

Regeneration and Economic Development Department

APPLICATION NO: 21/00249/FUL

APPLICANT: Mr John Doran

WARD AFFECTED: Roby

DEVELOPMENT: CONVERSION OF FORMER NURSING HOME TO FORM 6 NO.
APARTMENTS TOGETHER WITH A SINGLE STOREY REAR EXTENSION

LOCATION OF SITE: Beechlands, 54 Church Road, Roby, L36 9TP

KNOWSLEY LOCAL PLAN ALLOCATION –

Primary Residential Development - Primary Residential Development

RELEVANT POLICIES

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS7 - Transport Networks

CS19 - Design Quality and Accessibility in New Development

CS20 - Managing the Borough's Historic Environment

SAVED POLICIES - KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT PLAN (ADOPTED JUNE 2006)

H5 - Development within Primarily Residential Areas

TECHNICAL CONSULTATIONS:

Highway Authority – No objections in principle.

Environmental Health – No objections.

Merseyside Fire Brigade - No objections in principle.

NEIGHBOUR NOTIFICATION:

This application has been publicised by letters sent to 12 neighbours.

Four objectors and two representations in support have been received. The objections are on the following grounds: -

1. The parking is extremely problematic on this street, issues caused by the church, railway station and the lack of pavement on this side of the road means it can be quite dangerous. The increased traffic generation would cause safety problems. The proposal itself provides insufficient parking space for the sheer number of new units being created.

2. I am concerned that we have received no notification of this planning application to the property we are attached to, I have had to check the planning portal when trying to find out what is going on next door due to the constant noise and disruption we are currently subjected to.

3. I am concerned that there is not sufficient parking to support 6 apartments in the house next door to us. Parking is already a difficulty in the street exacerbated by Roby Train station and the church opposite. This is an issue of highway safety, traffic generation and increased noise and disturbance.

4. I am concerned about the building works which are going on along our boundary and would like to be better informed as the noise and lack of privacy is already becoming an issue.

5. I am concerned that by virtue of the proximity, size and scale of a given development, our residential property will be rendered so unattractive a place to live that this will be a massive detriment to us and should therefore be taken into account with planning being granted in relation to visual amenity.

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

6. We are connected to this property and would like some more information on the proposed ground floor extension to the rear as this would run along our boundary. We would like to know the size, height etc to ascertain how overlooked our garden will become. We have vulnerable foster children and privacy is a major concern to our household.

7. We are also concerned about there being not enough parking as the parking in the street is already hazardously restricted.

8. The noise from the property conversion is already causing a major issue as the building works going on start early in the morning and continue drilling all day making it unbearable while we are working from home.

9. We are concerned about the level and transient occupancy these flats would cause and continued noise pollution going forward.

10. After looking at the proposal in relation to the issues with parking I was shocked to read the letter in support making out that there would be a reduction in parking and trip generation as the 54 Church Road because it was once historically a nursing home. I have lived in 52 Church Road for 4 years and in all that time the property has never been used as a nursing home. The property's only use since we have lived here has been as a single dwelling and home for a single family, it was a single dwelling house when the new owner purchased the property NOT a nursing home. It would seem the letter submitted is actually lying to the Knowsley Council planning department. There has been constant issues with parking on Church Road due to the train station and the church and the lack of pavement on our side of the road. This is already a safety hazard for the families with children who live here and for disabled access on the pavements. I would like someone to recognise the property is currently not a nursing home, has not been for many years, and turning this family dwelling into 7 flats will obviously increase, traffic, parking and disturbance.

11. The new proposal is constructing a 4 meter tall extension within 95cm of our boundary. This will cause excessive loss of light for us. There are trees all along the boundary which would surely be killed if there roots were dug up which they would have to be to build this tall a building this close to our boundary. We want our trees, the only thing offering any privacy from this development to be protected and this building is far too close. The environmental impact of damaging these trees is entirely unacceptable as well and I would like this taken into consideration. We have hedgehogs and bats in the garden using these trees, and the impact on this natural environment would be devastating.

12. We are looking into getting a tree preservation order for the trees this proposed development would damage and ask that this be taken into consideration

13. We have been worried about the amount of traffic and limited pavement space and parking for some time. Just this week my car was written off while parked opposite my house on Church Road. A development of this size is causing great concern about the effect on the traffic and parking on this street. The pavements are too narrow to walk if any cars are parked in the street and as a mother of two it is impossible to push a pram without walking into the road. We are looking into an application for traffic calming measures such as speed bumps as the road has become quite a danger. The property at 54 Church Road does not have sufficient parking space to avoid affecting the parking on the street and heighten the risk levels due to traffic that we face on Church Road

Both the supporting representations consider that the proposal will be a benefit to the road.

Regarding point 2 the neighbours were notified of the application by letter sent 5 May 2021. With regards to points 4 and 8 the building works noise is not a planning issue as such, and all building works will create a level of noise disturbance and other issues by the nature of building. However if such works caused unreasonable nuisance or happened at unreasonable times action could be initiated under other legislation if appropriate. Regarding point 10, planning permission has not been granted to change the use of the building and Council Tax have confirmed that residential council tax has not been paid, there is therefore no evidence to show that the lawful use of the property is a dwelling. The Council Arboriculturalist has confirmed that the Tree Preservation Order application is not supported with regard to point 12 and comments relating to trees are dealt with later in this report.

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

ARTICLE 35

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ISSUES AND ASSESSMENT:

RELEVANT PLANNING HISTORY

18/00477/COU - CHANGE OF USE FROM EXISTING C2 RESIDENTIAL CARE HOME TO 5 BED GUEST HOUSE (USE CLASS C1) WITH 3 BED OWNER ACCOMMODATION AND ASSOCIATED WORKS. Approved: 08.10.2018

18/00118/COU - CHANGE OF USE FROM EXISTING C2 RESIDENTIAL CARE HOME TO 7 BED GUEST HOUSE (USE CLASS C1) WITH 3 BED OWNER ACCOMMODATION. Refused: 18.04.2018

03/00689/FUL - ERECTION OF CONSERVATORY TO REAR. Approved: 10.09.2003

01/00199/FUL - ERECTION OF SINGLE STOREY EXTENSION TO REAR OF BUILDING TO FORM 5 NO. BEDROOMS AND BATHROOM/LINEN ROOM. Approved: 21.05.2001

K/APP/13124 - ERECTION OF GROUND FLOOR LOUNGE EXTENSION AND FIRST FLOOR EXTENSION TO PROVIDE 2 NUMBER BEDROOMS TO REAR IN ASSOCIATION WITH RESIDENTIAL HOME FOR THE ELDERLY. Approved: 02.04.1991.

K/APP/12804 - ERECTION OF SINGLE STOREY LOUNGE EXTENSION AND FIRST FLOOR EXTENSION TO PROVIDE 2 BEDROOMS TO REAR OF DWELLING. Refused: 03.12.1990.

K/APP/11395 - ERECTION OF SINGLE STOREY LOUNGE EXTENSION CONVERSION OF 2ND FLOOR TO PROPRIETORS SELF CONTAINED FLAT CONVERSION OF BASEMENT GROUND AND 1ST FLOOR TO FORM RESIDENTIAL HOME FOR THE ELDERLY NEW WINDOWS AND RAMP. Approved: 24.04.1989

K/APP/11181 - ERECTION OF EXTENSION TO RESIDENTIAL NURSING HOME AND ALTERATION TO EXISTING ACCESS. Refused: 09.11.1988

K/APP/9822 - CHANGE OF USE FROM SINGLE DWELLING HOUSE TO REST HOME FOR THE ELDERLY. Approved: 21.08.1987

PROPOSAL

The application relates to the use of a large semi-detached Victorian villa at number 54 Church Road in Roby. The previous use of the property was as a residential care home (use class C2) and this application is for demolition of an existing single storey rear extension and the erection of a single storey extension to the rear and conversion of the property to form six apartments. All two storey elements would remain as existing. There would be three 2 bedroom apartments to the ground floor with one 2 bedroom and one 3 bedroom apartment to the first floor together with a 2 bedroom apartment in the roof space. Bins would be by the gable of the property and cycle parking along the party boundary with 54-56 Church Road (residential care home); a domestic house is to the other side of the property and adjoining it forming the other semi-detached property. Structures to the side and rear of the building are to be removed separating the large single storey outbuilding from the main property, and this will be used for storage. There is space in the rear garden to provide shared amenity space. Six parking spaces will be laid out in the front courtyard area.

POLICY CONSIDERATIONS

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

The proposal complies with the above noted planning policies.

DESIGN, ACCESS AND CRIME PREVENTION

Part of the single storey extension to the rear, including the conservatory, will be dismantled and a new extension erected in the same position, starting approximately 0.975m from the party boundary. The first part of the extension is as existing and projects approximately 3m and is approximately 0.5m from the party boundary. The extension would here step in from the boundary further to give a distance of approximately 3.3m from the side to the party boundary and this would project from the 3m mark a further distance of approximately 4.9m. The extension would at this point step in towards the boundary, giving a distance of approximately 0.95m to the boundary and this part of the extension would project a further distance of approximately 5.5m. The total projection of the rear extension would be approximately 13.4m with the current extension, including the conservatory being approximately 13.3m.

The existing extension will have less impact on outlook than the proposed extension as the conservatory is glazed rather than solid as the new extension will be. The conservatory slopes up from eaves height of 2.7m away from the boundary up to the top of the roof of the extension and conservatory of 3.95m at 3.1m from the party boundary, and 8.2m from the main two storey part of the house to 10.8m from the house. The proposed design of the extension has been revised, and the proposed extension would have a flat roof with a height of approximately 3.2m to minimise and mitigate visual impact. It is considered that the changes between the existing single storey structure and the proposed extension as revised would not lead to a significantly detrimental loss of outlook. The proposed extension would be acceptable in design and would not be significantly detrimental to the visual amenities of neighbouring properties or the area in general. Other than the extension there would be little change to the elevations. It is proposed to remove structures to give a separation between the dwelling and the outbuilding (which was originally bedrooms and a linen room). This would improve the overall appearance of the site by opening it up and 'decluttering' it.

The bins are proposed to be stored by the side of the dwelling at the front and should be shielded for visual amenity reasons as they would be visible from the highway.

The proposal would lead to 6 flats at the property. A neighbour has objected to the application stating that they are concerned about the level and transient occupancy the flats would cause. Conversions of buildings to flats, or the erection of buildings to house flats within, by themselves does not equate to anti-social behaviour or criminal activity. This is a residential use in a residential area and is acceptable in principle. If crime and anti-social behaviour were to occur this would be a matter for the Police and the Council's Safer Communities Team.

An objection has been received stating that the proximity, size and scale of a given development would make the author's property an unattractive place to live. However as noted above there is little change in terms of proximity, size and scale of development to that already there albeit the rear extension will be solid rather than the existing conservatory and it is not considered that the proposed development would have a significant impact on amenity.

As such the application complies with Policies CS2 and CS19 of the Core Strategy and saved Policy H5 of the UDP.

HIGHWAYS

The forecourt to the front of the main building would provide 6 car parking spaces as indicated on the site layout and floor plans drawing submitted. The site is near Roby train station, with bus routes nearby on Western Avenue and Roby Road, and within walking distance of Huyton town centre. As such it is considered that due to the sustainable location of the site 6 car parking spaces, equating to one space per flat, is adequate and the Council Highways Engineer has no objections to the application although does request conditions.

The proposal therefore complies with Policies CS2, CS7 and CS19 of the Core Strategy and saved Policy H5 of the UDP.

RESIDENTIAL AMENITY

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

The proposal is for remove an extension and to replace it with another, and to convert the subsequent building to six apartments in a residential area. As such it is not considered that the proposal will adversely affect the residential amenities of neighbouring properties or the area in principle.

There would be two doors with windows adjoining on the ground floor of the part of the rear extension closest to the party boundary, with one such pairing facing the semi-detached building, and the other away from it. The door/window facing the main building would be to a bedroom with the other door/window facing that bedroom being a rear access/ante space. To provide some privacy between flats due to the squared area formed by them a dividing fence is proposed. On the submitted proposed layout drawing this is indicated as 2m high; however, it is recommended that this should be retained to the height of the fencing along the party boundary to ensure that it did not appear incongruous and that a gate was installed to allow egress from the area in the event of an emergency. As the bedroom door and window to the bedroom would be facing the semi-detached building there would be potential privacy issues. However, it is considered that this would be mitigated with regards privacy impacts on the neighbouring property due to some shielding by the boundary fencing. It is likely that the bedroom itself would suffer some loss of privacy due to potential overlooking from upper floor windows on both buildings. However, this can be mitigated, and with regard outward views as well, by requiring the window to be obscure glazed and top opening and the details of the door to be agreed prior to installation (obscure glazed or solid). With such in place it is considered that privacy issues could be mitigated for to a satisfactory extent that any such impacts would not be significant.

It is considered that whilst there would be more people living at the property than would in a single home there would not be more than in the lawful nursing home use, whilst there are numbers of properties converted to flats within and adjoining houses which do not give rise to undue noise. It should be noted that Environmental Health have no objections to the scheme.

It is acknowledged that there could be more people using the rear garden than would if the building were a house, but there would not necessarily be any more than other such apartment developments of houses, or more than nursing homes which are also found in residential areas (and there is one to one side of the application site). As such it is considered that any such impacts from residents of the flats using the rear garden on the neighbouring properties and the wider area is acceptable and would not be detrimental to the amenities of the neighbouring properties to a significant degree.

As such it is considered that the proposal complies with Policies CS2 and CS19 of the Core Strategy and saved Policy H5 of the UDP.

OTHER ISSUES

Trees

There are trees along the boundary within the neighbouring land (52 Church Road). The occupiers of that neighbouring property applied to have a Tree Protection Order (TPO) applied to the trees. The Council Arboriculturalist considered the application and has confirmed that the application for the trees to be covered by a TPO will not be supported but has requested that an Arboricultural Method Statement be required by condition to ensure that the trees are protected during construction.

The proposal therefore complies with Policy CS21 of the Core Strategy and saved Policy DQ4 of the UDP.

CONCLUSION

The proposal is satisfactory in terms of design and impacts would be acceptable whilst the conversion to apartments is appropriate for a building within a residential area. The property is in a sustainable location near a train station and bus routes, and within walking distance of Huyton town centre and the parking levels of one space for each flat are therefore acceptable. The application complies with planning policies and is therefore recommended for approval.

RECOMMENDATION:

That Planning Permission be granted subject to the following condition(s):-

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

- 3) The development hereby permitted shall not be commenced until an Arboricultural Impact Study and Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these approved details.

The plans and particulars shall include:

- (a) the precise location of each existing tree on or near the site which has a stem diameter at a point 1.5 m above ground level exceeding 75 mm, showing which trees are to be retained and the crown spread of each tree, and allocating a reference number to each tree;
- (b) details of the species, approximate height in metres, stem diameter in millimetres at 1.5 metres above ground level, branch spread in metres taken at the four cardinal points, height in metres of crown clearance above adjacent ground level, age class, condition, estimated remaining contribution in years and category grading of each existing tree;
- (c) details of any proposed pruning of any tree to be retained either within or adjacent to the site;
- (d) details of any proposed alterations in existing ground levels and of the position and depth of any proposed excavation.
- (e) the location of all proposed building works, roads, driveways or other development in relation to the trees.

The Arboricultural Impact Study shall include:

- a) details of any likely impact to the retained trees and/or hedges due to alterations in existing ground levels, position and depth of any proposed excavations, location of any proposed buildings, roads, driveways, walls, services or any other development works on or adjacent the site;

The Method Statement shall include:

- a) details of all protective measures required to retain the health and stability of all retained trees and/or hedges on or adjacent the site including; fencing, designated washing and mixing areas, designated site cabin areas, access in and out the site, special surfaces and site supervision.

For the avoidance of doubt the Impact Study and Method Statement required shall include detailed consideration of the trees along the party boundary with 52 Church Road within the curtilage of that property.

All works identified in the tree survey shall be in accordance with British Standard documents No's 3998:2010 and 5837:2012.

No part of the development, or works to trees, shall be carried out except in accordance with a relevant approval of [this condition] [reserved matters covering the above items].

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

Reason: To ensure that the proper protection of trees has been carried out in the interests of visual amenity and to comply with Policies CS2, CS19 and CS21 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 4) No flat shall be first occupied until a widened vehicle access has been installed in accordance with a scheme for the provision of such a vehicle access which has previously been submitted to and approved in writing by the Local Planning Authority. The scheme will involve widening the dropped crossing to align between the walls located either side of the access. The agreed access shall be retained at all times any flat is occupied / in use.

Reason: In the interests of highway and pedestrian safety and to comply with Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 5) No flat shall be first occupied until the areas indicated on the approved drawings to be set aside for parking and vehicular manoeuvring have been marked out in accordance with the details shown in drawing 003 titled Proposed Plans. These areas shall be retained as such thereafter.

Reason: In the interests of highway and pedestrian safety and to comply with Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 6) Prior to the first occupation of any flat cycle parking shall be provided for each flat in accordance with a scheme previously submitted to and agreed in writing by the Local Planning Authority for the provision of cycle parking/storage in accordance with the Council's current standards.

The agreed scheme shall be retained as such thereafter. For the avoidance of doubt, the 12-space cycle facility for the residents must offer security and offer shelter from the weather; the 6-space facility for visitor cycles can typically be Sheffield stands and can remain uncovered.

Reason: To ensure that adequate provision is made for parking cycles on the site in the interests of sustainable transportation and to comply with Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 7) No flat shall be first occupied until communal electric vehicle recharging points have been provided at a rate of 1 per every 2 parking bays, in accordance with details to be submitted and approved by the Local Planning Authority.

All charge points shall be:

- a) a minimum of 7KW,
- b) at least Mode 3 or equivalent,
- c) untethered, and
- d) located in order to comply with the Equality Act 2010 and the accessibility requirements set out in the Building Regulations Part M.

All EV charging points shall be clearly marked as such and their purpose explained to new occupants within their new home welcome park/travel planning advice.

Reason: In the interests of air quality, promoting sustainable travel opportunities and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and NPPF Para 110.

- 8) The materials to be used on the external surfaces of the extension hereby permitted shall match those of the existing building in type, size, colour and texture.

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

Reason: In the interests of visual amenity and to comply with Policy CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy H5 of the Knowsley Replacement Unitary Development Plan adopted in June 2006.

- 9) Two bed apartment (3) as shown on the Proposed Floor Plans drawing 003 shall not be first occupied or used or occupied until the proposed window to Bedroom 002 on the west elevation of the ground floor extension as indicated on drawing 003 has been glazed with obscure glass to level 4/5. The window shall be top hung, or bottom hung, and shall be retained as such with level 4/5 obscure glazing at all times thereafter.

The same bedroom shall not be first occupied or used until details of the external bedroom door has been submitted to and agreed in writing. If the door is not solid but has glazing such glazing shall be obscure glazed to level 4/5. The agreed door shall be retained at all times thereafter.

Reason: In order to safeguard the residential amenities enjoyed by the occupants of adjoining residential property and the apartment and to ensure the development complies with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy H5 of the Knowsley Replacement Unitary Development Plan adopted in June 2006.

- 10) Notwithstanding submitted details the fence shown on the drawing running across the shared area between 2 Bed Apartment (2) and 2 Bed Apartment (3) from the party boundary with 52 Church Road shall be the same height as the existing party boundary fencing and shall include an access gate. The said fence/gate shall be installed prior to the first occupation of either of the noted apartments and retained at all times thereafter.

Reason: In the interests of visual amenity and privacy and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy H5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 11) Notwithstanding any submitted details on the approved plans prior to the first occupation of any apartment precise scheme details of a bin store shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall provide measures for the storage of the requisite number of bins per dwelling and shall provide adequate shielding from view of those bins.

The bin store shall be sited and constructed in accordance with the agreed details before any apartment hereby approved is first occupied and shall be retained thereafter at all times that any apartment is occupied.

Reason: In the interests of visual and residential amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved policy H5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 12) The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) Schedule 2, Parts 2 a) - b), or any amendments made to that Order, shall not apply:

(i) no gates, walls, fences or other structures shall be erected within the curtilage of the apartments

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

other than those shown on the approved plans or required by condition 10 pursuant to this planning permission unless on application to the Local Planning Authority, planning permission for such development has been granted.

Reason: To protect the residential and visual amenities of the area and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy H5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
22/03/2021	005	-	Location Plan
03/06/2021	003	-	Proposed Floor Plans with Part Site Layout
03/06/2021	004	-	Proposed Elevations

Informatives

- 1 NOTE FOR APPLICANT: The applicant's attention is drawn to the following comments:

Highways Construction of Access

It is an offence to carry out any works within the public highway without the permission of the Highway Authority. This permission requires the construction, improvement or alteration of an access to the public highway. Under Section 184 of the Highways Act 1980, the Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Prior to the commencement of any works, the applicant is advised to contact the Council's Maintenance Contractor Tarmac on 0800 023 2334 or Knowsley.highways@tarmac.com

- 2 The Council is not aware of any contamination on this site. However, the responsibility to properly address contaminated land issues lies with the owner/developer of the site, irrespective of any involvement by this Authority. The applicant/developer is requested to contact the Council's Environmental Protection Unit (Tel: 0151 443 4712) as soon as is practicable should contamination be encountered during the development of the site.

If contaminated material is encountered the applicant/developer is required to dispose of the contaminated arisings appropriately. They should also be aware of their health and safety responsibilities to workers in respect of handling such materials. The developer should also ensure that no pathways are created by which any contamination may either migrate off-site or affect site users.

- 3 Merseyside Fire and Rescue Service

Lee Osborne

28 July 2021

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

Alan Kilroe
5th August 2021

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

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