



## Notice of meeting of

### East Area Planning Sub-Committee

**To:** Councillors Moore (Chair), Hyman (Vice-Chair),  
D'Agorne, Greenwood, Hall, King, Smallwood, Vassie,  
B Watson and I Waudby

**Date:** Thursday, 11 January 2007

**Time:** 2.00 pm

**Venue:** Guildhall, York

## AGENDA

**Please note that there are no site visits scheduled for this meeting.**

**1. Declarations of Interest**

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

**2. Exclusion of Press and Public**

To consider excluding the public and press from the meeting during consideration of the Annexes to agenda item 6 (Enforcement Cases Update) on the grounds that they contain information classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006. This information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment.

- 3. Minutes** (Pages 1 - 10)  
To approve and sign the minutes of the last meeting of the Sub-Committee held on 14 December 2006.
- 4. Public Participation**  
At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Panel's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Wednesday 10 January 2007 at 5.00pm.
- 5. Plans List**  
Members will consider a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to planning applications in the East Area with an outline of the proposals and relevant policy considerations and the views and advice of consultees and Officers.
- a) Greystones Farm, Towthorpe Road, Moor Lane, Strensall, York (06/00080/FUL)** (Pages 11 - 16)  
Installation of floodlighting for golf driving range and planting of coppice (retrospective). [*Strensall Ward*]
- b) Northern Electric Plc, Stirling Road, York (06/00946/FUL)** (Pages 17 - 21)  
External alterations to front and rear, new gable roof extension and addition of mezzanine first floor to part of Unit 2.  
[*Skelton, Rawcliffe, Clifton Without*]
- c) Northern Electric Plc, Stirling Road, York (06/00947/FUL)** (Pages 22 - 27)  
Variation of condition 5 of planning permission 3/104/141AD/PA to extend the type of goods sold from part of Unit 2.  
[*Skelton, Rawcliffe, Clifton Without*]

**6. Enforcement Cases Update**

(Pages 28 - 103)

Members will consider a report which provides a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by the Sub-Committee.

**7. Urgent Business**

Any other business which the Chair considers urgent under the Local Government Act 1972.

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out below.

Democracy Officer:

Name: Jill Pickering

- Telephone – (01904) 552062
- E-mail – [jill.pickering@york.gov.uk](mailto:jill.pickering@york.gov.uk)

City of York Council

Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	14 DECEMBER 2006
PRESENT	COUNCILLORS MOORE (CHAIR), HYMAN (VICE-CHAIR), D'AGORNE, GREENWOOD, HALL, KING, SMALLWOOD, VASSIE, B WATSON AND I WAUDBY

**41. INSPECTION OF SITES**

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
St Olaves School, North Parade, York	Cllrs D'Agorne, Greenwood, Hall, Hyman, Moore and B. Watson	To consider its proximity to protected trees and its impact upon the Conservation Area.
Robert Wilkinson Primary School, Strensall	Cllrs D'Agorne, Greenwood, Hall, Hyman, Moore and B. Watson	To allow Members to see the proximity of the objectors property. To view the undulation of the site together with the trees to be removed and those to be protected.
58 Crossways, Badger Hill, Hull Road, York	Cllrs D'Agorne, Greenwood, Hall, Hyman, Moore and B. Watson	In view of the number of objections received and to allow Members to view the cumulative impact of previous house extensions in relation to the application.

**42. DECLARATIONS OF INTEREST**

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Cllr Moore declared a personal non-prejudicial interest in Plans Item 4a) (Land adjacent to Concorde Park fronting Amy Johnson Way, York) as a director of Clifton Moor Business Association who had considered the application and in which he had taken no part. Also as a member of the

Executive Member for Resources Advisory Panel which had discussed the application at their March meeting and in which he had again taken no part in discussions.

Cllr B Watson declared a personal non-prejudicial interest in Plans Item 4e) (Hoxne Farm, Sheriff Hutton Road, Strensall) as he had fished at the ponds on this site.

Cllr D'Agorne declared a personal non-prejudicial interest in Plans Item 4f) (147 Heslington Lane, York) as he had received representations from local residents in relation to the application.

**43. MINUTES**

RESOLVED: That the minutes of the meetings of the Sub-Committee held on 26 October and 9 November 2006 be approved and signed by the Chair as correct records.

**44. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

**45. PLANS LIST**

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and officers.

**45a. Land adjacent to Concorde Park fronting Amy Johnson Way, York (06/02102/FULM)**

Members considered a Major Full Application, submitted by the Helmsley Group, for the erection of a 2 storey Eco Business Centre including 32 workshops, 40 office units, car and cycle parking, and a wind turbine.

Officers updated that Highway Network Management had now confirmed that issues had been clarified in relation to the Section 38 Agreement and the adoption of the highway. The plans had also been amended to their satisfaction and it was confirmed that the proposed car parking was within the maximum standards.

It was also reported that the Environmental Protection Unit comment in the report, relating to the imposition of conditions, had been incorporated into the Informative on page 20. The Sustainability Officer had now received a more detailed Sustainability Statement and had indicated that the details were good but had requested the inclusion of two additional conditions to any approval. Officers also updated that the proposed site was 2½ miles from the centre of York rather than the 4 miles stated and that it was recommended that additional conditions relating to removal of materials

from the site and hours of work should be added to any approval. Details of the additional conditions were circulated at the meeting.

Members expressed concerns in relation to existing parking problems in the area, access for cars and cycles and cycle parking and questioned the proximity of bus services to the site. Members also confirmed with the applicant that the Management Company would implement the Travel Plan, for the Eco Centre and details of the dry stone walling, solar panels and wind turbine. In answer to a question it was confirmed that details of performance data, in relation to the energy performance of the building, would be publicly available, as the City of York Council would manage the Centre.

Representations in support of the application were received from the applicant who stated that this was an exciting project, which raised a number of challenges in the proposed building. The aim was to provide an economically viable building for both the developers and the occupiers. He pointed out that there were few private sector developers erecting similar buildings as investment properties and it was hoped that, if this was a success, others would follow.

**RESOLVED:** That the application be approved subject to the conditions listed in the report and the additional under mentioned conditions

1 The hours of demolition loading or unloading associated with the clearance of existing materials on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

2 Details of the following sustainable building methods which are proposed to be included in the development shall be submitted to and approved in writing by the local planning authority prior to the start of construction on site, and shall be implemented as agreed,

- The ground source heat pump.
- The solar thermal system.
- The levels of thermal insulation.
- Summary of the SBEM analysis, providing details of the CO2 savings.
- The rainwater harvesting systems.
- Summary of the water saving installations.

Reason. In accordance with good practice in sustainable development as described in 2005 Draft Local Plan policy GP4a.

3 The site shall hereafter be occupied in accordance with the aims, measures and outcomes of the Travel Plan that has been submitted to and approved in writing by the Local Planning Authority.

Reason. To ensure that the development complies with advice contained in PPG13 (Transport), and with policy T20 of the City of York deposit draft

Local Plan; to ensure that adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to neighbours. As such the proposal complies with Policies GP1, SP8, GP4a, E4, GP5 and T4 of the City of York Deposit Draft Local Plan as well as overriding Policy Advice in the form of PPS, PPG4 and PPG14.

**45b. 58 Crossways, York (06/02270/FUL)**

Members considered a Full Application, submitted by Mr D Dale, for the erection of a two storey pitched roof side extension.

Officers updated that the neighbour at 56 Crossways had originally registered to speak at the meeting but had had to withdraw. He had asked, if the application was approved, that the asbestos garage be professionally removed, that the party wall should be soundproofed and that the storeroom should only be used for that purpose. Officers confirmed that a number of full width side extensions had been approved in the area.

Members questioned the cycle condition included in the recommendation and Officers confirmed that, as the extension would prevent access to the rear of the property, this condition could be imposed. Members referred to extensions on properties in the area in particular at 60 Crossways which it was confirmed did not extend beyond the rear of the property and was much smaller. Officers confirmed that the proposed extension had the same physical dimensions as that which had previously been refused. The only difference had been that the previous application had also included change of use to a House of Multiple Occupation (HMO) as the property would have eight bedrooms and they were not to be let to a single household living as a family.

**RESOLVED:** That the application be refused.

**REASON:** It is considered that the proposed two storey side and rear extension, by virtue of its massing, is an overdevelopment of the site which would have a negative impact on the street scene and the living conditions of residents at 60 Crossways. Therefore the application is considered contrary to Policies GP1 and H7 of the City of York Draft Local Plan and design principles contained within PPS1.

**45c. Robert Wilkinson Primary School, West End, Strensall (06/00748/GRG3)**

Members considered a General Regulations application (Reg3), submitted by Robert Wilkinson Primary School, for the installation of a multi-use games area (MUGA).

Officers updated that the applicant had confirmed that drainage at the site had not yet been fully considered. They therefore requested the addition of a condition stating that the drainage scheme should be approved in writing by the Local Planning Authority.

Members also requested the addition of conditions relating to cycle parking, the layout of car and cycle parking and it's surfacing to be agreed in writing by the Local Planning Authority.

**RESOLVED:** That the application be approved under General Regs 3 Council Development subject to the conditions listed in the report and subject to the addition of the following:

1 Prior to the development commencing 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.

2 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

3 Development shall not commence until details of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied that the site will be drained effectively.

4 Details of the surface materials to be used for any new car parking areas shall be submitted to and approved in writing by the Local Planning Authority prior to development.

Reason: So that the Local Planning Authority may be satisfied that the site will be drained effectively.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the street scene and the amenity of local residents.



As such the proposal complies with Policy GP1 of the City of York Draft Local Plan.

**45d. St Olaves School, Queen Annes Road, York (06/01573/FUL)**

Members considered a Full Application, submitted by The Bursar, St Olaves School, for the erection of a footbridge over an existing footpath on land adjacent to St Olaves's Prep School.

Officers updated with a précis of a letter received from Philip Crowe, a resident of Clifton, which raised a number of concerns regarding the proposal, a full copy of the letter was circulated to Members at the meeting together with photographs of the site. Officers also confirmed that the bridge was 3.8 metres to the top of the handrail and not 4.8 metres as stated in the report and that the word "no" should be inserted prior to the words "direct correlation" in the last sentence of par 4.11.

Representations in support of the application were received from the applicants Architect who referred to Members concerns, raised at the site meeting, that the bridge should not be accessible from the underside and that he was happy for this to be conditioned. He confirmed that wheelchair bound students would be unable to access or descend the bridge so they would continue to use the coded access gate accompanied by staff. He felt that the bridge was of an interesting contemporary design, which would preserve the Conservation Area.

Cllr Scott, as Ward Member, indicated that he supported the application, his only concern being the comments of the Clifton Planning Panel. Local opinion had generally been favourable towards the design of the bridge, which he felt would add to the Conservation Area. He confirmed that the school had assured him that they did not intend to apply for the closure of this footpath and that they proposed to close the North Parade entrance to the school which would improve the traffic situation in the area.

Officers confirmed that they had no information that the school proposed to close the Queen Anne's entrance. Members expressed their concerns that the bridge would be visually intrusive in the Conservation Area, that the lighting would have an adverse impact in the rural setting and that the proposed segregation of pupils was unacceptable. Concerns were also raised that the development and under grounding of the electricity cables would affect the mature Sycamore tree.

**RESOLVED:** That the application be refused.

**REASON:** 1. The proposed footbridge will have an adverse impact on the character of the Clifton Conservation Area. This is by virtue of its poor design and appearance and general visual presence which will enclose views along the public footpath over which the footbridge would span. This will have an adverse impact on the rural setting and generally open character of the Conservation area at this point and as a consequence would have an adverse impact on

views both into and out of the Conservation area. The loss of two trees within the grounds of St. Peter's School which further contribute to the character of the Conservation Area will also affect the setting and character of the area. The proposal is therefore considered contrary to advice and guidance in PPG15 (Planning and the Historic Environment) and to Policies HE2 (Development in Historic Locations) and HE3 (Conservation areas) of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.

2. The proposed lighting on and around the footbridge will have an adverse impact on the amenity of neighbours by virtue of unacceptable levels of light pollution into and around the nearest residential properties on North Parade. The additional levels of lighting will also have an adverse impact on the generally open character and appearance of the area by virtue of increased levels of lighting in the area. This is considered contrary to Policies GP1 (Design) part f and HE2 (Development in Historic Locations) of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.

**45e. Hoxne Farm, Sheriff Hutton Road, Strensall (06/01054/FUL)**

Members considered a Full Application, submitted by Mr J Ord, for alterations to an existing caravan park including the removal of the existing touring caravan and caravan storage areas and the development of new area to accommodate 30 holiday cabins.

Officers updated that, following the report of an active badger sett at the north east corner of the site, the Council's ecology officer had confirmed that the sett was active. Natural England had also confirmed that there was one disused entrance to the sett within the site and that there was an active entrance facing away from the site. It was reported that one of the proposed units was within 10m of the sett and that works within 30m required the developer to obtain a licence to undertake works which would also require adding as a condition. Conditions relating to fencing, screen planting and amendments to conditions 6 and 7 to state that the surface and foul water arrangements should be agreed with the Local Planning Authority would also be required.

Representations in support were received from the applicant's agent who confirmed that it was proposed to continue using the existing on site private treatment system to dispose of foul water and that more frequent emptying may be required. He stated that the existing approval included a storage area for up to 100 caravans throughout the whole year and that the application proposed 30 quality cabins which would improve the site and allow restrictions on their use. He confirmed that it would be possible to move one of the units from the north east corner of the site which was closet to the sett.

Consideration was given to comments received from Cllr Cuthbertson, Local Member, circulated at the meeting, in which he requested deferral of the application to allow Members to visit the site. He stated that he had a number of concerns relating to surface and foul water disposal, increased traffic, boundary treatments and screening. A map showing the site in relation to Stensall was also circulated at the meeting and it was confirmed that the site was within open countryside but not within the Green Belt.

Representations were received in objection from a neighbour who also requested deferment of the application, as there were a number of points that required clarification. He felt that the proposal was a significant alteration to the existing use of the site and for which the existing foul drainage system could not adequately deal with. He also expressed concerns regarding security, trespass, light pollution and that the cabins could be occupied throughout the whole year.

Members questioned the anticipated use of the units on completion and whether the removal of caravan storage and the sites use by touring caravans would be conditioned. Members also discussed drainage details, the possible provision of an amenity area, rain harvesting and concerns that the site could become a small village.

**RESOLVED:** That the application be deferred to the January meeting pending a site visit and to clarify the issues raised regarding the siting of the units adjacent to the badger sett, drainage proposals and screening with the applicants.

**REASON:** To enable Members to view the site and its surroundings and to obtain additional information prior to making a decision on the application.

**45f. 147 Heslington Lane, York (06/02347/FUL)**

Members considered a Full Application, submitted by Mr T Bayley, for a two storey side extension and repositioned bike shed.

In answer to a request, the Chair confirmed that he would allow two speakers to make representations on different points in relation to the application. Officers updated that two additional letters of objection had been received reiterating concerns to the proposal. If the application was approved, Officers requested the amend of Condition 4 to ask that materials were to be agreed in writing by the Local Planning Authority and Condition 5 amending to relate to surfacing with a permeable material rather than gravel.

Representations were then received in objection from a neighbour on behalf of residents of Wilsthorpe Grove and Heslington Lane. He stated that the development would produce an 8 bedroom student house, which it was felt would have a detrimental affect on neighbour's amenities from noise, an increase in traffic, parking and drainage. He confirmed that they would have no objection if the dwelling was to be used a family home.

Representations in objection were also received from the immediate neighbour who confirmed that the property was at present occupied by students. She stated she suffered from tinnitus and that an increase in occupancy of the dwelling would result in increased noise levels. She requested Members to refuse the application as it introduced a business venture into a small community which would affect the quality of life of residents.

Cllr Hill, Local Member, confirmed that the proposal was in Fishergate Ward. He questioned the condition relating to cycle parking and the policy relating to the change of use from a dwelling house to a house of multiple occupation (HMO). He stated that the area deserved protection as the development would have an adverse impact would have on the residential amenity of the area.

Officers clarified that an HMO application was required if there would be more than 6 unrelated people who lived together as a single household and if the proposal would result in a material change of use of the site. It was confirmed that enforcement action could be taken if it could be proven that the living conditions of neighbours were harmed as a result of an increase in occupancy but that the loss of family housing was insufficient reason to refuse an application.

Members expressed concerns that the area was losing family housing, that the character of the area was being altered, the proposal was overdevelopment and questioned whether details were kept of properties that changed to student accommodation.

**RESOLVED:** That the application be refused.

- REASON:**
1. Due to its scale and its positioning, the proposed two storey extension would create a detrimental overbearing impact when viewed from the front public highway (Heslington Lane), contrary to Policy H7 of the City of York Draft Local Plan 2005.
  2. It is considered that the proposed extension, which would have the potential of being used as a house for multiple occupation, would harm the living conditions which neighbours could reasonably expect to enjoy because of the potential noise and disturbance from the high level of occupancy and activity. Therefore the proposal is contrary to Policies H7 and H8 of the City of York Draft Local Plan and Planning Policy Statement 1.

#### 46. CHAIRS REMARKS

Arising from discussion on the previous application, Members expressed their concerns regarding the number of applications for change of use to houses of multiple occupation (HMO). They stated that there appeared to be insufficient protection for residents through the planning system when

applications were made for extensions to property, which resulted in a change from family housing to student properties.

RESOLVED: That the Chair and Vice Chair raise with the Local Development Framework Working Group the Sub-Committee's concerns that there was insufficient protection for residents, through the planning system, to prevent properties changing from family to student accommodation.

CLLR R MOORE, Chair

The meeting started at 2.00 pm and finished at 5.50 pm.

**COMMITTEE REPORT**

**Committee:** East Area                      **Ward:** Strensall  
**Date:** 11 January 2007                      **Parish:** Earswick Parish Council

**Reference:** 06/00080/FUL  
**Application at:** Greystones Farm Towthorpe Moor Lane Strensall York YO32 9ST  
**For:** Installation of floodlighting for golf range and planting of coppice (retrospective)  
**By:** R G Chapman  
**Application Type:** Full Application  
**Target Date:** 10 March 2006

**1.0 PROPOSAL**

This application seeks retrospective planning permission for floodlights at Greystones Farm to illuminate an existing golf driving range. The golf driving range was granted planning permission in February 2002 at Planning Committee as part of an application to diversify and expand the activities of the farm (Ref No. 01/03091/FUL). The land in question is off Towthorpe Moor Lane in Strensall and is on land classified as Green Belt.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

2.2 Policies:

CYGP1  
Design

CYGB1  
Development within the Green Belt

CYGB13  
Sports facilities outside settlements

CYL3  
Criteria for golf course/driving ranges

CYGP4A  
Sustainability

### 3.0 CONSULTATIONS

#### 3.1 Internal

Highways and Street Operations Engineer - The applicant has made good use of relevant recommendations for the reduction of light pollution. The planned coppice would also aid in the control of any visible glare and limit the light to within the driving range boundaries.

Environmental Protection Unit - There appears to be no statutory lighting nuisance under the Clean Neighbourhoods and Environments Act 2005, although all properties in the area have not been investigated because complaints have not been received. The Environmental Protection Unit are obliged to investigate all complaints of light pollution under the aforementioned legislation and take enforcement action where the lighting is excessive.

Countryside Officer - Ideally lighting such as this should not be located in a countryside location close to woodland. However, it is considered that there is no legal wildlife legislation that would justify its refusal. Whilst legislation does cover disturbance to protected species it would be difficult to prove that lighting that is upwards of half a mile away would cause any possible roost decline / disappearance. Also, as the lights are only substantially used in the winter when bats are hibernating there is even less likelihood of this being justified. With regard to other wildlife matters, whilst lighting can affect them, the effect seems to be relatively limited, even badgers can become very used to lighting. There is a badger sett that could be affected by the lighting but this is some distance away from the adjacent woodland. Any potential impacts could be reduced through screen planting on the edge of the woodland with dense shrub species. A condition could be attached to any approval to ensure that this planting takes place and that a reasonable percentage of species do not shed leaves in winter. Lighting times could also be conditioned to ensure that lighting is turned off at a suitable time.

Highway Network Management - No objections.

#### 3.2 External

Earswick Parish Council - No objections.

Neighbour consultation and site notice - Seven pieces of correspondence received from resident of Stockton Hermitage on Malton Road and one from Dam Hill Farm on Malton Road. A summary of the points raised are presented below:

- The light is too intense and is intrusive upon the sitting room, dining room, conservatory, rear landing, and a bedroom at Dam Hill Farm.
- The floodlighting is creating severe light pollution in a rural environment and is a distraction to motorists travelling along the A64.
- The proposed tree planting to screen any residual pollution would be of benefit, this planting should be evergreen trees of an appropriate height.
- The proposal does not comply with the Clean Neighbourhoods and Environment Act 2005.
- The lights illuminate the golf driving range but also the adjacent woodland.

- The lights illuminate the sky which can be clearly seen from Stockton on the Forest over a mile in the distance.
- It is possible to walk around some farm buildings without the need to turn on other lights.
- The woods in front of the Driving Range have been an important nature reserve for over 25 years with many birds, rare moths and butterflies, mammals and plants. The Environment Agency discussed the possibility of it becoming an SSSI. Since the floodlights were installed the amount of wildlife has reduced.
- The floodlights should be angled down as far as possible and conditions should be attached to reduce the amount of time the lights are on for.
- A better lighting scheme could be implemented which resulted in significantly less light pollution into the nature reserve.
- The resident has stated that the North Yorkshire Bat Group have stated that they believe that the light cast by the floodlights is damaging roosting sites.
- The proposal is contrary to parts a), b), c), e), f), and g) of Policy GP1 Design of the Draft Local Plan.
- The proposal is also contrary to parts f) and g) of Policy GP4a Sustainability of the Draft Local Plan.
- The floodlights light up the tops of 70 foot tall trees over 400 m away.
- A survey by the Central Science Laboratory in 1998 showed that there were seven different species of bat in these woods some of which are under habitat threat and highly protected.

English Nature - No objection to the proposal in relation to species especially protected by law. However, bats are known to roost in the adjacent woodland and floodlighting can disrupt the 24-hour pattern of light and dark and can affect the natural behaviour of bats. Floodlights should be turned off at bat emergence time and during peak bat activity times. Therefore if the application is approved a condition should be used to ensure the lights are turned off after 8.30 pm between the months of May and September.

## **4.0 APPRAISAL**

### **4.1 Key Issues:**

- Green Belt
- Visual Amenity
- Wildlife

4.2 The Application Site - Greystones Farm Driving Range received planning permission in 2002. The applicant claims that three 2000 W floodlights were approved as part of this application in order to allow the golf driving range to be illuminated and used during hours of darkness. However, within the application file there is no evidence of floodlights being considered. Floodlights are not mentioned in the application supporting statement or the officer committee report and they do not appear on the approved drawings. More than three floodlights have been erected and they are located on top of the hitting area housing. This application seeks retrospective planning permission for four 1000 W and three 250 W floodlights.

### **4.3 GB1: Development within the Green Belt**



Planning permission for essential facilities for outdoor sport will only be granted where:

- a) the scale, location and design of such development would not detract from the open character of the Green Belt; and
- b) it would not conflict with the purposes of including land within the Green Belt; and
- c) it would not prejudice the setting and special character of the City of York.

#### GB13: Sports Facilities Outside Settlement Limits

Within the Green Belt proposals for the development of essential ancillary facilities for outdoor sport or recreation will be permitted where:

- the facilities are essential to support the outdoor provision; and
- the facilities are kept to a scale consistent with the requirements of the outdoor recreational activity.

4.4 Impact on the Green Belt - The application site is in a relatively remote part of Strensall off Towthorpe Moor Lane. Therefore the floodlights are visually prominent from the surrounding area which is generally in darkness. The floodlights are low lying, because of this they emit light horizontally in order for the golfer to be able to see the ball as it is in the air and as it lands. The lights can be seen from various vantage points including the A64. It is therefore considered that the floodlights detract from the character of the area. The level of illumination is excessive within this Green Belt location.

#### 4.5 GP4a : Sustainability

Proposals for all development should have regard to the principles of sustainable development. Development should:

- be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City;
- minimise pollution, including light;
- conserve and enhance natural areas and landscape features

#### L3: Golf Courses and Driving Ranges

Applications for golf courses and driving range developments will be permitted providing... the proposal would not be visually intrusive due to the use of floodlighting.

4.6 Visual Amenity - The physical appearance of the floodlights themselves are not harmful. However, the design of the lighting scheme means that whilst illuminated the lights become visually prominent and the natural darkness of this rural area is lost. It is argued that the floodlights are visually intrusive and cause a level of light pollution which is not acceptable in this setting. A light intensity survey was submitted which shows that lighting levels around the boundary are low, however during the site inspection it is considered that a significant amount of light escapes the driving range boundary and the site stands out as a large area of illumination within a countryside location.

#### 4.7 GP1 : Design

Development proposals will be expected to:

- respect or enhance the local environment;

- design outdoor lighting schemes, which are energy efficient and provide the minimum lighting level required, taking into account any adverse impact on the character of the area and night sky illumination and ecological systems.

4.8 Wildlife - The golf driving range is located close to a woodland which supports a number of species of animals including some rarer varieties. The floodlights do project a significant level of artificial light into this habitat during dark evenings. However, in consultation with English Nature and the Countryside Officer it is considered that any potential damage to habits within the woodland cannot easily be quantified and therefore a refusal is not recommended on these grounds. Whilst it could be argued that the floodlights do not respect or enhance the local environment, impacts on the woodland could be controlled through conditions such as additional planting on the driving range boundary and a condition controlling hours of illumination.

## 5.0 CONCLUSION

Harm to the Green Belt and visual amenity of the area.

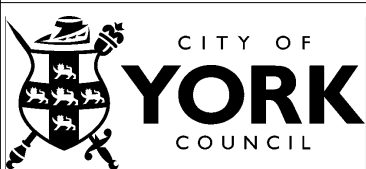
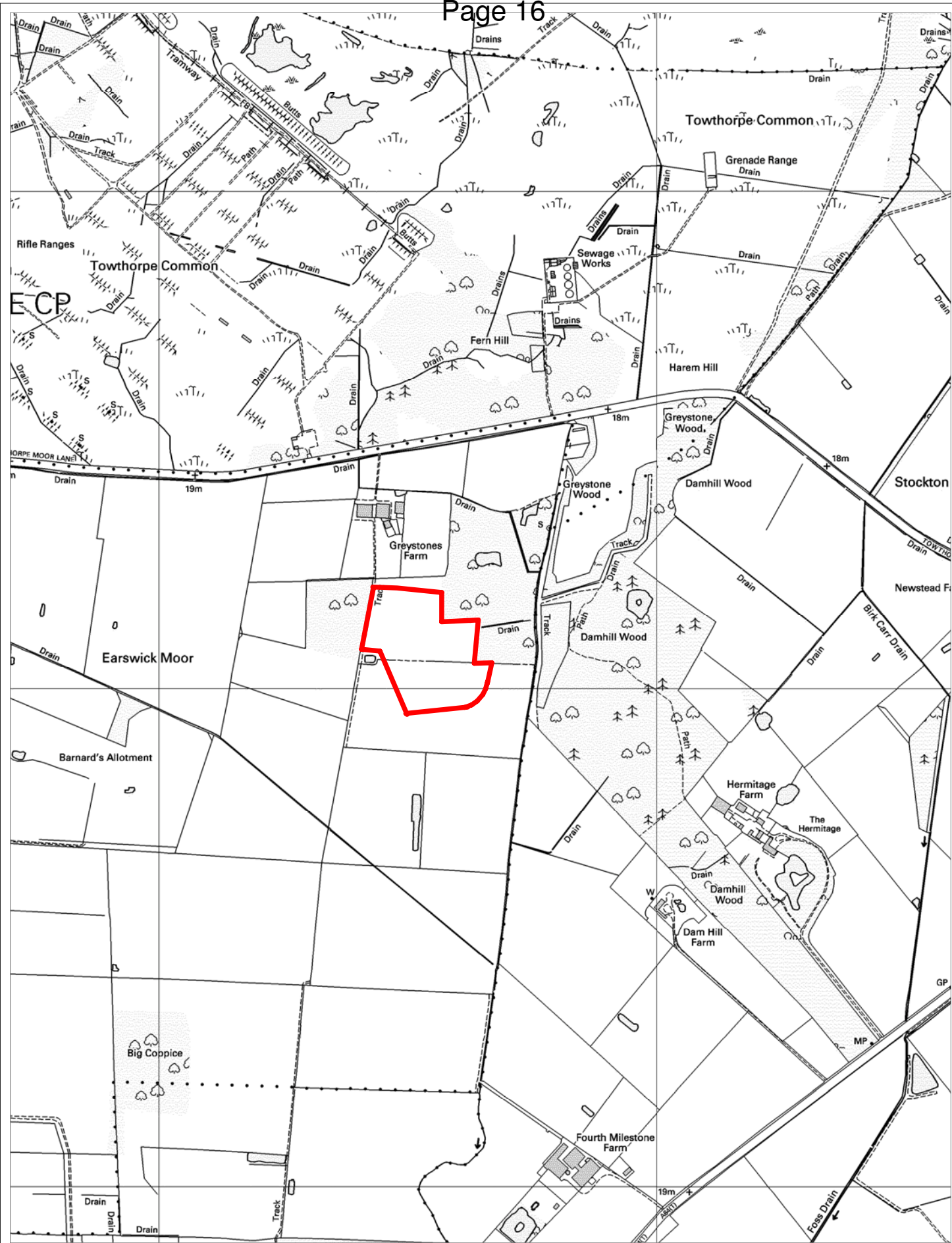
## 6.0 RECOMMENDATION: Refuse

- 1 The floodlighting has not been designed to respect or enhance the character and visual amenity of this rural area within the Green Belt. A significant amount of light emitted from the floodlights is lost outside of the driving range boundary which results in light pollution and further visual harm to the open countryside. Therefore it is considered that this application is contrary to Policies GP1, GP4a, GB1, GB13, and L3 of the City of York Draft Local Plan and design principles contained within PPS1.

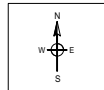
## 7.0 INFORMATIVES:

### Contact details:

**Author:** Michael Jones Development Control Officer  
**Tel No:** 01904 551325



# Site Plan : 06/00080



SCALE 1:10000	DRAWN BY JB	DATE 28/12/2006	
Originating Group	Project	Drawing No.	PLAN 1
Organisation			

9, St. Leonards Place, York, YO1 2ET  
Telephone: 01904 613161

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York City Council LA 1000 20818

**COMMITTEE REPORT**

**Committee:** East Area                                      **Ward:** Skelton, Rawcliffe, Clifton  
Without  
**Date:** 11 January 2007                                      **Parish:** Rawcliffe Parish Council

**Reference:** 06/00946/FUL  
**Application at:** Northern Electric Plc Stirling Road York YO30 4XZ  
**For:** External alterations to front and rear, new gable roof extension and addition of mezzanine first floor to part of Unit 2  
**By:** Shopping Centres Ltd  
**Application Type:** Full Application  
**Target Date:** 23 June 2006

**1.0 PROPOSAL**

1.1 The site lies within Clifton Moor Retail Park. It is proposed to carry out a number of alterations to the existing building and to construct a gable roof on the west elevation of the structure. Permission has also been sought to add a mezzanine floor to part of unit 2.

1.2 The shape and size of the proposed gable roof extension has been designed to be identical to the existing gable roofs along the park. New entrances will be created as the result of the development.

1.3 Unit 2 of the retail park will be subdivided to form 2 units (Unit 2A and Unit 2B). The subdivision of retail unit does not require planning permission.

1.4 The total floor area of unit 2 is currently 1367sq.m. As the result of the subdivision and the addition of a mezzanine floor the total area of Unit 2A would be 545sq.m. Mezzanine floor will not be added to this part of the Unit. Unit 2B, on the other hand, would include the addition of a mezzanine floor. The total area of Unit 2B would be 1,636sq.m as the result of the development.

1.5 The number of car parking spaces within the application site will remain the same as the result of the proposed development.

**1.6 RELEVANT PLANNING HISTORY**

1.7 04/02478/FUL: Alterations to existing roof to form a gable feature. Permission granted on 24.8.2004.

1.8 06/00947/FUL: Variation of condition 5 of planning permission 3/104/141AD/PA to extend the type of goods sold from part of Unit 2. Pending decision.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

2.2 Policies:

CYGP1

Design

CYS2

Out of centre retail warehouse criteria

CYSP7A

The sequential approach to development

CYSP6

Location strategy

CYS1

Land allocated for shopping sites

### **3.0 CONSULTATIONS**

3.1 Site notice posted and neighbours notified. expired 13 June 2006. No response received.

3.2 Rawcliffe Parish Council. Response received 16 June 2006. The Council supports the application.

3.3 Clifton Without Parish Council. Response received 16 June 2006. The Council supports the application.

3.4 Highways consulted: No objections.

3.5 City Development Unit: First response received 15 June 2006 and a revised sequential test was requested.

3.6 Second response received 12 December 2006 following the submission of revised sequential assessment. The unit has no objections.

### **4.0 APPRAISAL**

4.1 The issues to be considered include the justifications of increasing the size of the retail area in an existing out-of-town retail park, the siting and design of the proposed development, and its impact on the character and appearance of the locality, in particular its impact on the safety of the public highway.

4.2 Paragraph 3.13 of the National Planning Policy Statement no.6 (PPS6):'Planning for Town Centres' states that "the sequential approach to site selection should be applied to all development proposals for sites that are not in an existing centre".

Paragraph 3.14 and paragraph 3.19 further state that "in selecting sites, all options in the centres should be thoroughly assessed before less central sites are considered". However "where it is argued that otherwise sequentially-preferable sites are not appropriate for the particular development proposed, applicants should provide clear evidence to demonstrate why such sites are not practicable alternative in terms of 'availability', 'suitability', and 'viability'.

4.3 In the case of the development proposed, a sequential assessment has been carried out by the applicant. A number of sites have been looked at, which include all relevant City Centre Sites, the district centres of Acomb and Haxby, and the Monks Cross out-of-town shopping centre to establish whether an alternative available, suitable and viable site exist. It has been concluded that none of the sites selected are feasible options. The test conducted has been examined by the City Development Unit and has found to be satisfactory, in that it has met the requirements set out in PPS6 as briefly described above. In view of the above, it is considered that the proposed size increase of the retail area by adding a mezzanine floor in part of Unit 2 concords with the national and local planning policies. Hence this is regarded as acceptable.

4.4 With regards to the proposed alterations to the external appearances of the building and the proposed gable roof extension, the works proposed are considered minor in nature and are considered to be in keeping with the character, design and external appearance of the original building. Therefore, the proposed development would not affect the visual appearance and amenity of the area.

4.5 The Local Highway Authority has been consulted and has not raised objections to the proposal. It is therefore unlikely that the proposal would create a condition prejudicial to the safety of the public highway.

4.6 Having taken the above into account, it is considered that the proposed development accords with the national planning policies and the policies set out in the City of York Draft Local Plan 2005. Hence, this application is recommended for approval.

## 5.0 CONCLUSION

The proposed development will not create a condition prejudicial to the vitality and viability of York City Centre and will not be detriment to the character and appearance of the locality. It is also considered to be acceptable in terms of siting, design and materials and that it will not adversely affect highway safety. The development is in accordance with the national and local planning policies.

## 6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 The development hereby permitted shall be carried out only in accordance with the following plans:-

674405/01, 6798 01 A, 6798 05 B, 6798 07 B, 6798 11 A, 6798 14 and 6798 15 as received by the City of York Council on 28 April 2006

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

3 VISQ1 Matching materials

4 All details of exterior lighting within the site shall be submitted to and approved by the Local Planning Authority in writing before their installation on site.

Reason: To ensure that the proposed development does not adversely affect the amenity of the locality.

5 Additional mezzanine floors, beyond those hereby approved, will not be permitted unless agreed in writing with the Local Planning Authority.

Reason: To avoid the proposed development having an adverse impact on York City Centre.

## 7.0 INFORMATIVES:

### Notes to Applicant

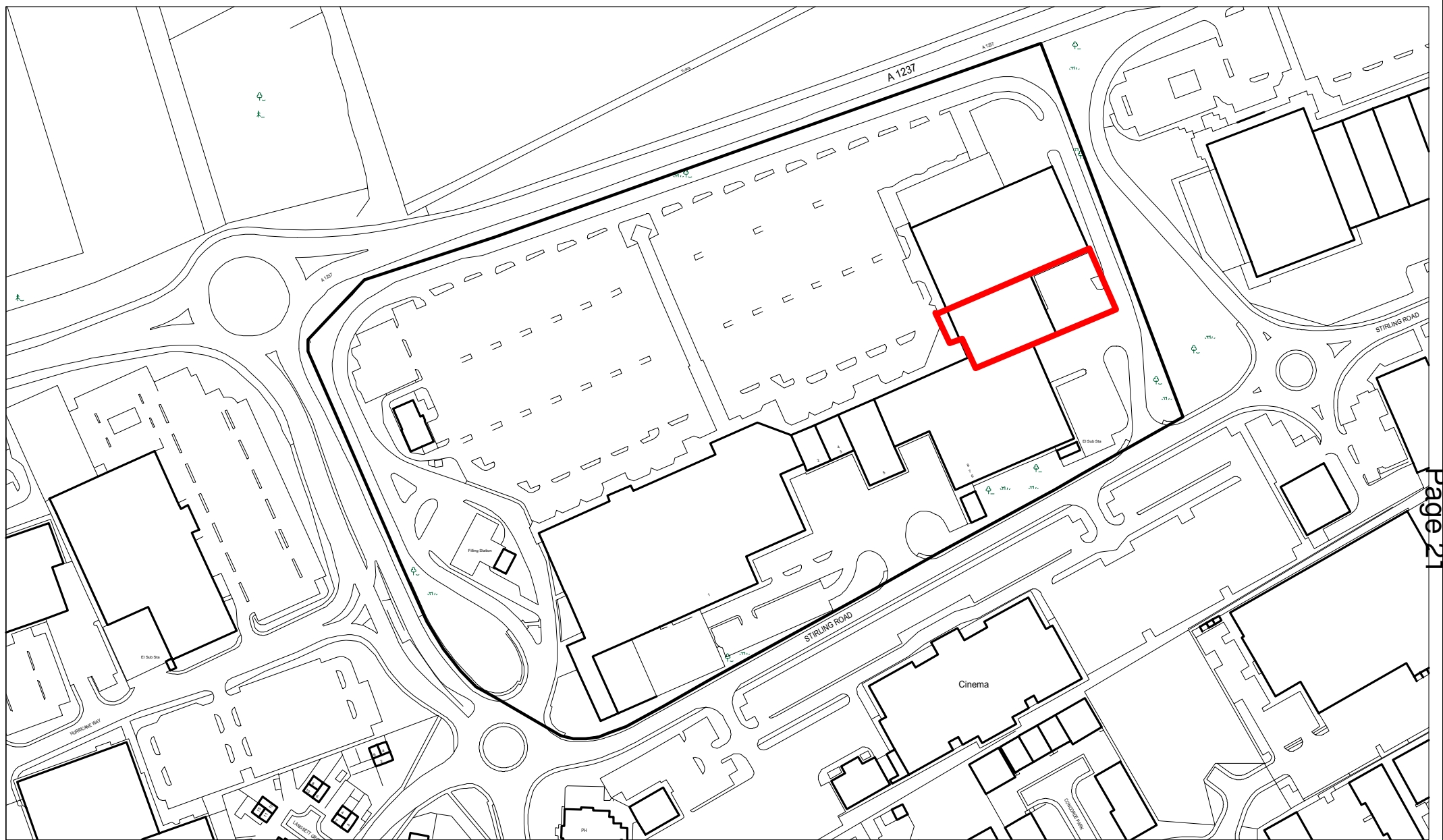
#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the vitality and viability of York City Centre and the amenities of the locality. As such the proposal complies Policies S2, GP1, SP7A, SP6 and S1 of the City of York Local Plan Deposit Draft.

#### Contact details:

**Author:** Billy Wong Development Control Officer

**Tel No:** 01904 552750



9, St. Leonards Place, York, YO1 2ET  
 Telephone: 01904 613161

# Site Plan : 06/00946

SCALE: 1:2500  
 Originating Group: Organisation  
 DRAWN BY: JB  
 Project



DATE 29/12/2006  
 Drawing No. PLAN 2

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**COMMITTEE REPORT**

**Committee:** East Area                      **Ward:** Skelton, Rawcliffe, Clifton Without  
**Date:** 11 January 2007               **Parish:** Clifton Without Parish Council

**Reference:** 06/00947/FUL  
**Application at:** Northern Electric Plc Stirling Road York YO30 4XZ  
**For:** Variation of condition 5 of planning permission 3/104/141AD/PA to extend the type of goods sold from part of Unit 2  
**By:** Shopping Centres Ltd  
**Application Type:** Full Application  
**Target Date:** 23 June 2006

**1.0 PROPOSAL**

1.1 The site lies within Clifton Moor Retail Park. This application seeks planning permission, under Section 73 of the Town and Country Planning Act 1990, for the variation of Condition 5 of planning permission reference no: 3/104/141AD/PA to allow for a wider range of goods to be sold from the application site.

1.2 The original condition (condition 5) of the Outline Approval (3/04/141AD/PA) restricts the sale of goods to those specified in the Greater York Shopping Policy (GYSP). The range of goods restricted include clothing, footwear, and homeware. The purpose of this application is to seek permission for the sale of these goods to a maximum of 45% in part of Unit 2 (Unit 2B).

1.3 A separate planning application has been submitted to seek permission for the whole of unit 2 for minor external alterations to the elevations and the addition of a mezzanine into part of unit 2 (06/00946/FUL). Unit 2 will be subdivided to form 2 units (Unit 2A and Unit 2B). Unit 2A, which will not be occupied by the applicant will be the subject of the original planning restriction on the goods that can be sold.

1.4 The subdivision of retail units does not require planning permission.

1.5 The total floor area of unit 2 is currently 1367sq.m. As the result of the subdivision and the addition of a mezzanine floor the total area of Unit 2A would be 545 sq.m. Mezzanine floor will not be added to this part of the unit. Unit 2B, on the other hand, would include the addition of a mezzanine floor. The total floor area of Unit 2B would be 1,636sq.m as the result of the development.

1.6 The number of car parking spaces within the application site will remain the same as the result of the development proposed.

**1.7 RELEVANT PLANNING HISTORY**

1.8 3/104/141AD/PA: Outline planning permission for retailing, the sale of food, a patrol station and car parking. Planning permission was granted on 10 July 1986

subject to a series of conditions, one of which was to impose restrictions on the type of goods sold (condition 5). This condition reads as follows:

"The non-food retailing element shall be restricted to those goods types as specified in the Greater York Shopping Policy, except for the sale of clothing within the food store, not exceeding 92,5000 sq ft and other sales within the four retail units not exceeding 8,000 sq ft,

Reason - To satisfy the requirements of the Greater York Shopping Policy".

1.9 04/02478/FUL: Alterations to existing roof to form a gable feature. Permission granted on 24.8.2004.

1.10 06/00946/FUL: External alterations to front and rear, new gable roof extension and addition of mezzanine first floor to part of Unit 2. This application is also reported to this committee for a decision.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

2.2 Policies:

CYS2

Out of centre retail warehouse criteria

CYSP7A

The sequential approach to development

CYSP6

Location strategy

CYS1

Land allocated for shopping sites

## **3.0 CONSULTATIONS**

3.1 Site notice posted and neighbours notified. expired 13 June 2006. No response received.

3.2 Rawcliffe Parish Council. Response received 16 June 2006. The Council object due to the following reasons:

-insufficient information has been provided as to the new use of the premise and the type of goods to be sold.

3.3 Clifton Without Parish Council. Response received 16 June 2006. The Council supports the application.

3.4 Highways consulted: No objections.

3.5 City Development Unit: First response received 15 June 2006 and a revised sequential test was requested.

3.6 Second response received 12 December 2006 following the submission of revised sequential assessment. The unit has no objections.

#### **4.0 APPRAISAL**

4.1 The issues to be considered include the impact the proposed variation of condition would have on the vitality and viability of the City of York Central Shopping Area.

4.2 Paragraph 3.20 of the National Planning Policy Statement no.6 (PPS6):'Planning for Town Centres' states "Impact assessments should be undertaken for any application for a main centre use which would be in an edge-of-centre location and which is not in accordance with an up-to-date development plan strategy". In addition, when assessing such applications, "Local Planning Authorities should consider the impact of the proposal on the vitality and viability of existing centres within the catchment area of the proposed development, including the likely cumulative effect of recent permissions, development under construction and completed developments" (paragraph 3.21, PPS6, 2005).

4.3 In the case of this proposal, a retail impact assessment has been carried out and has concluded that:

- 1) there is both a quantitative and qualitative need for a clothing, footwear and homeware retail unit within the site,
- 2) the sequential test conducted shows Clifton Moor is a sequentially preferable site,
- 3) the scale of the proposal is appropriate given that the proposed uses are entirely contained within the existing building,
- 4) the proposed development would create new employment opportunities,
- 5) the proposal will bring viable and vibrant new use to a retail unit which has remained vacant for over 30 months and will therefore contribute to the upgrading of the image and attractiveness of this part of Clifton Moor Retail Park, and
- 6) the retailer's (Next) two existing retail stores within the City Centre will remain open as the result of the development. This highlights Next presence in the city centre will remain as the result of their business expansion in York.

4.4 The arguments put forward have been looked at by City Development Unit, which has concluded that due to the fact that only part of Unit 2 will affect condition 5 of the original permission, and that within this part of the unit only 45% of the gross floorspace will be used for the sales of non-bulky goods, it is not considered that the scale of the proposed variation would create a harmful effect on the vitality and the viability of the York City Centre, to the extent that could justify the refusal of permission.

4.5 In addition, the current state of Unit 2 has been taken into account in arriving to this decision. This unit, which was previously occupied by Northern Electric Plc has

been left vacant for over 30 months. Therefore by bringing the premise back into retailing use would not just enhance its current appearance but would also contribute positively to viability and vitality of the retail park. The prosperity of the retail park should also be taken into account when assessing the merits of this application, as by virtue of its siting, the retail park can be seen, to some extent as a shopping centre that serves the local needs of the residents living in the Rawcliffe area.

4.6 Conditions are recommended to restrict the percentage of part of Unit 2 to be used for the sale of non-bulky goods and to ensure that this permission will benefit the applicant only, so that should the applicant decide to vacate the site this premise will revert back to the use as described in condition 5 of the original permission.

4.7 The information submitted by the applicant is sufficient to determine this application. Therefore planning permission cannot be refused on the ground that insufficient information has been provided.

4.8 Having taken the above into account, it is considered that the proposed development accords with the national planning policies and the policies set out in the City of York Draft Local Plan 2005. Hence, this application is recommended for approval.

## 5.0 CONCLUSION

The proposed development will not create a condition prejudicial to the vitality and viability of York City Centre. The development is in accordance with the national and local planning policies.

**6.0 RECOMMENDATION:** Approve

- 1 TIME2 Development start within three years
- 2 The development hereby permitted shall be carried out only in accordance with the following plans:-  
  
674405/02, 6798 01 A, 6798 05 B, 6798 07 B and 6798 15 as received by the City of York Council on 28 April 2006  
  
or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.  
Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.
- 3 The approval hereby granted shall be restricted to those goods types as specified in the Greater York Shopping Policy, and for part of unit 2 only as shown on the approved plans will additionally allow for the sale of clothing, footwear and homeware to a maximum of 45% of the gross floorspace hereby approved.

Reason: In order to prevent the unit being used as open retail and conflicting with retail uses in the city centre.

- 4 The variation of condition hereby granted permission shall enure for the benefit of the applicant, Next Plc, only and shall not enure for the benefit of the land. The variation of condition hereby granted shall enure only so long as the applicant, Next Plc, occupy the premises, after which the premises shall revert to use as prescribed in condition 5 attached to planning permission 3/104/141AD dated 10th July 1986.

Reason: The permission has been granted bearing in mind particular circumstances and the position of the applicant as an existing retail operator within York City Centre, and the Local Planning Authority would wish to re-assess the situation in the event of a change of owner/operator.

## **7.0 INFORMATIVES:**

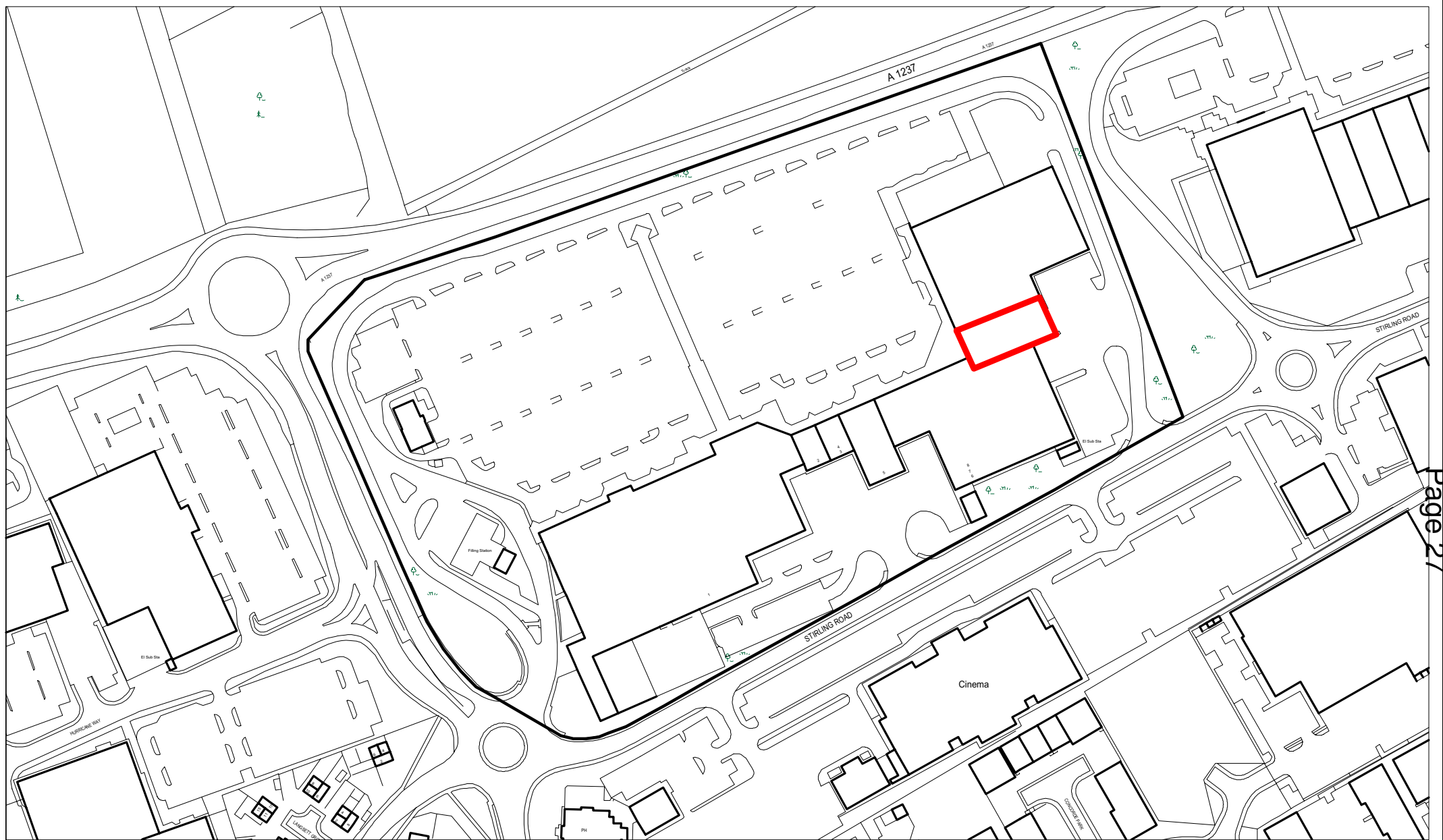
### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the vitality and viability of York City Centre. As such the proposal complies Policies S2, GP1, SP7A, SP6 and S1 of the City of York Local Plan Deposit Draft.

#### **Contact details:**

**Author:** Billy Wong Development Control Officer  
**Tel No:** 01904 552750



9, St. Leonards Place, York, YO1 2ET  
 Telephone: 01904 613161

# Site Plan : 06/00947

SCALE: 1:2500  
 Originating Group: Organisation  
 DRAWN BY: JB  
 Project



DATE 30/12/2006  
 Drawing No. PLAN 3

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## **Planning and Transport (East) Area Sub-Committee**

11 January 2007

Report of the Director of City Strategy

### **Enforcement Cases - Update**

#### **Summary**

1. The purpose of this report is to provide Members with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

#### **Background**

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process.
3. Some of these cases have been brought forward as the result of information supplied by residents and local organisations, and therefore "The annexes to this report are marked as exempt under Paragraph 6 of Part 1 of Schedule 12A of the Local Government Act 1972, as this information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or direction under any enactment".
4. In order to give Members an up to date report, the schedules attached have been prepared on the very latest day that they could be to be included in this report on this agenda.
5. Section 106 Agreements are monitored by the Enforcement team. A system has been set-up to enable Officers to monitor payments and commitments required under the Agreement. A schedule below shows the number of Section 106 Agreements currently being monitored in the East Area Sub-Committee.

#### **Current Position**

6. Members should note that 78 new cases were received for this area within the last quarter. 81 cases were closed and 173 remain outstanding. There

are 41 Section 106 Agreement cases outstanding for this area after the closure of 6 for this quarter. No cases resulted in the service of formal enforcement notices. 2 cases have been referred to Legal and await service.

### **Consultation**

7. This is an information report for Members and therefore no consultation has taken place regarding the contents of the report.

### **Options**

8. This is an information report for Members and therefore no specific options are provided to Members regarding the content of the report.

### **Corporate Priorities**

9. Improve the actual and perceived condition and appearance of city's streets, housing estates and publicly accessible spaces.

### 10. **Implications**

- **Financial** - *None*
- **Human Resources (HR)** - *None*
- **Equalities** - *None*
- **Legal** - *None*
- **Crime and Disorder** - *None*
- **Information Technology (IT)** - *None*
- **Property** - *None*
- **Other** - *None*

### **Risk Management**

11. There are no known risks.

### **Recommendations**

12. That Members contact the relevant Enforcement Officer to discuss any particular case detailed in the attached ongoing annex and also note the cases closed annex.

Reason: To update Members on the number of outstanding enforcement cases within the Sub-Committees area.

### **Contact Details**



**Author:**

**Author's name**

Mandy Swithenbank/  
Alan Kendall  
Planning Enforcement Officer

**Chief Officer Responsible for the report:**

**Chief Officer's name**

Michael Slater  
Assistant Director (Planning and Sustainable  
Development)

**Dept Name** City Strategy  
Tel No. 551376/551324

**Report Approved**

**Date** 02-01-07

**Specialist Implications Officer(s)** *List information for all*

*Implication ie Financial*

*Name*

*Title*

*Tel No.*

*Implication ie Legal*

*Name*

*Title*

*Tel No.*

**Wards Affected:** *All Wards*

**All**

**For further information please contact the author of the report**

**Background Papers:**

Environment and Development Services Business Plan (2000/2001).

Report to Area Sub-Committee in October 2006 – Enforcement Cases Update.

**Annexes**

Annex A - Enforcement Cases – Update (Confidential)

By virtue of paragraph(s) 6 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 6 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted