

My Ref: 19/00251/PFUL3 (PP-07588546)
Your Ref:
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Date of decision: 19 March 2019

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

Application No: 19/00251/PFUL3 (PP-07588546)
Application by: Mr D Hall
Location: 28-48 , Carrington Street, Nottingham
Proposal: Change of Use to offices and new floor layouts across all upper floors (first to fourth floors). Proposed formation of new ground floor office reception area / lobby for all new office space above. Basement space to accommodate cycle store, shower/changing facilities.

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)

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. The development shall not be brought into use until cycle storage has been provided in accordance with the approved plans. The cycle storage space shall thereafter be retained for the life of the development, and not used for any other purpose than the parking of cycles.

Reason: To promote sustainable travel in accordance with Policy 10 of the ACS.



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 5 February 2019.

Reason: To determine the scope of this permission.

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.

3. Planning consent is not consent to work on or from the public highway. Therefore prior to any works commencing on site including demolition works you must contact Highways Network Management on 0115 876 5238 to ensure all necessary licences and permissions are in place. A Construction Management Plan should be submitted for approval, to include details of deliveries (storage arrangements and timings), contractor parking, and any traffic management requirements.

4. The design of the approved scheme for the ventilation and means of discharging fumes shall have regard to the Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems (Defra, 2005).

The approved scheme shall be designed to provide for ventilation and means of discharging and dispersing fumes, the prevention of odour nuisance and the minimisation of the risk of ducting fires. The approved scheme must be maintained, serviced and operated in accordance with manufacturer's recommendations and other authoritative guidance while the development continues to be occupied.

Fire safety advice for restaurants, fast food outlets and take away shops may be obtained from Nottinghamshire Fire & Rescue Service (email: fireprotectionsouth@notts-fire.gov.uk). (NB Cheshire Fire & Rescue Service have useful advice on their website See - <http://www.cheshirefire.gov.uk/business-safety/fire-safety-guidance/restaurants-fast-food-outlets-and-take-away-shops>).

The approved scheme must be kept under review by the operator and alterations or improvements may be required to prevent odour nuisance where any subsequent significant change to the operation of the development is proposed which may affect the control of odour or risk of fire:

Significant changes to the operation of the development which may affect the control of odour include:



- i. The intensification of use of the kitchen,
- ii. The nature of the food prepared, served or cooked on site
- iii. The method of preparation and cooking of the food served or cooked on site
- iv. The extension of operating times

It is the duty of the operator to design, install and maintain the ventilation system to prevent an odour nuisance. Adequate measures must be taken to prevent nuisance due to odours passing through windows, floors or walls etc. into adjoining properties.

Adequate Ventilation

The operator of any cooking appliance must ensure that there is effective and suitable ventilation in order to enable the effective combustion of fuel and the removal of the products of combustion. The specification of a ventilation system shall be determined on the basis of a risk assessment, taking account of factors such as the cooking arrangements taking place and the need to replace extracted air.

The ventilation system must be designed, installed and maintained in accordance with manufacturer's instructions. Guidance on the design specifications of kitchen ventilation systems is contained within "DW/172" produced by the Building and Engineering Services Association (formerly the Heating and Ventilating Contractors Association). Supporting guidance has been published by the Health and Safety Executive (HSE) within Catering Information Sheet 10 (CAIS10), available at <http://www.hse.gov.uk/pubns/cais10.pdf>.

Gas appliances are subject to specific legislation and standards. Newly installed gas appliances should be fitted with an interlock to shut the gas supply off in the event of a failure to the ventilation system. Further guidance on gas safety in catering is available within Catering Information Sheet 23 (CAIS23), available at <http://www.hse.gov.uk/pubns/cais23.pdf>.

The onus for ensuring that the system does not cause odour nuisance or present a risk of fire rests with the operator. If the system is found to be causing an odour nuisance or a risk of fire at any point, then suitable modification works will be required to be carried out and an enforcement notice may be served.

5. Commercial Noise

The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

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: 19/00251/PFUL3 (PP-07588546)

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.



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):

BE12 - Development in Conservation Areas. Seeks to preserve or enhance the character and/or appearance of conservation areas.

MU3 - Southside Regeneration Zone Sites. Seeks to encourage the redevelopment of specified sites.

Aligned Core Strategy

Policy 4 Employment Provision and Economic Development

Policy 7 Regeneration

Policy 10: Design and Enhancing Local Identity.

Policy 11: Historic Environment.

SUMMARY OF RESPONSES TO CONSULTATION

The application has been advertised on site and in the press. Nearby occupiers have been notified of the proposals. Expiry date 18.03.2019. No response received.

Environmental Health and Safer Places: The food and drink uses do not deal with cooking of any food as part of their preparation. They would only warm 'ready to eat' food. It is therefore unlikely that they would produce food odour that would require abatement. An advisory note is recommended for information purposes in case the applicants decide to let out a fast food take away that has cooking as part of the process.

Highways: No objection to the proposal. It is recommended that a condition be imposed to ensure the cycle storage is provided in accordance with the approved plans prior to occupation. An advisory is also recommended to be included advising the applicant to contact Highways Network Management prior to any works commencing on site.

APPRAISAL

Site

The site comprises a characterful group of buildings known as 'City Buildings' which are four storeys plus basement. The group of buildings are situated on the west side of Carrington Street and span the corner with Canal Street down to the Canal. The buildings are located within the Canal Conservation Area and the Southside Regeneration Area. The site occupies a strategic location between the Broadmarsh which is currently being redeveloped and the Nottingham Railway Station

Proposal



Planning permission is sought for the change of use of the upper floors to Office (B1) use. It is also proposed to form a new ground floor office reception area / lobby for all the new office space within the upper floors. It is proposed to accommodate cycle storage, showers / changing facilities within the basement. Although already a predominantly office building, other uses have been accommodated within the upper floors (such as a dance studio) hence the submission of the application. There are no physical alterations proposed to the exterior of the building as part of this current proposal.

Appraisal

Main Issues:

- i. The principle of the use
- ii. Impact upon the conservation area
- iii. Amenity considerations

i. The principle of the use (Policy MU3 of the Local Plan and Policies 4 and 7 of the ACS)

The building is currently underutilised and has been for some time. The proposed conversion would result in grade A office space which is especially welcomed within the City Centre and Southside Regeneration Area. In this area policies seek to encourage sustainable developments that promote the southside as a major location for inward investment which will maximise employment and regeneration benefits.

The application site is ideally located for office development. The site is in a highly sustainable location, being adjacent to the train station, station tram stop and within very short walking distances of a large number of bus stops. Although the site is highly sustainable, parking is also available in nearby multi-story car parks.

The commercial mix of uses in the immediate vicinity of the site are considered to be compatible with the proposed office use.

The proposal meets the requirements and aspiration of Policy MU3 of the Local Plan and Policies 4 and 7 of the ACS to promote this site for office use. The proposal also accords with Policy 5 which seeks office development within the City Centre to support its vitality and viability.

ii. Impact upon the conservation area (Policy BE12 of the Local Plan and Policies 10 and 11 of the ACS)

For many years the building has lacked any new investment and the new owners are seeking to invest a significant sum to create modern, flexible and attractive internal office space over four floors. The proposal will secure a long term viable use which will ensure the buildings' up keep and enhance the character and appearance of this part of the conservation area. The proposal would therefore comply with Policy BE12 of the Local Plan and Policies 10 and 11 of the ACS.

iii. Amenity considerations (Policy 10 of the ACS)

The proposal would be compatible with the surrounding mix of uses and it is not considered it would have a detrimental impact upon the living or working conditions of adjacent occupiers. The proposal therefore complies with Policy 10 of the ACS.

OTHER MATTERS

None.