

**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>21/00247/FUL</b>
<b>LOCATION:</b>	<b>Roots Micro Bar, 17 Nottingham Road, Kimberley, Nottinghamshire, NG16 2NB</b>
<b>PROPOSAL:</b>	<b>Change of use to convert garage and rear garden to be used as part of public house</b>

The application has been called to the Planning Committee by Councillor P J Owen.

1 Executive Summary

- 1.1 This application seeks consent to change the use and convert an existing detached garage and rear garden area to be used as part of the existing Micro Bar business.
- 1.2 Planning permission was granted in 2016 for the change of use from retail (A1) to micro pub (A4), along with alterations to the front elevation.
- 1.3 The application site is not covered by any site specific planning policy. The main issues for consideration are whether the design and appearance of the converted garage is acceptable and whether or not it will have an unacceptable impact on neighbouring amenity.
- 1.4 The submitted plan indicates the conversion of the existing detached garage located to the rear of the main building which would provide the provision of four tables internally, along with an external consumption area which would have the capacity to accommodate one or two tables maximum.
- 1.5 The benefits of the proposal are the expansion of a small micro bar business located on the outskirts of Kimberley Town Centre.
- 1.6 Overall it is considered that the proposal is acceptable and that planning permissions should be granted in accordance with the recommendation in the appendix.

## APPENDIX

1 Details of the Application

- 1.1 This application seeks consent to change the use and convert an existing detached garage and rear garden area to be used as part of the existing Micro Pub business.

2 Site and surroundings

- 2.1 The application site is located on the main Nottingham Road route into and out of Kimberley Town centre which is a short walk away. The site consists of a two storey detached building set back from the main road, with a small garden and garage to the rear.
- 2.2 Directly to the east and opposite on Nottingham Road there are residential properties. To the west there is an access road and public right of way which leads to Kimberley Town Football Club, a bowling green and outdoor recreation facilities. Beyond this there is a medical centre.

3 Relevant Planning History

- 3.1 Planning permission was granted under reference number 02/00172/FUL for the construction of a ground floor rear extension.
- 3.2 Planning permission was granted under reference number 16/00322/FUL for the change of use of part of the ground floor from retail (A1) to micro bar (A4), including alterations to the front elevation doors and shop front.

4 Relevant Policies and Guidance4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

- 4.1.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 6: Role of Town and Local Centres
- Policy 10: Design and Enhancing Local Identity

4.2 **Part 2 Local Plan 2019:**

- 4.2.1 The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 13: Proposals for main town centre uses in edge of centre and out of centre locations
- Policy 17: Place-making, design and amenity

4.3 **National Planning Policy Framework (NPPF) 2019:**

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 12 – Achieving well-designed places.

## 5 Consultations

- 5.1 **Council's Environmental Health Officer** – Raise no objections, request conditions relating to the restriction on hours of the outside areas including the converted garage, no sound or reproduction or amplification equipment and no recorded or live music.
- 5.2 Two neighbouring properties were consulted during the processing of the application along with the posting of a site notice, with one letter having been received objecting on the grounds of impact upon residential amenity through associated noise and parking problems.

## 6 Assessment

- 6.1 The main issues for consideration are the principle of development, design and impact upon visual amenity, impact upon residential amenity and highway safety. These will be discussed in turn as follows:

### 6.2 **Principle**

- 6.2.1 Planning permission was granted in 2016 under reference number 2016/00322/FUL for the change of use of the building from retail (A1) to micro pub (A4). The conversion of the existing garage and rear garden to the rear of the building will provide a small increase in the seating capacity of the existing micro bar. Given there is an existing planning permission in place for the change of use, the principle of development is considered acceptable.

### 6.3 **Design**

- 6.3.1 The existing garage to the rear of the property is located built up to the north west boundary of the site. Along the boundary down the side of the main building and the adjacent access track there is an existing 2m high close boarded timber fence. The only change proposed to the external elevations of the garage involve the bricking up of existing garage doors on the rear elevation and the provision of by – folding doors to the front elevation. A small retaining wall and access steps are proposed to provide patrons access into the outbuilding and outdoor consumption area. Whilst a variety of internal alterations are proposed, these would not require planning permission. Given the small nature of the changes to the external elevations of the and its location, it is not considered the proposal will give rise to any significant detrimental impact upon the visual amenity of the area.

### 6.4 **Amenity**

- 6.4.1 Concerns have been raised in respect of additional noise from the use of the garage and rear area for customers.
- 6.4.2 Along the boundary of the immediate neighbouring property there is a 1m high brick wall with a 2m high close boarded timber fence on top of it, making the height of the existing boundary treatment 3m in total. In addition to this are a variety of trees and shrubs protruding higher than the fence by approximately

300mm and which are within the garden of the neighbouring property. To the rear of the neighbouring property there is a large garden area with the main dwelling set approximately 8m from the rear garden area serving the micro bar. Given the limited size of the garage to be converted and the outdoor garden space providing a limited number of tables, the use of these areas for customers is considered acceptable.

- 6.4.3 Generally drinking establishments can be associated with noisy activities, gatherings of people at unsociable hours and sometimes unwanted unruly behaviour of people. However, it should be taken into account that this establishment is a small scale micro bar which has a unique appeal for enjoying real ales and ciders in an intimate surrounding rather than a traditional pub with events and music.
- 6.4.4 During the consideration of the original change of use application in 2016 under reference number 2016/00322/FUL, the Council's Environmental Health Officer raised no objections to the application subject to conditions restricting the opening hours between the hours of 12pm and 10.30pm Monday to Friday and 10pm on Sundays, Bank and Public holidays and there being no amplified music played. In respect of this application, again no objections have been raised by the Environmental Health Officer subject to the implementation of these conditions for the proposed outdoor areas including the converted garage. However, if there is a future nuisance by reason of noise and disturbance the Council's Environmental Health Department can take action under their own powers.
- 6.4.5 Given the minor nature of the conversion of the existing garage and rear garden area to provide additional customer seating, there being no objections from Environmental Health and the proposed conditions restricting the hours of use and outdoor music being played etc. it is not considered the proposal will give rise to any unacceptable impact upon the amenity of the occupiers of the immediate neighbouring properties or properties located opposite on Nottingham Road.

## 6.5 **Highway Safety**

- 6.5.1 Given the nature of the use of the existing building as a micro bar, it is unlikely that many visitors to the premises will be driving and therefore the use is not considered to significantly impact parking provision in the surrounding area. Furthermore, the application site is within close proximity of the town centre of Kimberley with access to public transport facilities.
- 6.5.2 Whilst it is noted that customers and staff to the micro bar may cause inconvenience to the existing residents who have parking demands in the area, considering the size of the establishment it is not considered that the proposal could be refused on this basis. There are no highway safety issues relating to this application.

## 7 **Planning Balance**

- 7.1 On balance the benefits of the increase in seating capacity for the existing established micro bar outweigh the negative impacts upon the residential amenity of the immediate neighbouring properties which can be mitigated by the restrictive

planning conditions proposed upon the hours of use and there being no amplified speech or music allowed. There is also the provision of unrestricted on street parking and the application site is within walking distance of Kimberly town centre, which is served by public transport links.

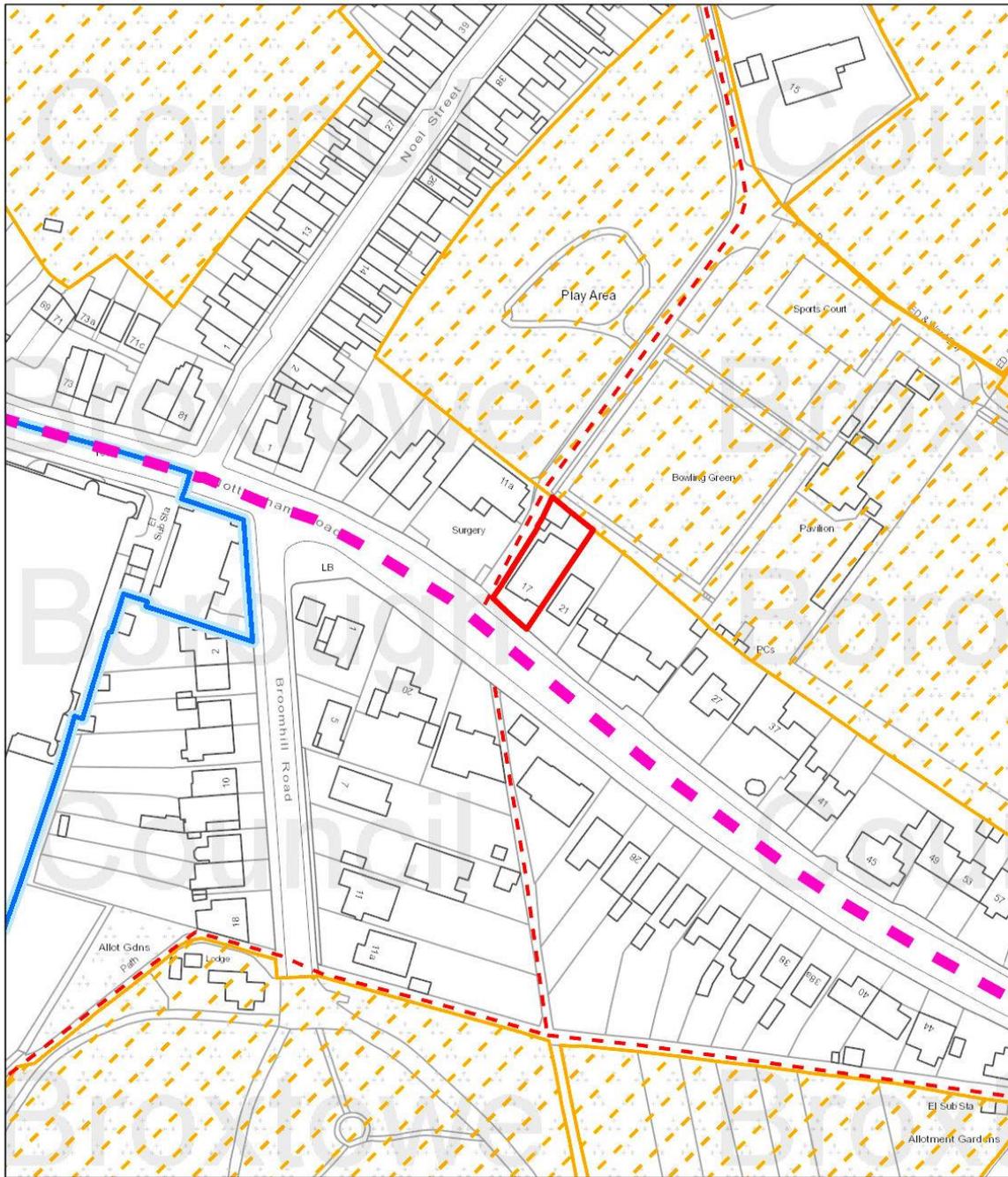
8 Conclusion

8.1 It is considered that, having regard to the relevant policies of the Development Plan, National Planning Guidance and to all other material considerations, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

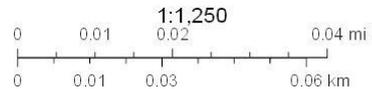
<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</b>	
<b>1.</b>	<b>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</b>  <b><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></b>
<b>2.</b>	<b>The development hereby permitted shall be carried out in accordance with Proposed Elevations, Floor Plans and Block Plan 1: 500, JG/JH/16/017/01 received by the Local Planning Authority on 19 May 2021.</b>  <b><i>Reason: For the avoidance of doubt.</i></b>
<b>3.</b>	<b>The outside area shall not be used except between 12.00-22.30 hours Monday to Saturday and 12.00-22.00 hours Sundays, Bank Holidays and other public holidays without the prior agreement in writing of the Local Planning Authority.</b>  <b><i>Reason: To protect nearby residents from excessive operational noise.</i></b>
<b>4.</b>	<b>No sound reproduction or amplification equipment (including public address systems, loudspeakers, etc) which is audible at the site boundary shall be installed or operated externally without prior written consent of the Local Planning Authority.</b>  <b><i>Reason: To protect nearby residents from excessive operational noise.</i></b>
<b>5.</b>	<b>No recorded, live music or amplified equipment shall be permitted externally without prior written consent of the Local Planning</b>

	<p><b>Authority.</b></p> <p><i>Reason: To protect nearby residents from excessive operational noise.</i></p>
	<p><b>NOTES TO APPLICANT</b></p>
<p>1.</p>	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within agreed determination timescale.</p>
<p>2.</p>	<p>As the area is under a Smoke control order any Multi-fuel or wood burning appliance installed should be an DEFRA approved appliance and installed in accordance with the current guidance and by a suitable accredited supplier.</p>
<p>3.</p>	<p>The applicant is advised to ensure all relevant licensing requirements are met and should contact the Council's licensing team <a href="mailto:licensing@broxtowe.gov.uk">licensing@broxtowe.gov.uk</a> Tel: 0115 9173496.</p>

17 Nottingham Road, Kimberley, Nottinghamshire, NG16 2NB



06/07/2021 11:28:10



-  Open Spaces
-  Bridleway
-  Classified Road
-  Footpath
- Public Rights of Way**
-  Site
-  Byway open to all traffic
-  Town Centre Boundaries

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**Photographs**

Front Elevation.



View of garage to be converted from Nottingham Road.



Boundary with neighbouring property.



Garage to be converted.



Patio area adjacent garage.



