

**REPORT OF HEAD OF DEVELOPMENT MANAGEMENT**

**16-18 Sneinton Dale, Nottingham**

**1 SUMMARY**

Application No: 12/03117/PFUL3 for planning permission

Application by: Dar Us Salaam on behalf of Mr Aurangzeb Khan

Proposal: Erection of religious and community centre following demolition of existing garage.

The application is brought to Planning Committee because the application is considered to be sensitive given the level of public interest. The item was withdrawn from the 23<sup>rd</sup> January 2013 Agenda to allow for further discussions to take place with the applicant.

To meet the Council's performance targets this application should have been determined by 5th February 2013.

**2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION** subject to:

- a) a S106 obligation to cease the use of 41 Sneinton Dale as a place of worship,
- b) the conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the Planning Obligation and conditions of the planning permission to be delegated to the Head of Development Management.

That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

**3 BACKGROUND**

- 3.1 The site is a vehicle repair garage on the south side of Sneinton Dale. To the west are the side gables and rear gardens of houses on Mill View Close and to the east, facing the site, is a row of terraced houses on Dale Terrace. These properties are separated from the site by a brick wall, a footpath and small front gardens. To the north, across Sneinton Dale, and at right angles to the road, are the terraced houses of Granby Villas. To the south are the rear gardens of houses on Castle Street. Southeast of the site is a vacant area of land, which is the site of the now demolished Lillie Terrace. Boundaries between the site and its residential neighbours to the east and west are a mixture of timber fencing and brick walls, generally in poor repair.

- 3.2 The repair garage is a part single and part one-and-a-half storey, flat-roofed building. The site and building are still in use but are in a very poor condition. The site is sloped, dropping from north to south by approximately one storey.
- 3.3 The site is allocated as Primarily Residential in the Local Plan and is in the Sneinton Conservation Area and the Sneinton Article 4 Area. The Sneinton Dale Local Shopping Area is approximately 150 metres to the east.

#### **4 DETAILS OF THE PROPOSAL**

- 4.1 This application seeks approval to build a new religious and community centre following the demolition of the existing garage. The new building would have three storeys, being two-storey at the front, following the slope of the site and dropping to single storey at the rear, which is the equivalent of basement level. The front section of the building would have a flat roof with a glass reinforced plastic dome set behind a parapet such that it would be barely visible from street level. The rear of the building would have three sloped roofs, dropping with the site level.
- 4.2 Materials for the ground level front elevation would be brickwork and glazing, the entrance area being recessed. The first floor would be primarily rain screen cladding, with stained timber cladding, glazing, geometric ironwork grilles and a gold entrance feature. Side and rear elevations are primarily brickwork and rain screen cladding. The applicants have submitted sample materials and have referred to the 'Park Rock' development on Castle Boulevard as an example of the cladding, windows and brickwork.
- 4.3 The northwest corner of the building would have a decorative, polished stainless steel feature, incorporating variable lighting. The applicants refer to the Brick Lane mosque in London which has a similar feature and note that the lighting would change slowly over a long period, with no impact on residents due to flashing or shining in windows
- 4.4 Externally, a gated vehicular access would be along the east side of the building, leading to 14 parking spaces at the rear of the site. Pedestrian access would be to both sides of the building and a 10 space cycle stand at the front of the site. Screen planting is proposed to east and west boundaries. Hard surfacing is to be block paving; security lighting provided by lighting bollards; boundaries to be 2.4 metre high weld mesh fencing and gates. Additional tree planting will be provided to compensate for the trees being removed and to enhance the appearance of the development.
- 4.5 The building would provide entrance, lobbies, toilets / ablution areas and a main prayer hall at ground floor level. Four classrooms would be provided at first floor. The lower ground floor would have toilets / ablution areas, kitchen and another, multi-use hall. The new centre would have a capacity for a congregation of up to 165 people in the main hall – a reduction from 210 people as proposed when the application was originally submitted. It should be noted that this maximum number would be during the Eid festival marking the end of Ramadan. The applicant has stated that the main prayer of Fridays is likely to be approximately 50-60 people, and have confirmed that they do not envisage the total number to exceed 100 people, even if the facility becomes more popular over time. The lower hall is capable of catering for approximately 70 people for functions. In addition there is a further capacity for up to 50 people taught in small groups in the first floor

classrooms. The applicant has confirmed that the lower hall and the classrooms that this would not be used at the same time as the main hall is in use for prayers.

- 4.6 The applicants currently operate from 41 Sneinton Dale, a semi-detached house approximately 30 metres northeast of the application site. This has a limited capacity (approximately 40 people) and can accommodate 15 people for educational classes. The new centre is intended to replace this.

## **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

### **Adjoining occupiers consulted:**

Letters have been sent to the following neighbouring properties (44 in total): Flats 1-5, 2 Victoria Avenue; 1 to 5 Granby Villas; 1 to 6 Dale Terrace; 8 to 14 evens, Sneinton Dale; 35 to 41 odds Sneinton Dale; 1 to 5 Mill View Close; 3, 5, 9, 9A, 11 and 13 Castle Street; 1 Lillie Terrace; 18 Sneinton Hollows; 46 Lyndhurst Road; St Christopher's Vicarage, 180 Sneinton Boulevard; 8 Dale Street; 4 Rutland Villas; 35 Manvers Court, Manvers Street; 103 Port Arthur Road; 15 Wakefield Close, Wilford Place, Wilford. A site notice was also posted.

Six letters of objection (one being on behalf of the Sneinton Tenants and Residents Association) have been received, expressing the following concerns:

- Increased traffic and parking in an area which already experiences considerable traffic problems; difficulty of visibility accessing the site due to street trees and on-street parking
- Loss of light to and outlook from adjacent properties
- Noise from the new building
- Design not in keeping with surroundings and the conservation area
- Another community facility will diminish the viability of the existing community centres in the area
- Whether there is a need for further specific educational needs in the community

These issues are considered within the appraisal section of this report, although it is noted that issues of need for a specific type of religious and community centre are not considered matters for the planning process to address.

Four letters have been received in support, stating that such a community and educational facility is needed in the area. The poor appearance of the existing garage is also noted.

### **Additional consultation letters sent to:**

**Ward Councillors:** In response to the scheme as referred to in the report to Committee in January 2013, Councillor Mellen objected on the grounds of potential parking problems. He referred to existing problems, particularly of commuter parking, and that local councillors have invested in a variety of parking restrictions in the immediate area to this site to ensure that residents can park easily near to their homes, and that these may be increased. Councillor Mellen requests that Committee refuse this application whilst the discrepancy between the parking spaces available and capacity of the building is so great.

**Highways:** The submitted Travel Plan is welcomed as it shows that the religious and community centre is committed to reducing its dependency on the private car.

The site is well served by public transport. It is noted that the applicant organisation currently operates at a nearby semi-detached property with no parking facilities, and there have been no highway issues reported in relation to the present operation. Based on the sustainability of the proposed site in terms of public transport provision, the centre's commitment to reducing the need to travel by private car through their submission of a travel plan and the lack of complaints regarding the operation of the existing centre, it is considered that this proposal will not have a detrimental impact on the public highway.

**Pollution Control:** Request conditions regarding contaminated land and gaseous emissions and to ensure no noise nuisance from air handling plant.

**Tree Officer:** One of the trees to be lost has significant public value and its loss should be mitigated by replacement planting on the Sneinton Dale frontage. An arboricultural method statement should be submitted prior to work commencing to ensure protection of retained trees. These matters can be covered by planning conditions.

**Biodiversity Officer:** The submitted bat survey for the garage to be demolished, finds no evidence of roosting bats and is therefore acceptable. The non-native invasive species on the site (Japanese knotweed and Himalayan balsam) should be eradicated. Sustainable construction features of the proposal are fully supported. Soft landscaping and tree planting should include native species.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework:**

Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications. Relevant to this application is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 126 of the NPPF (regarding heritage) notes the desirability of new development making a positive contribution to local character and distinctiveness.

### **Nottingham Local Plan (November 2005):**

CE1 - Community Facilities. Complies.

BE1 - Design Context in the Public Realm. Complies.

BE2 - Layout and Community Safety. Complies.

BE3 - Building Design. Complies.

BE4 - Sustainability in Design. Complies.

BE5 - Landscape Design. Complies.

BE12 - Development in Conservation Areas. Complies.

NE5 - Trees. Complies.

NE9 - Pollution. Complies

NE12 - Derelict and Contaminated Land. Complies.

T3 – Parking. Complies.

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

- i) Principle of the development
- ii) Design considerations
- iii) Traffic and parking considerations
- iv) Impact on residential amenity
- v) Impact on trees

### **Issue (i) Principle of the development (Policy CE1)**

- 7.1 Policy CE1 encourages the provision of places of worship subject to criteria which are considered to be met by this proposal, as follows. The site is close to a Local Shopping Centre which is on a good public transport route and is well located to the community it serves and is easily and safely accessible by a choice of means of transport, including public transport, cycling and walking. Compatibility with nearby uses, traffic and impact on nearby residents are considered below. The principle of re-developing the site as a community place of worship is considered to be in accordance with policy CE1.
- 7.2 The applicant has confirmed that the existing place of worship at 41 Sneinton Dale will close and cease being used for that purpose once the new facility is in use. This proposed to be secured by S106 planning obligation. The current use of this premises and the cessation of its use can be balanced against the impacts of the new facility.

### **Issue (ii) Design considerations (Policies BE3 and BE12)**

- 7.3 Local Plan policies and the NPPF recognise the importance of design in making places better. The NPPF states that decisions should not attempt to impose architectural styles and that great weight should be given to schemes that raise the standard of design in the area. This is particularly relevant in relation to this scheme where the design of the building reflects the cultural diversity of the area and replaces a building and use which clearly has a detrimental impact on the character of the conservation area.
- 7.4 The proposed building expresses an architectural style appropriate to its cultural and religious use. The building would incorporate the use of decorative metalwork and a dome would form part of the roof. The structure would be contemporary in its appearance and the mixture of high quality materials would provide variety and interest to the elevations. Whilst elements of the building would be in contrast to the traditional materials typically evident in the conservation area, other elements such as the use of a brick which matches the adjoining, older houses, would complement the existing vernacular.
- 7.5 The proposed modulation of the front elevation, the decorative grilles and the internally illuminated corner feature would add visual interest to the building and the site. The proposed building is of a scale appropriate to its surroundings and its

distance from the side boundaries of the site allow it 'breathing space' and to provide its own architectural contribution to the street scene and conservation area.

- 7.6 The proposed development would make a positive contribution to local character and distinctiveness and would enhance the street scene and the conservation area. The proposal is therefore in accordance with policies BE3 and BE12.

### **Issue (iii) Traffic and parking considerations (Policies BE2, T3 and CE1)**

- 7.7 Given the proximity to the community to which the facility would serve, the site is considered to be in a relatively sustainable location, accessible by a choice of means of transport, including public transport, cycling and walking and is close to a Local Shopping Centre. Nevertheless, the applicants acknowledge that this type of use can lead to traffic and parking problems.

- 7.8 The proposal as originally submitted proposed 14 off-street parking spaces at the rear of the site, ten cycle parking stands and a commitment to discourage unsustainable travel patterns to and from the site via a Travel Plan. Following concerns raised as part of the consultation process, resulting in the deferral of the application from the January Planning Committee, extensive further discussions have taken place with the applicant to see how local concerns can be addressed. The outcome of these are set out as follows:

- i) The applicant has agreed to restrict the maximum capacity of the premises from 210 (plus potentially 70 people in the education facility) to a total of 165. The reduction in the capacity of the prayer hall has been achieved by altering the layout and introducing circulation space around the room's perimeter. The applicant has confirmed that it would not be practical to use the teaching space during the Eid Festival.
- ii) The applicant has submitted revised plans to demonstrate that they have been able to increase the number of off-site car parking spaces to the rear of the building from 14 to 20 (including four disabled bays).
- iii) The applicant has confirmed that the prayers during the Eid Festival (taking place twice per year), will start at 9:30am and then a second prayer will start at 11:00am. This staggering of the prayers during these busier times will mean that coming and going to the site won't clash with the morning peak traffic and times when parents take their children to school. This will also mean that there will not be a conflict between when visitors leave the premises after the first prayer and when new visitors arrive for the second prayer.
- iv) The applicant is committed to manage the car parking situation through a combination of green travel initiatives and the on-site management of vehicular parking during facility's peak events (Eid Festival and Friday prayers). This management arrangement can be achieved by using marshals to manage the use of the site access / parking area to prevent vehicles entering the site when spaces are unavailable. This will be achieved as part of the travel plan.
- v) The applicant has confirmed that the use of 41 Sneinton Dale will cease as a place of worship and therefore the on-street parking problems in relation to that use will be resolved. The applicant is prepared to enter into a S106

agreement to ensure that this use can no longer continue. It is likely that the property will revert back to a single dwelling, subject to planning permission.

- 7.9 The range of measures that are proposed by the applicant to address concerns about car parking and congestion are considered to be satisfactory. The benefits of developing the site will resolve existing parking on and near to the site in connection with the garage use, introducing a use that will be visited by predominantly local people. The council's highway engineers raise no objections to the proposal and on this basis, the proposal is considered to accord with policies BE2, T3 and CE1.

#### **Issue (iv) Impact on residential amenity (Policies BE3 and NE9)**

- 7.10 The proposed building would be sited closer to Sneinton Dale than the existing garage building and therefore would provide a stronger relationship with the street. To the side (west) of the front of the site is the blank gable wall of a house on Mill View Close. To the east is a wooded area of land that is used as a community garden. Following negotiations about the height, design and positioning of the different elements of the building, the two-storey front section has been positioned to lessen its physical impact on neighbouring properties. The new building would reduce in height at the rear so that it is no higher than the existing garage building. The new building would be 14m from houses on Mill View Close compared with 14.92m from the garage. The building would be between 14m and 16.78m from houses on Dale Terrace compared to 13.28m at its closest to the garage. These distances are considered to be acceptable in ensuring that the proposed building would have no more impact on light to and outlook from nearby residential properties than the existing building.
- 7.11 Whilst it is accepted that the proposed use would involve a level of activity and noise, particularly at peak times, this is unlikely to be at the level potentially emanating from an established vehicle repair use which is not controlled by planning condition. As well as significantly enhancing the appearance of the site, the proposal has the benefit of removing a non-conforming use in a residential area. Since the January Planning Committee meeting, further discussions have taken place with the applicant about the hours of use. Within the January Planning Committee report, it was recommended that the premises be allowed unrestricted hours of use during the Ramadan period. Following further discussions with the applicant, it has been agreed that an unlimited hours of use during the Ramadan period has the potential to cause disturbance to local residents. A closing time of 2315 hours is therefore recommended at all times.
- 7.12 Screen planting in the form of hedges is proposed to the east and west boundaries. This is addition to replacement walling and railings to ensure that a robust boundary treatment is provided in the interests of protecting residential amenity and providing a safe and secure boundary to the site. It is proposed that this be ensured by condition. In this regard, the proposal is in accordance with policies BE3 and NE9.

#### **Issue (v) Impact on trees (Policy NE5)**

- 7.13 The proposal involves the loss of one attractive tree - a sycamore on the western boundary close to the front of the site. There is space available to provide a replacement tree in the northwest corner of the site close to the Sneinton Dale footway, in addition to additional tree planting next to the proposed access. It is proposed that this be secured by condition. An arboricultural method statement is

also required to control work near the retained trees and again a condition is recommended to secure this. On this basis, the proposal is in accordance with policy NE5.

### **Other Matters (Policies NE12 and BE5)**

- 7.14 Issues relating to ground contamination and gaseous emissions are recommended to be agreed by condition (policy NE12). Appropriate soft landscaping can be secured by condition (policy BE5).
- 7.15 **Statement Required by Article 31(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010.** In recommending the grant of planning permission for the development, the Local Planning Authority has worked with the applicant in a positive and proactive manner.

### **8. SUSTAINABILITY / BIODIVERSITY**

The proposal includes the provision of an air-source heat pump, calculated by the applicants to provide the highest renewable energy contribution of the commonly used renewable energy sources. The applicants also note the likelihood of increased payback tariffs in the near future making this a more attractive option. The applicants have also committed to exploring use of solar panels. Other sustainable building measures including rainwater harvesting are proposed (policy BE4).

### **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**

Neighbourhood Nottingham – strengthening community cohesion in neighbourhoods and providing high quality, well designed and sustainable buildings.

### **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: 12/03117/PFUL3 - link to online case file:

<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=12/03117/PFUL3>;

2. Observations of Local residents (x10) dated between 12<sup>th</sup> November 2012 and 12<sup>th</sup> February 2013.

3. Letter from Councillor Mellen received 21/01/2013.

4. Observations of Highway Officer dated 27/11/2012.

5. Observations of Pollution Control Officer dated 29/11/2012.

6. Observations of Tree Officer dated 20/12/2012.

7. Observations of Biodiversity Officer dated 20/11/2012.

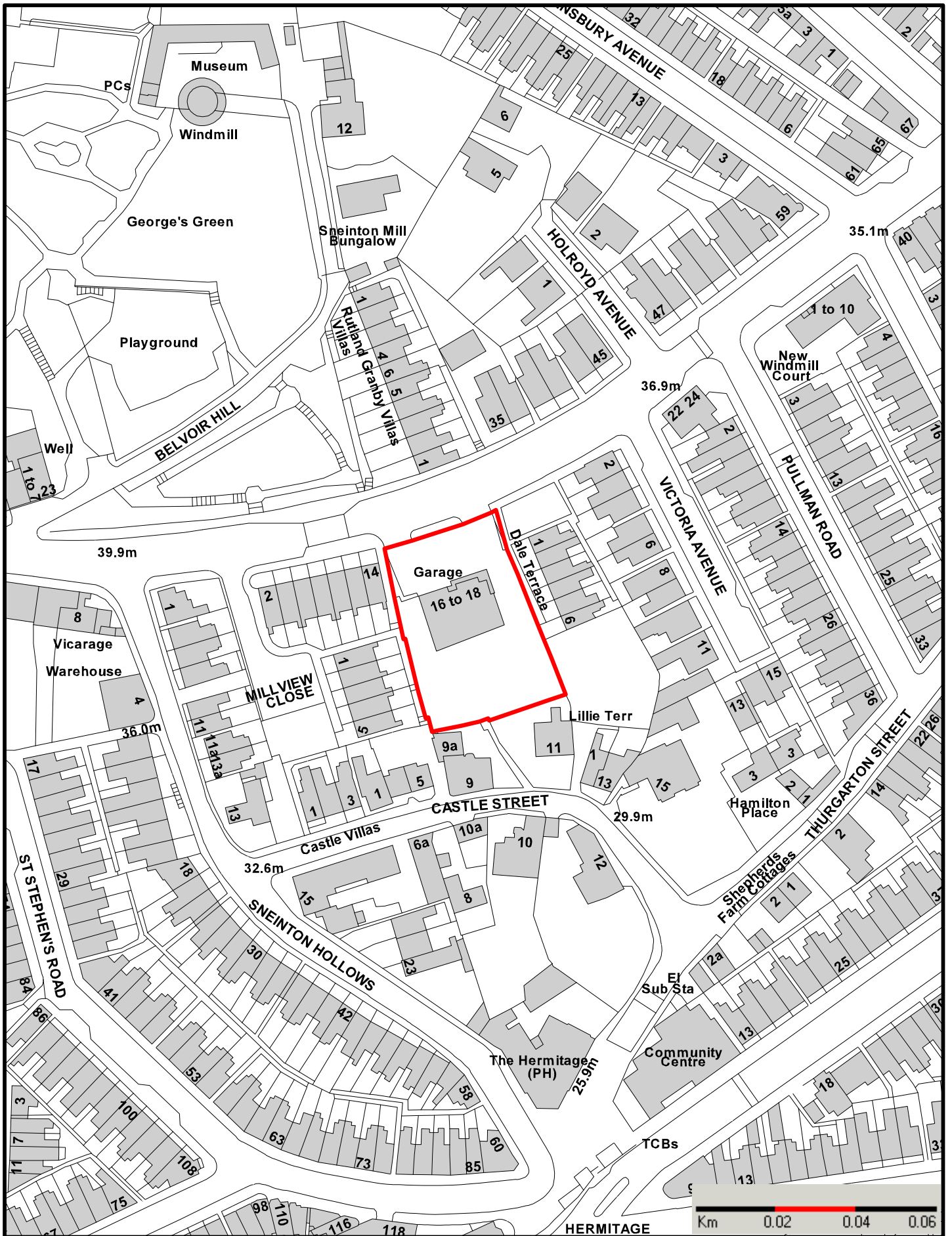
**17 Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)

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**Nottingham**  
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Date of decision:

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

Application No: 12/03117/PFUL3 (PP-02265157)  
Application by: Mr Aurangzeb Khan  
Location: 16-18 Sneinton Dale, Nottingham, NG2 4HA  
Proposal: Erection of religious and community centre following demolition of existing garage.

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. The development shall not be commenced until details of the external materials of all buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policies BE3 and BE12 of the Local Plan.*

3. The development shall not be commenced until details of hard surfacing for those parts of the site which would not be soft landscaped, and incorporating Sustainable Urban Drainage Techniques, have been submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*Reason: To ensure that the appearance of the development will be satisfactory and reduce the risk of flooding in the interest of sustainable development in accordance with Policies BE3, BE4 and BE12 of the Local Plan.*

4. The development shall not be commenced until a detailed landscaping and planting scheme for the development indicating the type, height, species and location of proposed trees and shrubs, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall, in particular, include a tree in the northwest corner of the site, as a replacement for the sycamore to be removed. The development shall be carried out in accordance with the approved details.

*Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE5 of the Local Plan.*

5. No equipment, machinery or materials shall be brought onto the site in connection with the development until an arboricultural method statement (AMS) detailing tree protection measures in accordance with BS 5837:2012 [Trees in relation to design, demolition and construction: Recommendations] has been submitted to and approved by the Local Planning Authority. The AMS shall address not only tree protection but also the method of working and the detail of construction within the root protection area (RPA) of retained trees. Tree protection shall remain in place for the duration of the development and shall not be removed until all equipment, machinery and surplus materials have been removed from the site.

*Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.*

6. The development shall not be commenced until a detailed scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This shall include an investigation and assessment to identify the nature and extent of contamination and the measures to be taken to avoid any risk to health and safety when the site is developed. In particular the scheme shall include:

- i) details of how the site investigation and the analysis of chemical contaminants are proposed to be carried out, prior to implementation;
- ii) details of the results of the site investigation including the results of all sampling/site testing, and an assessment of the conditions found;
- iii) proposals (including timescales for implementation) for dealing with any conditions or contamination which might be present on the site, and details of the proof testing regimes to be used to ensure that the remedial measures are effective;
- iv) a contingency plan for dealing with any contamination, not previously identified in the site investigation, encountered during the development.

*Reason: In the interests of the health and safety of the users of the development in accordance with Policy NE12 of the Local Plan.*

7. The development shall not be commenced until a detailed scheme for dealing with the gaseous emissions on the site has been submitted to and approved in writing by the Local

Planning Authority. This shall include:-

- i) details of an investigation and assessment of the gaseous emissions on the site;
- ii) proposals for ensuring the safe removal of gas;
- iii) proposals for preventing the lateral migration of gas; and
- iv) any other remedial measures shown in the assessment to be necessary.

*Reason: In the interests of the health and safety of the users of the development in accordance with Policy NE12 of the Nottingham Local Plan.*

**Pre-occupation conditions**

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

8. The development shall not be used until the proposed access and parking spaces have been provided and surfaced with porous or permeable materials and individual spaces marked out in accordance with the approved plans and details.

*Reason: In the interests of highway safety in accordance with Policies BE2 and T3 of the Nottingham Local Plan.*

9. The development shall not be used until the site boundaries have been enclosed in accordance with the approved plans.

*Reason: In the interests of the occupiers of nearby property in accordance with Policy BE3 of the Nottingham Local Plan.*

10. No part of the development hereby permitted shall be occupied until remedial or precautionary measures required to deal with ground contamination have been completed, and the approved regime of proof testing has been implemented to demonstrate the effectiveness of the remediation work, and the results have been submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of the health and safety of the users of the development in accordance with Policy NE12 of the Nottingham Local Plan.*

11. No building(s), drainage or sewerage facilities nor any areas surfaced with materials impermeable to gas shall be used unless the approved remedial, preventive or precautionary measures for removing the gaseous emissions on the site have been implemented, and the system for dealing with the gaseous emissions shall be monitored and maintained in an efficient condition.

*Reason: In the interests of the health and safety of the users of the development in accordance with Policy NE12 of the Nottingham Local Plan.*

12. Notwithstanding the details provided in the submitted Energy Statement and prior to the commencement of the development, a detailed scheme identifying how the predicted CO2 emissions of the development will be reduced by at least 10% shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and machinery to be provided in this regard and where and how this is to be installed on the buildings. Once the development is in use the scheme shall be permanently retained and maintained and shall continue to provide energy for the development for as long as it remains unless otherwise agreed in writing with the Local Planning Authority.



*Reason: To provide 10% of energy by renewable means in accordance with Policy BE4 of the Local Plan.*

### **Regulatory/ongoing conditions**

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

13. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner, and any trees or plants which die or are removed or become seriously damaged or diseased within five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

*Reason: To ensure that the appearance of the development is satisfactory, in accordance with Policy BE5 of the Local Plan.*

14. Noise from any air handling plant installed within the development shall not exceed the following at the site boundary:  
Noise Rating NR40 between the hours of 07.00 and 23.00;  
Noise Rating NR35 between the hours of 23.00 and 07.00.

*Reason: In the interests of the amenities of the occupiers of nearby residential property in accordance with Policy NE9 of the Local Plan.*

15. The premises shall not be used outside the hours of 09:00 to 23:15 on any day.

*Reason: In the interests of the amenities of the occupiers of nearby residential property in accordance with Policy NE9 of the Local Plan.*

### **Standard condition- scope of permission**

- S1. Unless otherwise agreed in writing by the Local Planning Authority or modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:  
Planning Layout reference SNEINTON-PL01 revision D dated 1 March 2013, received 1 March 2013

*Reason: To determine the scope of this permission.*

### **Informatives**

1. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

2. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

3. The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is strongly recommended to institute a thorough investigation and assessment of the gaseous emissions, ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial preventive or precautionary measures. The developer will be expected to provide at his own expense such evidence as is required to indicate clearly that the problem has been addressed satisfactorily.

4. Noise Control: hours of work and equipment during demolition/construction  
To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)  
Saturday: 0830-1700 (noisy operations restricted to 0830-1700)  
Sunday: at no time  
Bank Holidays: at no time

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9156410; Fax 0115 9156020).

#### Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression/silencers.

#### Dust/Grit and other fugitive emissions

Construction and demolition work invariably generates grit and dust, which can be carried offsite and cause a Statutory Nuisance, and have a detrimental effect on local air quality.

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate methods include:-

#### Flexible plastic sheeting

Water sprays/damping down of spoil and demolition waste

Wheel washing

Periodic road cleaning

5. The ecology survey report has indicated that there are non-native invasive species present on the site; Japanese knotweed and Himalayan balsam. These species are listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which means that it is an offence to plant or otherwise cause them to grow in the wild. Plant material and contaminated soil is also classified as a controlled waste under the Environmental Protection Act 1990. The required eradication of these species from the site during development and safe disposal of the plant material is required by this legislation.

6. The new vehicular access on Sneinton Dale should be served by a dropped kerb vehicular crossover opposed to a radius kerbed vehicular access as shown on drawing no. PREAPP- PL01A. A dropped kerb vehicular crossover gives priority to pedestrians over vehicles and should be encouraged in a residential area.

You are advised to contact Highway Services at Eastcroft Depot on tel. 0115 8761351 to arrange for the removal of the existing redundant vehicular access and the reinstatement of the footway with full height kerbs.

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.

**DRAFT<sup>6</sup> ONLY**  
**Not for issue**

Continued...



## **RIGHTS OF APPEAL**

Application No: 12/03117/PFUL3 (PP-02265157)

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](http://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.