



# **AGENDA ITEM**

**4**

**ERECTION OF DWELLINGHOUSE  
AND DOMESTIC GARAGE AT LAND  
TO THE WEST OF 10 AGRICULTURAL  
HOLDINGS, KILSYTH ROAD,  
LONGCROFT FOR MRS FIONA  
CARLIN - P/16/0359/FUL**

**FALKIRK COUNCIL**

**Subject:** **ERECTION OF DWELLINGHOUSE AND DOMESTIC GARAGE  
AT LAND TO THE WEST OF 10 AGRICULTURAL HOLDINGS,  
KILSYTH ROAD, LONGCROFT FOR MRS FIONA CARLIN -  
P/16/0359/FUL**

**Meeting:** **PLANNING COMMITTEE**

**Date:** **17 August 2016**

**Author:** **DIRECTOR OF DEVELOPMENT SERVICES**

**Local Members:** **Ward - Denny and Banknock**

**Councillor Jim Blackwood**

**Councillor Paul Garner**

**Councillor Brian McCabe**

**Councillor Martin David Oliver**

**Community Council:** **Banknock, Haggs and Longcroft**

**Case Officer:** **Brent Vivian (Senior Planning Officer), Ext. 4935**

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 The application seeks full planning permission for the erection of a four bedroom two-storey detached dwellinghouse and attached double garage. The proposed external finishes include grey concrete roof tiles, off-white/ cream render and imitation stonework features. Part of the site sits within a depression which would necessitate an increase to existing levels. Sewage is proposed to be treated on-site. The sewage and surface water would be discharged via soakaways.
- 1.2 The application site consists of open grazing land and lies to the west of an existing dwellinghouse and to the east of a recently constructed dwellinghouse. The site forms part of a green space along the north side of Kilsyth Road between Haggs to the west and Longcroft to the east. On the opposite side of Kilsyth Road is a new housing development.
- 1.3 The proposal has been the subject of a previous planning application (see paragraph 3.2 of this report). In that case the Council's Development Management Unit sought financial contributions from the applicant in respect of education, open space and upgrade of the M80/Kilsyth Road slip road junctions. The contributions were sought because the application site falls within an allocated housing site with an indicative capacity of 25 units (H10) and contributions generally apply to housing sites of more than 3 units. The Council's Planning Committee decided to approve the application without any requirement for financial contributions. The meeting minute of the Council decision recorded the following:-

“The Committee noted the undertaking by the owner of entire H10 site that she (a) has no intention now or in the future of allowing development of the site with the exception of the self-build house which is the subject of the application and (b) will support removal of the site from the Falkirk Local Development Plan”.

- 1.4 The current application has been submitted because the application site has increased in size (it extends further to the north) and the location of the proposed dwellinghouse has materially changed (it sits further back into the site). The reason for these changes is because a pocket of peat/soft clay has been encountered at the position where the front wall of the dwellinghouse was to be sited. The proposed change to the siting would ensure the foundations are laid into firm sub-soils.

## **2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application requires consideration by the Planning Committee as granting it without a requirement for financial contributions is considered to be contrary to the Falkirk Local Development Plan.

## **3. SITE HISTORY**

- 3.1 Planning application P/14/0161/FUL for the erection of a two-storey dwellinghouse and ancillary detached garage was granted in August 2014. This site is to the west of the current application site and also within allocated housing site H10. A Section 69 legal agreement was entered into to secure the payment of developer contributions in the sum of £7640 prior to issue of the permission.
- 3.2 Planning application P/15/0583/FUL for the erection of a dwellinghouse and domestic garage was granted on 4 May 2016.

## **4. CONSULTATIONS**

- 4.1 The Council's Roads Development Unit have requested that the roads related conditions attached to P/15/0503/FUL be attached to any grant of this application. They are satisfied with the foul and surface water drainage proposals.
- 4.2 The Council's Environmental Protection Unit have advised that acoustic glazing with a specification of 10/12/6 or acoustic equivalent will be required, along with permanent ventilation, to protect the occupiers of the proposed dwellinghouse from transportation noise. They note the previously submitted agricultural questionnaire which did not indicate any potential sources of contaminated land.
- 4.3 The Council's Transport Planning Unit requested (in respect of P/15/0583/FUL) a financial contribution in the sum of £1120 towards the need to upgrade the A803/M80 slip road junctions as a result of the cumulative impact of new housing in the area. The proposed dwellinghouse is within allocated housing site H10 which is identified in the Banknock & Haggs SIRR Development Framework as a contributing site to fund these upgrade works.

- 4.4 The Council's Children's Services requested (in respect of P/15/0583/FUL) a financial contribution in the sum of £4700 towards increasing local school capacity in accordance with SG10 'Education and New Housing Development' (£2100 in respect of Denny High School and £2600 in respect of Bankier Primary School). The proposed dwellinghouse is within allocated housing site H10 which has an indicative capacity of 25 units.

## **5. COMMUNITY COUNCIL**

- 5.1 The Banknock, Haggs and Longcroft Community Council have not made any representations in respect of the application.

## **6. PUBLIC REPRESENTATION**

- 6.1 No public representations have been received in respect of this application.

## **7. DETAILED APPRAISAL**

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

### **7a The Development Plan**

- 7a.1 The Falkirk Local Development Plan (LDP) was adopted on 16 July 2015. It replaces the previous Structure Plan and Local Plan and includes a number of supplementary guidance documents which now have statutory status.
- 7a.2 Under the LDP, the application site lies within the urban limits and within allocated housing site H10.
- 7a.3 The LDP Site Schedule indicates a Housing Capacity of 25 units for H10 and provides the following site comments:-
- Greenfield infill site between Haggs and Longcroft;
  - Development proposals must present house frontages along both Kilsyth Road and pay special attention to their relationship with housing along Anderson Terrace;
  - Proportionate contributions towards M80 (J7)/ A803 slip road junctions and Bankier Primary School expansion required; and
  - 15% affordable housing requirement.

7a.4 The owner of the entire H10 site has advised that she has no intention now or in the future of allowing any further housing development within H10 (see paragraph 1.3 of this report). Notwithstanding this, the fact is that the site falls within an allocated housing site (H10) in the current Local Development Plan. The application is therefore assessed against the Local Development Plan policies on that basis in this report.

7a.5 Policy HSG01 – ‘Housing Growth’ states:

- “1. The Council will aim to achieve an average housing growth of 675 dwellings per year across the Council area over the Plan period, and will ensure that a five year effective land supply is maintained;*
- 2. The Council will monitor and update the effective housing land supply figures annually to make sure that a minimum five year supply is maintained at all times. If this Housing Land Audit process identifies a shortfall in the effective land supply, the Council will consider supporting sustainable development proposals that are effective, in the following order of preference:*
- Urban Capacity sites*
  - Additional brownfield sites*
  - Sustainable greenfield sites*
- In doing so, account will be taken of other local development plan policies and of any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal.*
- 3. The overall scale of housing allocations in each settlement area to meet the target level of growth, including flexibility, will be as shown in Figure 3.1.*
- 4. The specific sites where new housing will be promoted are listed in the Settlement Statements, and detailed in the Site Schedule in Appendix 1.*
- 5. The locations for most significant growth are identified as Strategic Growth Areas (SGAs). Within these areas, the preparation of development frameworks, masterplans and briefs, as appropriate, and the co-ordination of social and physical infrastructure provision, will be a particular priority. Site requirements are set out in Appendix 2.”*

7a.6 This policy promotes new housing within the sites listed in the Settlement Statements. The Bonnybridge and Banknock Settlement Statement lists H10 as an allocated housing site and the Site Schedule provides detailed site comments (see paragraph 7a.3 above). The application site lies within H10. The proposal, for a dwellinghouse, is therefore supported by the H10 housing allocation and accords with this policy.

7a.7 Policy INF01 – ‘Strategic Infrastructure’ states:

*“The Council will promote or support the provision of strategic infrastructure as identified on Map 3.2, listed in the Settlement Statements, and detailed in the Site Schedule in Appendix 1. The delivery of these projects will be through a range of agencies, in partnership with Falkirk Council. The Council and other partner organisations will explore traditional and innovative funding mechanisms to deliver infrastructure improvements, notwithstanding the continuing role of developer contributions as set out in supporting policies and supplementary guidance.”*

7a.8 This policy states that the Council will promote or support the provision of strategic infrastructure as identified on Map 3.2. Additional school capacity at Bankier Primary School is identified on Map 3.2 as a strategic infrastructure project (INF28). The Site Schedule for INF28 indicates:-

- Significant capacity enhancement to Bankier Primary is required to support community growth in catchment settlements; and
- To be funded by developer contributions from impacting sites.

7a.9 The LDP identifies H10 as an impacting site on Bankier Primary School.

7a.10 Policy HSG04 – ‘Housing Design’ states:

*“The layout, design and density of the new housing development should conform with any relevant site-specific design guidance, Supplementary Guidance SG02 ‘Neighbourhood Design’ and the Scottish Government’s policy on ‘Designing Streets’. Indicative site capacities in the site schedules may be exceeded where a detailed layout demonstrates that a high quality design solution, which delivers the requisite level of residential amenity, has been achieved.”*

7a.11 This policy indicates that the layout, design and density for new housing development should conform with any relevant site-specific design and with SG02 ‘Neighbourhood Design’. The proposed dwellinghouse is the second dwellinghouse within H10 and fronts onto Kilsyth Road. Any development of the balance of H10 would determine the precise number of units having regard to the Housing Capacity (25 units). The design, layout and density of the proposed dwellinghouse is considered to be acceptable having regard to the character of the area and the guidance contained within SG02. The effect of the current application is to move the proposed dwellinghouse further away from Kilsyth Road. This means that the building line would approximate that of the new dwellinghouse to the west rather than that of the existing dwellinghouse to the east. This is considered to be acceptable. Accordingly, the application is considered to accord with this policy.

7a.12 Policy HSG02 – ‘Affordable Housing’ states:

*“New housing developments of 20 units and over will be required to provide a proportion of the units as affordable or special needs housing as set out in Figure 5.1. The approach to provision should comply with Supplementary Guidance SG12 ‘Affordable Housing’.”*

*Figure 5.1 Affordable Housing Requirements in Settlement Areas  
Proportion of total site units required to be affordable  
Larbert/Stenhousemuir, Polmont Area, Rural North and Rural South - 25%  
Bo’ness, Bonnybridge/Banknock, Denny, Falkirk and Grangemouth - 15%”.*

7a.13 This policy requires 15% of units to be provided as affordable housing units in new housing developments of 20 units or over. H10 has a Housing Capacity of 25 units and therefore this policy potentially applies. However, it is considered reasonable in the circumstances to consider affordable housing provision as part of any future development of the larger balance of H10. This is particularly so given that the required affordable housing (20 units) is close to the housing capacity of 25 units and it is not known at this stage whether this density would actually be achievable.

7a.14 Policy INF02 – ‘Developer Contributions to Community Infrastructure’ states:

*“Developers will be required to contribute towards the provision, upgrading and maintenance of community infrastructure where development will create or exacerbate deficiencies in, or impose significantly increased burdens on, existing infrastructure. The nature and scale of developer contributions will be determined by the following factors:*

- 1. Specific requirements identified against proposals in the LDP or in development briefs;*
- 2. In respect of open space, recreational, education and healthcare provision, the general requirements set out in Policies INF04, INF05 and INF06;*
- 3. In respect of physical infrastructure any requirements to ensure that the development meets sustainability criteria;*
- 4. In respect of other community facilities, any relevant standards operated by the Council or other public agency; and*
- 5. Where a planning obligation is the intended mechanism for securing contributions, the principles contained in Circular 3/2012.*

*In applying the policy, consideration of the overall viability of the development will be taken into account in setting the timing and phasing of payments.*

7a.15 This policy states that developers will be required to contribute towards the provision, upgrading and maintenance of community infrastructure where development will create or exacerbate deficiencies in, or impose significantly increased burdens on, existing infrastructure. The nature and scale of developer contributions will be determined by a number of factors including the specific requirements identified against proposals in the LDP or in development briefs. The specific requirements for H10 include proportionate contributions towards upgrade of the M80 (J7)/ A803 sliproad junctions and Bankier Primary School expansion. The general requirements in respect of open space, education and healthcare are set out in Policies INF04, INF05 and INF06 respectively.

7a.16 Policy INF04 – ‘Open Space and New Residential Development’ states:

*“Proposals for residential development of greater than 3 units will be required to contribute to open space and play provision. Provision should be informed by the Council's open space audit, and accord with the Open Space Strategy and the Supplementary Guidance SG13 on 'Open Space and New Development', based on the following principles:*

- 1. New open space should be well designed; appropriately located; functionally sized and suitably diverse to meet different recreational needs in accordance with criteria set out in Supplementary Guidance SG13 'Open Space and New Development'.*

2. *Where appropriate, financial contributions to off-site provision, upgrading, and maintenance may be sought as a full or partial alternative to direct on-site provision. The circumstances under which financial contributions will be sought and the mechanism for determining the required financial contribution is set out in Supplementary Guidance SG13 'Open Space and New Development'.*
3. *Arrangements must be made for the appropriate management and maintenance of new open space."*

7a.17 This policy requires proposals for residential development of greater than three units to contribute to open space and play provision. In this instance, the 'development' is considered to comprise the H10 site, which has a Housing Capacity of 25 units. The proposal is therefore one unit of potentially 25 units and not a unit in isolation. In this instance it is considered appropriate to take a proportionate financial contribution which could be used towards open space provision within H10 (if the balance of H10 is developed) or towards off-site open space improvement in the local area as part of a larger commuted sum.

7a.18 Policy INF05 – 'Education and New Housing Development' states:

*"Where there is insufficient capacity within the catchment school(s) to accommodate children from new housing development, developer contributions will be sought in cases where improvements to the school are capable of being carried out and do not prejudice the Council's education policies. The contribution will be a proportionate one, the basis of which is set out in Supplementary Guidance SG10 'Education and New Housing Development'. Where proposed development impacts adversely on Council nursery provision, the resourcing of improvements is also addressed through the Supplementary Guidance.*

*In circumstances where a school cannot be improved physically and in a manner consistent with the Council's education policies, the development will not be permitted."*

7a.19 This policy requires proportionate contributions for housing developments that would contribute, cumulatively, to capacity issues at the local catchment schools. The proposed development lies within H10 which has a Housing Capacity of 25 units. H10 is anticipated to impact on the capacity of local schools and Children's Services have identified future capacity issues at Bankier Primary School and Denny High School. Accordingly, proportional contributions at the rates set out in SG10 'Education and New Housing Development' are required.

7a.20 Policy INF06 – 'Healthcare and New Housing Development' states:

*"In locations where there is a deficiency in the provision of health care facilities identified by NHS Forth Valley, developer contributions will be sought to improve the quantity and quality of such provision commensurate with the impact of the new development. The approach to the improvement of primary healthcare provision will be set out in Supplementary Guidance SG11 'Healthcare and New Housing Development'."*



7a.21 This policy requires financial contributions towards improving health care facilities in locations where there is a deficiency in local provision. The Bonnybridge and Banknock healthcare facilities experience high demand and deficiencies in capacity have been identified by NHS Forth Valley which will be exacerbated by new housing provision. SG11 'Healthcare and New Housing Development' sets out the Council's approach to improving primary healthcare provision, which includes the taking of financial contributions in respect of new development that would have a direct or cumulative impact on existing facilities. It was not considered reasonable to require a health care contribution in respect of the previous planning application (P/15/0583/FUL). This was because the application was submitted prior to Scottish Ministers giving approval to SG11 on 30 November 2015. The circumstances are now different (i.e. the current application was submitted after the adoption date) therefore a healthcare contribution is potentially required.

7a.22 Policy INF12 – 'Water and Drainage Infrastructure' states:

- "1. New development will only be permitted if necessary sewerage infrastructure is adopted by Scottish Water or alternative maintenance arrangements are acceptable to SEPA.*
- 2. Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation.*
- 3. A drainage strategy, as set out in PAN61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment."*

7a.23 This policy states that new development will only be permitted if the necessary sewerage infrastructure is adopted by Scottish Water or alternative maintenance arrangements are acceptable to SEPA. A drainage strategy accompanies the application which proposes an on-site sewage treatment plant and discharge of the sewage and stormwater to soakaways. This is a change from the original proposal which was to discharge to an existing culverted watercourse. The change has come about as a consequence of site investigations which identified an area of gravel/sand which may be suitable for infiltration/soakaway. Authorisation from SEPA under the Controlled Activities Regulations (CAR) would be required for this proposal. The Roads Development Unit are satisfied with the foul and surface water drainage proposals.

7a.24 Policy RW04 – "Agricultural Land, Carbon Rich Soils and Rare Soils" states:

- "1. Development involving the significant permanent loss of prime quality agricultural land (Classes 1, 2 and 3.1), carbon rich soils (basin peat, blanket bog, peat alluvium complex, peaty podzols and peaty gleys) and rare soils (podzols, humus iron podzols and saltings) will not be permitted unless:*
  - The site is specifically allocated for development in the LDP; or*
  - Development of the site is necessary to meet an overriding local or national need where no other suitable site is available.*

2. *Planning applications for development which is likely to disturb areas of carbon rich or rare soil will be required to submit a soil or peat management plan which demonstrates that:*
- *the areas of highest quality soil or deepest peat have been avoided;*
  - *any disturbance, degradation or erosion has been minimised through mitigation; and*
  - *any likely release of greenhouse gas emissions caused by disturbance is offset"*

7a.25 This policy presumes against the significant permanent loss of carbon rich soils except in certain circumstances e.g. where the site is specifically allocated for development in the Local Development Plan. In this case the site falls within an allocated housing site (H10) in the Local Development Plan. Notwithstanding this, the area of peat encountered at the site is unlikely to be significant and the applicant has advised that there is no intention to disturb the peat, and the entire purpose of moving the house footprint is to move it away from the peat. There is therefore no requirement for a peat management plan and the application is considered to accord with this policy.

7a.26 In summary, the application has been assessed against the LDP policies on the basis that granting the application without any requirement for financial contributions is contrary to the LDP.

## **7b Material Considerations**

7b.1 The material considerations to be assessed in respect of this application are the Banknock and Hags SIRR Development Framework 1<sup>st</sup> Alteration, the consultation responses and the planning history for the site.

### ***The Banknock and Hags SIRR Development Framework 1st Alteration***

7b.2 The Banknock and Hags SIRR Development Framework 1st Alteration identifies H10 as a site impacting on the M80 slip road junctions with the A803. The costs of upgrading these junctions, to accommodate the cumulative impact of new housing in the area, should be met by all parties based on an equitable cost sharing relative to each development's contribution to traffic generation at both junctions. Based on current cost projections for the work and the relative impact of H10 on the junctions, the Transport Planning Unit calculated a proportional contribution for the proposed dwellinghouse at £1120.

## ***Consultation Responses***

7b.3 The consultation responses are summarised in Section 4 of this report. No matters have been identified that could not be addressed by suitably worded planning conditions or by means of a Section 75 planning obligation.

## ***Planning History***

7b.4 The planning history for allocated housing site H10 is summarised in Section 3 of this report. In respect of planning application P/15/0583/FUL, the Planning Committee decided that granting the application would be contrary to the LDP but there were material considerations to justify setting aside the terms of the LDP in that instance. That material consideration was the undertaking of the owner of the H10 site that she had no intention now or in the future of allowing development of the site other than the current proposal for a single detached dwellinghouse (see paragraph 1.3 of this report).

## **7c Conclusion**

- 7c.1 The application site lies within allocated housing site H10 under the adopted LDP, dated July 2015. This allocated housing site has an indicative capacity of 25 units. The application has therefore been assessed against the LDP policies in that context in respect of the financial contribution payable. Granting the application without any requirement for financial contribution is considered to be contrary to the LDP. In all other respects, the application is considered to accord with the LDP.
- 7c.2 A material consideration is the decision of the Planning Committee in determining the previous planning application – P/15/0583/FUL (see paragraph 7b.4 above). In that instance, the Committee had regard to an undertaking of the owner of H10 that she had no intention now or in the future of allowing further development of the H10 site. Financial contributions do not generally apply to development within allocated housing sites consisting of 3 units or less.
- 7c.3 Presumably the Committee will wish to mirror its previous decision in respect of this proposal for the erection of a single dwellinghouse. No new issues have been identified in this report which it is considered would alter the Committee's previous decision. On that basis the following recommendation is made:-

## **8. RECOMMENDATION**

- 8.1 It is therefore recommended that Committee grant Planning Permission subject to the following condition(s):-
1. The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.
  2. No development shall commence until the exact details of the colour and specification of the proposed external finishing materials have been submitted to and approved in writing by this Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
  3. No development shall commence until the exact details of the height, location, construction, colour and plant species etc. of all proposed means of boundary enclosure have been submitted to and approved in writing by this Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and a timescale(s) to be agreed in writing by this Planning Authority.
  4. The dwellinghouse shall not be occupied until acoustic glazing with a specification of 10/12/6 or acoustic equivalent is installed and permanent ventilation is provided in order that windows can be kept closed without loss of ventilation. The acoustic glazing shall ensure that internal levels with the windows closed do not exceed 35dB daytime and 30dB night-time, when measured as LAeq,T.

5. Vehicular access to the property shall be via a dropped kerb footway crossing, formed in accordance with details to be approved in writing by this Planning Authority.
6. The driveway shall be formed with a maximum gradient of 1 in 10 and in a manner to ensure that no surface water is discharged, or loose material is carried, onto the public road.
7. The dwellinghouse shall not be occupied until visibility splays measuring 2.4 metres x 59 metres are provided in both directions from the access onto the A803. There shall be no obstruction to visibility greater than 600mm above the height of the carriageway within these splays.

**Reason(s):-**

1. As these drawings and details constitute the approved development.
- 2,3. To safeguard the visual amenity of the area.
4. To ensure the occupiers of the property are safeguarded against excessive noise intrusion from transportation noise.
- 5-7. To safeguard the interests of the users of the highway.

**Informative(s):-**

1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
2. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04 and 05.
3. Formation of the dropped kerb will require Minor Roadworks Consent. The applicant should contact Roads Services on 01324 506070 to obtain the relevant application form.
4. The applicant is advised to ensure that noisy works that are audible at the application site boundary are only conducted during the following hours:-

Monday to Friday	0800 to 1800 hours
Saturday	0900 to 1700 hours
Sunday/ Bank Holidays	1000 to 1600 hours

Deviation from these hours will not be permitted unless in emergency circumstances and with the prior approval of the Environmental Health Unit.

5. The applicant is advised to ensure that all works on the affected of the application site cease in the event that any made ground, suspect substances or odours are encountered following the commencement of the development. In such circumstances, the applicant is required to notify the Planning Authority immediately, carry out a contaminated land assessment and undertaken any necessary remediation works, and only recommence the development with the prior written approval of the Planning Authority.

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**pp Director of Development Services**

**Date: 8 August 2016**

#### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Local Development Plan.
2. SG02 'Neighbourhood Designs'
3. SG10 'Education and New Housing Development'
4. SG11 'Healthcare and New Housing Development'
5. SG13 'Open Space and New Development'

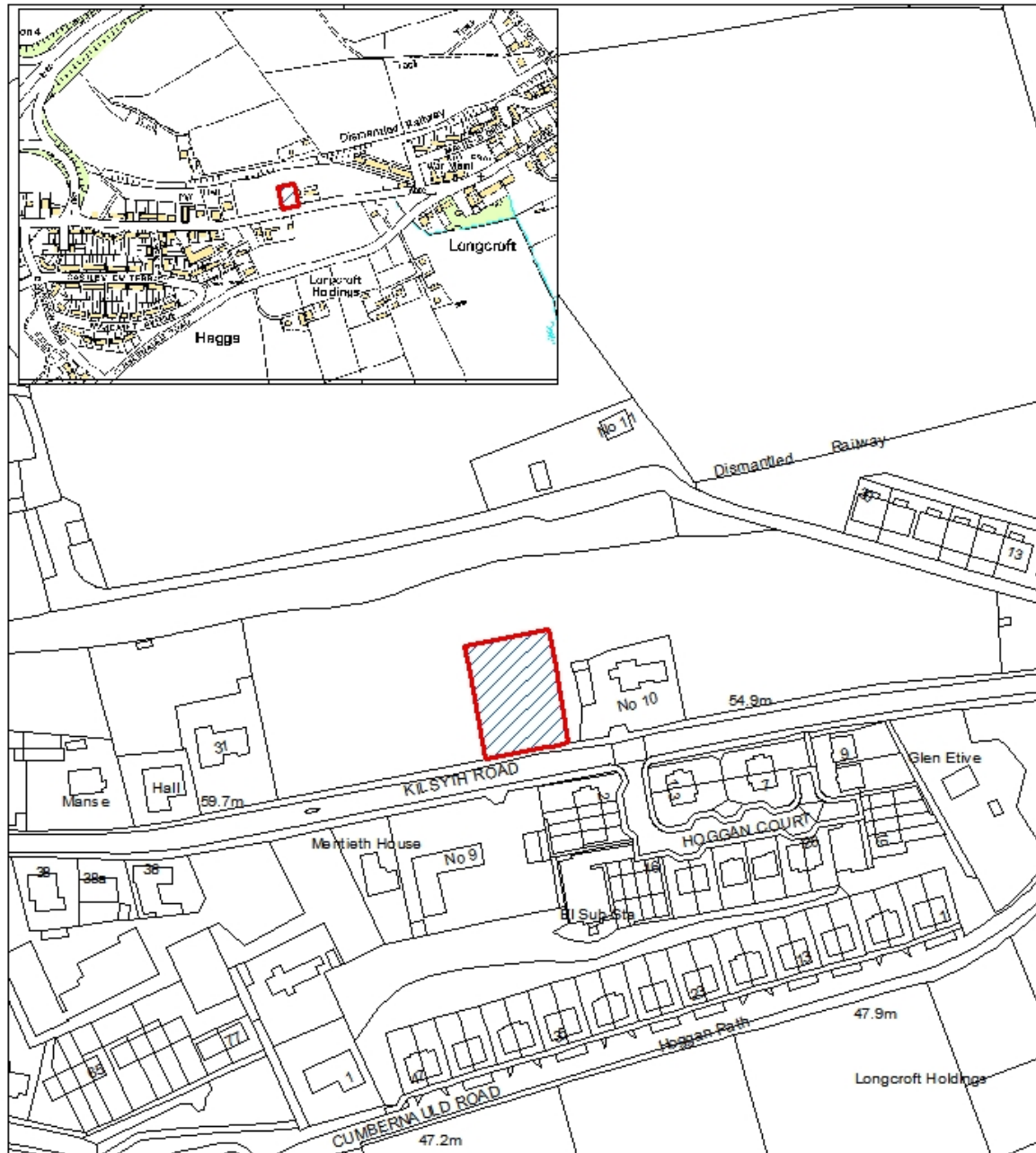
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/16/0359/FUL**

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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