

REPORT OF DIRECTOR OF PLANNING AND REGENERATION

Workshop and Garages West Of 33, Devonshire Crescent, Sherwood

1 SUMMARY

Application No: 18/02206/PFUL3 for planning permission

Application by: Buckenham & Co. LTD Mr Stuart Buckenham on behalf of
ORCHARD HOMES Mr Tianqi Guo

Proposal: Proposed two bed dwelling

The application is brought to Committee at the request of the local ward councillor who has raised valid planning reasons.

To meet the Council's Performance Targets this application should have been determined by 17th December 2018. An extension of time has been agreed with the applicant.

2 RECOMMENDATIONS

- 2.1 **GRANT PLANNING PERMISSION** subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.
- 2.2 Power to determine the final details of the conditions to be delegated to Director of Planning and Regeneration.

3 BACKGROUND

The site has an area of 94m² and is formed of a large brick flat roofed workshop and a separate semi-detached hipped roof garage. The site is part of a larger garage court with additional flat roofed garages situated to the north. The site is situated on a residential street with dwellings situated to the north, east and west. To the south east of the site is a green GRP building housing an electrical sub-station with a large tree to the front of it. The site is generally flat and the workshop forms part of the existing boundary with No. 14 Devonshire Crescent to the north.

RELEVANT PLANNING HISTORY

16/00262/PFUL3 - New detached dwelling following demolition of existing buildings. Refused 2016 due to concerns regarding impact on residential amenity and impact on the street scene. Decision not appealed.

4 DETAILS OF THE PROPOSAL

- 4.1 Planning permission is sought for the demolition of the existing workshop building and one half of a pair of semi-detached garages to allow for the construction of a two bed, two storey dwelling.

- 4.2 The dwelling would have an open plan kitchen/lounge/dining area on the ground floor, a courtyard garden area and car port for a single car. At first floor level two bedrooms, (one with a dressing area and balcony) are proposed together with a bathroom. It is proposed that a boundary wall to the site would be constructed from brick which would be on the rear edge of the pavement. The property would be set behind this boundary wall and be situated approximately on the footprint of the existing workshop building. A car port with accommodation above would be situated to the side of the main body of the dwelling and attach to the retained garage which is within separate ownership. The roadside wall would wrap around a courtyard area to the side of the property providing a courtyard garden area with bin storage area.
- 4.3 Materials are proposed to be red brick for the boundary wall with dark stained timber and zinc cladding for the walls and roof slope of the building. The property would have a dual pitched roof slope approximately 6.8m in height stepping down to 5.6m on the car port element.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

9 neighbouring properties consulted on Devonshire Crescent and Devonshire Road.

1 letter of support and 15 letters of objection received from 10 properties stating the following points;

Support

- The site is an eyesore at the moment so the proposal would benefit the area. Nice design & in keeping as well.

Object

Character of the Area

- The design is out of character in terms of size, construction & materials and would not relate well to neighbouring dwellings
- The use of dark materials will create a dark monolithic property which will detrimentally impact on the surrounding area
- The standing seam metal roofing will appear more industrial than residential
- The proposed drawings do not provide confidence in the design and deployment of materials
- The proposal does not make a positive contribution to the street scene, it would create a large blank, plain wall directly abutting the path and would not fit in with the design aesthetic of the area
- The plans describe a quaint little house, however consider the impact on the street and eventual occupiers could be the reverse

Residential Amenity

- Neighbouring properties will be affected in terms of light and access
- The proposed building would be 3m higher than the existing garages which will impact on sunlight that neighbouring gardens receive, the black colour of the building will exacerbate this

- The plot would provide no outside space The rear wall would form the boundary to No. 14 and any windows in the rear of the property have the potential to result in overlooking
- The site is next to a substation which makes a constant audible hum and activities in the dwelling could impact on the operation of the substation
- Should permission be granted the construction of the dwelling will impact on amenity of neighbouring residents given the proximity of the site to rear garden areas
- The proposed balcony has the potential to overlook neighbouring garages and properties
- The building will block out views of trees and houses on Devonshire Road

Other

- The proposal represents a low standard of accommodation constructed on a minimum budget to maximise profit for the landlord. I cannot imagine anyone constructing this property for their own use
- There is no objection to the site being used for a dwelling but the proposal is little more than a hutch and has more negatives than positives
- The proposal has the potential to damage the adjoining garage, which is used as a games room and is insulated and has electricity. No discussion has been had as to how the build can be achieved without causing damage to the adjoining building
- The small, contemporary dwelling will not target typical residents of the area; quiet, family focused, which could result in noise concerns
- Access to garages needs to be maintained and concerned that this will not be possible during construction
- The application states that consultation has been undertaken with affected neighbours. A single visit was undertaken when plans were shown. We voiced our concerns but no further communication has been had.
- The application refers to the plot as being derelict & unused. All the garages were in use prior to the site being purchased
- The dwelling would be too close to the highway and almost fill the plot
- The site would be smaller than that refused in 2016
- The proposal would not provide family housing for Sherwood and is unsuitable
- The proposed plans would provide the minimum requirements in relation to floor space
- The balcony design does not appear capable of supporting more than 1 person
- The proposal states there is no problem with parking in the area, however it is often difficult to find a place to park on Devonshire Road or Crescent
- The build will result in noise and disturbance and there is nowhere for equipment and materials to be stored during construction
- There is scope for better development on the site if the developer were to acquire the 5 other garages. This development would not allow this to progress
- The development would detrimentally impact on neighbouring property values

Comments based on revised floor plans:

- The revised plans do not change my view that the location & size of the dwelling are inappropriate
- Poor quality cramped housing is for rental only
- It is a concern that the planning process seems confused. It is understood that the developers were given assurance that if plans were revised to a 2 bed dwelling then the application would be supported under a delegated decision before a formal consultation process on the revised plans had been undertaken. This seems bizarre and could be liable to abuse
- The proposal will benefit the area, nice design and in keeping as well

Additional consultation letters sent to:

Pollution Control: No comments to make

Highways: No objection subject to condition in relation to reinstatement of the footway crossing

Drainage: No objection subject to condition in relation to provision of a surface water drainage plan

Although a small site, a reduction in surface water run-off by 30% comparable the sites previous use should still be sought. This should be achieved via the use of SuDS, whilst it is understand that with a small site this may be a challenge to achieve, there are features that can be incorporated into the design, such as rain water harvesting in order to achieve this.

It will be necessary to submit a drainage plan for the development taking into account surface and foul water.

Finally the site will need to manage all surface water run-off on site and cannot allow water to enter the highway.

6 RELEVANT POLICIES AND GUIDANCE

Nottingham Local Plan (November 2005):

ST1 – Sustainable Communities

NE10 – Water Quality and Flood Protection

Aligned Core Strategy (September 2014)

Policy A - Presumption in favour of sustainable development.

Policy 8 – Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity.

National Planning Policy Framework

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Principle of the development
- ii) Design and impact on character of the area
- iii) Amenity
- iv) Other matters

(i) Principle of the proposed development (Policies ST1 of Local Plan and Policy 8 of the ACS)

- 7.1 The site is within a primarily residential area, therefore residential development is acceptable in principle in this location, subject to assessment of all the relevant development plan policies. The proposal would seek to provide a two bedroom dwelling which would align with Local Plan Policy ST1 and Aligned Core Strategy Policy 8.

(ii) Design and Impact on the Character of the Area (Policies 8 and 10 of the ACS and Para 127 of the NPPF)

- 7.2 The proposed dwelling would be set back from the edge of the footpath to the rear of a red brick boundary wall. The main element of the building would be two storey in height with a dual pitched roof. The property would then step down and again incorporate a dual pitched roof and link in to the retained neighbouring single

garage. The dwelling is proposed to be finished in black stained timber cladding to the front (north) and side (east) elevations with the 2 remaining elevations finished in zinc standing seam cladding. The roof is proposed to be constructed of the same material. Two small windows are proposed at first floor height in the front elevation of the property and a balcony on the side (eastern) elevation.

- 7.3 The surrounding area is predominantly residential with properties largely two storey in height, set in modest plots, detached and constructed from a mix of brick and render. The proposed dwelling would occupy a large proportion of the proposed development site with a small walled courtyard area created to the east of the dwelling. The scale, design and materials of the proposed property would contrast with that of the existing urban grain of Devonshire Road and Crescent. Paragraph 127 of the NPPF states: *that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)*. The proposed two bed dwelling by way of its scale, siting and materials would contrast to a degree with surrounding built form, however it is considered to respond positively to the constraints of the site and introduce architectural interest into this part of Devonshire Crescent which is currently made up of a mix of uninteresting flat and pitched roofed garages.
- 7.4 A dwelling was refused permission on the site in 2016 due to concerns relating to impact on the street scene and amenity. The dwelling which formed the basis of that application proposed a large rectangular flat roofed box with balconies on the front and side elevations. That property it is considered lacked architectural interest and failed to respond to the context of the site. The current proposal seeks the use of pitched roof slopes and red brick boundary walling and is considered to ground the development within its setting. Whilst the comments from third parties are noted it is not considered that the proposed two bed dwelling would result in a significant loss of character to the surrounding area but would introduce both mix and interest to the street scene. The proposal is considered to accord with policies 8 and 10 of the ACS.

(iii) Amenity (Policy 10 of the ACS)

- 7.5 Considerable concern has been raised by neighbouring residents regarding the potential for the proposed dwelling to result in loss of residential amenity through overlooking, overbearing and loss of light. The dwelling would be positioned approximately 17m to the west of the rear wall of No. 16 Devonshire Road, 16.5m to the east of the side wall of No. 33 Devonshire Crescent and 15.5m to the north of the front wall of No. 28 Devonshire Crescent. The main body of the building would be approximately 6.8m in height stepping down to 5.6m on the car port element. The proposed separation distances are such that it is not considered that the dwelling would result in a significant degree of overbearing in relation to neighbouring properties.
- 7.6 In relation to loss of light; the separation distances and heights proposed are such that it is not considered that the neighbouring dwelling houses would result in a significant loss of light though the properties to the west (in particular Nos 14 & 16) would be likely to incur a modest loss of morning light to the bottom areas of their gardens. A site visit has shown this area to be planted with trees and bushes rather than a sensitive area of private amenity space and any loss of light is not considered to be so significant as to warrant refusal of the application.

- 7.7 In relation to overlooking; two windows are proposed on the front elevation at first floor level, however these would offer views over Devonshire Crescent towards properties to the south approximately 15m away, which is considered to be an acceptable relationship. Roof lights are proposed on the rear roof slope of the building and plans indicate that these would be positioned 1.8m - 2.4m above the first floor level, thus negating the potential for overlooking. A balcony is proposed on the eastern elevation of the building which would allow views towards No. 33 to the east, however the separation would be approximately 16m, there is a relatively large tree between both sites and views would be over the front garden area which is considered to be less sensitive. The application in 2016 was refused on both character and amenity grounds with the dwelling proposing 2 large balconies on the front (north) and side (east) elevations. The current proposal has no windows at first floor level that would provide for direct overlooking into neighbouring garden areas. It is not considered that the proposal would result in significant overlooking of neighbouring dwellings.
- 7.8 In terms of amenity for future of occupiers; floor plans have been revised during the lifetime of the application given concerns regarding the proposed overall floor space of the dwelling. The proposed two bed property would be approximately 70m² in size and provide a balcony area and walled courtyard area. Whilst the proposed outdoor space provision is relatively limited any future buyer would be aware of this prior to purchase and the site has public parks within relative proximity. The comment received regarding the dwelling being in close proximity to a sub-station is noted; no objection to the proposal has been raised by Environmental Health colleagues and No. 33 to the east has a similar relationship to the sub-station to that of the proposed dwelling. It is not considered that the proposed development would significantly impact upon amenity and it is felt to accord with policy 10 of the ACS.
- (iv) Other Matters** (Policies 1 & 10 of the ACS, Policy NE10 of the Local Plan, Policy DE1 of the emerging LAPP)
- 7.9 The comments from drainage are noted and the requirements can be secured by condition.
- 7.10 The proposed dwelling would adjoin a neighbouring garage and comments received relating to the proposed building potentially damaging the adjoined structure are noted. These concerns are matters of private law as opposed to material planning considerations.
- 7.11 Highways colleagues have reviewed the proposed development and have raised no objection to the proposed development from a highway safety or parking perspective. They have requested details regarding the reinstatement of the footpath which can be secured by condition.
- 7.12 The comments regarding the proposal providing insufficient space are noted; the revision of the floor plan to provide a two bedroom property would now accord with national space standards and would align with policy DE1 of the Emerging Local Plan.
- 7.13 The comment received stating that this development would hinder the further development of the remaining garages if they were to become available is noted,

however each application has be taken on its individual merits and it is not considered that the current proposal would restrict any wider future development

- 7.14 The comment regarding planning process is noted. The NPPF indicates that local planning authorities should approach decisions in a positive and creative way and work proactively with applicants seeking to approve applications for sustainable development where possible. Whilst there were concerns that the earlier 3 bedroom proposal did not meet the emerging space standards the applicant was advised (in line with this duty) that a two bedroom dwelling meeting the applicable and smaller space standards might be considered appropriate. Such an application would ordinarily fall to be determined under delegated powers and but for the request from a local councillor for the matter to come before the Committee this application would have been considered by an officer in accordance with the Council's constitution. This was explained in a meeting held with neighbouring residents but the matter is now brought before the Committee with a recommendation to approve the development subject to conditions.
- 7.15 Whilst it is encouraged, there is no requirement for the applicant to undertake active engagement with local residents other than through the prescribed advertising processes. It is however understood that the applicant made an initial visit to adjacent properties to present the proposed plans for the site.
- 7.16 There is clearly significant local concern in relation to the proposed development however whilst regard has been had to them it is not considered that the concerns raised in relation to impact on the character of the area and neighbouring amenity are so persuasive to recommend the application for refusal. The application is considered to accord with Local and National planning policy and the presumption in favour of sustainable development highlighted by paragraph 11 of the NPPF (2019) tends to indicate that planning permission should be granted.

8. SUSTAINABILITY / BIODIVERSITY

None

9 FINANCIAL IMPLICATIONS

None

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

None

14 CRIME AND DISORDER ACT IMPLICATIONS

None

15 VALUE FOR MONEY

None

16 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 18/02206/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PGZZYRLYI6Z00>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

Local Plan Part 2 Revised Publication Version (September 2017)

NPPF (February 2019)

Contact Officer:

Mr James Mountain, Case Officer, Development Management.

Email: James.Mountain@nottinghamcity.gov.uk. Telephone: 0115 8764065

NOMAD printed map



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Key

 City Boundary

Description

No description provided

My Ref: 18/02206/PFUL3 (PP-07327021)
Your Ref:
Contact: Mr James Mountain
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Buckenham & Co. LTD Mr Stuart Buckenham
17 Broad Street
Nottingham
NG1 3AJ

Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 18/02206/PFUL3 (PP-07327021)
Application by: ORCHARD HOMES Mr Tianqi Guo
Location: Workshop And Garages West Of 33, Devonshire Crescent, Nottingham
Proposal: Proposed two bed dwelling

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

2. No above ground development shall be commenced until samples of the proposed brick, timber cladding and zinc standing seam roofing have been submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the character of the area and to accord with policy 10 of the Aligned Core Strategies

3. No above ground development shall be commenced until a surface water management plan has been submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of surface water management and to accord with policy 1 of the Aligned Core Strategies



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Pre-occupation conditions

(The conditions in this section must be complied with before the development is occupied)

4. Prior to the first occupation of the dwelling hereby approved the redundant vehicular footway crossing and/or damaged or altered areas of footway shall be reinstated, in accordance with details first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with policy 10 of the Aligned Core Strategies

Regulatory/ongoing conditions

(Conditions relating to the subsequent use of the development and other regulatory matters)

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse, including extensions to the property and the insertion or replacement of doors and windows.

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class E: Development within the curtilage of a dwellinghouse.

Class F: The provision or replacement of hard standing within the curtilage of a dwellinghouse.

Class G: The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

Class H: The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

Or Schedule 2, Part 2:

Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Class B: Means of access.

Unless consent has firstly been granted in the form of a separate planning permission.

Reason: To ensure that the Local Planning Authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 2015 or any amending legislation) in the interests of the character of the area and to safeguard the amenity of neighbours in accordance with Policy 10 of the ACS.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:



Elevations reference Elevations as proposed ORC_01/04 revision A, received 6 June 2019
Planning Layout reference Revised floor plans ORC_01/03 revision B, received 6 June 2019

Reason: To determine the scope of this permission.

Informatives

1. Planning consent is not consent to work on the highway. To carry out the works to reinstate the redundant dropped kerb vehicle access associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process.

It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the highway before it is complete. All associated costs will be borne by the developer.

2. Planning consent is not consent to work on or from the public highway. Therefore prior to any works commencing on site including demolition works you must contact Highways Network Management on 0115 876 5238 to ensure all necessary licences and permissions are in place.

3. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.



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RIGHTS OF APPEAL

Application No: 18/02206/PFUL3 (PP-07327021)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.



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