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**Report of the Chief Planning Officer**

**PLANS PANEL NORTH AND EAST**

**Date: 19<sup>th</sup> October 2017**

**Subject: Application 17/03449/FU - Replacement detached house with detached double garage to front; alterations to vehicle access and hardstanding at Darroch, Margaret Avenue, Bardsey.**

**APPLICANT**

Mr J Gilroy

**DATE VALID**

7<sup>th</sup> June 2017

**TARGET DATE**

2<sup>nd</sup> August 2017

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**Electoral Wards Affected:**

**Harewood**

☐ Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

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Community Cohesion

☐

Narrowing the Gap

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**RECOMMENDATION: GRANT PERMISSION subject to the following conditions:**

1. Time limit – 3 years.
2. Development to be carried out in accordance with approved plans.
3. Details of external materials.
4. Levels.
5. Landscaping (including surfacing materials and boundary treatments).
6. Method statement for protection of retained trees during construction.
7. Method statement for excavation and ground stability.
8. Vehicle areas to be laid out prior to occupation.
9. Construction management plan, including working hours.
10. Surface water drainage details.
11. Submission of remediation statement.
12. Amended remediation statement if unexpected contamination is encountered.
13. Verification report following remediation.
14. Remove permitted development rights for insertion of side facing windows
15. Obscure glazing to side facing bedroom windows

## **1.0 INTRODUCTION:**

- 1.1 This application relates to a proposal for a replacement dwelling within an established residential area within the village of Bardsey. The proposed replacement dwelling is modern in its architectural style and appearance and is reported to Panel at the request of Cllr Rachael Procter who raises concerns over the modern design of the dwelling and its impact upon the local character of the area.

## **2.0 PROPOSAL:**

- 2.1 Permission is sought for a replacement dwelling within Margaret Avenue, which is within an established residential area within the village of Bardsey. The existing dwelling and detached garage to the front will be demolished to accommodate the dwelling and minor alterations made the front boundary.
- 2.2 The replacement dwelling will be positioned on a similar footprint to the existing dwelling, albeit with a rearward projection similar to that of the existing conservatory, but spanning the entire width of the house, and slightly wider in width overall. The proposed dwelling will therefore measure 13.4m in width by 10.2m in depth and will rise to a height of some 5.85m to the front elevation and 8.0m to the rear elevation according to the submitted plans. The height of the replacement dwelling will be lower than the existing house that it will replace. The footprint of the replacement house will measure 147 square metres, comprised to the existing footprint of 103, representing an increase of some 44 square metres.
- 2.3 The dwelling will modern in appearance comprising a large flat roof. Materials include the use of brick to the front and side elevations, punctuated by timber windows. Some of the brickwork on the front elevation will also comprise a perforated brick screen treatment, adjacent to the front windows in order to create visual interest. To the rear elevation, the entire façade is to be glazed. Owing to the topography of the site, the dwelling will be two storeys to the front and three storeys to the rear. This will inevitably involve significant excavation to accommodate this basement level. The rear garden will measure 24m from the rear façade to the close boarded fence, abutting Wetherby Road and will be 3.2m from the side boundary to the north and 2.7m from the side boundary to the south at their closest points. The separation distances from both side boundaries increase further into the site.
- 2.4 The proposed detached garage will be located to the site frontage, as is the current garage which it will replace. Indeed, garages to the front curtilages are a characteristic of other properties on this particular side of Margaret Avenue. The garage will have a footprint of 6.03m x 5.70m and rise to a height of 2.6m to the eastern elevation and 3.3m to the western elevation with a flat roof. The garage will be constructed from brickwork to match the new house.
- 2.5 The house and garage will be surmounted with angled photo voltaic panels set at angles to catch the sun's path.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application relates to site which currently comprises a detached dwelling and detached garage within the front garden area. The dwelling is arranged over two floors with the upper level accommodated within the roof. The dwelling is constructed from a buff colour brick with a tiled roof. Towards the rear is large single storey extension with a flat roof with large areas of glazing to the rear and both side

elevations. In terms of topography, the site slopes steeply downwards from the site frontage towards the rear. From the front of the site abutting Margaret Avenue to the rear boundary there is drop in levels of approximately 7.0m. The rear garden is relatively overgrown as it appears that the house has been unoccupied for a reasonable period of time. The rear garden comprises a number of trees, with mature trees located close to the rear boundary, adjacent to Wetherby Road. Other trees within the centre of the rear garden are smaller ornamental or fruit trees of no significant amenity value.

- 3.2 A single detached garage is located to the front of the house, accessed via a steep driveway leading into the site from Margaret Avenue. A hedge forms the front boundary to Margaret Avenue, with a small tree lying close to the access point. Owing to the topography the garage is set well down from the road and screened by the hedge. Towards the rear, mature hedging forms the side boundary with the adjacent property known as Rosehurst to the north, while a 1.8m timber fence forms the other side boundary to the south with the property known as Oakwood. A 2m high close boarded timber fence forms the rear boundary, which is elevated above Wetherby Road (A58) and screened by vegetation within the verge.
- 3.3 In terms of the local character of the area, Margaret Avenue can be characterised as houses having two distinct characters. The houses that are on the eastern side of the road are generally elevated above Margaret Avenue and are mainly detached red brick and rendered properties dating back to the 1930s. Many of these feature 2 storey bays with arched front doorways. Mature hedging forms the front boundaries to many of these properties with driveways leading towards detached or integral garages. On the western side of Margaret Avenue the houses are generally of a dormer bungalow style comprising pitched roofs with dormer windows providing accommodation within the roof. Owing to the topography of the area, these dwellings are set well down below the road level of Margaret Avenue. Many feature detached garages to the front garden areas which are also set down below the road level and screened either by vegetation or fencing.
- 3.4 Immediately to the north of the site is a dwelling known as Rosehurst. This is constructed from brick and render with 4 large dormer windows on the front roofslope. Towards the rear is a large conservatory with dormers set into the rear roofslope. Within the front garden area is a detached outbuilding/garage, which is set below road level and behind some brick walling, railings with vegetation behind. Immediately to the south is a dwelling known as Oakwood which sits on a slightly wider plot than the application site. This dwelling has recently been remodelled and extended and was the subject of an application which was approved in 2015. Towards the rear and side of this property is an external terrace area, bounded by black metal railings.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 There have been no previous planning applications pertaining to this property.

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Pre-application discussions were held with the applicants prior to the submission of the application, and a number of suggestions were made in relation to the design and form of the replacement dwelling. These alterations were made and now form the current planning application.

#### **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 The application was advertised by the posting of site notices within Margaret Avenue and Wetherby Road (A58) on 23 June 2017. Adjoining neighbours were also notified by letter. To date, 9 letters of objection have been received from surrounding residents. The objections relate to the following issues:

- Concerns over the height of the building;
- Impact on outlook;
- Would not sit well with overall feel and appearance of Margaret Avenue;
- Design is too industrial;
- Too jarring;
- Design does not take into account the Bardsey Village Design Statement;
- Incongruous and out of character with street and village;
- Flat roofs and glass façades unsuited to the village;
- Concerns over parking for contractors and access; and
- Concerns over ground excavations and impact on ground stability.

6.2 Bardsey Parish Council: Object to the proposed development on the following grounds:

- Inappropriate in location and context;
- Will destroy the streetscene in this 1930s development;
- Cubist design looks like an industrial unit; and
- Flat roof and rooflight structures will become a maintenance liability and are design features that are out of keeping with the locality.

6.3 Ward Members: Cllr Rachael Procter objects to the proposal and has concerns over the design of the dwelling and its impact on the character of the area.

## **7.0 CONSULTATIONS RESPONSES:**

7.1 Highways: The proposal is a like for like development therefore an outright highway objection would be difficult to justify. However there are existing gradient issues on this site and as proposed the driveway appears to be 1 in 3 at the highway edge, this is an unacceptable gradient. For guidance the normal level of gradient for a driveway is 1 in 12.5(8%), as such the applicant needs to provide details of the best achievable gradient of the access for our consideration.

7.2 Additionally, the existing hedge along the Margaret Avenue frontage is fairly overgrown and could interfere with the available visibility. The applicant should provide details of how this frontage will be maintained so that the maximum available visibility can be achieved and provided in perpetuity.

7.3 Flood Risk Management: The existing drainage connections should be reused and therefore no objections are raised.

7.4 Contaminated Land: A ground gas risk assessment is required together with details of how it will be demonstrated that the demolition process has not led to the contamination of surface soils on the site with asbestos.

## **8.0 PLANNING POLICIES:**

- 8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

#### Development Plan

- 8.2 The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.

- 8.3 The site is unallocated in the Development Plan.

- 8.4 The following Core Strategy policies are relevant to the proposals:

GENERAL POLICY – Presumption in favour of sustainable development

SP1 – Location of development in main urban areas on previously developed land

P10 – High quality design

P12 – Good landscaping

- 8.5 The following saved UDP policies are relevant:

GP5 – General planning considerations

N25 – Boundary treatments

BD5 – General amenity issues.

LD1 – Landscaping

#### Supplementary Planning Guidance/Documents

- 8.6 The following SPGs and SPDs are relevant:

SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds (including 2015 Memoranda)

Street Design Guide SPD

#### Bardsey-cum-Rigton Village Design Statement

- 8.7 This document should be regarded as Supplementary Planning Guidance and was adopted in Spring 2002. The site is identified within Area 2 (East of the A58 and East Rigton). The SPG notes that lower down, on the westward facing slopes with beautiful views, are houses originally built in the 1920s and 1930s styles with greater use of render. In terms of guidelines and priorities, the SPG seeks to resist development which would detract from existing views. The SPG also seeks to ensure that the scale, design and materials of any redevelopment must be appropriate to the area in which it is located. New dwellings should not generally be above two storeys in height and roofs should be in proportion to the bulk of the building and usually gabled. Pitched roofs rather than flat roofs should be specified.

#### Bardsey Neighbourhood Plan

- 8.9 The Bardsey Parish Council Neighbourhood Plan has been recently modified following the publication of the Decision Statement and Independent Examiners Report. The Plan has been modified in accordance with this Report and is deemed acceptable for Referendum which is to be held on 12<sup>th</sup> October 2017. Relevant policies include:

Policy LRE1: Conserving historic rural character  
Policy BE1: High quality building design  
Policy BE4: Maintaining dark villages  
Policy H1: New housing development  
Policy H4: Scale of development

#### National Planning Policy

- 8.10 The National Planning Policy Framework (NPPF), published on 27<sup>th</sup> March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
- 8.11 The NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.
- 8.12 Paragraph 59 indicates that planning policies should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. Paragraph 63 advises that in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

#### DCLG – Nationally Described Space Standards

- 8.13 This document sets a nationally-defined internal space standard for new dwellings. The government's Planning Practice Guidance advises that where a local planning authority wishes to require an internal space standard it should only do so by reference in its local plan to the nationally described space standard. With this in mind the city council is in the process of gathering evidence in relation to the adoption of the national standard as part of a future local plan review. The housing standards are a material consideration in dealing with planning applications, however as this process is at a relatively early stage in Leeds, only limited weight can be attached to them at this stage.

### **9.0 MAIN ISSUES**

1. Design & Impact on Character of Area
2. Impact on Living Conditions
3. Highways
4. Landscaping

### **10.0 APPRAISAL**

#### Design & Impact on Character of Area

- 10.1 Policies within the Leeds development plan and the advice contained within the NPPF seek to promote new development that responds to local character, reflects the identity of local surroundings, and reinforce local distinctiveness. The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is therefore fundamental that new development should generate good design and respond to the local character. It is also important that innovation and originality is encouraged in order to raise the standard of design. The NPPF goes on to state that that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 10.2 Policy P10 of the Leeds Core Strategy (LCS) deals with design and states that *inter alia* alterations to existing, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function. Developments should respect and enhance, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place with the intention of contributing positively to place making, quality of life and wellbeing. Proposals will be supported where they accord with the principles of the size, scale, design and layout of the development and that development is appropriate to its context and respects the character and quality of surrounding buildings; the streets and spaces that make up the public realm and the wider locality.
- 10.3 Further guidance on the visual amenities and character of the wider locality can be found within the Bardsey Village Design Statement which locates the application site within the East of the A58 / East Rigton character area. The SPG seeks to resist development which would detract from existing views. The SPG also seeks to ensure that the scale, design and materials of any redevelopment must be appropriate to the area in which it is located. New dwellings should not generally be above two storeys in height and roofs should be in proportion to the bulk of the building and usually gabled. Pitched roofs rather than flat roofs should be specified.
- 10.4 Consideration should also be given to the policies contained within the Bardsey Parish Council Neighbourhood Plan. These policies mentioned in paragraph 8.9 seek to ensure that development is of a high quality design and reflects the character of its immediate locality in terms of design and materials and seeks to avoid prominent skyline locations.
- 10.5 In assessing the proposal, it is important to note the character of the immediate context and to conclude whether the proposal would relate to its surroundings and also whether the proposal would constitute poor design, which would fail to take the opportunity for improving the character and quality of an area and the way it function. In this respect the proposed house in terms of its scale and overall height would not appear to be an incongruous addition within the streetscene. The main roof of the replacement house would be over 1m lower than the ridgelines of both adjacent houses, and whilst its bulk and mass would be larger than the dwelling it replaces, a large proportion of this would be set down below road level owing to the topography of the area. In this regard, the scale of the dwelling would not be overly dominant within the streetscene.
- 10.6 The main difference with the proposal is the design approach that has been taken. The design of the dwelling is strikingly modern in terms of its form, it's architectural treatment and use of materials. The dwelling is of a contemporary design featuring a flat roof building which is cut into the site to create an additional storey at lower ground floor level which makes a physical connection to the rear garden. This is in

contrast to many of the dwellings in this locality where external balconies and/or steps are required to gain access from ground floor level to the shopping rear gardens. The proposal therefore uses the levels of the land to gain easier access to the rear garden area.

- 10.7 The arrangement of windows within the front elevation and use of perforated brickwork, whilst not used on other properties in the street, is considered to be an interesting form of design which provides visual interest within the street. Glazing is also extensively used on the rear (west) elevation which provides generous proportions of light to enter the building. Whilst this would be at odds with the elevational treatment of other dwellings in the area, one of these levels will be below the existing ground level, while the whole of the site will be well screened by mature trees and vegetation that runs along the rear boundary on Wetherby Road. In terms of longer range views, the dwelling will still be screened by this vegetation and given its position on the western side of Margaret Avenue, is not a prominent skyline location. So whilst the design does not replicate the dormer bungalows which are prevalent on this side of the road, it does introduce a visually interesting form of development which could be regarded as high quality and one which therefore does not harm the character of the area. Similarly, the proposed garage takes the same design approach as the house with the use of a flat roof surmounted by photovoltaic panels. Owing to the site topography, the replacement garage will not be prominent within the streetscene, being set down below road level as is the case with other garages to the front of dwellings on this side of Margaret Avenue. Accordingly, the proposed garage is considered to be acceptable.

#### Impact on Living Conditions

- 10.8 Consideration needs to be given to the impact of the development upon the living conditions of neighbours and the new occupants of the development. In terms of providing a good quality environment for future occupants of the new house, the proposal meets the minimum space standards and provides a good sized private rear garden. More than adequate levels of light will penetrate into this modern house with the use of expansive glazing on the western elevation.
- 10.9 In terms of the impact on the living conditions of neighbours, it is likely that some impact will likely to occur. However, any such impact needs to be considered to be significant to warrant refusal of an application. In this regard the proposal has the potential to impact upon two properties only, since the houses on the opposite side of Margaret Avenue are a sufficient distance away, as are the house on the opposite side of Wetherby Road which are also screened by mature trees and vegetation. The two properties that could be affected are the dwellings known as Rosehurst to the north and Oakwood to the south.
- 10.10 Turning to the impact on Rosehurst, this dwelling is arranged over two floors with the upper floor being located in the roofslope with the extensive use of dormer windows to front and rear. The property also features two ground floor tertiary windows within its southern side gable elevation as well as the side windows which serve the rear conservatory. The property also has a single garage located just in front of the dwelling and close to the side boundary with the application site. The proposal will involve the replacement dwelling being positioned slightly closer to Rosehurst than the existing dwelling. The top of the replacement dwelling will also be slightly lower than the ridge line of Rosehurst, a distance of 1.3m according to the submitted plans. However, given the cubist form of the replacement dwelling, it will inevitably have a greater mass and bulk. That said, given the separation distance from Rosehurst of 4m, coupled with its siting which is set back from the



front elevation of Rosehurst, it is considered that this would not result in an unacceptable relationship, and thus would not be overly dominant and overbearing.

- 10.11 Furthermore, owing to the sun's orientation in relation to both properties, with Rosehurst located to the north, it is not considered that the dwelling would result in a significant loss of sunlight or daylight. In terms of overlooking, the replacement dwelling comprises a lower ground floor door and two windows in the north side elevation. The existing boundary hedging will help mitigate any overlooking. There are however, two side facing bedroom windows. However, both bedrooms will feature glazing to their main outlook onto the rear garden and therefore these side facing windows will be secondary. The side windows will also feature the perforated brick, behind which the glazing will be obscure glazed and controlled through a condition. As such, it is considered that there will be no loss of privacy.
- 10.12 With regard to the construction of the new garage, it is considered that this is acceptable since it replaces a similar structure in the front garden. Indeed, if anything, the new garage will slightly improve the living conditions of the neighbours since it will be located further away from where the current garage is situated.
- 10.13 In terms of the impact on Oakwood to the south, it is noted that this dwelling has recently been remodelled and significantly extended in 2015. This property is set well away from the side boundary and features not habitable room windows within its side elevation. It does however feature quite an extensive external terrace to the rear, bounded by black metal railings. There is also a 1.8m high close boarded fence which separates the site from the application site. The replacement dwelling would be located no closer to Oakwood than the existing dwelling, and would also be 1.4m lower overall according to the submitted plans. While the replacement dwelling would have a greater level of bulk and mass, given the separation distance to Oakwood, and the fact that it would project no further into the rear garden than Oakwood, it is not considered that it would lead to significant loss of sunlight and daylight, and that it would be overly dominant.
- 10.14 In terms of overlooking, the replacement dwelling comprises a lower ground floor door and two windows in the south side elevation. The existing boundary fence will help mitigate any overlooking at this level. There are however, two side facing bedroom windows, similar to the north elevation. However, again, both bedrooms will feature glazing to their main outlook onto the rear garden and therefore these side facing windows will be secondary. The side windows will also feature the perforated brick, behind which the glazing will be obscure glazed and controlled through a condition. As such, it is considered that there will be no loss of privacy. Permitted development rights will be removed to prevent further window openings being formed.
- 10.15 Given the extent and scale of the proposals, coupled with the site topography, it will be necessary to carry out extensive excavations in order to dig down to create the lower level of accommodation. The impact on both neighbours must therefore be considered. In this respect, it is considered that there is adequate space on both sides to carry out these engineering works without impacting on the stability of neighbouring properties. Nevertheless, a condition is imposed requiring the submission of a method statement setting out details of the excavation and measures to ensure the stability of both adjoining properties, before development commences.

### Highways

- 10.16 In highway terms, the proposals involve relocation of the access point to a more central location and the removal of the single garage and replacement with a double garage. This will result in the removal of the tree to the front and the need to provide replacement hedging in the gap where the current access is located.
- 10.17 The Highways Officer has noted that the proposal is a like for like development and therefore an outright highway objection would be difficult to justify. The Highways Officer also noted that there are existing gradient issues on this site and as proposed the driveway appears to be 1 in 3 at the highway edge, this is an unacceptable gradient. For guidance the normal level of gradient for a driveway is 1 in 12.5(8%). Additionally, the Highways Officer notes that the existing hedge along the Margaret Avenue frontage is fairly overgrown and could interfere with the available visibility, and therefore the applicant should provide details of how this frontage will be maintained so that the maximum available visibility can be achieved and provided in perpetuity.
- 10.18 Whilst noting the comments raised by the Highways Officer, it is important to note and have regard to the fact that this is a replacement dwelling, with no net increase in the number of residential units being proposed. It is also worthy to note the access situations to some of the other dwellings in this part Margaret Avenue has steep driveways with fences or mature hedges close to the access point. Therefore, taking these factors into consideration, it would seem unreasonable to insist that the gradient and visibility is improved over and above the current situation. Margaret Avenue is a local residential street, where traffic speeds are relatively slow. Therefore is considered that the replacement dwelling with the associated garage would provide an acceptable access point and an adequate level of off street parking which would not give rise to any significant problems associated with highway and pedestrian safety.

#### Landscaping

- 10.19 The proposal results in the removal of one immature tree to the site frontage to facilitate the relocation of the vehicular entrance to a more central position. The removal of this tree is considered to be acceptable as it not considered to make a significant contribution to the townscape character of the area. The proposals will result in the need to infill the gap with hedging where the existing access is and this is covered by condition. The removal of the smaller fruit trees within the rear garden are also considered to be acceptable. The larger, mature trees towards the rear of the garden are located sufficient distances away from the new house and therefore will not be damaged or harmed as a result of the development. They also seek to screen the housing from the A58 and equally afford the residents an element of screening and privacy from the main road. As such, there are no landscaping concerns.

#### Other Matters

- 10.20 The proposal includes the use of photo voltaic panels on the roof of the proposed house and garage. One of the key principles at the heart of the NPPF is a presumption in favour of sustainable development. The use of renewal energy technologies therefore lends support in favour of the development in the decision making process.

#### Consideration of Objections

- 10.21 The primary concern of residents, the parish council and the Ward Member relate to the modern design of the house and it's impact upon the character of the area. It is considered that these issues have been addressed above. Matters relating to the scale, impact on neighbours and the level of excavation are also considered within the report. Concerns relating to construction and traffic would be covered by the imposition of a condition.

## **11.0 CONCLUSION**

- 11.1 The proposed development, whilst modern in design, is considered to be acceptable in this particular location. It would not be harmful to the living conditions of neighbours, nor would it lead to any highway safety concerns. The proposal is therefore considered to be policy compliant and is thus recommended for approval subject to the conditions listed above.

### **Background Papers:**

Application file: 17/03449/FU

Certificate of Ownership: Certificate A signed as applicant.



BURR LENTON ARCHITECTURE

notes

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revisions

reference remarks

date

project Proposed Extension, Darroch

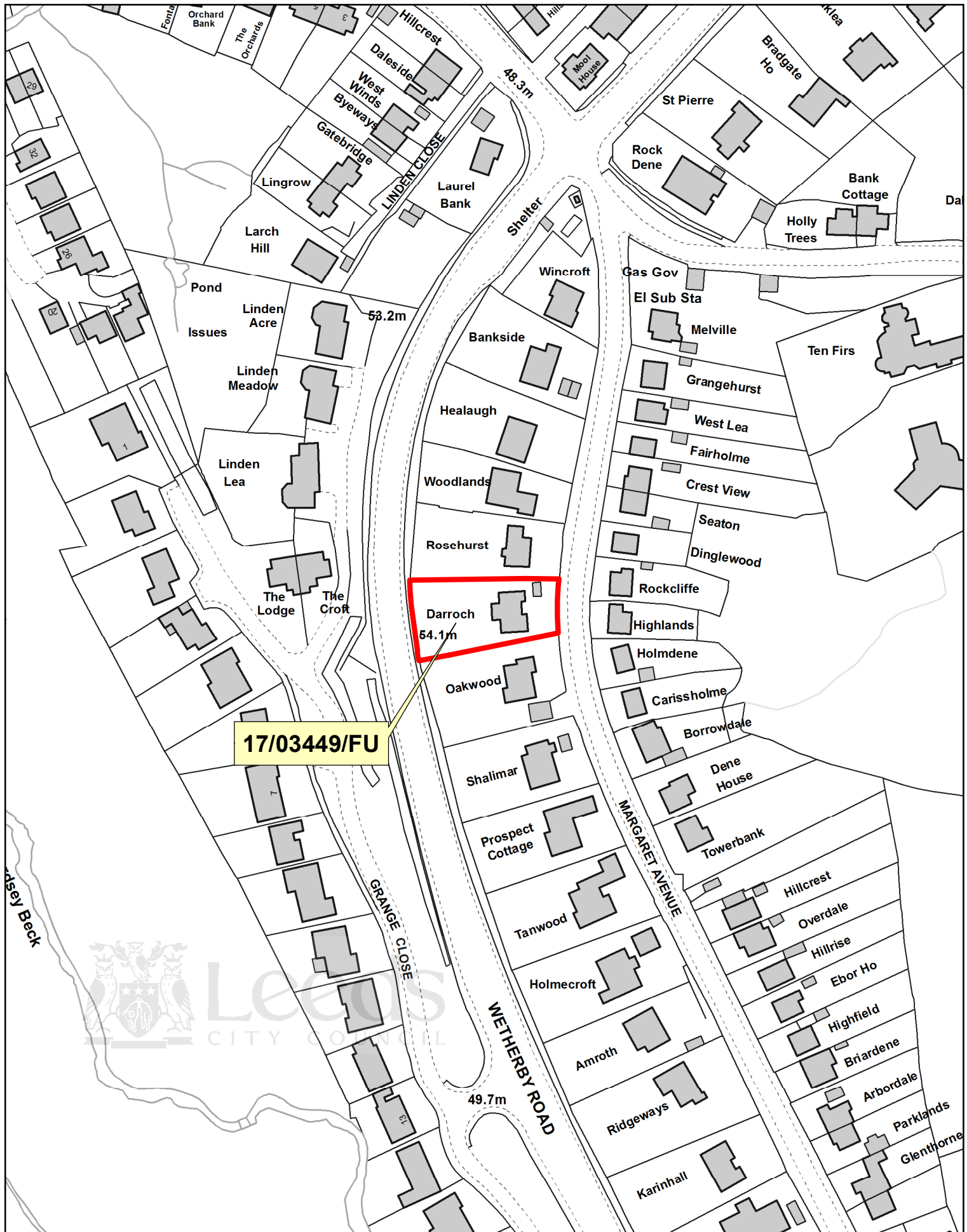
drawing title Proposed Site Plan

project ref. 2033

drawing no. SP/01

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# NORTH AND EAST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500

