

## **Report of Director of Planning and Regeneration**

### **235 Derby Road, Nottingham**

#### **1 Summary**

Application No: 21/02177/PFUL3 for planning permission

Application by: Mr Usman Hussain on behalf of Mr Umar Asghar

Proposal: Change of use of ground floor from existing offices/bank into restaurant with open shisha area to the site frontage. Erection of single storey rear extension for use as additional restaurant seating area and alterations to the front elevation

The application is brought to Committee because it has generated significant public interest contrary to the officer recommendation.

To meet the Council's Performance Targets this application should have been determined by 22nd November 2021

#### **2 Recommendations**

- 2.1 **GRANT PLANNING PERMISSION** subject to the conditions 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 application relates to a vacant bank located in the neighbourhood shopping area on the southern side of Derby Road. The bank is a two storey 60's/70's flat roofed building, characterised by its length of horizontal curtain wall glazing to the ground and first floor in both the front and rear elevations.
- 3.2 The building is set back from Derby Road with a narrow paved forecourt to the front. A large surfaced car park is located to the rear of the building accessed from Newgate Street.
- 3.3 The premises form part of a small group of commercial uses located along Derby Road to the east, including the adjoining Savoy cinema, the AvoCafé, a letting agents and Sainsburys Local. The site is adjoined by traditional terraced properties to the west on Derby Road. To the rear, on the opposite side of Newgate Street, is the Palmer Court independent living complex.
- 3.4 A planning application was submitted in 2021 for the change of use from bank to restaurant, with shisha cafe in the rear car park (sui generis), erection of steel enclosure over the shisha area and alterations to the front elevation (planning ref:

21/01192/PFUL3). The application was subsequently withdrawn due to concerns relating to impact on the amenities of Palmer Court and other neighbouring residents, resulting from the large, open sided shisha area.

- 3.5 Advertisement consent was however granted in 2021 for signage for the proposed use of the existing building as a restaurant (planning ref: 21/01193/ADV2).

#### **4 Details of the proposal**

- 4.1 Planning permission is sought for the change of use of the ground floor from offices/bank to a restaurant. An outdoor seating area is proposed to the front of the building on the exiting forecourt to Derby Road. This would serve the restaurant and also act as a smoking/shisha facility. The site layout plan shows room for four tables with chairs and umbrellas to the front of the building. It is also proposed to erect a single storey rear extension for use as additional restaurant seating area, and for external alterations to the front elevation.
- 4.2 Revised plans have been received which reconfigure the restaurant's ground floor layout and amend the design of the rear extension to provide additional fenestration and treatment of the eaves. It is also now proposed to enclose the rear car park with a 3m high fence and gate to the vehicular access. A rear external staircase to the first floor has been removed.

#### **5 Consultations and observations of other officers**

62 neighbouring residents have been notified. Two rounds of neighbour consultation took place due to the description on the original consultation incorrectly replicating that of the previous withdrawn application. The final expiry date for representations was 5<sup>th</sup> December 2021.

Six representations were received in response to the first consultation and the concerns raised are summarised below:

- The proposal would encourage anti-social behaviour (ASB) and further studentification in an area that already struggles with ASB issues. It would give more emphasis that this area is for students and not for families.
- Concern about the opening hours of the shisha bar, especially the front outdoor seating area for smoking and drinking would lead to further ASB and noise disturbance late at night for local residents, with a possibly even greater footfall along this already noisy section of Derby Road.
- Strong disagreement to the use as a shisha bar on health grounds
- A shisha bar will add nothing beneficial to the local area or its council tax paying community
- Insufficient parking for a shisha bar in an area already suffering from the lack and inconsiderate parking due to the cinema and café

Four further representations were received in response to the second re-consultation (with correct description) and the concerns raised are summarised below:

- The proposal is another example of the studentification of the neighbourhood at a time when students are being encouraged to think about PBSA accommodation outside of residential areas to alleviate the bad effects students create in what ought to be quiet residential neighbourhoods. This plan goes in the opposite

direction and will disappoint many residents seeing yet more evidence that their neighbourhood is being turned over to students

- There is already a significant problem with student related ASB in the Lenton community, exacerbated by the volume of students that currently reside here. One particular ASB problem is the noise of students returning home after going out for a drink etc. Whilst this proposal is not directly adding to the student overload; to provide further drinking venues that are open into the night is only going to increase the late night (early morning) 'street noise' that has been driving long term residents out of the community
- Exacerbation of current parking issues in the area due to the Savoy cinema and local mosque
- A Shisha bar will attract only an adult type of clientele, not family orientated. At least the Savoy and AvoCafe cater for both families and adults.

Two petitions have also been received from residents of the Palmer Court independent living complex located to the rear of the premises on Newgate Street. The first petition, with 37 signatures, was received in response to the original consultation and the second, with 42 signatures, in response to the re-consultation with correct description. Both express concern that the proposed development would lead to increased noise pollution and general disturbance to Palmer Court residents until after 11pm. This is seen as very different to its former use as a bank with the normal business hours of 9am to 5pm. Residents already suffer from noise problems from the high number of students living in the area. They have also suffered serious noise and general disturbance in the weeks prior to the submission of the application, in October 2021, with the property used for very loud late night parties, resulting in the police being called out. Many residents have lived in the area for years and do not wish to a deterioration in their quality of life.

A local ward councillor initially objected to the current proposal. Their concerns related to the change of use to a shisha bar and restaurant, with there also being an application for an alcohol licence until 11.00pm. The premises are close to Palmer Court which is a long-term elderly person's supported living complex that accommodates vulnerable residents and has care workers attending throughout the day and evening. They felt the proposal to be a world of difference away from the former use as a bank, operating to normal office hours, to one that they believe would be of significant detriment to the lives of a considerable number of elderly residents. They understand that the owner is applying for outside seating which would include people drinking outside on the pavement, which they also don't think is acceptable in the local area. They also mentioned the premises being used for unauthorised and very loud parties, involving excessive alcohol, whereby Palmer Court residents had to call the police. The area also suffers from severe parking problems not helped by the number of HMOs in the area and the nearby Savoy Cinema attracting a large number of people from a very wide area.

Regarding the revised scheme and noting the improved overall design of the rear extension and that the applicant has agreed to restrictive conditions to control the use of the front seating area and rear car parking area, the ward councillor has withdrawn their objections to the proposed development.

**Nottingham City Homes:** The Head of Supported Housing for Nottingham City Homes, who is responsible for the management of Palmer Court, has objected to the proposed development. They feel that it will have a detrimental impact on resident's ability to peacefully enjoy their homes, particularly in the late evening and at night, as a result of the inevitable noise and additional traffic that such a

development will bring. The immediate vicinity of Palmer Court already has a high concentration of student homes with the attendant noise and other anti-social behaviour that is sometimes associated with a student lifestyle. They too mention the recent late night events that have taken place at the site, when residents complained of noise, often up to 4am, coming from both the site and vehicles as attendees departed.

**The Nottingham Action Group (NAG):** They consider that although some revisions have been made, it is in essence proposing the same use of the building as a restaurant and shisha café/area as the original application. Therefore, the NAG's original objections remain, with additional comments on the revisions:

1. The relocation of the shisha to the outdoor seating area to the front of the building on Derby Road has addressed some of the concerns about the impact on the residents of Palmer Court in terms of noise disturbance and smoke pollution. However it is now clearly visible from both the pavement and from the forecourt of the adjacent Savoy cinema, which are used/visited by local community including families with young children. This would open the local community to direct exposure to a smoking environment, sending the wrong message both in terms of the health risks of smoking and the nature of the local environment. As such the NAG think that it will have the same detrimental impact on the locality and its perception.
2. The opening times have been reduced to 11pm daily which is an improvement but do not go far enough to address concerns. There are still concerns that the 9am opening time would allow for the potential takeaway use catering for the largely student population moving between the HMOs in Lenton and the two University campuses. The NAG note that the area and local population already benefits from a café at the entrance to the Lenton Green estate.
3. No attempt has been made to explain the waste disposal storage arrangement for the restaurant. NAG consider it would be inappropriate, for example, for the homes on Newgate Street to be subjected to the impact of restaurant waste along with whatever other detrimental effects the change of use will have on them in terms of increased noise and disturbance in the area.
4. No mention is made on what is proposed for the upper floor of the building.
5. The proposal would still result in an overall reduction of car parking spaces but with the potential for increased parking demand. No provision is made for disabled parking, which is considered unacceptable.
5. The plans are inadequate.

**Nottingham Civic Society:** The Civic Society continues to object to the alterations proposed to the front elevation of a former bank building. At present, the front elevation comprises mostly curtain wall glazing, an unremarkable product of its time but not without some design integrity in its relatively reserved appearance on a main road frontage characterised by good red brick houses and reasonably sympathetic and harmonious more recent interventions. The alterations proposed still include large indiscriminate signage panels and other disfigurements, robbing the front elevation of its original architectural integrity and making an incoherent street elevation which would damage the appearance of the neighbouring conservation area

**Smoke Free Compliance Officer:** The use of the front outdoor seating for shisha would be smoke free compliant.

**Environmental Health:** No objections. Conditions requested relating to ventilation/extraction, hours of use, no external amplified music, and the use of the front outdoor seating area to cease by 10pm daily.

**Highways:** No comments.

## **6 Relevant policies and guidance**

### **National Planning Policy Framework (2021)**

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 126 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

### **Aligned Core Strategies (September 2014):**

Policy A: Presumption in Favour of Sustainable Development

Policy 10: Design and Enhancing Local Identity

### **Local Plan Part 2 - Land and Planning Policies (January 2020)**

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy DE4: Shopfronts

Policy TR1: Parking and Travel Planning

Policy IN2: Land Contamination, Instability and Pollution

## **7 Appraisal of proposed development**

### **Main Issues**

- (i) Principle of the Development
- (ii) Impact on Residential Amenity
- (iii) Design and Impact on the Streetscene
- (iv) Other Matters

### **Issue (i) Principle of the Development (Policy A of the ACS)**

- 7.1 The former use of the premises as a bank and the proposed use of the ground floor as a restaurant both fall within the new Use Class E, and as such the change from one to the other does not require planning permission. The positioning of free standing tables and chairs on the forecourt of the building does not in itself require permission and the use of this space in association with the restaurant use, whether for shisha or otherwise, would be ancillary to that use. It is also recognised that this is a relatively small external space fronting a busy main road.
- 7.2 The principle of the proposed use is not therefore in question.

### **Issue (ii) Impact on Residential Amenity (Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP)**

- 7.3 The proposed single storey rear extension would be located in the rear car park area of the premises, accessed from Newgate Street. The rear extension is now not proposed for shisha use, as was the case with the previous application which included an open sided structure to meet smoke free legislation. The proposal is now for a fully enclosed extension which would provide an additional seating area for the restaurant.
- 7.4 The extension has been revised during the life of the application with both its size and projection towards Newgate Street reduced. Its design and appearance have also been enhanced and rather than being a solid box as originally proposed, windows have been introduced into the southern elevation, a roof edge and fascia have been introduced, rooflights added and the building is to be finished in a bronze coloured cladding system. The rear elevation of the extension would be in excess of 30m from the facing north elevation of Palmer Court and it is also proposed to install a means of enclosure along both the rear (south) and side (west) boundaries of the car park, to further protect the amenities of neighbouring residents. The details of the enclosure would be agreed by condition.
- 7.5 To further limit the potential for noise and disturbance the applicant has agreed to conditions that would limit the opening hours of the restaurant to between 9am and 11pm daily, and prevent the use of the remaining rear car park area for outdoor seating associated with the restaurant.
- 7.6 Environmental Health, in raising no objections to the development, have requested conditions requiring the use of the front outdoor seating area to cease by 10pm and

preventing amplified or unamplified music outdoors. These details are to be conditioned. Details of the ventilation system to prevent odour nuisance would also be conditioned.

- 7.7 Subject to the above conditions, it is considered that the proposal would have no adverse impact upon the amenities of neighbouring residents, in accordance with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.

**Issue (iii) Design and Impact on the Streetscene** (Policy 10 of the ACS and Policies DE1, DE2 and DE4 of the LAPP)

- 7.8 The property sits at the edge of the New Lenton Conservation Area but not within it. The proposed alterations to the front elevation are considered to be acceptable, retaining the first floor windows but replacing the central band of spandrel panels with a fascia zone for the signage and, at ground floor level, creating a new central entrance and adding a distinctive area of ribbed metal cladding to hide what will be the kitchen area. The signage panels were approved under the 2021 advertisement consent. Overall, it is considered that the proposals will give a modern refresh of what is currently a rather tired front façade.
- 7.9 The rear extension to the restaurant would, in its revised form, be an acceptable addition to the building. The structure as now proposed is considered to have a simple but cohesive design that responds appropriately to the existing building and its context.
- 7.10 The revised plans show the rear car park to be enclosed with a 3m timber fence. It is felt that this would be too high and imposing on Newgate Street and also in terms of its impact on the neighbouring residential property to the west, where light and outlook could be affected. Details of the enclosure's design and materials are therefore to be conditioned.
- 7.11 Waste and recycling bins are to be appropriately located in the space between the east elevation of the rear extension and the adjacent blank side elevation of the Savoy cinema.
- 7.12 Details of all external materials for the extension and alterations to the front elevation are to be conditioned.
- 7.13 Subject to the conditions referred to above, the proposal complies with Policy 10 of the ACS and Policies DE1, DE2 and DE4 of the LAPP.

**Other Matters**

- 7.14 **Highways and Parking (Policy TR1):** The initial proposal for a larger extension included no parking spaces to the rear. The revised scheme retains 10 parking spaces, which is considered to be sufficient to serve a restaurant of this size and can accommodate any disabled parking. It is also noted that the premises are situated in a highly sustainable location on a major public transport corridor.
- 7.15 The applicant has stated that they did not have any involvement in the recent use of the property for late night parties.

**8. Sustainability / Biodiversity**

Not applicable.

**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**

Ensuring that all planning and development decisions take account of environmental and sustainability considerations.

**14 Crime and Disorder Act implications**

Improved surveillance and community safety.

**15 Value for money**

None.

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

1. Application No: 21/02177/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R0GBB4LY01B00>

**17 Published documents referred to in compiling this report**

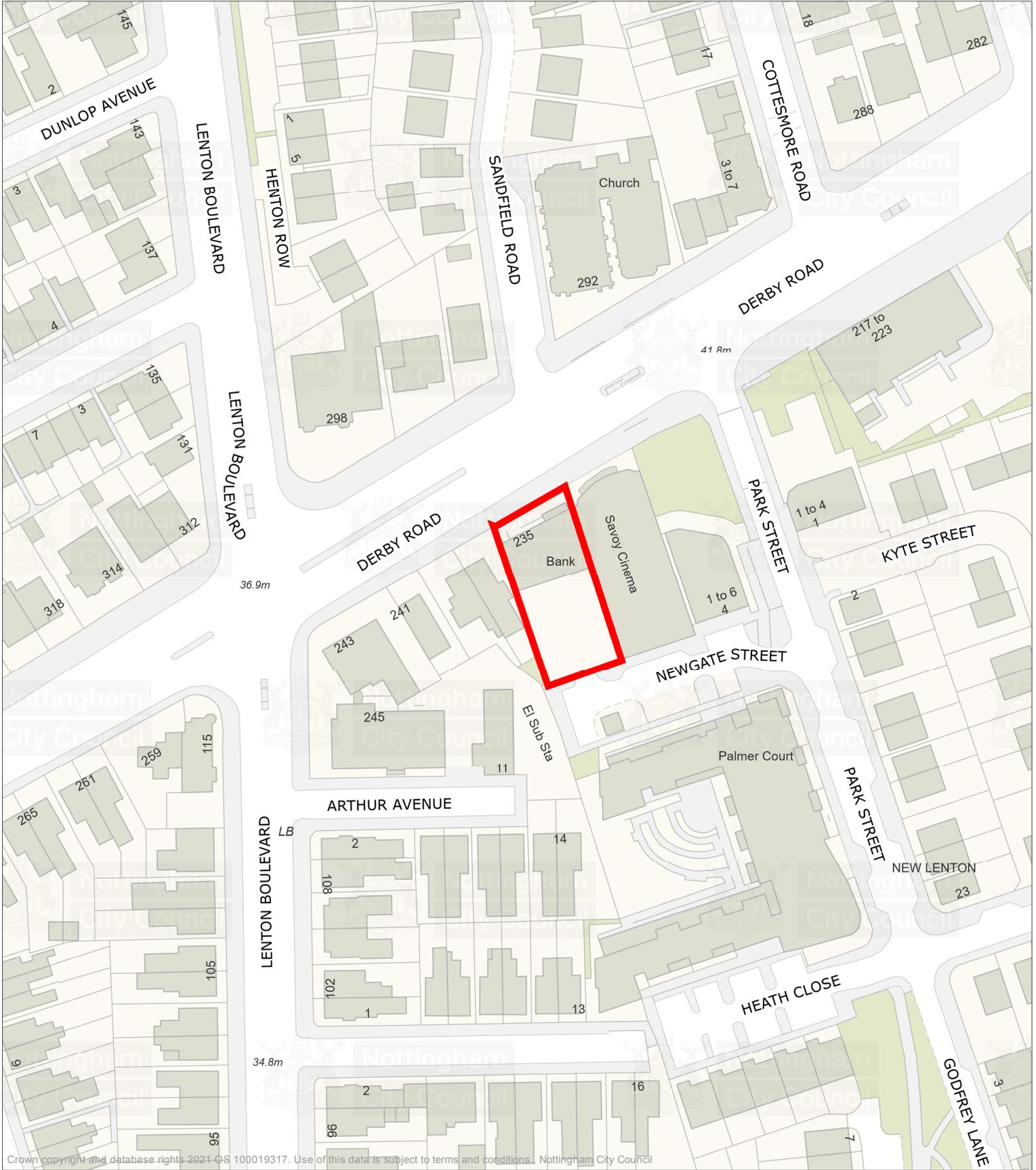
Aligned Core Strategies – Local Plan Part 1 (2014)  
Land and Planning Policies – Local Plan Part 2 (2020)  
NPPF (2021)

**Contact Officer:**

Mrs Jo Bates, Case Officer, Development Management.

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# NOMAD printed map



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## Key

 City Boundary

## Description

No description provided

**My Ref:** 21/02177/PFUL3 (PP-09897082)  
**Your Ref:**  
**Contact:** Mrs Jo Bates  
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**Nottingham  
City Council**

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Mr Usman Hussain  
266 Wollaton Road  
Nottingham  
NG8 1GN

Date of decision:

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

Application No: 21/02177/PFUL3 (PP-09897082)  
Application by: Mr Umar Asghar  
Location: 235 Derby Road, Nottingham, NG7 1QN  
Proposal: Change of use from existing offices/bank into restaurant with open shisha area to the site frontage. Erection of single storey rear extension for use as additional restaurant seating area and alterations to the front elevation

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. Prior to the commencement of the development, a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour from the development shall be submitted to and be approved in writing by the Local Planning Authority.

The submission shall include an odour risk assessment, the design configuration, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from development.

*Reason: To ensure that neighbouring residential properties to the development do not experience odour nuisance in accordance with Policy 10 of the ACS and Policies DE1, LS1 and IN2 of the LAPP.*



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3. Prior to the commencement of the development, details of all external materials, including details of the colour, finish and spacing pattern of the cladding, windows/doors, means of enclosure and hard surfaced areas of the site, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be implemented in accordance with the approved materials.

*Reason: To ensure that the appearance of the development is satisfactory and in the interests of securing a sustainable development in accordance with Policy 10 of the ACS and Policy DE1 of the LAPP.*

4. Notwithstanding the submitted plans, the enclosure of the rear (south) and side (west) boundaries of the rear car park area shall be no more than 2.1m in height, the precise details of which shall be submitted to and agreed in writing with the Local Planning Authority prior to its installation.

*Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the ACS and Policy DE1 of the LAPP.*

#### **Pre-occupation conditions**

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

5. Prior to the development being brought into 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.

*Reason: To ensure that neighbouring residential properties to the development do not experience odour nuisance in accordance with Policy 10 of the ACS and Policies DE1, LS1 and IN2 of the LAPP.*

#### **Regulatory/ongoing conditions**

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

6. The extended restaurant premises hereby permitted shall not be open to customers outside the hours of 09:00 to 23:00 daily.

*Reason: To protect the living conditions of neighbouring residents in accordance with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.*

7. The car park to the rear of the premises shall not be used as an outdoor seating area associated with the restaurant.

*Reason: To protect the living conditions of neighbouring residents in accordance with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.*

8. The outdoor seating area to the front of the premises shall be used by customers or staff after 22:00 hours on any day, other than for access to and egress from the premises.

*Reason: To protect the living conditions of neighbouring residents in accordance with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.*

9. No amplified or unamplified music shall be played at any time in the outdoor areas of the premises.

*Reason: To protect the living conditions of neighbouring residents in accordance with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.*

### **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 following drawings/documents:  
Elevations reference P203 revision Rev 3  
Plan reference P201 revision Rev 3

*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. Control of Odour & Provision of Adequate Ventilation**

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 (EMAQ, 2018).

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](mailto: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



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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.

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: 21/02177/PFUL3 (PP-09897082)

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](http://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.

## **STREET NAMING AND NUMBERING**

Nottingham City Council has a statutory responsibility for agreeing and registering addresses. If the development will create one or more new addresses or streets (for example a new build or conversion) please contact [address.management@nottinghamcity.gov.uk](mailto:address.management@nottinghamcity.gov.uk) as soon as possible,



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quoting your planning application reference. Any addresses assigned outside of this process will not be officially recognised and may result in difficulties with service delivery.

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