

**23/02019/AMC**  
**16th November 2023**

**Approval of the matters specified in condition 4 (layout of plot) condition 5 (plans sections and elevations) condition 6 (boundary treatments and other development) condition 7 (sections) condition 8 (landscaping), condition 10 (affordable housing) and condition 11 (enhanced accessibility) of 19/00320/PPP to provide 16 houses and associated cohousing buildings on Plot 8 9 11 12 And 13.1 On Land At North Whins The Park Findhorn Moray for Duneland Limited**

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**Comments:**

- This application is reported to the Planning and Regulatory Services Committee as it was agreed at the meeting on 10 December 2019 that all further applications related to planning permission reference 19/00320/PPP be determined by the Planning & Regulatory Services Committee.
- Only four plots for single houses (4,6,7 and 10), the plots for commercial units (plots 1-3) and plot 15 which is identified for a community facility have still to come forward for approval of matters specified in condition. Given that these will be relatively small scale developments it is recommended that Members agree that the remaining further applications for the North Whins can be dealt with under delegated powers.

**Procedure:**

- None.

**Recommendation**

Grant Planning Permission - Subject to following:

**Conditions/Reasons**

1. That the development to which the permission relates must be begun not later than whichever is the later of the following dates:-
  - i the expiration of 3 years from the date of the grant of planning permission in principle; or
  - ii. the expiration of 2 years from the final approval of the matters specified in conditions or in the case of approval on different dates the final approval of the last such matter to be approved.

**Reason:** The time limit condition is imposed in order to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.

2. The development hereby granted forms part of, and is related to, the development granted planning permission under formal decision notice 19/00320/PPP dated 4 November 2019 wherein the terms and conditions as attached to that permission are hereby reiterated and remain in force in so far as they relate to the development hereby approved, in particular Conditions 10-20 inclusive, including any details already approved there under to discharge the requirements of the identified conditions.

**Reason:** To ensure an acceptable form of development and that it progresses in accordance with the already approved and required details.

3. No works shall commence on site until a Construction Traffic Management Plan has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include the following information:
  - i. construction access routes
  - ii. traffic management
  - iii. construction hours / delivery restriction times
  - iv. program and duration
  - v. measures to be put in place to safeguard the movements of pedestrians

Thereafter, the development shall be implemented in accordance with the approved details.

**Reason:** To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site.

4. Unit 619 as identified on approved plan A110 hereby approved shall, at all times, remain accessible housing as detailed in the submitted accessible housing compliance statement unless otherwise agreed with the Council, as Planning Authority.

**Reason:** To ensure an acceptable form of development in terms of the required provision and delivery of accessible housing within the site as required and defined in terms of current planning policy and associated supplementary planning guidance.

5. As part of the permission hereby granted, units 616 and 626 hereby approved shall only be used for affordable housing purposes in accordance with the agreement(s) reached between the applicant/developer and Moray Council and/or any registered social landlord (e.g. housing association or similar) to enable the long term delivery of affordable housing on this site; and no development shall commence until details of the agreement(s) to confirm the arrangements for the delivery of the proposed affordable accommodation hereby approved shall be submitted to and approved in writing by the Council, as Planning Authority.

Thereafter, the development shall be implemented in accordance with the approved details.

**Reason:** To ensure an acceptable form of development in terms of the required provision and delivery of the affordable housing accommodation proposed for this site wherein the benefits of such provision are passed on to serve the community in future years.

6. All surface water proposals shall be implemented prior to completion of any unit hereby approved.

**Reason:** In order to minimise the impacts of the development works upon the environment.

7. No trees shall be removed from the application site without the prior written approval of the planning authority.

**Reason:** In order to ensure tree removal is adequately controlled.

8. All landscaping works shall be carried out in accordance with approved plan P-A110 unless otherwise agreed in writing with the planning authority details all planting, seeding or turfing shall be carried out in the first planting season following the first occupation of any of the units hereby approved. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless otherwise approved by the Council, as Planning Authority.

**Reason:** To ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area and because no such information was included with the application.

9. The development shall at all times be carried out in accordance with the Duneland, Findhorn Construction Environmental Management Plan as amended dated 1 November 2023.

**Reason:** In order to minimise the impacts of the development works upon the environment.

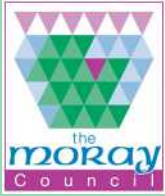
### **Reason(s) for Decision**

The Council's reason(s) for making this decision are:-

The proposal accords with the development plan and there are no material considerations that indicate otherwise.

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

<b>Reference No.</b>	<b>Version No.</b>	<b>Title/Description</b>
P-A009		Location plan
P-A105		Central cluster - elevations
P-A103		East cluster - floor plans and facilities
P-A106		East cluster - elevations
P-A107		Shared facilities - elevations
P-A104		West cluster - elevations
P-A102		Central cluster - floor plans
P-A101		West cluster - floor plans
P-A100		Proposed parking plan
P-A110		Site and landscape plan
		SUDS soakaway design



## PLANNING APPLICATION COMMITTEE SITE PLAN

**Planning Application Ref Number:**  
**23/02019/AMC**

**Site Address:**  
**Plot 8 9 11 12 And 13.1 On Land At North Whins  
The Park Findhorn**

**Applicant Name:**  
**Duneland Limited**

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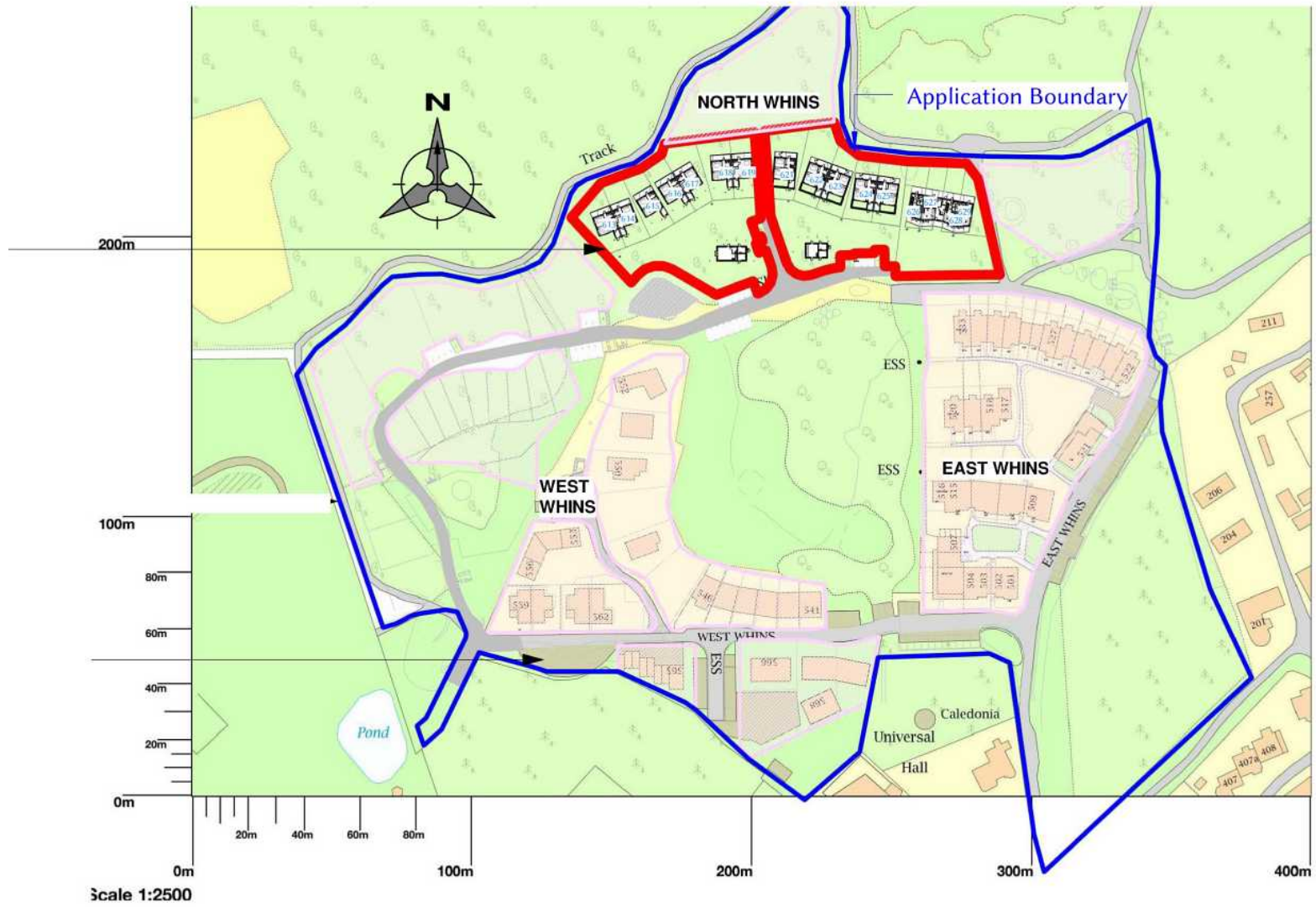
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### Location Plan



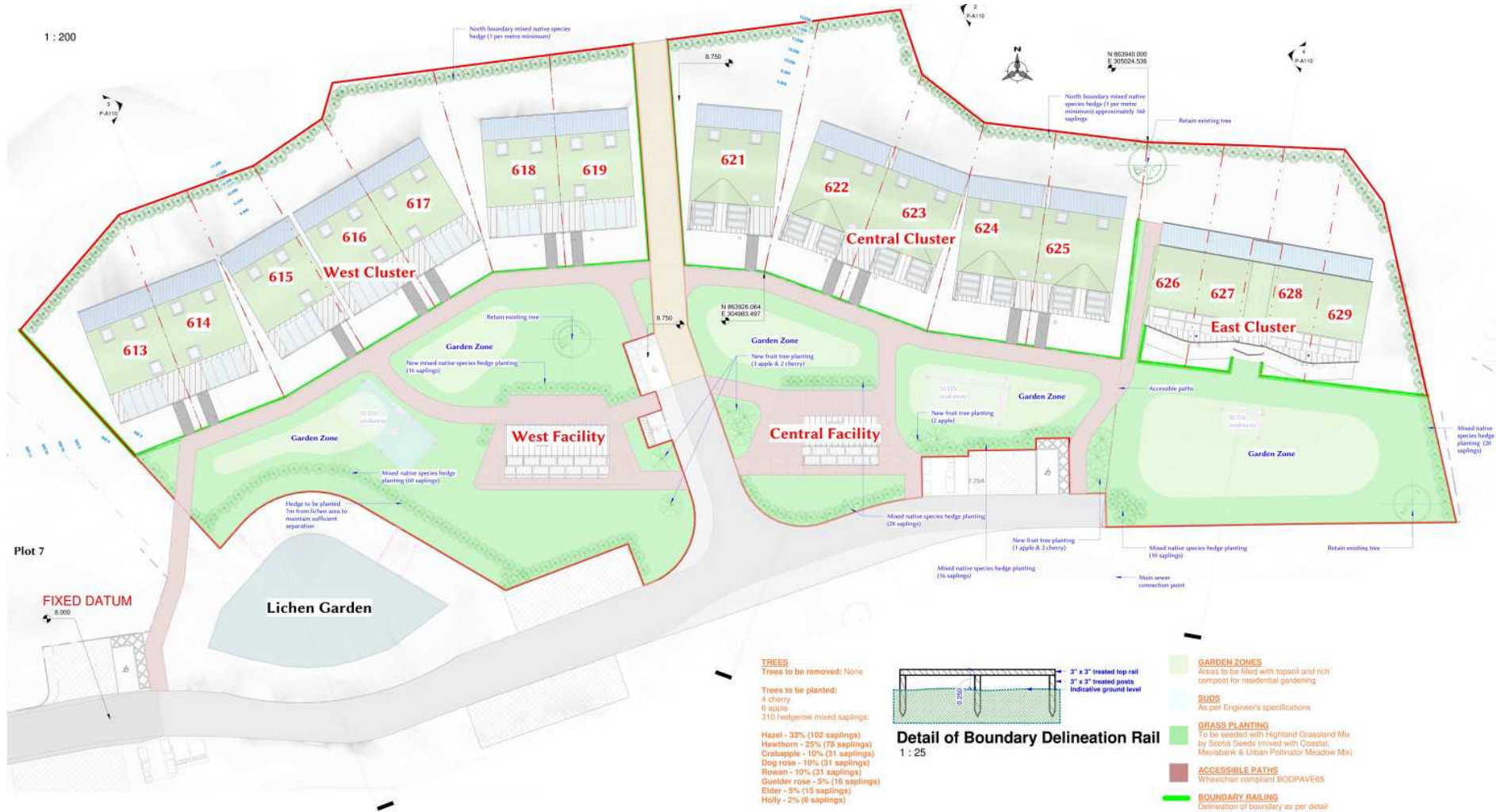
# Site Location





# Site and landscape plan

1 : 200



# Masterplan

## DUNELAND LTD. PHASE 2 Development Areas

N  
Scale  
1:1500  
(at A3)

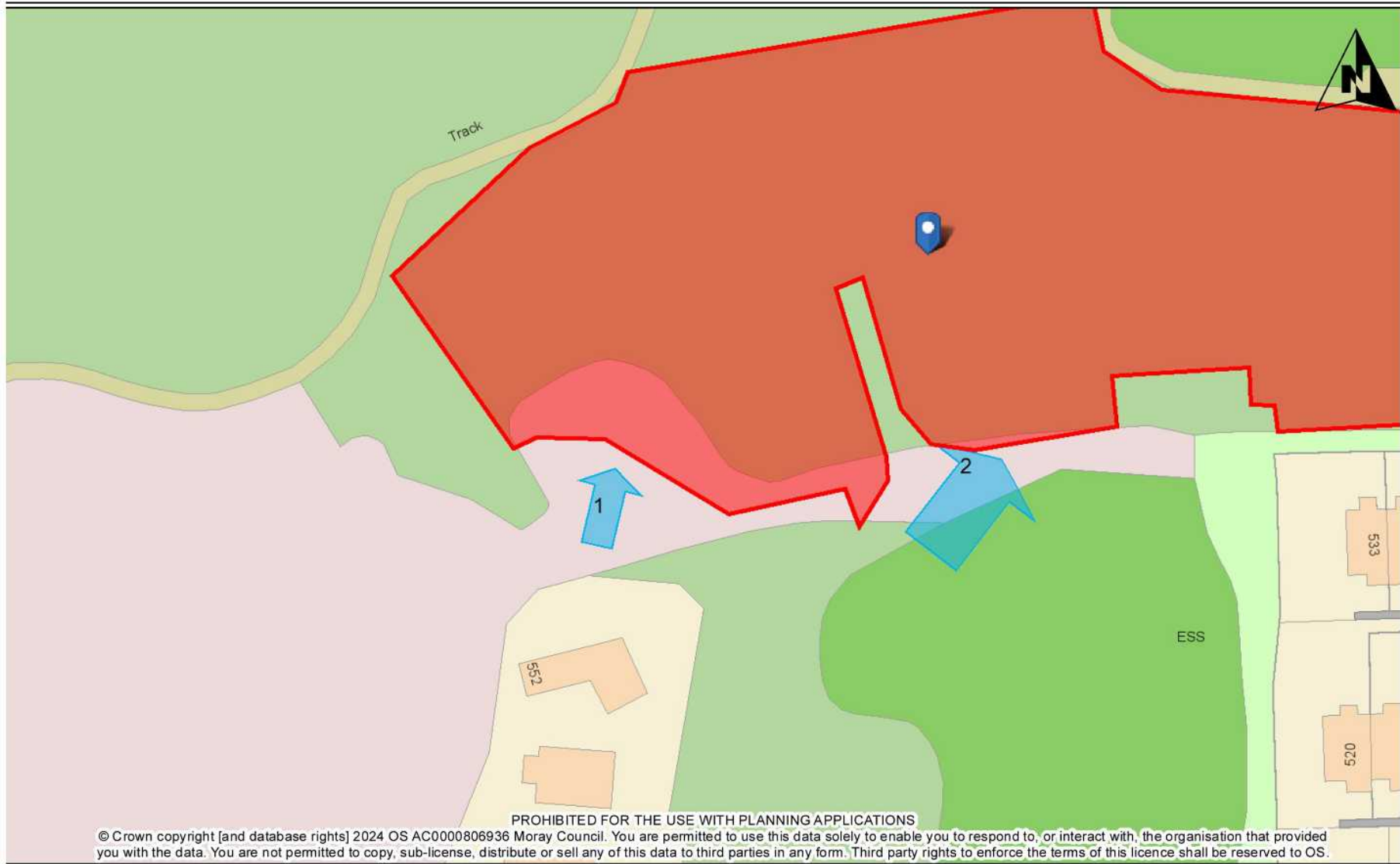


KEY:	
	Duneland Ltd. Settlement Area Boundary
	Duneland Ltd. Phase 2 site
	Recycling Area
	Parking (Total 42 spaces)
	Bike & Buggy store



# Photo location plan

23/02019/AMC



Map Description: a Description of a Moray Council Map

Scale: 1:729 @ A4



**Photo 1**



**Photo 2**





## PLANNING APPLICATION: 23/02019/AMC

*In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications*

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### 1. THE PROPOSAL

- This application seeks approval of the matters specified in condition 4 (layout of plot), condition 5 (plans, sections and elevations), condition 6 (boundary treatments and other development), condition 7 (sections), condition 8 (landscaping), condition 10 (affordable housing) and condition 11 (accessible housing) of 19/00320/PPP to provide 16 units of accommodation on plots 8-12 and 13.1 of the development site known as North Whins. Two communal facilities are also proposed along with surface water drainage and landscaping;
- Permission in Principle for 38 units, 3 craft units and associated infrastructure at North Whins was granted on 4 November 2019. Conditions 10 and 11 of that consent require 10 affordable housing units to be provided on site and 3 of the private housing units provided to be designed to be accessible;
- Plots 8-12 are identified as accommodating 'multi-unit housing' on the masterplan approved as part of 19/00320/PPP while plot 13.1 is identified as co-housing. These labels are indicative only;
- The current application proposes 16 units arranged in three clusters identified as west, central and east. One affordable and one accessible unit are provided in the western cluster and another affordable unit is found in the eastern cluster;
- The west cluster consists of one bedroom (plot 619 is a studio) duplexes with loft platforms. Each building will have a curved roof and will be 5.6m at their highest point.
- The central cluster consists of two storey two bedroom houses. Each building will have a curved roof and will be 6.9m at their highest point. Each has a south facing balcony;
- The eastern cluster consists of two storey two bedroom houses arranged in a single block. Each building will have a curved roof and will be 7.1m at their highest point;
- The roof of each unit will be a combination of sedum and grey metal which the walls will be finished in a combination of larch cladding and synthetic render;
- The two affordable housing units are unit 616 in the western cluster which is a one bedroom unit and 626 in the eastern cluster which is a two bedroom unit;
- The accessible unit (619) is studio with loft space in the western cluster of the proposed development;
- This current proposals would ensure that the affordable and accessible requirements of the overall planning permission for the North Whins (19/00320/PPP) site are met in full;



- The communal facilities are single storey structures. One will provide a shared laundry and the other will provide a common room, kitchen area and toilet. Both will also house facilities for a district heating scheme to serve the proposal. The buildings will be timber clad with grey metal roofs. Each roof will accommodate a 10.5kv pv array with battery storage;
- The development incorporates solar panels, air source heat pumps and a district heating system for the scheme;
- The access and parking for the overall North Whins development was approved under separate application (19/01649/AMC) that covered the comprehensive layout of the site and does not form part of this application. The current application site is accessed via the main road through the development approved under the 2019 AMC. Plot 13.1 forms the end of this road and the houses on plot 13.2 to the east are accessed separately;
- To date four further applications for the comprehensive layout of the site (19/01649/AMC), 8 affordable units on plot 13.2 (20/00135/AMC), 9 unit terrace on plot 14 (20/01222/AMC) and a single house on plot 5 (22/01094/AMC) have come forward and been approved. A further 4 single house plots remain to be developed along with the commercial units; and
- This application is accompanied by a Design and Access Statement, Accessible Housing Compliance Statement, Affordable Housing Statement, Ground Investigation Report and SUDS calculations and updated Construction Environmental Management Plan.

## 2. THE SITE

- The application site consists of plots 8-12 and 13.1 in the North Whins development which has permission in principle under 19/00320/PPP.
- The site is in the centre of the overall consented development site.
- Plot 13.2 to the east has already been developed with 8 affordable houses (20/00135/AMC). Plot 10 to the north and plots 4-7 to the west are identified for single houses but to date details have come forward for plot 5 (22/01094/AMC) only. Work is underway on a 9 unit terrace on plot 14 (20/01222/AMC) to the south west.
- This site will be accessed from the south west via an access road running through the North Whins site approved as part of a further application (19/01649/AMC) that dealt with the detailed layout of the site. Plot 13.1 will sit at the end of the private access road. The houses built on plot 13.2 are accessed separately from the east.

## 3. HISTORY

**22/01094/AMC** - Approval of matters specified in conditions 4-6 imposed on 19/00320/PPP (Erect a dwellinghouse and associated landscaping) on Plot 5 North Whins Findhorn permitted on 27/10/2022 following consideration by the Planning and Regulatory Services Committee.

**20/01222/AMC** - Approval of the matters specified in condition 4 (layout of plot), condition 5 (plans, sections and elevations), condition 6 (boundary treatments

and other development), condition 7 (sections), condition 8 (landscaping) and condition 11 (accessible housing) of 19/00320/PPP to provide a 9 unit terraced development on plot 14 permitted on 26/01/2021 following consideration by the Planning and Regulatory Services Committee.

**20/00135/AMC** - Approval of the matters specified in condition 4 (layout of plot) condition 5 (plans sections and elevations) condition 6 (boundary treatments and other development) condition 7 (sections) condition 8 (landscaping) and condition 10 (affordable housing) of 19/00320/PPP to provide 8 affordable units on plot 13.2 permitted on 24/09/2020 following consideration by the Emergency Cabinet.

**20/00016/APP** - Amend condition 9(b) imposed on 19/00320/PPP to read as follows: a.) All development shall be in accordance with the design principles set out in the approved Masterplan (except that buildings shall not be limited to a maximum of 1 ½ storey). b) All buildings shall have a maximum ridge height of 7.1m – permitted on 13/08/2020 following consideration by the Planning and Regulatory Services Committee.

**19/01649/AMC** - Approval of Matters Specified in conditions 3 (overall layout), 7 (sections) and 8 (landscaping) of 19/00320/PPP – permitted on 23/09/2020 following consideration by the Emergency Cabinet.

**19/01436/APP** - Amend condition 9(b) imposed on 19/00320/PPP to read as follows: All buildings shall have a maximum ridge height of 15.7m above Ordnance Datum (AOD) (as amended) – withdrawn 14/01/2020.

**19/00320/PPP** – Planning Permission in Principle to erect 38 dwellinghouses and 3 craft/commercial units and a community facility – permitted 04/11/2019 following consideration by the Planning and Regulatory Services Committee.

#### **4. POLICIES**

##### **NPF4**

NPF1 - Tackling the Climate

NPF2 - Climate mitigation and adaptation

NPF3 - Biodiversity

NPF4 - Natural Places

NPF5 - Soils

NPF6 - Forestry, woodland and trees

NPF7 - Historic assets and places

NPF13 - Sustainable transport

NPF14 - Design, quality and place

NPF18 - Infrastructure first

NPF22 - Flood risk

NPF23 - Health and safety

## **MLDP 2020**

PP1 Placemaking  
PP2 Sustainable Economic Growth  
PP3 Infrastructure and Services  
DP1 Development Principles  
DP2 Housing  
EP1 Natural Heritage Designation  
EP3 Special Landscape Areas  
EP7 Forestry Woodland and Trees  
EP12 Management and Enhancement Water  
EP13 Foul Drainage  
EP14 Pollution Contamination Hazards

### **5. ADVERTISEMENTS**

5.1 Advertised for neighbour notification purposes.

### **6. CONSULTATIONS**

**Findhorn & Kinloss Community Council:** No objection following clarification in relation to accessible housing.

**Housing:** No objection.

**Contaminated Land:** No objection.

**Environmental Health:** No objection.

**Developer Obligations:** None sought.

**Moray Flood Risk Management:** No objection.

**Transportation:** No objection.

**Scottish Water:** No objection.

### **7. OBJECTIONS-REPRESENTATIONS**

None.

### **8. OBSERVATIONS**

8.1 Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. National Planning Framework 4 (NPF4) and the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise.

8.2 The main issues are considered below:

8.3 **Planning History**

Planning Permission in principle (19/00320/PPP) for 38 houses, 3 craft/commercial units and a community facility with associated infrastructure was granted on 4 November 2019. The permission was granted subject to a number of conditions requiring the approval of matters including layout, design and materials, landscaping, sections and drainage. There are also conditions relating to affordable and accessible housing, environmental management, construction traffic, parking and improvements to the public road. This permission has subsequently been varied by a S42 application (20/00016/APP) which allowed ridge heights of up to 7.1m and removing the limitation of buildings to be a maximum of 1 ½ storey in design. To date there have been four further applications on the site. The first (19/1649/AMC) dealt with the comprehensive layout of the site including the access road, all the parking for the development and communal areas. The following applications provided for 8 affordable housing units on plot 13.2 (20/00135/AMC), a terrace of 8 units on plot 14 (20/0122/AMC) and a single house on plot 5 (22/01094/AMC).

8.4 Should the current application be approved only four plots for single houses, the three commercial units and the community facility are still to be brought forward.

8.5 **Compliance with the terms of the Permission in Principle**

This application is for approval of the matters specified in conditions 4-8 and conditions 10 & 11 the original permission in principle (19/00320/PPP). The remaining conditions of the permission in principle continue to apply. For the avoidance of doubt a condition is recommended to make clear that the development must be carried out in accordance with the terms of the original permission and any subsequent documents approved as part of the conditions of that permission such as the Written Scheme of (archaeological) Investigation (WSI).

8.6 **Design and Materials (NPF4 policy 16 and policy PP1 & DP1)**

The 16 units proposed are arranged in three clusters (west, central and east). Each cluster is designed in a slightly different manner but coherent design themes run throughout the development. Each building has a curved roof with a terrace on the north elevation and some form of projection on the south elevation. The central cluster incorporate an enclosed balcony on their southern elevation. The buildings in the west cluster will be 5.6m at their highest point, the central 6.9m and the east 7.1m. This is in keeping with the terms of the permission in principle (19/00320/AMC) which were amended by a section 42 application (20/00016/APP) to allow buildings with a maximum ridge height of 7.1m. The roof will be a combination of sedum and grey metal which the walls will be finished in a combination of larch cladding and synthetic render. This pallet of materials meets the requirements of the permission in principle and the approved masterplan document which requires that buildings have maximum of three primary external materials consisting of stone, timber and rendered blockwork and the roofs to covered in natural slate, metal sheeting or a living planted material. These materials will be appropriate for buildings in this setting.

- 8.7 Communal facilities are also proposed in the west and central clusters and are single storey structures with projecting canopies. Both buildings will be timber clad with grey metal roofs matching the main buildings. These are simple and functional buildings which are appropriate to the setting.
- 8.8 The form and finish of the proposals is in keeping with the character of the already approved developments on the plots to the east and west and existing development at West Whins. It will contribute to a sense of place and distinctiveness. The proposals meet the terms of the permission in principle and the broad design principles set out in the master plan document approved as part of that application. The design and materials comply with policies PP1 (i) DP1 (i).
- 8.9 **Privacy and Overlooking (NPF4 policy 16 and policy DP1)**  
The building is sited and designed in a manner that will not cause overlooking of neighbouring houses or any loss of privacy. The upper floor windows on the southern elevations of the western and eastern clusters and the enclosed balconies on the central cluster will principally overlook the communal garden and are sufficiently separated from neighbouring properties to avoid any adverse impact on their amenity. It is also noted that the upper floor windows in the west cluster serve an attic space rather than rooms. The upper floor windows on the northern elevations of the buildings in the eastern and western clusters look over the duneland beyond the site. The central cluster looks onto plot 10 (as yet undeveloped) but these buildings only have roof lights on this elevation which will prevent unacceptable overlooking. The western and central clusters have only high level openings at upper floor level on the eastern and western elevations. The eastern cluster have upper floor windows on the eastern and western elevations but these look onto each other or to the land to east. The nearest building is off site. There is adequate distance between the proposed buildings and the neighbouring plots. In this respect the proposal complies with NPF4 policy 16 and policy DP1 (e).
- 8.10 **Affordable Housing (NPF4 policy 16 & MLDP policy DP2)**  
The original permission in principle (19/00320/PPP) for the North Whins development requires 10 affordable housing units to be provided on site. Eight affordable units have already been provided 20/00135/AMC on plot 13.2 and these are occupied. The current application proposes two additional affordable units which represents all the required provision. An affordable housing statement has been provided. This sets out that these units will be designated for affordable purchase using a Rural Housing Burden and states that affordability will meet or exceed open market shared equity scheme thresholds. The Council's Housing Strategy and Development Manager has no objection. The proposal meets the terms of the condition and will ensure compliance with NPF4 policy 16 and MLDP policy DP2.
- 8.11 **Accessible Housing (NPF4 policy 16 & MLDP policy DP2)**  
The original permission in principle (19/00320/PPP) for the North Whins development requires 3 accessible housing units two of which must be wheelchair accessible to be provided on site. Two wheelchair accessible units are to be provided as part of the 9 unit terrace approved on plot 14. The current application will provide the last required accessible housing unit. An accessible housing statement has been provided setting out the accessible



features of the proposed unit. The Council's Housing Strategy and Development Manager has no objection. The proposal meets the terms of the condition and will ensure compliance with MLDP policy DP2.

**8.12 Trees and Landscaping (NPF4 policies 6 & 14 & MLDP policies PP1 & EP7)**

The overall landscaping and treatment of trees across the North Whins site has been addressed as part of the application (19/01649/AMC) for the comprehensive layout of the site. The landscaping of each plot has been addressed as each separate application has come forward and the landscaping of plots 8-12 and 13.1 forms part of the current application. No existing trees are to be removed from the application site. The proposed planting includes 10 fruit trees across the application site and native species hedges around edges. The landscaping proposed is in keeping with that throughout the development. It will help to integrate the development into its surroundings and contribute towards effective placemaking. A condition will be attached to ensure that the planting is timeously provided. Subject to condition the proposals comply with NPF4 policies 6 and 14 and MLDP PP1 and EP7.

**8.13 Biodiversity & Environmental Protection (NPF4 policy 3 & MLDP DP1 & EP2)**

The permission in principle for overall development (19/00320/PPP) was determined prior to the adoption of MLDP 2020 and NPF4. NPF4 policy 3 requires all proposals for major developments to conserve, restore and enhance biodiversity. This is echoed in MLDP policy EP2. The proposals for the overall development include measures to enhance biodiversity including the creation of a wildlife corridor, a lichen protection area and planting that is sensitive to the dunelands. The current application includes native species planting and fruit trees across the application site which will serve to enhance the biodiversity of the site. The proposals are appropriate to the location and scale of development and accord with NPF policy 3 and MLDP policy EP2.

**8.14** The original permission in principle (19/00320/PPP) was granted subject to a condition that required the submission of a Construction Environmental Management Plan (CEMP). A CEMP covering the overall development has been approved but SEPA noted that they would welcome further iterations that were specific to each plot as development came forward. An updated version of the CEMP covering the whole North Whins site but taking account of the details of the development currently proposed was submitted with this application. A condition is recommended to ensure that the CEMP is implemented in full. Compliance with the CEMP, and other environmental safeguards, such a Construction Traffic Management Plan (CTMP) ensure compliance with policy DP1 Development Principles and EP12 Management and Enhancement of the Water Environment.

**8.15 Access and Parking (NPF4 policy 13 & MLDP policy DP1)**

The site is accessed via a new road running through the North Whins development. Plot 13.1 forms the eastern end of this road as the houses on plot 13.2 are accessed separately from the east. The access and parking are dealt with as part of the application (19/01649/AMC) for the comprehensive layout of the site and do not form part of this application.

- 8.16 A Construction Traffic Management Plan (CTMP) has been approved as part of the application (19/00320/PPP) for the overall development. This document will require to be updated to take account of the current proposals. A condition is therefore recommended requiring an updated CTMP to be provided for the development on these plots. This is in line with the approach taken for plots 13.2 (affordable housing) (20/00135/AMC) and 14 (9 unit terrace) (20/01222/AMC).
- 8.17 **Drainage (NPF4 policy 22 & MLDP policies DP1, EP12 & EP13)**  
Two surface water soakaways are proposed to serve the development. Detailed calculations have been provided to justify the size and design. Moray Flood Risk Management has confirmed that they have no objection to the proposals. A condition is recommended to ensure that these measures are implemented in full. The proposals ensure acceptable drainage provision that will ensure that surface water is dealt within a sustainable manner in accordance with NPF4 policy 22 and MLDP policies DP1 and EP12.
- 8.18 The development will be connected to the public sewer and water supply. Scottish Water has no objection but securing a connection to public utilities remains the responsibility of the developer. These proposals accord with MLDP 2020 policy EP13.
- 8.19 **Climate & Nature Crisis and Climate Mitigation (NPF4 policies 1, 2 & 3 & MLDP EP2)**  
The original permission (19/000320/APP) was approved under the current LDP but prior to the adoption of NPF4. NPF4 policies 1 and 2 require significant weight to be given to the climate and nature crises in the assessment of all applications and requires climate mitigation from all development. In this case the proposal relates to the approval of matters specified in the conditions of an approved development. The developer has submitted information in relation to carbon setting out that the development is being constructed to passive house standard with low embodied carbon eco friendly materials used throughout. The recyclability of materials is also considered so that the materials used have a further life cycle. A heating and power generation scheme is also to be incorporated and solar thermal and pv panels are to be provided along with battery storage. An onsite microgrid is also proposed to reduce dependency on the grid. The houses are south facing so will benefit from passive solar gain and are sheltered from the wind to the north by canopies. The proposals are considered to comply with NPF4 policies 1 and 2.

### **Conclusion**

This is a high quality development that embodies the strong placemaking principles that underpinned the original planning permission for the overall development. The application will also secure the remaining affordable and accessible housing requirements for the overall North Whins development. The proposal accords with policy and is in line with the terms of the permission in principle. It is recommended that the matters specified in the stated conditions are approved.

**REASON(S) FOR DECISION**

The Council's reason(s) for making this decision are: -

The proposal accords with the development plan and there are no material considerations that indicate otherwise.

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