

P.O. Box 1749 Halifax, Nova Scotia B3J 3A5 Canada

# Item No. 11.1.10 Halifax Regional Council July 23, 2013

TO:	Mayor Savage and Members of Halifax Regional Council
SUBMITTED BY:	Original signed by
	Richard Butts, Chief Administrative Officer
	Original Signed by Mike Labrecque, Deputy Chief Administrative Officer
DATE:	July 5, 2013
SUBJECT:	Case 18423 – Amendments to the Bedford West Secondary MPS, Bedford

# **ORIGIN**

Application by West Bedford Holdings Ltd.

# **LEGISLATIVE AUTHORITY**

HRM Charter, Part VIII, Planning & Development

### **RECOMMENDATION**

It is recommended that Halifax Regional Council:

- 1. Authorize staff to initiate the process to consider amending the Bedford West Secondary Planning Strategy (SPS) and Land Use By-law (LUB) to enable 34 foot wide single unit dwelling lot frontages within Sub Areas 2,7 and 8 and enable automotive service stations within the Mixed Use Business Campus Designation and within the Community Commercial area; and
- 2. Request staff to follow the public participation program for the MPS amendment process as approved by Regional Council in February 1997.

### BACKGROUND

An application has been submitted by West Bedford Holdings Limited to amend the existing land use policies for the lands known as Bedford West in Bedford. Specifically, the request is to (a) include provisions which would allow single unit dwellings to be developed with minimum lot frontages of 34 feet within Sub Areas 2, 7 and 8; and (b) to allow automotive service stations within the Mixed Use Business Campus Designation within the Community Commercial area of the Bedford West Secondary Planning Strategy (SPS).

The existing policies enable commercial, residential, institutional and recreational development to be considered by development agreement in phases over the entire Bedford West Secondary Plan Area (Maps 1 and 2). These policies limit single unit dwellings with minimum lot frontages of 34 feet to Sub Areas 3 and 4 and allow automotive service stations only in the area near the Larry Uteck Boulevard interchange at Highway 102 (Maps 3 and 4).

### **Bedford West Secondary Planning Strategy**

The Regional Municipal Planning Strategy (MPS) identifies Bedford West as one of the six areas where urban forms of development will occur throughout the next 25 years. In 2006, Regional Council approved the Bedford West SPS to provide guidance for the development of a new community on the west side of the Highway 102 in the vicinity of the Hammonds Plains and Kearney Lake Roads. The goal of the Strategy is to enable residential and commercial development which is cost effective for the Municipality to service. The SPS is divided into 12 Sub Areas which are illustrated on Map 3 and the development of each Sub Area is considered through the development agreement process.

The Bedford West SPS takes in portions of three Municipal Planning Strategies; the Bedford MPS, the Halifax MPS and the Beaver Bank, Hammonds Plains and Upper Sackville MPS. Since 2008, several development agreements have been approved by North West Community Council and the former Chebucto Community Council for lands within the Bedford West SPS. These approvals include agreements for Sub Areas 2, 3 and 4 and, more recently, Sub Areas 5 and 9.

The existing Bedford West policies permit the establishment of 34 foot wide lots only within Sub Areas 3 and 4 (Attachment A). To gauge the acceptance of this housing option, Regional Council adopted this policy in 2008 (Case 01048) as a "test case" for the area.

Automotive service stations are only permitted in Sub Area 9 which is adjacent the Larry Uteck Boulevard interchange at Highway 102 (Attachment B). To enable consideration of both requests, amendments to the policies of the Bedford West SPS are required.

### Location, Designation, Zoning and Surrounding Land Use

Lands subject to the request for 34' wide single unit dwelling lot frontage:

- designated Bedford West Secondary Planning Strategy (BWSPS) (Map 1);
- zoned BWCDD (Bedford West Comprehensive Development District) Zone (Map 2);
- wholly contained in Sub Areas 2, 7 and 8;

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- Sub Area 2 is subject to an existing development agreement (Case 00970) which permits approximately:
  - 147 acres of residential development including single unit, townhouse and multiple unit dwellings, and institutional lands; and
  - 29 acres of commercial and multiple unit dwelling development;
- Sub Areas 7 and 8 are currently vacant and subject to the negotiation of a future development agreement for a mix of residential and commercial land uses;
- located immediately to the east and west of Kearney Lake Road (Maps 1 and 2); and
- undeveloped.

Lands subject to the request for an automotive service station:

- designated Bedford West Secondary Planning Strategy (BWSPS) (Map 1);
- zoned BWBC (Bedford West Business Campus) Zone and BWCDD (Bedford West Comprehensive Development District) Zone (Map 2);
- partially contained in Sub Areas 3, 2, 6, 7 and 8 (Map 3);
  - Sub Area 2 is subject to an existing development agreement (as identified above);
  - lands within the BWBC (Bedford West Business Campus) Zone (Sub Area 3) are subject to a site plan approval process (Map 2);
  - Sub Areas 6, 7 and 8 are currently vacant and subject to the negotiation of a future development agreement for a mix of residential and commercial land uses;
- identified as Community Commercial or Mixed Use Business uses on the Bedford West Community Concept Plan (Map 4);
- located immediately adjacent to major collector roads of Kearney Lake Road and Hammonds Plains Road (Map 1);
- undeveloped; and
- within Sub Area 7, the Community Commercial lands are adjacent the existing, large lot subdivision on Belle Street.

### **The Proposal**

The proposed policy changes would (a) expand the areas where small lot single unit dwellings would be permitted (currently, this form of single unit dwelling is only permitted in Sub Areas 3 and 4); and (b) expand the locations in which service stations would be permitted (limited to major entrances to the Bedford West community). Subsequent to any approved SPS policy change, implementation of the 34 foot frontage requirement would require an amendment to the existing Sub Area 2 development agreement and be an item for consideration in the negotiation of future agreements for Sub Areas 7 and 8. Implementation of the service station request, subsequent to any approved SPS change, would require a development agreement for Sub Areas 2, 6, 7, and 8 or, in the case of the Bedford West Business Campus, be considered through the site plan approval process.

As the Bedford West SPS is contained within the Bedford, Halifax and Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategies, any amendment to the Bedford West SPS may require amendments to all three MPSs.

#### DISCUSSION

Generally, the process of amending an MPS is not supported by HRM staff for a site-specific amendment unless circumstances warrant such a change to policy. Typically, these types of amendments require considerable justification to be considered.

#### Thirty-four foot wide single unit dwelling lots

The following justification has been provided by the applicant in support of the proposal:

"Small lot, single family detached homes with 34 feet of road frontage have been extremely popular with our customers. This lower cost housing option was successfully introduced in the community without sacrificing streetscape or parking. The two pictures (see Attachment C) below illustrate an attractive façade with plenty of green space; the streetscape will only continue to improve as the vegetation matures. Small lot singles have now become a staple product in our community; it continues to fill a market gap between traditional 40 foot wide single detached dwelling and a 22 foot wide attached townhouse."

In 2008, the applicant made a similar request (Case 01048) for Sub Areas 3 and 4 and the staff report to Council stated, "*The proposed policy BW-32A would limit application of the reduced frontage and area requirements to Sub-areas 3 and 4. If the community is satisfied with the outcome, consideration may be given to making similar provisions in future development areas.*"

Staff is satisfied that the development of the 34 foot wide small lots in Sub Areas 3 and 4 has been successful and advise that the applicant's request to expand the area of application warrants consideration.

#### Location of Gas Stations

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The following justification has been provided by the applicant in support of the proposal:

"Our residents are requesting that gas bars be located in proximity to their neighbourhoods. Gas bars are no longer a blight on the community. Strict Provincial regulations have diminished previous environmental concerns. Rather, conveniently located gas bars have been acceptable community commercial uses as they are typically paired with other businesses selling convenient goods and services. We are requesting the ability to located gas bars in two specific locations within the master plan. ...

Location#1 (Gary Martin Drive near Hammonds Plains Road) is an appropriate site for a gas bar. Currently residents of West Bedford must make a special trip to another community to fuel their vehicle. Residents must either travel an additional 3 km west to the intersection of Kingswood Drive and Hammonds Plains Road or, alternatively, travel 2.6 km east to Mill Cove Plaza at the east end of Hammonds Plains Road for fuel. In comparison, we believe Location #1 is not unique in terms of site location or limitations as existing gas bars located on Hammonds Plains Road. We would offer that Location #1 is more convenient than the alternative for the public as this site is located less than 1 km from the highway interchange.

Location #2 – We are requesting gas bars to be permitted within the Community Commercial Centre designation as illustrated on Schedule BW-7. The commercial centre is ideally located for a gas bar, as it is located adjacent to the future Highway 113 interchange and Kearney Lake Road. Further, Kearney Lake Road is destined to become a major collector road; therefore the commercial area should be treated as highway commercial. The closest gas bar is located 4.5 km's away at the corner of Parkland Drive and Kearney Lake Road.

Staff concurs with the rationale provided by the applicant. In addition, staff reviewed the anticipated future population in the Bedford West area, the locations of existing service stations, as well as the areas where service stations are presently permitted. Based on this review, it is staff's opinion that additional options for the siting of service stations in the Bedford West area is warranted given the limited options in comparison to the projected population and the distribution of development.

### Conclusion

It is the opinion of staff the proposal to amend existing policies to a) enable 34 foot wide single unit dwelling lot frontages within Sub Areas 2, 7 and 8; and b) enable automotive service stations within the Mixed Use Business Campus Designation and within the Community Commercial area of Bedford West, Bedford and Hammonds Plains has merit. Staff recommends that Regional Council initiate a planning process for the consideration of the proposed amendments as identified in the Recommendation section of this report.

### FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2013/2014 operating budget for C310 Planning & Applications.

### COMMUNITY ENGAGEMENT

The *HRM Charter* requires that Council approve a public participation program when considering any amendment to an MPS. In February of 1997, Regional Council approved a public participation resolution which outlines the process to be undertaken for proposed MPS amendments which are considered to be local in nature. This requires a public meeting be held, at a minimum, and any other measures deemed necessary to obtain public opinion.

The proposed level of community engagement is consultation, achieved through a public meeting and/or public workshop early in the review process, as well as a public hearing before Regional Council can consider approval of any amendments.

Amendments to the MPS and LUB will potentially impact the following stakeholders: local residents, property owners, community or neighbourhood organizations, other HRM business units, and other levels of government.

# **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **ALTERNATIVES**

- 1. Council may choose to initiate a process to amend the Bedford West Secondary Planning Strategy to a) enable 34' wide single unit dwelling lot frontages within Sub Area 2, 7and 8; and b) enable automotive service stations within the Mixed Use Business Campus Designation and within the Community Commercial area of Bedford West. This is the recommendation of staff.
- 2. Council may choose to initiate policy amendments that would differ from those outlined here. This alternative is not recommended, as staff believes there is merit in considering the MPS amendment as presented in this report.
- 3. Council may choose not to initiate the MPS amendment process. A decision not to amend the MPS may not be appealed. This alternative is not recommended, as staff believes there is merit in considering the MPS amendment as presented in this report.

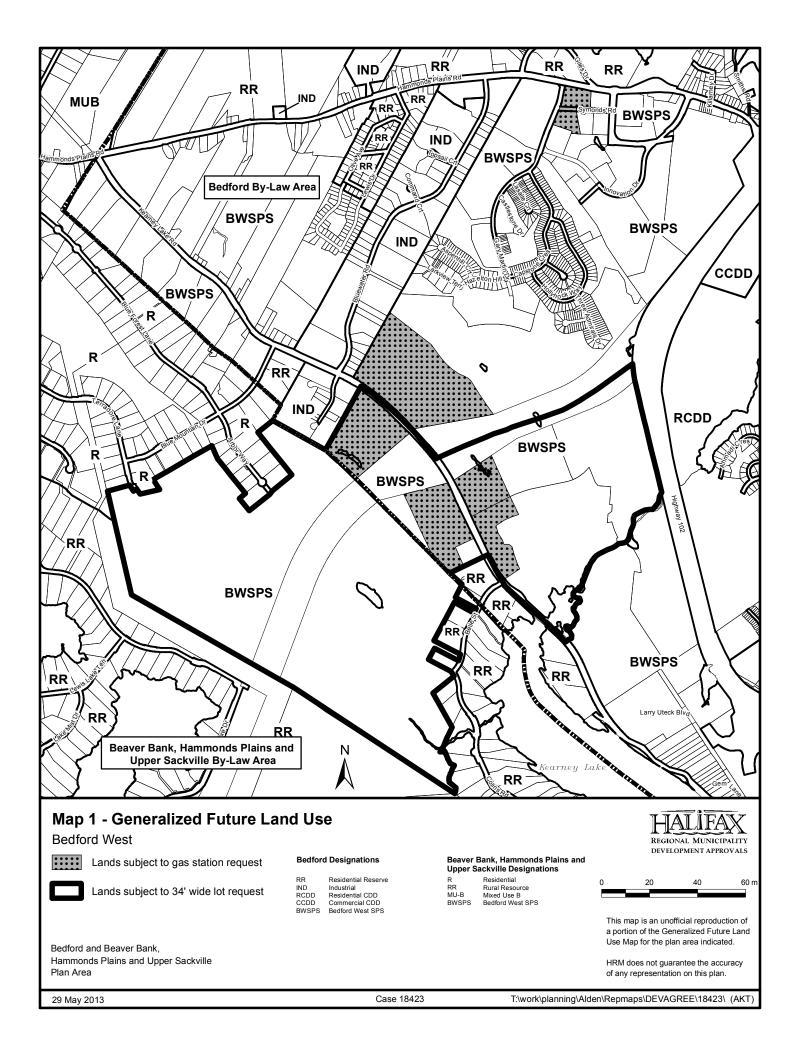
### **ATTACHMENTS**

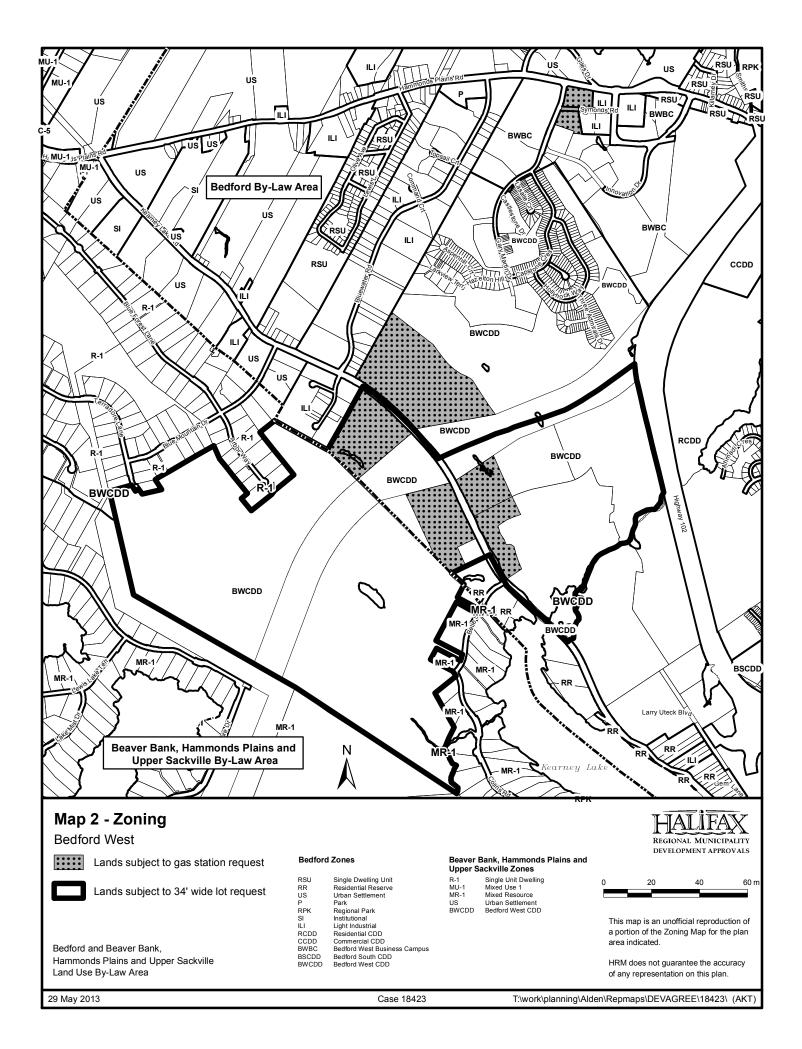
Map 1	Generalized Future Land Use
Map 2	Zoning
Map 3	Schedule BW-6 Bedford West Sub Areas
Map 4	Bedford West Community Concept Plan
Attachment A	Excerpts from the Bedford MPS - Bedford West SPS: 34 Foot Wide Lots
Attachment B	Excerpts from the Bedford MPS - Bedford West SPS: Gas Stations
Attachment C	Pictures of existing 34 foot wide single unit dwelling lots

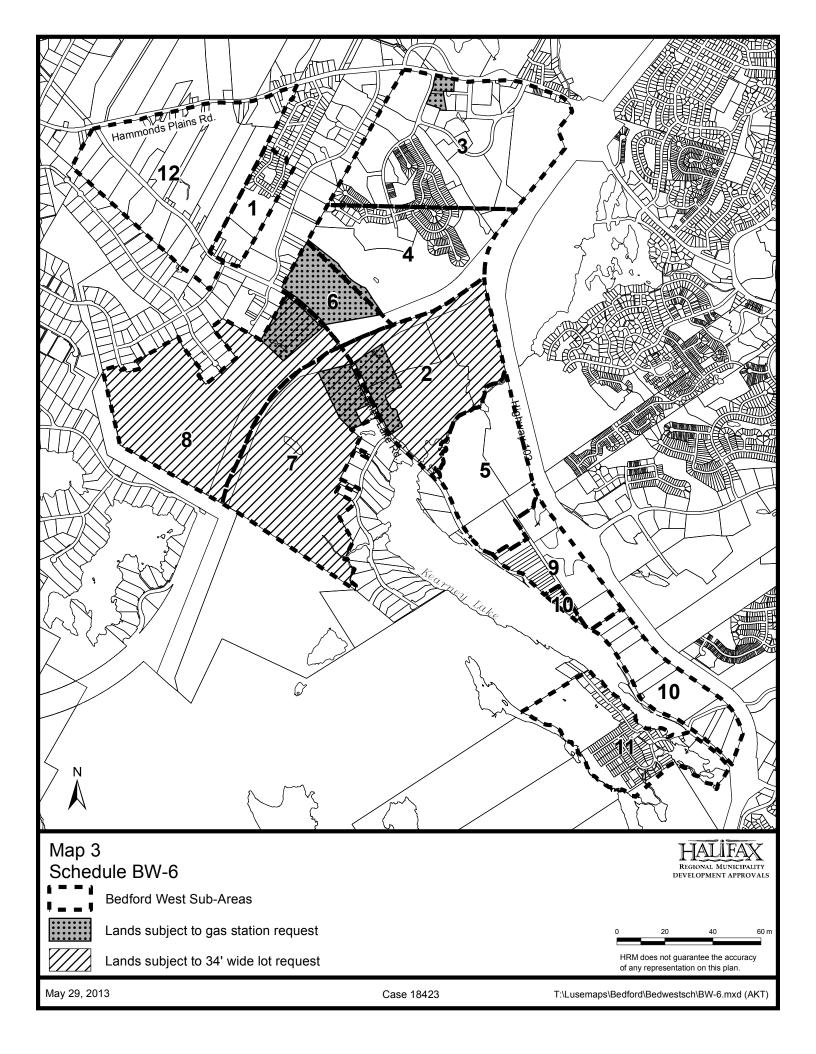
### AVAILABLE UPON REQUEST Staff Report – Case 01048 (2008)

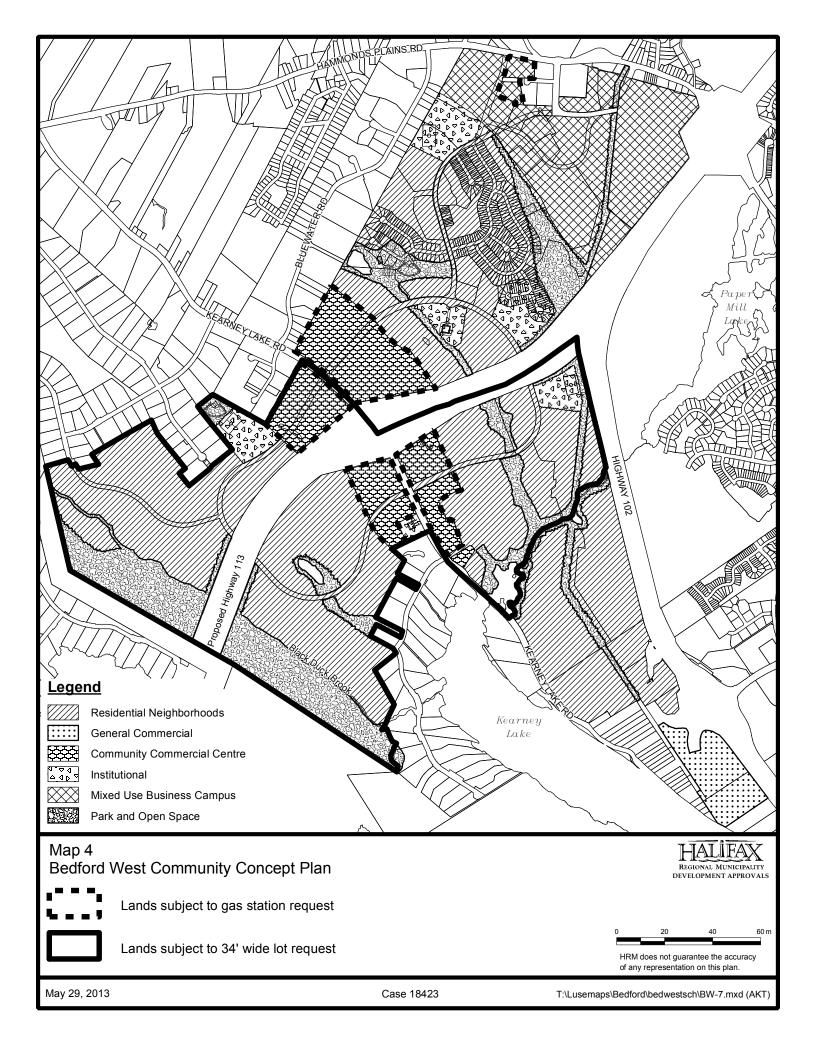
A copy of this report can be obtained online at http://www.halifax.ca/commcoun/cc.html then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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# Attachment A Excerpts from the Bedford MPS - Bedford West SPS: 34 Foot Wide Lots

### The Community Concept Plan (Sub-Areas 2, 3, 4, 6, 7, and 8)

A Community Concept Plan has been prepared over lands owned by Annapolis Group Inc. - the major land owner within the master plan study area, as well as a 50 acre parcel owned by the Municipality adjacent to the Hammonds Plains Road/Bicentennial Highway interchange. The Plan, presented as Schedule BW-7, illustrates the main land use and transportation elements proposed.

The design principles incorporated into the plan are highlighted as follows:

- □ Lands needed for daily living activities housing, shops, workplaces, schools, parks, and civic facilities are integrated within the community;
- □ The community collector streets facilitate efficient public transit routes which can provide a high level of service to the residential neighbourhoods and activity centres within the community and which conveniently connect with the regional transit system;
- □ Lands bordering Kearney Lake and Kearney Lake Run which are valued by the community for their aesthetics and recreational potential have been reserved for public uses;
- □ A sidewalk and trail system extends throughout the community which connects residents to the park system, commercial and other activity centres, and a future regional trail system which would extend from Clayton Park to Jacks Lake;
- □ The street system has been designed to prevent external traffic from traveling on local streets while accommodating pedestrians and cyclists throughout the community;
- □ The residential neighbourhoods encompass lands of varying topography allowing for differing identities and a range of housing opportunities within each;
- □ Lands have been allocated for a mixed use business campus adjacent to the Hammonds Plains Road/Bicentennial Highway which can potentially provide employment opportunities for residents of Bedford West and the surrounding community without introducing additional traffic on local residential streets.

The Community Concept Plan provides guidance for the overall development of this community. More detailed objectives and policies for each element are presented in the following sections.

### Policy BW-23:

The Community Concept Plan, presented as Schedule BW-7, shall form the framework for land use allocation within the master plan area and all policies and actions taken by the Municipality shall conform with the intent of this plan. A comprehensive development district zone shall be applied to all lands within the community concept plan area and any development of the land shall be subject to approval of a development agreement. In the event that the lands allocated for the proposed Highway 113 right-of-way are not required by the Province for a highway, then the lands may be used for development permitted within the abutting land use designation.

Policy BW-24:

To facilitate a variety of housing types and achieve both the overall density and open space allocations envisioned by the Regional Plan, consideration may be given to varying development standards established under the Bedford Municipal Planning Strategy and Land Use By-law. More specifically standards pertaining to lot area, lot frontage, lot coverage, setbacks and building height may be varied to reflect the uniqueness of each Sub-Area, the market being targeted and the theme of that Sub-Area.

If required, terms may be incorporated in a development agreement to ensure functional and aesthetic objectives are achieved. (RC-July 8/08;E-Aug 9/08)

### **Residential Neighbourhoods**

The following objectives have been identified for residential development within this community:

- □ to plan neighbourhood development on a comprehensive basis;
- □ to support and integrate housing opportunities for a variety of income levels, lifestyles and age groups;
- □ to foster individual neighbourhood identities with attractive streetscapes and distinctive architectural and landscaping themes;
- □ to preserve natural drainage systems and areas of unique or sensitive terrain and vegetation and to encourage development designed to suit the natural terrain and reduce negative impacts on the natural environment;
- □ to provide attractive, comfortable and convenient routes for pedestrians and cyclists that connect with the community trail system, local commercial and community facilities and public transit stops;
- □ to provide neighbourhood parks at convenient locations that are comfortable, visible and conform with the principles of crime prevention through environmental design (CPTED);
- □ to encourage innovative design within clearly defined performance criterion;
- □ to provide an effective integration with established neighbourhoods and to provide for adequate buffers from abutting commercial and industrial developments.

### Policy BW-32:

The following matters shall be considered for all development agreement applications within a Residential Neighbourhood Designation shown on Schedule BW-7:

- a) the density of housing units shall not exceed six units per acre per Sub-Area except that if the maximum density permitted in one development Sub-Area is not achieved, the Municipality may consider transferring the difference between the maximum permitted and actual number of housing units to another development Sub-Area provided all policy criterion can be satisfied and the housing density does not exceed seven units per acre in any development Sub-Area;
- b) community facilities such as schools, churches and day care centres and businesses that provide goods and services at a neighbourhood level, such as convenience stores, may be permitted within a residential neighbourhood. Convenience stores shall be encouraged to locate at intersections with a Community Collector Street and at transit stops;

- c) sidewalks and pathways facilitate comfortable and convenient pedestrian travel to transit stops on the Community Collector Street System, the Community Trail System and to community services;
- d) the design of neighbourhood streets facilitate shared use by cyclists and encourage safe vehicular speeds and discourage short-cutting and excessive speeds by automobiles while enabling direct routes for pedestrians and cyclists;
- e) a variety of housing types is provided within each Sub-Area and distributed so as to avoid a congested appearance of streetscapes. Consideration shall be given, but not limited, to the design guidelines of policies R-12A, R-12B and R-12C of the Municipal Planning Strategy, although the limitations placed on building height and units per building under policy R-12A shall not be applied;
- f) the allocation of housing and the massing and placement of buildings contributes to a sense of community vitality, energy conservation, surveillance of public spaces and provides an effective integration with established neighbourhoods;
- g) building locations, height, scale, site and architectural design, landscaping, and streetscape elements reinforce the themes of neighbourhood identity, pedestrian safety and compatibility with the natural environment;
- h) single unit dwelling lots have a minimum street frontage of 40 feet, a minimum area of 4,000 square feet, a minimum side yard of 4 feet, and a minimum separation of 12 feet between buildings;
- *i)* natural vegetation, landscaping or screening is employed around parking areas for institutional and multiple unit buildings to provide screening from streets and, for buildings containing forty-eight or more housing units, provision of underground parking or a structure allowing for stacked parking shall be a mandatory component of the on-site parking supply;
- *j)* Vegetation is maintained or landscaping measures, a fence or other physical barrier provided so as to provide a buffer between new developments and commercial or industrial developments which is effective in ensuring public safety and mitigating visual or noise impacts;
- *k)* all open space dedications proposed conform with the objectives and policies adopted for open space under this secondary planning strategy and any administrative guidelines adopted by the Municipality; and
- 1) the proposal conforms with all applicable provisions and requirements adopted under this Secondary Planning Strategy regarding environmental protection, the community transportation system and municipal services.

# Policy BW-32A:

Notwithstanding clause (h) of policy BW-32, within Sub-areas 3 and 4 of Schedule BW-6, single unit dwelling lots may be permitted on lots with a minimum street frontage of 34 feet, a minimum area of 3,400 square feet, a minimum side yard of 4 feet, and a minimum separation of 12 feet between buildings provided that each dwelling contains on-site parking for two vehicles with one being an enclosed parking space within the dwelling and consideration is given to policy BW-24. (RC-Jul 8/08;E-Aug 9/08)

# Attachment B Excerpts from the Bedford MPS - Bedford West SPS: Gas Stations

#### The Community Commercial Centre

The Community Centre Designation envisions a built form with a diverse range of commercial, civic and residential activities. The following objectives are intended:

- $\Box$  to provide a focus for pedestrian oriented community and commercial activities with the community;
- □ to create a built form reminiscent of a town square or main street;
- □ to foster activities for all ages and a wide range of lifestyles in a safe and secure environment;
- □ to encourage innovative design and comprehensive planning;
- □ to support public transit.

### Policy BW-33:

A range of community commercial, higher density residential, institutional, and recreational uses may be permitted within the Community Commercial Centre Designation shown on Schedule BW-7 subject to consideration of the following matters:

- a) preference is given to limiting parking or loading areas between a building and the Kearney Lake Road or the Community Collector Road and any buildings with commercial occupancies should be located in close proximity to the street line;
- b) natural vegetation, landscaping or screening is employed around parking areas and measures are employed to provide safe and convenient pedestrian access to the buildings they are intended to serve;
- c) sidewalks and plazas are provided so as to encourage a secure and inviting walking environment throughout the commercial centre and to neighbouring residential neighbourhoods;
- *d)* provisions are made for the storage of bicycles;
- *e) exterior materials, street furniture; trees, lighting and landscaping measures are incorporated in buildings to foster an interesting and secure environment;*
- *f) the windows, exterior features and materials and signs employed in any building create a sense of interest from public streets;*
- *g)* the massing and height of buildings are consistent with and contribute to an pedestrian oriented environment;
- *h)* the proposal conforms with all applicable provisions and requirements adopted under this Secondary Planning Strategy regarding environmental protection, the community transportation system and municipal services.

#### The Mixed Use Business Campus

The Mixed Use Business Campus Designation which encompasses both private and municipal lands adjacent to the Hammonds Plains Road/Bicentennial Highway interchange are strategically located for businesses that produce goods and services and employment opportunities for the region. A campus style environment is

envisioned where employment centres are integrated with public facilities and public spaces. In recognition of market uncertainties, residential developments may also be considered.

Objectives:

- □ to provide places of employment within the community that are easily accessible from the Community Collector Streets and Trail System and by public transit;
- □ to support a mixed use environment where opportunities are afforded to live and work in the same community;
- □ to create a setting where buildings and transportation systems networks are attractively integrated with the natural environment;
- □ to encourage business opportunities by adopting an efficient and flexible regulatory environment;
- □ to encourage innovative subdivision and community design;
- □ to support public transit provision.

### Policy BW-36:

The Mixed Use Business Campus designation, illustrated on Schedule BW-7, shall support a wide range of businesses which produce goods and services, recreational uses, hotels, institutional facilities and park-and-ride facilities. Limited provisions shall be made for retail uses, personal and household services and restaurants and standards shall be established for landscaping, architectural design, signs, parking, loading areas and driveway access. A zone shall be established under the Land Use By-law to implement this intent but granting of a municipal development permit shall also be subject to site plan approval. The following matters shall be considered in any site plan approval application:

- a) outdoor storage or outdoor display and sales shall be limited and any outdoor waste containers shall be screened;
- *b) open spaces are integrated into the layout and where feasible, larger trees are retained;*
- *c) landscaping is introduced to all areas disturbed during construction;*
- *d)* preference is given to limiting parking spaces between a building and the front lot line and no loading bays shall be located on the building facade facing a public street;
- *e) natural vegetation, landscaping or screening is employed around parking areas and measures are taken to allow for safe and convenient pedestrian access to public entrances of buildings;*
- *f) bicycle storage facilities are provided near the main entrances to the building and/or in designated public spaces;*
- g) walkways shall extend from the entrances of buildings to a public sidewalk in front of the building and to any public trail system abutting the property and, unless otherwise not possible, shall not cross any driveways or parking areas;

#### The General Commercial Centre

The General Commercial Designation envisions a built form with a range of commercial, activities and medium to higher density residential. Recognizing the location of the General Commercial Designation adjacent the Larry Uteck Boulevard and the Bicentennial Highway (Highway 102) interchange, the following objectives are intended:

- to provide for general and highway commercial uses;
- to enable a portion of the site to be developed as medium or higher density residential;
- integrate pedestrian access between surrounding residential areas and commercial activities;
- to encourage innovative design and comprehensive planning; and
- to support public transit.

#### Policy BW-38A:

A range of general and highway commercial, medium and higher density residential, institutional, and recreational uses may be permitted within the General Commercial Centre Designation shown on Schedule BW-7 subject to consideration of the following matters:

- a) natural vegetation, landscaping or screening is employed around parking areas and measures are employed to provide safe and convenient pedestrian access to the buildings they are intended to serve;
- b) sidewalks and/or plazas are provided so as to encourage a secure and inviting walking environment throughout the commercial centre and to neighbouring residential neighbourhoods;
- c) provisions are made for the storage of bicycles;
- *d) exterior materials, street furniture; trees, lighting and landscaping measures are incorporated in buildings to foster an interesting and secure environment;*
- *e) the windows, exterior features and materials and signs employed in any building create a sense of interest from public streets;*
- f) the massing, height of buildings and architectural detail contribute to a pedestrian oriented environment; and
- g) the proposal conforms with all applicable provisions and requirements adopted under this Secondary Planning Strategy regarding environmental protection, the community transportation system and municipal services. (RC-Mar 15/11;E-May 28/11)
- *h)* buildings, structures and parking lots are located on a lot so as to minimize the alteration of natural grades and to minimize the area of impervious surfaces; and
- *i)* a storm water management plan has been prepared by a Professional Engineer with any measures required to prevent the contamination of watercourses and, where possible, allows surface water flows to be directed to permeable surfaces.

Attachment C Pictures of existing 34 foot wide single unit dwelling lots



View of Capstone Crescent, West Bedford - north side



View of Capstone Crescent, West Bedford - south side