

My Ref: 12/03117/PFUL3 (PP-02265157)
Your Ref:
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**Nottingham
City Council**

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Date of decision: 12 August 2013

**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

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

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



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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.

8. Notwithstanding the details submitted with the application, a full Travel Plan containing recent staff and visitor travel data should be submitted to and agreed in writing by the Local Planning Authority. The Travel Plan shall be submitted no later than 3 months following initial occupation. The Travel Plan shall set out measures designed to minimise the overall number of vehicles used in connection with the use of the premises, as well as measures to manage travel and parking associated with the use. Actions contained within the agreed Travel Plan must be undertaken and an annual review of measures including staff and visitor travel surveys to be submitted to local planning authority on an annual basis from submission of first update for a period not less than 5 years.

Reason: To safeguard the amenities of nearby residents, and to ensure that the impact of the development on the local highway network is satisfactory, in accordance with Policies BE3 and T3 of the Local Plan.

Pre-occupation conditions

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

9. 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.

10. 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.

11. 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.



12. 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.

13. 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.

14. Notwithstanding the details submitted, before the premises 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: To safeguard the amenities of nearby residents, and to ensure that the impact of the development on the local highway network is satisfactory, in accordance with Policies BE3 and T3 of the Local Plan.

Regulatory/ongoing conditions

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

14. 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.

16. 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.



17. 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.

18. 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 amenities of the occupiers of nearby property and in the interests of highway safety in accordance with Policies BE2 and BE3 of the Local Plan.

Standard condition- scope of permission

S1. 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



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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.



Andrew Gregory

Head of Development Management



RIGHTS OF APPEAL

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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.

