

## COMMITTEE REPORT

**Date:** 21 April 2011                      **Ward:** Strensall  
**Team:** Major and Commercial   **Parish:** Strensall With Towthorpe  
Team    Parish Council

**Reference:** 10/02606/FUL  
**Application at:** Whitewalls Ox Carr Lane Strensall York YO32 5TD  
**For:** Erection of 2no. detached dwellings, 3no. double garages and associated access, alterations to retained dwelling  
**By:** William King Homes  
**Application Type:** Full Application  
**Target Date:** 4 February 2011  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application comprises: (a) partial demolition and alteration of a 2-storey dwellinghouse known as 'Whitewalls' (b) erection of two additional 2-storey dwellinghouses (3) erection of garage/carport for each of the three dwellinghouses. Each dwelling would have its own vehicular access and private garden to front and rear. The existing access from Ox Carr Lane would be used by the house at Plot 2 (i.e. Whitewalls).

1.2 The application has been called in by Cllr Wiseman due to local concerns about drainage, overdevelopment, highway issues and reclassification of garden land.

1.3 Since the application was submitted the proposed house at Plot 1 has been reduced in size and moved further from the south-west boundary of the site.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1  
Design

CYGP4A  
Sustainability

CYGP10  
Subdivision of gardens and infill devt

CGP15A  
Development and Flood Risk

CYH4A  
Housing Windfalls

CYL1C  
Provision of New Open Space in Development

CYNE1  
Trees, woodlands, hedgerows

CYNE6  
Species protected by law

### **3.0 CONSULTATIONS**

#### INTERNAL

3.1 Highway Network Management - No objection to the principle of residential re-development. The proposed new accesses are shown as 3m at their junction with the highway whereas the recommended width is 3.2m. Similarly the pedestrian visibility splays are below standard. These minor amendments should be shown on a revised drawing or included among various standard conditions that should be attached [Officer's response: These design changes have since been made].

3.2 Structures and Drainage - No objection in principle to the development. There is an adequate drainage solution but the submitted Flood Risk Assessment has insufficient details. Add a condition to ensure that peak run-off is attenuated to 70% of existing and discharged at a controlled rate. Require an assessment to show that the ground has sufficient capacity to accept surface water discharge from the proposed permeable paving.

3.3 Environment, Conservation, Sustainable Development (Landscape) - This is over development under Policy GP10 because it is detrimental to the character of the existing property and immediate area due to loss of trees and space between buildings. The introduction of freestanding garages in the foreground separates the building elevations from the street that they are otherwise designed to address.

3.4 Environmental Protection: - No objections. Attach construction and contamination informatives.

3.5 Lifelong Learning and Leisure - As there is no on-site open space provided a commuted sum should be paid to the council for: (a) amenity open space - which would be used to improve a local site within the parish (b) play space - which would be used to improve a local site within the parish and (c) sports pitches - which would be used to improve a facility within the North Zone of the Sport and Active Leisure Strategy. The contribution to off-site provision should be based on the latest York formula through a Section 106 Agreement.

## EXTERNAL

3.6 Strensall With Towthorpe Parish Council - Objection: Inadequate drainage; out of character with the area; the trees on the site need to be protected; impact on the adjacent nature reserve; highway safety due to multiple narrow accesses and insufficient parking; conflict with PPS3; cycle/refuse provision is not shown; sustainability statement inadequate; conflict with policies GP1 and GP10.

3.7 Foss IDB - The watercourse along the eastern boundary is at capacity. Any approval granted should include conditions requiring submission of drainage details, which should include attenuation.

3.8 Environment Agency - No objection. The flood risk assessment is satisfactory. Compliance with the FRA should be made a condition of approval.

3.9 Public Consultation - Consultation letters were sent to properties bounding the site and a site notice was erected. These measures are in accordance with established protocol. The consultation period expired on 25 January 2011. Seven objections have been received raising the following planning issues:

- Overdevelopment
- Contrary to open character of the area
- Incompatible with adjacent bungalows
- Increased run-off will cause flooding/drainage problems
- Inadequate sewerage system
- Increased risk of traffic accidents
- Impact on adjacent SSSI
- Impact on newts
- Impact on flora/fauna
- Loss of daylight to occupiers of plot 3.
- Loss of/impact on trees/greenery
- Overlooking and loss of privacy
- Noise nuisance
- PPS3 (garden grabbing)
- Inadequate sustainability statement
- Inadequate consultation

## 4.0 APPRAISAL

### 4.1 KEY ISSUES

- Principle of the Use for Housing
- Density and Visual Appearance
- Neighbour amenity
- Highway Issues
- Drainage
- Bio-diversity
- Open space
- Sustainable design and construction

## 4.2 PLANNING POLICY CONTEXT

GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

GP4a - All proposals should have regard to the principles of sustainable development.

GP10 - Planning permission will only be granted for the sub-division of garden areas or infilling to provide new development where this would not be detrimental to the character and amenity of the local environment.

GP15a - Discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long-term run-off from development sites should always be less than the level of pre-development rainfall run-off.

NE1 - Trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation, or historic value, will be protected by: refusing proposals, which will result in their loss or damage. When trees are to be removed, appropriate replacement planting should be proposed to mitigate any loss.

NE6 - Where a proposal may have a significant effect on protected species or habitats applicants will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. Planning permission will only be granted that would not cause demonstrable harm to protected species.

H4a - 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.

L1c - Requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision.

## THE APPLICATION SITE

4.3 This consists of a residential plot (0.3ha) comprising a 2-storey dwellinghouse with single-storey extensions on both sides. The site is on the edge of (but within) the settlement limit of Strensall village. The site has a mature garden and is surrounded by fencing, trees and/or hedges. Access is by a gated driveway from Ox Carr Lane. On the opposite side of Ox Carr Lane is Strensall Common, which is a designated site of special scientific interest (SSSI) and special area of conservation (SAC). To the north and east of the site is a modern housing estate (Oak Tree Close). To the west are bungalows and 2-storey houses. To the north is council-

owned woodland. To the east is a residential site ('Seven Oaks'), which was recently granted planning permission for the complete demolition of the existing house and the erection of three houses.

## PRINCIPLE OF THE USE FOR HOUSING

4.4 The site is in a sustainable location on a bus route and close to Strensall village. The principle of the use for housing is acceptable subject to the proposal not being detrimental to the character and amenity of the area.

4.5 In June 2010 Planning Policy Statement 3 was revised to exclude private residential gardens from the definition of previously developed (brownfield) land. The purpose of the change is to prevent local planning authorities feeling obliged to grant planning permission for otherwise unwanted development on garden land ("garden grabbing"), simply to maintain targets for building on previously developed land. However, the removal of residential gardens from the definition of previously developed land has not introduced a general presumption against the development of gardens, it merely removes this as a positive factor in determining such applications. Any scheme still has to be judged against the impact on the character of an area, the impact on adjacent residents and any other material considerations. In this particular case, the removal of the site from the definition of previously developed land does not change officers' opinion that the principle of the use of the site for housing is acceptable. In making planning decisions, it is still expected that local planning authorities should seek to secure the efficient use of land, whilst focussing new residential development on sites in sustainable locations, and there are no specific policies in the draft local plan that protect sites such as this from development.

## DENSITY AND VISUAL APPEARANCE

4.6 Local residents are concerned that the scale of the proposed buildings would be out of keeping with the character of the area. The three houses have different designs but all are traditional in appearance and use of materials (render, slate, small plain tiles). The two new houses reflect the design of the existing house (Whitewalls), which separates them. The overall appearance is considered to be acceptable in this area, which has no predominant building style. Although the houses would all be large, with either four or five bedrooms each, the designs break up the massing as much as possible and the street frontage is wide at 52m. The density would be 10dph. Notwithstanding concerns expressed by some local residents, and the council's landscape architect, that the site would be overdeveloped, it is considered that the scale and density of the scheme is acceptable. The reduction in the size of the house on plot 1 reinforces that view. The nearest existing dwellings along the south-west boundary of the site are bungalows in Whin Close. Whilst the two new houses would be higher (at 7.3m to the ridge) than the existing bungalows the new houses would be only 0.4m higher than the existing house (Whitewalls). It is not uncommon for bungalows and 2-storey houses to be adjacent to one another, as is the case currently at Whin Close.

4.7 Each of the houses would have either a detached double garage or a detached garage/carport. They would be located between the front walls of the

houses and the highway boundary. The design of the structures would be in keeping with the character of the houses and would be partially concealed by trees and planting along the highway boundary. Officers do not consider that the structures would be so conspicuous as to justify refusal of the application.

## LANDSCAPE

4.8 The application includes a tree survey. Large mature trees are a key component of the attractive leafy character of Ox Carr Lane. Whilst the number of dwellings on the site would be increased from one to three, the character of the area to the front and rear would largely be retained. Most of the trees would remain, particularly along the north-west and north-east boundaries. Tree numbers would be reduced along the highway boundary and the south-west boundary with adjacent houses. Most of the tree losses along the highway boundary would be due to the creation of the two new access points. Whilst the opportunity along this boundary for planting replacement trees is limited, the trees to be removed are mainly small and do not make a major contribution to the character of the area. The trees along the south-west boundary are more significant, notably a mature copper beech. The reason for its removal is its proximity to the proposed house at Plot 1. The tree is described in the submitted tree survey as only being of low quality and condition. Furthermore, there are opportunities along this boundary for replacement tree planting. This could be made a condition of approval, as should tree protection during construction. None of the existing trees are covered by Tree Preservation Orders.

## NEIGHBOUR AMENITY

4.9 Of the three houses, only Plot 1 would have any material impact on adjacent residential occupiers. A 7.3m-high gable wall of Plot 1 would (on average) be approximately 14m from secondary windows of No.12 Whin Close. This exceeds by 2m the distance that is widely regarded as being acceptable between existing windows and a gable wall. Furthermore the aspect from No.12 would be oblique, thereby reducing the impact on the occupiers. No windows of the house at Plot 1 would face No.12 Whin Close, thereby avoiding any significant risk of overlooking. The other existing houses along the boundary (i.e. Nos 10 and 15 Whin Close) are unlikely to be significantly affected by the proposals due to the separation distance and/or the position and orientation of the house at Plot 1. Neither of the new dwellings is likely to materially affect sunlight to adjacent properties.

## HIGHWAY ISSUES

4.10 Since submission the proposed sight lines have been improved and the width of the proposed accesses has been widened, as requested by highway officers. The existing access is still 200mm narrower than recommended but this shortfall is considered insufficient to justify refusal, particularly as the access already exists. Neither the traffic generated by the proposal nor the distance from adjacent road junctions is likely to materially reduce highway safety. Adequate parking would be provided for occupiers and visitors. On this basis the council's highways officers have no objection to the application.

## DRAINAGE

4.11 The application includes a flood risk assessment. The development is in medium risk Flood Zone 2 and may suffer from river flooding. Moreover, the existing drainage of surface water in the area is poor and is a concern of local residents. Nevertheless the Environment Agency, the internal drainage board and the council's drainage officers all accept that drainage can be dealt with as a condition of approval. Such a condition should include submission of drainage details including attenuation to 70% of the existing surface water discharge.

4.12 Residents are concerned that existing sewerage problems in the area would increase if the application were allowed. Sewerage problems are generally caused by the inadequacy of combined sewers to cope with heavy rainfall. As a consequence the rainfall in the sewers overflows, bringing with it the foul water. This tendency would be reduced by the council's requirement that the surface water run-off be attenuated to 70% of existing.

## PUBLIC OPEN SPACE

4.13 A developer contribution of £6,894 would be required for the provision of public open space in accordance with policy L1 of the local plan. The contribution is calculated on the basis that two additional dwellings would be created (one 5-bed, one 4-bed). This has been accepted by the applicant.

## SUSTAINABLE DESIGN AND CONSTRUCTION

4.14 The application includes a sustainability assessment. It states that the developer will meet Code for Sustainable Homes Level 3 and provide 5% of the energy requirements by on-site renewable sources in accordance with the council's Interim Planning Statement on Sustainable Design and Construction. These requirements should be made conditions of approval.

## BIO-DIVERSITY

4.15 Any impact on bats in the vicinity of the site can be mitigated by careful demolition and suitable bat mitigation measures. These should be made a condition of approval. Whilst there have been some reports of great crested newts within the area the gardens at Whitewalls are well maintained and provide sub-optimal habitat. The busy road to the front is also likely to be an effective barrier to migrating newts. Nevertheless the newts still need to be taken into account and care should be taken during the construction phase to minimise any impacts. The site is outside, but close to, the Strensall Common SSSI and SAC. The boundary is opposite the site on the south side of Ox Carr Lane. Officers consider that the erection of two additional houses on this already-residential site would have no additional impact on the SSSI and SAC.

## 5.0 CONCLUSION

5.1 The revised proposals now before members are considered to accord with relevant policies of the draft local plan and are acceptable subject to conditions. A

financial contribution of £6,894 would be required for the provision of off-site public open space.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the approved plans and elevations numbered ckm/10/stren.1/A, ckm/10/stren.3/A, 10/73/ST/01, ckm/10/stren.4 and ckm/10/stren.2.

Reason: For the avoidance of doubt and to achieve an acceptable form of development.

3 Any gates shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall open into the site.

Reason: To allow a vehicle entering or leaving the site to stand clear of, and thereby avoid obstructing the public highway, in the interests of road safety.

4 HWAY10 Vehicular areas surfaced, details reqd

5 HWAY14 Access to be approved, details reqd

6 HWAY19 Car and cycle parking laid out

7 HWAY31 No mud on highway during construction

8 VISQ8 Samples of exterior materials to be app

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no window, rooflight, dormer or other opening additional to any shown on the approved plans shall at any time be inserted along the south-west elevation of the house at Plot 1 shown on the approved plans.

Reason: In the interests of the amenities of occupiers of the adjacent dwelling at No.12 Whin Close.

10 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3-star rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted



to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: In the interests of sustainable development.

11 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide 5% of its predicted energy requirements from on-site renewable sources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority. The approved scheme shall be implemented before first occupation of the development. The site shall thereafter be maintained to the required level of generation.

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.

12 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 alternative 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 £6,894. 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.

13 Notwithstanding the information contained on the approved plans the height of the proposed dwellings shall not exceed the following:

Plot 1 - 7.3metres

Plot 2 - 6.9metres

Plot 3 - 7.3metres.

These dimensions shall be as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

14 Development shall not begin until details of the foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Details to include:

a. Calculations and invert levels to Ordnance Datum of the existing foul and surface water system together with details to include calculations and invert levels of the proposals for the new development. This will enable the impact of the proposals on the downstream watercourse to be assessed.

b. Surface water details. In accordance with PPS25 and in agreement with the Environment Agency/Foss IDB, peak run-off from the development shall be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas). Storage volume calculations, using computer modelling, shall accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall also include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

c. Details of future management/maintenance of the proposed drainage system.

d. An appropriate assessment under BRE Digest 365 to demonstrate that the ground has sufficient capacity to accept surface water discharge from the proposed permeable paving and to prevent flooding of the surrounding land and the paving itself.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk) and that provision has been made to maintain the proposed drainage system.

INFORMATIVE: Please note that City of York Council's Drainage Section should witness the BRE Digest 365 test, which should preferably be carried out in winter.

15 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

- a. Flood proofing measures to include demountable defences on external doors and windows to a minimum level of 13.92m AOD.
- b. Electrical sockets to be raised 600mm above floor level
- c. Anti flooding devices will be fitted to drainage systems.

Reason: To reduce the impact of flooding on the proposed development.

16 No development shall take place until details have been submitted to and approved in writing by the council of measures to be provided within the design of the new buildings to accommodate bats. The works shall be completed in accordance with the approved details.

Reason: To take account of and enhance the habitat for bats.

INFORMATIVE: Features suitable for incorporation include special tiles, brick soffit boards, bat boxes, etc.

17 Prior to commencement of development detailed proposals for replacement tree planting (at a ratio of one-for-one) shall be submitted to the local planning authority and approved in writing. The scheme, which shall show the number, species, height and position of trees, 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: To minimize the visual impact of the proposals on the surrounding area and to compensate for those trees lost as a consequence of the development).

18 Trees and hedges shown to be retained shall be protected during the development of the site. Measures shall include:

(i) No development or change in level shall take place within the crown spread of the trees to be retained (including trees on neighbouring land);

(ii) Prior to commencement on site of demolition, site preparation, building or other development operations, including the importing of materials and any excavations, protective fencing to BS5837 Part 8 shall be erected around all existing trees shown to be retained (and neighbouring trees where they may also be affected). The fencing shall be erected in accordance with the root protection area plan. Before commencement on site the protective fencing line shall be erected and subsequently adhered to at all times during development to create exclusion zones.

(iii) None of the following activities shall take place within the protective fencing or within the canopy area of existing trees: excavation, raising of levels, storage of any materials or top soil, burning, parking or manoeuvring of vehicles, no site huts, no marketing offices, no mixing of cement, no disposing of washings, no stored fuel, no new service runs. The fencing shall remain secured in position throughout the construction process including the implementation of landscaping works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

(iv) No trenches, pipe runs for services or drains shall be routed under the crown spread of any tree without the prior approval in writing of the Local Planning Authority.

Reason: To ensure protection of existing trees before, during and after development

which contribute to the character and appearance of the area. It is important that they are protected from damage before, during and after construction works.

19 NOISE7 Restricted hours of construction

20 No building work shall take place until details of refuse/recycling facilities have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the submitted details.

Reason: In the interests of sustainability and visual amenity.

## **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:

- Overall planning principles
- Visual appearance
- Neighbour amenity
- Drainage
- Open space
- Highway issues
- Bio-diversity
- Sustainable design and construction

As such the proposal complies with national planning advice contained within Planning Policy Statement 3 "Housing" and policies GP1, GP4a, GP10, GP15a, NE1, NE6 and L1c of the City of York Draft Local Plan.

### 2. HIGHWAY CROSSING

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Mr S Partington, 01904 551361- Vehicle Crossing, section 184.

### 3. CONTAMINATION

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA

of the Environmental Protection Act 1990.

#### 4. ENVIRONMENTAL PROTECTION

The applicants attention should be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

a). All construction 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.	

b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

d). The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

f) There shall be no bonfires on the site.

#### **Contact details:**

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