

## Report of the Chief Executive

<b>APPLICATION NUMBER:</b>	<b>21/00242/ENF</b>
<b>LOCATION:</b>	<b>Bistro 66 (formerly The Circle), 66 High Road, Beeston, Nottingham</b>
<b>PROPOSAL:</b>	<b>Unauthorised air extraction units</b>

The application is brought to the Committee as requested by Councillor D K Watts.

1 Background

- 1.1 This matter was initially brought to the Council's attention in August 2021 at which time a noise complaint had been raised by a local resident with the Environmental Health Team.
- 1.2 Upon inspection it was found that two new extraction units had been installed on a first floor roof to the rear of the premises which were allegedly installed to replace an older unit. No evidence has been provided to substantiate this claim. The new units do not benefit from any rights of permitted development and therefore a retrospective planning application was invited in an attempt to regularise the units. Despite our best efforts, no valid application has been received for consideration to date.

2 Recommendation

**The Committee is asked to RESOLVE that at this time the matter is not expedient and that no further action should be taken.**

2 Appraisal

- 2.1 The ground floor of this terraced property is a restaurant in the town centre. On the first floor to either side of the premises are residential flats. These are accessed at the rear of the property. The air conditioning units are not visible in the street scene, being situated at the rear of the property above ground floor level.
- 2.2 The units in question serve the kitchen of the premises and only operate when the kitchen is in operation.
- 2.3 Noise diary sheets were issued to the complainant by Environmental Health at the outset of the complaint but no evidence was ever provided and the case was subsequently closed. No further complaints in relation to the units have been received by Planning Enforcement.

3 Conclusion

- 3.1 Whilst it is recognised that a breach of planning control has occurred, no evidence has been provided to suggest that the units are causing a noise nuisance, nor have any further complaints been received by the Council. Therefore, further enforcement action is not considered to be expedient in this case.

4 Financial Implications

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets.

5 Legal Implication

The comments from the Head of Legal Services were as follows:

The Council's planning enforcement powers are discretionary and we should not take further action simply because there has been a breach in planning control. Enforcement action should only be taken where the Council is satisfied that it is 'expedient' to do so, having regard to the provisions of the development plan and to any other material planning considerations. In making this assessment the Council will have gathered evidence regarding the nature and scale of the breach, and whether it unacceptably affects public amenity. As stated in the report there is no evidence to suggest that the units have caused a significant enough degree of harm to warrant further action.

6 Data Protection Compliance Implications

Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7 Background Papers

Planning Application Statement.



Map



Legend

 Site Outline