

REPORT OF DIRECTOR OF PLANNING AND REGENERATION**4 Duke William Mount****1 SUMMARY**

Application No: 19/01361/PFUL3 for planning permission

Application by: Mr Ian Staples

Proposal: Proposed partial demolition, alteration and extension to an existing link detached dwelling.

The application is brought to Committee due to the significant level of public interest, including the ward councillors.

To meet the Council's Performance Targets this application should have been determined by 12 August 2019. An extension of time has been agreed with the applicant until 27 November 2019.

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

- 3.1 The property is a detached two storey dwelling located within a Primarily Residential Area and The Park Conservation Area. The dwelling is an unsympathetic infill dwelling in a row of three similar properties, linked to the neighbouring property to the south by its garage. These dwellings were built after demolition in the 1970s of a large Original Estate House (Fairlawn) that previously stood on the site. To the north is another Original Estate House (OEH), 3 Duke William Mount, which the application dwelling is set forward of. There is a tree protected by a TPO to the front of the property, along with a driveway and a small garden area. There is a larger rear garden with residential properties to the rear situated at a lower level. The street slopes downwards from north to south.

4 RELEVANT PLANNING HISTORY

- 4.1 None of relevance to this proposal.

5 DETAILS OF THE PROPOSAL

- 5.1 Planning permission is sought for extensive alterations and extensions to the dwelling, which would significantly alter the appearance of the property in terms of

its scale, materials and design. The plans have been amended during the determination of the application to address a concern raised by a neighbouring resident; the first floor element of the dwelling has been set back to the line of the existing property's front elevation.

- 5.2 A number of design alterations were also made following pre-application discussions, to address concerns regarding scale, impact on the conservation area and on neighbouring residents.
- 5.3 The original front boundary wall is proposed to be retained, with alterations to the parking area and garden to the front of the dwelling.

6 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

5 neighbours were notified by letter, a site notice was displayed and a press advertisement published. The consultation period expired on 18.07.2019.

Representations have been received both in support and objection to the proposal. Three neighbouring residents have commented in support of the application. In objection, representations have been received from three groups within the Park Estate, and the Nottingham Civic Society.

A neighbour to one side requested that the first floor element adjacent to the shared side boundary to the north be set back, to reduce its impact upon them. Amended drawings have been submitted to this effect and this owner of the neighbouring property has now submitted comments strongly supporting the application, considering that:

- It will significantly improve the immediate locality and wider Park Estate. The existing properties built on the site of Fairlawn are completely out of proportion and context, and that the proposed remodelling of the house goes a long way to redress this.
- The use of quality materials in innovative ways seems entirely in keeping with the architectural heritage of The Park.
- With reference to the issue of a loss of light to No.3, having stood in the front garden at different times of day to track the light path, it is considered that the effect of the proposed new building would be negligible.

The neighbours to the other side have also commented in support considering that:

- The design is stunning and is perfectly in keeping with the surrounding area. The planned extension will only serve to enhance the neighbourhood and benefit the adjoining houses, which can only be positive for The Park Estate as a whole. Looking at the front of the current house from Duke William Mount, it is considered that the proposed development will be perfectly in keeping with No.3 and with the roofline will create a gradual step down to No.4, which then steps down again to 5 Newcastle Circus. At present No.4 is completely dwarfed by No.3.
- They have been consulted by the applicant all through the design stage and have been shown drawings and elevations before the plans were submitted.

Early on in the process they raised concern regarding the view from their property at the rear; the applicant immediately amended the plans to alleviate the concerns. They are very happy that they will be completely unaffected by any negativity from the proposed development and will not lose any light, as they are to the south of the property.

A comment of support has been received from a further resident of Duke William Mount, stating that the proposal would clearly improve the road.

The following groups have submitted comments in objection, which are summarised below:

Nottingham Park Residents Association
Park Planning Steering Group
Nottingham Park Estate

- This proposed development is at the centre of The Park and the Conservation Area and is a visually prominent replacement for the relatively less conspicuous house. It is important therefore that any proposal fits in well to the whole public scene, not just certain limited aspects or views (as submitted).
- The proposal is excessively prominent given its scale and position on the plot.
- The use of materials and the flat roof have little relevance to the surrounding architecture.
- The entire property should be setback in the site to reduce its visual impact.
- Support replacing the existing poorly designed infill dwelling, but strongly object to this application principally based upon the form, mass and scale of the new dwelling, which would have a hugely detrimental impact on the character and appearance of the Conservation Area.
- The proposal would completely obliterate any view of 2 and 3 Duke William Mount from Newcastle Circus.
- The original Fairlawn shared a building line with 1 to 3 Duke William Mount and when it was demolished, 4 Duke William Mount was built well forward of this, causing harm to the neighbouring properties, the streetscape and the relationship between the Circuses. The current proposal severely exacerbates this by building further forward and much, much higher. The potential damage to the Conservation Area caused by current planning application submission clearly outweighs any enhancement provided by the contemporary design.
- By filling the plot with two and three storied built forms, crowding the adjacent OEH and dominating its modern neighbour on the other side, the resultant building creates a jarring intensity detracting from the Victorian character.
- Concern that the proposal would affect the protected tree at the front of the site.

The Nottingham Park Estate also commented on the amend scheme, stating that the changes did not alter their original objections. It is noted that the positioning of the dwelling was the overriding concern of the Nottingham Park Estate, who recognised the suitability of the design of the scheme but felt that it should be set further back.

Comments have additionally been received from Locus Consultancy, who are undertaking a review of the Conservation Area appraisal for the Nottingham Park Estate. They have therefore considered the proposal in heritage impact terms only.

- The existing house is poor quality, but the visual impact is lessened by the small scale.
- Acknowledge that the contemporary look and feel of the proposal is unarguably inspired by the Estate houses of The Park and integrates well with the established building stock in many respects.
- Removes one third of the poor quality late 20th Century housing development and replaces this poor quality dwelling with one that is grander and more articulate in design.
- Undoubtedly brings a degree of public benefit in principle. However, any benefit is limited to the character and appearance of the plot, not the area. Beyond the site's tight boundaries, the impact is negative.
- The proposal would be acceptable if it were set further back in the plot, but as proposed, it would have a detrimental impact.

Additional consultation letters sent to:

Conservation Officer: This application relates to the remodelling and extension of 4 Duke William Mount, a late 20th century house situated in the Park Conservation Area. Duke William Mount is at the very heart of the Conservation Area and forms the link between the two Circuses (Lincoln Circus and Newcastle Circus) from which the concentric layout of the whole Estate fans out. The site is located immediately adjacent to 3 Duke William Mount, one of The Park's OEHs and forms part of a row of three similar houses. These houses and a terrace of five others facing Clumber Road East occupy what was originally the site of a large 19th century property known as Fairlawn. As well as resulting in the demolition of Fairlawn, the construction of the smaller modern houses had a significant and detrimental impact on The Park's historic grain of development which is characterised by its large houses set in generous garden plots. The front façade of no. 4 Duke William Mount projects forward of the established building line set by the historic properties to the north. This poor relationship is particularly obvious in views of nos. 3 and 4 from Lincoln Circus to the northwest and along Duke William Mount itself.

The proposed development would increase the height and bulk of no. 4 through an extensive remodelling and extension of the existing property. The close proximity to no. 3 and the two properties' contrasting building lines remain problematic due to the visual impact on the setting of the OEH when viewed from the north west. It is recognised, however that no. 4's position and building line are constrained by the dimensions of the plot and the residential amenity of neighbouring houses. There is no realistic prospect of the plot's original 19th century arrangement (a single estate house in expansive grounds) being reinstated. Opportunities for enhancement of the Conservation Area (as per paragraph 200 of the NPPF) are therefore limited to the remodelling or rebuilding of the existing building in its current position. Seen in this context the architectural quality of the design is a significant and beneficial improvement on the existing house. It references the detailing, form and materials of the adjacent OEH, but remains subordinate to it in height and makes a clearly contemporary statement rather than creating a pastiche. On balance it is therefore felt that although the increased visual presence of the building would result in a

minor degree of harm to the setting of the OEH, this would be outweighed by the significant improvement in the architectural quality of the property.

For this reason the application would be acceptable when considered against paragraph 196 of the NPPF.

Tree Officer: The tree survey/report submitted with the application is insufficiently detailed. It is adequate as a guide to the layout but offers little information or mitigation in respect to the TPO tree and the intended change to the environment around it. An Arboricultural Method Statement, would be required by condition to address how the tree will be retained and what mitigating measures will be put in place to protect it during construction.

7 RELEVANT POLICIES AND GUIDANCE

Nottingham Local Plan

BE12: Development in Conservation Areas

NE5 - Trees

Aligned Core Strategies

Policy 1: Climate Change - development proposals will be expected to mitigate against and adapt to climate change.

Policy 10: Design and Enhancing Local Identity - new development should be designed to create an attractive, safe, inclusive and healthy environment.

Policy 11: The Historic Environment.

The Local Plan part 2 document Land and Planning Policies

The replacement to the above Nottingham Local Plan is awaiting its final Inspector's Report and is anticipated to be adopted in the New Year. Given the stage that the document has reached its policies are to be afforded great weight. In relation to this application the following policies are relevant:

Policy DE1: Building Design and Use: Buildings must be designed to fulfil their function effectively, but consideration must also be given to the way they impact on the surrounding townscape, landscape and neighbouring properties. They must enhance the local environment, contributing to the vitality of areas and improve community safety.

Policy DE2: Context and Place Making: Development proposals should help to reinforce and enhance positive characteristics and create attractive new places.

Policy EN7: Trees: Development proposals affecting trees will only be granted where existing high value trees are retained and protected, along with other trees and landscaping where possible.

Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets: Development proposals affecting heritage assets and/or their setting will be supported where they conserve or enhance the historic environment in line with their interest and significance.

Policy CC1: Sustainable Design and Construction: All development proposals (including changes of use) will be expected to maximise opportunities to incorporate sustainable design.

National Planning Policy Framework

Section 12: Conserving and enhancing the historic environment.

8 APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Principle of the development
- ii) Design and impact on character of the Conservation Area
- iii) Amenity on neighbouring residents
- iv) Impact on tree

i) Principle of the proposed development

- 8.1 The application site is located within a Primarily Residential Area as defined by the Local Plan. There is therefore no objection in principle to residential extensions, provided that they comply with the other policies of the development plan.
- ii) Design and Impact on the Character of the Conservation Area** (Policy BE12 of the Local Plan, Policies 10 and 11 of the ACS and Policies DE1, DE2 and HE1 of the emerging LAPP)
- 8.2 The proposed alterations and extensions would completely alter the character of the existing dwelling, which is an in-fill dwelling at odds with the design and scale of the adjacent OEH and the overall character of the Conservation Area. The existing dwelling does not make a positive contribution to the Conservation Area. The proposal would result in a contemporary dwelling that is more sympathetic in scale and appearance, with design features to reflect those of the neighbouring OEH. Together with the use of quality materials, it is considered the resultant dwelling would result in a positive contribution to the character of the Conservation Area.
- 8.3 The scale of the resultant dwelling would increase from the size of the existing house but remain subservient to the neighbouring OEH, with the ridge height remaining considerably lower. The dwelling would have three sections when viewed from the front; two gables and a flat roof section, the height of each section dropping from the highest point adjacent to the OEH, to the lowest point adjacent to the neighbouring infill house. This would reflect the scale and proportions of the dwellings to each side and would provide a successful visual link between the two.

- 8.4 It is noted that the existing dwelling is set forward of the OEH to the north; the proposal follows the building line of the existing dwelling and is of a similar footprint, albeit with a small single storey section (garage) set slightly forward of this. The scheme has been amended to set back the tallest gable section at first floor level, so that it would align with the front elevation of the existing dwelling, albeit taller.
- 8.5 The positioning of the enlarged dwelling on the plot has raised concerns from objectors who largely consider that whilst the design itself is commendable, the increased scale and its positioning on the plot would adversely affect the dwelling's visual impact on the adjacent OEH and wider Conservation Area. It has been suggested that the entire dwelling should be set back within the plot so that it does not compete with the adjacent OEH and is less prominent in the Conservation Area. However, the applicant wishes to retain and extend the existing dwelling rather than demolish and replace it.
- 8.6 It was felt by objectors that the proposal would significantly impact views from a number of public vantage points around the site, and would therefore result in significant visual harm to the character of the Conservation Area and the setting of the adjacent OEH. Officers have viewed the site from the vantage points referred to and assessed images of what the proposed dwelling would look when viewed in context.
- 8.7 The comments regarding the width and openness of Duke William Mount are noted. It is a short road linking the two Circuses that only has four dwellings fronting its eastern side; to the western side is the Queen Anne's Bowling Green that is enclosed with a heavily treed boundary. The three infill dwellings on the former Fairlawn plot are curved such that the two dwellings alongside the application property primarily front Newcastle Circus. Of the four dwellings referred to, No.4 shares the same building line as No.1, with the intervening semi-detached Nos.2 and 3 set further back. Typical of the Park, Duke William Mount has a wide carriageway and footpaths, beyond which there are wide verges with street trees and deep front gardens to the properties, approximately 6m in the cases of No.4.
- 8.8 The proposed dwelling, as amended, principally aligns with the front elevation of the existing dwelling. It has been commented that the forward building line of these infill properties is regrettable, but interesting to note that reference may have been taken at the time of their approval from No.1. However, there is no realistic prospect of the three individually owned properties concerned being demolished and set further back within their plots, if for no other reason due the adverse impact that this would have on their rear gardens and the properties beyond. The current situation is therefore accepted as a baseline position for assessing proposed developments.

The visual impact of the proposed dwelling would not be prominent when viewed from the south, from either the street or Newcastle Circus. At certain times of year tree cover would screen most views towards the site but, notwithstanding this, the adjacent OEH would still be visible from the south given its size and slightly elevated position, with the proposal remaining subordinate to this dwelling.

When approaching the site from the north the proposal would be more prominent although the proposed dwelling would not obscure the OEH, rather be seen sitting forward of it, as is the current situation. It is recognised that the increased scale and height of the proposal is notably greater than that of the existing property and, therefore, from this viewpoint would exacerbate its forward position relative to No.3 and draw greater attention to the relationship between the two. However, this one harmful aspect needs to be seen within the wider context of the building line to the eastern side of Duke William Mount and against the positives of the scheme; the acknowledged merit of the proposed design that is inspired by and integrates well with the OEHs of The Park, and the appropriateness of the increased scale that remains subordinate to No.3 but is more respectful of its scale. The proposal's impact on the openness of Duke William Mount is further mitigated by the retained front garden depth of 6m and the large mature tree located forward of the property. In conclusion, it is felt that the width and openness of Duke William Mount would not be unduly compromised by the proposed development and that the architectural merits of the scheme would result in a positive impact upon the Conservation Area and setting of the adjacent OEH.

- 8.9 It is noted that if the dwelling were set further back into the site, as suggested by objectors, this would reduce its visual prominence to a degree. However the proposal is seeking to work with the footprint and structure of the existing dwelling, rather than demolish it, and that this would also reduce the dwelling's private rear garden space and create amenity issues for neighbouring residents, as discussed further below, which is a material consideration that also needs to be given due weight in the overall assessment of this proposal.
- 8.10 On balance therefore, it is considered that the proposal complies with Policy BE12, Policies 10 and 11 of the Aligned Core Strategy and Policies DE1, DE2 and HE1 of the emerging LAPP and the development would have a positive impact on the character and appearance of the Conservation Area.

iii) Amenity of neighbouring residents (Policy 10 of the ACS and Policy DE1 of the emerging LAPP)

- 8.11 The proposal is considered to have an acceptable impact on the amenity of neighbouring residents. The plans have been amended to reduce the forward projection of the gable adjacent to No.3 Duke William Mount, which was a direct response by the applicant to a concern raised by the owner of this property. No.3 is set back from the application dwelling and of a noticeably larger scale. As amended, with a setback at first floor level adjacent to the shared boundary, and given that the windows along the side of No.3 facing the application site are obscure glazed or at a high level, it is considered that the proposal would have an acceptable impact on the amenity of the residents of this property. The neighbour has raised no objection to the scheme.
- 8.12 To the south is a similar two storey dwelling to the application property, which itself has been extended. The proposal would be two storey alongside the blank side wall of this neighbouring property, stepping down to single storey as it projects to the rear. There is a small first floor terrace, but this is enclosed to the side to protect the

privacy of the neighbours. As discussed previously, the suggestion to demolish the existing dwelling and move the proposed scheme back within the plot would significantly impact on the residents of this property. The scheme was amended through pre-application discussions to reduce the scale of the proposal on this side, which originally included a two storey extension projecting to the rear of this neighbouring property with extensive roof terraces above. It is noted that there have been no objections to the proposal from these neighbouring residents.

- 8.13 To the rear there is a terrace of properties also built within the former ground of Fairlawn, fronting Clumber Road East. The properties are at a much lower ground level to the application dwelling and are approximately 35m away. The proposed scheme would not bring the dwelling any closer to these properties above ground floor level, therefore it is not considered that there would be a loss of light or privacy over and above the existing situation, nor would the increase in height be overbearing given the separation distance. There is a small first floor terrace but given the separation distance, it is not considered that this would significantly reduce privacy to the residents of these dwellings. It is noted that if the dwelling were set back further in the plot, this would significantly increase the impact on these properties given the site level changes.
- 8.14 It is therefore concluded that the proposal would have an acceptable impact on the amenity of neighbouring residents in accordance with ACS policy 10 and policy DE1 of the emerging LAPP.

iv) Impact on Tree (Policies 1 & 10 of the ACS, Policy NE5 of the Local Plan, Policy DE1 of the emerging LAPP)

- 8.15 There is a tree in the front garden that is protected with a Tree Preservation Order. A Tree Survey has been submitted as part of the application, but it is noted that the survey did not include sufficient information in terms of how the tree would be protected during the construction of the extensions. Therefore it would be necessary to request further information by condition to ensure that satisfactory mitigation measures are in place prior to the commencement of any buildings works.

9 Sustainability (Policy 1 of the ACS and Policy CC1 of the emerging LAPP)

- 9.1 It is noted that by retaining and extending the existing dwelling, the proposal is considered to be more sustainable than the alternative of its complete demolition and rebuild.
- 9.2 The applicant has confirmed that a number of significant improvements will be made to the energy credentials of the resultant dwelling. Including, but not limited to, the follow:
 - Utilising modern methods of construction to provide a quicker build time and reduction in site waste.
 - Upgraded roof to enhance the energy performance of the entire property, including the incorporation of PV slate tiles, to provide efficient solar electricity generation.
 - Environmentally friendly building materials.

- Existing low quality external brick removed, old cavity insulation removed, and new high performing insulation placed in the cavity, before rebuilding the brick work layer with an appropriate high quality handmade reclamation finish brick.
- Existing single glazed windows upgraded.
- Internal ground floor of the existing dwelling is being upgraded to provide a fully insulated floor.

9.3 The proposal is therefore considered to accord with policy 1 of the ACS and policy CC1 of the LAPP.

10 FINANCIAL IMPLICATIONS

None.

11 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.

12 EQUALITY AND DIVERSITY IMPLICATIONS

None.

13 RISK MANAGEMENT ISSUES

None.

14 STRATEGIC PRIORITIES

Neighbourhood Nottingham: Providing a high quality and sustainable family dwelling.

15 CRIME AND DISORDER ACT IMPLICATIONS

None.

16 VALUE FOR MONEY

None.

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

1. Application No: 19/01361/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

18 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

Local Plan Part 2 Revised Proposed Main Modifications Version (May 2019)

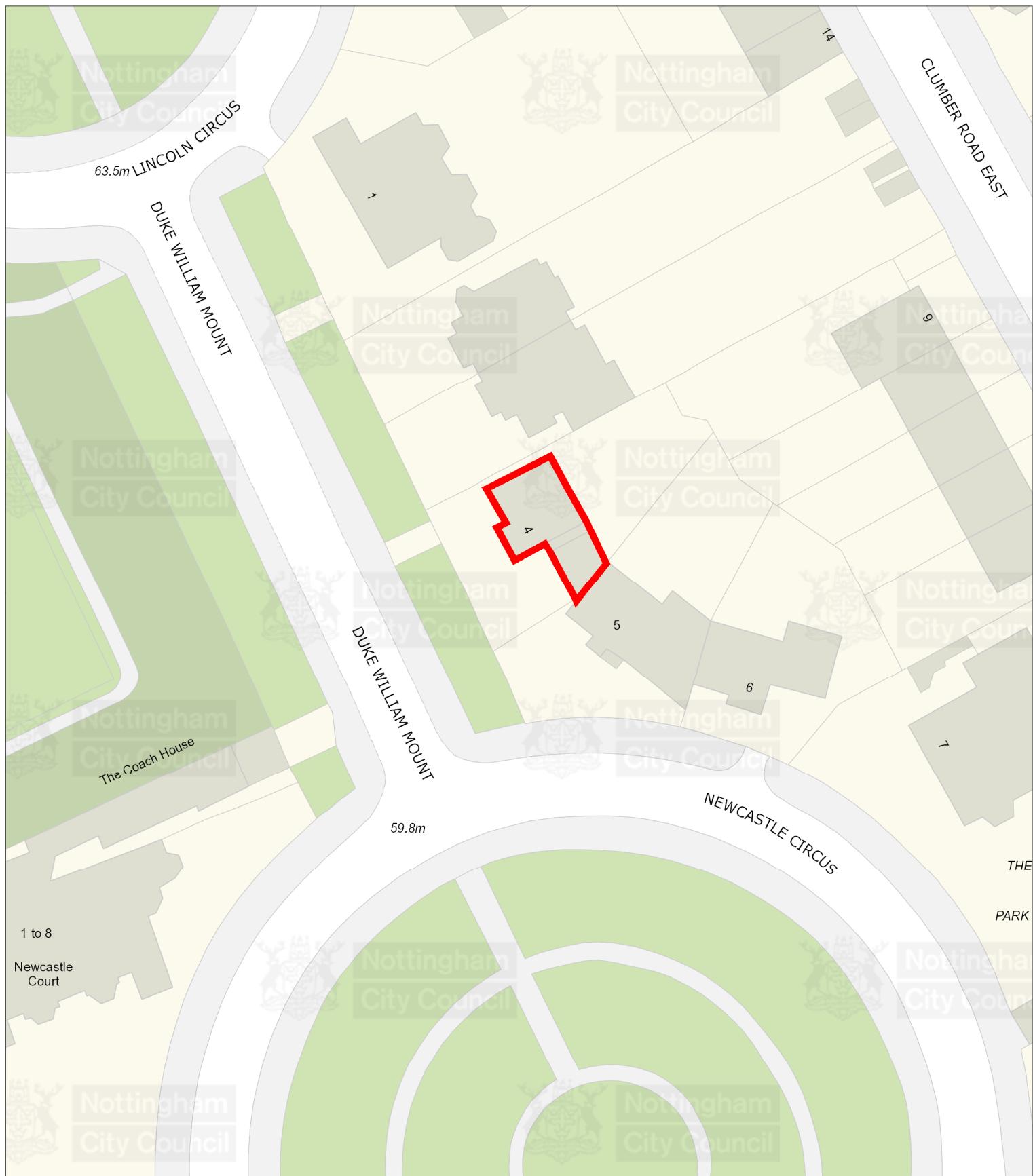
NPPF (February 2019)

Contact Officer:

Kathryn White, Case Officer, Development Management.

Email: Kathryn.white@nottinghamcity.gov.uk. Telephone: 0115 8762529

NOMAD printed map



Key

City Boundary

Description

No description provided



**Nottingham
City Council**

My Ref: 19/01361/PFUL3 (PP-07935424)

Your Ref:

Contact: Ms Kathryn White

Email: development.management@nottinghamcity.gov.uk



Nottingham

City Council

Development Management
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www.nottinghamcity.gov.uk

Mr Ian Staples
4, Duke William Mount
Nottingham
NG7 1BH

Date of decision:

TOWN AND COUNTRY PLANNING ACT 1990 APPLICATION FOR PLANNING PERMISSION

Application No: 19/01361/PFUL3 (PP-07935424)

Application by: Mr Ian Staples

Location: 4 Duke William Mount, Nottingham, NG7 1BH

Proposal: Proposed partial demolition, alteration and extension to an existing link detached 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. The development shall not be commenced until details of the external materials of the extensions hereby permitted have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policies 10 and 11 of the ACS and Policies DE1 and HE1 of the emerging LPP.

3. The development hereby permitted shall not be commenced until an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. The Arboricultural Method Statement shall specify measures to be put in place for the duration of construction operations to protect the existing tree in the front garden of the site that is protected by a Tree Preservation Order.

Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan and Policy EN7 of the emerging LPP.

4. The tree protection measures detailed in the approved Arboricultural Method Statement shall be put in place prior to the commencement of the development hereby permitted, and retained for the duration of construction operations. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan and Policy EN7 of the emerging LPP.

Pre-occupation conditions

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

There are no conditions in this section.

Regulatory/ongoing conditions

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

5. The rear facing windows at first floor level serving the master bedrooms (dressing room and ensuite), shall be non other than obscure glazed and fixed shut below a height of 1.7m

Reason: To ensure that privacy of neighbouring residents is maintained in accordance with Policy 10 of the ACS and Policy DE1 of the emerging LPP.

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 17 June 2019.

Reason: To determine the scope of this permission.

Informatics

1. 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.
2. 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.
3. 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.

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

RIGHTS OF APPEAL
Application No: 19/01361/PFUL3 (PP-07935424)

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/pcs.

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.