



**PLANNING COMMITTEE:** 19<sup>th</sup> November 2014  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2014/1122:** **Erection of 38 dwellings comprising 12 three bedroom houses; 13 two bedroom houses and 13 flats, with vehicular accesses from Lower Harding Street and Compton Street at Land at former Honda dealership between Grafton Street and Compton Street, Northampton**

**WARD:** Castle

**APPLICANT:** Westleigh Developments Ltd  
**AGENT:** RG+P

**REFERRED BY:** Director for Regeneration, Enterprise and Planning

**REASON:** Major development requiring a Legal Agreement

**DEPARTURE:** Yes

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

**1.1 APPROVAL IN PRINCIPLE** for the following reason:

The proposed development would result in the delivery of residential accommodation which would have a neutral impact upon visual and neighbour amenity and highway safety. The proposal therefore complies with the requirements of the National Planning Policy Framework and Central Area Action Plan Policies 1, 24 and 36

- 1.2 The prior completion of a Section 106 Legal Agreement to secure:
- i) 35% affordable housing on site;
  - ii) A payment for the provision of education facilities;
  - iii) A payment to fund the provision, improvements to connections and/or enhancements to areas of public open space within Miller's Meadow; and
  - iv) The Council's monitoring fee.
- 1.3 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Director of Regeneration, Enterprise and Planning be given delegated authority to either refuse or finally dispose of the application (at his discretion) on account of the necessary mitigation measures not having been secured in order to make the proposal acceptable in line with the requirements of Northampton Local Plan Policy E19 and the National Planning Policy Framework.

## **2. THE PROPOSAL**

- 2.1 The applicant seeks planning permission to erect 38 dwellings comprising 25 houses of two and three bedrooms and 13 one bedroom flats. Of these buildings, 12 of the houses would be of three storeys, with the remainder of two storeys in height. The flats would be of a combination of two and three storeys in height.
- 2.2 The bulk of the development would be arranged so that dwellings face onto one of the three surrounding highways (Compton Street, Grafton Street and Lower Harding Street). The exceptions to this would be nine dwellings located to the south of the development, which would be situated perpendicular to Compton Street, adjacent to two of the development's vehicular access points.
- 2.3 The development includes 38 car parking spaces that would be provided within a combination of in curtilage spaces and a secure and gated parking court.

## **3. SITE DESCRIPTION**

- 3.1 The application site was most recently in use as a vehicle dealership; however, this use ceased some time ago and all buildings have been demolished. Notwithstanding this, the site is allocated within the Northampton Central Area Action Plan as being a site that should be developed for employment purposes.

- 3.2 The buildings that immediately surround the site are primarily in use for commercial purposes. There are some residential flats to the east (on the opposite side of Lower Harding Street). The areas to the north are typically characterised by the presence of residential accommodation.
- 3.3 The site is located adjacent to Grafton Street, which forms part of the inner ring road and therefore experiences a significant amount of use. The site is also in close proximity to the crossroads between Grafton Street and St Andrews Road (which is also widely used). As a consequence of this, the site is very prominent within the townscape. The application site is also surrounded by Lower Harding Street (to the east) and Compton Street (to the south). These streets predominantly serve existing business properties and the aforementioned flats.
- 3.4 The topography of the site is varied as the land levels slope upwards from the western boundary to the eastern boundary. The site does not feature any existing landscaping.

#### **4. PLANNING HISTORY**

- 4.1 N/2014/0600 – Erection of 36 dwellings comprising 12 three bedroom houses; 12 two bedroom houses; and 12 two bedroom flats with vehicular access from Compton Street – Refused
- 4.2 The above application was refused planning permission at the Council's Planning Committee in June 2014. The reasons for refusal were that the development proposed was of a poor quality design, that the development's internal layout would have an adverse impact on safety and that the site would result in the loss of an allocated employment site.

#### **5. PLANNING POLICY**

##### **5.1 Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises Northampton Central Area Action Plan 2013, and whilst not yet adopted, weight can be attributed to the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

##### **National Policies - National Planning Policy Framework (NPPF)**

- 5.2 Paragraph 49 of the National Planning Policy Framework (hereafter referred to as the NPPF) requires that proposals for housing should be encouraged within the context of promoting sustainable development.

The same paragraph also states that in instances where a five year housing land supply cannot be demonstrated (which is the case in Northampton), any relevant Development Management policies cannot be considered to be up to date. Paragraph 14 requires that in instances where the development plan is silent or out of date, the overarching aim of providing sustainable development should be used to determine planning applications.

- 5.3 In terms of providing additional housing, it is incumbent that planning decisions provide a variety of housing types in order to meet the wide range of differing needs for housing (paragraph 50). In design terms it is required that the planning decision proactively support sustainable development, mitigating impacts on amenity and facilitating mixed use developments (paragraph 17). Paragraph 35 states that, where practicable, developments should be designed with a safe and secure layout that reduced the potential for conflicts between pedestrians and traffic. Paragraph 50 requires that new developments provide a wide choice in new homes. The NPPF also requires that new developments be of a good quality design (paragraph 56).

#### **Central Area Action Plan 2013 (CAAP)**

- 5.4 Policy 16 of the CAAP requires that in the period leading up to 2026, the Central Area will be developed to provide up to 3,400 additional new homes and that residential developments will comprise a mixture of dwelling types, sizes and tenures. More specific to this application is Policy 24, which states that Spring Boroughs will be regenerated in a manner that would ensure a balanced community through, in part, the appropriate provision of house types and tenures; the provision of a wider range of uses within the area that will, in particular, provide increased employment opportunities.
- 5.5 In addition to these points, Policy 1 of the CAAP requires that new developments must positively contribute to the character of an area and should create attractive and uncluttered streets that are lined by attractive buildings. Furthermore, new developments should promote high quality, inclusive design. Policy 36 requires that new developments make the required provision of infrastructure (e.g. affordable housing).
- 5.6 Policy 15 of the CAAP seeks to secure the retention of employment sites within the Central Area unless it can be demonstrated that the proposal would assist in the delivery of the strategic objectives of the CAAP (such as the repopulation of the Central Area).

## **Supplementary Planning Documents**

- 5.7 Affordable Housing  
Developer Contributions  
Parking  
Planning out Crime

## **Other Material Considerations - Submitted West Northamptonshire Joint Core Strategy**

- 5.8 Weight can be given to the West Northamptonshire Joint Core Strategy (JCS), this would be significant where a policy has received few representations and unresolved objections are not considered likely to have a significant bearing on the strategy of the Plan. The JCS provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF.
- 5.9 The Inspector's report on the examination into the JCS was published on the 7<sup>th</sup> October 2014. The Inspector concluded that the main modifications made to the report (which were subject to public consultation and submitted in January 2014) satisfy the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meet the criteria for soundness in the NPPF.
- 5.10 Policy S1 of the JCS states that new developments would be concentrated primarily in and adjoining the existing principal urban area of Northampton. Of particular relevance to this application, Policy S4 requires the provision of about 28,470 new dwellings within the Northampton Related Development Area (NRDA) between 2011 and 2029. This figure has been calculated as a result of the West Northamptonshire Objectively Housing Needs Assessment. Policy S10 requires that new developments be located in a position where services and facilities can be accessed by walking, cycling or public transport.
- 5.11 Policy H1 requires that a mixture of house types are provided, which should be of varying sizes, types and tenures. Policy H2 also requires that at least 35% of developments of 15 or more dwellings should be made available for occupation as affordable housing.
- 5.12 Policy N11 requires that new developments within Spring Boroughs contribute towards the regeneration of the area through improved integration and connectivity, improving the public realm, improved design quality, reducing opportunities for crime and anti-social behaviour, addressing existing deficiencies and creating opportunities for business and employment opportunities.

- 5.13 In addition to these matters, Policy INF1 requires that developments provide sufficient infrastructure to mitigate the impacts of development, which is in addition to Policy INF2 that requires a reliable mechanism for the provision of such infrastructure to be provided.

## 6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **Archaeological Advisor (NCC)** – The application site is within the confines of the former St Andrews Priory. Whilst the site has been redeveloped in the past, there is the potential for archaeological deposits to survive underneath, which should be investigated.
- 6.2 **Development Management (NCC)** – Request Section 106 Agreement obligations towards the provision of primary and secondary education facilities and the library and fire services.
- 6.3 **Environmental Health (NBC)** – No objections to the principle of the development; however, it is recommended that a condition is used to secure the implementation of the noise mitigation scheme.
- 6.4 **Highway Authority (NCC)** – Request some amendments to the layout in order to improve visibility. It is requested that details of the reinstatement of dropped kerbs to pavements and further details of vehicular crossings are provided. It is also requested that a Section 106 Agreement is entered into to secure visibility to the east of Compton Street. *(Officers note: revised details will be submitted to address some of these matters where required and a further update will be provided to members via the addendum).*
- 6.5 **National Grid** – Provides guidance for the developer in terms of constructing the proposed dwellings.
- 6.6 **Northamptonshire Police Crime Prevention Design Advisor** – No objections in principle, but recommend that details of boundaries treatments (including the flats) and for details of access gates to be the subject of conditions.
- 6.7 At the time of preparing this report, the consultation period had yet to conclude, therefore any further consultation responses will be reported to the Committee by means of an addendum, which will be circulated prior to the meeting commencing.

## 7. APPRAISAL

### Principle of the development

- 7.1 As discussed previously, the site is allocated for commercial purposes within the Central Area Action Plan. This policy position does attract weight due to the fact that it forms part of a recently adopted planning policy document that has been subject to an Examination in Public. However, weight should also be given to the period of time that the site has been unoccupied. Demolition work at the site took place in 2011 with marketing of the site for redevelopment having taken place since 2007.
- 7.2 The current application includes details regarding the pursued marketing strategy of the site. The approach taken has included conventional on site and press advertising in addition to direct approaches to a significant number of developers. These approaches include developers that regularly undertake schemes that would be policy compliant within this instance, in addition to developers of other schemes such as retailers and house builders. Following this process, the landowner received only four approaches to purchase the site – all of which were house builders.
- 7.3 Whilst it is accepted that the site is allocated for commercial purposes, the fact that reasonable efforts have been made to market the site for a policy compliant land use and as a consequence, suitable alternative uses should be considered.
- 7.4 The need to provide sufficient employment sites needs to be balanced against the need to provide sufficient housing within the Borough and the fact that there is not a current a five year supply of land. In instances such as this, the NPPF states that relevant planning policies cannot be considered to be up to date and any subsequent applications should be assessed on the basis of whether they represent sustainable development.
- 7.5 The site represents previously developed land, which is of a type that should, where practical, be redeveloped in advance of other sites coming forward. Furthermore, the proximity of the site to the town centre means that the site is sustainably located in close proximity to existing commercial and leisure facilities and public transport links.
- 7.6 In addition, Policy 24 of the CAAP represents a very recent assessment of future development within Spring Boroughs. In particular, the policy requires the creation of a more balanced community within the vicinity of the site.

The characteristics of the existing surrounding residential buildings can be defined as generally being small houses and flats. The proposal responds to this issue by including a significant proportion of three bedroom houses with gardens. This therefore means that the proposed development would assist in the creation of a more sustainable community through the provision of a more balanced housing mix. In addition, the proposed development would feature a variety of tenure types.

- 7.7 A further consideration is that it should be recognised that the development would deliver some units of accommodation that would assist in the providing the required five year land supply. This is combined with there being a Strategic Objective within the Central Area Action Plan which calls for the repopulation of the centre of Northampton. The proposed development would therefore contribute to meeting this aim.
- 7.8 The applicant has submitted assessments which demonstrate that the development would secure a suitable level of mitigation from noise and air quality. Furthermore, investigations into on site contamination can be carried out prior to any construction works taking place and appropriate mitigation works carried out if necessary.
- 7.9 For the foregoing it is considered that the development is sustainable due to its location; the fact that it would represent the provision of needed housing in Northampton; would address shortfalls of specific housing types in the area; and would result in the satisfactory redevelopment of a previously development site. As consequence, it is considered that the development is in compliance with the aims and objectives of the National Planning Policy Framework.

#### Design and layout

- 7.10 Following the refusal of planning permission, the design of the development has been revised significantly. Whilst the predominantly linear form of dwellings has been retained, the design of the properties facing Grafton Street has been amended so that the bulk of these houses are of three stories in height. These are combined with the three storey block of flats that is situated on the junction of Grafton Street and Lower Harding Street, which ensures that the a prominent and distinctive development is created, which improves the quality of the streetscene on this heavily trafficked route.
- 7.11 The buildings that face onto Grafton Street are generally of a modern design, which is considered appropriate due to the wide variety of architectural styles within the vicinity. Of particular note is that the design of these houses would feature a variety of materials that would add variety to the streetscene. This is considered to be of particular importance due to the length of this particular frontage. This frontage also serves to create a landmark feature at this particular juncture.



- 7.12 It is accepted that these buildings are of three storeys; however, due to the separation distances between these and the existing buildings, the separation distances to less tall buildings within the surrounding area and the height of the existing flats to the east of the site, it is considered that this arrangement is acceptable. By reason of their positioning and scale, it is likely that the two storey dwellings would have no significant adverse impact upon the occupiers of neighbouring properties in terms of light, outlook and privacy.
- 7.13 It is noted that there would be 4 two storey dwellings located to the west of the site; which does limit the overall success of this frontage; however, it is recognised that there is a need to provide a variety of house types within this development in order to create a deliverable scheme. Furthermore, the effect of this reduction in height has been mitigated to some degree by the varying roof heights that have been utilised on this section of the development, which serves as a mechanism for reducing the impact of this variation in height.
- 7.14 The internal layout has been significantly revised from the previously considered scheme in that a variety of entrance points to the development have been created. The vast majority of car parking spaces would be overlooked by routinely occupied rooms, which would ensure that these spaces are reasonably secure and attractive to use. The parking court located to the east of the site would benefit from a reasonable level of natural surveillance in addition to secure gates being sited at the entrance to this parking area. A condition is recommended that would require these gates to be provided prior to the first occupation of the flats and retained thereafter.
- 7.15 The houses all feature gardens of sufficient size to meet the likely requirements of the occupiers of these dwellings. Whilst it is accepted that the flats do not feature any private amenity space (although they would be surrounded by soft landscaping), the site is in close proximity (i.e. approximately 60 metres) from the open space at Miller's Meadow, which would be likely to meet some of the demand for recreation space arising from this development coming forward.
- 7.16 The applicant has submitted assessments into the prevailing levels of noise and air quality, which conclude that utilising the proposed layout a satisfactory level of amenity can be secured for the future occupiers of the development.

#### Highway impacts

- 7.17 The development includes the provision of 38 car parking spaces, which is considered to be acceptable given the proximity of the site to the town centre and the public transport links that are available within the vicinity of the site.

This arrangement would reduce the need for future residents to park on the highway, which could potentially lead to an adverse impact upon the free flow of traffic. In order to ensure this, a condition is recommended that would require the parking provision to be provided in advance of the dwellings being occupied.

- 7.18 The access points all include suitable visibility splays for both oncoming traffic and pedestrians, which is sufficient to ensure that the egress of vehicles from the site would not cause any significant adverse impact upon highway safety.
- 7.19 On account of the scale of the development, combined with the site's history of being used for potentially intensive commercial uses, it is likely that the proposal would not cause any significant detrimental impact upon the capacity of the surrounding road system.
- 7.20 In order to address the comments from the Highway Authority, conditions are recommended to secure details of the reinstatement of dropped kerbs and the installation of new vehicular crossovers. Whilst it is noted that a Section 106 obligation has been requested to secure visibility to the east of Compton Street, it is considered that this is not required as the area of the east does not form part of the public highway and there is no right for vehicles to enter the western section of Compton Street. As there is sufficient pedestrian visibility, it is considered that the development is acceptable in this regard.

#### Legal Agreement

- 7.21 By reason of the scale and type of development, a Section 106 Legal Agreement is required. The Community Infrastructure Levy Regulations specify three key legal tests in ascertaining whether a particular obligation can be requested. These specify that obligations should be:
- i) Necessary to make the development acceptable in planning terms;
  - ii) Directly related to the development; and
  - iii) Fairly and reasonably related in scale and kind to the development.
- 7.22 As discussed previously, 35% of the development would be utilised for the provision of affordable housing. 70% of these dwellings would be utilised for social or affordable rent and 30% intermediate ownership. This would ensure that the development provides a mixture of housing to provide a varied community in line with the requirements of national and local planning policies.
- 7.23 In order to provide sufficient infrastructure for the residents of the residential development, the Section 106 Agreement would also secure payments towards the provision of primary and secondary school education within the vicinity and improvements to public open space.

These matters address ongoing shortages of provision within the vicinity of the application site that would be further exacerbated if this development to proceed without the legal obligations.

- 7.24 The County Council has also requested a payment for the provision of the fire services and libraries. There is no adopted development plan policy support for these requests and it is not clear what facilities would be secured and what needs would be addressed by these obligations. Therefore, it is not considered that this request can be supported. The County Council have also requested that a fire hydrant is provided. This is a matter that would be addressed under the relevant building regulations and therefore does not need to be replicated within the planning application process.

## **8. CONCLUSION**

- 8.1 Whilst it is accepted that the development represents a departure from the recently adopted Central Area Action Plan, it is considered that reasonable endeavours have been made to find a commercial occupier for the site. As a consequence of this, it is considered that it is appropriate to consider alternative uses for the site. In particular as a residential scheme of an acceptable design has been proposed, the development is acceptable as it represents a sustainable scheme that would contribute to addressing the established need for housing in the Borough.

## **9. CONDITIONS**

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

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

- (2) The development hereby permitted shall be carried out in accordance with the attached schedule of approved plans.

Reason: For the avoidance of doubt and to accord with the planning application.

- (3) Details and/or samples of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan.

(4) Full details of the method of the treatment of the external boundaries of the site together with individual plot boundaries shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the buildings hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

(5) Notwithstanding the details submitted, full details of all access gates (including to vehicular accesses) as shown in drawing 7743/011D shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of creating a safe and secure development in accordance with the requirements of Policy 1 of the Central Area Action Plan.

(6) Details of the provision for the storage of refuse and materials for recycling to serve the flats shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, implemented prior to the first occupation of the flats hereby permitted.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

(7) Notwithstanding the details submitted, full details of the proposed surface treatments to all access roads, driveways, parking areas and pathways shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of visual amenity in accordance with the requirements of Policy 1 of the Central Area Action Plan.

(8) The car parking spaces as shown on drawing 7743/011D shall be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of highway safety in accordance with the requirements of the National Planning Policy Framework.

(9) Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity in accordance with the National Planning Policy Framework.

(10) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of soft landscaping to surround the flats and associated car parking area (spaces 26 – 38) as shown on drawing 7743/011D.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy 1 of the Central Area Action Plan.

(11) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy 1 of the Central Area Action Plan.

(12) The development hereby permitted shall be carried out in accordance with the conclusions in Section 8 of the Acute Acoustics Report Ref 1670 – Northampton- Grafton Street (Rev A) and dated 24th October 2014, which shall be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework.

(13) No development shall take place until the applicant, their agents or their successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with the National Planning Policy Framework.

(14) Notwithstanding the details submitted, full details of the reinstatement of dropped kerbs shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the in the interests of highway safety in accordance with the requirements of the National Planning Policy Framework.

(15) Notwithstanding the details submitted, full details of all new vehicular crossovers shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the in the interests of highway safety in accordance with the requirements of the National Planning Policy Framework.

(16) The development hereby permitted shall be carried out in accordance with the recommendations of the Phase 1 Site Appraisal (reference: P6583 and dated May 2014). Full details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of ensuring the appropriate remediation of contaminants in accordance with the requirements of the National Planning Policy Framework.

(17) Prior to the commencement of the development of the retail unit, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with approved CEMP, which shall include:

- The control of noise and dust during the development process;
- Traffic management and signage during construction;
- Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;
- Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
- The safe means of access of construction traffic to the site;
- Hours of operation of building works.

Reason: In the interests of securing a satisfactory impact upon the highways system and neighbour amenity in accordance with the requirements of the National Planning Policy Framework.

## **10. BACKGROUND PAPERS**

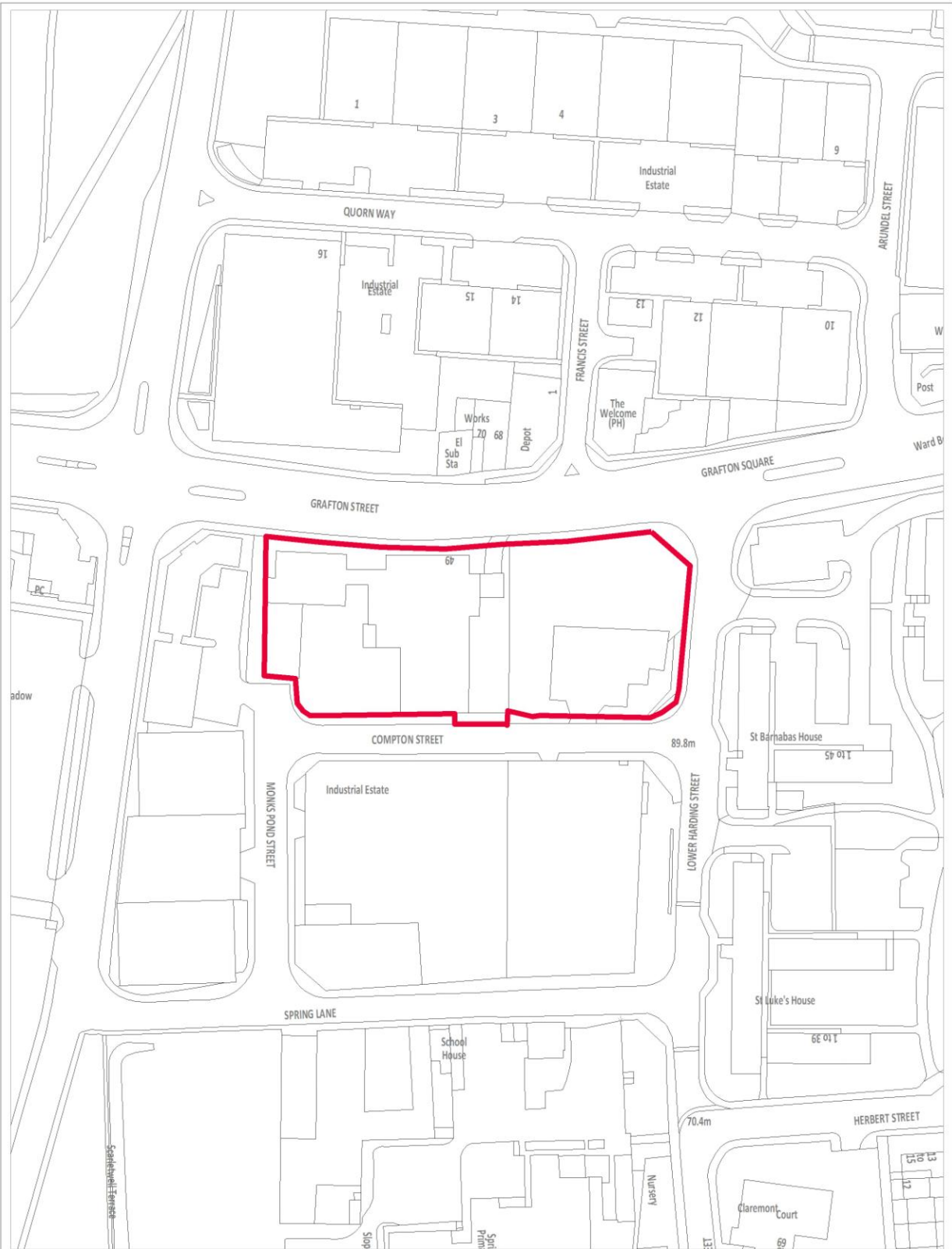
10.1 N/2014/0600 and N/2014/1122

## **11. LEGAL IMPLICATIONS**

11.1 None

## **12. SUMMARY AND LINKS TO CORPORATE PLAN**

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Name: Location Plan  
 Date: 10th November 2014  
 Scale: 1:1250  
 Dept: Planning  
 Project: Planning Committee

Title  
**Land at frmr Honda btwn Grafton and Compton Streets**

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