

REFERENCE NO - 21/505932/FULL		
APPLICATION PROPOSAL Retrospective application for erection of a temporary single storey extension to existing packhouse including access, parking and associated works.		
ADDRESS Wares Farm, Redwall Lane, Linton, Kent, ME17 4BA		
RECOMMENDATION GRANT TEMPORARY PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The application which seeks a temporary extension would have minimal visual impact on the surrounding area and is compliant with local and national planning policies.		
REASON FOR REFERRAL TO COMMITTEE The application has been called in by Linton Parish Council on the grounds that development would have a harmful impact upon the character and appearance of the area, the wider landscape, have a harmful highway impact and impact detrimentally upon the amenity of neighbouring properties.		
WARD Coxheath and Hunton Ward	PARISH/TOWN COUNCIL Linton	APPLICANT Integrated Service Solutions Ltd AGENT Mr Alexander Payne
TARGET DECISION DATE 25/02/2022 (EOT)		PUBLICITY EXPIRY DATE 21/12/2021

Relevant Planning History

- 0.1 04/0297 - Extension of existing industrial building to provide for a loading bay, canopy and loading dock to serve unit 2 including the change of use of agricultural land to provide for vehicle circulation and the provision of revised parking, as shown on dwg nos PKD033724, PKD033724/1 received on 11/02/04 and DHA/4816/01A, DHA/334/03 received on 19.02.04.

Permitted – 31/03/2004
- 0.2 04/2034 - Erection of new warehouse to provide the relocation and expansion of existing businesses including the provision of revised vehicle circulation and parking as shown on dwg nos. PKD043729, DHA/5114/01 received on 18.10.04.

Permitted – 15/02/2005
- 0.3 05/1172 - Extension of existing industrial building to provide for a loading bay, access ramp and loading dock to serve units 2 and 3 including the provision of revised parking and vehicle circulation as shown on PKD053731, 53731/2, 537311, DHA/4816/02, received on 15/06/05.

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Permitted – 08/08/2005

- 0.4 08/0694 - Erection of industrial/warehouse building and extension to loading bay to provide for the relocation and expansion of existing businesses including revised parking and landscaping as shown on drawing numbers 083701/1, 083701/2, 083701/3, 083701/4, 083701/5083701/6, DHA/6620/01 and DHA/6620/02 received on 1/4/08.

Permitted – 22/05/2008

- 0.5 12/0153 - Erection of two single storey extensions to existing industrial/warehouse building to provide an ancillary chill store and office for the existing packhouse as shown on drawing nos. 1400/1, 1400/2b, 1400/3 and DHA/9266/01 received on 31st January 2012.

Permitted – 26/03/2012

- 0.6 16/508659/FULL (Berry Gardens) - Demolition of existing dwelling and erection of B8 warehouse building with ancillary offices, dock levellers, access, parking and landscaping including the creation of new woodland and attenuation pond.

Permitted – 06/07/2017

1 DESCRIPTION OF SITE

- 1.01 The site is located at Wares Farm to the north of Redwall Lane and west of Laceys Lane. The proposed extension would be located entirely within the recessed area adjacent to the north of the main building and adjacent to the east of the connection between the main building and the northern section. This area currently comprises of hard standing and car parking.

- 1.02 The site is accessed via the existing access from Redwall Lane.

- 1.03 The site is located in the countryside by virtue of being outside any defined settlement boundary but consists of entirely previously developed land within Wares Farm. The Wares Farm complex itself is entirely surrounded by land in agricultural use with a fruit packhouse and other agricultural buildings and uses located to the south including the Berry Gardens facility, with agricultural land to the west, north and east. There also a few dwellings sporadically set out in proximity to the site.

2. PROPOSAL

- 2.01 The application seeks temporary (3 years), retrospective planning permission for the 'Extension to existing packhouse and associated access, parking and associated works'

- 2.02 The proposed extension is 35m in length and 20m in width. The height of the eaves is 7.2m with a ridge height of 10.2m and provides 700m² of floorspace which would be used as a coldstore for storing fruit prior to distribution or transportation to a distribution centre.

- 2.03 The proposed extension is a rectangular building with a dual-pitch roof. It comprises an aluminium frame clad with insulated steel sandwich cladding with polymer composite insulated wall panels and roof consisting of translucent plastic-coated membranes which are inflated to provide insulation for the cold store. The external appearance of the building is white as shown below.

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- 2.04 The extension would operate on a 24 hour 7 day a week basis as per the operation of the existing premises and would result in a maximum of up to 12 additional HGV vehicles visiting the site with around 80 new additional employees working in shifts that are split over 4 shifts (2 days/2 nights) resulting in a maximum of up to 40 additional employees coming and going to the site each day with the start/end shift times being 6a.m to 6 p.m.
- 2.05 As taken from the applicants supporting statement; "The proposed development includes seven additional parking spaces adjacent to the west of the site and a further eight spaces have been allocated to the applicant in the wider Wares Farm complex. In addition, the applicant has access to the overflow car park to the southwest corner of the Wares Farm complex which comprises 53 spaces. The applicant has access to a minimum of 68 car parking spaces on the Wares Farm site.



3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:

SP17 – Countryside

SP21 – Economic Development

DM1 – Principles of good design

DM6 – Air Quality

DM21 - Assessing the transport impacts of development

DM23 – Parking Standards

DM30 – Design principles in the countryside

DM37 – Expansion of existing businesses in the rural area

The National Planning Policy Framework (NPPF 2021):

Local Plan Review (2021)

The Council's Regulation 19 Local Plan has recently finished public consultation and provides assessment criteria for economic development proposals in the countryside.

Whilst this document is a material planning consideration, at this time it is not apportioned much weight. The weight to be attached to individual policies will be adjusted upwards or downwards depending on whether objections have been received. The current programme involves submission to the Planning Inspectorate in Spring 2022.

Policy SP11 of the review states that the Council will support the economy of the borough by "Supporting proposals for the expansion of existing economic development premises in the countryside, including tourism related development, provided the scale and impact of the development is appropriate for its countryside location, in accordance with policy CD7."

Policy CD7 (Expansion of existing businesses in rural areas) states that planning permission will be granted where;

- i. New buildings and proposed access thereto are small appropriate in scale and provided the resultant development as a whole is appropriate in scale for the location and can be satisfactorily integrated into the local landscape;
- ii. The increase in floorspace would not result in unacceptable traffic levels or types on nearby roads or a significant increase in use of an existing substandard access;
- iii. The new development, together with the existing facilities, will not result in an unacceptable loss in impact on the amenity of the area. In particular the impact on nearby properties and the appearance of the development from public roads will be of importance; and
- iv. No open storage of materials will be permitted unless adequately screened from public view throughout the year.

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.1 In addition to the site notice, 35 neighbouring properties were consulted by direct mail regarding the proposed development. Three representations were received in objection to the development.

5. CONSULTATIONS

Linton Parish Council

Linton Parish Council have submitted an objection to the development and requested that it be brought before planning committee.

The material planning considerations raised are summarised as follows:

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- That the development has a harmful impact upon visual amenity – Specifically that the building is not in keeping with surrounding development, it is overly visible from long distance views and is 'overly' lit at night.
- Highway issues - Specifically traffic generation, vehicular access and highway safety
- Noise or disturbance resulting from use, including proposed hours of operation
- Vehicle movements impacting upon conservation areas.
- Capacity of Infrastructure, specifically highways. The bulk of the comments issued relates to highways safety, damage to the highway network as a result of HGV movements and the number of HGV movements taking place in the area, which the Parish state should be reduced.

A number of non-material planning considerations are also raised. These are as follows:

- That the proposal is not a temporary addition.
- Matters controlled under other legislation i.e. traffic incidents.

KCC Highways

Development is accessed from Redwall Lane, the ingress is sufficient in width and provides good visibility sight lines in both directions when exiting the site.

Proposed extension is for 700sqm storage. Vehicular Parking has a total number of 68 spaces, which is sufficient for the whole site. Shift change takes place at 6am and 6pm, which is outside of the conventional peak traffic hours and will not cause a severe impact as set out within NPPF.

I can confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

Submission of a Construction Management Plan before the commencement of any development on site.

Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.

Environmental Health

A noise impact assessment was submitted to the application by RSK Acoustics (Report No. 206/0429/R1 dated 29th Sept 2021). This assessment, using worst-case scenarios for the purpose of calculations, found that the impact for the new development would not increase noise levels from the existing use and thus I am satisfied a noise condition would not be required.

An air quality impact assessment was submitted with the application by SLR consulting (Ref: 403.12171.002 dated October 2021). Section 7.1 of this document determined during construction air quality impacts can be mitigated through specific measures and I would recommend the applicant adhere to these. The air quality impact assessment considered the impacts from operational phase trips of the development to have an insignificant effect. I would recommend the installation of EV charging points to encourage the use of sustainable travel methods.

The site is on potentially contaminated land due to its use as a packhouse but as the proposed development is erected on top of a concrete slab with no ground breaking activities involved in the process, I am satisfied this would not cause significant harm to receptors.

Natural England

No comments issued.

6. APPRAISAL

6.01 The key issues for consideration relate to:

- Principle
- Character, appearance, and scale
- Landscape
- Neighbouring amenity
- Highways
- Ecology
- Other matters

Principle

6.02 The application is for retrospective permission for the erection of a temporary single storey extension to the existing packhouse including access, parking and associated works.

6.03 Local Plan Policy SP17 states "Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area."

6.04 Local Plan Policy SP21 states that the Council will support the economy of the borough by "Supporting proposals for the expansion of existing economic development premises in the countryside, including tourism related development, provided the scale and impact of the development is appropriate for its countryside location, in accordance with policy DM37."

6.05 Local Plan Policy DM37 details the assessment criteria for this type of development. It states the following:

6.06 Planning permission will be granted for the sustainable growth and expansion of rural businesses in the rural area where:

- i. New buildings are small in scale and provided the resultant development as a whole is appropriate in scale for the location and can be satisfactorily integrated into the local landscape;
- ii. The increase in floorspace would not result in unacceptable traffic levels on nearby roads or a significant increase in use of an existing substandard access;
- iii. The new development, together with the existing facilities, will not result in an unacceptable loss in the amenity of the area. In particular the impact on nearby properties and the appearance of the development from public roads will be of importance and;

- iv. No open storage of materials will be permitted unless adequately screened from public view throughout the year.
- 6.07 Where significant adverse impacts on the rural environment and amenity would result from expansion, rural businesses requiring expanded premises should look to relocate to one of the Economic Development Areas identified in Policy SP22 or to a site within Maidstone urban area or one of the rural service centres.
- 6.08 The principle of an extension to the existing 'complex' is considered acceptable, subject to the development meeting the specific requirements of policies SP17 and DM37 which are discussed below.

Character, appearance, and scale

- 6.09 Policy DM1 states that development must not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity, or vehicular movements, it requires development to incorporate a high-quality design which responds to areas of heritage, townscape and landscape value or uplifts an area of poor environmental quality. Policy DM30 has similar requirements.
- 6.10 Policy DM37 also has design criteria i.e., that development must be appropriate in scale for the location and that development must not result in harm to the amenity of the area "and the appearance of the development from public roads will be of importance"
- 6.11 The application site is within the Yalding Farmlands landscape character area. The Maidstone Landscape Character Assessment notes that this landscape is in 'Very Good' condition and of 'High' sensitivity. The Character Assessment notes that the landscape consists of low-lying landscapes, reservoirs and water bodies, enclosed pastures, orchards, parkland and historic settlements. An identified action is to soften the impact of agricultural buildings and fruit equipment storage areas with native planting. To summarise the assessment concludes that this landscape must be conserved.
- 6.12 Assessing these points, the proposed new extension building is small in scale relative to the existing building and the Wares Farm complex. The proposal provides a logical infill of a gap between two existing buildings within an existing industrial and warehousing complex. Whilst in policy terms the application site is in the countryside, the immediate surround area is very much seen as a semi-industrial/warehousing complex.



- 6.13 Concerns have been raised regarding the visual impact of the extension particularly from short and long-distance views, however the extension has to be viewed in the context of its surroundings. It does not look out of place associated with the existing 'industrial and warehouse' buildings, as the photo below demonstrates it is of a similar scale to the existing buildings on site and is "seen" in the context of the existing Wares Farm buildings. Views of the development are possible when traveling towards the site along Red Wall Lane from the west and the east of the site but these are glimpsed views in accordance with policy DM37 (iii), the appearance of the development is acceptable when viewed from public roads. The below photo is taken from the roadside to the front of 'The Oast', a property approximately 200m to the west of the application site. The white building relating to this application is just visible through the tree line, above the surrounding buildings.



- 6.14 It is not considered that the white colouration or that it is visible over the top of the existing buildings results in such significant harm that a refusal would be warranted on these grounds as the building is read in the landscape against the wider complex of buildings at the Wares Farm site.. Whilst landscaping is not necessarily a permanent feature, equally once the trees pictured above have come into leaf the building would not be as visible from this view point.
- 6.15 Concerns have also been raised regarding the 'visibility' of the proposal from the Bull Inn public house on Linton Hill. The Bull Inn is within the Greensand Ridge Landscape character area, and the application site is within the Yalding Farmlands. The below photo was taken from the car park of the Bull Inn which is approximately 2km to the north of the application site, the Bull Inn overlooks both landscape areas.



- 6.16 Whilst the white building can be discerned from the green 'existing' buildings, the building is seen in association with these buildings and the Berry Gardens complex to the south. It is not considered that the proposed building (which is temporary) is so glaring that it causes such an impact on the wider landscape that would warrant a refusal on landscape grounds. This being especially so as the application proposes a temporary permission for three years.
- 6.17 The proposal seeks a temporary building and as such on the basis of this the landscape would be restored to its present state once the temporary permission expires. Additionally, the building is contained amongst the existing industrial and storage buildings, is of a similar scale to the existing buildings and is "read" in the context of those existing buildings. Whilst the roof of the extension can be readily identified from medium range views, this is not so harmful over a three-year period to warrant a refusal of the application on landscape harm. Short distance views are limited to glimpses or are not readily visible from public roads. Overall, it is not considered that the extension causes a degree of landscape harm that would warrant a refusal of the application

Neighbouring amenity

- 6.18 Policies DM1 and DM37 (iii) both require development to safeguard the amenity of neighbouring properties.
- 6.19 The nearest properties to the proposal are the two dwellings located approximately 70m to the east of proposed building, east of Laceys Lane (nos. 1 and 2 Spring Cottages). However, there is existing screening along the eastern boundary of Wares Farm adjacent to Laceys Lane which minimises the visual impact. In addition, only a small section of the extension would be visible above the existing building that connects the building to the north to the main building from the east but any views of this would again be seen within the context of the extensive existing built form of Wares Farm.

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- 6.20 The proposed activities associated with the proposal involve the storage of fruit in an atmosphere-controlled store and all activities would be internal. A Noise Impact Assessment and Air Quality Assessment has been submitted with the application and this demonstrates that there would be no detrimental impacts on noise or air quality.
- 6.21 The Councils Environmental Health Officer has raised no objection to the Noise Impact Assessment or Air Quality Assessment and has suggested the use of conditions in terms of installation of EV charging points to encourage the use of sustainable travel methods. Whilst the operation of the cold extension covers a 24 hour period, it is not considered that there will be an impact on the amenity of nearby residents as a result of this 24 hour activity.
- 6.22 Overall, there is not considered to be an impact on amenity to neighbouring properties as a result of the temporary extension.

Highways

- 6.23 Local Plan policies DM1 and DM37 both detail the need to ensure proposals do not result in vehicle movements, that could have a harmful effect on the amenity of residents and the wider highway network.
- 6.24 A Transport Statement (TS) has been submitted in support of the application and confirms that the site is expected to generate approximately one additional HGV movement per hour on average over the 24-hour period (12 movements onto and 12 off the site, 12 vehicles total) and a maximum of 40 two way car movements over the shift change over periods around the hours of 6am and 6pm.
- 6.25 A number of objections on highways grounds have been received including one from Linton Parish regarding vehicle movements associated with the site. KCC Highways who are the Local Planning Authorities expert consultees regarding this issue have not objected to the proposal subject to conditions.
- 6.26 One representation refers to vehicle movements at 'Berry Gardens' the site immediately to the south of the application site being restricted to 32 lorry movements. A specific application where this condition has been imposed has not been provided, but condition 10 associated with 16/508659/FULL imposed a condition restricting vehicle movements to 8 overnight.
- 6.27 18/501181/FULL associated with the above application then amended this condition to allow additional vehicle movements. No more than "32 in or out movements to the site by HGVs between the hours of 2300hrs and 0700hrs." To summarise this, this was on the basis of the seasonable nature of the 'business' and to provide some flexibility which could otherwise lead to a situation of vehicles parking on the highway rather than entering the site.
- 6.28 As taken from the applicant's transport assessment, in relation to HGVs the following is indicated "Over the course of a temporary 26-week period, an additional 24 two-way HGV arrivals (12 vehicles in total) and departures per day for 17 weeks and 12 per day (6 vehicles) for the remaining 9 weeks will occur." Approximately one additional HGV movement an hour during the 26-week period. When considering the comments from highways consultees, it is not considered that an additional 12 HGVs visiting the site results in such a detrimental intensification of vehicle movements that a refusal on this ground alone would be warranted.

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- 6.29 A number of representations received refer to specific incidents involving HGVs. Highway safety is covered by legislation outside of the planning system, the Local Planning Authority does not have the remit to ensure drivers obey highway legislation and as such this is not a ground to refuse an application on. Between 2017 and 2020 a total of two traffic incidents were recorded in the vicinity, both of which were classified as 'slight' in severity, neither of these involved HGVs.
- 6.30 Comments submitted also discuss what is best described as "unnecessary HGV journeys" as a result of how the business operates. How a business operates is not a planning consideration, KCC Highways have not objected to the proposal on this basis. Conditions can be imposed regulating vehicle movements to and from the site.
- 6.31 In terms of parking arrangements as taken from the submitted transport statement: "As noted, a total of 80 additional staff have been employed as a result of the expansion. Daily shift patterns comprise two 12-hour shifts, with a maximum of 20 staff per shift. It is therefore anticipated that a maximum of 20 vehicles will utilise the on-site parking at any one time."
- 6.32 The proposed development includes seven additional parking spaces adjacent to the west of the site and a further eight spaces have been allocated to the applicant in the wider Wares Farm complex. In addition, the applicant has access to the overflow car park to the southwest corner of the Wares Farm complex which comprises 53 spaces. The applicant has access to a minimum of 68 car parking spaces on the Wares Farm site.
- 6.33 The transport assessment includes a review of the overflow car park which was undertaken to assess its utilisation on Tuesday 12th October 2021 at 14:00. During this time, it was seen that the car park is seen to be operating with spare capacity, with up to seven free bays during this peak operational period and no overspill on to the local highway network
- 6.34 Based on the above, the arrangements are assessed as being acceptable, no objections have been received by highways consultees relating to the parking arrangements on site.

Ecology

- 6.35 The proposal seeks retrospective permission for a temporary building on the sites existing car park. On this basis it would not be reasonable to impose conditions requiring enhancements integrated to the building, it will be conditioned that enhancements be placed elsewhere around the site.

Other Matters

- 6.36 Impacts on air quality and climate change are also raised, as taken from the applicants Air Quality assessment. "In accordance with the EPUK & IAQM Guidance, developments located outside an AQMA (Air Quality Management Area) require consideration of potential air quality impacts where additional development trips are in excess of 500 AADT as LDV trips or 100 AADT as HDV trips.
- 6.37 Based upon the trip details and distribution outlined above, the maximum number of predicted development trips (as 24-hour AADT) are below the relevant criterion. Therefore, in accordance with the EPUK & IAQM Guidance no further detailed assessment is required and the 'impacts can be considered as having an insignificant effect'."

- 6.38 No objections have been received from Environmental Health consultees, subject to conditions. The applicant has submitted an air quality impact assessment, this 'concludes' that the maximum number of predicted developmental movements is below the relevant indicative criteria for a more in-depth assessment. "As such, road traffic impacts associated with the operational of the site can be considered as having an 'insignificant' effect on local air quality and have therefore been screened out." As the application is retrospective conditions are suggested requiring the applicant to install electric vehicle charge points, to encourage the use of electric vehicles and reduce carbon emissions.
- 6.39 Policy DM2 states that Non-residential development, where technically feasible and viable, should meet BREEAM Very Good including addressing maximum water efficiencies under the mandatory water credits and should achieve BREEAM Very Good for energy credits where technically and financially viable.
- 6.40 The building is temporary and on this basis it is not assessed as being reasonable to require sustainable technologies on a temporary building. Requiring BREEM standards on an already constructed temporary building would not be reasonable either given its temporary nature.

Conclusion

- 6.41 The development which is seeking temporary permission for a temporary building would not have a harmful impact upon the character and appearance of the immediate area or the wider landscape with short range views of the building restricted to glimpses. Whilst within medium range views the extension is visible and of a differing colour to the main complex, it is read against the complex as a whole and is seen as such. On this basis, it does not cause landscape harm sufficient to warrant a refusal of the application.
- 6.42 The development would not harmfully impact upon the amenity of neighbouring properties.
- 6.43 It is not assessed that the development would have such a significantly harmful impact upon the wider highway network that a refusal would be warranted. The temporary proposal has resulted in the creation of 80 additional jobs supporting the rural economy in accordance with policy SP21. Conditions are suggested limiting the number of HGVs visiting the site. The development is in accordance with local and national planning policies and is recommended for approval.

7. RECOMMENDATION

Grant temporary permission subject to the following conditions:

- 1) The extension hereby permitted shall be removed and the land upon which it is sited restored to its former condition on or before 25/02/2025.

Reason: To enable the local planning authority to review the special circumstances under which this permission is granted.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Application for planning permission
Air Quality Assessment

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DHA_15889_01 Site Location Plan
DHA_15889_02 Existing Site Layout Plan
DHA_15889_03 Proposed Site Layout Plan
DHA_15889_04 Existing Building Floor Plan
DHA_15889_05 Existing Building Elevations
DHA_15889_06 Proposed Building Floor Plan
DHA_15889_07 Proposed Building Elevations
Noise Impact Assessment
Transport Statement
Planning Statement
Agent Response

Reason: To ensure a satisfactory visual appearance to the proposal and to safeguard the amenity of the area.

- 3) Within one month of the date of the application hereby approved details of 5 (10% of proposed parking provision) electric vehicle charging points, including a programme for their installation, maintenance, and management, have been submitted to and approved in writing by the local planning authority. The electric vehicle charging points as approved shall be installed within three months following the approval of the details and shall thereafter be retained and maintained in accordance with the approved details.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with the NPPF.

- 4) Within one month of the date of the application hereby approved a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through provision within the site curtilage of measures such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. Within three months the approved scheme shall be implemented in accordance with the approved details and all features shall be maintained thereafter. Reason: To provide a net biodiversity gain.
- 5) Within one month of the date of this decision hereby issued a scheme for the control and monitoring of the movement of HGV's shall be submitted to the Local Planning Authority. On approval of the scheme by the Local Planning Authority, this scheme should be implemented and operated at all times and shall be available for review by the Local Planning Authority. No more than 8 HGVs shall enter or leave the site during the hours or 2300hrs and 0600hrs.

Reasons: In the interests of Local amenity

- 6) The parking provision within the overflow car park to the southwest corner of the Wares Farm complex comprising of 53 spaces as well as the additional parking detailed within DHA_15889_03 Proposed Site Layout Plan (received on 03 Nov 2021) amounting to a total of 68 spaces shall be retained and maintained for parking purposes in connection with Integrated Service Solutions Ltd (Wares Farm) for the duration of the three-year temporary permission.

Reasons: In the interests of ensuring adequate parking provision on site.

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Case officer: William Fletcher