



**Planning Development Business Unit**  
**Castle House**  
**Great North Road**  
**Newark**  
**NG24 1BY**

[www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk)

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Date: 21 October 2021

Licensing And Enforcement  
 Newark and Sherwood District Council  
 Castle House  
 Great North Road  
 Newark On Trent  
 NG24 1BY

Dear Sir/Madam

**Consultation response for application for service licence**

<b>Application for:</b>	Application Licensing Premises Requests
<b>Application No:</b>	LICENS/018/21
<b>Applicant:</b>	Licensing And Enforcement
<b>Description:</b>	Request for comments attached to application for service licence.
<b>Site Address:</b>	12 Besthorpe Road Collingham Newark On Trent NG23 7NP

With reference to your recent enquiry regarding the above, having undertaken investigations regarding the site, please note the following:

Planning Permission was granted under reference 18/01060/FUL for the Conversion of existing barns to micro brewery. The planning permission imposed the following conditions, of relevance to this enquiry:-

**Condition 8**

The premises shall only be open to members of the public between the following hours:-

9am to 5pm Mondays to Saturdays and;  
 10 am to 5pm on Sundays.

Reason: In the interests of residential amenity.

**Condition 12**

The premises shall be used for micro-brewery and for no other purpose, including any other use falling within class B2 of the Schedule to the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in an statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of residential and visual amenity.

It is clear from the wording of Condition 12 that in planning terms, the predominant use was one of manufacturing of beer. The approved plans did show one of the barns to be used as a "showroom/visitors area" and the officer report confirms that an "ancillary shop" was considered and

approved as part of the application. This retail element was ancillary to the primary manufacturing use of the site.

Whilst some minor sipping/sampling of the beer within the shop prior to purchasing beer for consumption off the premises within the customer hours of opening set out in Condition 8 above, could be seen as being within the terms of the current planning permission, consumption of any significant amount of alcohol on the premises by significant numbers of people until late into the night would fall outside the current planning permission in place.

Planning Services would therefore object to the licence on a permanent and unrestricted basis.

However, I understand that Brian Beddows and Tony Dennis have also been in contact with the Planning Service Enforcement Officers separately in this regard and discussions have taken place as to whether the applicants could be allowed to hold a small number of events through-out the year under permitted development rights that may not require the express consent of the Local Planning Authority, and I would recommend that the above comments be taken in the light of these ongoing discussions.

I trust this will be of some assistance.

If you require any further information regarding the above notification, please contact me on the details below quoting application number LICENS/018/21.

Yours faithfully

Kevin McDonald  
Technical Support Officer  
Planning Development Business Unit

The Licencing and Enforcement Section.

171 Low Street

Newark and Sherwood District Council.

Collingham

Castle House.

Newark

Great North Road.

NG23 7NL

Newark.

NG241BY.

24 October 2021

Ref Brook House Brewery

Dear sir,

I refer to the letter recently sent to me about the application made by the above premises. I own the Maltkins, which is located across the Besthorpe Road.

I am very concerned about the environmental impact that may be caused by the opening hours and the use of music. What limits will be imposed with regard to the level of noise, litter, parking and general operation of the business, which is known as the cat asylum. When the pub, The Grey Horse, was in operation there was lots of noise from drinkers, broken glass, and litter. This is a micro brewery which seems to be applying to change its mode of operation significantly. Besthorpe Road is not exactly a wide road, so any increased traffic is a potential danger, both for other road users and pedestrians.

Yours faithfully

David Thomas



Mr and Mrs Orme  
8 Woodhill Road  
Collingham  
NG23 7NR

28<sup>th</sup> October 2021

Sirs,

**Premises Licence Application – Brook House Brewery Limited**

We are writing to comment to the premises licence with reference to the above.

We feel in this instance any licence should be limited to the off sale of alcohol related to their micro-brewing business during normal trading hours (9am-5pm weekdays and 10am-5pm Sundays) as stipulated in their planning permission.

Our comments regarding the premises licence application relate to the prevention of public nuisance and public safety.

To put our comments in context our property is approximately 70m from the premises to the south. There are single and two storey buildings between our property and the brewery.

**Planning Permission**

We understand the licencing and planning laws are two distinct regimes, however the building has planning permission for a micro-brewery **only** and public access to this building is limited to **9am and 5pm weekdays and 10am-5pm on Sundays** to protect the interests of local residents.

The brewery have applied for a premises licence to open on a daily basis, 9am-11.30pm to the public in various guises with music and performance (dance and plays) played internally (amplified) and externally at various times of the day, principally afternoon and evening for entertainment and all day and evening for the sale of alcohol. **This contradicts the planning permission.**

The application is to allow the playing of live music and for performances in the indoor and outdoor spaces during the afternoon and evening, potentially every day. A premises licence would create a public nuisance by allowing live music and performances up until 10.30pm every day adjacent to local homes and gardens. This is demonstrated through evidence as detailed below and attached.

As stated above any licence should be limited to the sale of products related to the business and within their hours of business stipulated on the planning permission.

It is also clear from the planning permission granted in 2018 that Conditions attached to that permission have not been approved, particularly issues in regard of noise pollution attached to only being a brewery.

**Public Nuisance**

Whilst we support local businesses, including this one, the brewery has demonstrated it is a public nuisance in the immediate local area with the noise and highways safety issues extending into the late evening related to opening for public and private larger events which we have made you aware of previously with evidence.

The events that have taken place caused a particular problem in what is a quiet residential area where the noise (music and cheering/jeering) bounces around amongst the masonry walls of local buildings and with windows open in the warmer months it is causing issues related to disturbing sleep and keeping children awake whilst waiting for the music (internal and external) to stop.

The brewery has been holding events throughout 2021 since lockdown eased for hen/stag parties, weddings, live music events and other performances. The noise comes from both the workshop barn, sales room (bar area) and the garden areas.

Attached to this email is evidence illustrating eight examples during 2021 of public nuisance caused to the neighbouring properties.

Movie 1 – 23<sup>rd</sup> July 2021 @ 11.30pm

Movie 2 – 23<sup>rd</sup> July 2021 @ 11.45pm

Movie 3 – 4<sup>th</sup> September 2021 @ 9.13pm

Movie 4 – 4<sup>th</sup> September 2021 @ 10.30pm

Movie 5 – 4<sup>th</sup> September 2021 @ 7.20pm

Movie 6 – 11<sup>th</sup> September 2021 @ 9.22pm

Movie 7 – 11<sup>th</sup> September 2021 @ 10pm

Movie 8 – 11<sup>th</sup> September 2021 @ 10.15pm (taken on Rio Drive)

Whilst we don't think the premises is wishing to be a broadcaster, you could sing along to the tunes from our property and garden if you wished to.

As we understand from the planning officer report for the 2018 planning approval the issue of noise has been happening since at least 2018.

As noted above, the brewery hasn't had details approved for acoustic control of its own planning permission and based on this and the evidence presented above and attached, we would argue it has shown no interest in controlling noise pollution from its premises thereby causing demonstrable public nuisance and harm to local residents and their ability to enjoy their private homes.

**Public Safety**

Primarily the public safety issue in this location is parking or lack thereof. The premises has parking on site (3 No. spaces) related to the micro-brewery only. The brewery relies on on-street parking in the immediate environs for any event it holds.

The Grey Horse opposite is now closed and the car park of this property will be part of the gardens of that property once fully converted and so cannot be relied on.

There have been incidents of parking on the verges on both sides adjacent to the brewery of both buses and cars on both sides hindering the highway on the entrance into the village which is on a bend.

Attached are four images taken at events in 2021 for reference.

Image 1 - 23<sup>rd</sup> July (the bus was sat in this position until 23:45pm as shown in Movie 2 above)

Image 2 - Illustrates the former Grey Horse car park being utilised for the event on 4<sup>th</sup> September (a private dwelling)

Image 3 - 11<sup>th</sup> September 2021 on Woodhill Road – parking illegally on the pavements and blocking the highway

Image 4 - 9<sup>th</sup> September @ 1.34pm outside the brewery

The brewery has been encouraging customers to park elsewhere further away from the brewery following issues at events during 2021, but this means that the highways and public safety problem is now moved to other local streets as you will note from Image 3 and this has blocked local buses, emergency vehicles and farm vehicles from going about their business. This is unacceptable.

#### **Licence Requirements of Brewery**

The brewery require a premises licence as we understand to sell their own produce legitimately and this is supported by the brewery that stated 22<sup>nd</sup> October '21 on Facebook that *"the licence is there so that we (the brewery) can legitimately sell beer to anyone who wants to take it away as **off sales**".*

This contradicts what this licence application is for which is more akin to an entertainment venue/public house with beer garden which is evidenced by the above and attached.

As noted above, the planning permission is for a **brewery only and a sales area related to the brewery**. The planning use of this property is **not** for an entertainment venue/public house with beer garden which appears to be what this licence application is for.

It is clear from the evidence presented herewith that it would be unacceptable to permit a premises licence in this instance.

We trust you find the above clear and you would take into account our views in forming your opinion.

Yours Sincerely,

*Mr & Mrs Orme*

15 RIB <sup>APPENDIX 4</sup> DRIVE  
COLLINGHAM  
NEWARK  
NOTTS  
NG23 7NB.

25-October-2021

To The Licensing and Enforcement Section.

Re - licence application from 'Cat Asylum'  
Brook House Brewery Limited.

As a resident of Rio Drive in Collingham  
my garden backs directly on to the Cat Asylum.

My concerns in relation to this application  
are:

Parking - there is no car park with the  
Cat Asylum and visitors park along  
Woodhill Road which is already congested  
with resident parking as they prefer to  
park on the road instead of their  
allocated driveways.

Safety - the Cat Asylum is on the side of  
the busy A1133, with no gate to prevent  
children or adults inebriated to step out  
in front of traffic.

Noise - I am concerned about the noise level on a daily basis, If this application is granted, potentially there will be screaming children and raccoons adults impacting on my mental health. I will feel unable to sit in my garden as it will no longer be peaceful.

Please consider this application carefully as I am concerned about the impact it will have on the local residents.

Yours Faithfully

Ben Ford.





## LICENSING ACT 2003

NAME OF APPLICANT: ..... Brook House Brewery Limited .....


PREMISE ADDRESS: ..... 12 Besthorpe Road, Collingham, Newark,  
NG23 7NP.....

EMAIL ADDRESS .....

REPRESENTATION BY: ...Mr & Mrs Bolton, 19 Rio Drive, Collingham, Newark  
NG23 7NB.....

## DETAILS OF REPRESENTATIONS

LICENSING OBJECTIVES	REPRESENTATION (Details and any supporting evidence)
1. The prevention of public nuisance	<p>The area surrounding the premises applying for the licence is purely residential. There are no other licenced premises except the One Stop which is an off-licence, and which can sell alcohol to 10.00pm. There are no other licenced venues for music in the near vicinity.</p> <p>The application states that there can be live music 7pm until 10.30pm every evening including weekends and 2-6pm on both a Saturday and a Sunday with recorded music until 11pm. Although it states that live music will be unamplified outside, if there is a performance of a play the licence application is seeking for the music to be amplified inside and outside from 2pm to 11.00pm every night.</p> <p>The applicant has had several temporary licenced events during 2021, for which amplified music has been played both inside and outside and when inside the doors have remained open so that the amplified music has not been controlled for residents. On numerous occasions in 2021 and before lockdown when events with live music have taken place, these have created significant noise and disturbance to residents in private homes and gardens and have not stopped until midnight or later, even though the temporary licence granted has been until 11.00pm. We therefore have full confidence that if the licence as applied for is granted, that the music will</p>

	<p>cause a significant public nuisance on a regular basis.</p> <p>We have made complaints to the licencing department on a regular basis during the summer of 2021 on the consistent excessive amplified and unamplified music that has been taking place most weekends. These events have included a private wedding reception, events that have been sold in advance on websites to anybody outside of the village and plays which have included loud trumpets being used, which has resulted in us and fellow residents being unable to use our property without nuisance. In August/September 2021 there were three weekends out of four in which we had to make complaints due to the excessive noise.</p> <p>We first complained to the licencing department back in March 2018 when the premises was open to the public in the evening when a local rock band performed with amplifiers and shot a video there, which went on well past midnight.</p> <p>There has been a blatant disregard to the public nuisance that this premises has created and continues to do so through the licence permissions currently given.</p> <p>Further considerations that we would like the licencing authority to note when considering the application: Planning permission granted for these premises is for a microbrewery open to the public 9-5 and 10-5 on Sunday and <b>part of that planning permission under condition 12 is that it is not used for any other purpose.</b></p> <p>We also understand that until last month, Companies House was striking off Brook House Brewery Limited as a company due to failing to comply with section 853 of the Companies Act to file a Confirmation Statement. The Director of Brook House Brewery Limited could face criminal proceedings which may affect them being a licence holder.</p>
2. Public safety	<p>There are considerable highway safety concerns regarding the licensing of the premises. The entrance to the premises is situated straight after the approach to the village where the speed limit changes from 60mph to 30mph and includes a severe bend.</p> 



The above picture was taken in July when a band was performing at the premises, until after midnight. Cars were parked on the road outside together with the coach for some out-of-village attendees. The coach was parked outside on the road at midnight also.

There are only three car parking spaces provided in the premises and therefore cars tend to park right outside on the road next to the entrance to the premises, on the pavement outside the premises and on the local residential streets.



When previous temporary licensed events have taken place and even on events that were unlicensed, there have been food vendors who park in the space after the entrance to the premises, so the limited provided car parking spaces cannot be used (see above photo).

On a previous theatre event, there was no facility for the theatre company to park their van on the premises as food sellers were using the available space and therefore they had to park on the residential streets along with residents and attendees of the events.





The following photos are of Woodhill Road on the day that a wedding reception was held from 2pm until after midnight and these are the cars parked on the neighbouring streets.



3. The prevention of crime and disorder

Nothing to add.

4. The protection of children from harm	Nothing to add,
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If a hearing is held do you intend/~~do not intend~~ to attend the panel hearing relating to the above application.  
(*please indicate*)

Signed ..... ..

Please print name .....*Susan Bolton*.....

Please complete and return to:

Licensing and Enforcement  
Public Protection  
Newark and Sherwood District Council  
Castle House  
Great North Road  
Newark  
Nottinghamshire  
NG24 1BY

**Disclosure of personal details of persons making representations:** Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made. In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant. Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.

### **General Data Protection Regulation (GDPR) 2016 Privacy Notice**

The personal information you provide will only be used by Newark and Sherwood District Council, the Data Controller, in accordance with General Data Protection Regulation 2016 to:

process your application

**or**

undertake a statutory function

The basis for processing this information is to enable the council to undertake a public task or to provide the service that you are requesting.

Your personal information will be shared with the applicant and other interested parties\* in connection with the above purpose. Some of your personal information will be included in a public register in accordance with our statutory responsibility. Such public information may also be disclosed if requested under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004

Your personal data will be kept in accordance with the Council's retention policy and schedule. Details of which can be found on in the council's asset register on our website:

<http://www.newark-sherwooddc.gov.uk/yourcouncil/makingarequestforinformation/re-useofpublicsectorinformationregulations/>

In accordance with GDPR you have a right to:

- Have a copy of the personal information that we hold about you. Details of how to obtain this are <http://www.newark-sherwooddc.gov.uk/dataprotection/>
- Complain to the Information Commissioner if you feel that your information is not being handled appropriately <https://ico.org.uk/>

You may also have a right

- to prevent automated processing and profiling
- to erasure ( also known as the right to be forgotten)
- to stop processing
- to data portability

For further details about how you information may be used or about your rights under this legislation and any subsequent data protection legislation, please contact the Council's Information Governance Officer on 01636 655216 or via email on [freedom@nsdc.info](mailto:freedom@nsdc.info)

\* interested parties meaning other people that have submitted reps or responsible authorities



# COLLINGHAM *Parish Council*

**Licensing and Enforcement**

Public Protection

Newark and Sherwood District Council

Castle House

Great North Road

Newark

**NG24 1BY****By email:** [request@newark-sherwooddc.gov.uk](mailto:request@newark-sherwooddc.gov.uk)

29 October 2021

To whom it may concern,

**APPLICATION FOR SERVICE****BROOK HOUSE BREWERY, 12 BESTHORPE ROAD**

Further to your email dated 1 October 2021 with regard to the above.

The Parish Council has considered application for service to the premises as described in the application form.

The Parish Council wish to object to this licencing proposal as there is a genuine concern about the potential for this to be a public nuisance. This is in particular reference to the proposal for live music 7 days a week as laid down in the application. Complaints have been received by both the District Council and the Parish Council about past events held under temporary licences which have occurred on an infrequent basis and have caused a public nuisance through the loud music at those events.

The Parish Council would willingly consider the application again, should the applicant remove the proposal for live music 7 days a week.

Should you have any queries with regard to this response to the consultation, please don't hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'C. Ballantyne', written over a horizontal line.

Caron Ballantyne, CiLCA  
Parish Clerk



**NEWARK AND SHERWOOD DISTRICT COUNCIL**

Licensing and Enforcement  
Public Protection  
Newark & Sherwood District Council  
Castle House  
Great North Road  
Newark  
Notts  
NG24 1BY

**LICENSING ACT 2003**

NAME OF APPLICANT: Brook House Brewery Ltd

PREMISE ADDRESS: 12 Besthorpe Road, Collingham, Newark, Notts NG23 7NP

EMAIL ADDRESS: Unknown

**REPRESENTATION BY:** Mr & Mrs Dodds 10 Rio Drive, Collingham, Newark Notts  
NG23 7NB

**DETAILS OF REPRESENTATION WITH LICENSING OBJECTIVES**

**1. THE PREVENTION OF PUBLIC NUISANCE**

1. The application is excessive with:
  - a. Alcohol sales 09.00 – 23.00 365 days of the year
  - b. Dancing with amplified music to 23.00
  - c. Dancing outdoors to 23.00
2. This is excessive for a rural/village environment
3. Potential for local nuisance and disorder both at and in the surrounding area to the premises
4. Noise disturbance to neighbours and surrounding residential area
5. No parking is provided on the premises and will rely on parking in surrounding residential road network.
6. Highway access is difficult and on a dangerous bend with limited sight lines

**2. PUBLIC SAFETY**

1. Premises are situated on the busy A1133 on a bend with limited sight lines
2. Surrounding road network is residential with similar limited sight lines for access and egress.



**3. THE PREVENTION OF CRIME AND DISORDER**

1. Potential for increased crime and disorder including alcohol related incidents in the surrounding village environment
2. Potential for increased crime and disorder including drug related incidents in the surrounding village environment
3. Potential for local residents to be blighted by disturbance and anti-social behaviour associated with the behaviour of some people visiting the premises.
4. Potential for anti-social behaviour associated with the behaviour of some people visiting the premises in the surrounding village and rural area.

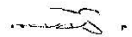
**4. THE PROTECTION OF CHILDREN FROM HARM**

1. Long opening hours starting at 09.00 hours and continuing throughout the day, 365 days of the year could give rise to potential harm and negative influence to local children and young adults.

If a hearing is held, we would intend to attend the panel hearing relating to the above application.

Signed.....

Printed Names



Monday 25<sup>th</sup> October, 2021

Dear Sir/Madam,

We are writing to object to the recent application of new premises licence for:  
Brook House Brewery Limited,  
12 Besthorpe Road,  
Collingham,  
NG23 7NP.

Our reasons for objection to the application are based on prevention of public nuisance and ensuring public safety:

- 1) Over the summer of 2021 there have been several events held at this venue which included loud music being played outside, the level of noise was unacceptably high and had a significant negative impact on our enjoyment of our private home and garden on Rio Drive.
- 2) During several events over recent months, the road congestion caused by vehicles coming to events made the area around the venue, specifically along the A1133, Woodhill Road and Low Street areas, dangerous. In addition, the lack of adequate parking at the venue meant that vehicles instead parked along the A1133, Woodhill Road and Low Street. The parking along Woodhill Road between its junction with the A1133 and Nixon Way was particularly dangerous with vehicles parked along both sides of the road. This made it difficult to drive a family car along the road for several hours at a time. During this period, I believe that emergency vehicles, such as fire engines and ambulances, would NOT have been able to travel down Woodhill Road at all.

Yours sincerely,

Mr Adam Pogson & Dr Zara Pogson