Originator: Louise Bearcroft

Tel: 01484 221000

Report of the Head of Development Management

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 15-Dec-2016

Subject: Planning Application 2016/90756 Erection of 2 detached dwellings Land to rear of 59, Far Bank, Shelley, Huddersfield, HD8 8HS

APPLICANT
G Stead & R Coates

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
17-May-2016	12-Jul-2016	

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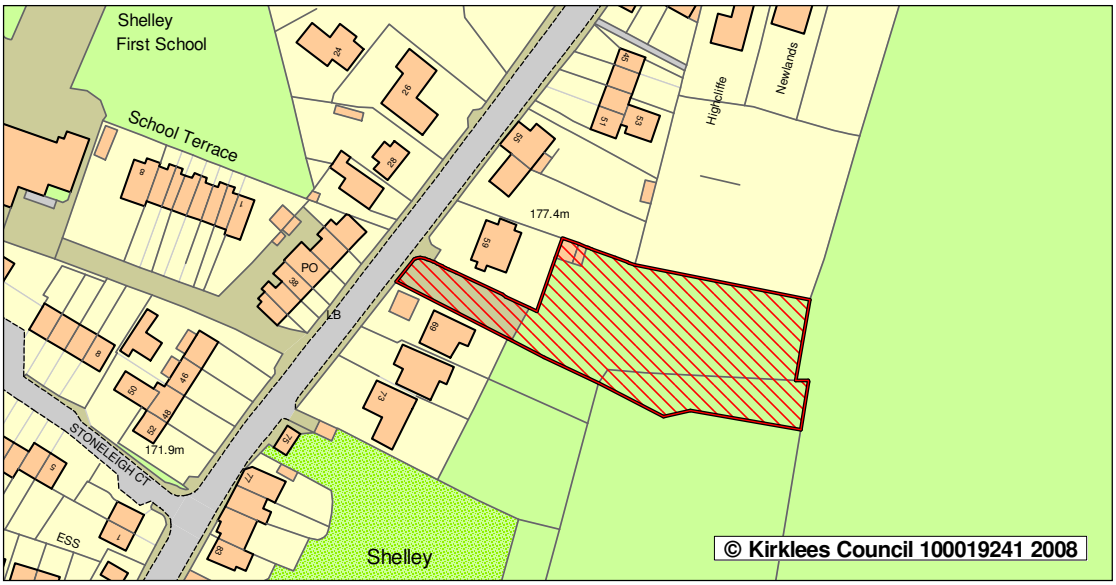
http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected:

Kirkburton

NO	Ward Members consulted

RECOMMENDATION: Grant conditional full planning permission subject to the delegation of authority to the Head of Development Management in order to complete the list of conditions contained within this report (and any added by the Committee).

1.0 INTRODUCTION:

1.1 The application is brought before the Heavy Woollen Planning Committee as it represents a departure from the Development Plan. This is in accordance with the Council's Scheme of Delegation.

1.2 The application seeks planning permission for the erection of two dwellings on land allocated on the Unitary Development Plan as Provisional Open Land (POL). Following the withdrawal of the Core Strategy the Council can no longer demonstrate a required deliverable housing land supply sufficient for 5 years, and in accordance with the National Planning Policy Framework (NPPF) relevant policies for the supply of housing are out of date. In such circumstances no significant weight can be given to its content. In accordance with NPPF there is a presumption in favour of sustainable development and planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or that specific NPPF policies indicate development should be restricted.

1.3 The proposal represents sustainable development. The application site can be accessed safely in highway terms and its development would not prejudice any potential future development of the wider POL allocation. There would be no harmful effect on highway safety or residential amenity.

2.0 SITE AND SURROUNDINGS:

2.1 The application site is an open area of land to the rear of No.59 Far Bank at Shelley. The site is bounded by the garden area of No.53 Far Bank to the north, by undeveloped Green Belt land to the east, by undeveloped Provisional Open Land to the south, and by the rear garden areas of No.59 Far Bank to the west.

2.2 The site has an existing field access located between No. 59 and No.69 Far Bank. The site slopes downwards from west to east, and along the northern boundary are a number of mature trees. The site is allocated as Provisional Open Land on the Unitary Development Plan Proposals Map.

3.0 PROPOSAL:

3.1 Planning permission is sought for the erection of two detached dwellings. It is intended the dwellings would be constructed to 'passive house' standards which is a standard for energy efficiency which results in ultra-low energy buildings that require little energy for space heating or cooling.

3.2 The scale and design of the dwellings incorporates both two storey and single storey elements. Plot 1 is proposed to have a long sloping roof, extending from a single storey integral garage up to a two storey height, with additional accommodation within the roof space. Habitable rooms are principally located on the southern elevation, with one bedroom window in the proposed eastern elevation. Plot 2 would have a stepped arrangement incorporating single and two storey heights, and a garage which would be adjoined to the house by the roof. Habitable rooms are proposed in the south and eastern elevations.

3.3 The proposed construction materials have been chosen to assist in achieving the 'passive house' standard and include:

- Facing Materials – Recycled random coursed stone, timber cladding in a light / mud grey stain
- Windows - Weru System Afino Top, consisting of PVC profiles reinforced with steel with triple glazing
- Roof - Aluminium standing seam roof panel with zinc coating (grey)

3.4 Each dwelling would have off-street parking and private amenity spaces. The proposed landscaping scheme incorporates a planting buffer between the two plots and the provision of a wild flower meadow to the front of Plot 2.

3.5 It is proposed that the dwellings would be accessed via a 5 metre wide tarmac roadway with a 1 metre wide pavement on the northern side and 3m soft verge incorporating soakaway drainage to the south side culminating in a turning head. The proposed private driveways would be constructed of block paving on crushed stone and sand base with drainage to soakaway within the curtilage.

4.0 RELEVANT PLANNING HISTORY:

4.1 None applicable to the site

4.2 Land to the north of the site:

2014/90093 – Part Demolition of No.53 Far Bank and outline application for erection of 5 dwellings – Conditional Outline Permission

2014/93349 – Reserved matters application for erection of one dwelling pursuant to outline permission 2014/91428 – Approval of Reserved Matters

2014/91428 – Part demolition of No.53 Far Bank and outline application for erection of detached dwelling – Conditional Outline Permission

5.0 HISTORY OF NEGOTIATIONS:

5.1 Officers have negotiated with the applicant to secure:

- A greater proportion of stonework on the southern elevations of both dwellings
- A darker wood cladding panel and a better quality roofing material
- A scheme to demonstrate how the development would be adequately drained
- Details of ecological landscaping

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (adopted 1999) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2 D5 – Provisional open land
BE1 – Design principles
BE2 – Quality of design

BE12 – Space about buildings
T10 – Highway Safety
D2 – Unallocated Land
EP11 – Ecological landscaping
NE9 – Retention of mature trees

Supplementary Planning Guidance / Documents:

6.3 None

National Planning Guidance:

6.4 National Planning Policy Framework.

Chapter 6 - Delivering a wide choice of high quality homes
Chapter 7 - Requiring good design
Chapter 10 - Meeting the challenge of climate change, flooding and coastal change
Chapter 11 - Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Six objections have been received.

The planning concerns raised are summarised as follows:

Principle of Development

- The land is designated as safeguarded land in the local plan accepted options. The land was rejected for housing development. Safeguarded land should only be considered as part of a wider proposal and only if the designation is on the local plan. Planning permission for permanent development of safeguarded land should only be granted following a Local Plan review.
- This is a Greenfield site designed on the village plan as 'open space'. Brownfield sites should be used such as Bank Bottom, Shelley.
- Kirklees should be bringing empty houses back into use.
- The land is Provisional Open Land and Safeguarded Land in the draft Local Plan. Housing development is not permitted.
- The proposal represents an undesirable piecemeal form of tandem/backland development harmful to amenity of neighbours by noise and disturbance from the access. Site 'open land' on old Local Plan and 'safeguarded land' and housing rejected on Draft Local Plan. Large brownfield site half a mile away.
- There is a proposed Bill to allow the Government to require local authorities to make a payment for empty houses. There are several in the villages close by.

Highway Safety

- It is a dangerous road with a school entrance below the site's entry and cars from houses opposite are parked on the road opposite too.
- The access appears inadequate especially in light of the steepness of Far Bank and the brow of the road as it drops towards Penistone Road. 4. Plot 1 is close to the boundary of No.57 Far Bank.
- Lack of adequate visibility from the proposed access on to a very dangerous road opposite a school.
- Traffic on Far Bank is heavy, especially at school times, it cannot sustain increased volumes. The access road is directly opposite properties without off street parking and park above the yellow zig zags. A bottle neck will be exasperated with traffic from another junction and a hazard for children. The access cannot accommodate two way traffic and utilities vehicles would not be able to access the site.
- The entrance is on a dangerous road opposite a school, with resident's cars and cars for the Chapel parked on-street.
- There is a restricted view off the site's entrance.

Drainage Matters

- Concern where the run off from the proposed soakaway in the highway verge will go on this sloping site. Houses nearby have cellars and basements which flood, and below the slope is a graveyard.
- The proposed soakaway drainage is to rear of no.69 Far Bank. Drainage of the access road is not sufficient and there would be a threat of flooding to no.69 Far Bank due to the slope and height difference.
- The soakaway of the access road is too near to the wall of neighbouring property. There will be insufficient drainage to protect neighbouring properties from flooding due to the slope and difference in levels with neighbouring properties occupying a lower land level.

Residential Amenity

- Given that the property will lie to the South it will create considerable overshadowing and be overbearing.
- The road would interfere with the privacy of nos. 59 and 69 Far Bank.
- The proposal would be harmful to the amenity of nos. 69 and 59 by virtue of noise and disturbance from the access.

Other Matters

- The houses do not fit in with traditional building materials in this 'old' area of Shelley village.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

K.C Highways Development Management – No objections subject to conditions.

8.2 **Non-statutory:**

K.C. Flood Management – No objections

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

10.1 This application is for the erection of two dwellings on part of a wider area of land designated in the Unitary Development Plan (UDP) as Provisional Open Land (POL). Policy D5 states that on such sites *"planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term".* The weight that can be given to Policy D5 in determining applications for housing must be assessed in the context of National Planning Policy Framework (NPPF) paragraphs 215 and 49.

10.2 In the context of paragraph 215, the wording of policy D5 is consistent with NPPF paragraph 85 concerning safeguarded land. However, with regard to paragraph 49 the council is currently unable to demonstrate a five year supply of deliverable housing sites.

10.3 The weight that can be given to policy D5 in these circumstances was assessed in October 2013 by a planning inspector in his consideration of an appeal against refusal of permission for housing on a POL site at Ashbourne Drive, Cleckheaton (ref: APP/Z4718/A/13/2201353). The inspector concluded (paragraph 42):

10.4 "*The lack of a five-year supply, on its own, weighs in favour of the development. In combination with other paragraphs in the Framework concerning housing delivery the weight is increased. The lack of a five-year supply also means that policies in the UDP concerning housing land are out of date. Policy D5 clearly relates to housing and so it, too, is out of date and its weight is reduced accordingly. This significantly reduces the weight that can*

be given to the policy requirement for there to be a review of the plan before the land can be released. In these circumstances, the Framework's presumption in favour of sustainable development is engaged."

10.5 The presumption referred to by the inspector is set out in NPPF paragraph 14 which states that where relevant policies are out-of-date, planning permission should be granted *"unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted"*. Footnote 9 lists examples of restrictive policies but this does not include policies concerning safeguarded land.

10.6 In terms of more detailed issues within the site, NPPF paragraph 58 sets out the requirement for developments to "*optimise the potential of the site to accommodate development*". As this proposal only covers part of the POL site, the proposal would need to demonstrate that it does not prevent the remainder of the POL site being developed. The POL allocation includes land to the north and the south of the site. Other possible access points into the remainder of this allocated land include two others off Far Bank, and one off Glen View Road to the south.

10.7 The first possible access is located between 83 and 89 Far Bank. This measures 6.6m in width at the access with a 1.1m wide footway to the site frontage. Again third party land would be required to provide suitable radii and footways at the site entrance and 2.4 x 43m sight lines in both directions. Sight lines are currently obstructed by existing buildings 89 Far Bank and an outbuilding to 83.

10.8 The second possible access is located between 97 Far Bank and the Methodist Hall. This is 3.7m in width and unsuitable to provide access to the POL site.

10.9 The third possible access is off Glen View Road; an un-adopted road off Penistone Road which is narrow, in poor condition with poor site lines on to Penistone Road. This is considered unsuitable for any significant intensification in use and therefore unsuitable to provide access to the POL site.

10.10. In terms of the proposed access into the application site itself, this is designed to be a private drive to serve a development of 2 dwellings. This is not designed to adoptable standards and further improvements to the layout including suitable radii and footways at the site entrance would be required to serve a greater development, which may require additional third party land and demolition works.

10.11 In summary, therefore all of the possible access points, including that proposed to serve the application site, will require third party land and in some case demolition works to provide an acceptable access to serve the remainder of the POL site. It is considered therefore that the development of

this small section of the POL with a proposed private drive would not prejudice the longer term development of the wider site.

10.12 The National Planning Policy Framework (NPPF) states that the purpose of the planning system "is to contribute to the achievement of sustainable development." (para 6). NPPF notes that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in peoples' quality of life (para 9). NPPF identifies the dimensions of sustainable development as economic, social and environmental roles (para 7). It states that these roles are mutually dependent and should not be undertaken in isolation. "Economic, social and environmental gains should be sought jointly and simultaneously through the planning system." (para 8). NPPF stresses the presumption in favour of sustainable development. The proposal has been assessed against each role.

10.13 A proposal for two dwellings provides economic gains by providing business opportunities for contractors and local suppliers. In accordance with the NPPF a new house would support growth and satisfy housing needs thereby contributing to the building of a strong economy. Whilst there would be a social gain through the provision of new housing at a time of general shortage, the local village of Shelley is lacking in community facilities; and residents would generally have to travel outside of the area to access health, education, shops and employment opportunities. The area is however well connected to Huddersfield Town Centre and on a bus route and it could be argued that an increase in population could create demand to help generate a degree of voluntary social / community organisation. The development of a greenfield site would be visually detrimental, however, although national policy encourages the use of brownfield land for development it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply.

10.14 Assessing the policies in the national planning policy framework as a whole in accordance with the paragraph 14 test, the limited environmental harm arising from the development of this greenfield site is outweighed by the benefits to be gained from the provision of housing in an accessible location which will meet a current shortfall in the 5-year supply. In such circumstances it is considered that the proposal constitutes sustainable development.

Urban Design issues

10.15 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. Paragraph 60 of the National Planning Policy Framework (NPPF) stipulates that planning policies and decisions should not attempt to impose architectural styles or particular tastes and 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.

10.16 NPPF para 64 notes that planning permission should be refused for development of poor design which fails to take the opportunities available for improving the character and quality of an area and the way it functions.

10.17 Concerns have been raised in the representations received that the proposed houses would not fit in with traditional building materials in this 'old' area of Shelley village.

10.18 It is intended the dwellings would be constructed to ‘passive house’ standards for ultra-low energy buildings. The proposed materials have accordingly been chosen to assist in achieving this standard and it is intended the dwellings would have a contemporary appearance which incorporates the extensive use of timber cladding, a metal roof, and sections of random coursed stonework.

10.19 The site is not within a Conservation Area, nor are there any listed buildings within the vicinity of the site. Furthermore, the site itself is sited below the level of the adjacent highway and the proposal would not be viewed in the context of the street scene of properties directly fronting onto Far Bank.

10.20 Within the surrounding area there is a mix of property types, with the majority having a traditional appearance and being of natural stone construction. There are no objections to a contemporary design approach; however the use of cladding and metal roofing materials are required to be of a high quality which ensures that the contemporary dwellings blend sufficiently into the wider area. Officers have negotiated with the applicant to secure a greater proportion of stone work, particular on the principal elevations which would be seen from the access, a darker wood cladding and a higher quality roof cladding. The proposed materials are natural stone, treated Accoya wood cladding in a mud grey stain, and dark grey aluminium standing seam roof panel with a zinc coating. The proposed materials are considered to be of a quality which would blend into the surroundings, and there are no objections raised to the contemporary design of the dwellings which are designed to ‘passive house’ standards.

Residential Amenity

10.21 UDP Policy D2 requires residential amenity matters to be considered and policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows. The nearest neighbouring properties to the site which would be affected by the development include No.59 Far Bank located to the north-west of the site and No.69 Far Bank located to the south-west.

10.22 Concerns have been raised in the representations received that the dwellings would have a considerable overshadowing and overbearing impact on neighbouring properties and that the use of the access road would be harmful to the amenity of No.69 and No.59 by virtue of noise and disturbance.

10.23 In respect of the impact on No.59 Far Bank, this is a two storey detached property which has windows which look directly onto the application site. In

respect of privacy, and the relationship to plot 1, there would be a distance of 12 metres between the habitable room windows on the rear of No.59 and the blank sloping roof of Plot 1, and a distance of 20 metres to the proposed secondary windows on this staggered elevation. These distances accord with policy BE12 of the UDP. In respect of whether there would be an overbearing impact, the application site slopes away to the east and Plot 1 would occupy a lower ground level relative to the neighbouring property. This is demonstrated on the proposed cross sectional drawing submitted with the application. The design of Plot 1 also incorporates a sloping roof form which successfully mitigates against any overbearing impact. It is considered there would not be a detrimental impact from loss of privacy or any overbearing impact on No.59 Far Bank.

10.24 In respect of the impact on No.69 Far Bank, this property is positioned to the south-west of the application site. The proposed windows of Plot 1 would face directly south and it is not considered there would be a loss of privacy to this property or its private amenity space. Due to the distance to this property it is not considered there would be a detrimental overbearing impact

10.25 The use of the access road would create some low level noise disturbance, however, the access would serve only two dwellings and the amount of vehicle trips would be limited. Furthermore, the proposed driveway would directly abut the driveway of No.59 Far Bank and the rear of the garage of No.69 Far Bank. It is not considered there would be a detrimental impact on the residential amenity of the adjoining properties.

10.26 It is considered there would not be a detrimental impact on residential amenity and the proposal would accord with policies BE1 and BE2 of the Unitary Development Plan.

Highway issues

10.27 Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. Concerns have been raised in the representations received about the suitability of the development taking into account current volumes of traffic along Far Bank, the proximity of the school entrance, and existing on –street parking by residents and users of and visitors to the chapel. There is also concern that there is a restricted view of the sites entrance and lack of adequate visibility, and that the access cannot accommodate two way traffic and utilities vehicles would not be able to access the site.

10.28 Highway Services consider that in terms of traffic generation the size of the proposed development would have little impact on highway capacity and the proposed access road has adequate visibility out onto Far Bank. The width of the access road can support two-way traffic and had segregated pedestrian provision. Parking provision for the dwellings is within the Councils required parking standards with both internal and external provision. The Highways Development Management Team raises no objection to the application although they note the existing footway crossing may be required to be

relocated. However, subject to appropriate conditions, the proposals would not have a detrimental impact on highway safety and would accord with policy T10 of the UDP.

Drainage issues

10.29 The proposal is to drain the surface water through soakaway. Concerns have been raised in the representations received about where the run off would go, as this is a sloping site and adjacent houses have cellars and basements which flood. Furthermore, below the site is a graveyard. There is also concern the proposed soakaway is too near to No.69 Far Bank and there would be a threat of flooding to this property due to the slope and height difference.

10.30 The proposed use of soakaways follows the hierarchy of sustainable drainage. The proposal is to incorporate a soakaway within each plot and for the driveway to be constructed of a topmix permeable construction. Flood Management have been consulted, and note that as the site is lower than the closest houses, it is unlikely that water would flow in their direction. They also have no records of cellar flooding in this location. Accordingly, they raise no objection to the proposal.

Representations

10.31 Six representations were received. In so far as they have not been addressed above:

10.32 The land is designated as safe guarded land in the local plan accepted options. The land was rejected for housing development. Safeguarded land should only be considered as part of a wider proposal and only if the designation is on the local plan. Planning permission for permanent development of safeguarded land should only be granted following a Local Plan review / The land is Provisional Open Land and Safeguarded Land in the draft Local Plan. Housing development is not permitted.
Response: The Local Plan is not at a stage where significant weight can be attached. The proposal is assessed in accordance with policy D5 and the NPPF. Policy D5 is considered to be out of date and the presumption in NPPF paragraph 14 states that where relevant policies are out-of-date, planning permission should be granted "unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted". In this case there are not considered to be any adverse impacts that would outweigh the granting of planning permission.

10.33 This is a greenfield site designed on the village plan as 'open space'. Brownfield sites should be used such as Bank Bottom, Shelley.
Response: Although national policy encourages the use of brownfield land for development it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply.

10.34 The proposal represents an undesirable piecemeal form of tandem/backland development harmful to amenity of neighbours by noise and disturbance from the access.
Response: The proposed layout and access is not considered to result in a detrimental impact on the residential amenity of neighbouring properties. The use of the access road would create some low level noise disturbance, however, the amount of vehicle trips would be limited with two dwellings, and furthermore, the proposed driveway would directly abut the driveway of No.59 Far Bank and the rear of the garage of No.69 Far Bank.

10.35 There is a proposed Bill to allow the Government to require local authorities to make a payment for empty houses. There are several in the villages close by / Kirklees should be bringing empty houses back into use.
Response: This is not material to the assessment of this application.

Other Matters

10.36 UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The applicant was asked to provide an ecological survey of the site.

10.37 The applicant has not provided an ecological survey but has included details of ecological landscaping in the supporting information and on the submitted block plan. This confirms the site is bounded by dry stone walls, with Hawthorne along the north boundary. Grasses / plants identified within the site are Yorkshire fog, Fescue, Couch, Annual meadow, Buttercup, Dadelion, Dock, Thistle and Plantain. To mitigate against the effects of developing the site, a landscape / planting scheme is proposed to provide an enhanced environment for wildlife and includes a wild flower meadow, and a 5 metre wide dense buffer between the plots. The proposed mitigation is considered to be acceptable and will be a condition of the permission.

11.0 CONCLUSION

11.1 Following the withdrawal of the Core Strategy the Council can no longer demonstrate a required deliverable housing land supply sufficient for 5 years and in accordance with the NPPF relevant policies for the supply of housing are out of date. In such circumstances no significant weight can be given to its content. In accordance with NPPF there is a presumption in favour of sustainable development and planning permission should be granted "*unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted"*.

11.2 The application site can be accessed safely in highway terms and its development would not prejudice any potential future development of the wider POL allocation. There would be no harmful effect on visual or residential amenity.

11.3 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)

It is proposed that the following planning conditions would be included should planning permission be granted:

1. Time limit for implementation
2. Development carried out in accordance with the plans and specifications
3. Dwellings to be constructed of the approved facing and roofing materials
4. Boundary Treatment
5. Appropriate surfacing of all areas indicated for vehicular access and turning area
6. No gates/barriers to be erected across the vehicular access from Far Bank
7. Re-locating of street lighting column
8. Schedule of Landscape maintenance

Background Papers:

Planning application:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f90756

Certificate of Ownership – Certificate A signed