

COMMITTEE REPORT

Date: 13 October 2021 **Ward:** Micklegate
Team: West Area **Parish:** Micklegate Planning Panel

Reference: 20/01411/FULM
Application at: York Brewery Warehouse 9 The Crescent York YO24 1AW
For: Erection of offices (Use Class B1a/E) following demolition of existing building
By: Crescent Developments (York) Ltd
Application Type: Major Full Application
Target Date: 20 October 2021
Recommendation: Approve

1.0 PROPOSAL

1.1 The proposal is for partial demolition of the existing buildings on site and redevelopment with 2960m² office space.

1.2 The new building will have 5 floors including basement and a small mezzanine area in the roof space. The facade of the existing brewery building will be retained with a new building constructed behind it. The building will be predominantly red brick with pitched roofs along the width of the building resulting in gables to the front and rear. To the rear an elevated roof feature echoes the form of the historic malthouse kiln chimney. The building steps down from its maximum height of 4 above ground storeys plus mezzanine adjacent to 8 The Crescent to 3 above ground storeys adjacent to 10 The Crescent.

1.3 The application site sits within the Central Historic Core Conservation Area within the Blossom Street and Nunnery Lane (existing buildings) and the Railway (yard area) Character Areas. The Odeon Cinema to the front of the site is Grade II listed. Other listed buildings, The Railway Station and City Walls, are some distance from the site.

1.4 The site currently contains the vacant two storey former brewery buildings with malthouse kiln to the rear. These run along the south of the site leaving the rest of

the site as a yard area and are identified as neutral in the Conservation Area Appraisal. To the south the property abuts 8 The Crescent, a music venue and the end of a terrace of 4 storey properties originally built as dwellings. To the rear the site backs on to the former railway yards, now a surface car park, with a difference in levels of approximately 2m. To the north the site adjoins 10 The Crescent, a detached residential property formerly part of a row of terraced houses. The house has a yard to the side and rear which is enclosed by single storey workshops.

2.0 POLICY CONTEXT

2.1 Local Plan (Submission Draft 2018)

DP2 Sustainable development

DP3 Sustainable communities

DP4 Approach to development management

SS1 Delivering sustainable growth for York

D1 Placemaking

D2 Landscape and setting

D3 Cultural provision

D4 Conservation areas

D5 Listed buildings

D6 Archaeology

D7 The significance of non-designated heritage assets

CC1 Renewable and low carbon energy generation and storage

CC2 Sustainable design and construction of new development

ENV2 Managing environmental quality

ENV3 Land contamination

ENV5 Sustainable drainage

T1 Sustainable access

2.2 Development Control Local Plan (incorporating 4th set of changes 2005)

SP3 Safeguarding the historic character and setting of York

GP1 Design

GP4a Sustainability

GP6 Contaminated land

GP9 Landscaping

HE2 Development in historic locations

HE3 Conservation areas

HE4 Listed buildings

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HE5 Demolition of listed buildings and buildings in conservation areas

HE10 Archaeology

T4 Cycle parking standards

E3b Existing and proposed employment sites

2.3 Evidence base

City of York Employment Land Review Update (2017)

3.0 CONSULTATIONS

INTERNAL

Design, Conservation And Sustainable Development (Archaeology)

3.1 The site is within the Central Area of Archaeological Importance and is known to contain Roman cemeteries as well as roadways and earlier field systems. Some archaeological evaluation has already taken place within the yard area. The proposals include a basement level development and will remove all of the archaeological deposits and features within its footprint. The previous evaluations have indicated that the archaeological deposits on site are not of high quality and not nationally significant. In this case the harm to these deposits/features can be justified through full archaeological excavation, publication and a scheme of public engagement.

3.2 The existing malthouse building is a non-designated heritage asset dating from the 1870s. Its historic form and arrangement remain extant, as well as a number of good quality fixtures which appear to date from an early 20th century refurbishment. It possess local architectural and historic significance. The building is proposed to be demolished. Should this be allowed the building will need to be recorded in accordance with an approved scheme.

3.3 Conditions regarding archaeological mitigation and building recording are recommended.

Economic Development

3.4 Comments made on the original scheme - The plans submitted will see a purpose built Grade A office space of around 3,380 sq. ft. to accommodate a potential 300 employees, and they are welcomed. Accessible, high quality office space in, or near, the centre of York is rare but desirable, and a development such

as this would encourage inward investment in the City, as well as providing opportunities for existing businesses to expand, new business start ups and jobs for local people.

3.5 An office with 300 staff would also provide a boost to the local economy and, in this instance, an increase in the use of sustainable transport as it is in close proximity to the Railway Station, and is on York's bus and park and ride networks. We also support the provision of ample capacity for cycle parking in keeping with the City's sustainable transport policies.

3.6 Anecdotal evidence from Make it York suggests that there is considerable movement taking place within the City's commercial office market with a number of businesses looking to downsize following the rise in remote working due to the pandemic. For this reason, coupled with the lack of high quality commercial office space available in the city centre, we believe that there is strong commercial demand for this development. We would also suggest that the developers consider the inclusion of co-working space and flexible accommodation for micro businesses and project teams to meet up and collaborate, especially in light of the current growth in remote working. One caveat is that The Crescent Community Venue next door should be preserved in line with national policy guidance to protect community spaces.

Flood Risk Management Team

3.7 Ground investigation and infiltration testing to discount the use of infiltration methods, and a CCTV drainage survey to prove existing connected impermeable area have not been carried out prior to determination. The granting of planning permission is not supported at this stage.

Design, Conservation and Sustainable Development (Conservation)

3.8 The current scheme is a substantial revision of the original submission which has been developed following discussions between officers and the applicant. Concern has been raised about the loss of the non-designated heritage asset which would result in less than substantial harm to the heritage values of this part of the conservation area.

3.9 The form and character of the existing building has informed the massing and articulation of the proposed replacement, evident in the alignment and relative scale of the principal block; the consequential east-west roof alignment producing a gabled frontage; the south-north diminishing scale of the building; and in the design of a pyramidal roof feature to the south-west corner of the site evoking the 'memory'

of the historic kiln roof. The stepped elevation, sloping roofs and diminishing scale have ameliorated the impact on other properties in the streetscene and the Everyman Cinema to the point where the character and setting of these assets would be respected.

3.10 The proposed building is distinctive and represents a contextual response which I consider would make a positive contribution to the character and appearance of the conservation area. However, the loss of the existing building itself constitutes a harm to the aesthetic, historical and communal significances of the conservation area. In balancing these factors I consider the scheme as a whole would have a neutral effect on the CA. The loss of the majority of the non-designated asset, albeit with some residual aesthetic, historical and communal significance preserved in the replacement building, should be weighed against the public benefits of the scheme.

3.11 Conditions are recommended.

Public Protection

3.12 A noise impact assessment has been submitted which considers the existing noise levels within the area, including noise from the Crescent WMC, and based on these existing noise levels considers the most appropriate glazing and ventilation specification in order to achieve recommended noise levels for offices. The recommended mitigation measures in terms of glazing and ventilation are appropriate and therefore provided these mitigation measures are installed we have no objections to this application.

3.13 Conditions requiring details of plant and machinery, submission of a CEMP and investigation and remediation of land contamination are suggested.

Highways Network Management

3.14 The principle of car free development in this location is agreed as this is in line with local and national policy. Local car parks have sufficient capacity for parking demand related to the development.

3.15 Cycle parking provision has been addressed to comply with policy and ensure provision is appropriate and usable. Lockers and showers are conveniently situated for cycle stores. Cycle parking for visitors is available at the front of the building.

3.16 A through route from the site to the NCP car park and station should be considered. This route should be step free to allow all users to take advantage. A travel plan has been submitted and conditions are required to ensure this is regularly updated once occupation starts.

3.17 Conditions and S106 contributions of £6,000 to implement changes to the TROs in the vicinity of the development to enable a disabled parking bay and £10,000 for City of York Council Travel Plan Support for a period of five years after first occupation are recommended.

EXTERNAL

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3.18 The revised facade is an improvement on the original submission however the existing building has quality and character and the proposal still represents an over-development of the site. The deep plan design is poor in environmental terms as it will require air conditioning and high levels of artificial lighting. An office building may be appropriate on this site but should be environmentally sustainable. The fourth floor at the rear will tower over neighbouring buildings.

4.0 REPRESENTATIONS

Neighbour Notification and Publicity

4.1 Five letters of representation have been received in relation to the original scheme. The issues raised are:

- The building should not be demolished as it has historic interest
- Excessive scale and mass of replacement building
- Detrimental impact on neighbouring house in terms of overbearing impact and loss of light
- The proposal is not in keeping with the rest of the terrace
- The full height development across the site is out of keeping with the character of the area
- Overshadowing impacts
- Impact on views from city walls
- Lack of parking
- Inadequate cycle parking
- Construction traffic and noise impact

- Overlooking to neighbouring properties
- Noise impact of air conditioning
- Inappropriate design details
- Potential for structural impacts on neighbouring properties
- No disabled parking
- Drainage system is already inadequate
- Detrimental impact on the conservation area
- Loss of ghost writing on WMC
- Impact on operation of neighbouring music venue

4.2 Six letters of representation have been received in relation to the revised scheme. The issues raised are:

- Overbearing and overlooking on neighbouring properties
- Overshadowing
- Proposal does not fit character and appearance of conservation area
- Potential for structural impacts on neighbouring properties
- Inadequate parking
- Inadequate sewerage infrastructure
- Excessive scale of building
- More of the historic building should be retained
- Some improvement in impact on neighbouring properties

Ward Councillor

4.3 Councillor Crawshaw has made general comments on the scheme. He notes that draft Local Plan policy D3 is relevant in respect to The Crescent Community Venue as is para.182 of the NPPF. Similar levels of noise insulation should be required as were conditioned at other applications on The Crescent although it is acknowledged that the use proposed is more compatible with the music venue than a residential scheme. The applicant should consider entering into a deed of easement with the adjoining music venue.

5.0 APPRAISAL

5.1 KEY CONSIDERATIONS INCLUDE

- Principle of the development;

- Impact on heritage assets (conservation area, listed buildings, archaeology), design and townscape;
- Amenity issues;
- Transport and access;
- Flood risk and drainage;
- Sustainable design and construction.

POLICY CONTEXT

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Framework

5.3 Central Government guidance is contained in the National Planning Policy Framework ("NPPF"). It is a material consideration in the determination of this application. Paragraph 11 establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking. In decision taking this means approving development proposals without delay that accord with an up-to-date development plan. In the absence of relevant development plan policies or where they are out-of-date, permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Emerging Local Plan

5.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted to the Secretary of State for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.5 Relevant draft policies are set out in section 2 of this report.

2005 Draft Development Control Local Plan

5.6 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF albeit with very limited weight.

PRINCIPLE OF THE DEVELOPMENT

5.7 The site is not allocated within the draft Local Plan. The buildings are currently unoccupied but it was most recently used as a temporary community and leisure use. Prior to that it was used as storage for York Brewery in a B2/ B8 use.

5.8 The character of the area is mixed with some residential properties, some leisure use and also offices. The railway yards and car parks to the rear relate to a different character in the land use which is becoming more concentrated in this area as the area around The Crescent becomes more residential in character.

5.9 The proposal replaces an existing employment use, albeit a fairly small scale one, with another employment use with potential to provide higher employment levels and one that is more compatible with neighbouring uses. The proposed office use is therefore considered acceptable subject to other material planning considerations. The issue of impact of the proposed development on the neighbouring music venue, and vice versa, is addressed later in the report.

IMPACT ON HERITAGE ASSETS (CONSERVATION AREA, LISTED BUILDINGS, ARCHAEOLOGY); DESIGN AND TOWNSCAPE

5.10 In accordance with Section 72 of the Planning (Listed Building and Conservation Area) Act 1990 (“the 1990 Act”), the Local Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in exercising its planning duties. Section 66 of the 1990 Act requires the Local Planning Authority to have special regard to preserving the setting of listed buildings or any features of special architectural or historic interest it possesses. Where there is found to be harm to the character or appearance of the Conservation area (or the setting of a listed building,) the statutory duty means that such harm should be afforded considerable importance and weight when carrying out the balancing exercise.

5.11 The legislative requirements of Sections 66 and 72 of the 1990 Act are in addition to government policy contained in Section 16 of the NPPF. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Paragraph 202 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of the asset, this harm should be weighed against public benefits of the proposal.

5.12 The NPPF continues by advising that Local Planning Authorities should look for opportunities within conservation areas and within the setting of heritage assets to sustain and enhance their significance. Development Control Local Plan (2005) Policy HE2 and 2018 Draft Plan Policy D4, reflect legislation and national planning guidance. In particular, Draft Policy D4 advises that harm to buildings, open spaces, trees, views or other elements which make a positive contribution to a conservation area will be permitted only where this is outweighed by the public benefits of the proposal.

The significance of the heritage assets

5.13 The significance of the designated heritage asset, the Central Historic Core Conservation Area, is identified within the Conservation Area Appraisal (CAA). The site sits within 2 character areas, Blossom Street and Nunnery Lane, and the railway area. The application site is at the northern end of The Crescent, a row of nine terraced properties commenced in the 1850s/60s and initially designed by noted railway architect GT Andrews. The properties become plainer further away from Blossom Street and the function of the street becomes more mixed. No.9 is a

purpose-built two-storey malt house from the 1870s/80s and No.10 is a single cottage surviving from a terrace of three. The street terminates with a vehicle workshop in a collection of single storey buildings.

5.14 Opposite the site, the rear of the Grade II listed Odeon cinema is a large blank elevation but is executed with the same quality as the principle elevation with its distinctive Art Deco styling and steps down to the rear of the building reflecting the diminishing scale of the street. Meridian House to the north is a modern office building of limited architectural quality but its impact on the street and adjacent listed buildings is substantially mitigated by being set back from the road and large hidden by the Odeon.

5.15 The mixed character of the street is typical of nineteenth century development within and adjacent to the city centre in which residential and industrial uses co-existed in close proximity, particularly within the immediate context of the railway where warehousing and goods processing which relied on railway transport developed cheek-by-jowl with housing of varied status, often accommodating railway workers. Much of the mixed uses and scales of buildings and sites which characterised the historic city have been lost as industrial and warehouse uses have departed the city centre and sites been redeveloped often with large scale commercial and apartment buildings. The Crescent curves and falls from Blossom Street, the impressive effect of the terrace diminishing in scale and status as the street turns away to the northeast before petering out. Pavement-edge buildings to the street front concealed gardens to the larger townhouses and ancillary outbuildings around courtyards accessed by covered and open passageways. No.10 retains this arrangement, and the pattern is also evident in surviving courtyards and outbuildings to the rear of Nos 4, 5, 6 & 7 The Crescent. Where development within the rear curtilages has been permitted it has been of small scale (1-2 storeys) and low density.

5.16 The CAA identifies Nos 1-8 The Crescent as 'buildings of merit', the application site is neutral in the CAA. It is considered however that the malt house possesses sufficient heritage to merit consideration as a non-designated heritage asset. The existing building may date from the 1870s or '80s. Built as a malt house, its historic form and arrangement remain extant, as well as a number of good quality fixtures which appear to date from an early twentieth century refurbishment. The malt house consists of a large growing floor and the kiln building which survives to the western end of the building under its characteristic pyramidal roof.

5.17 The building possesses local architectural and historic interest. Architectural interest is evident in the design to the eastern gable, the principal elevation; a good quality office fit-out of the early twentieth century; the long linear form of the building terminating in a pyramid-roofed kiln, which is distinctively that of a malt house; and the survival of characteristic functional elements such as the taking in doors and hoist canopy. Historical interest is evident in its illustration of the malting process; close association with the railway; and association with historic city breweries including the Ebor Brewery. Its broader contribution to the character and appearance of the conservation area is evident in its location adjacent to the railway; its testimony to the industrial uses which permeated the city in the nineteenth century; and in the subservient relationship with the surrounding townscape, contributing to the distinctive morphology of the street. From the railway site, the pyramidal roof of the kiln is a distinctive element of a nineteenth century roofscape of functional buildings. The building has undergone a small number of unsympathetic alterations consisting of the construction of a lift head extension to the western end and some modification of historic window openings on the north elevation, but these do not diminish the interest of the building in terms of its distinctive form and contribution to townscape character. Due to the aesthetic design and historical associative heritage interests of the building it should be recognised as a non-designated heritage asset.

The impact on the heritage assets

5.18 The heritage impacts of the proposal can be divided between the effects of the loss of the existing building in terms of its own heritage significance and its contribution to the character and appearance of the conservation area; and the effect of the proposed replacement building on the character and appearance of the conservation area.

5.19 The demolition of the malt house would eradicate its heritage interest and its contribution to the character and appearance of the conservation area. The scale of the loss would be total in terms of the non-designated heritage asset. The significance of the asset is of a local nature, but within the city and the wider hinterland it seems to be an unusual survivor. Unlike the recently restored Clementhorpe Maltings, No.9 The Crescent seems not to have been recognised locally as a malt house. Whilst its loss of internal machinery would substantially reduce its academic interest, architecturally the design of the building is of greater

quality than Clementhorpe due to the formality of its Neo-Classical facade. It also occupies a more prominent position within the historic cityscape. In terms of para. 203 of the NPPF the local significance of the asset would consequently appear to be high.

5.21 Consideration was given to retention of the existing building, however the constraints on its use in regards to the site's location adjacent to the music venue; the small scale of the building; low floor to ceiling heights on the first floor; and lack of openings meant that any proposal to convert and extend the buildings would require such significant changes that it would still result in significant loss of heritage value.

5.22 The initially proposed scheme showed a building which extended the existing terraced buildings on The Crescent in a contemporary form but retained the pitched roof and regular fenestration of the period properties. The scale remained the same across the entire frontage and to the rear of the site. Extensive discussions with officers to address concerns about scale and massing, design and amenity impacts resulted in the revised scheme that is currently under consideration.

5.23 The current scheme responds more appropriately to the existing industrial character of the site and railway area to the rear. Instead of trying to mimic the period dwellings, it takes its cue from the nearby industrial buildings which provide a more appropriate building form for modern offices, with opportunities for variations in height and materials and larger footprints, than the neighbouring terrace.

5.24 The revised proposal retains and remodels the entrance front of the malt house building to provide a 'portico' entrance to the new building. The form and disposition of the existing building has informed the massing and articulation of the proposed replacement, evident in the alignment and relative scale of the principal block; the consequential east-west roof alignment producing a gabled frontage; the south-north diminishing scale of the building; and in the design of a pyramidal roof feature to the south-west corner of the site evoking the 'memory' of the historic kiln roof. Stepped and canted elevations to east and west, sloping roofs and diminishing scale have ameliorated the impact of the new building on Nos 1-8 and No 10 The Crescent, on the Everyman Cinema and on the distinctive morphology of the street to the point where the character and setting of these assets would be respected. The proposed building is distinctive and represents a contextual response which makes a positive contribution to the streetscene.

5.25 The materials palette has been developed to allow the proposed building to sit comfortably in its context. The new elevations will be predominantly red facing bricks with some areas of hit and miss brickwork. Dark grey aluminium window frames and curtain walling will reflect the more industrial character of the building and local roofing materials while the roof itself is standing seam zinc. The materials chosen are different to those of nearby residential properties reflecting the different character and use of the building and the site's position between different character areas.

5.26 It is recognised that the proposal introduces development over virtually the entire site apart from a strip of land adjacent to No10 The Crescent. In this instance, development over the entire site area is not considered inappropriate – existing development on site runs front to back instead of parallel to the street and larger footprint buildings are more common in The Railway character area. The character of the existing site is different to that of the residential terraces and it is clear that historically the entire site was in an industrial use. For these reasons it is considered acceptable in character and streetscene terms to develop across the site providing issues of amenity can be addressed.

5.27 Policy D1 of the draft Local Plan requires that development enhances York's special qualities and makes a positive design contribution to the city. Proposal should not be pale imitations of past architectural styles, should create active frontages and buildings that are fit for purpose and feel true to their intended purpose. The proposal reflects these requirements – it references the industrial buildings of the past but in a contemporary design with materials appropriate to the character of the area. The form of the building works well for its intended use with rooflights providing natural light through the building. The ground floor frontage is glazed to give a more active frontage than the current situation.

5.28 In terms of roofscape, a consideration identified as vital parts of the conservation areas' townscape within the CHCCAA, the scheme is considered to have a minimal impact as a result of its relatively low height and form. The industrial design of the building sits comfortably with the form of the railway sheds to the rear. The height of the building corresponds with other buildings in the vicinity and follows the generally diminishing height of structures from the terraces down to the garage at the end of The Crescent. The standing seam zinc roofing will blend tonally with

the slate roofs of the terraces while reflecting the differing nature of the building's use.

5.29 From the City Walls the development will have some limited visibility over a short length of the wall. This will be in the context of the existing built up character with development of varying scales including Meridian House which sits between the walls and the site. The new kiln chimney feature will be visible within the roofscape as part of the mixed pattern of roof forms and reflective of the changing character of the area. The proposed development will also fit with the overall character of the area in terms of building footprint with smaller buildings closer to the city wall and larger structures closer to the railway.

5.30 The conservation area is a designated heritage asset. The scale of the harm to the wider asset from the loss of the malt house would be less than substantial denuding the area of a valuable and distinctive example of surviving industrial heritage which relates to and reinforces the railway and Victorian characters of the respective contexts (character areas 22 & 23 of the central historic core conservation area). However, the replacement building is considered a positive addition to the Conservation Area as it references the industrial heritage of the area with an appropriate scale and form to its context.

5.31 Neighbours have raised concern about the loss of ghost writing on the side elevation of the music venue. The writing is very faint, and barely visible and is considered to have a low level of historic interest. In addition it is not part of the reason why the properties are buildings of merit within the CAA which is instead related to their architectural interest.

Conclusion of harm to heritage assets (public benefits)

5.32 Paragraph 199 of the NPPF requires that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight be given to the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 202 of the NPPF states that where development leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In relation to impact on non-designated heritage assets, the NPPF requires that a balanced judgement is taken having regard to the scale of any harm or loss and the significance of the heritage asset.

5.33 In this instance, a range of public benefits have been identified following from the proposed development. Economic benefits are identified in the provision of office space which will create jobs in a sustainable city centre location. The site has been out of permanent use since 2016 when it was used for storage and the proposal will bring the site back into a use compatible with neighbouring uses and the general character of the area. Colleagues in Economic Development have noted that development of Grade A office space in, or near, the city centre is rare but desirable and development such as this would encourage inward investment in the city. There will be further small economic and job benefits during the construction phase.

5.34 Environmental benefits can also be attributed to the scheme. The site is in a sustainable city centre location with good public transport links and close proximity to the station. The proposed building will achieve BREEAM Excellent and will utilise air source heat pumps for heating, mechanical ventilation with heat recovery for ventilation and hot water. Provision of PV panels will be considered. These proposals are of considerable benefit when compared with the existing situation.

5.35 Additionally, section 11 of the NPPF encourages the effective use of land by making as much use as possible of previously developed land. The proposal is considered to make a more effective use of the land than the existing situation while recognising the sensitivity of the location.

5.36 Finally, the scheme as revised is considered to result in a building which is distinctive and represents a contextual response to its surrounding which makes a positive contribution to the character and appearance of the conservation area.

5.37 It is considered that these benefits are sufficient to outweigh the less than substantial harm to the conservation area as a loss of the malt house building in accordance with policy laid out in the NPPF. The loss of the non-designated heritage asset, the malt house, is on balance considered acceptable given the quality of the proposed replacement.

AMENITY ISSUES

5.38 Policy D1 of the Draft Local Plan requires that design considers residential amenity so that residents living nearby are not unduly affected by noise,

disturbance, overlooking or overshadowing which echoes text in the NPPF requiring development to ensure a high standard of amenity for existing and future users.

5.39 The new building sits to the north of The Crescent Venue. It is of a similar height at the front continuing this height across the depth of the site to the rear where it rises in a pyramidal feature echoing the historic malt kiln. The adjoining site is also developed right up to the rear boundary although behind the original 3.5 storey terraced dwelling the development is approximately 1.5 storeys in height with a flat roof. There will be no overshadowing of this existing property as a result of the new building given that it will be sited to the North of the existing. Neither will there be any significant loss of outlook from the flats on the upper floors of The Crescent Venue given the new developments siting to the side and the good existing outlook to the rear of the flats. There are no windows in the new development facing south and therefore no overlooking to the neighbouring property. The new development is large in scale and will sit on the boundary with The Crescent Venue. Part of this elevation is proposed as green living wall and part is brick and it will follow through at a similar height as the existing terraced properties along this northern boundary with the roof pitched away from the boundary. The site sits in a mixed urban area with some relatively large buildings and close relationships between those buildings. Given that there is no overlooking or overshadowing impacts nor loss of outlook as a result of the scheme and the urban context, it is considered that the impact of this elevation on the amenity of residents at The Crescent Venue is acceptable.

5.40 Paragraph 187 of the NPPF requires that planning decisions ensure new development can be integrated effectively with existing businesses and community facilities. These should not have unreasonable restrictions placed on them as a result of development permitted after they were established. It is required that suitable mitigation is provided should new development have a significant adverse effect on the operation of an existing business.

5.41 Concern has been expressed about the impact of development of the site on the future operation of the adjoining music venue. A number of different development proposals were considered and discussed by the applicant with the owners of the music venue before it was decided that the most appropriate use was likely to be the office use now proposed. This has the advantage of being a predominantly day time use as opposed to the night time use in the music venue although it is recognised that the music venue intends to extend into more day time use by allowing bands to practise in the building. The applicant has submitted a

noise assessment which considers the existing noise levels within the area, including noise from the music venue, and based on these existing noise levels considers the most appropriate glazing and ventilation specification in order to achieve recommended noise levels for the offices. The proposed mitigation measures are appropriate and should be conditioned to mitigate against conflict with the existing business in accordance with NPPF paragraph 187.

5.42 To the north, the site sits adjacent to a two-storey dwelling, No10 The Crescent, set in a small yard surrounded by single storey outbuildings. The scheme has been significantly revised to address issues of amenity relating to this property. The height of the proposed building now drops across the site so that it is a maximum of 3 storeys in height in this area with the top floor within the roof space. A gap of 2m is retained between the new development and the boundary and the side elevation of the new building is approximately 8m from the side of the neighbouring dwelling. In terms of outlook, it is not considered that the amenity of the existing dwelling will be impacted. The new development is set back from the boundary and there are existing outbuildings creating further separation between the dwelling, its usable outside space and the new development. There are no windows in the main north elevation of the new development and therefore no overlooking issues. There are some windows set back in the building but these use hit and miss brickwork to obscure views.

5.43 There is more potential for overshadowing in relation to No10 The Crescent as it sits to the north of the new development. These impacts will be reduced by the scale of the development closest to the boundary, the set back from the boundary and the angled shape of the building to the rear of the site. Additionally, the dwelling is predominantly orientated with main windows facing the street or the rear of the property and no habitable room windows in the main side elevation and sits within an urban location. While it is acknowledged that there will be some overshadowing to the dwelling at times when the sun is lower in the sky, this is mitigated by the factors mentioned above.

TRANSPORT AND ACCESS

5.44 The proposal is for a car free development given the city centre location of the site and good public transport links in line with local and national policy.

Paragraph 105 of the NPPF notes that significant development should be focussed on locations which are sustainable through limiting the need to travel and offering a

genuine choice of transport modes. Paragraph 112 requires that development proposals should facilitate access to high quality transport and appropriate facilities that encourage public transport use.

5.45 The proposal includes 8 bike parking spaces at ground floor (including 6 electric bike charging points) and 46 at basement level (including 12 electric bike charging points). Lockers and shower rooms are also provided and access will be via an appropriate lift accessed from the reception area. Eight visitor parking spaces are proposed at the front of the building. Cycle parking is in line with CYC guidance.

5.46 Ramped access has not been provided through the site to the railway car park at the rear. While it is acknowledged that this would be a benefit, the different levels makes it difficult to achieve without agreement of the land owner to the rear. Provision has been made that, if in the future agreement could be made, then ramped access could be provided.

5.47 In accordance with paragraph 113 of the NPPF a travel plan has been submitted with the application. This highlights the sustainable location of the site and opportunities to use sustainable transport and promotes car sharing, car club use, and walking and cycling routes. Consideration will be made of provision of a Cycle to Work scheme to make full use of the good on-site cycle parking facilities. The travel plan will need to be conditioned and updated regularly once occupation commences and a contribution of £10,000 is required for City of York Council Travel Plan support for a period of 5 years after first occupation to monitor and support this.

5.48 There is no disabled parking within a reasonable distance of the site, nor is there capacity to provide disabled parking within the site. Therefore a financial contribution of £6,000 is sought to implement changes to the Traffic Regulation Orders in the vicinity of the proposed development to enable a disabled parking bay to be introduced in the resident parking bays on the west side of The Crescent.

5.49 Bin storage is within the ground floor and accessed off the side access to the north of the site.

FLOOD RISK AND DRAINAGE

5.50 The site is located in Flood Zone 1 where there is a low probability of flooding. As the site is less than 1Ha and within Flood Zone 1, no flood risk assessment is required.

5.51 Policy ENV5 of the draft Local Plan and sets out the requirements for sustainable drainage strategies for development in the city. For brownfield sites, the policy requires a reduction in existing surface water run off of 30%. The proposed drainage system seeks to attenuate the surface water flows to ensure a reduction of 30% in line with policy.

SUSTAINABLE DESIGN AND CONSTRUCTION

5.52 Policy CC1 encourages the development of renewable and low carbon energy generation and storage. It requires new buildings to achieve a 28% reduction in carbon emissions through the provision of renewable and low carbon technologies in the locality of development or through energy efficiency measures, unless it can be demonstrated that this is not viable. Applicants must submit an energy statement setting out how this will be achieved, taking into consideration the impact of the scheme on other planning considerations and demonstrate any viability issues with meeting the target.

5.53 Policy CC2 sets out the sustainable design and construction requirements that all new development (by type) must adhere to and demonstrate in a Sustainability Statement. In summary, the policy requirements are:

For Non-residential development over 100sqm internal floor area - meet BREEAM 'excellent' standard (or equivalent).

5.54 A sustainability statement is also required in line with Policy CC2 to demonstrate energy and carbon dioxide savings in accordance with the energy hierarchy and water efficiency. Non-residential development must meet BREEAM 'excellent' standard. BREEAM is a recognised sustainability assessment method for master-planning projects, infrastructure and buildings. BREEAM requires assessment and certification of a scheme's environmental, social and economic sustainability performance, using standards developed by BRE. It recognises and reflects the value in higher performing assets across the built environment lifecycle, from new construction to in-use and refurbishment.

5.55 An Energy Statement has been submitted which concludes that a range of sustainability strategies will be pursued including air source heat pump, mechanical ventilation with heat recovery and insulation levels achieving improvements over Building Regulations Part L. BRREAM Excellent award is being targeted for the building. Conditions are recommended to secure the requirements of policies CC1 and CC2.

ECOLOGY

5.56 A bat survey has been submitted with the application. This indicates that there was no recorded bat activity within the building and low levels of activity outside at the time of the survey. Comments from the council's ecologist will be reported at sub-committee.

6.0 CONCLUSION

6.1 The presumption in favour of sustainable development contained within paragraph 11 of the NPPF requires that, where there are no relevant development plan policies, or the policies are out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. The policies referred to include those related to designated heritage assets which would include the Central Historic Core Conservation Area. It has been identified that the proposal will result in less than substantial harm to the Conservation Area through the loss of the existing building and as such the presumption in favour of sustainable development does not apply.

6.2 The proposal has been considered against the policies in Section 16 of the NPPF giving great weight to the asset's conservation. Weighed against the small level of less than substantial harm identified to the CHCCA are public benefits relating to the provision of high quality office space providing jobs within a sustainable location. The bringing back in to use of a currently vacant brownfield site should, in accordance with Section 11 of the NPPF, be given weight as well as the sustainability benefits of a newly constructed building meeting current policy requirements in terms of carbon emissions and sustainable design.

6.3 The existing building is considered a non-designated heritage asset. The NPPF requires that when considering application which affect non-designated heritage

assets, a balanced judgement is required having regard to the scale of any harm or loss and the significant of the heritage asset. Here, it is accepted that the quality of the replacement building, combined with the other benefits identified, are sufficient to outweigh the loss of the non-designated heritage asset.

6.4 Other issues related to amenity, cycle parking and accessibility and drainage have been assessed and can be covered via condition. Subject to comments from the Council's Ecologist, the proposal is recommended for approval subject to conditions and S106 contributions for changes to TROs and travel plan monitoring.

7.0 RECOMMENDATION:

i That delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to:

- a. The completion of a Section 106 Agreement to secure the following planning obligations:
 - £6,000 towards alterations to TROs on The Crescent to implement a disabled parking bay and
 - £10,000 towards travel plan monitoring.

b. The conditions set out below

ii The Head of Planning and Development Services be given delegated authority to finalise the terms and details of the Section 106 Agreement.

iii The Head of Planning and Development Services be given delegated authority to determine the final detail of the planning conditions

Conditions

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Location plan

Demolition plan 17077-VB-XX-XX-DR-A-(03) 090 A

Proposed site plan 17077-VB-ZZ-XX-M3-A-(03)105 B

Proposed basement plan 17077-VB-ZZ-XX-M3-A-(03)109 A

Proposed ground floor plan 17077-VB-ZZ-XX-M3-A-(03)110 B

Proposed first floor plan 17077-VB-XX-01-DR-A-(03)111 A

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Proposed second floor plan 17077-VB-XX-02-DR-A-(03)112 A
Proposed third floor plan 17077-VB-XX-03-DR-A-(03)113 A
Proposed fourth floor plan 17077-VB-XX-04-DR-A-(03)114 A
Proposed roof plan 17077-VB-ZZ-RF-DR-A-(03)120 A
Proposed south elevation 17077-VB-ZZ-XX-DR-A-(03)133 A
Proposed east elevation 17077-VB-ZZ-XX-DR-A-(03)130
Proposed west elevation 17077-VB-ZZ-XX-DR-A-(03)131
Proposed north elevation 17077-VB-ZZ-XX-DR-A-(03)132
Dragonfly Noise Impact Assessment reference DC3244-R2v3 dated 22/6/21
Sustainable Design Alternatives Report

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief and excavation is required on this site.

The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be approved.

A) No development (including grubbing up of foundations) shall take place until a written scheme of investigation (WSI) for watching brief and archaeological excavation has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report (and evidence of publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 16 of the NPPF.

Reason: The site lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded

prior to destruction.

4 A programme of archaeological building recording, specifically a written description and photographic recording of the malthouse building to Historic England Level of Recording 2/3.

The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be approved.

A) No demolition shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by CYC and the Chartered Institute for Archaeologists.

B) The programme of recording and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and digital archive deposition with ADS will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report shall be deposited with City of York Historic Environment Record and digital archive images with ADS to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 16 of the NPPF.

Reason: The buildings on this site are of archaeological interest and must be recorded prior to demolition, alteration or removal of fabric.

5 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication

off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

With respect to dust mitigation, measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>. The CEMP must include a site specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses
public.protection@york.gov.uk and planning.enforcement@york.gov.uk.

Reason: To protect the amenity of the locality.

6 LC1 Land contamination - Site investigation

7 LC2 Land contamination - remediation scheme

8 LC3 Land contamination - remedial works

9 LC4 Land contamination - unexpected contam

10 Demolition works shall not be commenced before a legally binding contract for the carrying out of the works of redevelopment of the site is made and evidence of the contract has been produced to and agreed in writing by the Local Planning Authority, or in the absence of such a contract an alternative confirmation of commencement of the development has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that the premature demolition of the buildings does not take place to the detriment of the character and appearance of the Conservation Area.

11 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

12 A sample panel of the brickwork to be used on this building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished

appearance of these details prior to the commencement of building works in view of their sensitive location.

13 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Windows, doors, curtain glazing

Signage fascia to entrance portico

Sections through window reveals showing relationship between window frames and brickwork including hit and miss brickwork

Sections through parapets, eaves and verges showing construction of gutters, wall and roof junctions

o All areas of roof glazing including to main roof and roof of portico entrance

o Green wall construction

o Lightwells and relationship with kerb, hard landscaping and planting areas

Reason: So that the Local Planning Authority may be satisfied with these details.

14 Prior to the commencement of development a detailed specification for the stabilisation, alteration and consolidation of the retained east gable of the malt house shall be submitted and approved in writing by the Local Planning Authority. The approved specification shall be fully implemented on commencement of demolition.

Reason: To ensure the preservation of the retained sections of historic building.

15 The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs, specification of hard surfacing and the green wall. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area.

16 Prior to first occupation details of all machinery, plant and equipment to be

installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

17 The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerbs and pavements to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

18 Prior to first occupation details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

19 HWAY19 Car and cycle parking laid out

20 No part of the development shall be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The Travel Plan should be developed and implemented in line with local and national guidelines taking into account the Travel Plan Revision 2 (dated 20/07/2020) and the subsequent first annual survey submitted. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 6 months of occupation of the site a first year travel (baseline) survey shall

have been submitted to the LPA and approved in writing by LPA within 3 months of its receipt. Results of yearly annual travel surveys carried out over period of 4 years from the first survey shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure that traffic flows from the site can be safely accommodated and to promote the usage of sustainable means of transport.

21 The development shall be carried out to a BRE Environmental Assessment Method (BREEAM) standard of 'Excellent'. A post-construction stage assessment shall be carried out and a post-construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building (or in the case of the certificate as soon as practical after occupation). Should the development fail to achieve a BREEAM standard of 'excellent' or the agreed alternative rating, a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve the agreed standard. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of Policy CC2 of the Publication Draft Local Plan 2018.

22 Unless otherwise agreed in writing the development hereby approved shall achieve a 28% carbon emissions reduction when compared to the Target Energy Rating (TER) in current Building Regulations as identified in the Energy Statement. Prior to above ground construction, details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

23 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal

24 Prior to the commencement of construction works details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site. It is necessary to require this information prior to commencement of ground works on site as the provision of drainage is fundamental to the delivery of the scheme.

8.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Discussed changes to the scheme to better reflect local context and protect neighbouring amenity.

2. WORKS IN THE HIGHWAY

A s278 Agreement will be required to undertake any works in the existing highway.

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