

Parish: Bosham	Ward: Bosham
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BO/17/01800/FUL

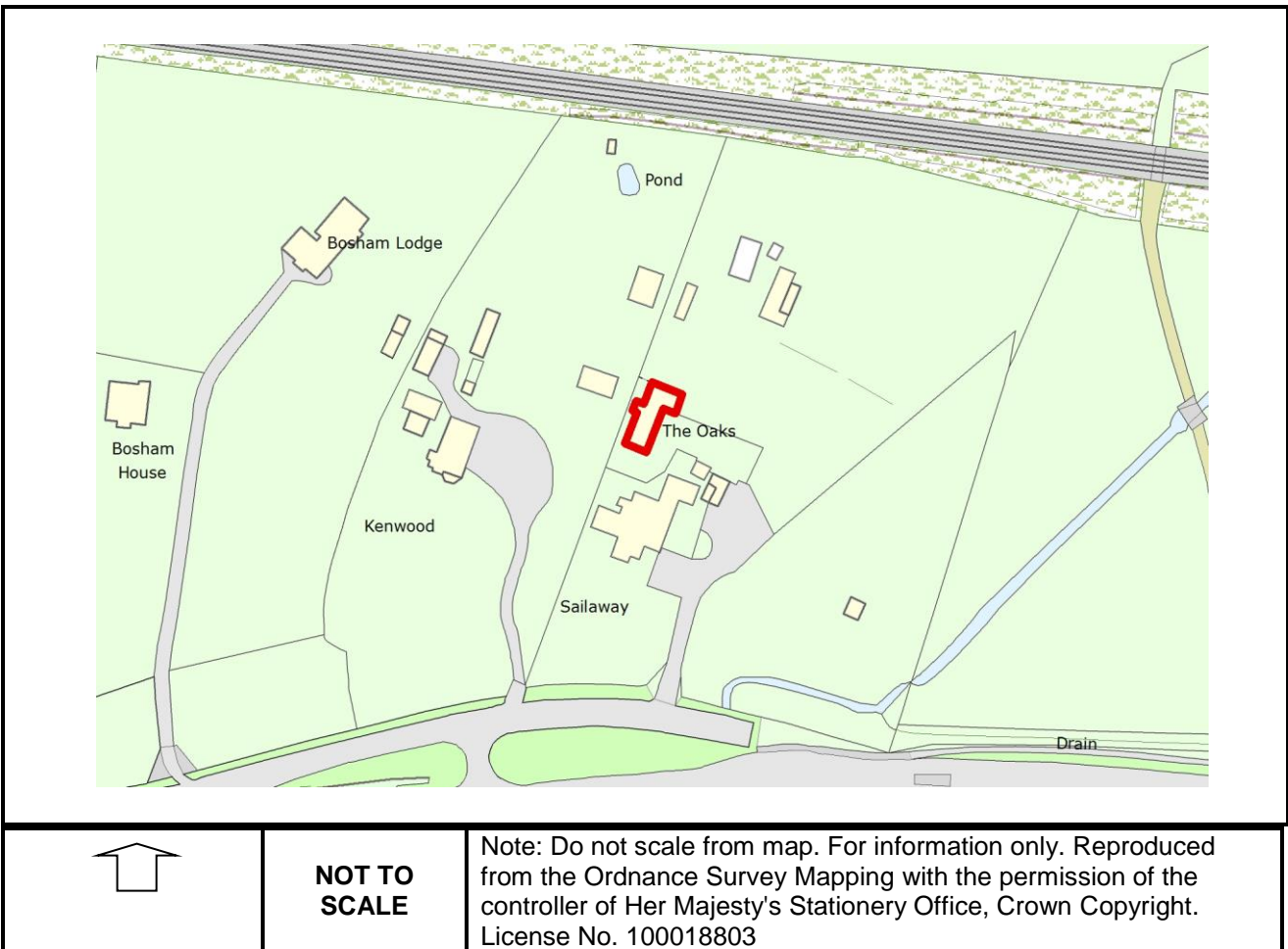
Proposal Retention and use of existing bungalow as holiday accommodation.

Site The Oaks Main Road Bosham PO18 8PH

Map Ref (E) 480746 (N) 105424

Applicant Mr & Mrs Mark and Susie Upton-Brown

RECOMMENDATION TO PERMIT with S106



**NOT TO
SCALE**

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1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located within the rural area to the west of the service village of Bosham/Broadbridge on a large plot to the north of the main road (A259). The application relates to the retention of an existing detached bungalow on the site which is shared with a new dwelling that has recently been constructed in the northern part of the site. The site forms part of a small cluster of development including some dwellings and holiday units set back from the A259 on a small section of shared road.
- 2.2 The application property; forms a low key three bedroom detached property of conventional appearance with shallow pitched roof including concrete roof tiles, render and tile hung walls and a conservatory to the north of the existing bungalow. The bungalow lies to the west of the driveway serving the new dwelling and to the north of the neighbouring property known as Sailaway, which is in use as a Residential Care Home. Sailaway is a large 2 storey detached building and due to its siting and scale it screens the application building from the A259.
- 2.3 The new property has been constructed on the site (by the applicant) that is subject to planning permission 14/04261/FUL for the construction of a 2 storey detached replacement dwelling. The planning permission for the replacement dwelling included a condition requiring the demolition of the existing bungalow on the site within 3 months of the completion of the new dwelling. At the time of the Case Officers site visit the new dwelling was not complete or occupied – although the main structure was complete and internal works were taking place. No works have been undertaken in respect of the demolition of the existing bungalow on the site.

3.0 The Proposal

- 3.1 This application proposes the retention of the bungalow that was conditioned to be demolished as part of the original planning permission for the replacement house for use as a tourism let.
- 3.2 Works are proposed to redecorate the property and maintain/improve the internal facilities. No extensions or demolition are proposed and the three bedrooms would be retained along with the existing bathrooms, utilities, lounge, kitchen and conservatory. The existing ridge height measures 3.7m and the eaves 2.5m (in majority) and these heights would not be altered as part of this proposal.

4.0 History

06/03840/DOM	PER	Conservatory at side of detached bungalow.
13/04030/FUL	PER	Replacement dwelling.
14/04261/FUL	PER	Replacement dwelling amendments to approved application 13/04030/FUL to include new integral garage and store following demolition of existing tractor shed and store, minor re-siting of dwelling and design changes at The Oaks.
15/01332/DOC	DOCDEC	Discharge of conditions relating to BO/14/04261/FUL, conditions 3,5,6,8 and 11.

5.0 Constraints

Listed Building	No
Conservation Area	No
Countryside	Yes
AONB	No
Strategic Gap	No
Tree Preservation Order	No
- Flood Zone 2	Adjacent
- Flood Zone 3	Adjacent
Historic Parks and Gardens	No

6.0 Representations and Consultations

6.1 Parish Council

Bosham Parish Council objects to this application. Retention of the original bungalow would mean that permission was given for a new build outside of the settlement boundary and in the rural area. The approval of this application would set a dangerous precedent within the district. The Design and Access statement in the original application (13/04030/FUL) stated that the bungalow has a poor relationship with Sailaway with only 7m of separation. It went on to say that the residential care home (Sailaway) operates 24 hours a day and is much noisier than a residential dwelling especially during the night; also the separation would also significantly improve the amenity for residents and staff of Sailaway. In view of these claims it is clear that the retention and use of the bungalow for tourist accommodation would be undesirable.

6.2 Chichester Harbour Conservancy

Comments 20/07/2017

RECOMMENDATION - Objection Conservancy Officers comments and reasoned justification

Having regard to the policy framework listed below*, what is proposed here is tantamount to accepting 14/04261/FUL allowed a new dwelling in the countryside, outside the defined settlement boundary for Bosham.

No business plan is submitted to justify the tourist unit proposed in the old bungalow, nor any assessment of recreational disturbance to the Harbour SPA offered.

Notwithstanding the size of the plot and the lack of impact to the setting of the adjacent AONB, approval of this application would set a dangerous precedent within the District, which might besought to be applied by others within the AONB. The applicants fully understood what was required when they applied for their new house in terms of the Policy for replacement dwellings in the countryside and should now abide by the condition imposed. The council should ensure the condition is complied with. The arguments about sustainability are not accepted. Policy 2 of the Local Plan says where to place new development. An exception should not be granted on the basis of Policy 30. Indeed, this application is viewed as a backdoor route to ultimately asking for another, larger replacement dwelling at a later stage if the poorly evaluated holiday let did not succeed. Finally, the relationship of the accommodation to be retained and the new house is not good, in terms of each set of accommodation being private from one another, albeit this is more of a consideration for the council to assess.

Comments 23/10/2017

Thank you for reconsulting the Conservancy about this application. As far as I can ascertain, the new information is an updated business plan as part of a refreshed planning statement.

In view of the arguments put forward in the business plan, I have consulted our Planning consultative Committee Members as to whether they would wish to offer a contrary view i.e. support to that I have originally put forward objecting.

From those who responded, there was unanimous agreement that the Conservancys objection should be maintained for the original reasoning.

6.3 CDC Environment Officer

Recreational Disturbance

Due to the proposed amendment there will be a net gain of one unit on the site so a contribution for recreational disturbance will now be required. The proposal will now have an in-combination effect on the Solent Maritime SAC in combination with all other residential developments within the 5.6km zone of influence. In line with the Solent Disturbance and Mitigation Project Phase 3 report and Natural Englands letter of the 31 May 2013 (below) avoidance measures will need to be secured.

Natural England's advice is that the SDMP work represents the best available evidence, and therefore avoidance measures are required in order to ensure a significant effect, in combination, PO18 8PH arising from new housing development around the Solent, is avoided.

The preferred method would be to collect a contribution towards the implementation of the joint project outlined in the Phase 3 report. The level of contribution to the interim scheme will be £181 per unit. Such a planning obligation should be payable at commencement in order to ensure that avoidance measures are in place before first occupation.

6.4 WSCC Highways (summarised)

No objection. No changes are proposed to the existing access arrangements or car parking to that previously approved. The Local Highway Authority are satisfied that the previously approved access and parking arrangements are sufficient to serve the dwelling as a holiday let and do not wish to raise any highway safety or capacity concerns to the proposals.

6.5 CDC Economic Development Services

The Economic Development Service supports, high quality, tourism facilities, especially within existing buildings. Tourism plays a key role in Chichester District's economy. According to Visit England data, tourism produces the following in Chichester District:

5.2 million day trips each year generating a spend of £144million
405,000 'staying' trips each year, equating to 1.3 million 'bed nights', and generating a spend of £75million
c. 7,500 jobs in tourism and leisure, plus numerous 'support' jobs
British residents spent £18.7 billion on 297 million nights away from home in England
66,400 accommodation businesses provided 2.7 million bed-spaces
£46.0 billion was spent on 1.4 billion domestic tourism day trips

The potential market is huge, and when one breaks these figures down to the share already being captured by other South Coast destinations (e.g. Brighton, Bournemouth, Isle of Wight, New Forest, Kent) there is a clear and growing market for holidays and short breaks in areas such as ours.

In every area of the UK, staying visitors spend significantly more within a local economy than day visitors and help underpin the viability of associated businesses such as transport, entertainment, catering and retailing. For these reasons, the Economic Development Service supports this application.

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6.7 1 x Third Party letters of objections have been received concerning

- a) The Bosham Association objects to this application as it would set a precedent for a new building outside of the settlement boundary and in the rural area.

7.0 Planning Policy

Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. The Bosham Neighbourhood Plan was made on the 22nd November 2016 and forms part of the Development Plan against which applications must be considered.

- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 8: Transport and Accessibility

Policy 30: Built Tourist and Leisure Development

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk and Water Management

Policy 44: Development around the Coast

Policy 45: Development in the Countryside

Policy 46: Alterations, Change of Use and/or Re-use of Existing Buildings in the Countryside

Policy 48: Natural Environment

Policy 49: Biodiversity

Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

The following policies of the Bosham Neighbourhood Plan (BoNP) are considered relevant to this case;

Policy 1 - The Settlement Boundary

Policy 4 - Commercial and Economic Development.

Policy 7 - Landscape and the Environment

Policy 8 - Ecology, Wildlife and Biodiversity

Policy 9 - Flooding and Drainage

Policy 10 - Transport and Highways

National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

7.4 Consideration should also be given to paragraph 17 (Core Planning Principles) alongside sections 3, 4, 7, 10 and 11.

Other Local Policy and Guidance

7.5 The following Supplementary Planning Documents are material to the determination of this planning application:

Bosham Village Design Statement- December 2011

The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area.

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development and justification for holiday let in the countryside
- ii. Impact on visual amenities and character of the site and surroundings
- iii. Impacts on neighbouring amenities

- iv. Ecological Considerations
- v. Flood Risk
- vi. Other Matters

Assessment

- i. Justification for holiday accommodation within the countryside

- 8.2 The application site lies in the rural area where new development is restricted in accordance with policy 2 of the CLP, unless it accords with other policies within the plan, and policy 1 of the BoNP. This is in line with the overarching thread that runs through the NPPF which seeks to ensure that new development is sustainable in terms of its Environmental, Social and Economic impacts as set out in paragraph 7 of the NPPF. The made BoNP requires new development within the plan area to be located within the existing settlement boundary in the interests of ensuring new development is sustainable.
- 8.3 Paragraph 55 of the NPPF seeks to restrict isolated homes in the countryside. In this case given the scattering of residential properties, to this side of the road, and the nearby properties officers consider that this proposal would not result in an isolated home in the countryside and therefore the proposal would not conflict with paragraph 55 of the NPPF.
- 8.4 The application proposes the retention of an existing bungalow for holiday accommodation. The site is located 167m west of the designated settlement boundary of Bosham/Broadbridge, within safe walking (along pavements) and cycling distance of Bosham village shops and services, bus stops and the railway station. Convenience stores are located approximately 450m away on Station Road and also an Indian Restaurant and a public house within similar distance.
- 8.5 There are a few of properties to this side of the road within large grounds some of which include holiday accommodation, such as the 6 lodges at Hamblin Hall (ref; 14/04066/FUL). Hamblin Hall is located approximately 75m to the west of the application site. Planning permission was granted for 6 lodges for tourism accommodation prior to the adoption of the Neighbourhood Plan, however the CLP and NPPF was in place at the time. Planning permission was granted because the replacement was considered to respect the character and quality of the site and surroundings and would not harm neighbouring amenities.
- 8.6 The construction of new dwelling in the rural area would not be consistent with the CLP, where new development in the countryside is restricted to that which is essential, small scale and meets a local need (Policy 45, CLP) or there are special circumstances. The proposal however is to retain the existing building with a new use for tourism accommodation, and therefore policies 30 (Built Tourist and Leisure Development) and policy 46 (Conversion of buildings in the countryside) are relevant to the consideration of this application.

- 8.7 CLP policy 30 supports proposal for tourism and leisure development in the countryside subject to certain criteria being met. The criteria requires the proposal to be acceptable in respect of; design, visual impacts on the natural and historic environment, impacts on Chichester Harbour AONB and Pagham Harbour Special Protection Areas (SPA), encouragement of an extended tourism season, be of a scale appropriate to the location, demonstrate a need for a countryside location, be of a scale appropriate to the location and cannot be accommodated elsewhere and support rural diversification. In this case it is recommended that; the design of the existing bungalow is sympathetic to the site and surroundings and its retention for use as holiday accommodation would not conflict with the tranquil character of the locality. Its impact on the natural and historic environment would be limited given that the building exists at present and due to the nature of the residential use proposed. The development would also be small scale and the location is considered to be relatively sustainable and would support the local community and rural diversification.
- 8.8 In accordance with CLP policy 46 the application proposes the conversion of the existing bungalow which is structurally sound and capable of conversion without significant works to a use that has economic benefits. The bungalow was being lived in at the time of the Officer's visit (20/07/2017), by the applicant, who intends to move into the new property permitted under reference BO/14/04261/FUL by the end of 2017. The supporting information submitted with the application states that the applicant intends to maintain the existing bungalow and run it as a holiday let business. The existing building is not historic or of architectural merit, however it is a bungalow of a conventional appearance that is appropriate within its context and therefore the proposal complies with criterion 5 of policy 46 which seeks to ensure only buildings worthy of retention are converted. For the reasons set out above it is considered that the criteria of CLP policy 46 are considered to be satisfied, in this case.
- 8.9 The application details demonstrate that there is a sound business argument for the retention of the bungalow as holiday accommodation and the site, although in the designated countryside, in this context, has good and safe links to sustainable modes of transport. Further, the site is located in an area that has potential to attract walkers and visitors who wish to visit nearby attractions offered by this part of the district such as Chichester Harbour (within walking distance), the City Centre, Fishbourne Roman Palace and Goodwood, all of which could be accessed using sustainable modes of transport from the application site.
- 8.10 There is evidence that the District has a strong tourist economy attracting 405,000 stay trips each year to the equivalent of £1.3 million bed nights. This is also supported by evidence within the submitted business plan. The CDC Economic Development Officer has supported the proposal citing the economic benefits of tourism accommodation within the District and the need to increase further the overnight stays within the District to support the tourism and other economies in the area. As such there is demand for overnight accommodation and in this relatively sustainable location close to a service village it is considered that the economic benefits are not outweighed by any other consideration.

8.11 The previous permission (14/04261/FUL) includes a condition which requires;

'The existing dwelling and outbuilding shown on the hereby approved plan 1301-11 (Rev A) shall be entirely demolished, the debris removed from the site and the site of this building cleared within 3 months of first occupation or substantial completion of the dwelling hereby permitted, whichever is the sooner.

Reason: The planning permission is granted solely on the basis that the building hereby permitted is a replacement dwelling. The retention of the existing dwelling would be contrary to planning policies in respect of housing development in the countryside'.

The reason for condition was to ensure the proposal would not result in an additional dwelling in the countryside. At the time of the 2015 permission retention of the existing bungalow was not proposed and there was no submitted justification to support the retention of the bungalow for tourism accommodation. The retention of the building as a market housing would not comply with policies, however officers are of the opinion that it has been demonstrated the holiday accommodation would support local need, would be small scale and the proposal would support the rural economy. Further, the tourism accommodation proposed would be well connected to the village of Bosham/Broadbridge.

8.12 In conclusion; this site, although in the countryside, has safe and effective connections to the settlement and in terms of its location is relatively sustainable. There are residential properties to the south and west of the application building and there is demand for tourism units in this location. Circumstances have changed since the previous permission and the applicant now wishes to support the local economy by providing a conversion of the existing building as a holiday let. An evidenced business plan has been submitted to suitably justify the need for a holiday let in this location. The existing bungalow offers potential for a small local business to support the local rural economy and the nearby settlement. The building is structurally sound and capable of conversion without significant works. In this case it is therefore considered that the justification for this holiday unit in the countryside is considered to comply with the endeavours of the current Development Plan and guidance within the NPPF and there are no material consideration that indicates otherwise.

ii. Impact on visual amenities and character of the site and surroundings

8.13 The existing bungalow is low-key and cannot be seen from the road due to its position being tucked away behind the neighbouring care home known as Sailaway. This neighbour is one and a half stories and much larger than the application building blocking view of the application building from public areas.

8.14 The single width driveway leading the application site is approximately 65m deep and the application bungalow is located to the west of this driveway with amply space for parking and turning on site (for both properties). The existing rendered and concrete tiled roof bungalow would require limited works in order to convert it to a holiday let.

8.15 The new property currently under construction is much larger than the original bungalow and is two stories with a flat roof, wide overhangs and large glazing panes to the fenestration. This is in contrast to the existing modest and conventional shallow pitched roof bungalow. However, this contrast is not considered visually harmful and the retention of the bungalow would not result in visual harm to the character and appearance of the site and surroundings.

8.16 In respect of the BoNP policies the proposal would comply with policy 7 as it lies outside the AONB and the; tranquil and rural character of the area is not undermined. This would be a low key residential activity in a countryside and residential environment. Also, the development is considered to respects and enhances the landscape character of the surrounding area as no physical changes are proposed.

8.17 On balance of the details of this case; the visual impacts of this development are considered respectful to the character and quality of the site and surroundings - considering this case on its own merits, in this context. Therefore, it is considered that the development would comply with the design and natural environment sections of the NPPF (sections 7 and 11), CLP policies 1, 33, 45, 46 and 48 and BoNP policy 7.

iii. Impacts on neighbouring amenities

8.18 The additional impact of the amenities of the neighbouring properties and gardens would be limited. The proposed use would be one of a residential nature and the amount of increased activity is unlikely to be to a degree that would cause noise disturbance to neighbouring properties and gardens. The relationship of the built form is as per the existing arrangement and this would not change. The southern boundary is vegetated and provides a suitable boundary treatment between the application site and Sailaway. This is also the case for the western boundary between the application building and Kenwood. There are no immediate properties and gardens to the north and east.

8.19 Considering the details of this case on balance the additional impacts on the amenities of the neighbouring properties and gardens would not result in harm to living conditions and private amenities and therefore it is considered that the development complies with paragraph 17 of the NPPF and policy 33 of the current CLP.

iv. Ecological Considerations

8.20 The application site lies within 5.6km of the Chichester and Langstone Harbours Special Protection Area where year round use of the building for tourist accommodation would likely have a significant impact upon the SPA due to the increase in recreational disturbance. The application has entered into a S106 Planning Obligation and paid a contribution of £181 towards the Phase III Solent Joint Mitigation Strategy. Therefore the likely significant impact upon the Special Protection Area of Chichester Harbour would be mitigated in accordance with policy 50, and the proposal would be acceptable in respect of its impact upon biodiversity and ecology.

v. Flood Risk

8.21 The application site is located adjacent to but not within, EA flood zones 2 and 3 and is therefore within EA flood zone 1, an area identified as having the lowest risk of flooding. The levels are relatively flat and no alterations are proposed to the ground levels.

vi. Other matters

8.22 Drainage; no additional surface water would be created by this development and the foul water would also be managed in the same manner that currently exists.

8.23 Parking and highway safety; there would be ample space for parking on site free of the highway for both the replacement house and the holiday accommodation without having a harmful impact on the safety of the highway. WSCC Highways have been consulted and have not raised an objection.

8.24 Whilst the concerns of the Parish Council and Chichester Harbour Conservancy regarding the parameters of the previous permission for a replacement property and retention of the building as a private dwelling are understood, the current application proposed a use in accordance with other Policies within the CLP and supported by the Council's Economic Development Team. The previous application did not propose retention of the existing bungalow or a sound business argument to do so, whereas the justification set out in the current application includes details that support the potential for the use of the existing building for small scale local tourist unit and business that could support the local economy. It is suggested that a condition be applied to any permission that requires the demolition of the building, as is currently required, in the event that the holiday use does not prove to be viable and upon the cessation of that use.

Conclusion

8.25 Based on the above assessment and the details of this case it is considered that the proposed use of the bungalow for tourism use would benefit the local economy without harm to the character of the appearance of the surrounding area, the amenities of neighbouring properties or biodiversity. The application site lies outside of a settlement boundary, however there are good walking links to the nearest settlement, which provides a range of facilities and services that would support the use of the building as a tourism unit. Therefore benefits to the tourism economy would not be outweighed by any harm caused and overall it is considered that the proposal would constitute a sustainable form of development, whereby a new dwelling that does not provide the economic benefits would not. The proposal complies with the NPPF and the development plan and therefore the application is recommended for approval.

Human Rights

8.26 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION

PERMIT subject to the following conditions and informative:-

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 1301-10 rev A, 11 Rev B, 002 and 170924 rev A.

Reason: To ensure the development complies with the planning permission.

3) The building subject to this permission and any extensions to it thereafter shall be demolished once it is no longer required for the use as holiday accommodation. Such demolition shall take place within 6 months of the cessation of the permitted use and all debris removed from the site and the land made good within the same time period.

Reason; To ensure to use enhances the rural community and that the building is removed from the site once it is no longer in demand and/or the business is no longer and/or does not prove to be viable.

4) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Classes A, B, C, D and E of Part 1 Schedule 2 shall be erected or made on the application site without a grant of planning permission.

Reason: In the interests of protecting the amenity of neighbours and the surrounding area.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the proposed accommodation shall be used for holiday accommodation only and shall not be used for any individual's main or sole residential dwelling and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes)(Amendment)(England) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

A register of all occupiers, detailing dates, names and usual addresses, shall be maintained by the owner and shall be kept up to date and available for inspection at all reasonable hours by the Local Planning Authority. Any occupation of the units by a single party for a consecutive period exceeding 1 month shall be required to provide evidence of their place of primary accommodation.

Reason: To ensure that the accommodation is only used as holiday / tourist accommodation, since the site lies within an area where additional residential properties would not normally be permitted and to prevent the creation, by conversion, of inappropriate units of accommodation, possibly leading to over intensive use of the site.

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

For further information on this application please contact Maria Tomlinson on 01243 534734