

COMMITTEE REPORT

Date: 20 January 2022 **Ward:** Copmanthorpe
Team: West Area **Parish:** Copmanthorpe Parish
Council
Reference: 20/02043/FUL
Application at: Land To The North Of 21 Main Street Copmanthorpe York
For: Erection of 1no. dwelling on land adjacent to 21 Main Street
By: Mr John Crompton
Application Type: Full Application
Target Date: 23 December 2021
Recommendation: Approve

1.0 PROPOSAL

1.1 Erection of a part 2-storey, part single-storey, detached, 3-bedroom house. Vehicular access would be from an existing private drive serving the adjacent house at No.21 Main Street. The site is vacant and overgrown and lies in a mixed residential/commercial area within Copmanthorpe. To the north is a Methodist church; to the south and east are residential dwellings. The site is in Copmanthorpe Conservation Area and in low risk flood zone 1.

1.2 The application has been called in by Councillor Carr due to concerns raised by, amongst others, the Parish Council and the Methodist Church regarding impact on the natural environment, overdevelopment, inappropriate design, insufficient car parking, impact on neighbour amenity, harm to the conservation area and incompatibility with the adjacent Methodist church and non-compliance with the Copmanthorpe Village Design Statement).

2.0 POLICY CONTEXT

2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Relevant policies are:

H4A Housing Windfalls
HE2 Development in Historic Locations
GP1 Design
GP15A Development and Flood Risk
GP4A Sustainability

2.2 The Publication Draft Local Plan (2018). Relevant policies are:

DP3	Sustainable Communities
D1	Placemaking
D4	Conservation areas
CC1	Renewable and Low Carbon Energy
CC2	Sustainable Design and Construction of New Development
ENV5	Sustainable Drainage
T1	Sustainable Access

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 Cannot support provision of two parking spaces without tracking information to show that egress from the house and shared drive can take place in a forward gear. Visibility splays are adequate and should be conditioned. The shared drive is currently gravel without an apron near the footway. This would need to be designed with a 2m apron to prevent gravel being deposited on the adopted highway, which would increase with the additional vehicles. Three cycle spaces are required in order to meet new national guidance.

Public Protection

3.2 We agree with the findings and recommendation of the environmental assessment report; land contamination is unlikely to be present on the site. No objections subject to conditions regarding unexpected contamination and passive provision of recharging facilities for one electric vehicle.

Design, Conservation and Sustainable Development (Conservation)

3.3 No objections.

Flood Risk Management

3.4 On-site infiltration testing demonstrated that the site is not suitable for soakaways as a means of surface water disposal. No objection to the submitted drainage proposals.

EXTERNAL

Copmanthorpe Parish Council

3.5 Copmanthorpe Parish Council – Objection due to: non-compliance with the Copmanthorpe Village Design Statement (VDS), impact on the natural environment, overdevelopment, inappropriate design, insufficient car parking, impact on neighbour amenity, harm to the conservation area and incompatibility with the adjacent Methodist church.

Ouse & Derwent Internal Drainage Board

3.6 If the applicant proposes to use the mains foul/combined sewer within Main Street, then, provided Yorkshire Water are happy with this proposal and are satisfied that the asset has the capacity to accommodate the flow, the Board would have no objection. Planning permission should include a condition requiring drainage details including means of attenuation to be submitted for approval. The Board's consent is required prior to any discharge into any watercourse within the Board's District.

Yorkshire Water

3.7 No comments to make.

4.0 REPRESENTATIONS

NEIGHBOUR NOTIFICATION AND PUBLICITY

4.1 Seven objections have been received raising the following planning issues:

- Over development.
- The building neither preserves nor enhances the conservation area and is inappropriate for it.
- Provides insufficient space between buildings.
- Contravenes the requirement that front gardens should not be dominated by hard landscaping for car parking.
- Incorporates UPVC windows into the design
- The site is long and narrow and is not suitable for a family home.
- The design of the property won't be able to bridge the gap the modern style of the Methodist church and the traditional style of the neighbouring house.
- Loss of privacy to the occupiers of 21 Main Street, the Methodist church and houses to the rear (Deans Court)
- Loss of sunlight/daylight to the occupiers of 21 Main Street, the Methodist church and houses to the rear (Deans Court)
- Overbearing impact on the occupiers of Deans Court
- The development fails to comply with the Village Design Statement
- Insufficient car parking.
- Inadequate vehicular access.

- Will exacerbate parking problems.
- The additional vehicles would be make the adjacent road junction more hazardous than it is already.
- Removal of the front hedge would give a different aspect to the proposed development.
- The proposal would result in the loss of green open space.
- The land should be redeveloped as an attractive green space.
- Inadequate access to the rear for emergency services and for refuse/recycling.
- The specified eaves heights are not achievable.
- The development should require a construction method statement.
- The plans do not show the proposed drainage.
- The plans should show the position of waste storage and collection.

Trustees of Copmanthorpe Methodist Church

4.2 Object on the following grounds:

- Overbearing impact on the church as a place of worship, a venue and a community
- The nature and size of the house are inappropriate, intrusive and out of character in the conservation area.
- Loss of sunlight/daylight to the side access, side garden and interior of the church.
- The potential loss of side paved area as a secure play area (weather permitting) for pre-school children.
- Noise nuisance and disturbance to the occupiers of the house due to the activities at the church may cause complaint and endanger a particular use to the detriment of the Church and participants of the user groups.
- Contrary to the VDS
- Insufficient off-street parking.

5.0 APPRAISAL

5.1 MAIN ISSUES

- Principle of use for housing
- Design and impact on the conservation area
- Landscape and bio-diversity
- Highway considerations
- Flood risk and drainage
- Neighbour and occupier amenity
- Impact on the Methodist church

- Climate change

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

5.2 The Publication Draft Local Plan 2018 (the 'emerging plan') was submitted 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 emerging 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.

DEVELOPMENT CONTROL LOCAL PLAN (2005)

5.3 The Development Control Local Plan Incorporating the Fourth Set of Changes (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 (as revised in February 2019), the weight that can be afforded to them is very limited.

5.4 Copmanthorpe Village Design Statement (VDS) was approved by the council in November 2002. It aims to guide and influence the design of development in a way that preserves and enhances the character and distinctiveness of Copmanthorpe.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.5 The revised National Planning Policy Framework was published 2021 and its planning policies are a material consideration in the determination of planning applications. The presumption in favour of sustainable development set out at paragraph 11 of the NPPF does not apply where the application of policies relating to impacts on the heritage assets indicate that permission should be refused.

PRINCIPLE OF USE FOR HOUSING

5.6 Paragraph 69 of the NPPF advises that small sites can make an important contribution to meeting the housing requirements of an area and supports the development of windfall sites within existing settlements for homes.

5.7 The site is in a sustainable location within the settlement limit of Copmanthorpe and with good access to shops and public services. The proposal would contribute to the provision of much-needed housing. The principle of use for housing is acceptable.

DESIGN AND IMPACT ON THE CONSERVATION AREA

5.8 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

5.9 In the NPPF conservation areas are classed as designated heritage assets. 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 (paragraph 199). Any harm or loss should require clear and convincing justification (paragraph 200).

5.10 Policy D4 (Conservation Areas) of the emerging plan states that development proposals within or affecting a conservation area will be supported where, among other things, they would preserve or enhance the special character and appearance of the conservation area.

5.11 Section 12 of the NPPF requires good design. Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. Policy D1 (Placemaking) of the emerging plan states that development proposals that fail to make a positive design contribution to the city or cause damage to the character and quality of an area will be refused.

5.12 The guidance in the VDS seeks to retain the rural character of the village. This includes retaining hedges, setting houses well back from the road and retaining/creating open spaces. As a general principle all new developments should be of imaginative design that enhances local distinctiveness. Innovative modern design is encouraged where it confirms to this general principle. Developments in the conservation area should respect its historic buildings and their settings.

5.13 The building would occupy a narrow, constrained site in a prominent location in Copmanthorpe Conservation Area. The conservation area character statement describes the area as comprising the historic core of the village, and the linear street pattern as being important. Characteristically Main Street is lined by mostly 2-storey

detached houses and cottages. They are sited close together in the traditionally narrow fronted plots of land. Some have been infilled by later Victorian detached or semi-detached cottages which maintain the rhythm. The street is quite narrow, houses traditionally being close to the frontage with small front gardens and front walls or hedges that maintain the setting and sense of scale of the houses.

5.14 The site is easily visible from Main Street. Principal external materials would comprise brick for the walls, reconstituted slate for the roof and stone for the heads and cills. Doors and windows would be of timber. The church to the north of the site is of modern design and the pair of houses to the south appear to be late Victorian. The buildings opposite the site and to the rear are modern residential. There is no predominant building style in the immediate vicinity of the site. There are no listed buildings within 100m. The proposed building is small, commensurate with the scale of the plot. Its design would contrast with the contemporary style of the church to the north and the much older pair of houses to the south. The building would have a simple, traditional appearance, standing as a freestanding element in the street scene. It would be set well back from the public footway in front of the site and slightly behind the existing building line of the adjacent house to the south and the Methodist church to the north. Although the building would occupy most of the width of the site it would not appear cramped due to the shared drive to the south and the set back of the church's side extension to the north. The existing front boundary hedge would be retained or replaced, maintaining the enclosure to the street. It is considered that the modest scale of the building and its traditional appearance would not harm the character and appearance of the conservation area or the street scene in general.

LANDSCAPE AND BIO-DIVERSITY

5.15 The site has an unkempt, semi-natural appearance with hedges along boundaries, some apparently self-seeded trees and unmanaged undergrowth. It provides some greening of the village but has little visual value except as a break from the surrounding development. The landscape has potential as a wildlife corridor but it is not protected and does not have any designated status. There is no evidence of protected species. Opportunities for new tree planting are very limited due to the small size of the site but the hedge along the highway frontage would be retained or replaced. The reduction in the proposed number of parking spaces (from two to one) provides the opportunity to increase the amount of planting along the front boundary. Limited planting would be provided along the other boundaries where possible. Details of boundary treatment should be submitted as a condition of approval.

HIGHWAY CONSIDERATIONS

5.16 Policy 103 of the NPPF states that the planning system should actively manage patterns of growth in support of its sustainable transport objectives and that

development proposals should, among other things, promote walking, cycling and public transport.

5.17 Vehicular and pedestrian access into the site would be from the existing private drive serving No.21 Main Street. Parking for one car would be provided in front of the new house. Manoeuvring space would enable cars to leave the site in forward gear. The application as initially submitted proposed two parking spaces but this has since been reduced to one space due to site constraints. Provision of one space as proposed complies with the council's parking standards. Visibility splays for vehicles are acceptable. The Pedestrian access to the rear of the site would be provided via the shared drive for bin collection, cycle storage and access to the rear garden. Three cycle spaces would be provided in a secure/lockable timber shed on a concrete base with a steel anchor bolt or hoop. Details should be submitted as a condition of approval.

5.18 The VDS states that all development must give very careful thought to the impact of increased traffic into Copmanthorpe. The additional traffic movements likely to result from the addition of one house would have no material impact on traffic levels in the area.

FLOOD RISK AND DRAINAGE

5.19 The NPPF requires that suitable drainage strategies are developed for sites so that there is no increase in flood risk elsewhere. Policy ENV5 (Sustainable Drainage) advises that discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing runoff rates, be reduced. The site is in low risk flood zone 1 and is unlikely to suffer from river flooding. Soakaways have been shown to be ineffective. Revised drainage proposals have since been submitted showing surface water stored on site prior to discharge at 0.5l/sec into a combined sewer in Main Street. The drainage details are acceptable and should be secured by planning conditions.

NEIGHBOUR AND OCCUPIER AMENITY

5.20 Policy D1 (Placemaking) of the emerging plan states that design should consider residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

5.21 The dwelling would be about 4.1m from the long side elevation of the adjacent house at No.21 Main Street. The two buildings would be separated by the vehicular/pedestrian access to No.21. Some windows of the proposed house would face No.21, which would have the potential to cause some overlooking of both properties. The windows to all of these windows would be obscure-glazed, thereby preventing overlooking. This should be made a condition of approval. The long side elevation facing the church would have no windows.

5.22 The dwelling would have seven rooflights - four facing No. 21 and three facing the church. The lowest part of the rooflights would be 1700mm from first floor level, thereby preventing any meaningful overlooking. The rooflights would be for light and ventilation only.

5.23 The proposed house would be about 11m from the rear boundary fence and 23m from the rear elevation of the nearest house in Deacons Court. These distances would be sufficient to prevent any significant overlooking or overbearing impact.

5.24 The absence of windows on the northern elevation is likely to prevent any significant noise nuisance that might otherwise be caused by activities at the church.

5.25 Hours of construction should be made a condition of approval due to the proximity of neighbouring occupiers.

IMPACT ON THE METHODIST CHURCH

5.26 Access to the church is from Main Street. The church has two entrances, one at the western end of the building and one on the southern side. The southern entrance is approached via a patio alongside a garden/border of shrubs. The entrance is separated from the application site by the planting backed by a 2m-high close-boarded fence. The eaves height of the building would be about 4m above the patio at the approach to the southern entrance. From this southern approach the new house would be easily visible above the existing 2m-high fence and would be likely to cause some loss of direct sunlight, particularly during the cooler months. Nevertheless, any impact on worshippers would generally be fleeting as they approach the southern entrance. Benches outside the entrance suggest that the patio is also used for sitting or congregating. Nevertheless, any loss of amenity due to the loss of direct sunlight and the visual impact of the building is likely to be of short duration.

CLIMATE CHANGE

5.27 Paragraph 148 of the NPPF states that the planning system should support the transition to a low carbon future and, among other things, support renewable and low carbon energy.

5.28 Policy CC1 of the emerging plan states that new buildings must achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. This should be achieved through the provision of renewable and low carbon technologies in the locality of the development or through energy efficiency measures. Policy CC2 of the emerging plan states that all new residential dwellings should achieve at least a 19% reduction in dwelling

emission rate (calculated as per Part L1A of the Building Regulations 2013); and a water consumption rate of 110 litres per person per day (calculated as per part G of the Building Regulations). Policy CC1 (Renewable and Low Carbon Energy) of the emerging plan requires new buildings to achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that it is not viable. Policy CC2 (Sustainable Design and Construction) states that development proposals will be required to demonstrate energy and carbon dioxide savings in accordance with water efficiency and the energy hierarchy. These requirements should be made a condition of approval.

5.29 Provision of recharging facilities for one electric vehicle should be made a condition of approval.

6.0 CONCLUSION

6.1 The site is in a sustainable location. The proposal is of appropriate scale, form and materials for the site and would preserve the character and appearance of the conservation area. It is acceptable in terms of the amenity of adjacent occupiers, highway safety, flood risk, biodiversity and climate change. The application complies with national planning policy in NPPF and relevant policies of the emerging plan.

7.0 RECOMMENDATION:

That the Area Planning Sub-Committee recommend to the Chief Operating Officer that the application be APPROVED subject to the following conditions:

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

1608-100A - Location Plan

1608-104D - Proposed Site Plan & ABC Section

1608-105D - Proposed Section DEF

1608-106B - Proposed Plans & Elevations

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the local planning authority.

3 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 the Local Planning Authority for approval prior to the commencement of the construction of the house above foundation level.

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: In the interests of the character and appearance of the conservation area.

4 Within one month of commencement of development details of refuse and recycling storage shall be submitted to the Local Planning Authority for approval in writing. The building shall not be occupied until the refuse and recycling facilities have been provided within the site in accordance with such approved details and shall be so retained thereafter.

Reason: In the interests of sustainability and the character and appearance of the area.

5 Within one month of commencement of development details of cycle parking for three cycles, including means of enclosure, shall be submitted to the Local Planning Authority for approval in writing. The building shall not be occupied until the cycle parking facilities 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.

6 Notwithstanding the approved plans, within one month of commencement of development details of the proposed parking area (including plans, elevations levels and sections as appropriate), including landscaping and means of enclosure to the site boundaries, shall be submitted to the local planning authority for approval in writing and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

7 Notwithstanding the notation on the approved drawing, the hedge to the full width of the new plot frontage as shown on drawing no. 104 revision D shall be retained to a height of no less than 1m above existing footway level except where shown on the approved drawing as pedestrian visibility where its height shall be no more than 0.6m above the adjacent footway. Should the hedge die or be damaged or otherwise be removed a replacement hedge of the same species and density

shall be planted within the next planting season, any replacement hedge shall thereafter be retained to the full width of the new plot frontage as shown on drawing no. 104 revision D to a height of no less than 1m above existing footway level except where shown on the approved drawing as pedestrian visibility where its height shall be no more than 0.6m above the adjacent footway.

Reason: In the interests of the character and appearance of the conservation area and pedestrian safety.

8 Prior to the development coming into use, the initial 2m of the vehicular access, measured from the back of the public highway, shall be surfaced, sealed and positively drained within the site. Elsewhere within the site all areas used by vehicles shall be surfaced and drained, in accordance with the approved plans.

Reason: To prevent the egress of water and loose material onto the public highway.

9 The development shall incorporate sufficient capacity within the electricity distribution board for one dedicated radial AC single phase connection to allow the future addition of an Electric Vehicle Recharge Point (minimum 32A) within the parking area if desired. The applicant should identify the proposed location for a future Electric Vehicle Recharge Point within the development curtilage and ensure that any necessary trunking/ducting is in place to enable cables to be run to the specified location.

Reason: To ensure future electric vehicle charge points can be easily added to the property in line with the NPPF and CYC's Low Emission Strategy.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), no window, rooflight or other opening (other than those hereby approved) shall at any time be inserted in the southern elevation or southern roof plane of the dwelling hereby approved unless the window, rooflight or other opening is more than 1.7 metres above the floor of the room in which the window is installed.

Reason: In the interests of the amenities of the occupiers of the adjacent dwelling at No.21 Main Street.

11 All windows and rooflights facing No.21 Main Street shall be (i) obscure-glazed and (ii) non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows and rooflights shall remain obscure-glazed in perpetuity.

Reason: In the interests of the amenities of occupiers of No.21 Main Street.

12 All windows, rooflights and external doors shall be made of timber.

Reason: In the interests of the character and appearance of the conservation area.

13 The dwelling hereby approved shall achieve the following measures:

- At least a 19% reduction in Dwelling Emission Rate compared to the target fabric energy efficiency rates as required under Part L1A of the Building Regulations 2013).
- A water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).
- A reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations.

Prior to first occupation of the dwelling 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 not be occupied except in accordance with the approved details.

Reason: In the interests of sustainable design and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

14 In the event that unexpected contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared and shall be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which shall be subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

15 All construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 0800 to 1800 hours
Saturday 0900 to 1300 hours
Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of the locality

16 The site shall be developed with separate systems of foul and surface water drainage on site and a combined system of foul and surface water drainage off site.

Reason: In the interest of satisfactory and sustainable drainage.

17 The development shall be carried out in accordance with the drainage details shown on the submitted External Works General Arrangement - Re: 7992/020 Revision P2 and the Private Drainage Details - Re: 7992/022 Revision P2, both dated 8th November 2021, unless otherwise previously agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage

18 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.

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) and, in seeking solutions to problems identified during the processing of the application, the local planning authority negotiated with the developer to reduce the impact on neighbouring occupiers and to ensure the proper drainage of the site.

2. VEHICLE RECHARGING

Any future Electric Vehicle Charging Points need to be professionally installed. The installation process routinely involves wall mounting a charge point on an exterior wall or garage and connecting it safely to the mains electricity supply. All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation

In the UK, there is a government-grant scheme available to help reduce the cost of installing a home EV charge point. For more information on the scheme see the OLEV website <https://www.gov.uk/government/collections/government-grants-for->

lowemission-vehicles.

The above requirement does not preclude the installation of Electric Vehicle Charge Point from the outset, if desired.

Details of passive provision to be included within household pack for first occupant, to include location of proposed Electric Vehicle Recharge Point, trunking/ducting provided and details of distribution board location and capacity.

3. FOUL AND SURFACE WATER DRAINAGE

i) The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort. The developer is required to eliminate other means of surface water disposal.

ii) The applicant is advised that Yorkshire Water's prior consent is required to make a foul and surface water connection to the public sewer network.

Contact details:

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