing building that is to be replaced. The proposed development would exceed the volume of the original dwelling, which it is to replace, by more than 20%, exclusive of the normally permitted development rights and is therefore contrary to policy RD10 of the North Lincolnshire Local Plan.

2.

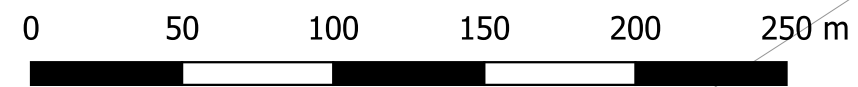
The proposed replacement dwelling, by virtue of its floor area, volume, bulk, and visual appearance, would be materially larger than the existing dwelling. The development would therefore constitute inappropriate development which would also further impact the openness of the countryside. No special circumstances have been advanced to justify the harm to the open countryside. The siting, layout and design are contrary to policy DS1 of the North Lincolnshire Local Plan, policy CS5 of the North Lincolnshire Core Strategy and the National Planning Policy Framework.

3.

Insufficient information has been submitted to demonstrate that there would be no harm to protected species on the site and in the vicinity of the site, and that mitigation provided is adequate as part of the development. In the absence of survey information, it has not been possible to demonstrate that the proposal would not result in significant harm to protected species to comply with policy CS17 of the Core Strategy and the National Planning Policy Framework.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social, and environmental conditions of the area.



 Development Boundary

PA/2023/1600

**North
Lincolnshire
Council**

PA/2023/1600 Proposed layout (not to scale)

All dimensions & details given on this drawing are to be checked and verified on site prior to works being undertaken. Any discrepancies and/or variations to the specifications will be those drawings or associated documents are to be notified to keystonearchitecture.

Do not scale from these drawings - If in doubt - ask.

All materials shall be fixed, applied or mixed in accordance with the manufacturers written instructions, recommendations and specifications. Variations to specified materials shall be agreed in writing with keystonearchitecture.

The Contractor shall take into account everything necessary for the proper execution of the works and to the satisfaction of the Local Authority, whether or not indicated on the drawings or in the specification.

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PARTY WALL NOTICES

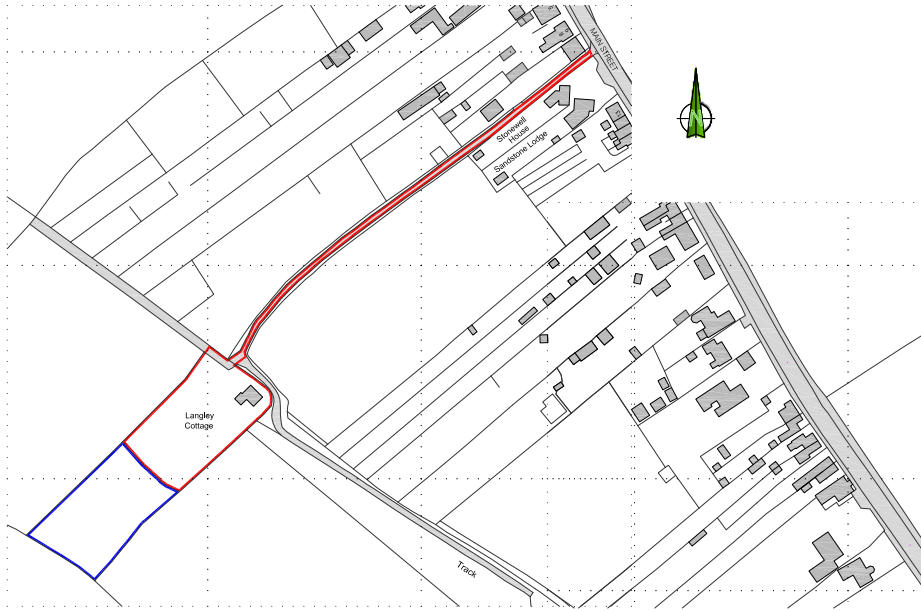
Building astride (A) or against (B) the boundary line:

If you plan to build a party wall astride or against the boundary line, you must inform the Adjoining Owner by serving a notice.

Excavating near neighbouring buildings:

If you plan to excavate foundations within 3 metres of a neighbouring building or structure, where the excavation will go deeper than the neighbour's foundations, you must inform the Adjoining Owner by serving a notice.

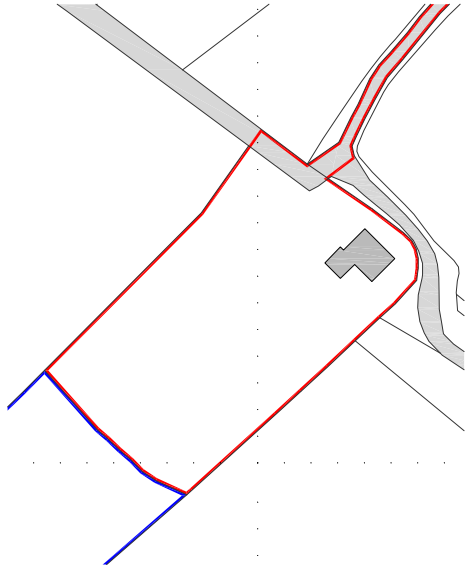
If you plan to excavate foundations within 6 metres of a neighbouring building or structure, where the excavation will cut a line drawn at 45° from the bottom of the neighbour's foundations, you must inform the Adjoining Owner by serving a notice.



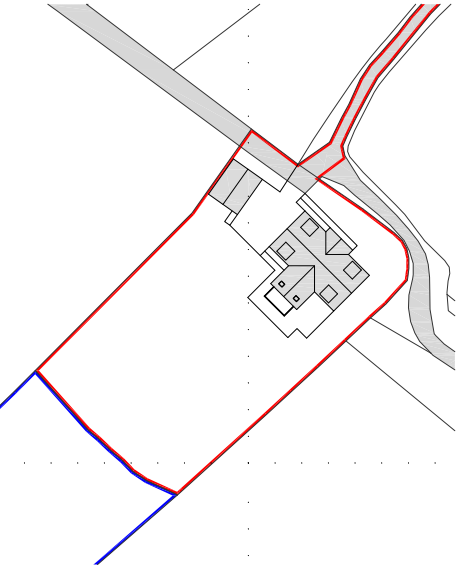
1:1250
0 25m 50m 75m 100m 125m
Ordnance Survey, (c) Crown Copyright 2023. All rights reserved. Licence number 100022432

Location Plan
scale 1:1250

AMENDED



Existing Block Plan
scale 1:500



Proposed Block Plan
scale 1:500



Site Plan
scale 1:200

NOT FOR CONSTRUCTION

A	Balcony added	18/10/23
rev	amendment	date
18/10/23	Site Plans	18/10/23 rev A
stage	Planning	drawn
scale	as noted	drawn by JCB

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PA/2023/1600 Proposed plans and elevations (not to scale)

NOTES:

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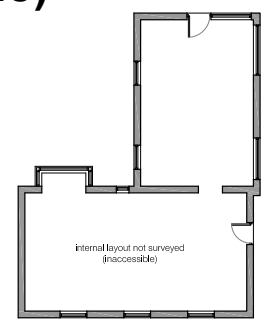
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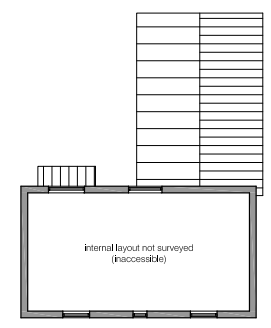
North East Elevation



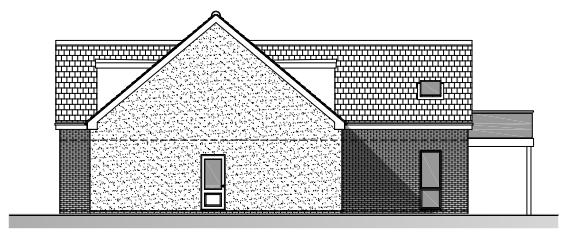
South West Elevation



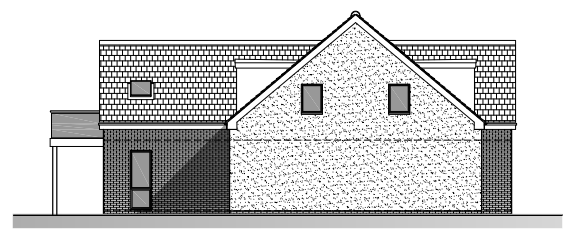
Existing Ground Floor



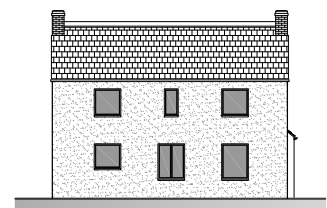
Existing First Floor



North West Elevation



South East Elevation



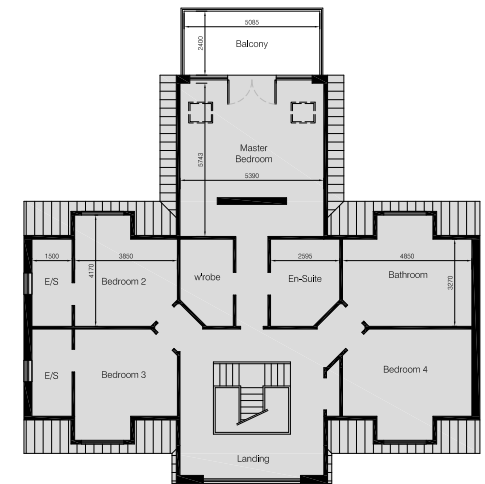
Existing North East Elevation



Existing North West Elevation



Ground Floor Layout



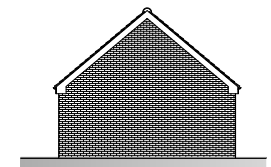
First Floor Layout



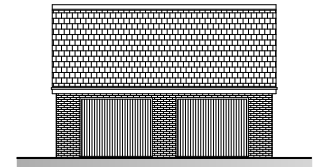
Existing South West Elevation



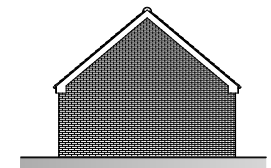
Existing South East Elevation



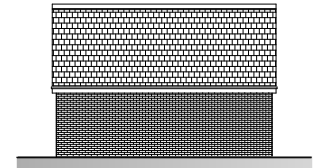
Garage North East Elevation



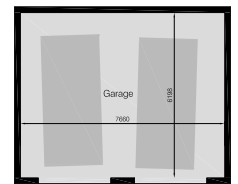
Garage South East Elevation



Garage South West Elevation



Garage North West Elevation



Garage

Material Schedule:

Brickwork: Bespoke Brick Company Cinder Coal brickwork
 Render: Off-white smooth self-coloured render
 Roof Tiles: Sandtoft 20/20 Interlocking concrete roof tiles in Antique Slate
 Windows: Grey uPVC windows and composite doors
 Rainwater Goods: Black uPVC rainwater goods on uPVC fascias and soffits
 Dormers: Grey lead effect single ply membrane

AMENDED

NOT FOR CONSTRUCTION

A	Balcony added	18/10/23
rev	amendment	date
stage	Ex. & Pl. Plans & Elevs	18/10/23 rev A
drawn	Planning	Sept 23
scale	1:100	drawn by JCB