

My Ref: 17/02412/PFUL3 (PP-06162089)
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Date of decision: 14 December 2017

TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION

Application No: 17/02412/PFUL3 (PP-06162089)
Application by: Deliveroo Ltd
Location: Unit 1 Redwood Court , Salisbury Street, Nottingham
Proposal: Change of use of the unit from Sui Generis 'Car sales, repairs and MOT servicing' to Class B1c 'commercial kitchen' and the installation of external plant, including 2 no. extract ducts, dia openings, 2 no. air intake ducts and 2 no. air condenser units."

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. <i>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.</i>
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)
2. Prior to first commencement of the hereby approved B1(c) use, verification that the approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority. <i>Reason: To safeguard the amenities of future occupiers in accordance with Policy 10 of the</i>

<i>Aligned Core Strategy</i>
Regulatory/ongoing conditions (Conditions relating to the subsequent use of the development and other regulatory matters)
There are no conditions in this section.
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 19 October 2017. <i>Reason: To determine the scope of this permission.</i>

Informatives

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 officer's delegated 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.

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.



Paul Seddon
Chief Planner

RIGHTS OF APPEAL

Application No: 17/02412/PFUL3 (PP-06162089)

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.

DECISION NOTICE APPENDIX: DELEGATED REPORT

This report sets out the reason for the decision, taken by officers under the terms of the Council's Scheme of Delegations, and includes a summary of relevant planning policies.

LIST OF RELEVANT POLICIES

Nottingham Local Plan (November 2005):

NE9 - Pollution. Seeks to resist development where air, noise or light pollution would cause significant detriment to users of the development or adjoining land, and seeks to ensure that the effects of pollution are minimised to an acceptable level.

National Planning Policy Framework

The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Aligned Core Strategy

Policy A: Presumption in Favour of Sustainable Development - working proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

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

SUMMARY OF RESPONSES TO CONSULTATION

19 neighbours notified by letter dated 25/10/2017

The consultation period expired on 17/11/2017

No representations have been received.

The following have also been consulted:

Environment Agency - Standing advice applies

Environmental Health - With reference to the noise assessment by NSL Noise Solutions Ltd, Project Reference: 86888 dated 25/09/17 and the report by First Plan, referenced 17197/MM/cj/th dated October 2017 and the confirmation email from Megan Girling at Deliveroo (12/12/17) that the plant and extract will be installed as outlined in the reports, I have no comments to make regarding this application.

APPRAISAL

Site

The site is an currently a vacant unit located at Redwood Court, Salisbury Street fronting onto Faraday Road and forms part of a small Industrial Estate. There is purpose built student accommodation to the north and the east of the site. To the south is a car wash. The unit was

previously used as an MOT and car servicing garage.

Proposal

Planning permission is sought for the change of use of the building from Sui Generis to a Commercial Kitchen falling under use class B1c (Light industry). The proposed use as a commercial kitchen is to be ran by Deliveroo editions and has 6 'pods' which are to be occupied by individual restaurants, which will produce food solely for Deliveroo customers who order through the Deliveroo website. No customers will visit the site.

Main Issues

- i) Principle of the development;
- ii) Design and impact on the street scene;
- iii) Impact on residential amenity;
- iv) Highways

i) Principle of the Development

The application site is located within an industrial area which predominantly consists of employment uses. The change of use from MOT and car servicing to a B1c use retains the site in employment use. There is therefore no objection in principle provided that it complies with the other policies of the development plan.

ii) Design and Impact on the Streetscene (Policy 10 of the ACS)

The proposed development is considered to be of an appropriate scale and design. The change of use also includes some minor changes to the external elevations of the building. Two air intake vents are proposed on the west elevation, two extraction flues and two air condenser units to the east elevation. These alterations are minor and are consistent with the location of the building in an industrial area and are not considered to be detrimental to the visual amenity or character of the street scene. The proposal therefore complies with Policy 10 of the Aligned Core strategy.

iii) Impact on Residential Amenity (Policy 10 of the ACS)

There is student accommodation to the north and west of the site and given that unit was previously occupied as a mechanics garage it is considered that a commercial kitchen would be a less noxious use. Environmental health have raised no objections to the proposed extraction system and the information provided. A condition is proposed requiring the application to provide confirmation the extraction system has been installed in accordance with the submitted details prior to first use. The proposal therefore complies with Policy 10 of the ACS and NE9 of the Local Plan.

iv) Highways

The majority of Deliveroo's takeaway orders are delivered by bicycle and cycle storage racks have been provided in the rear courtyard of the site, there is some off street car parking available but this is limited as it is shared with the other units within Redwood Court. It is understood four car parking spaces are allocated to the unit. There are a number of local bus services and cycle routes nearby and as no customers will visit the site to collect food there will be no detrimental impact on the Highway network.

Statement Required by Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015

In granting planning permission for the development, the Local Planning Authority has worked with the applicant in a positive and proactive manner.

OTHER MATTERS



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