



Notice of meeting of

West & City Centre Area Planning Sub-Committee

To: Councillors Livesley (Chair), Bartlett (Vice-Chair),

Sue Galloway, Horton, Macdonald, Reid, Simpson-Laing,

Sunderland and B Watson

Date: Tuesday, 28 November 2006

Time: 12.00 pm

Venue: The Guildhall, York

AGENDA

There will be no site visits 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. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the day before the meeting. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

3. Plans List

Members will consider a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to planning applications with an outline the proposals and relevant policy considerations and the views and advice of consultees and officers.





- a) 48 Wetherby Road, Acomb, York (06/02028/FUL) (Pages 1 10) Erection of 1 no. detached single storey dwelling and garage to the rear of 48 Wetherby Road (resubmission). [Westfield Ward]
- b) Tesco Supermarket, Askham Bar, Tadcaster Road, Dringhouses, York (06/01987/FULM) (Pages 11 16)

 Erection of 74 space temporary decked car park for 6 month period. [Dringhouses & Woodthorpe Ward]
- 4. Any other business which the Chair considers urgent under the Local Government Act 1972

Democracy Officer

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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 above.

COMMITTEE REPORT

Westfield Committee: West & City Centre Area Ward: No Parish Date: 28 November 2006 Parish:

Reference: 06/02028/FUL

Application at: 48 Wetherby Road Acomb York YO26 5BY

For: Erection of 1no. detached single storey dwelling and garage to

the rear of 48 Wetherby Road (resubmission)

Bv: Mr And Mrs Jeffrey **Application Type:** Full Application **Target Date:** 28 November 2006

1.0 PROPOSAL

- The application is the resubmission of a previously refused scheme for a detached dwelling to the rear of 48 Wetherby Road.
- 1.2 The previous scheme was for the erection of a one and a half storey four bedroom property. It was refused on the following grounds:

"In the opinion of the Local Planning Authority the proposed development, by reason of the plot width, the height of the proposed dwelling and the proximity of adjacent houses and gardens, would have a detrimental impact upon the living conditions of the occupiers of 50 Wetherby Road and 18 and 20 Ridgeway in terms of loss of privacy and overbearing impact. The application therefore fails to accord with Policies GP1, GP10 and H4a of the City of York Council Draft Deposit Local Plan, which states, inter alia, that development proposals should ensure that residents nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures".

1.3 In general terms the property has been redesigned to show a single storey dwelling only with a ridge height of 4.5m as opposed to 7.2m. The dwelling would have a larger footprint but this is to compensate for the loss of the accommodation within the roof. The design has removed the bulk from the building and incorporated recesses to add relief to the side elevations and the roof profile. The dwelling has been located further down the application site to reduce its impact upon neighbouring residents at 18 and 20 Ridgeway. Windows are proposed to the side elevations but these would be either obscure glazed and located behind a 1.8m boundary fence or angled so as not to face directly onto neighbours habitable rooms or main garden areas and are located behind existing mature hedges.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Application Reference Number: 06/02028/FUL Item No: a

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Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1 Design

CYGP10

Subdivision of gardens and infill devt

CYH4A

Housing Windfalls

CYH5A

Residential Density

CYNE₁

Trees, woodlands, hedgerows

CYNE8

Green corridors

3.0 CONSULTATIONS

3.1 Internal

Drainage - The development is Flood Risk Zone 1 and should not suffer from river flooding. The development should not be raised above the level of the adjacent land, to prevent new run-off from the site. A topographical survey of the site and the adjacent land should be submitted to prove this. The intention is to dispose to soakaway a test should be carried out in winter to prove that the ground has sufficient capacity to accept surface water discharge

Environmental Protection Unit - No objections but concerns over noise disturbance during the construction phase and the possibility of contamination being found during any construction works. Suggest conditions

Lifelong Learning and Culture- As there is no on site open space provision, commuted sums should be paid to the council for amenity open space, play space and sports pitches

Highway Network Management - There are no highway objections to the principle of the development however it is noted that access to the site will entail the use of the existing drive to house number 48 as the sole means of access to the site, and demolition of the existing garage and an annex to house number 48. Revised plans

Application Reference Number: 06/02028/FUL Page 2 of 8

indicate adequate car parking can be achieved for both properties but alterations will be required to the dropped crossing to provide unobstructed access to the drive for the new dwelling. Condition suggested

Landscape Officer- No implications regarding the character of Wetherby Road as the property and trees to be removed are not visible. However, concerns are raised regarding the precedent that may be set. The value of gardens as wildlife habitat is recognised by English nature. Once one back garden development is permitted along this stretch of Wetherby Road, it opens up the entire rear garden area to piecemeal development and a gradual deterioration of a valuable habitat resource. Thus in my opinion the development principal would be against the general objectives of the local plan policy 'Nature conservancy and amenity' and policies NE1 and NE8. Trees in these rear garden areas are of nature conservation value by way of the accumulative potential for shelter, nesting and feeding habitat.

Countryside Officer - The long back gardens form an uninterrupted green wedge in form the adjacent countryside. However, the proposal lies at the inner end of this wedge and so will have limited effect in wildlife terms. Similar development elsewhere within the area would have a greater effect.

3.2 External

Neighbours - Letters of objection from 18 Ridgeway, 44, 50,54,56, 94 Wetherby Road

- Imposing when viewed from 18 Ridgeway garden and conservatory
- Loss of privacy
- The tranquillity of the garden will be lost by having the driveway running the length of the garden
- Issues of security
- Noise issues
- Would set a precedent for other properties to develop the rear garden area
- Would result in the unnecessary destruction of mature gardens and a loss of privacy
- The driveway and kerb have not been widened to allow unrestricted access to the proposed dwelling
- Inadequate parking for the existing property
- Emergency services or vehicles wider than a family car could not access the dwelling
- Loss of mature trees and wildlife habitat
- Dwelling has a large footprint and therefore the possibility of overdevelopment of the area
- Large and imposes itself on the adjoining owner
- Located very close to neighbours
- Overbearing and overlarge footprint
- Noise generated from washing machines, utility room and bathrooms will be overheard in the neighbouring garden
- Windows will open above the height of the proposed fence generating noise
- The path to the eastern side of the dwelling is narrow and would involve walking past the boundary hedge. This would at some point result in its removal

4.0 APPRAISAL

- 4.1 Key Issues
- Impact upon character of the area
- Impact upon residential amenity
- Impact upon wildlife
- 4.2 The relevant City of York Council Draft Deposit Local Plan Policies are GP1,GP10, H4a, H5a, NE1 and NE8. Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.
- 4.3 Policy GP10 'Subdivision of Gardens and Infill Development' states that permission will only be granted for the development or subdivision of gardens areas where it would not be detrimental to the character and amenity of the local environment.
- 4.4 Policy H4a 'Housing Windfalls' of the CYLPDD states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.
- 4.5 Policy H5a 'Residential Density' states that the scale and design of residential developments should be compatible with the character of the surrounding area and must not harm local amenity. Applications for all new residential developments, dependant on individual site circumstances and public transport accessibility, should aim to achieve net residential densities of greater than: 60dph in the city centre; 40dph in the urban area and 30dph elsewhere in the city of York.
- 4.6 Policy NE1 'Trees, Woodlands and Hedgerows' seeks to protect trees that are of landscape, amenity or nature conservation value by, inter alia, refusing development proposals that would result in their loss and by seeking appropriate protection measures when they are proposed for removal. Appropriate replacement planting will be sought where trees are proposed for removal.
- 4.7 Policy NE8 'Green Corridors' states that planning permission will not be granted for development, which would destroy or impair the integrity of green corridors and stepping stones (e.g. river corridors, roads, railway lines, cycleways, pockets of open space and natural or semi-natural vegetation etc). Conversely development that ensures the continuation and enhancement of green corridors for wildlife will be favoured.

- 4.8 The application site is a semi-detached property located along Wetherby Road, close to the roundabout with Beckfield Lane and Ridgeway. It has a long rear garden measuring in the region of 79m long by, on average, 11m wide. To the east the garden bounds the gardens of three residential properties and to the west, a garden of similar size to the application site. The application is the resubmission of previously refused scheme, which was determined at committee in July 2006. The previous scheme indicated the dwelling being located 37.4m back from the rear elevation of 48 Wetherby Road. The current scheme has pushed the dwelling further down the rear garden and is separated by a distance of 45m. It now sits centrally in the gap between 18 and 20 Ridgeway in order to reduce the impact upon these properties.
- 4.9 The previous scheme showed an overall length of 17.5m and an average width of 6m. The current scheme indicated a length of 21.4m and a width of 6.8m. It is apparent that the footprint has increased but this is due to the reduction in height and the removal of rooms within the roof. The original plans showed the dwelling being one and a half storey with an eaves height to the side boundaries of 3.9m rising to a central ridge height of 7.2m. The revised scheme shows and eaves height of 2.4m with a ridge of 4.5m. The accommodation would comprise of three bedrooms, a livingroom, breakfast/kitchen, utility room and bathroom. Garaging and turning would be provided to the garden area to the front of the proposed dwelling.
- 4.10 The dwelling has been pulled away from the boundary with number 50 Wetherby Road and has been designed with a number of recesses to each side elevation in order to provide relief and to break up the roof profile. Three windows opening into the bathrooms and utility room are proposed to the elevation facing 50 Wetherby Road. However, potential overlooking has been addressed by a proposed 1.8m boundary fence to this boundary. The neighbour has raised issues of noise disturbance but the property would be at a distance of in the region of 45m from the rear elevation of the property. To the western elevation would be two small windows opening into the hall way and one window entering into the breakfast/kitchen area. These would face onto the boundary hedge, which is to be retained, and onto the boundary between 18 and 20 Ridgeway. It would be at a distance of 12 from the side conservatory of 18 Ridgeway but would be located at an angle and not face directly onto it. Views would be obscured by the existing hedge to the boundary.
- 4.11 In order for the development to be accessed a drive would be located along the boundary with the neighbouring property at 44 Wetherby Road. At present the existing dwelling has a single storey garage extension which is proposed to be demolished. This would leave adequate space for the new access to be provided whilst retaining two off road car parking places for the existing property. The application plans indicate the erection of a two storey extension to attach to the existing dwelling, but retaining adequate space for the new access. However, no plans have been received and these will be considered under separate application. It is not considered that the drive to this location would have a serious detrimental impact to neighbours in terms of noise and it would abutt the garage of number 44 Wetherby and vehicle movements for one dwelling would be limited.

- 4.12 The previous scheme involved the removal of 13 fruit trees, 3 conifers, 2 Hawthorne, 1 lilac and 1 ash tree. The revised scheme involves the removal of 10 fruit trees only. However, these trees are not protected and as such the applicant could remove them without the need for a planning application. Furthermore, they would not be worthy of retention by way of Tree Preservation Orders and as such is acceptable in terms of Policy NE1. Concerns are raised regarding the loss of the number of trees but it is considered, by the countryside officer, that at this location to the end of this green corridor there would be limited effect in wildlife terms. Policy NE8 relates to the retention of green corridors. However, as this site is located at the end of the corridor, adjacent to properties facing Ridgeway it could be considered that the development would not destroy or impair the integrity of this green corridor.
- 4.13 There would be a limited amount of overshadowing to the rear garden area of number 50 Wetherby Road but this would be at a distance of 45m from the rear elevation of the property and as such would not be the most used part of the garden area. It would also only be during the morning as the gardens are south facing. Furthermore, the overdominance would be greatly reduced due to the reduced height and the recesses proposed to the side elevation. In addition, loss of light to 18 and 20 Ridgeway would be greatly reduced due to the reduction in height and the repositioning of the dwelling.
- 4.14 Regarding visual intrusion the dwelling would be located within a large plot of land and would be seen in context with neighbouring residential properties along Ridgeway. If the dwelling were proposed to the rear of a property further along Wetherby Road concerns would be raised as the dwelling would be seen in context with a number of large open adjacent gardens and would be much more visually prominent. The issue regarding precedent is similar. The proposed site is unique as it sides onto existing residential properties as opposed to only garden areas. Other properties wishing to develop land to the rear would have to be considered on their own merits but the level of visual intrusion created would be a major factor. Furthermore, the application site has a large area of land to the side which can accommodate the proposed driveway. The majority of other properties along Wetherby Road do not have this land and as such access would be difficult to achieve.

5.0 CONCLUSION

5.1 It is considered that the site is of an acceptable size to accommodate a detached dwelling with access whilst retaining adequate levels of amenity space and privacy for the existing dwelling. The redesigned dwelling would have a much reduced eaves height and the general bulkiness has been reduced. Whilst the footprint has increased it is not considered that the application represents an overdevelopment of the site. There does not appear to be any loss of privacy to neighbouring residents and issues of overdominance have been removed. Officers recommend approval.

6.0 RECOMMENDATION: Approve

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

Drawing number 124/1000A received 15th September 2006

Drawing number 124/102 received 15th September 2006

Drawing number 124/103 received 15th September 2006

or any plans or details subsequently agreed in writing by the Local Planning Authority as an 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 PD5 No openings in side elevation
- 4 PD1 Part 1 Class A to E. Rem of specific Perm Dev rights
- 5 VISQ8 Samples of exterior materials to be app
- 6 NOISE7 Restricted hours of construction
- 7 Any suspect contaminated materials detected during site works shall be reported to the Local Planning Authority. Any remediation for this contamination shall be agreed with the Local Planning Authority and fully implemented prior to any further development of the site.

Reason: As our in-house research has shown no obvious potential source of contamination at the site, the watching brief is recommended

8 Prior to works commencing on site details of the surface water drainage shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure acceptable drainage of the site

9 The hereby approved development site shall not be raised above existing ground levels.

Reason: To prevent unacceptable surface water run-off to adjoining sites

- 10 HWAY5 Access improvements details required
- 11 HWAY12 Initial 10m surfaced, details regd
- HWAY19 12 Car and cycle parking laid out
- 13 HWAY31 No mud on highway during construction

14 LAND1 New Landscape details

15 HT1 4.5m Height

No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1 of the City of York Draft Local Plan.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £1125

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

17 The new boundary fence shown on drawing no.1000A shall be erected before first occupation of the dwelling and shall be retained in the approved position thereafter.

Reason: In the interests of residential amenity in accordance with policy GP1 of the Development Control Local Plan.

7.0 INFORMATIVES: Notes to Applicant

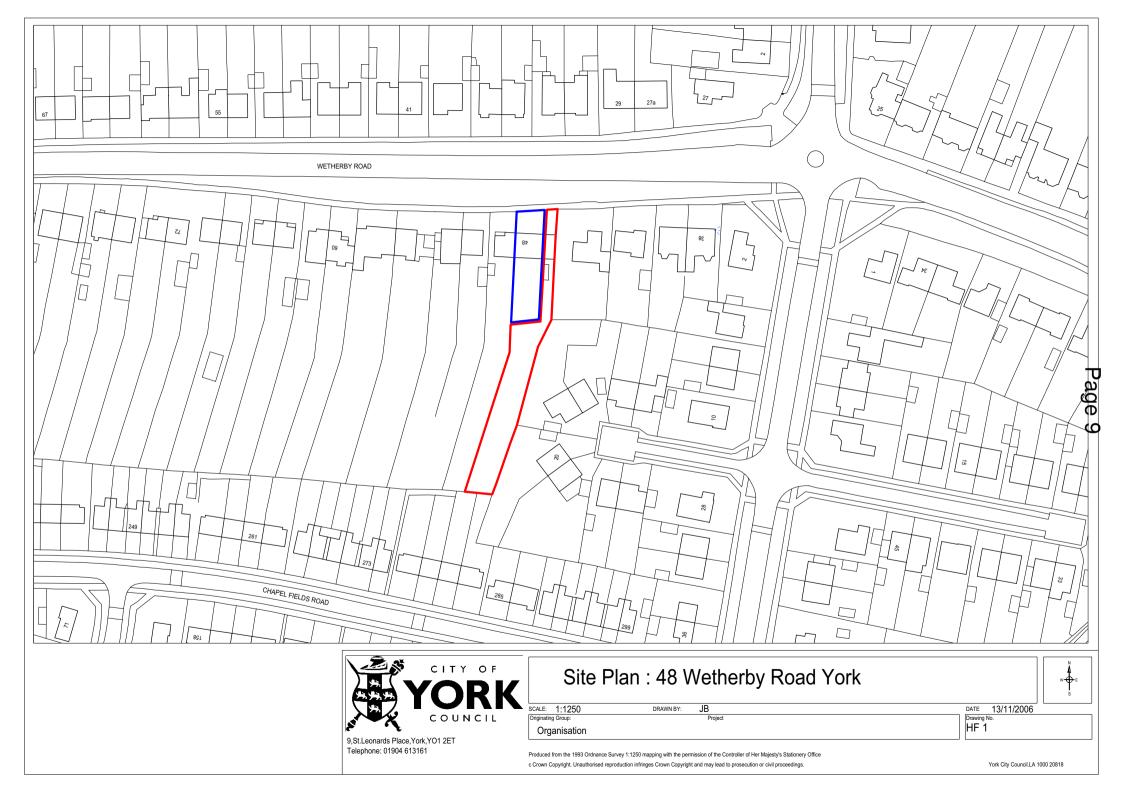
1. REASON FOR APPROVAL

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 character of the area, neighbouring residential amenity or landscape features. As such the proposal complies with Policy H9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP10, H4A, H5A, NE1 and NE8 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Heather Fairy (Mon - Wed) Development Control Officer

Tel No: 01904 551668



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COMMITTEE REPORT

Committee: West & City Centre Area Ward: Dringhouses & Woodthorpe 28 November 2006 Parish: Dringhouses/Woodthorpe

Planning Panel

Reference: 06/01987/FULM

Application at: Tesco Supermarket Askham Bar Tadcaster Road Dringhouses

York

For: Erection of 74 space temporary decked car park for 6 month

period.

By: Tesco Stores Ltd

Application Type: Major Full Application (13 weeks)

Target Date: 11 December 2006

1.0 PROPOSAL

1.1 The applicant seeks planning approval to erect a 74 space temporary car park for a 6 month period. The additional car parking has a lower level height provision of 2.8 metres, with the overall height measuring approx.4.0 metres. Vehicle and pedestrian access is provided via a ramp and external stair cases respectively.

- 1.2 The application site relates to the existing "Tesco" Car Park currently containing a range of ancillary supermarket facilities, landscape features and a petrol station. The site is accessed from Tadcaster Road. The site currently has 699 parking spaces, of which 641 are for the general use of customers and 26 are for the use of parents with young children. A total of 32 spaces are available for the use of disabled customers.
- 1.3 In response to Highway Network Managements refusal recommendation, the applicants' agents Development Planning Partnership commissioned a traffic assessment, which was received by the Local Planning Authority on the 13th November 2006. Highway Network Management have been re-consulted. Should this traffic assessment address the concerns of Highway Network Management, then a verbal recommendation for approval could be presented to the Planning (West and City Centre Area) Sub Committee.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Floodzone 2 Flood Zone 2 CONF

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2.2 Policies:

CYGP1 Design

CYGP23

Temporary planning permission

3.0 CONSULTATIONS

INTERNAL

- 3.1 Environmental Protection Unit No Objections
- 3.2 Urban Design and Conservation (Landscape Architect) No Objections if :-
- * replacement planting is secured close to the northern site boundary, to reduce the visual impact of the new structure and improve the appearance from the park and ride access road and car park pedestrian route.
- * trees are reinstated within the car park following the removal of the temporary structure.
- * condition LAND1 is included to secure adequate tree planting
- 3.3 Highway Network Management Recommend for Refusal "In the absence of supporting evidence to show exactly what the impact of this proposal would be on the adjoining highway network, and what measures are being offered to mitigate the effects of this increased level of traffic, it is recommended that this application be refused"

EXTERNAL

- 3.4 Dringhouses/Woodthorpe Planning Panel No Objections Comments.
- * 6 month period is excessive
- * the temporary structure should not become permanent
- * 3 month condition recommended
- 3.5 One letter of objection has been received regarding the applicants' proposals. The letter raises the following concerns.
- * Temporary structures becoming permanent by default.
- * Traffic management issues.

4.0 APPRAISAL

KEY ISSUES

4.1 The proposal raises the following key issues:

Application Reference Number: 06/01987/FULM Page 2 of 4

- * Planning Policy.
- * Visual Amenity.
- * Temporary Permission.
- * Landscape Issues.
- * Highway Issues.

PLANNING POLICY

- 4.2 Policy GP1 'Design' of the City of York Development Control Draft Local Plan includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.
- 4.3 Policy GP23 'Temporary Planning Permission' states "Planning permission will be granted for the temporary use of land or the erection of temporary buildings for a limited period, provided:
- * There would be no loss of amenity to the occupants of adjacent property as a result of the proposal.
- * The applicant can demonstrate that there is no viable permanent alternative immediately available; and
- * Where appropriate, plans are to be brought forward for permanent development; and
- * That the period for which consent is sought is the minimum required to allow the permanent development proposals to be implemented; or
- * A trial period is necessary for the development, to allow an assessment of its character of effects.

VISUAL AMENITY

4.4 The proposed car park measures approx. 4.0 metres in height (inclusive of the Armco barrier). The eastern elevation of the car park is located within 49 metres of Tadcaster Road, with an additional 21 metres provided to the nearest dwelling house. The site is bordered to the west by an area of open space and the railway line. On balance the central locality of the applicants proposals in conjunction with the aforementioned distances mitigate the visual impact of the proposal. This is particularly pertinent when existing and conditioned landscape features are taken into consideration.

TEMPORARY PERMISSION

4.5 Although the application has been submitted seeking temporary permission for a "6 month period", negotiations with the applicant and an e-mail (dated 02/11/2006) have resulted in the 17th January 2007 being agreed as a cease of usage date. This

could be enforced by condition. In terms of compliance with Local Plan Policy GP23, the proposals represent little harm to the visual and residential amenity of neighbouring properties.

LANDSCAPE ISSUES

4.6 To compensate for the loss of trees located within the existing car park, the Landscape Architect requested that 6 extra heavy standard trees (EHS) are planted along the "park and ride access road parallel with the proposed car park deck". The applicant has amended the plans as requested (revised plan 4622/11/P02B - Proposed Site Plan. To secure appropriate and adequate tree planting, condition LAND1 could be included.

HIGHWAY ISSUES

- 4.7 The extra car parking capacity would be provided at a time when the existing highway network around the Tadcaster Road store would be subject to a seasonal increase in demand and when the adjoining Park and Ride would experience pressures beyond its available capacity. Traffic Surveys recently undertaken at the Moor Lane roundabout (from which the Tesco Store is served), in support of the New York College development, indicated that this roundabout was already operating beyond capacity in the peak periods. The additional parking capacity resulting from this current proposal will only exacerbate the existing problems of congestion and delay on the network in the vicinity of Tadcaster Road site.
- 4.8 In the absence of supporting evidence showing exactly what the impact of this proposal would be on the adjoining highway network, and what measures are being offered to mitigate the effects of this increased level of traffic, it is recommended that this application is refused.

5.0 CONCLUSION

5.1 The applicants' proposals as submitted, by virtue of their potential impact upon the adjoining highway network, are considered to be unacceptable in this instance and are therefore recommended for refusal.

6.0 RECOMMENDATION: Refuse

The applicant has failed to demonstrate that additional traffic from the proposed temporary decked car park would not harm the free flow of traffic on the adjoining Tadcaster Road and the Moor Lane roundabout, contrary to Policies GP1 and GP23 of the City of York Development Control Draft Local Plan.

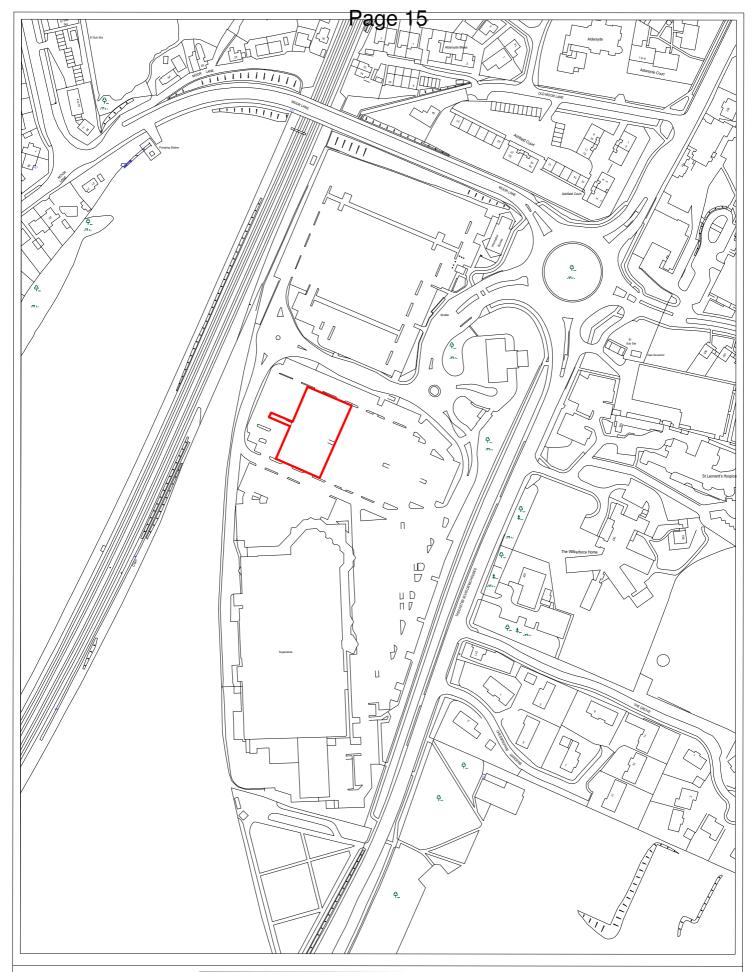
7.0 INFORMATIVES:

Contact details:

Author: Richard Mowat Development Control Officer

Tel No: 01904 551416

Application Reference Number: 06/01987/FULM Item No: b





Site Plan: TESCO Tadcaster Road York

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

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