

Report of the Chief Executive

APPLICATION NUMBER:	20/00271/FUL
LOCATION:	6 High Street, Kimberley, Nottinghamshire, NG16 2LS
PROPOSAL:	Change of use of part of garden and construct personal training studio in rear garden

This application has been brought to Planning Committee at the request of Cllr S Easom

1 Executive Summary

- 1.1 This application seeks permission to construct a personal training studio in the rear garden of the application property, and change the use of part of the rear garden to enable personal training classes to be run from the studio.
- 1.2 The proposed studio has a relatively simple design and is of a size and scale that is typical of a domestic outbuilding. The application property has a large garden that is capable of withstanding the scale of development proposed without resulting in a cramped effect that would be out of keeping with the character of the area. The proposed studio will be to the rear of the main dwelling and will therefore not be harmful to the street scene.
- 1.3 The studio is considered to be of a size that will not result in an unacceptable loss of light or sense of enclosure for the residents of the neighbouring properties.
- 1.4 It is acknowledged that the proposed change of use to allow personal training sessions to run from the proposed studio may result in some increase in noise and an increase in activity at the site. The Environmental Health Officer has not raised any objections to the proposal, but has recommended a number of conditions to limit the use of the site, and protect neighbouring residents from unacceptable levels of noise being generated as a result of the proposed use. It is considered that the recommended conditions are suitably enforceable and that with the addition of these conditions the proposed use can be carried out without resulting in an unacceptable impact on neighbouring properties.
- 1.5 The application property has a large drive to the front, capable of accommodating a number of vehicles. The recommended condition would limit the number of customers using the site at any one time to 2 and it is therefore considered that the parking of associated vehicles can be accommodated on the drive. The restrictions on the number of classes per week will also ensure the use will not result in a significant increase in traffic around the site. Subject to these conditions it is therefore considered that the proposed change of use will not result in an unacceptable impact on highway safety.
- 1.6 overall it is considered that the proposal is acceptable and planning permission should be granted in line with the recommendations in the appendix.

1 Details of the Application

- 1.1 This application seeks permission to construct a timber framed outbuilding with external decking area in the rear garden of the existing property. The proposal includes the change of use of this area of the property to be used for personal training, a business the applicant plans to run from home.
- 1.2 The plans provided show that the proposed outbuilding will have a mono-pitched roof with a maximum height of 3m and a floor area of circa 28 sq.m. The outbuilding is proposed to the far end of the residential property, where the land level drops down from that of the main rear garden.

2 Site and surroundings

- 2.1 The application site is a residential property and garden, set within a largely residential area, with agricultural use to the north west of the site. The application site adjoins residential properties to the east and south boundaries. The application site slopes away from north to south, with a significant drop in land level to the far end of the garden where the proposed personal training studio will be sited.

3 Relevant Planning History

- 3.1 There is no relevant planning history in connection with this application.

4 Relevant Policies and Guidance

4.1 **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 10: Design and Enhancing Local Identity

4.2 **Part 2 Local Plan 2019**

- 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:**

No objections to planning permission being granted subject to conditions being applied to limit the hours of operation for both the internal and external areas, limit on the number of people attending a class, the number of classes per week, and the maximum time a class can run, no amplified speech or music being played at any time, and that the permission is solely for the benefit of the applicant and the use will cease when this person no longer carries out the use. These conditions are all considered necessary to protect immediate residential properties from excessive operational noise.

5.2 Six properties either adjoining or opposite the site were consulted and a site notice was displayed. 17 responses have been received, all of which have raised objections. The main reasons for objection can be summarised as follows:

- Increased levels of cars parking on the surrounding streets.
- Increased levels of traffic.
- Noise pollution from the proposed use.
- The commercial use is not appropriate in a residential area.

6 Assessment

6.1 The main issues for consideration are the impact of the proposed personal training studio and the change of use on the amenity of neighbouring residents, the design and appearance of the proposed studio, and the impact on highway safety.

6.2 **Principle**

6.2.1 The application site is not covered by any site specific planning policy. The Council has no specific policies in relation to running businesses from home. Whether or not the principle of development is considered acceptable is therefore subject to its impact on neighbouring amenity, the design and appearance of the proposal, and its impact on highway safety.

6.3 **Amenity**

6.3.1 The proposed personal training studio will be a timber structure with a mono-pitched roof and a maximum height of 3m. The proposed structure will be approximately 0.75m from the south boundary of the site, with No. 3 Blants Close, Close. The pitch of the roof will slope up away from the boundary with No. 3, with the height of the roof closest to the boundary being 2.5m. The structure will run along most of the adjoining boundary with No. 3, although it is considered that the relatively limited height of the proposed structure, along with it being slightly set in from the boundary will ensure it will not result in an unacceptable sense of enclosure or loss of light for the residents at No. 3. Furthermore, the proposed structure is positioned to the north of the neighbouring property and as such is not considered to result in an unacceptable loss of afternoon sun to the rear of No. 3.

6.3.2 The proposed studio will be approximately 0.71m from the east boundary of the site with No. 2 Blants Close. The land level to the proposed studio drops significantly from the rear of the neighbouring property, and there is a high fence along the east boundary of the site between the two properties, which exceeds

the height of the proposed structure. The proposed studio will have no further impact on the rear of No. 2 than the existing boundary treatment, and will therefore not result in any further sense of enclosure or loss of light for the residents of the neighbouring property.

- 6.3.3 The neighbouring land to the west of the property is in agricultural use, with no residential properties in close proximity to the position of the proposed studio. It is therefore considered that the proposed studio will have no impact on the amenity of the neighbours to the west.
- 6.3.4 The proposed studio will be single storey, with no openings proposed on the rear or side elevations. The proposed openings on the front elevation will face towards the host dwelling, and due to the substantial boundary treatment to the east will not result in a loss of privacy for the residents at No. 2 Blants Close. Overall it is considered that the proposed studio will not result in an unacceptable loss of privacy for the residents of any neighbouring property.
- 6.3.5 The proposed change of use of this part of the garden to be used in association with the personal training studio will result in an increase in activity to this part of the property. Personal training sessions can typically involve activities which generate more noise than would be expected in the rear garden of a residential property, especially if the use is intensive. A number of objections have been raised about the potential for noise pollution from neighbouring properties and the impact must be given serious consideration.
- 6.3.6 Whilst the number of objections raising noise concerns is relatively high, the proposed studio is positioned to the far end of the garden of the application property, with the most significant potential impact being on two properties, No. 2 and No. 3 Blants Close.
- 6.3.7 A number of discussions have taken place with the applicant to establish exactly what type of personal training sessions will be taking place at the property, and the frequency of the use, with a view to ensuring that any proposal would have the minimal impact on the amenity of neighbouring properties. The applicant states that the proposed personal training sessions will be on a 1 to 1 or 2 to 1 basis, with no large group sessions. The applicant has also stated that most sessions will take place during the week, with limited activity proposed at weekends.
- 6.3.8 The Council's Environmental Health Officer has been consulted on the proposal and has raised no objections subject to a range of conditions that have been agreed with the applicant to ensure that the use of the proposed use of the personal training studio would not result in an unacceptable loss of amenity for neighbouring residents as a result of noise generation. The proposed conditions which are designed to minimise the impact are as follows:
- Restricted use of external areas to between 09.00 - 18.00 Monday to Friday, 09.00 – 13.00 on Saturdays and at no time on Sundays and Bank Holidays.
 - Restricted use of the studio with customers to between 09.00 - 18.00 Monday to Friday, 09.00 – 13.00 on Saturdays and at no time on Sundays and Bank Holidays.

- No amplified speech or music to be used on site as part of the permission at any time.
- No more than 2 clients to be present at the premises at any time.
- A maximum of 10 sessions per week with sessions lasting no more than 2 hours each.
- The permission shall be for the applicant only and the permitted use shall expire when the applicant ceases to operate from the site.

6.3.9 These conditions are considered to be enforceable and have been designed to include strict restraints on the proposed use to ensure it will not result in unacceptable levels of noise and activity to the detriment of the residents of neighbouring properties. It is considered that with these conditions in place the proposed use can be carried out without resulting in unacceptable noise generation and with the use not being so intensive as to result in an undesirable change in the residential nature of the area. The applicant has also been made aware that the granting of planning permission for this use would not exempt them from any formal action by the council under current nuisance legislation if nuisance complaints are received.

6.3.10 Overall, and taking into account the recommended conditions, it is considered that the proposal will not have an unacceptable impact on neighbouring amenity.

6.4 Design and Appearance

6.4.1 The proposed studio will be of a size and scale that is relatively typical of a domestic outbuilding for a dwelling of this size. It is set away from the host dwelling, and is of a size that is clearly subservient to the existing property. The application property has a large rear garden that is capable of withstanding the scale of development proposed without resulting in a cramped effect that would be out of keeping with the character of the area.

6.4.2 The proposed studio will be contained to the rear of the property and therefore will not be prominent from the public realm and will not have a harmful impact on the street scene.

6.4.3 The proposed studio will have a relatively simple design with a timber construction that is not considered to be out of keeping with the character of the surrounding area. Overall it is considered that an acceptable standard of design has been achieved.

6.5 Access

6.5.1 The application property has a large drive to the front, that is able to accommodate a number of vehicles. The recommended conditions restrict the number of customers attending a session to a maximum of 2. Therefore, there would not be more than 2 additional vehicles parking at the property at any one time. Taking into account the size of the drive, it is considered that this can be accommodated without resulting in an unacceptable increase in on street parking in the surrounding area.

- 6.5.2 The recommended condition to restrict the number of personal training sessions held at the studio to 10 per week will restrict the number of journeys made to and from the property. It is therefore considered that any increase in the number of journeys to and from the property as a result of the use as a personal training studio would not result in an unacceptable level of traffic generation.
- 6.5.3 Overall it is considered that the proposal will not result in an unacceptable impact on highway safety.

7 Planning Balance

- 7.1 The proposal will enable the applicant to run a local independent business from home. The proposed studio is of a size and scale that is not out of keeping with the character of the surrounding area, and will not result in an unacceptable sense of enclosure or loss of light for the residents of the neighbouring properties.
- 7.2 Whilst the proposal to change the use of the part of the garden to enable personal training sessions to take place will result in some increased activity and noise generation, it is considered that the recommended conditions are sufficient to ensure this will not result in an unacceptable loss of amenity for the residents of neighbouring properties. The recommended conditions will also ensure the change of use will not result in an overly intensive use of the site that will be harmful to the residential nature of the surrounding area.
- 7.3 On balance it is therefore considered that the benefits of the proposal outweigh the limited potential harm.

8 Conclusion

- 8.1 It is considered that the proposal is acceptable at that planning permission should be granted subject to the recommended conditions.

Recommendation

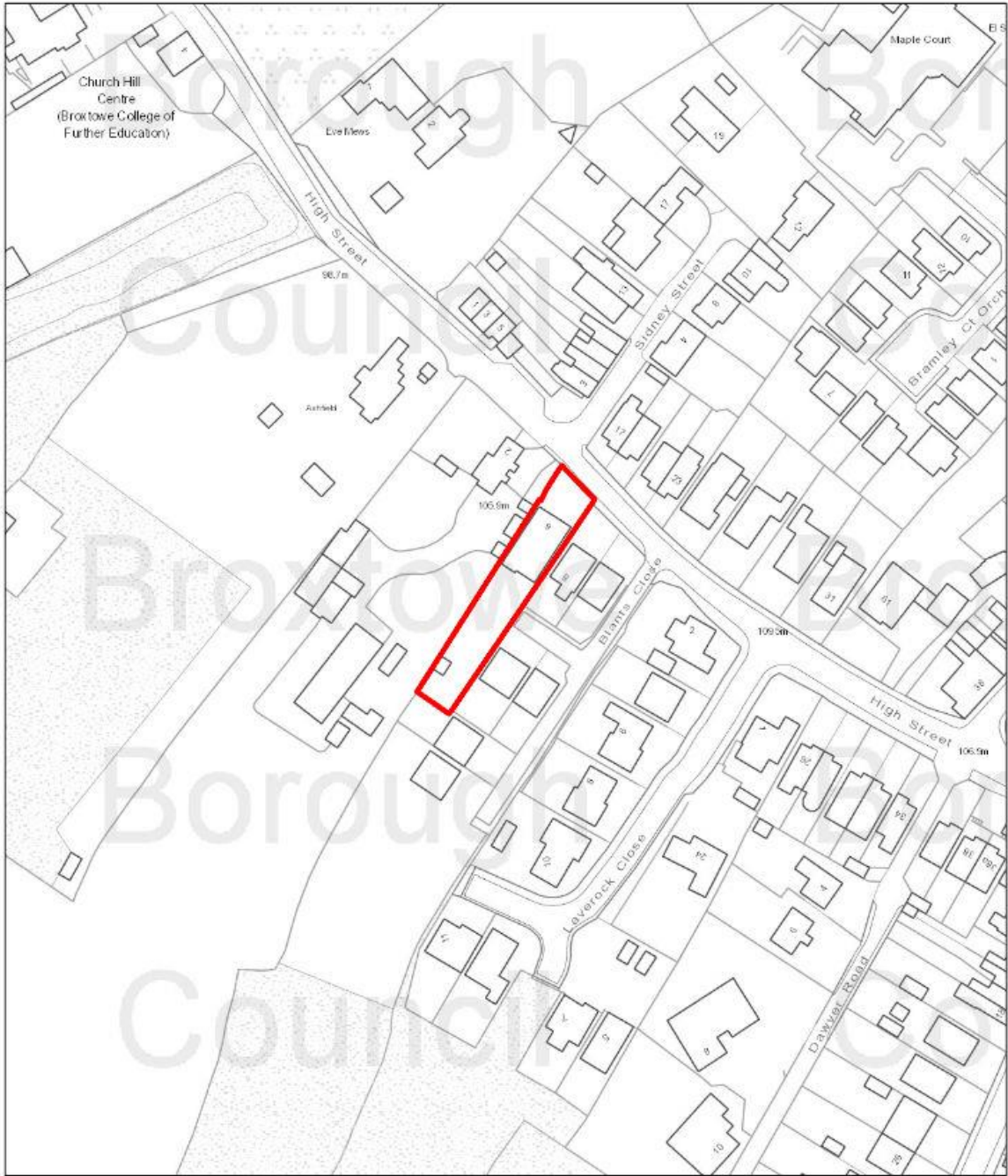
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.

1.	The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission. <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>
2.	The development hereby permitted shall be carried out in accordance with the Site Location Plan (1:1250) and the drawing numbered 20-2004 (1:50, 1:100, 1:500); received by the Local Planning Authority on 20 April and 11 June 2020.

	<i>Reason: For the avoidance of doubt.</i>
3.	<p>The proposed external areas shall not be used for the proposed purpose except between 09.00 – 18.00 hours Monday to Friday, 09.00 – 1300 Saturday and at no times Sundays, Public and Bank Holidays.</p> <p><i>Reason: To protect immediate residential properties from excessive operational noise.</i></p>
4.	<p>The personal training studio hereby approved shall not be used for the customers except between 08.00 – 18.00 hours, Monday-Friday 08.00-13.00 hours Saturday and at no times Sundays public and Bank Holidays.</p> <p><i>Reason: To protect immediate residential properties from excessive operational noise.</i></p>
5.	<p>No amplified speech or music to be played onsite as a part of this permission.</p> <p><i>Reason: To protect immediate residential properties from excessive operational noise.</i></p>
6.	<p>No more than 2 clients shall be present at the site for the purposes of the permitted use at any time.</p> <p><i>Reason: To protect immediate residential properties from excessive operational noise.</i></p>
7.	<p>The total number of client sessions, at the maximum duration of two hours per session, shall be limited to a maximum of no more than 10 per week for the purposes of the permitted use.</p> <p><i>Reason: To protect immediate residential properties from excessive operational noise.</i></p>
8.	<p>This permission shall endure solely for the benefit of the applicant. When this person ceases use of the land for the permitted purpose the application site shall revert to its original use.</p> <p><i>Reason: To protect immediate residential properties from excessive operational noise.</i></p>
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the eight week determination timescale.

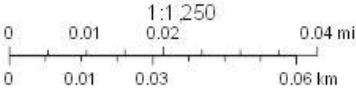
2.	<p>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p>
3.	<p>By the granting of this permission and the conditions thereon, does not exempt the applicant or the operator of the proposed activity from any formal action by the council under current nuisance legislation if nuisance complaints are received.</p>

20/00271/FUL - 6 High Street, Kimberley



6/3/2020, 12:19:09 PM

 Site



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Photographs



Rear garden of No. 6 looking towards site of proposed studio.



Steps down to site of proposed studio.



Site of proposed studio and relationship with No. 3 Blants Close.

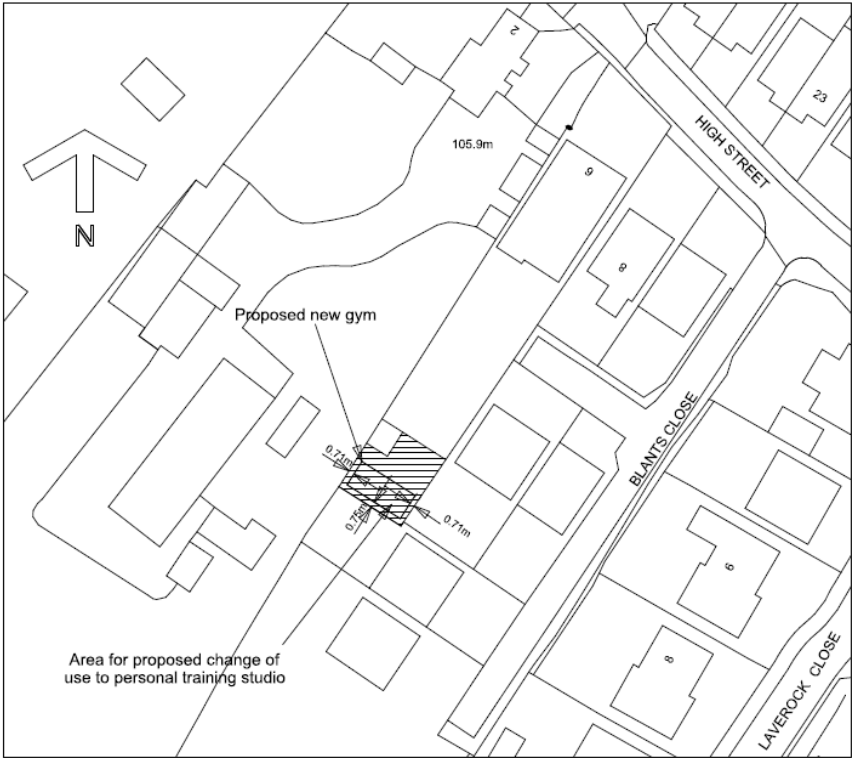


Relationship with No. 2 Blants Close.

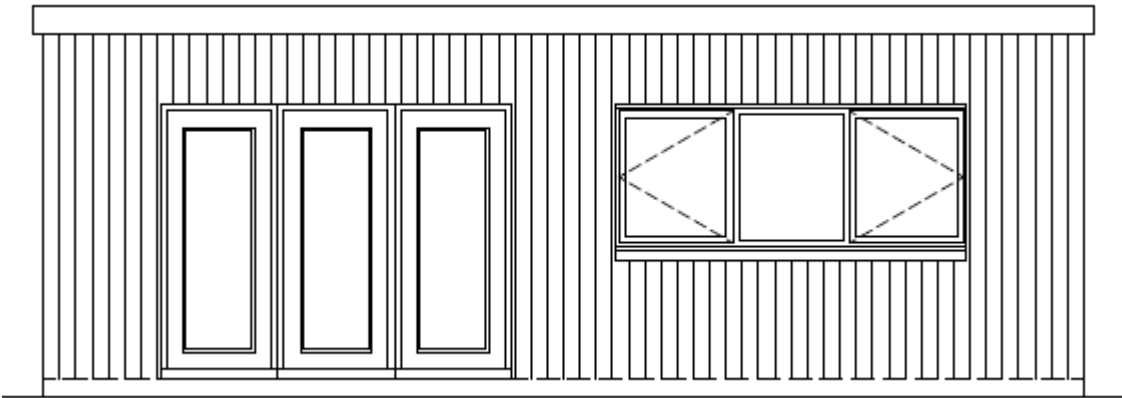


Front elevation and driveway of No. 6 High Street.

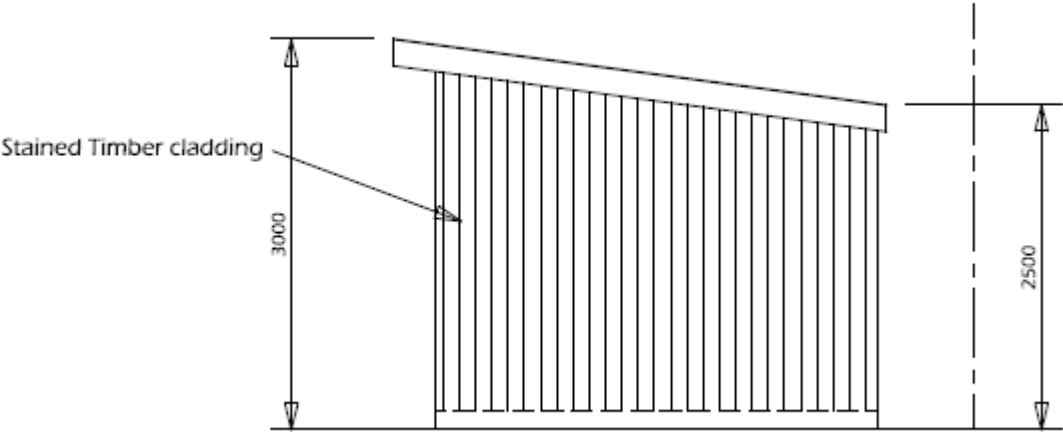
Plans (not to scale)



Block Plan



Proposed Front Elevation



Proposed Side Elevation