

Cornwall Council

Correspondence Address: Cornwall Council Planning, PO Box 676, Threemilestone, Truro, TR1 9EQ

Email: planning@cornwall.gov.uk

Tel: 0300 1234151

Web: www.cornwall.gov.uk



Application number: PA19/07235

Agent:

Alan Leather Associates
Alan Leather Associates
45 Charlestown Road
Charlestown
St Austell
Cornwall
PL25 3NJ

Applicant:

Mr R Davies
Forestay Ltd
Charlestown Harbour
Charlestown
St Austell
PL25 3NJ

**Town And Country Planning Act 1990 (As Amended)
Town And Country Planning (Development Management Procedure) (England)
Order 2015**

Grant of Conditional Planning Permission

CORNWALL COUNCIL, being the Local Planning Authority, **HEREBY GRANTS CONDITIONAL PERMISSION**, subject to the conditions set out on the attached schedule, for the development proposed in the following application received on 16 August 2019 and accompanying plan(s):

Description of Development: Proposed demolition and redevelopment of Clay Dry to provide 15 dwellings and associated works

Location of Development: Former Lovering Clay Dry Quay Road Charlestown St Austell Cornwall PL25 3NX

Parish: St Austell Bay

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

DATED: 8 June 2020

Louise Wood - Service Director Planning and Sustainable Development

CONDITIONS:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In accordance with the requirements of 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 plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

- 3 No development shall take place (including demolition or site clearance) until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Prior to each phase of development a detailed plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details for all of the following:

Details including plan showing location of the contractor's compound and site office(s);

Details including plan showing location of building material storage;

Details including plan showing the location of parking for contractor's and visitor's vehicles;

Details including plan showing the location of loading / unloading areas for deliveries to the site(s);

Details of the route for all construction vehicles and deliveries to / from the site for the duration of the construction process;

Details and management schedule for vehicle wheel cleaning regime upon exiting the site(s) onto a public highway for the duration of the construction process;

Details of all permits, contingency plans and mitigation measures that need to be put in place to control the risk of pollution to controlled waters, protect biodiversity and avoid, minimise and manage the productions of wastes with particular attention being paid to the constraints and risks of the site.

Details of a Dust Mitigation Plan

Thereafter the development shall be carried out in accordance with the approved details and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that adequate measures are put in place to minimise the impact of development on amenities of neighbouring residents; and avoid or manage the risk of pollution of controlled waters or waste production during the course of the development works in accordance with policy 16 of the Cornwall Local Plan.

DATED: 8 June 2020

Louise Wood - Service Director Planning and Sustainable Development

- 4 Contaminated Land ' Risk Assessment
No development, other than demolition of any buildings or structures, shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
- a) a survey of the extent, scale and nature of contamination;
 - b) the potential risks to:
 - ' human health;
 - ' property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - ' adjoining land;
 - ' ground waters and surface waters;
 - ' ecological systems; and
 - ' archaeological sites and ancient monuments.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and intentions of the National Planning Policy Framework 2019 with specific reference to paragraphs 170 and 180 and Policy 16 of the Cornwall Local Plan Strategic Policies 2010 ' 2030, Adopted November 2016.

A pre-commencement condition is required in this case because it is essential to establish before any works takes place the nature and extent of any ground contamination in order to safeguard the health of workers taking part in the development of the site and to ensure the appropriate design and subsequent safe occupation of the development.

- 5 Contaminated Land ' Remediation Scheme
No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and

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Louise Wood - Service Director Planning and Sustainable Development

thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and intentions of the National Planning Policy Framework 2019 with specific reference to paragraphs 170 and 180 and Policy 16 of the Cornwall Local Plan Strategic Policies 2010 ' 2030, Adopted November 2016.

A pre-commencement condition is required in this case because it is essential to establish before any works takes place the nature and extent of any ground contamination in order to safeguard the health of workers taking part in the development of the site and to ensure the appropriate design and subsequent safe occupation of the development.

- 6 Contaminated Land ' Verification Report following Remediation Scheme
The approved remediation scheme in condition(5) shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development [or relevant phase of development] is occupied.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and intentions of the National Planning Policy Framework 2019 with specific reference to paragraphs 170 and 180 and Policy 16 of the Cornwall Local Plan Strategic Policies 2010 ' 2030, Adopted November 2016.

- 7 Contaminated Land ' Reporting of Unexpected Contamination
Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported in writing immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.

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DATED: 8 June 2020

Louise Wood - Service Director Planning and Sustainable Development

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA19/07235

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and intentions of the National Planning Policy Framework 2019 with specific reference to paragraphs 170 and 180 and Policy 16 of the Cornwall Local Plan Strategic Policies 2010 ' 2030, Adopted November 2016.

- 8 The foul and surface water drainage systems shall be in accordance with the EDS Ltd Flood Risk Assessment and Drainage Strategy Ref J-639 (dated 20/08/2019).

No development approved by this permission shall be commenced until the following details are provided:

A description of the foul and surface water drainage systems operation;
Details of the final drainage schemes including calculations and layout;
A Construction Surface Water Management Plan;
A Construction Quality Control Plan;
A plan indicating the provisions for exceedance pathways, overland flow routes and proposed detention features;
A timetable of construction;
Confirmation of who will maintain the drainage systems and a plan for the future maintenance and management, including responsibilities for the drainage systems and overland flow routes.

The Developer must inform the Local Planning Authority of any variation from the details provided and agree these in writing before such variations are undertaken.

The surface water drainage systems shall fully manage surface water flows resulting from the developed site up to the 1 in 100 year peak rainfall event plus a minimum allowance of 40% for the impact of climate change. Any flows discharged from the site will be no greater than 5 l/sec for all rainfall events.

The approved scheme shall be implemented in accordance with the timetable so agreed and the scheme shall be managed and maintained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the site is adequately drained and does not increase the risk of surface water flooding in accordance with Policy 26 of the CLP.

- 9 9) A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation

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DATED: 8 June 2020

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SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA19/07235

has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and:

The programme and methodology of site investigation and recording
The programme for post investigation assessment
Provision to be made for analysis of the site investigation and recording
Provision to be made for publication and dissemination of the analysis and records of the site investigation
Provision to be made for archive deposition of the analysis and records of the site investigation
Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

D) The archaeological recording condition will normally only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed.

Reason: A pre-commencement condition is necessary due to the need to ensure a programme and methodology of site investigation and recording of archaeological features is undertaken before physical works commence on site, and to properly comply with the requirements of paragraph 199 of the National Planning Policy Framework 2019. To protect the historic fabric of the site in accordance with policy 24 of the CLP.

- 10 No development above Damp proof course shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved in the first planting season following the occupation of the building, or the completion of the development hereby approved, whichever is the sooner. The hard landscaping details shall include proposed finished ground levels or contours; means of enclosure; car parking layout; other vehicle and pedestrian access and circulation areas; and hard surfacing materials, minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground

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DATED: 8 June 2020

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SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA19/07235

(e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).

The soft landscape works details shall include planting plans, written specifications, schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate, implementation plan.

All hard and soft landscape works shall be carried out in full accordance with the approved details. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of visual and residential amenity and in accordance with the aims and intentions of policy 12 of the CLP.

- 11 No development shall be commenced until a Landscape and Ecological Management Plan (LEMP) addressing landscape and biodiversity protection and enhancement during the pre-construction, construction, operational period has been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved LEMP.

The issues which need to be addressed in the LEMP shall include:- the mitigation measures proposed within the Ecological Impact Assessment dated 11th July 2109 undertaken by CEC, the retention of existing hedges and trees; location and type of new hedges and planting, other biodiversity enhancements (bird/bat boxes, hibernacula); management proposals for hedges and new planting, including replacing planting within the first 5 years, proposals to allow hedgerow trees to develop, proposals for management of the buffer strips, and inclusion of the mitigation measures proposed within the submitted Ecological Appraisal including times of works proposed;

Reason: To protect wildlife and their habitats from damage to ensure that the issues identified in the landscape and ecological reports as well as the provision for protection and enhancement of landscape character and visual amenity are reflected in the site layout and that the resulting site works are sustained throughout the lifetime of the scheme in accordance with policy 23 of the CLP.

- 12 Construction/site clearance works shall not take place outside the hours of 8am to 6pm on Mondays to Fridays, 8am to 1pm on Saturdays or at any time on Sundays or Bank Holidays.

Reason: To ensure that the development is undertaken in a manner which reduces any potential impact upon the residential amenities currently enjoyed by existing residents and businesses, and in accordance with the aims and intentions of policy 12 of the CLP.

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

DATED: 8 June 2020

Louise Wood - Service Director Planning and Sustainable Development

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA19/07235

- 13 Prior to commencement details of the proposed resurfacing of the access road, from the adopted highway to the site, to include materials, method statement and means of construction and drainage shall be submitted to and approved in writing by the Local Planning Authority. The resurfacing shall take place in strict accordance with the approved details prior to the occupation of any of the hereby approved dwellings.
Reason: To ensure suitable development and to preserve the character of the Conservation Area in accordance with policy 12 and policy 24 of the CLP.
- 14 Full details of the information/interpretation boards including siting, design and content information shall be submitted to and approved in writing by the Local Planning Authority. The approved boards shall be put into position prior to the occupation of any of the approved dwellings and shall be retained thereafter.
Reason: To ensure good design and protect the character of the Conservation Area in accordance with policy 24 of the CLP.
- 15 The development hereby approved shall be carried out in strict accordance with the survey of retained features on drawing SP02 P1.
Reason: To protect the listed building and its setting in accordance with policy 24 of the CLP.
- 16 Details for the proposed treatment of the Linhay area, indicated on plan ref: SP 02 P1 shall be submitted to and approved in writing by the LPA following the proposed clearance, the details shall include a Schedule of works and timetable. The development shall take place in strict accordance with the agreed details.
Reason: To protect the listed building and its setting in accordance with policy 24 of the CLP.
- 17 Prior to their repair a detailed schedule of repairs for the retained clay dry walls, boundary and tank walls, and the listed chimney and its base including a timetable of works and phasing plan shall be submitted to and approved in writing by the Local Planning Authority and the development shall be undertaken in strict accordance with the approved details.

Reason To preserve the listed building, its setting and the character and appearance of the conservation area in accordance with policy 24 of the CLP
- 18 Prior to commencement of the development details for the physical interfaces between the car port of the retained historic fabric shall be submitted and approved in writing by the LPA and shall be erected in accordance with the approved details.

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DATED: 8 June 2020

Louise Wood - Service Director Planning and Sustainable Development

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA19/07235

Reason: To protect the listed building and its setting, and the character and appearance of the conservation area in accordance with policy 24 of the CLP

- 19 Prior to occupation of any of the hereby approved units a management plan for the Chimney and public areas shall be submitted to and approved in writing by the LPA. Development shall be carried out in strict accordance with the approved plan.

Reason: To protect the fabric of the listed building and the character and appearance of the conservation area and ensure a suitable development in accordance with policy 12 and 24 of the CLP.

- 20 18) Prior to commencement materials and detailing of the following shall be submitted to and approved in writing by the LPA.

- o Profiled metal sheet cladding
- o Sample panels of proposed new stonework
- o Windows and doors

- o Glazed links and balcony guarding
- o Flues and external pipework
- o Rooflights
- o Roofing slate and slate hanging, type of fixing and method of coursing
- o Zinc and green roofs
- o Timber cladding
- o Material finishes for the car ports
- o Render finish
- o All hard and soft landscaping and boundary treatments including details for the relaying of the rails.
- o External lighting and signage.

The development shall be carried out in strict accordance with the approved details.

Reason: To protect the character of the conservation area and the setting of the listed building in accordance with policy 12 and 24 of the CLP.

- 21 The dwellings hereby approved shall not be occupied until the parking spaces within the site have been laid out and completed and these parking areas shall be retained thereafter.
- Reason: To ensure that adequate off-site parking is provided in accordance with policy 13 of the CLP

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- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development within Classes A, B, C, D and E of Part 1 of Schedule 2 to the said Order shall be carried out without an express grant of planning permission, namely:
- The enlargement, improvement or other alteration of the dwellinghouse;
 - The enlargement of the dwellinghouse consisting of an addition or alteration to its roof;
 - Any other alterations to the roof of the dwellinghouse;
 - The erection of construction of a porch outside any external door of the dwelling;
 - The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure.

Reason: In the interests of the amenities of the occupiers of adjoining dwellings/visual amenities of the area, and in accordance with policy 12 and 24 of the CLP Local Plan

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PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

Proposed DS 1627-2 SL 01 P3
Proposed Heritage Impact Assessment.
Proposed DS 1627-2 SL 02 P1 Sections
Proposed DS 1627-2 LP 01 P1 Location Plan
Proposed DS 1627-2 SK 06 P1 Car Ports
Proposed DS 1627-2 SK 05 P1 Plot 12-15
Proposed DS 1627-2 SK 04 P1 Plots 9-11
Proposed DS 1627-2 SK 03 P1 Plots 6-8
Proposed DS 1627-2 SK 02 P1 Plots 4-5
Proposed DS 1627-2 SK 01 P1 Plot 1-3
Proposed DS 1627-2 SL 01 ECO 01 ARCH 01 Revision P3
Proposed DS 1627-2 SS 03 P1 Buildings to be removed
Proposed DS 1627-2 SP 02 P1 Retained Features

ANY ADDITIONAL INFORMATION:

- Please note that the proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate - relief must be claimed and approved before the development commences. This development must not commence until the following forms have been submitted to the Council: CIL Form 2: Assumption of Liability and Form 6: Commencement Notice, otherwise surcharges may be applied. Please contact cil@cornwall.gov.uk or the Infrastructure Team with any queries. There are further details on this process on the Council's website at www.cornwall.gov.uk/cil.
- This permission is granted following the Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) entered into between Cornwall Council and Robin Harvey Davies and dated the 3rd June 2020.

DATED: 8 June 2020

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Sustainable Development

NOTES

Appeals to the Secretary of State

If the applicant is aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then they may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. If you want to appeal, then you must do so within 6 months of the date of this notice (or 12 weeks from the date of this notice in the case of householder appeals made in relation to applications submitted on or after 6 April 2009). Appeals must be made to the Planning Inspectorate using a form which can be obtained from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <http://www.planningportal.co.uk> . A copy of the completed appeal form must also be submitted to the Council.

Please Note:-If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal.

Further details are on [GOV.UK](http://www.gov.uk).

(<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>).

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on Cornwall Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice.

If this approval is for the erection of new buildings please refer to the note below.

Registering addresses for new properties prior to commencement

You must apply officially to register the name of any new street or the address of any new property through Cornwall Council's Street Naming and Numbering process. You are required to submit an application form, plan and appropriate fee all details of which can be found on our website at <http://www.cornwall.gov.uk/streetnaming>. Developers are advised to contact Street Naming and Numbering at the earliest opportunity for street naming as the process involves consultation with the local Parish, Town or City Council and can take several months to complete. For any further assistance please contact addressmanagement@cornwall.gov.uk or telephone 0300 1234 100.

Alan Leather Associates
Alan Leather Associates
45 Charlestown Road
Charlestown
St Austell
Cornwall
PL25 3NJ

Your ref: DS 1627-2 LOVERING CLAY
DRY r...
My ref: PA19/07235
Date: 8 June 2020

Dear Sir/Madam

**Proposed demolition and redevelopment of Clay Dry to provide 15 dwellings
and associated works
Former Lovering Clay Dry Quay Road Charlestown St Austell**

With reference to this planning application, I enclose the Decision Notice granting permission.

If conditions have been included that must be complied with before the commencement of the development, e.g. "No development shall commence before ...", and this is not done, the development cannot be validly commenced even if it is within the time limit set by Condition.

If details are required I look forward to receiving them. Application forms can be found on <http://planningportal.co.uk/> . Your attention is drawn to the fees to discharge planning conditions under The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012:

£116 (per request) for applications not falling within fee categories 6 or 7 (non-householder applications)

£34 (per request) where the request relates to an application for works to an existing dwelling, or within the curtilage of such, falling within fee categories 6 or 7 (householder applications only)

You may wish to take the opportunity to submit details to discharge more than one condition per request.

Yours faithfully

Michelle Billing

**Senior Development Officer
Planning and Sustainable Development Service
Tel: 01726 223457**