

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/17/01128/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of 65 bedroom hotel with function suite, Managers Flat, parking and landscaping.
<b>NAME OF APPLICANT:</b>	Project Genesis Ltd.
<b>ADDRESS:</b>	Ponds Court Genesis Way Consett
<b>ELECTORAL DIVISION:</b>	Consett South
<b>CASE OFFICER:</b>	Steve France, Senior Planning Officer Telephone: 03000 264871 <a href="mailto:steve.france@durham.gov.uk">steve.france@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is a currently open derelict area of land, 0.32 hectares in size fronting Genesis Way at the edge of the centre of Consett. The site is on a small business park, situated between The Consett Innovation Centre and a McDonald's restaurant, facing the new Tesco's supermarket across the main road. To the rear of the proposed hotel is a County Council run supported-living facility for young people. A residential development, The Green, of 41 two and three storey mid-linked dwellings is located beyond the commercial area, accessed from the same road as proposed for the hotel.

#### The Proposal

2. The application proposes the erection of a 65 bedroom hotel with function suite, an ancillary Managers Flat, parking and landscaping. The 'L' shaped building is two and three storeys in height and sits along the northern boundary of the land, with a car park and service area between the hotel and a strip of existing landscaping that separates the site from the main road.
3. The application is reported to Committee as a 'major' development proposal.

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### PLANNING HISTORY

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4. There is no relevant planning history that relates directly to this site.

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## PLANNING POLICY

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### NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
7. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
8. The following elements of the NPPF are considered relevant to this proposal;
9. *NPPF Part 1 – Building a Strong, Competitive Economy* – reinforces the Government's commitment to securing economic growth to create jobs and prosperity, ensuring the planning system supports this aim – 'significant weight' is to be placed on this aim. Planning policies should seek to address potential barriers to investment, setting out clear economic vision and strategy which proactively encourages sustainable economic growth, identifies sites and inward investment, and identifies priority areas for economic regeneration. There is no specific advice on decision making.
10. *NPPF Part 2 – Ensuring the Vitality of Town Centres*, advises that planning policies should be positive, aiming to promote competitive town centre environments which should form the heart of their communities with policies to secure viability and vitality.
11. *NPPF Part 4 – Promoting Sustainable Transport*. Notes the importance of transport policies in facilitating sustainable development and contributing to wider sustainability and health issues. Local parking standards should take account of the accessibility of the development, its type, mix and use, the availability of public transport, levels of local car ownership and the need to reduce the use of high-emission vehicles.
12. *NPPF Part 7 – Requiring Good Design*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
13. *NPPF Part 8 – Promoting Healthy Communities* – the planning system is considered to have an important role in facilitating social interaction and creating healthy, inclusive communities, delivering social recreational and cultural facilities and services to meet community needs.

14. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change*. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

15. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.

#### **LOCAL PLAN POLICY:**

16. The following are those saved policies in the Derwentside District Local Plan relevant to the consideration of this application:
17. *Policy GDP1 – General Development Principles* – is an overarching policy which aims to ensure that all developments incorporate a high standard of design, conserve energy and are energy efficient, protect the existing landscape and natural and historic features, protect and manage the ecology of the area, protect valuable open land, provide adequate landscaping, incorporate crime prevention measures and improve personal safety, protect amenity, provide adequate drainage, protect flood risk areas and protect the water resource from pollution.
18. *Policy IN2 – Development within Business Parks*. Directs the majority of development within identified Business Parks to a B1 (Offices / Research and Development / Light Industry).
19. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access/exit, adequate provision for service vehicle manoeuvring, access for emergency vehicles and access to the public transport network.
20. *Policy TR3 – Cycling* – requires the needs of cyclists to be taken into account, with convenient access for cyclists and cycle parking included within development schemes.

#### **RELEVANT EMERGING POLICY:**

21. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight at the present time.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.*

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

22. *Highways* – County Highways Engineers have worked with the applicants through a number of revisions to the scheme and have agreed that the current layout now meets all their requirements for customer and staff parking, and further addresses all servicing implications within the site boundary.
23. *Northumbrian Water* – note that whilst they have had an enquiry from the developer, a detailed scheme has not been assessed, and therefore a standard ‘prior commencement’ is required to ensure an acceptable drainage scheme.

### INTERNAL CONSULTEE RESPONSES:

24. *Visit County Durham* – indicate they have been engaged with the developer for some time, and set out in their response the value of visitors to the County’s economy, and the small percentage of visitors who stay overnight, and the consequences for their expenditure in the local economy. This is in the context that in 2015 the visitor economy delivered an economic benefit of £777.5 million from 18.67m visitors and supporting 10,800 jobs (2015 figures). The ‘knock-on’ benefits for employment and suppliers for servicing the facility are referenced. It is the consultee’s view that, ‘Consett has been going through a transformation recently and the growth in the retail and housing sectors in the town. This can only add to the potential market demand for both business and contractor visitors and for those visiting friends and relatives accommodation provision’. ‘The hotel will provide a new facility for the town, providing bespoke hotel accommodation near the town centre, with a range of additional facilities, including a restaurant and function room, which will also be available for use by the general public’. Visit County Durham are working with the local Area Action Partnership (AAP) on a ‘destination development plan’, ‘to identify how the town can play to its strengths and what it needs to do to improve the experience of its visitors’. They conclude they, ‘support the proposal as it could deliver considerable economic benefits to the town and much needed facilities for visitors’.
25. *Drainage and Coastal Protection* – Confirm that the drainage layout submitted is generally acceptable, asking for additional detail to be included in the submitted calculations and conclusions.
26. *Environmental Protection (Noise)* - The information submitted in relation to odour control demonstrates that the application complies with the thresholds stated within the TANS (Technical Advice Notes). This would indicate that the development will not lead to an adverse impact. However the information submitted in relation to noise is not sufficient to allow full consideration against the thresholds stated in the TANS. The applicant has provided details of the noise from plant/machinery however noise from the use of the building for functions has not been considered. Therefore it is recommended that the application is granted with a condition that requires the applicant to carry out a full noise survey in terms of the plant/machinery associated with the use and noise breakout from the building when functions are in operation.
27. *Environmental Protection (Contaminated Land)* - the site investigation concludes that remediation works are required in terms of contaminants in soils as well as within leachate samples. A remediation strategy is required and a condition to ensure this and set its parameters suggested.

28. *Durham Police* – have sent through a detailed document to show how the proposed building can be made secure through the Building Regulation process.

#### **PUBLIC RESPONSES:**

29. 76 consultation letters were sent out, including to all 41 dwellings in the nearby housing estate, and to the nearby residential institution. A site notice was posted at the site entrance and a press notice was published in *The Northern Echo*.

30. Two representations have been received from the residential estate. Concerns are raised as to the nature of the hotel – whether budget or not. The commercial development of the surrounding area including Tesco's, and McDonalds has increased late night traffic and noise pollution which the hotel may add to and has resulted in vandalism to residential properties. There may be increased footfall through the estate, with visitors accessing the town centre through the residential estate, and this may increase litter. The access road is considered dangerous. The potential for the proposed function room to conflict with residential amenity is raised. It is contended the hotel will be short-lived, abandoned, and will affect property prices. There is no demand for such a hotel, with Consett a growing residential area – but not a growing business area.

*The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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31. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, layout and design, impact upon its surroundings, landscape and ecology, and highway safety and potential effects on residential amenity.

#### Principle of the Development

32. There are no policies relating specifically to the principle of this form of development in the Development Plan. The surrounding area is in mixed use, reflecting its designation in the 1997 plan for Commerce, Community and Business uses. The NPPF recognises hotels as a 'main town centre' use, but other than recognising the benefits for economic activity in the 'Ensuring the vitality of town centres' chapter, provides no direct advice for decision making. Part 1 of the NPPF, 'Building a strong, competitive economy', advises Local Planning Authorities to 'support existing business sectors'... 'and plan for new or emerging sectors likely to locate in their area'. Taking a lead from the response from Visit County Durham, the proposals are considered to have the potential to attract economic activity into the area, both from tourist and business customers. In terms of the necessary assessment against the Development Plan, there are no relevant policies that indicate the development should be restricted in principle – the area the site is within having been identified for a range of commercial activities. If there are no adverse impacts identified in the detailed assessment of the proposals, paragraph 14 of the NPPF then advises that planning permission should be granted.

## Impact upon the Surrounding Area

33. The surrounding environment is mixed use and in terms of the surrounding commercial properties of various types there are no relationships that cause concern. Two neighbours were identified pre-submission that required particular care in the design of the building.
34. The closest of these is the adjacent assisted living institution. This is a building separated from the site by an estate access road, which presents its gable to the back of the proposed hotel – there therefore being no direct amenity relationships. The relationship between the two buildings and uses, and the effect on existing residents is considered acceptable considered against the requirements of Policy GDP1 (h).
35. The second relationship was that to the nearby housing estate. Two residents in The Green have raised concerns at the potential effects of the development on their estate, which is separated from the development by the aforementioned residential building and an office building. Residents appear to have been worried by reference in a Council report attached to the submission referring to a shortfall in budget hotels in the County. The extent of the planning consideration – and control over the use does not extend to the nature of the operation or the operator, noting this could change over the years to reflect market demand. The rear of the hotel is over 65m from the nearest dwelling on The Green with intervening development. A direct adverse impact on the dwellings from the hotel is unlikely with it noted that the proposed ‘function room’ has a solid wall to the elevation that faces towards the houses, however a condition is proposed to ensure the relationship is fully mitigated.
36. That the development has a direct route for pedestrian access on existing public footpaths towards the town centre is seen as a benefit, with both the Council and the Police having powers to address any issues of vandalism and anti-social behaviour – there is no reason to expect a new hotel should particularly generate these issues. The response from Durham Constabulary indicates that the security of the proposed building will be addressed through the Building Control process.

## Design issues

37. The proposed hotel is a large modern structure with thought having gone into its design and appearance, reflecting it being architect designed, as opposed to a generic hotel-chain design. The surrounding environment has a range of different scale structures reflecting their different uses – the large hotel building proposed will therefore assimilate into this existing environment.
38. To this end the proposals are considered in accordance with both the design requirements of GDP1 (a) and part 7 of the NPPF, Requiring Good Design.

## Highway Safety

39. The scheme has been redesigned in terms of its parking and servicing requirements to meet the standards required by County Highways Engineers. All parking and servicing will be accommodated within the site. The site is accessed from the main road, along with the other elements of the business estate and the dwellings in The Green from Genesis Way, a modern main road, with the turn in from the east via a protected right-hand turn. The front of the site features a protected pedestrian crossing, allowing safe access to the bus layby and large food-store opposite the

site. The proposal meets all the requirements of Policy TR2 of the Plan, with it noted that the NPPF advises that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

#### Other considerations

40. The proposal has excellent footpath links to the town centre, and immediate access to bus stops on Genesis Way on its front boundary. The hotel has the potential to service the business community, with the Community College and a wide variety of employers all close at hand for business travellers. With the C2C passing close to the site, as a significant leisure use, the development has the opportunity to address the social strand of the 'golden thread' of sustainability that runs through the NPPF.
41. That the site proposes redevelopment of previously developed land ensures that the 'environmental' strand of sustainability is present in the scheme.
42. Both through its construction, and operation, the development will bring economic activity to the area, providing jobs and expenditure in the local economy, both through the supply train and from guests. This is a positive material consideration, with 'economic' the last of the three dimensions of sustainability as defined in the Framework.
43. The applicant has added bicycle racks to the parking areas at the request of Officers, adding to the 'sustainability' of the proposals in that hotel guests and staff do not have to rely on cars to get to the hotel, this of particular relevance in this location giving the opportunity for trade that the relationship to the long distance cycle paths that go through Consett offers.
44. Residents complain that if the development fails and is abandoned, there is the potential for house prices in the area to be detrimentally affected. The effect on house prices of development is not a material planning consideration, and the proposed scenario is such that it holds no merit as a planning argument.
45. Consultees have concluded that issues of drainage, noise pollution and noise pollution can be addressed by condition. The nature of some of these issues are such that it is considered justified that the conditions are required discharged pre-submission. The advice regarding this in the Development Management Procedure Order.
46. Durham County Council's corporate efforts and priorities to encourage regeneration and economic growth in the County are a material consideration in the assessment.
47. A condition is proposed to control working hours for the benefit of existing surrounding residents.

#### The Planning Balance

48. The application must be considered against 'the planning balance', which weighs whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal. In this instance as the Local Plan policy context is considered 'silent or out-of-date', the decision making process is led by the presumption in favour of granting planning permission set out at paragraph 14 of the Framework.

49. That the proposals offer economic benefits that will result from business and visitor travel on a brownfield site on an edge of urban centre location weighs in significant favour of the development. Further benefits can be expected in the direct and supply chain employment that will result. The proposed scheme has been assessed against the relevant topic areas and concluded by Officers as 'sustainable' development.
50. Potential negative issues raised, such as effects on residential amenity and highway safety have been examined and weighted and are addressed to officers' satisfaction, in that they can either be resolved by condition, or they have been attributed material weight that in the planning balance is not significant.
51. To conclude the planning balance, the potential for the development to provide significant economic benefits has been identified. The two other strands that define sustainable development are also apparent in the proposals.
52. Where concerns and adverse impacts of the development have been identified, they are not such that they would significantly and demonstrably outweigh the benefits when assessed against the advice in the Framework as a whole.
53. No issues have been identified that would indicate development should be restricted.

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## **CONCLUSION**

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54. The application represents economic development and another dimension to the 'offer' of the local economy, driving the ongoing regeneration of Consett. The facility has the potential to create demand from business and leisure users. It does that with a high quality building in an appropriate edge of central area location on 'brownfield' land. As such the proposals are considered to address the three elements that define sustainable development, and on this basis the scheme is recommended approved.

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## **RECOMMENDATION**

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55. That the application be **APPROVED** subject to the following conditions/reasons:
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
  2. The development hereby approved shall be carried out in strict accordance with the following approved plans:  
Proposed Site Layout incl. cycle store CH1-A  
Ground Floor Plan CH2-E  
First Floor Plan CH3-C  
Second Floor Plan CH4-C  
Elevations 1, CH5-D  
Elevations 2, CH6-D  
Building Sections CH8  
Roof Plan CH9  
Secure Bike Store CH11  
Preliminary Drainage Layout, Ponds Court/01/001B

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GDP1, IN2, TR2 and TR3 of the Derwentside District Local Plan 1997 (saved Policies 2007).

3. Notwithstanding any details of materials submitted with the application erection of the building hereby approved shall not commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy GDP1 of the Derwentside District Local Plan 1997 (saved Policies 2007).

4. Development shall not commence until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The scheme must include surface water design calculations for the 1 in 100 year plus 30% climate change, whilst being restricted to the QBAR green-field runoff rate included in an updated run-off report. The scheme must include a schedule for implementation. The approved scheme must thereafter be implemented in full and in full accordance with the agreed details.

Reason: to ensure matters of flooding and drainage are fully addressed by the development, as required by the NPPF.

5. Before the development hereby approved is brought into use the applicant must submit in writing to the Local Planning Authority for approval a full noise impact assessment carried out by appropriately qualified persons, in terms of the use and noise breakout from the building when functions are in operation. Any required mitigation agreed must be implemented in full before the hotel is brought into use, and adhered to thereafter. The scheme of attenuation measures shall ensure that the rating level of noise emitted from plant on the site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014. The aim of the required assessment shall be to identify the potential noise breakout from the structure and its impact on noise sensitive receptors. Should the assessment find that the noise level from amplified music be above NR20 at noise sensitive receptors then a scheme of noise mitigation/management measures shall be submitted to and approved in writing by the Local Planning Authority.

Reason: to ensure any potential for residential disturbance from the use of the function room is fully addressed by the development, as required by the NPPF.

6. In view of the proximity of the proposed development to nearby residential premises the applicant shall prepare and submit a Construction Management Plan (CMP) to the local planning authority for approval. The CDMP shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any occupants of nearby premises and shall detail mitigation proposed. This shall include:

- An assessment of the potential for dust emissions from the site and the mitigation measures that will be used to minimise any emission taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014
- An assessment of the likely noise (including vibration) emissions from the site and the mitigation measures that will be taken to minimise noise disturbance

taking into account relevant guidance such as BS5228 'Code of practice for noise and vibration control on construction sites' 2014.

- Where it is necessary to undertake piling on the site details shall be provided justifying the method of piling used so as to minimise disturbance, from noise and vibration, to the occupants of nearby premises.
- Details of the operating hours during which construction/demolition works are to be undertaken. Durham County Council's accepted hours for construction/demolition activities that generate noise are 8am – 6pm Monday – Friday, 8am – 1pm Saturday and no noisy working on a Sunday or Bank Holiday.
- Detail of any planned measures for liaison with the local community and any procedures to deal with any complaints received.
- Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.
- No works, other than site investigation works, shall be permitted to start on site until the CDMP has been submitted and approved in writing by the local planning authority. Once approved the development of the site shall be carried out in accordance with the plan.

Reason: to ensure any potential for residential disturbance from the construction period is fully addressed by the development, as required by the NPPF.

7. For contaminated land, the development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b or c are not required. Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 3 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

(a) A Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

(b) During the implementation of the remedial works and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out and where necessary a Phase 3 Remediation Strategy shall be prepared. The development shall be completed in accordance with any amended specification of works.

(c) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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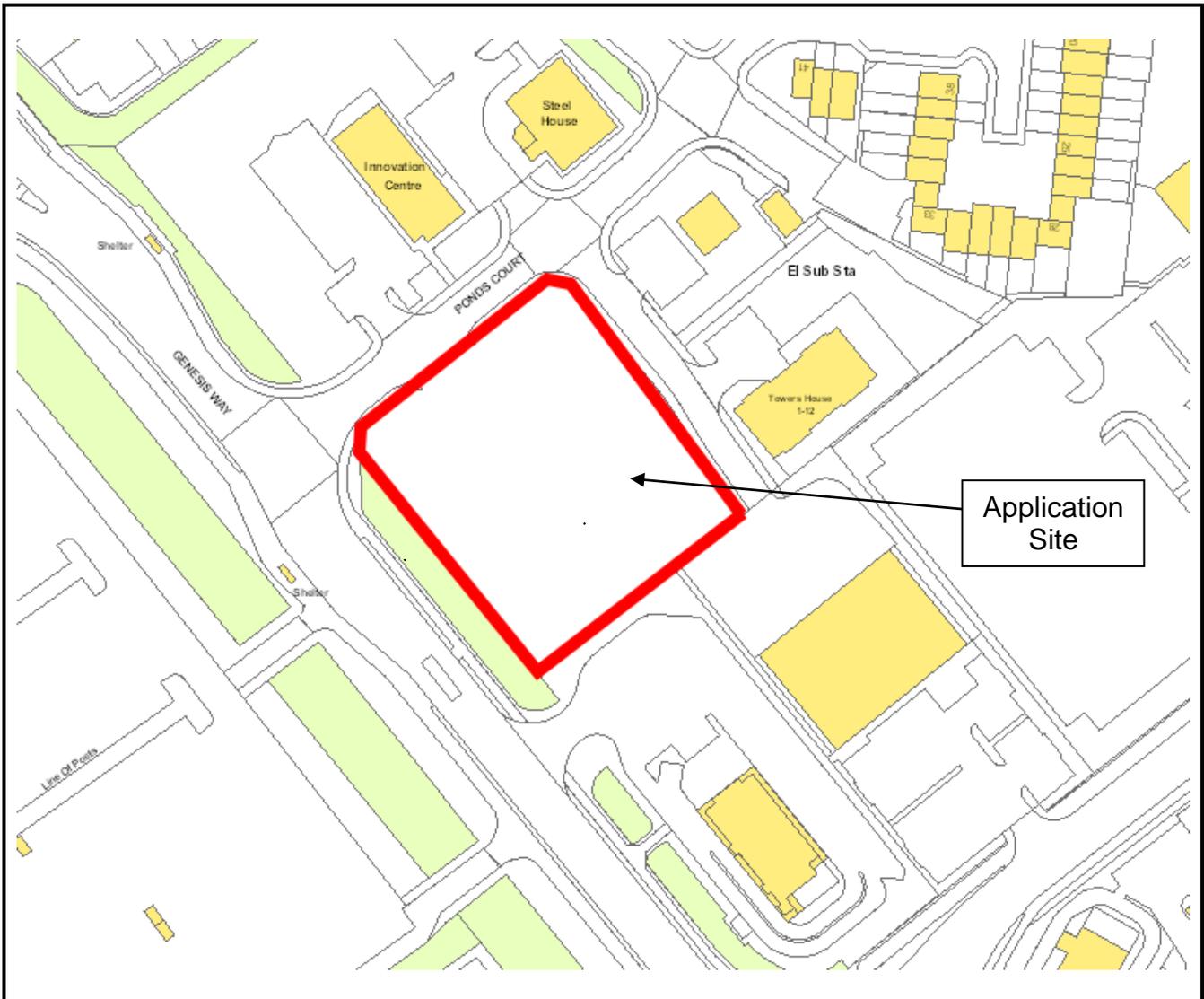
56. The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- Derwentside District Local Plan (saved policies 2009)
- The County Durham Strategic Housing Land Assessment
- The County Durham Strategic Housing Market Assessment
- Statutory, internal and public consultation responses



**Planning Services**

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Erection of 65 no. bedroom hotel with function suite, Managers Flat, parking and landscaping

Application Number DM/17/01128/FPA

**Comments**

**Date** 27<sup>th</sup> July 2017

**Scale** NTS