

**LOCATION:** Waterworks Cottages, 86 Brunswick Park Road,  
London, N11 1LE

**REFERENCE:** B/02791/12

**Received:** 18 July 2012

**Accepted:** 17 July 2012

**WARD:** Brunswick Park

**Expiry:** 11 September 2012

**Final Revisions:**

**APPLICANT:** Fruition Properties

**PROPOSAL:** Demolition of 3 x terraced cottages and erection of 2 x 3bed houses and 3 x 4 bed houses with rooms in the roof spaces with associated car parking, landscaping, refuse and cycle store and access road via 98 Brunswick Park.

### **APPROVE SUBJECT TO A UNILATERAL UNDERTAKING**

#### **RECOMMENDATION I:**

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £28,048.00**  
A contribution towards the provision of Education Facilities in the borough.
- 4 **Health £4,366.00**  
A contribution towards Health Facilities and Resources in the borough
- 5 **Libraries (financial) £488.00**  
A contribution towards Library Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £1,645.10**  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

#### **RECOMMENDATION II:**

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: B/02791/12 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Nos. 1WC/OS\_02 (received 26 October 2012), 1WC/P01 Rev A, 1WC/P02, 1WC/P03, 1WC/P04, 1WC/P05, 1WC/P06, 1WC/P07, 1WC/P09, 1WC/P10, 1WC/P11 (received 17 July 2012), Noise assessment 1386/2 (received 19 September 2012).

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

4. A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development.

5. Prior to the commencement of any development on site, a scheme for acoustic fencing on the eastern and southern boundaries of the application site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development hereby permitted is first brought into use and maintained as such thereafter.

Reason:

To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their home(s).

6. Prior to the commencement of the development hereby permitted, details of the proposed boundary fences between properties shall be submitted to and approved in writing by the Local Planning Authority. Submitted details shall include a typical elevation showing the height and design (including materials/appearance/finish) of the proposed fence. The boundary fence shall thereafter be installed in accordance within the approved details and in the position shown on the approved drawing prior to the first occupation of the development hereby permitted, and retained as such thereafter.

Reason:

To safeguard the amenities of adjoining occupiers.

7. Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

8. Before the development hereby permitted is first occupied the parking spaces shown on Drawing No. 1WC/P01 Rev A (received 17 July 2012) shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.

## 9 Part 1

Before development commences other than for investigative work:

- a. A desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.-
- b. If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation

must be comprehensive enough to enable:-

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

- c. If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

## Part 2

Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety.

10. No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

11. The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

12. Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be

submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

13. No site works or works on this development, including demolition or construction work shall commence until a Demolition, Construction and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. All works must thereafter be carried out in full accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006 and Policy DM17 of the Local Plan Development Management Policies DPD (Adopted September 2012).

14. Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

#### **INFORMATIVE(S):**

1. The reasons for this grant of planning permission are as follows:

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D4, D5, H2, H16, H17, H18, M11, M12, M13, M14, ENV12.

Core Strategy (Adopted September 2012): CS NPPF, CS1, CS3, CS5, CS9 and CS13.

Development Management Policies (Adopted September 2012): DM01, DM02, DM04 and DM17.

ii) The proposal is acceptable for the following reason(s):

The proposed development is considered to have an acceptable impact on the character and appearance of the application site and the general street scene. The development is not considered to have an adverse impact on

the amenities of neighbouring occupiers. The proposal would provide a good level of amenity for future occupants. This proposal is considered to accord with Council policies and guidance.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

2. The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £12285.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil)

You will be sent a 'Liability Notice' that will provide full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, this is also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk)

- 3 In complying with the contaminated land condition parts 1 and 2:

a) Reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR model procedures.
- 2) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 3) The Environment Agency 'Guiding principles for land contamination (GPLC)'
- 4) Guidance for the safe development of housing on land affected by contamination. Environment Agency R&D publication 66:2008.

b) Clear site maps should be included in the reports showing previous and

future layouts of the site, potential sources of contamination, the locations of all sampling points, the pattern of contamination on site, and to illustrate the remediation strategy.

c) All raw data should be provided in a form that can be easily audited and assessed by the Council (eg trial pit logs and complete laboratory analysis reports).

d) Details as to reasoning, how conclusions were arrived at and an explanation of the decisions made should be included.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 4 The applicant is advised that Brunswick Park Road (the entire length) is a Traffic Sensitive Road. Deliveries during the construction period should not take place between 8:00am and 9:30am, and 4:30pm and 6:30pm Monday to Friday. Careful consideration must also be given to the optimum routes for construction traffic and the Environment and Operations Directorate should be consulted in this respect.

### **RECOMMENDATION III**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 12 February 2013, unless otherwise agreed in writing, the Acting Assistant Director of Planning and Development Management REFUSE the application ref: B/02791/12 under delegated powers for the following reasons:

The proposed development does not include a formal undertaking to meet the costs of extra education and health and associated monitoring costs arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet supplementary Planning Documents - Contributions to Education (2008), Health (2009) and Monitoring (2007), policies CS2, CS8, CS13, IMP1 and IMP2 of the Adopted Unitary Development Plan (2006), and Policies CS10, CS11 and CS15 of the Local Plan Core Strategy (Adopted September 2012).

#### **1. MATERIAL CONSIDERATIONS**

##### National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

#### The Mayor's London Plan July 2011:

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

#### Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, H2, H16, H17, H18, M11, M12, M13, M14, ENV12.

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

#### Core Strategy (Adopted September 2012):

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan (Core Strategy and Development Management Policies documents) is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy was adopted by the Council on 11 September 2012. It will be subject to a 6 week period of legal challenge which ends on 30 October 2012. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS5, CS9 and CS13.



### Development Management Policies (Adopted September 2012):

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

The Development Management Policies DPD was adopted by the Council on 11 September 2012. It will be subject to a 6 week period of legal challenge which ends on 30 October 2012. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02, DM04 and DM17.

### Relevant Planning History:

None relevant to the application site. The following planning applications, relate to land immediately to the west of the application site. Both schemes are under construction:

B/02749/10: Demolition of existing garage/storage outbuildings and erection of 2 No. four bedroom mews houses with associated landscaping and car parking with new private access road using existing cross-over. Approved. Under construction.

B/00469/09: Demolition of existing property and erection of a residential block consisting of 9 apartment units. Approved. Under construction.

### Consultations and Views Expressed:

Neighbours Consulted: 45                      Replies: 7 letters of objection and one petition containing 35 signatures.  
Neighbours Wishing To Speak: 3

The objections raised may be summarised as follows:

- Residents have suffered noise and disturbance from the ongoing works at No. 98 Brunswick Park Road.
- Proposed dwellings would increase traffic problems, and insufficient parking spaces are being provided.
- New builds are not in keeping with neighbouring properties.
- Houses would overlook neighbouring properties.
- Proposal would be overdevelopment of the plot.
- Existing properties 'Waterworks Cottages' are over 100 years old and are part of the history of Brunswick Park. They could be returned to perfectly good stock through maintenance.
- Proposal would add to existing pressures on infrastructure, including doctors, dentists and schools.
- Concerns regarding impact of noise and disturbance from adjacent industrial park.

### Internal /Other Consultations:

Traffic and Development: This application proposes the erection of 5 new houses. A total of 8 parking spaces are proposed at the forecourt. Vehicular access will be via an existing access to adjacent houses and a flatted development at No. 98 Brunswick Park Road. The parking provision is in accordance with the Adopted

Unitary Development Plan. The applicant must ensure that the new dwellings have a right of access via the shared access road. No objections are raised on highway grounds, subject to conditions.

Environmental Health: The noise assessment dated September 2012 looks at the impact of the garages and industrial park on the proposed new homes. It demonstrates that standard thermal double glazing plus trickle vents will ensure our noise level requirements are met. This conclusion is satisfactory, but a condition requiring acoustic fencing is recommended. The standard contaminated land condition is also recommended as the site has been in close proximity to commercial uses for many years.

Date of Site Notice: 26 July 2012

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site contains a terrace of three 2-storey dwellings, located approximately 50 metres to the north east of Brunswick Park Road. The application site is accessed from a track between Nos. 82 and 88 Brunswick Park Road. This access track also provides access to a single storey flat roofed repairs workshop. This workshop is located to the south west of the application site, with a pair of semi-detached properties currently under construction to the north of the workshop. To the north of the site are residential properties at Marshalls Close, and Brunswick Industrial Park is to the east of the site.

### Proposal:

This application proposes the demolition of the existing row of three terraced properties, and the construction of one pair of semi-detached dwellings, and one row of three terraced houses.

The pair of semi-detached dwellings would measure 11.2 metres in width by 11.6 metres in depth. The building would be 8.2 metres high, and have front and rear gable projections, with a flat crown roof. The row of three terraced houses would measure a maximum of 16.3 metres in width by 12.7 metres in depth. The building would have a height of 8.2 metres, and have a hipped roof with a flat crown. Dormer windows are included on the front, side and rear roofslopes. Both buildings would have single storey front projecting elements

The submitted elevations show that the buildings would be finished in a facing brick at ground floor level, with rendered walls at and above first floor. The properties would be set to the south of their plots, with the garden areas set to the north, between the buildings and their associated parking areas. An area for cycles and bin stores would be located to the north of the proposed dwellings in the corner of the site.

## Planning Considerations:

### **Character**

The existing properties are not listed, or located within a conservation area. No objections are raised to the principle of their demolition. The proposed dwellings would be sited in broadly the same position as the existing dwellings, set to the south east of the plot and extending north-east from the pair of semi-detached properties under construction to the north west of the site. The proposed row of terraced dwellings would be set away from the south western boundary of the curtilage of the dwelling, with the flank wall parallel with that to the dwellings in the adjacent plot. Spacing would be retained between the proposed row of terraced dwellings, and the proposed pair of semi-detached dwellings, which would be toward the east of the site, but set off the boundary with the industrial estate to the north west by 1.5 metres. The proposed dwellings would be broadly adjacent to the recently completed pair of semi-detached dwellings to the west, and would appear as a continuation of this development, with garden areas set forward of the properties and adjacent to the gardens of the neighbouring properties. The hardstanding for the parking of vehicles would appear as a continuation of the hardstanding serving the adjacent development to the west. It is considered that the proposed development would sit comfortably within the application site, and would reflect the character of its surroundings.

The density of the proposed development would be within the relevant Public Transport Accessibility level for the locality, and the density would be appropriate for the locality.

### **Impact on neighbouring properties**

Policy H17 of the Adopted Unitary Development Plan requires a minimum distance of 21 metres between properties with facing windows to habitable rooms, and 10.5 metres to a neighbouring garden. The proposed dwellings are set at least 20 metres from the rear boundaries of the neighbouring residential dwellings to the north at Marshalls Close, and as a result would not adversely affect the amenities of the occupants of these neighbouring properties. The nearest neighbouring residential properties to the west have only recently been completed externally, with internal works ongoing at the time of the Officer's site visit in connection with this application. The proposed dwellings would be set directly alongside this pair of semi-detached properties, and as a result would not appear overbearing or visually intrusive when viewed from this pair of semi-detached properties. Given the relationship between the buildings, the proposal would not adversely affect the privacy of the occupants of any neighbouring properties.

### **Amenities of future occupants**

The proposed dwellings would have small terrace areas immediately to the rear, and front garden areas forward of the dwellings, with a similar layout to the recently constructed pair of semi-detached properties to the west of the site. The garden areas are of a sufficient size to comply with Policy H18 of the Adopted Unitary Development Plan. The proposed units would exceed the minimum internal space standards as required by the London Plan.

### **Noise and contaminants**

The proposed residential dwellings would be located directly adjacent to Brunswick Industrial Estate to the east, and a car repairs workshop to the south. The applicant

has submitted a noise assessment, which demonstrates that standard thermal double glazing plus trickle vents will ensure the Council's noise level requirements are met. The Environmental Health Officer has recommended the use of acoustic fencing to further mitigate against the impact of any noise, and it is considered both necessary and reasonable to secure the provision of this fencing by condition.

The Environmental Health Officer has also recommended that, given the proximity of the site to commercial uses, that the standard contaminated land condition should be attached. This is considered both reasonable and necessary, to ensure any contaminated land issues are resolved prior to the use of the site for residential purposes.

### **Parking**

The application includes sufficient parking provision to comply with policy. No objections have been raised on highway safety grounds, as the dwellings would be accessed from an existing vehicular access which also serves adjacent new development.

### **Refuse**

The application includes the provision of a refuse store to the north eastern corner of the site. This store is located some distance from Brunswick Park Road, and given the narrow nature of the access road refuse vehicles will not be able to access the site. It will therefore be necessary for occupants to bring bins to a convenient collection point. Given the position of approved bin store areas to the neighbouring properties, it is not considered that objections could be sustained with regard to the refuse store proposed as part of the current application. With regard to its siting, the proposed refuse store and cycle store would not appear as a prominent feature within the site, however it is necessary to request details of the appearance of this store to be approved by condition.

### **CIL and Obligations.**

The proposal would replace three 3-bed dwellings with three 4-bed dwellings and two 3-bed dwellings. The proposal would result in an increase in the population of the site, and result in increased pressure for education, health and library services. It is necessary for financial contributions towards these facilities to be secured by a S106 Agreement prior to full permission being granted. Furthermore, given the increase in residential units on the site, the proposal is liable for the Mayor's CIL.

## **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Issues of noise and disturbance can be controlled by limiting the hours of working, which can reasonably be restricted by condition. These issues can also be controlled by Environmental Health legislation. Impact on property values is not a material planning consideration.

## **4. EQUALITIES AND DIVERSITY ISSUES**

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

## **5. CONCLUSION**

The proposal is considered to be acceptable in terms of its impact on the application site, the general locality and the amenities of neighbouring residents. The proposal accords with council policy and guidance and the application is subsequently recommended for **approval** subject to conditions.

**SITE LOCATION PLAN:**  
London, N11 1LE

**Waterworks Cottages, 86 Brunswick Park Road,**

**REFERENCE:**

**B/02791/12**



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