

Report of the Chief Executive

APPLICATION NUMBER:	18/00377/FUL
LOCATION:	LAND TO THE REAR OF 13 MIDDLETON CRESCENT, BEESTON, NG9 2TH
PROPOSAL:	CONSTRUCT 14 HOUSES, GARAGES AND ASSOCIATED ACCESS ROAD FOLLOWING DEMOLITION OF DWELLING

Councillor S J Carr has requested this application be determined by Planning Committee.

1 Executive Summary

1.1 This is a major planning application to construct 14 new dwellings with garages and an associated access road following the demolition of one dwelling, no. 13 Middleton Crescent. A new access road will be created from Middleton Crescent. The application includes a Design and Access Statement, Flood Risk Assessment, Drainage Statement, Ecology Surveys, Foul Sewerage Assessment, Highway Impact Statement and Tree Survey.

1.2 The application was first brought before Planning Committee on 24 April 2019 but has since been deferred due to the reasons stated below:

- 24 April 2019 meeting: recommendation for refusal due to no agreement from the applicant to pay an affordable housing contribution. The applicant verbally agreed at the meeting that an affordable housing contribution would be made in line with the Council's request and therefore the application was deferred.
- 22 May 2019 meeting: recommendation for approval but late objection from the Nottinghamshire Wildlife Trust (NWT) relating to the proposed gabion wall meant the application was deferred in order to address these concerns.
- 9 September 2019 meeting: recommendation for approval but deferred at the request of the Chair of Planning Committee.

1.3 All three original reports are attached as part of the appendices.

1.4 A significant amount of work has been carried out by the applicant over the course of the application in order to alleviate the concerns raised by the Nottinghamshire Wildlife Trust (NWT) which are detailed in the 9 September 2019 committee report. Two ecological surveys have been undertaken and the gabion wall system has been amended from vertical to sloping. Ecological enhancement proposals include the following: 'greening' of the slope, a hedgerow is proposed at the top of the gabion wall, bird and bat boxes on all 14 houses, holes in fencing to allow movement of hedgehogs, open compost heap containers in garden corners to support hedgehogs, the provision of empty spaces in gabion baskets for smaller habitat creation and planting of species of ecological benefit along the bank.

- 1.5 The benefits of the scheme are considered to be the provision of 13 additional houses and the contribution this will make to the Council's five-year land supply, the sustainable location of the site, the short terms jobs created during the construction of the development and the financial contributions towards open space, education, affordable housing and integrated transport measures which will be secured through the s106 Agreement. There would be some impact on biodiversity but the NWT has not objected to the application and the subsequent impact is considered to be outweighed by the benefits of the proposal.
- 1.6 The Committee is asked to resolve that planning permission be granted subject to the prior completion of a s106 Agreement and the conditions outlined in the appendix.

APPENDIX 1

1 Details of Application

- 1.1 The plans have not been amended since the application was due to be presented at 9 September 2019 Planning Committee meeting.

2 Consultation Response

- 2.1 **Nottinghamshire Wildlife Trust (NWT): Raise no objection:** In accordance with the Chartered Institute of Ecology and Environmental Management (CIEEM), the most recent survey carried out in line with this application is less than 12 months old (carried out in February 2019) and can be considered to be up to date. Whilst concerns have been expressed in relation to the built nature of the gabion wall, it is accepted that the required ecological survey has been carried out and the proposed mitigation measures are considered to be an improvement on the original proposal. Wider riparian corridor would be preferred but no objection subject to conditions relating to protected species survey and mitigation and ecological enhancements proposed by applicant.

3 Assessment

- 3.1 Throughout the application, the NWT has raised concerns in relation to the impact on biodiversity along the wildlife corridor due to the introduction of a gabion wall and removal of trees. However, in their latest response, they have stated that the required ecological survey (which is still valid) and mitigation measures are an improvement to the scheme and that as long as the mitigation measures and a further protected species are carried out and secured by planning conditions, they raise no objection to the application.
- 3.2 In relation to a concern raised by NWT, the applicant has confirmed that piles will not be used to construct the gabion wall. An additional condition is proposed to require a protected species survey to be undertaken prior to development commencing and the implementation of any required mitigation measures. Subject to this condition and the conditions previously proposed relating to details of the gabion wall, landscaping and ecological enhancements, it is considered that there will be no significant harm to biodiversity or the Green Infrastructure Corridor which would warrant refusal of the application.

4. Part 2 Local Plan

- 4.1 At the time of drafting this report, it is anticipated that the Council will have received the final Inspector's report into the soundness and legal compliance of the Broxtowe Part 2 Local Plan before the Planning Committee meeting. A detailed update will be given to the committee on the night, but this will have the effect of changing both the weight to be attached to emerging policies in the Part 2 Local Plan and also to the planning balance between environmental protections and housing delivery.

- 4.2 The policies relating to wildlife protection in the Part 2 Local Plan are Policy 31 (Biodiversity Assets) in specific terms, and Policy 28 (Green Infrastructure Assets) in more general terms. Both these policies share their main evidence base as the Council's Green Infrastructure Strategy and Policy 31 gives explicit protection to protected species, and priority habitats including watercourses. If significant harm to these environmental assets is identified then the local plan policies require the benefits of the development, such as housing delivery, to clearly outweigh the harm.
- 4.3 The advice of the NWT is clear in that this application is acceptable in relation to its impact on wildlife and will not therefore result in harm. If the committee disagrees with this advice, the weight to be attached to environmental policies will increase as a result of receiving the Inspector's report and a further update will be given by officers at the committee.

5 Other issue

- 4.1 A query was raised in relation to the validity of the report that was carried out in February 2019. The NWT has confirmed that as the most recent survey has been carried out within the last 12 months then the findings are still applicable. Furthermore, the pre-commencement condition requires a protected species survey to be carried out before the development takes place which means that this matter will be addressed at the closest point before development takes place.

5 Planning Balance

- 5.1 The benefits of the proposal are considered to be the provision of 13 additional houses and the contribution this will make to the Council's five year land supply, the sustainable location of the site, the short terms jobs created during the construction of the development and the financial contributions towards open space, education, affordable housing and integrated transport measures which will be secured through the S106 Agreement. There would be some impact on biodiversity but the NWT has not objected and this impact is considered to be outweighed by the benefits of the proposal.

6 Conclusion

- 6.1 To conclude, the applicant has agreed to provide an affordable housing contribution which was the sole reason for recommending this application for refusal when reported to Planning Committee on 24 April 2019. The amended gabion wall proposals are considered to be acceptable. Furthermore, the planting of new native tree species and a hedgerow and provision of bird and bat boxes will be secured through conditions. Sufficient measures to enhance biodiversity are considered to have been made to ensure the Green Infrastructure Corridor will be maintained. As detailed in the previous report, it is considered that sufficient amendments have been sought so the proposed development has an acceptable impact on the amenity of the surrounding neighbours, the design is

acceptable and will not appear out of keeping with the surrounding area and an acceptable standard of amenity has been provided for future occupants. The information provided in relation to flooding, drainage, highways and ecology has satisfied concerns raised and is considered to be acceptable.

<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that the Head of Neighbourhoods and Prosperity be given delegated authority to grant planning permission subject to:</p> <p>(i) prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure affordable housing, education, open space and integrated transport measures contributions and</p> <p>(ii) the following conditions:</p>	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with drawings: Site Location Plan (1:1250) received by the Local Planning Authority on 25 May 2018; 07 Rev D and 11 received by the Local Planning Authority on 3 April 2019; F16046/04 Rev C received by the Local Planning Authority on 8 April 2019; 13 Rev C received by the Local Planning Authority on 10 April 2019; 02 Rev J, 03 Rev K, 04 Rev E, 05 Rev F, 06 Rev H received by the Local Planning Authority on 14 August 2019, 09 Rev M and 10 Rev A received by the Local Planning Authority on 15 August 2019 and 01 Rev DD received by the Local Planning Authority on 29 August 2019.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>No development, including site clearance, shall commence until a further protected species survey has been carried out, submitted to and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the methodology and mitigation measures included within the approved survey.</p> <p><i>Reason: To minimise the impact of the development on protected species within the site in accordance with Policy 17 of the Broxtowe Aligned Core Strategy (2014) and Policy 31 of the draft Part 2 Local Plan.</i></p>
4.	<p>No development shall commence until detailed plans of the</p>

	<p>proposed gabion wall system construction methodology and proposed maintenance arrangements have been submitted to and agreed in writing by the Local Planning Authority. These plans and methodology shall include:</p> <ul style="list-style-type: none"> i) Proposed substrate depth ii) Proposed planting/seeding/turfing details iii) Timetable for implementation of the scheme. <p>The proposed gabion wall system shall be constructed, planted and maintained in accordance with the agreed details. If any plants, which, within a period of 5 years, die, are removed or have become seriously damaged or diseased they shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority.</p> <p><i>Reason: The development cannot proceed satisfactorily without the outstanding matters being agreed and in the interests of biodiversity and neighbouring visual amenity to secure appropriate planting of the gabion wall and longer term survival of the planting, to preserve the Tottle Brook as a wildlife corridor and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policies 17 and 31 of the Draft Part 2 Local Plan (2018).</i></p>
<p>5.</p>	<p>No development including site clearance, shall commence until wheel washing facilities have been installed on site in accordance with details first submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities shall be maintained in working order at all times.</p> <p><i>Reason: The development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).</i></p>
<p>6.</p>	<p>No development shall commence until a detailed surface water drainage scheme based on the principles set out in the approved Sustainable Drainage Statement (prepared by BWB Consulting Ltd, ref: MCB-BWB-ZZ-XX-RP-CD-0001_SDS, dated October 2018) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:</p> <ul style="list-style-type: none"> - Demonstrate that the development will use SuDS throughout

	<p>the site as a primary means of surface water management</p> <ul style="list-style-type: none"> - Limit the discharge rate generated by all rainfall events up to the 100 years plus 40% (for climate change) critical rain storm to the QBar Greenfield rates for the developable area. - Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA. - Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods. - Make provision for all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm. - Provide evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term operation to design parameters. <p><i>Reason: The development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. Further to prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with the aims of Policy E27 of the Broxtowe Local Plan (2004) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>7.</p>	<p>No development or site clearance shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:</p> <ul style="list-style-type: none"> (a) numbers, types, sizes and positions of proposed trees and shrubs and existing trees to be retained; (b) measures for the protection of retained trees (c) a detailed plan which demonstrates the proposed tree planting will not prevent sufficient access to the Tottle Brook watercourse; (d) planting, seeding/turfing of other soft landscape areas; (e) details of the site boundary treatments; (f) a timetable for implementation of the scheme.

	<p>The landscaping scheme shall be carried out in accordance with the approved timetable and the tree protection measures shall be in place before any site clearance/development commences. If any trees or plants, which, within a period of 5 years, die, are removed or have become seriously damaged or diseased they shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority.</p> <p><i>Reason: The development cannot proceed satisfactorily without the outstanding matters being agreed and limited details were submitted with the application. To ensure the development presents a satisfactory standard of external appearance to the area and to maintain the Tottle Brook as a wildlife corridor and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policies 17 and 31 of the Draft Part 2 Local Plan (2018).</i></p>
<p>8.</p>	<p>No development above slab level shall be carried out until samples of the materials to be used in the facing walls and roofs have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.</p> <p><i>Reason: The development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. To ensure the satisfactory standard of external appearance in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>9.</p>	<p>No development above slab level shall commence until precise details of the types of bat and bird boxes proposed have been submitted to and agreed in writing by the Local Planning Authority. The bat and bird boxes shall be installed in accordance with the agreed details prior to first occupation of the respective houses.</p> <p><i>Reason: To secure the provision of such features in the interests of biodiversity and in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policies 17 and 31 of the Draft Part 2 Local Plan (2018).</i></p>
<p>10.</p>	<p>No development above slab level shall commence until precise details of the ecological enhancement measures as set out on the first page of the 'NWT response letter' received on 29 August 2019 have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details, prior to the occupation of the dwellings.</p> <p><i>Reason: In the interests of enhancing biodiversity, in accordance with Policy 17 of the Aligned Core Strategy (2014) and Policies 17</i></p>

	<i>and 31 of the Draft Part 2 Local Plan (2018).</i>
11.	<p>Prior to the first occupation of the houses hereby approved, the development shall be constructed in accordance with the submitted Flood Risk Assessment prepared by BWB Consulting Ltd, ref: MCB-BWB-ZZ-XX-RP-YE-0001_FRA, received by the Local Planning Authority on 30 April 2019 and in accordance with the mitigation measure that finished floor levels are set no lower than 37.1m above Ordnance Datum. This mitigation measure shall be maintained and retained for the lifetime of the development.</p> <p><i>Reason: To reduce the risk of flooding and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
12.	<p>Prior to the first occupation of the houses hereby approved, all driveways and parking areas shall be surfaced in a hard, bound material (not loose aggregate), and designed to prevent the unregulated discharge of surface water onto the public highway. The surfaced drives and parking areas shall then be maintained in such form for the lifetime of the development.</p> <p><i>Reason: In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).</i></p>
13.	<p>Prior to the first occupation of the houses hereby approved, the existing site access shall be made redundant and permanently closed and the access crossing reinstated as a footway.</p> <p><i>Reason: In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).</i></p>
14.	<p>Prior to the first occupation of the houses hereby approved, visibility splays shall be provided in accordance with the approved plans. The area within the visibility splays shall be kept free of all obstructions for the lifetime of the development.</p> <p><i>Reason: In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).</i></p>
15.	<p>The first floor side windows annotated as obscurely glazed on drawing numbers: 02 Rev J, 03 Rev K, 04 Rev E, 05 Rev F, 06 Rev H and 10 Rev A shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) and retained in this form for the lifetime of the development.</p>

	<p><i>Reason: In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
16.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking or re-enacting this Order, no extensions or outbuildings shall be carried out to the dwellings on plots 1 - 5 hereby approved which come within Classes A and E of Schedule 2, Part 1 of the Order without the prior written permission of the Local Planning Authority by way of a formal planning permission.</p> <p><i>Reason: To ensure that access to the Tottle Brook watercourse is kept clear for future maintenance, to reduce the risk of flooding to the development, to prevent flooding elsewhere and in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
17.	<p>No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 07.30-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays. Exceptionally, specific works or operations may be carried out outside these times, but these must be agreed in writing with the Local Planning Authority 7 days in advance of being undertaken.</p> <p><i>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
	<p>NOTES TO APPLICANT</p>
1.	<p>The Council has acted positively and proactively in the determination of this application by communicating with the agent throughout the course of the application.</p>
2.	<p>The applicant should note that, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with Nottinghamshire County Council's current highway design guidance and specification for roadworks. An agreement under Section 38 of the Highways Act 1980 will be required. It is also an offence under Sections 148 and 151 of the Highways Act 1980 to deposit mud onto the public highway. The proposal makes it necessary to reinstate the redundant access/ vehicular crossing over a footway of the public highway and these works should be carried out to the satisfaction of the Highways Authority. The applicant is advised to contact the Nottinghamshire County Council as Highways Authority at an early stage on telephone number: 0300 500 8080.</p>

3.	<p>The gabion wall and any activities that take place within 8 metres of the Tottle Brook watercourse will require a flood risk activity permit. The applicant is advised to contact the Environment Agency on telephone number: 03702 422 549. Further guidance can be obtained at: https://www.gov.uk/guidance/flood-risk-activities-environmental-permits</p>
4.	<p>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p>
5.	<p>The applicant is advised to contact the Council's Waste and Recycling Section on telephone number: 0115 917 7777 to discuss waste and refuse collection requirements.</p>
6.	<p>The applicant is advised to contact Natural England to obtain the relevant licence(s) before any ground works commence.</p>



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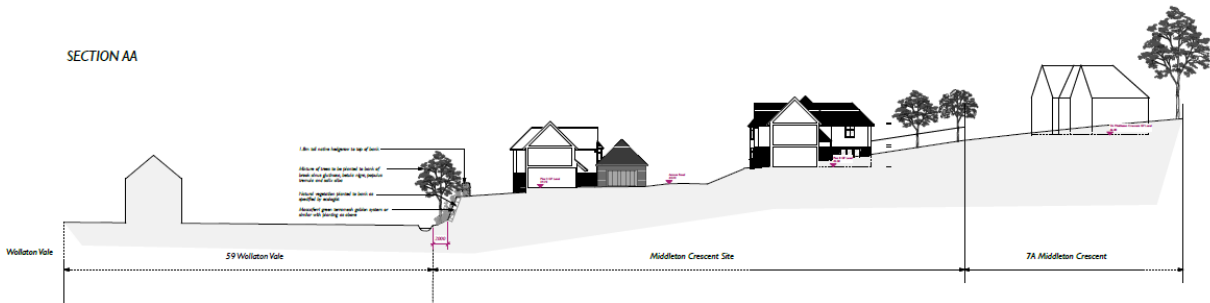
Legend

-  Site
-  Single TPO
-  Green Infrastructure Corridor
-  Flood Zone 3
-  Flood Zone 2

Plans (not to scale)



SECTION AA



SECTION CC



SECTION B&B



REV	DATE	DESCRIPTION	BY
1	12/10/19	Issue for planning	AKB
2	12/10/19	Issue for planning	AKB
3	12/10/19	Issue for planning	AKB
4	12/10/19	Issue for planning	AKB
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AIA
Allan Joyce Architects

Architects, Landscape & Interior Design

0113 275 1111
0113 275 1112
0113 275 1113

100 Spalding House
100 Spalding House
100 Spalding House

Client: Swallow Hill Homes

Project: 7A & 13 Middleton Crescent
Beeston

Site Sections

PROJECT NUMBER	SCALE	DATE
3390	1:200 @ A1	Nov-11

DRAWING NUMBER	REVISION	STATUS	BY
09	K	Planning	KLB

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