



## Notice of meeting of

### Planning Committee

**To:** Councillors R Watson (Chair), Ayre, D'Agorne, Firth, Funnell, Horton, Hudson, Hyman, Moore, Morley, Pierce, Potter (Vice-Chair), Reid, Simpson-Laing, B Watson and Wiseman

**Date:** Thursday, 22 July 2010

**Time:** 4.30 pm

**Venue:** The Guildhall, York

**The site visit will commence at 12.30pm  
on Wednesday 21 July 2010 meeting at Memorial Gardens**

### AGENDA

#### 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. **Minutes** (Pages 5 - 14)

To approve and sign the minutes of the last meeting of the Planning Committee held on 24 June 2010.

#### 3. **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 **5.00pm** on **Wednesday 21 July 2010**. 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.

#### **4. Plans List**

This item invites Members to determine the following planning application:

**a) York Health Services NHS Trust, Blue Beck Drive, York YO30 5RA (10/01091/FULM) (Pages 15 - 30)**

Erection of single and two storey building to provide clinical and administrative accommodation, car and cycle parking, service road, fencing, landscaping works, CCTV cameras, external lighting, balcony and external staircase. [*Skelton, Rawcliffe and Clifton Without Ward*] **[Site Visit]**

#### **5. Any other business, which the Chair considers urgent under the Local Government Act 1972.**

#### Democracy Officer:

Name: Laura Bootland

Contact Details:

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

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.

**PLANNING COMMITTEE****SITE VISIT****WEDNESDAY 21 JULY 2010**

<b>TIME (Approx)</b>	<b>SITE</b>	<b>ITEM</b>
<b>12.30pm</b>	<b>Bus leaves Memorial Gardens</b>	
<b>12.40pm</b>	York Health Services NHS Trust, Blue Beck Drive, York (Meeting at the front entrance of Clifton Hospital)	<b>4a</b>

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- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
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The majority of councillors are not appointed to the Executive (40 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Decision Session) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

## **Scrutiny Committees**

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

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- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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City of York Council

Committee Minutes

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MEETING	PLANNING COMMITTEE
DATE	24 JUNE 2010
PRESENT	COUNCILLORS R WATSON (CHAIR), AYRE, D'AGORNE, FUNNELL (NOT IN ATTENDANCE FOR MINUTE 5D), HORTON, HUDSON (NOT IN ATTENDANCE FOR MINUTE 5D), HYMAN, MOORE, MORLEY, PIERCE, POTTER (VICE-CHAIR), REID, SIMPSON-LAING, B WATSON AND WISEMAN
APOLOGIES	COUNCILLOR FIRTH

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## 1. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
West Offices, Station Rise, York (Offices) (10/00613/FULM) (10/00614/LBC)	To enable Members to view the building and proposed areas for extension and demolition with regard to the impact on the listed building and surrounding area.	Councillors D'Agorne, Horton, Hudson, Hyman, Moore, Morley, Reid, B Watson, R Watson and Wiseman.
West Offices, Station Rise, York (Hotel) (10/00615/FULM)	To enable Members to view the site in relation to objections received and the buildings vicinity to the listed West Offices.	Councillors D'Agorne, Horton, Hudson, Hyman, Moore, Morley, Reid, B Watson, R Watson and Wiseman.
Dairy, 6-18 Hull Road, York (10/00583/OUTM)	To enable Members to view the site and adjacent development in view of objections received.	Councillors D'Agorne, Moore, Morley, Reid and Wiseman.

## 2. 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.

Councillor Hudson declared a personal prejudicial interest in relation to Plans item 4d (Dairy, 6-18 Hull Road, York) as he had advised the applicant in relation to this application and he left the room and took no part in the discussion and voting thereon.

Councillor Reid declared a personal non prejudicial interest in relation to Plans items 4a and 4b (West Offices, Station Rise, York) as an Executive Member who had declared an interest as a Planning Committee member

when this matter had been considered by the Executive and had taken no part in the discussion or voting thereon.

Councillor Moore declared a personal non prejudicial interest in relation to Plans items 4a and 4b (West Offices, Station Rise, York) as an Executive Member who had declared an interest as a Planning Committee member when this matter had been considered by the Executive and had taken no part in the discussion or voting thereon.

**3. MINUTES**

RESOLVED: That minutes of meetings of the Committee held on 29 April and 20 May 2010 be approved and signed by the Chair as correct records.

**4. PUBLIC PARTICIPATION**

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

**5. PLANS LIST**

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

**5a West Offices, Station Rise, York YO1 6HT (10/00613/FULM)**

Members considered a major full application, submitted by York Investors LLP, for the refurbishment, extension and part demolition of the West Offices building to form new offices for the City of York Council.

Officers circulated the following information in an update and note for Members (the full details of which are set out in the annex attached to the report):

- Revised Condition 8 relating to cycle parking and Condition 15 in respect of the biomass boiler plus an additional condition regarding bat features;
- Additional comments received from Yorkshire Water, CABE (Commission for Architecture and the Built Environment), the Environment Officer and the Micklegate Ward Members;
- Letter of support in relation to the conversion of West Offices;
- Additional objection to the scheme;
- Legal note for Members clarifying the law in relation to the decision to be made on this and the following applications for West Offices.



Representations in support of the application were received from the applicant. He stated that the West Offices building had presented many challenges with the conflicting demands of old and new features. He pointed out that the proposals would revitalise the area in an optimum city centre location. He went on to refer to the highly sustainable features of the building, which would make it an excellent place in which to work.

Representations also in support were made by the York Civic Society who expressed their delight in being able to support the refurbishment and reuse of the West Offices building. Concerns were however raised in relation to the removal of the train shed and the need for care in its removal and for greater public visibility.

A representative of the Micklegate Planning Panel confirmed that they were not opposed to the principal of the development as they supported the reuse of the building. Their concerns related to the overall roof height and the concealment of the original features and treatment of the building. He requested further consultation on these issues.

Representations were also received from a local resident who pointed out that the erection of a grand public building and major public consultation was inappropriate during a time of economic deprivation. She stated that the money could be used for essential services instead.

Members then questioned a number of details of the application including:

- Removal of the existing trees - confirmation that a number required removal to accommodate the disabled parking spaces but that these would be replaced with semi mature London Plane trees;
- Status of the advice offered by CABE;
- Noise levels and acoustics of the building – confirmation that satisfactory levels had been predicted and that further testing would be undertaken on completion.
- Possible conflict between pedestrians and disabled parking areas – confirmation that there would be no safety issues as the landscaping and design ensured that vehicle speeds would be low;
- Anticipated staff numbers;
- Biomass boiler, hours of operation, details of fuel transportation and air quality;
- Heat and energy strategy;
- Secure by Design provisions and site management.

Officers confirmed the need for an additional condition to cover works required to Station Road/Station Rise including the widening of pavements, improved bus stops and surfacing.

Following further discussion it was

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

**Additional Condition:** The development hereby permitted shall not come into use until the highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) shown on site layout drawing D 1104 revision O have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same.

**Additional Condition:** No development shall take place until details of measures for bat mitigation and conservation have been submitted to and approved by the Local Planning Authority. Details shall include: -

- a. A plan of how construction work is to be carried out to accommodate the possibility of bats being present.
- b. Provision to be made within the re-development of the site to replace the features lost through demolition and conversion work. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what is existing.
- c. Any lighting proposed within the site, and how any potential subsequent impacts on bats and other wildlife will be minimised. The scheme shall show how light spillage will be minimised, and ensure that any roost sites, foraging or commuting areas are not directly illuminated.
- d. The timing of all operations.

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Local Planning Authority.

Amended Condition 2. The development hereby permitted shall be carried out in accordance with the following plans:-

1104 Site Layout (revision O).  
1501 Entrance details.

2201-06 Floor plans, including roof.  
2207-11 Demolition plans.

1401 SE elevation.  
1402 NW elevation.  
1405 NE elevation.  
1407 SW elevation.  
2401 Courtyard elevations.

1301 and 2301 sections.

2501-03 Roof details.

Windows to be upgraded using Ventrrolla insulation system.

**Amended Condition 8.** Prior to the development commencing details of the areas for cycle parking (including layout, type of secure fixing, elevations, materials and means of enclosure where proposed) shall be

submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the facilities have been provided in accordance with the approved details, and the facilities shall be provided/maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

**Amended Condition 16.** The biomass boiler chosen for the site shall have an equivalent or lower operating capacity of 411KW and maximum emission rates of 0.044g/s NO<sub>x</sub> and 0.009g/s PM<sub>10</sub> (particulate matter). The hours of operation shall be restricted to between 5am and 7pm on any day.

The stack exhaust shall have a minimum height of 18.5m and extend a minimum of 1.5m above the roof, at the point of release (in line with the recommendations of the AECOM air quality assessment).

Operating parameters outside those specified shall be the subject of a further air quality impact assessment, which shall be approved by the Local Planning Authority prior to boiler operation, and the boiler shall operate in accordance with the approved specifications.

**REASON:** In the opinion of the Local Planning Authority the proposal, as it constitutes securing the long term future of a listed building at risk, and involves the creation of sustainable accessible office space in a sequentially preferable location, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the character, appearance and setting of the listed building, the character and appearance of the conservation area, highway safety, flood risk and air quality.

The proposal complies with national policy contained in PPS1, PPS4 and PPS5 and policies SP6, SP7, GP1, GP3, GP4a, GP11, NE1, HE2, HE3, HE4, HE10, E3b, T4, T5, T13a of the City of York Development Control Local Plan.

**5b West Offices, Station Rise, York YO1 6HT (10/00614/LBC)**

Consideration was given to a listed building consent application, submitted by York Investors LLP, for the refurbishment and extension of the former York railway station and station hotel to form new offices/headquarters for City of York Council.

Representations were received from a local resident who made reference to planning policy PPS5: Planning for the Historic Environment. He felt that modifications to the scheme would better achieve the aims of maintaining a heritage asset for the long term. He stated that the train shed should be made more accessible to the public rather than the proposed expensive move to an alternative location, which would place it out of context.

Further representations were also made by a resident who pointed out that she was speaking on behalf of disadvantaged groups in the city. She stated that although this was a laudable scheme that the costs of the provision should be considered and the project deferred in the current economic climate.

Some Members expressed concern at the proposal to dismantle the original roof structure and its re-erection for cycle storage. Officers confirmed that they considered that the approach to relocate and refurbish the canopy bringing it back into active use within public view and the subsequent gains outweighed the harm.

Members also questioned details of the glazed roof and confirmation was given that this contained opening panels for cleaning only and not for ventilation purposes.

**RESOLVED:** That the application be approved following referral to the Secretary of State.

**REASON:** In the opinion of the Local Planning Authority the proposal, as it would secure the long-term optimum viable use of a grade 2 star listed building currently at risk, and as the works proposed would not have an undue impact on the heritage asset, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the character, appearance and setting of the listed building. As such the proposal complies with PPS5: Planning For the Historic Environment and Policy HE4 of the City of York Development Control Local Plan.

**5c West Offices, Station Rise, York YO1 6HT (10/00615/FULM)**

Members considered a major full application, submitted by York Investors LLP, for the erection of a new 6 storey hotel building fronting onto Toft Green.

Officers circulated an update, which included information on the following points (a copy of the full update is attached as an annex to the agenda):

- Comments of English Heritage on the revised plans;
- Comments of the Micklegate ward members;
- Details of four additional objections received to the application.

Officers confirmed that, in response to the comments of English Heritage, the scheme had been amended to increase the use of brickwork with horizontal stone banding to strengthen the relationship with West Offices together with alterations to the upper windows to give a vertical emphasis to the building. Plans of the courtyard view showing the amendments made to the north east elevation together with photographs and plans of the original station were circulated at the meeting.

Representations in support were received from the Architect for the scheme. He confirmed that the scheme was for a quality hotel, which would revitalise the site, provide local jobs for local people and support tourism in the city. In relation to the sustainability measures he confirmed that the hotel would be the first BREEAM excellent rated hotel in the city. There was also a proposal to sell any surplus hot water from West Offices to the hotel.

Representations were also heard from the York Civic Trust who confirmed their in principle support for the hotel scheme and to the amendments reported at the meeting. Reference was made to the hotel footprint, which it was felt was too close to the listed building and relocated canopy. The Trust also asked if consideration had been given to the preservation and enhancement of railings on Tanner Row, which were listed in their own right.

Representations were received on behalf of the Micklegate Planning Panel. Their representative stated that the hotel would be overbearing and in too close proximity to the listed West Offices with the use metal cladding which was an alien material in the area. It was felt that the proposals required re-examination.

Members questioned a number of aspects of the scheme including:

- Materials;
- Details of the heights of surrounding buildings;
- Condition regarding visibility of plant and equipment on the roof;
- Condition to protect and enhance the listed railings.

Certain Members expressed concerns at the design, which was unsympathetic, and in close proximity to a listed building.

Councillor Pierce then moved and Councillor D'Agorne seconded that the application be deferred to allow further discussions to be undertaken with the developers regarding the design and materials and the Assistant Director (Planning and Sustainable Development) together with the Chair and Vice Chair of the Committee be delegated authority to approve any amendments. On being put to the vote this was lost.

Members expressed concern in relation to some of the materials to be used in the hotel and following further discussion it was

**RESOLVED:** That approval be granted subject to the conditions listed in the report and subject to the finish and materials being delegated for approval to the Assistant Director (Planning and Sustainable Development) together with the Chair and Vice Chair of the Committee.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the setting of

West Offices, the character and appearance of the conservation area, amenity, highway safety, archaeology and flood risk.

As such the proposal complies with national policy established in PPS1, PPS4 and PPS5 and Policies SP7A, SP7B, GP1, GP3, GP4A, HE2, HE3, HE10, T4, E3B and V3 of the City of York Development Control Local Plan.

**5d Dairy, 6-18 Hull Road, York YO10 3JG (10/00583/OUTM)**

Consideration was given to a major outline application, submitted by Uniliving Ltd, for the erection of student accommodation comprising of 332 student bed-spaces in 7 block and with a separate 1 no. flat with associated landscaping and access after the demolition of the existing dairy.

Officers referred to a letter forwarded to Members from the applicants Planning Consultant, which raised a number of issues and requested deferral of the application. The Consultants had pointed out that as the principle of the use was acceptable that time should be given for Offices to consider and re-consult on the recently submitted revised proposals rather than refuse the application which they felt would delay the development during a difficult economic time by at least 12 months. Officers circulated an update in response to the letter (copies of which are attached to the agenda for this meeting)

Officers went on to update Members on the following points and circulated plans of the proposed site layout:

- The second reason for refusal required the deletion of the first word 'Officer';
- Reason 3 for refusal was no longer required;
- If the application was approved an additional condition would be required in relation to remediation and piling works;
- Paragraph 3.1 - Highway Network Management comments - no agreement had as yet been reached on these points. If members were minded to approve consent then further negotiations would have to continue with the developer. These details would have to be agreed prior to any future development being approved;
- The Applicant had now confirmed that if tenants parked vehicles off site this would result in the termination of their tenancy agreement.

Officers confirmed that this matter was procedurally complex in that new plans had only recently been received from the applicant which contained substantial amendments to the original scheme.

The Legal Officer made reference to the agent's letter and request for deferral. He pointed out that it had been custom and practice for Members to accept and consider plans containing minor amendments however, if the changes were more fundamental, then it would be inappropriate to deal with them. He recommended that Members could either determine the

application with the plans as submitted with the original application or defer consideration pending receipt of a new application. He pointed out that either course of action would not materially affect timescales or disadvantage the applicant.

Officers stated that the substantial amendments made to the scheme would be better dealt with through a new application. They confirmed that they would work with the applicant as a matter of urgency to take the scheme forward.

Representations in support of the scheme were received from the applicants Planning Consultant. He referred to the difficult economic times and to this much needed development, which would free up family housing in the area. He referred to the proposed amendments to the scheme and pointed out that he felt the scheme could be progressed without the need to resubmit the application.

Members questioned details of the amendments and the following points:

- Details and siting of cycle and car parking;
- Waste disposal;
- Scheme density;
- Drainage and flood levels;
- Basement cycle parking and affects on archaeology;
- Concerns regarding siting of Block B in relation to the Hull Road Air Quality Management Area.

Following further discussion it was

RESOLVED: That the application be refused for the following reasons:

- REASON: 1. The development is considered an overdevelopment of the site. The excessive height and footprint of the proposed blocks close to the boundaries with residential properties on Devon Place and Nicholas Gardens in particular will further result in a development which will overlook and dominate these neighbours to a degree which seriously harms their outlook and privacy resulting in an unacceptable loss of their amenity. The overdevelopment of the site will also lead to sub-standard on-site separation distances between blocks and this, together with a poor level of on-site amenity space, will result in a poor living conditions for future occupiers of these units, whether students or otherwise. The development is therefore considered contrary to national planning guidance in PPS1 (Delivering Sustainable Development) and PPS3 (Housing) and local plan policies ED10 and GP1 of the Deposit Draft Local Plan (4th set of Changes).
2. Consider that the design, height and appearance of the development, in particular Blocks A-D, is

inappropriate in this location and will harm the character of the street scene of Hull Road and the wider context within which the development stands. It will consequently look incongruous and dominant within the more traditional pattern and scale of development of this part of the city. The massing of the buildings is overbearing both in relation to the internal courtyard and the wider street environment. The development is therefore considered contrary to national planning guidance in PPS1 (Delivering Sustainable Development) in particular paras 34 and 35 and PPS3 (Housing) and local plan policies ED10 and GP1 of the Deposit Draft Local Plan (4th set of Changes).

R WATSON, Chair

[The meeting started at 4.30 pm and finished at 7.40 pm].



**COMMITTEE REPORT**

**Date:** 22 July 2010                      **Ward:** Skelton, Rawcliffe, Clifton Without

**Team:** Planning Committee              **Parish:** Rawcliffe Parish Council

**Reference:** 10/01091/FULM

**Application at:** York Health Services NHS Trust Blue Beck Drive York YO30 5RA

**For:** Erection of single and two storey building to provide clinical and administrative accommodation, car and cycle parking, service road, fencing, landscaping works, CCTV cameras, external lighting, balcony and external staircase

**By:** NHS North Yorkshire And York

**Application Type:** Major Full Application (13 weeks)

**Target Date:** 23 August 2010

**Recommendation:** Approve after referral to Sec. of State

**1.0 PROPOSAL**

1.1 Clifton Park Hospital comprises a collection of two storey brick built Victorian buildings together with a two storey brick built treatment centre dating from the 1990s set within large well landscaped grounds. The site forms part of the wider former Clifton Hospital complex which has also in part been developed for housing and a hotel/restaurant. The facilities provided by Clifton House for male psychiatric patients requiring a low level of security form a continuing element of the earlier activity associated with Clifton Hospital. The site lies astride the boundary between Flood Zones 2 and 3 and lies within the York Green Belt. Full planning permission is sought for the erection of a 1 and 2 storey extension to Clifton House to provide clinical accommodation for 26 female psychiatric patients who require a low level of security together with associated office accommodation. The application site is largely comprised in the built footprint of the former Rosedale Ward which provided psychiatric services until it was demolished in the late 1990s, the site having previously been earmarked for housing. The scheme has been amended to take account of earlier concerns in respect of the scheme's design.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

Flood zone 2 GMS Constraints: Flood zone 2

Flood zone 3 GMS Constraints: Flood zone 3

2.2 Policies:

CYNE1

Trees, woodlands, hedgerows

CGP15A

Development and Flood Risk

CYGP1

Design

CYGP3

Planning against crime

CYGP9

Landscaping

CYGB10

Major development sites in GB

CYC1

Criteria for community facilities

CYGB1

Development within the Green Belt

CYGP4A

Sustainability

CYH9

Loss of dwellings or housing land

**3.0 CONSULTATIONS**

INTERNAL:-

3.1 Highway Network Management raise no objection to the proposal subject to the imposition of a number of standard conditions on any permission relating to access arrangements.

3.2 Structures and Drainage Consultancy raise no objection in principle to the proposal but wish to see any permission conditioned to require submission of a detailed foul and surface water drainage scheme for further approval.

3.3 Lifelong Learning and Leisure raise no objection to the proposal.

3.4 City Development raise no objection to the proposal weighing the loss of the housing land previously allocated on the site of the Rosedale Ward against the "very special circumstances" in terms of clinical need and available environment advanced by the applicant.

3.5 Design, Conservation and Sustainable Development raise no objection to the proposal subject to any permission being conditioned to require the submission of a detailed BREEAM assessment upon completion of the development the preparation and submission of a scheme of mitigation for bats and that 10% of the energy requirements of the development be provided by renewable means.

3.6 Environmental Protection Unit raise no objection to the proposal subject to any permission being conditioned to cover noise and hours of work.

EXTERNAL:-

3.7 North Yorkshire Police Architectural Liaison Officer identifies a lack of concern with the operation of the existing facility at the site for male patients requiring low security and raises no objection to the proposal.

3.8 Rawcliffe Parish Council object to the proposal on the grounds that the size, massing and scale of the development in addition to its close proximity to adjacent properties would have a detrimental impact on the amenity of local residents.

3.9 Clifton Without Parish Council object to the proposal on the grounds that the scale of the proposal in close proximity to neighbouring residential properties lead to a serious loss of privacy and residential amenity for neighbouring residents from upper storey activities.

3.10 The Environment Agency raise no objection to the proposal.

3.11 Yorkshire Water Services Limited raise no objection to the proposal.

3.12 41 Letters of objection have been received in respect of the proposal. The following is a summary of their contents:

- \* Concern at the impact of the proposal upon the level of traffic generation in surrounding streets;
- \* Concern at the impact of the proposal upon the level of on-street parking in surrounding streets;
- \* Concern at the impact of the proposal on the openness of the Green Belt;
- \* Concern at possible increases in noise and light pollution arising from the proposal;
- \* Concern that the design of the proposal would not be appropriate to the area;
- \* Concern that appropriate alternative sites have not been considered;
- \* Concern at the impact of the proposal on wildlife in the locality;
- \* Concern at the impact of the proposal on the operation of the local property market;
- \* Concern at perceived danger to local residents from service users of the proposed facility;

- \* Concern that the proposal would lead to an increase in litter and anti-social behaviour in the locality;
- \* Concern that the proposal would result in an adverse impact upon the residential amenity of neighbouring properties;
- \* Concern that the proposal would have an adverse impact upon the area of land set aside for flood storage;
- \* Concern that the proposal would seriously erode the pleasant wooded atmosphere of the application site;
- \* Concern at the impact of the proposed security apparatus upon the privacy of neighbouring residents.

#### **4.0 APPRAISAL**

##### **POLICY FRAMEWORK:-**

4.1 PPG 2 "Green Belts" is of particular relevance in determination of this application as the site of the proposed development forms a "major developed site" where limited redevelopment of the built footprint would be viewed as acceptable.

4.2 PPS 25 "Planning and Flood Risk" is of particular relevance in determination of this application as the application site lies in close proximity to the boundary between flood zones 2 and 3 and in close proximity to the flood storage area for North West York.

4.3 Policy GP1 of the York Development Control Local Plan is of particular relevance in determining this application as it sets a firm policy requirement for new development proposals to respect and enhance the local environment, be of a density, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or are dominated by over-bearing structures.

4.4 Policy GP3 of the York Development Control Local Plan is particularly relevant in considering this application as it sets clear requirements where ever appropriate for new development to incorporate natural surveillance of public spaces from the proposed development, secure locations for associated car and cycle parking, satisfactory lighting and CCTV where ever appropriate.

4.5 Policy GP9 of the York Development Control Local Plan is particularly relevant in considering this application as it seeks that where appropriate new development should incorporate a landscape scheme as an integral element of the proposals, including an appropriate range of indigenous species, reflecting the character of the area and surrounding development and forming a long term edge to development.

4.6 Policy GP15a) of the York Development Control Local Plan is particularly relevant in considering this application as it seeks that developers must satisfy the

Local Planning Authority that flood risk may be successfully managed with the minimum environmental effect and ensure that the site can be developed, serviced and occupied safely.

4.7 Policy GB1 of the York Development Control Local Plan is of particular relevance in considering this application as it sets a firm policy presumption in favour of development in Green Belt areas only in the circumstances where the scale, location and design of such development would not detract from the open character of the Green Belt and would not conflict with the purposes of including land within the Green Belt and would be for the purpose of the limited redevelopment of an existing major developed site.

4.8 Policy GB10 of the York Development Control Local Plan is of a particular relevance in considering this application as it identifies the site of the former Rosedale ward at Clifton Hospital as a "major developed site" within the Green Belt where limited redevelopment for the preferred use which was identified as housing would be acceptable providing that it has no greater impact on the purposes of including land in the Green Belt than the existing development, it does not exceed the height of existing buildings and it does not lead to a major increase in the developed portion of the site.

4.9 Policy H1.33 of the York Development Control Local Plan is of particular relevance in considering this proposal as the application site has been identified as a draft housing allocation for a possible maximum of 8 units.

4.10 Policy H9 of the York Development Control Local Plan is of particular relevance in considering this proposal as it sets a firm policy presumption against a net loss of allocated housing development land.

4.11 Policy NE1 of the York Development Control Local Plan is of particular relevance in considering this proposal as it sets a firm policy presumption in favour of the retention of trees of townscape importance and the adequate protection of trees whilst built development takes place.

4.12 Policy C1 of the York Development Control Local Plan is of particular relevance in considering this proposal as it sets a firm policy presumption in favour of new proposals for health facilities provided that the scale and design of the development is appropriate to the character of the locality and it would meet a recognised need.

#### KEY CONSIDERATIONS:-

#### 4.14 KEY CONSIDERATIONS INCLUDE:-

- \* Impact upon the Openness and Purposes of Designation of the Green Belt;
- \* Loss of Allocated Housing Land;
- \* Impact upon Flood Risk in the Wider Locality;
- \* Appropriateness of the Proposed Design in the Context of the Wider Street Scene;
- \* Impact of the proposal on traffic flow and the occurrence of on-street parking in the wider vicinity;
- \* Impact of the proposal on the residential amenity of neighbouring properties;

- \* Fear of crime and increased anti-social behaviour in the locality arising from the proposal;
- \* Impact of the proposal upon the sylvan atmosphere of the site;
- \* Impact of the proposal upon the operation of the local property market.

#### GREEN BELT IMPACT:-

4.15 Central Government Planning Guidance in respect of Green Belt areas outlined in PPG 2 "Green Belts" and interpreted by Policies GB1 and GB10 of the York Development Control Local Plan sets a firm policy presumption against "inappropriate development" within Green Belt areas other than in the limited circumstance of limited re-development of defined "major developed sites". The application site is defined as one such site and is allocated for housing with a maximum of 8 units. In order to justify departing from this allocation and developing what would otherwise be an inappropriate development in the Green Belt the applicant has come forward with a case based upon "very special circumstances" together with the consideration of other possibly suitable sites. The case for "very special circumstances" identifies a range of issues outlined below:-

- Clinical need for the provision of low secure accommodation for female patients with a range of psychiatric problems at a sub-regional level. Currently patients in need of this type of care are being treated in locations physically remote from their home locality with consequent difficulties in their long term recovery, in facilities that are inappropriate in terms of the range of facilities provided such as medium secure facilities in the wider region or simply not treated at all by being placed in the prison system;
- The proposal would link with a long-standing low secure facility for the treatment of male patients with the opportunity for co-use of specialist staff with the appropriate range of expertise;
- The secluded woodland setting of the site provides a suitable clinical environment to aid the recovery of the patient;
- Alternative non-Green Belt sites have been found to be unsuitable. Bootham Park Hospital was considered in detail but it is a Grade 1 Listed building and the creation of a quiet and contemplative environment to aid patient was judged to be too difficult.
- The application site is an existing major developed site within the terms of Green Belt policy and a form of built development on the site has previously been accepted as appropriate.

4.16 Taking these issues together it is felt that these matters amount to the requisite "very special circumstances" to allow for the construction of the development within the Green Belt which would more than outweigh any material harm to the openness or purposes for including the land within the Green Belt.

#### LOSS OF ALLOCATED HOUSING LAND:-

4.17 As a defined "major developed site" within the Green Belt the site was allocated to provide additional residential development in addition to the area already developed to the south and south east. This would comprise an additional 8 units out of a total allocated housing land supply of 8775 units. It is felt that the clear clinical

need for the facility in the locality, together with the associated new jobs it would create more than outweighs the impact of the loss of the allocated 8 housing units which are not of significance in terms of delivering the City's Housing Land requirements.

#### IMPACT UPON FLOOD RISK:-

4.18 The proposed development is defined as being "more vulnerable" in terms of flood risk in Central Government advice outlined in PPS25. The developer has however submitted a detailed Flood Risk Assessment which identifies a series of measures which if implemented together would manage flood risk in an acceptable way. These comprise a minimum 30% reduction in surface water discharges from the site allowing for the impact of climate change, provision of a "safe" flood proofed area from which vulnerable service users can be evacuated from, a range of standard flood proofing measures including raising power points etc significantly above floor level, the raising of finished floor levels above the highest recorded flood event and the preparation of a flood warning and evacuation plan. These measures would ensure that the scheme is acceptable in flood risk terms and the requirements of Central Government Guidance outlined in PPS 25 can be complied with.

#### APPROPRIATENESS OF THE DESIGN:-

4.19 The existing low secure psychiatric unit for male patients comprises a two storey red brick and Welsh slate, late Victorian building having formerly been part of the wider Clifton Hospital complex. The proposed unit for female patients would be constructed in white render and brick with regularly spaced aluminium "feature" windows and a low pitch single ply membrane roof. Important considerations in arriving at the design have been the creating of a subtle, yet secure environment to assist in the healing of patients. The result has been to create a structure whose massing and external appearance would be substantially different from the existing building. The areas of clinical accommodation have also been designed to be single storey as far as possible to take advantage of the sylvan atmosphere to the rear of the site as an aid to the healing process. The design has been modified to bring the fenestration flush with the wall face of the building and to secure the inclusion of a 25 cm zinc (or similar) roof detail to give a degree of punctuation to the elevational treatment. Whilst the proposed design is significantly different from the existing building or the adjacent housing the visual contrast is felt to be acceptable based upon the subtlety of the palette of materials and balance of fenestration.

#### TRAFFIC IMPACTS:-

4.20 The proposal envisages a 22 bed extension to the existing low secure care facility provided by Clifton House. The applicant has submitted a detailed Transport Statement which indicates that the 30 additional spaces to be provided are adequate to deal with the needs both of the new and of the existing facility. Concern has been expressed in relation to the occurrence of on-street parking in the locality and potential increases in traffic movements to and from the site. The existing issue of on-street parking does not however relate to the activities taking place at Clifton House and any increase in vehicles movements to and from the site arising from the proposal would not be sufficient to have a material impact upon the amenity of neighbouring properties.

RESIDENTIAL AMENITY:-

4.21 At its closest point the proposal lies some 16 metres away from adjoining residential properties. The existing boundary of the site comprises a 3 metre high brick boundary wall that would be consolidated as part and parcel of the proposed development with the existing gaps closed. The nature of the boundary treatment would significantly mitigate any impact arising from the new proposal upon the residential amenity of nearby properties. The pattern of fenestration of the proposed extension has furthermore been deliberately aligned so as to avoid direct overlooking of the residential properties nearby, with most views being window to wall or window to gable. With the distance and alignment of the proposed extension there would be no issue of loss of light or overshadowing to neighbouring properties and the proposed height of the extension broadly respects that of the adjacent properties so its impact would not be overbearing. In terms of noise, smells and potential air pollution there would not be a material increase over and above the existing impacts arising from the facility at Clifton House. Any impact arising from the proposal upon the residential amenity of neighbouring properties would thus be within reasonable limits.

FEAR OF CRIME AND ANTI-SOCIAL BEHAVIOUR:-

4.22 The fear of crime and anti-social behaviour has previously been held to be a material consideration in determining planning applications by the courts. The proposal seeks to provide low secure accommodation for vulnerable female psychiatric patients. Selection of the most appropriate mode and facility for treatment is based upon strictly derived criteria with those posing a significant risk to either themselves or others being afforded a higher degree of security. The current proposal seeks to provide accommodation for those requiring a low secure environment and who therefore pose a low risk. This would parallel the existing accommodation provided for male patients at Clifton House. In terms of anti-social behaviour particular concern has been raised in relation to staff and service users smoking outside of the premises specifically in the areas where the existing boundary wall has been breached. The applicant has indicated that the two existing gaps in the boundary wall would be made good and designated smoking areas away from adjoining properties would in any case be provided. The North Yorkshire Police Architectural Liaison Officer highlights a lack of difficulty with the operation of the existing low secure facility for male patients at the site.

IMPACT UPON WOODLAND ASPECT OF THE SITE:-

4.22 The application site is categorised by a number of mature trees and areas of mature landscaping. The proposal envisages the removal of four semi-mature trees of amenity importance as part of a wider group of 27 in order to construct the two storey element of the scheme. A further 22 trees would be planted in compensation for those that have been lost to the south and south west of the site and also within the partially enclosed courtyards within the centre of the site. An important element of the design and layout of the overall scheme is the maintenance and enhancement of the woodland setting of the site for therapeutic reasons. This the submitted scheme would broadly achieve and subject to any permission being conditioned to require the submission of a detailed landscape scheme for prior approval the scheme is acceptable.



**IMPACT OF THE PROPOSAL UPON THE OPERATION OF THE LOCAL PROPERTY MARKET:-**

4.23 The impact of the proposal on the operation of the local property market is not a material planning consideration in the determination of this application.

**5.0 CONCLUSION**

5.1 A number of significant material considerations are felt to be relevant to the determination of this proposal. These include:-

- Impact upon the designated Green Belt;
- Loss of Allocated Housing Land;
- Impact upon flood risk in the locality;
- Appropriateness of the design;
- Impact upon traffic flow and parking availability in the locality;
- Impact upon residential amenity;
- Fear of crime and anti-social behaviour ; and
- Impact of the development upon the pleasant woodland environment of the site.

Taking each of these factors into consideration it is felt that the proposal is suitable in planning terms for the site and that very special circumstances clearly exist which justify the location of the development on a Green Belt site. Approval is therefore recommended.

**COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve after referral to Sec. of State

1 TIME2 Development start within three years

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

Drawing Refs:L01(90)GAP001 Rev 02; SSEL50/OGL/007 Rev 4; A(00)GAP113 Rev 3; A(00)GAP112 Rev 1; A(00)GAP103 Rev 01; A(00)GAE001 Rev 4 ; A(00) GAE002 Rev 4; A(00)GAE003 Rev 3 ; A(00)GAP106 Rev 5 ; A(00)GAP107 Rev 5 ; A(00)GAP108 Rev 2. Date Stamped 21st May 2010, 28th June 2010 and 30th June 2010.

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 VISQ4 Boundary details to be supplied

5 No development shall take place until there has been submitted and approved

in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees , shrubs and other planting. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

- 6 LAND3 Protection of existing planting
- 7 HWAY18 Cycle parking details to be agreed
- 8 HWAY19 Car and cycle parking laid out
- 9 HWAY35 Servicing within the site

10 Within 6 months of occupation of the site a full travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall be developed and implemented in line with local, national guidelines and the travel plan framework submitted with application 10/01091/FUL.

Reason: To ensure the development complies with advice contained in PPG 13-Transport and in Policy T20 of the York Development Control Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with provision of parking on site for these users.

- 11 DRAIN1 Drainage details to be agreed

12 The development hereby authorised shall be undertaken in strict accordance with the submitted Flood Risk Assessment dated April 2010 and the measures included therein unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is safely and satisfactorily drained and to secure compliance with Policy GP15a) of the York Development Control Local Plan.

13 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3 metres either side of the centre line of the sewer which crosses the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

14 Unless otherwise agreed 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 the completion of the approved foul drainage works.

Reason:- To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

15 ENVA1 Surface water drainage through oil inter

16 The emergency electric generator shall only be used for routine servicing or testing requirements during the hours of 08:00 to 18:00 (Monday to Friday), unless required for emergency purposes.

Reason: To protect the amenities of adjacent residents.

17 Details of all machinery, plant and equipment to be installed in or located on the premises hereby permitted, which is audible at any business, residential or hotel accommodation, shall be submitted to the Local Planning Authority for written approval. These details shall include maximum (LA max(f)) and average sound levels (LA eq), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the Local Planning Authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason:- To secure the residential amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan

18 All construction and demolition works and ancillary operations including deliveries to and despatch from the site shall be confined to the following hours:-

Monday to Friday 08:00 to 18:00  
Saturday 09:00 to 13:00  
Not at all on Sundays and Bank Holidays.

Reason:- To safeguard the amenity of neighbouring residents and to secure compliance with Policy GP1 of the York Development Control Local Plan.

19 Prior to the commencement of development, a Construction Environmental Management PLAN (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme unless, otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of neighbouring residents and to secure compliance with Policy GP1 of the York Development Control Local Plan.

20 In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases an investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the written approval of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the written approval of the Local Planning Authority.

Reason: To ensure that the site is developed in a safe and efficient manner.

21 Prior to occupation of the building hereby approved the developer shall submit in writing a formal BREEAM assessment or equivalent, for the design and procurement stages of the building hereby approved. All assessments shall be followed by a BREEAM Post Construction review to be submitted after construction at a time to be agreed in writing by the Local Planning Authority. All assessments shall confirm the minimum "Very Good" rating or equivalent, anticipated in the preliminary BREEAM assessment submitted with the application, and to be agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable development, in accordance with the requirements of Policy GP4a) of the Draft Local Plan and the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

22 Prior to the commencement of development, full details of a renewable energy strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include the i) the building's proposed renewable energy generation, which shall be at least 10% of total energy generation, ii) measures to reduce energy demand, iii) measures to reduce CO2 emissions to a level lower than required under Building Regulations Part L. The development shall then be carried out in accordance with the approved assessment.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction.

23 The development hereby authorised shall not commence until full details of the measures proposed for bat mitigation and conservation have been submitted to and approved in writing by the Local Planning Authority and the development shall thenceforth be undertaken in strict accordance with the details thereby approved. Such details shall include:

- i) A wildlife protection plan of how development work is to be carried out to take account of bats and to minimise any potential impacts;
- ii) The inspection of any buildings to be demolished or disturbed prior to work taking place;
- iii) Details of provision within the new building and landscaping to replace habitat lost to development;
- iv) Details of lighting for the site together with impact upon bats and other wildlife;
- v) Timing of operations.

Reason: To secure the protection of a nationally important protected species and to secure compliance with Central Government advice in respect of Planning and the Natural Environment outlined in PPS 9 "Planning and Nature Conservation".

## 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 impact upon openness and purposes of designation of the Green Belt, loss of allocated housing land, impact upon flood risk in the wider locality, appropriateness of the proposed design in the context of the wider street scene, impact of the proposal on traffic flow and the occurrence of on-street parking in the wider vicinity, impact upon the residential amenity of neighbouring properties, fear of increased crime and anti-social behaviour arising from the proposal, impact of the proposal upon the sylvan atmosphere of the site and impact of the proposal upon the operation of the local property market. Very special circumstances also exist based upon the clinical need for the development, the opportunities for co-usage of existing specialist services and the pleasant of woodland setting of the site which clearly over-ride the normal presumption against "inappropriate development" in the Green Belt. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies NE1 (GP15a), GP1, GP3, GP9, GB10, C1, GB1, GP4a) and H9 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

#### 2. WATER RESOURCES ACT 1991:-

The applicant is advised that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures either affecting or within 8 metres of any flood defence maintained by the Agency.

#### 3. WILDLIFE AND COUNTRYSIDE ACT 1981:-

The applicant is advised that under the terms of the Wildlife and Countryside Act 1981 a licence from Natural England will be required to undertake building or other work affecting a bat roost.

#### Contact details:

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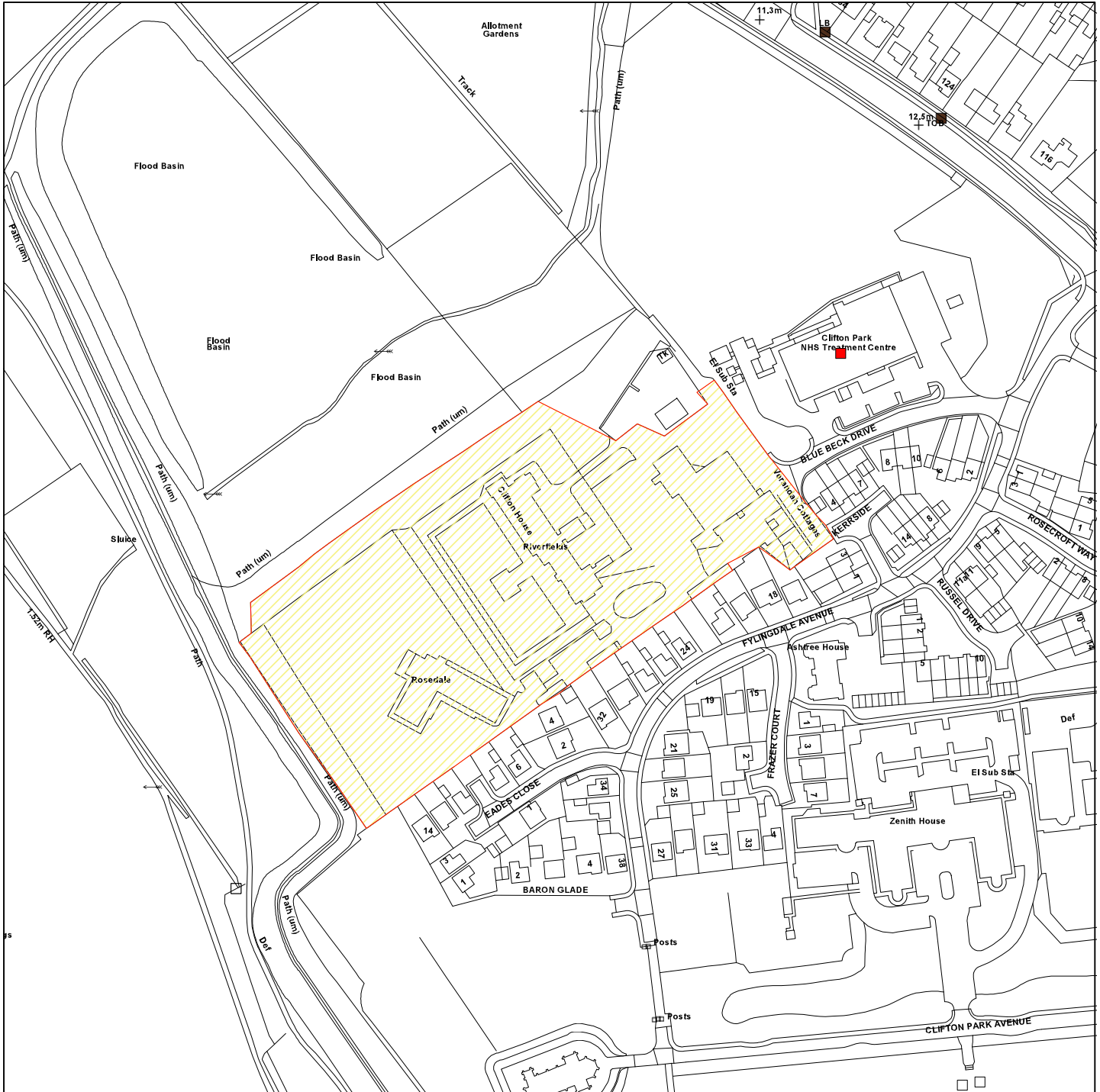
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# Bluebeck Drive, YO30 5RA

10/01091/FULM



GIS by ESRI (UK)



Scale : 1:2500

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	09 July 2010
<b>SLA Number</b>	Not set

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