

4.2 - SE/12/00875/FUL Date expired 25 July 2012

PROPOSAL: The erection of a detached four bedroom house

LOCATION: Little Grange, Duncans Yard, Fullers Hill, Westerham TN16
1AD

WARD(S): Westerham & Crockham Hill

ITEM FOR DECISION

Councillor Maskell has referred this application to the Development Control Committee on the grounds that the design of the building impacts upon the Conservation Area, does not respond to the historical importance and structure of the village and the development is viewed as a cramped form of development.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

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

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) No development shall take place until full details of both hard and soft landscaping have been submitted to and approved by the Local Planning Authority. These details shall cover as appropriate: Retention of existing planting/landscaping; Proposed finished levels or contours; Boundary Treatments; Hard surfacing materials; Planting plans; Written specification (including cultivation and other operations associated with plant and grass establishment); Schedules of plants, noting species, planting sizes and proposed numbers/densities, and Implementation timetables.

Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan.

4) The proposals for landscaping shown on the approved layout shall be carried out in the first planting and seeding season following occupation of the buildings or the completion of the development, (whichever is the earlier) or in accordance with a programme agreed with the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the appropriate British Standards or other recognised Codes of Good Practice, to the satisfaction of the Local Planning Authority. All new planting shall be adequately staked and tied and shall be maintained for a period of

5 years. Any trees or plants which, within this period, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as previously approved, unless the Local Planning Authority gives written consent to any variation.

Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan.

5) Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority. This information shall include a layout plan with beam orientation, a schedule of equipment in the design (luminaire type; mounting height; aiming angles and luminaire profiles, isolux diagrams) and a written assessment of the impact of such a scheme. The approved scheme shall be carried out in accordance with the approved details and maintained thereafter and no further lighting shall be introduced into the site without the prior approval of the local planning authority.

In the interests of amenity in accordance with Policy EN1 of the Local Plan.

6) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority:

i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and

ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change as supported in , policies CC2 & CC4 of the South East Plan 2009 and Policy SP2 of the Core Strategy.

7) No development shall take place until full details of a scheme of Biodiversity enhancement shall submitted to and approved by the local planning authority. The approved details shall be implemented in full and maintained thereafter.

To ensure that the proposed development will not have a harmful impact on protected species and habitats, and wider biodiversity, in accordance with Policy NRM5, of the South East Plan 2009 and guidance in National Planning Policy Framework 2012.

8) Demolition or construction works shall not take place outside 0700 hours to 1800 hours Mondays to Fridays and 0700 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

To prevent disturbance to nearby residential properties in accordance with Policy EN1 of the Local Plan.

9) No development shall take place until a construction method statement, including details of temporary on-site parking of vehicles, loading and unloading of materials, storage of plant and materials and traffic management have been submitted to and approved in writing by the local planning authority. Development shall be carried out in

accordance with the approved method statement.

To mitigate the impact during construction relating to highways safety and neighbouring amenities, in accordance with policy EN1 of the Sevenoaks District Local Plan.

10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no development shall be carried out within Classes A, B, C, D, E, G, H of Part 1 of Schedule 2, Classes A, B of Part 2 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), to without prior approval of the Local Planning Authority.

To safeguard the visual amenity of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

11) Before the use or occupation of the development hereby permitted, the car parking and turning areas shown on the approved 1135/02 received on 30/03/12 shall be provided and shall be kept available for the parking of cars at all times.

To ensure a permanent retention of vehicle parking for the property as supported by Policy EN1 of the Sevenoaks District Local Plan.

12) The developer or successors in title shall arrange for a watching brief to be undertaken by an archaeologist approved by the local planning authority so that excavation is observed and items of interest and finds are recorded. No works shall start on site until a written programme and specification for the work has been submitted to and approved in writing by the local planning authority.

To investigate and record archaeological features as supported by Policy EN25A of the Sevenoaks District Local Plan.

13) The development hereby permitted shall be carried out in accordance with the following approved plans: 1135/02, 1135/03, 1135/04, 1135/05, 1135/06 Rev. A, 1135/07 Rev.A, 1135/08 Rev.B, 1135/09 Rev.A, 1135/10, 1135/11, 1135/12.

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

Informative

1) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Description of Proposal

- 1 The application seeks the approval for the erection of a two storey detached dwelling within the modest plot of Little Grange.
- 2 The proposed dwelling would be sited towards the northern boundary of the site, set behind Little Grange, which is located towards the southern boundary.
- 3 The dwelling would have a height of 8.3m, a maximum width of about 11.8m and a maximum depth of about 10.9m. It will have a 'T' shaped footprint.
- 4 The application proposes to use the existing access onto the site, which also serves Little Grange to the south of the site.

Description of Site

- 5 The site currently comprises a detached two storey dwelling with a large outbuilding used as garages set within a modest sized plot that approximately measures 0.07ha. The plot itself is sited adjacent to Little Grange which is a two storey detached property.
- 6 The site is located to the west of Fullers Hill and is within walking distance to Westerham Village centre. The site is located within the built confines of Westerham and within Westerham Conservation Area.
- 7 Little Grange is set behind Fullers Hill, and accessed by a private road serving eight dwellings and a social club. Buildings that front onto Fullers Hill comprise of a mix of residential and commercial properties. A narrow footpath to the east separates the site and the buildings that front onto Fullers Hill. Most buildings in the locality consist mainly of two storey buildings and the buildings that front onto Fullers Hill are three storeys in height. To the west of the site are modern styled bungalows that form part of Grange Close with a cluster of single storey garages that can be found directly adjacent to the northern boundary of the site.
- 8 Westerham is characterised by no single architectural style, and is instead a rich mix of residential and commercial development of varying age, and progression through the Village with a variety of traditional building materials and techniques.

Constraints

- 9 Area of Archaeological Potential
- 10 Area Outstanding Natural Beauty
- 11 Westerham Conservation Area

Policies

South East Plan

- 12 Policies – CC1, CC4, CC6, H4, H5, T4, BE5, NRM5

Sevenoaks District Local Plan

- 13 Policies – EN1, EN6, EN23, VP1.

Sevenoaks District Core Strategy

14 Policies – L01, L02, L07, SP1, SP2, SP3, SP5, SP7, SP11

Other

15 National Planning Policy Framework – 14, 50, 53, 56, 60, 61, 63, 64, 118, 123, 131, 132

16 Westerham Conservation Area Appraisal

17 Westerham & Crockham Hill Village Design Statement

Planning History

18 None applicable

Consultations

Parish / Town Council

19 Westerham Parish Council – *“The development proposed is in a Conservation Area as stated in the application and is a very contemporary design that does not protect or enhance the area. This is contrary to saved Policy EN26 of the Sevenoaks District Local Plan. Access via Fullers Hill to Duncan’s Yard and the surrounding properties is wholly inadequate and WPC is informed that no legal right of way exists to the northern side of the site.”*

Highways Engineer

20 No objection raised

SDC Archaeology Officer

21 Recommend a watching brief condition to be imposed due to the proximity to the historic core of the settlement.

Thames Water

22 Raise no objection to the development subject to informatives.

Representations

23 Nine letters of representation have been received, raising objections to the proposal on the following grounds:

- over development;
- contrary to NPPF policy;
- impact on the character of the area;
- loss of outlook;
- problematic access arrangements;
- loss of privacy/overlooking;

- does not reflect historic pattern of development.

Group Manager - Planning Appraisal

Principle of development

- 24 The newly adopted NPPF has a general presumption in favour of sustainable development, whilst encouraging the delivery of homes of a high quality design and a good standard of amenity for all, whilst reusing previously developed land. Furthermore the site is within the built confines of Westerham where the principle for new development is acceptable.
- 25 The site forms part of the garden to Little Grange and previous amendments to PPS3, which has now been superseded by the National Planning Policy Framework (NPPF) removed gardens from the definition of “previously developed land”. Whilst the NPPF places an emphasis on development of previously developed land, this does not preclude other land, such as gardens, from being developed, provided such development is in suitable locations and relates well to its surroundings. Paragraph 53 of the NPPF states that local planning authorities should consider setting out policies to resist the inappropriate development of rear gardens, where this would cause harm to the local area. This is broadly consistent with Policies L07, SP1 and SP7 of the Core Strategy which include criteria that development should not compromise or harm the distinctive character of an area.
- 26 Upon considering the above, the principle of residential use of the site is acceptable subject to the provision of an affordable housing contribution and subject to having an acceptable impact on the character of the area, the amenities of neighbouring occupiers, impact on highway conditions and an acceptable design, amongst other considerations and any other material planning considerations.

Character and design and impact on Conservation Area and Listed Buildings

Conservation Area & Listed Buildings:

- 27 The application site is within Westerham Conservation Area, which includes the historic core of the town.
- 28 The NPPF states at paragraph 131 that in determining planning applications, local planning authorities should take into account:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 29 Policy SP1 of the Core Strategy requires all new development to be of high quality and to respond to the distinctive local character of the area. The District’s heritage assets, including listed buildings and conservation areas, will be protected and enhanced.

- 30 Policy EN23 of the Sevenoaks District Local Plan expects proposals within a Conservation Area to be of positive architectural benefit, preserving or enhancing the character or appearance of the area. The design of new buildings should respect the local character.
- 31 The Westerham Conservation Area boundary runs along Grange Close and along the north and west boundaries of the site. Taking into account the position of the dwelling to the rear of Fullers Hill, hidden from any prominent views along the main frontage, I do not consider that it would adversely affect views within or of the conservation area. A new dwelling is proposed, which by its very nature will have a different impact than the existing undeveloped part of the site, but I consider that this new dwelling is compatible with the historic pattern of the development within this part of the Conservation Area. The Conservation Area Appraisal recognises that the area has both good and bad examples of infill development. The layout proposed retains a large proportion of land for use as amenity space, still retaining its spacious appearance, and the siting is sympathetic to the pattern of development that already exists.
- 32 There are Listed Buildings nearby, at 3 Fullers Hill, 3 – 9 London Road, 3 – 6 Duncan’s Cottages, Duncan’s Yard and Westerham Congregational Church. None of these properties directly abut the site. 3 Fullers Hill is the closest of these properties to the application site, but is separated from the site by a footpath which runs along the rear boundary of the curtilage of this listed property. The proposed siting of the new dwelling and its scale would protect the setting of the listed buildings, and there is scope for planting and boundary treatment that can be dealt with by condition.
- 33 A more detailed assessment of the design aspects of the proposal, its character and the impact on the Conservation Area are discussed below.

Siting and density of development:

- 34 The NPPF, Policy SP1 of the Core Strategy and Policy EN23 of the Sevenoaks District Local Plan expect development to make a positive contribution to the character and distinctiveness of an area. Policy LO7 of the Core Strategy states that within settlements that include Westerham, development on a modest scale will be permitted where it can take place in an acceptable manner, consistent with local character.
- 35 Policy EN1 of the Local Plan states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality.
- 36 In terms of density, Policy SP7 of the Core Strategy sets a density of 30 dwellings per hectare for developments within rural settlements. This site is approx. 0.07ha which should, according to the required densities, could provide 2.1 dwellings. This proposal proposes 1 new unit.
- 37 The proposed siting and layout of the new dwelling would respect the existing pattern of development in the locality, where there are other examples nearby of buildings positioned behind others and of quirky, unusual layouts and plots that are not uniform in size or shape.
- 38 The proposed dwelling would be sited in the widest part of the plot, which would allow for a generous amount of space around the new dwelling, on all sides, and

sufficient space to enhance the scheme with landscaping and provide for a generous private garden area and parking area. In this context the proposal would not appear cramped or overdevelopment.

- 39 As such the proposal is considered to be an appropriate density for the site and compatible with the tight-knit character and pattern of development of the Westerham Conservation Area.
- 40 The impact on the amenity of residents, from the proposed layout is discussed later in this report.

Character and Appearance:

- 41 The NPPF states that the Government:

'attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.' (para. 56)

- 42 The NPPF also states:

"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."(para 60)

43. Policy EN1 of the Local Plan states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
44. Westerham Conservation Area appraisal states that the area contains examples of most of the vernacular features that are typically found in traditional Kentish buildings. Roofs are either slated, with lead hip and ridge rolls, or covered with clay tiles hung on pegs or nibs. The use of full or half hips to one side of the roof with a gable end on the other is common. Chimney stacks are often tall and decorative. Dormer windows are often inserted into the roof slopes, giving light to attic spaces that can then be utilised as additional accommodation. The pitches of tiled roofs tend to be steep, whilst those that are slated are shallower, and the contrasting heights of the ridge lines lend variety and interest to the street scene. Red bricks and tile hanging as proposed for this new dwelling, are typical features within the Conservation Area.
45. The Westerham & Crockham Hill Village Design Statement is adopted informal planning guidance. It expects future development to respect the historical value of the town, and not dominate it or detract from or obscure the buildings of historical interest. The height, volume and overall appearance of any new building should be kept in proportion with existing buildings.
46. The scale of the dwellings proposed, is considered to be in proportion to neighbouring buildings and the general scale and form of development in this area, which consists mainly of two and three storey houses. The area is generally well developed with varying plot sizes, orientation and size of property. The

proposed two storey house would maintain the scale, layout and pattern of development within the area.

47. The design of the dwelling incorporates key elements of the vernacular architecture that is typical of this area, as identified in the Westerham Conservation Area Appraisal and Westerham & Crockham Hill Village Design Statement. The floorplan of the new dwelling allows for different roof shapes, a modest dormer window, gable features with barge boards, the use of red brick and tile hanging and a decorative chimney feature, using the same architectural language as seen on adjacent buildings. The proposed dwelling would clearly be a new structure that would take a little time to 'settle in', but the design and the choice of materials would reflect the distinctive characteristics of the area and would not appear as an incongruous feature or as a contemporary design at odds with the scale and appearance of existing buildings.
48. The application site is also within an Area of Outstanding Natural Beauty. As the site is within the village envelope and as the built form, scale and massing are compatible with the adjacent buildings, the impact upon this AONB is considered to be minimal. Therefore this development would conform to policies SP1, L07 and L08 of the Core Strategy.

Conclusion

49. Taking the above factors into account, this development would accord with Policies L07 and SP7 of the Core Strategy. The density would not meet the standard 30dph policy target, but the lower density proposed protects the distinctive character of the surrounding area, which is the overriding consideration under this policy.
50. The siting, layout, scale, massing and design and detailing of the proposed new dwelling reflect the pattern and scale of development in the area and the key architectural features that are typical of adjacent buildings. The proposal therefore complies with the advice set out in the Westerham Conservation Area Appraisal and the Westerham & Crockham Hill Village Design Statement and with policies EN1 and EN23 of the Sevenoaks District Local Plan and policies SP1 and SP7 of the Core Strategy.
51. The proposal would not cause harm to the wider landscape setting of the AONB and as such would not conflict with Policies SP1, L07 and L08 of the Core Strategy.

Impact on neighbouring amenity

52. Policy EN1 of the Local Plan states that the proposed development must not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.
53. In terms of loss of sunlight and daylight, no adjacent properties would be affected by the proposed development, due to the separation distances between dwellings and orientation of the development.
54. Concern has been raised by some neighbouring occupants regarding the impact of the development upon their outlook and loss of privacy.

55. The development itself had been designed to prevent the loss of privacy to immediate neighbouring properties. At first floor level, windows are mainly sited to the north, south, western elevations to avoid any overlooking or loss of privacy issues to the rear of the properties of Fullers Hill.
56. In terms of the impact of the development upon the Occupiers of Little Grange, an existing beech hedge screen (approximately 2.5m high) will remain offering sufficient protection of amenity to both the occupiers of Little Grange and the future occupiers of the proposed property.
57. Due to the fact the site is surrounded by residential properties, it would be reasonable to attach a condition restricting the hours of construction to minimise the impact of construction of the dwelling upon existing residential amenity.
58. Given the above, it is therefore considered that the proposed development would continue to preserve the amenities of the occupiers of adjoining properties in accordance with Policy EN1 of the Local Plan.

Highway implications:

59. Local Plan policies EN1, VP1 seek to ensure that conditions of highway safety are not prejudiced, both for users of the proposed new development and also other highway users. Adequate off-street parking and turning facilities must be provided as part of every new development.
60. The County Highways Officer has not raised objection to the additional traffic movements and the development will be using an existing vehicular access.
61. The layout shows adequate provision for 3-4 vehicles for parking and turning provision. The level of provision offered exceeds current Vehicle Parking Standards, and so no objection can be raised on this ground.
62. I am satisfied that this scheme would comply with policies EN1 and VP1 of the local plan and policy T4 of the South East Plan. The Highways Officer raises no objection to this proposal.
63. Concerns have been raised by neighbours in relation to construction vehicles. To ensure clarification to how materials and construction vehicles gain access to the site, it would be reasonable to imposition a construction method statement.

Sustainability

64. As previously mentioned the proposal would provide efficient use of previously developed land within an existing suburban context. It is considered that the site is in a reasonably accessible location being within a short distance to shops and services in the village.
65. Policy SP2 of the Core Strategy states the minimum Code for Sustainable Home (CSH) standard a new dwelling should achieve. At present a code 3 standard is required.
66. The (CSH) guidance sets out how a home can achieve a sustainability rating for one to six depending on the extent to which it has achieved Code standards. No information has been provided about which level would be achieved. As such further details would be required by the imposition of a condition to ensure the

proposed development seeks to promote sustainability in accordance with Policy SP2 of the Core Strategy.

Affordable Housing

67. Policy SP3 of the Core Strategy requires a financial contribution to be made towards improving affordable housing provision off-site where residential developments of less than five units would involve a net gain in the number of units. The policy indicates that for residential developments of this size a financial contribution based on the equivalent of 10% affordable housing would be required.
68. In a residential development of this size, Policy SP3 expects a financial contribution towards improving affordable housing provision off-site. The applicant has agreed to a S106 for off-site affordable housing contribution in accordance with this policy SP3 of the Core Strategy and has completed and signed a S106 agreement to that effect.

Biodiversity

69. There are no statutory or non-statutory nature conservations designations within the site, although there are a number of potential habitat areas located within it, for example semi-mature and mature trees, hedgerows, hard standings and roof voids within the site which could provide habitat for protected and non protected species.
70. Paragraph 118 of the NPPF and SP11 of the Core Strategy sets out that new development should maximise opportunities to build in features which are of benefit to biodiversity as part of good design. Proposals do not include a range of features designed to enhance the ecological value of the site. As such a condition could be required to secure those details to improve the ecological value of the site in accordance with the advice of policy SP11 of the Core Strategy and policy NRM5 of the South East Plan.

Other Issues

71. Cllr Maskell has made reference to a decision at 15 Sandy Lane, Westerham where planning permission was refused for a new 3 bedroom dwelling. The grounds of refusal were:
 - a. The proposal by reason of its siting forward of the existing dwelling, within close proximity of the highway would result in a visually dominant and intrusive form of development. This fails to respond positively to local character in relation to the layout of built form and its relationship with the existing pattern of development. This conflicts with advice within PPS1 and policies H5 and CC6 of the South East Plan, SP1 of the Sevenoaks District Core Strategy and EN1 of the Sevenoaks District Local Plan.
 - b. The proposal has failed to make a financial contribution towards improving affordable housing provision off-site and is contrary to policy SP3 of the Sevenoaks District Core Strategy.
72. In recommending refusal for this proposal, the case officer noted that the design and scale of the proposed building would not have been out of keeping with the existing properties in the cul de sac, but that the siting would bring the full two

storey mass of the dwelling within 2m of the footpath. The report states:

“The result being that the proposed dwelling would appear very prominent within the street scene and fail to respect the separation distance from the highway which other properties provide.”

73. The case officer referred to another plot nearby where a new dwelling had been built and noted that here, the new dwelling had been sited slightly back from the building line and thus sat more comfortably within the street scene.
74. This proposal, was for a new dwelling in an established residential area, but the sites are different in character, layout and in the pattern of development and are not directly comparable. The circumstances that led to the refusal of this application, do not apply to this current proposal for the land adjacent Little Grange.
75. Part of the site is within an Area of Archaeological potential. The local archaeological officer has responded and recommended that a watching brief condition should be imposed due to the location of the site and its proximity to the historic core of the settlement. This would be in accordance with paragraph 126 of the NPPF.

Access Issues

76. No adverse access issues have been identified in relation to his proposal.

Conclusion

77. On considering the above, it is recommended that this application should be approved as it conforms to the relevant Development Plan policies and there are no other overriding material considerations to suggest otherwise.

Background Papers

Site Plan

Contact Officer(s): Sean Mitchell Extension: 7349

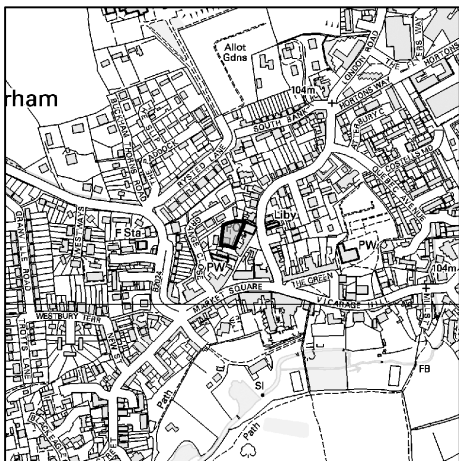
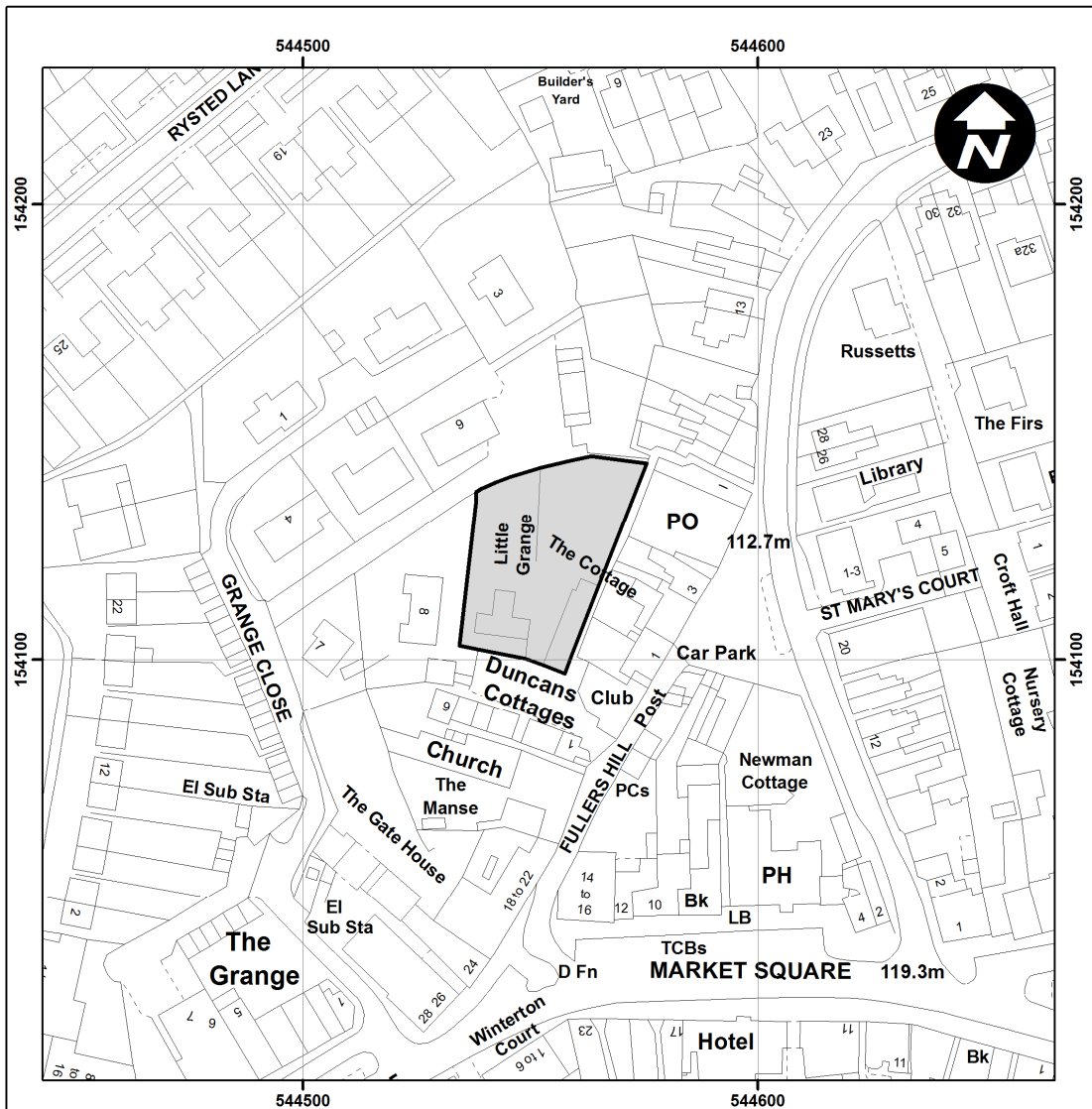
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M1UH78BKOCR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M1UH78BKOCR00>



Site Plan

Scale 1:1,250
Date 06.06.2012



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