

REPORT OF CHIEF PLANNER

Site of 16 And 18, Sneinton Dale

1 SUMMARY

Application No: 16/02063/PVAR3

Application by: rgp Ltd on behalf of Mr Aurangzeb Khan

Proposal: Erection of religious and community centre (variation of condition S1 of planning application reference 12/03117/PFUL3).

The application is brought to Committee because it proposes material amendments to a scheme previously considered by Planning Committee in March 2013 as it was sensitive given the level of public interest.

To meet the Council's Performance Targets this application should have been determined by 7th November 2016

2 RECOMMENDATIONS

2.1 GRANT PLANNING PERMISSION subject to:

a) Prior completion of a variation agreement under S106 A of the Town and Country Planning Act 1990 applying the terms of the s106 Agreement dated 24 July 2013 (concerning ceasing the use of 41 Sneinton Dale as a place of worship prior to the occupation and use of the new site) and relating to planning application reference 12/03117/PFUL3, to this application(reference 16/02063/PVAR3) , and

(b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report

Power to determine the final details of the conditions and the varied planning obligation to be delegated to the Chief Planner.

2.2 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 This is a cleared site on the south side of Sneinton Dale, formerly a vehicle repair garage. 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 site is within an area defined as Primarily Residential in the Local Plan and is in the Old Sneinton Conservation Area. The Sneinton Dale Local Shopping Area is approximately 150 metres to the east.
- 3.3 Planning permission (ref 12/03117/PFUL3) was granted on 12th August 2013 for the erection of a religious and community centre following demolition of an existing garage subject to conditions and completion of a Section 106 Agreement securing the cessation of use of the former site at 41 Sneinton Dale as a place of worship prior to the occupation and use of the new site pursuant to planning permission 12/03117/PFUL3. The application had been considered by Planning Committee on 20th March 2013.
- 3.4 This was followed by submission 15/00985/PSD4 of details to discharge conditions 2 (materials), 3 (hard surfacing), 4 (landscaping), 5 (arboricultural method statement), 6 (contamination) and 7 (gaseous emissions) of planning permission reference 12/03117/PFUL3, which was approved on 8th June 2015. It is considered that the development has commenced.

4 DETAILS OF THE PROPOSAL

- 4.1 This application seeks to change the design of the building approved under reference 12/03117/PFUL3, by varying condition S1 of that permission to allow for the substitution of a revised set of plans. The application does not affect the principle of the approved development and use of the site as approved under Planning permission (ref 12/03117/PFUL3). The approved building was to have three storeys, being two-storey at the front, following the slope of the site and dropping to a single storey at the rear, the equivalent of basement level. Materials were brick, rain screen cladding, stained timber cladding, glazing, geometric ironwork grilles and a gold entrance feature, with a decorative, polished stainless steel feature to the northwest corner, incorporating variable lighting.
- 4.2 In scale, the new proposal maintains the building's height and proportions at the front. The upper eaves of the central pitched roof are increased by 0.3m. The rear flat roof section would be 1.1m higher than the approved building's eaves. At the back of the building, the overall footprint is reduced by omitting most of the 'basement' section. This is 'replaced' by a central triangular offshoot to the ground floor which accommodates a realigned prayer hall.
- 4.3 The front elevation has been revised in that the left hand, undercroft section has been brought forward so that it now sits 0.55m behind the right hand wall (rather than 1.5m). Also on the front elevation the ironwork grille in front of the first floor window has been omitted and replaced by patterned vinyl on the window. The gold grille above the entrance has also been omitted to allow for signage signalling the building name.
- 4.4 Proposed materials have been revised to include marble cladding at first floor;

Portland stone over the entrance; brickwork at ground floor; copper for the domes and stainless steel for the minaret. Windows are to be obscured and decorated by internal patterned vinyl.

- 4.5 The overall layout of the site remains similar, retaining the number of parking spaces at 20.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Letters have been sent to the following neighbouring properties (46 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; 150 Oakdale Road; 85 Sedgley Avenue. A site notice has been posted and press advert published. Further letters have been sent following the receipt of additional and revised plans and any further comments will be reported to Committee by means of an aide memoire.

Sneinton Neighbourhood Forum has expressed concern about the lack of a submitted street scene elevation. The Forum has been advised that additional plans have been submitted and again any further comments will be reported to Committee as an update.

Two letters of objection have been received, on grounds of loss of light to houses on Dale Terrace, the condition of the boundary wall between the site and Dale Terrace, the proximity to Dale Terrace of cars entering the site, and traffic and parking problems. These matters are addressed in the appraisal section of this report.

Additional consultation letters sent to:

Pollution Control: No objection.

Highways: No objection.

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.

Aligned Core Strategy:

Policy 1: Climate Change

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 12: Local Services and Healthy Lifestyles

Policy 14: Managing Travel Demand

Nottingham Local Plan (November 2005):

NE5 - Trees

NE9 - Pollution

NE12 - Derelict and Contaminated Land

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issue

Acceptability of proposed changes to approved scheme (ACS Policies 10 and 11)

- 7.1 The proposed changes to the design and appearance of the building are considered to be acceptable in that the overall form and individual design elements remain as before. The depth of the undercroft adjacent to the entrance has been reduced with the architect expressing concern that the original setback might encourage loitering and anti-social behaviour; this change has also removed the need for bollards at the back of footway that were a part of the original scheme. The architect was also concerned that the proposed steel grilles, although decorative, would look like a security measure and be difficult to clean. The window vinyls are considered to convey a more open feel.
- 7.2 The newly proposed materials (primarily marble cladding, stone and brick) remain of a quality which is sufficiently high for this prominent conservation area site.
- 7.3 Parts of the building at the rear are proposed to be higher than previously approved, but this primarily involves changing a pitched roof to flat and is considered to be acceptable, particularly given that a further section of the building at the rear is being omitted and the lighter materials would reduce the impact. The building would remain 14m or more metres from facing houses on Mill View Close and Dale Terrace. This is further away from the houses than the former garage building.
- 7.4 Two additional windows are to be introduced into the west elevation; the drawings note that side elevation windows are to be obscured and non-opening and this can be ensured by condition. A door and window are to be introduced into the ground floor east elevation; fence screening would avoid issues of loss of privacy and louvres are to be fixed in front of the window. The triangular offshoot accommodating part of the prayer hall contains windows at an angle to the site boundaries and again these can be obscured.

- 7.5 On balance, the current proposal is considered to be acceptable in its design, impact on the Old Sneinton Conservation Area and on neighbouring properties and is therefore in accordance with Policies 10 and 11 of the Aligned Core Strategies.

Other Matters

Planning Conditions

- 7.6 Matters concerning use of the facility which arose in relation to the reference 12/03117/PFUL3 remain the same. A number of conditions that were imposed on the planning permission would need to be imposed on any varied permission to ensure the development remains acceptable in planning terms. These include restricting the maximum capacity of the premises to 165; the hours of operation to between 09:00hrs and 23:15hrs on any day: 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; management of 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).

Planning Obligation

- 7.7 The applicant has confirmed that the existing place of worship at 41 Sneinton Dale will close and cease being used for that purpose as the proposed facility is intended to replace 41 Sneinton Dale as a place of worship. Aware that the use of 41, Sneinton Dale impacted on parking in the vicinity, the applicant entered into a S106 agreement to ensure that use would not continue, once the development approved under ref 12/03117/PFUL3 was occupied and use of the new site commenced. This was deemed necessary by Committee previously to make the development acceptable in planning terms, having been satisfied that this obligation was directly related to the development and was fair and reasonable related in scale and kind to the development.
- 7.8 If planning permission were to be granted for the variation sought a variation agreement under S106 A of the Town and Country Planning Act 1990 would be recommended to apply the terms of the previous s106 Agreement to this permission and effectively ensure this necessary mitigation measure continued to apply to any varied planning permission. The current use of this premises and the cessation of its use can be balanced against the impacts of the new facility.

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

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: 16/02063/PVAR3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OD4O94LYH7V00>
2. Email from resident dated 25th November 2016.
3. Email from resident dated 6th October 2016.
4. Emails from Sneinton Neighbourhood Forum October 2016.

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
Aligned Core Strategies (September 2014)

Contact Officer:

Mr Phil Shaw, Case Officer, Development Management.

Email: philip.shaw@nottinghamcity.gov.uk. Telephone: 0115 8764076

NOMAD printed map



Nomad web map printed by a Nomad user at 09:58, 12/12/2016



Key



City Boundary

Description

No map description

My Ref: 16/02063/PVAR3 (PP-05465248)
Your Ref:
Contact: Mr Phil Shaw
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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Date of decision:

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

Application No: 16/02063/PVAR3 (PP-05465248)
Application by: Mr Aurangzeb Khan
Location: Site Of 16 And 18 , Sneinton Dale, Nottingham
Proposal: Erection of religious and community centre (variation of condition S1 of planning application reference 12/03117/PFUL3) (revised proposals and drawings).

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
. There are no conditions in this section.
Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)
There are no conditions in this section.
Pre-occupation conditions (The conditions in this section must be complied with before the development is occupied)
1. Construction of the building 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. <i>Reason: To ensure that the appearance of the development is satisfactory in accordance with Policies 10 and 11 of the Aligned Core Strategies.</i>



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Not for issue

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2. No equipment, machinery or materials shall be brought onto the site in connection with construction of the building 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.

3. 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. The surfacing materials shall be in accordance with the details submitted and approved under ref.15/00985/PDS4.

Reason: In the interests of highway conditions in the area and in the interests of sustainable development in accordance with Policies 1 and 10 of the Aligned Core Strategies.

4. The development shall not be used until the site has been enclosed in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority

Reason: To ensure that the appearance of the development is satisfactory and in the interests of the living conditions of nearby residents in accordance with Policies 10 and 11 of the Aligned Core Strategies..

5. No part of the development hereby permitted shall be occupied until the remedial or precautionary measures required to deal with ground contamination as approved under ref.15/00985/PDS4 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.

6. No building(s), drainage or sewerage facilities nor any areas surfaced with materials impermeable to gas shall be used unless the remedial, preventive or precautionary measures for removing the gaseous emissions on the site approved under ref.15/00985/PDS4 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.

7. Before the development is brought into use, a Car Parking Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall set out measures for the management of the car park during religious festivals, Friday prayers and other large events, and shall set out measures for discouraging on-street car parking within surrounding streets. The approved Strategy shall be adhered to at all times while the premises is in use.

Reason: In the interests of the living conditions of nearby residents and the interests of highway conditions in the area in accordance with Policy 10 of the Aligned Core Strategies.

Regulatory/ongoing conditions

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

8. The landscaping scheme approved under ref.15/00985/PDS4 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 Policies 10 and 11 of the Aligned Core Strategies.

9. 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 living conditions of nearby residents in accordance with Policy 10 of the Aligned Core Strategies.

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

Reason: In the interests of the living conditions of nearby residents in accordance with Policy 10 of the Aligned Core Strategies.

11. During the periods of Ramadan and Eid the number of people present on the site shall be no more than 120 and at all other times shall be no more than 80.

Reason: In the interests of the living conditions of nearby residents and in the interests of highway conditions in the area in accordance with Policy 10 of the Aligned Core Strategies.

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 forms, drawings and other documents comprising the application as validated by the council on 12 September 2016.

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. It should be noted that the City Council granted this permission following the signing of an agreement between the Council and the applicant in accordance with the provisions of Section 106 of the Town & Country Planning Act 1990, Section 111 of the Local Government Act 1972 or Section 33 of the Local Government (Miscellaneous Provisions) Act 1982. The terms of the agreement bind successors in the title and assigns and can be enforced against them.

4. 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 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.

5. If your building/construction works will have any effect on the footway, road or paved area next to your site you must contact the Council's Highways Team before you start. You can contact the Highways Hotline on 0115 915 2161 (Answerphone outside office hours) or Fax on 0115 915 2103 (anytime).

6. 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 0830-1300)
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 9152020).

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

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.



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



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RIGHTS OF APPEAL

Application No: 16/02063/PVAR3 (PP-05465248)

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.