

DELEGATED DECISION REPORT

SMD/2021/0713
Valid 05/11/2021

UNIT 3D
BROWN LEES ROAD
INDUSTRIAL ESTATE
FORGE WAY
KNYPERSLEY

CHANGE OF USE FROM B8
(STORAGE AND
DISTRIBUTION) TO MIXED
USE OF B8 (STORAGE AND
DISTRIBUTION) AND NANO-
BREWERY (B2)

(FULL - MINOR)

MAIN ISSUES

Impacts on employment provision within a 'market town' and the amenity of nearby residential neighbours, particularly with regard to the confirmed introduction of the customer tasting area as part of the previously permitted nano brewery use.

DESCRIPTION OF SITE

A warehousing unit with an area of 237 sqm. The unit is on an existing employment site, Brown Lees Industrial Estate, within the town development boundary of Biddulph. At the southern end of the town, the site occupies former colliery and railway works. The estate is to the north of, and predates, the larger Victoria Business Park.

The unit is one of a number that make up the estate. The building is constructed from buff brickwork with green cladding to its upper elevations and roof and has an existing full height roller shutter door and pedestrian access door that leads out onto a shared parking/manoeuvring area in front of the building. The nearest dwelling is approximately 50m to the west, the other side of a woodland belt that provides a buffer to the site.

The applicants currently operate a mechanical contracting company from the site and have 5 full time employees and 1 part-time employee.

PROPOSAL

Planning permission has already been granted for a change of use to create and make commercial use of a 'brew room' in the corner of the existing warehouse unit. The room would occupy 17.2 sqm of the unit's 237 sq. metre floor area. No external alterations to the building were proposed or permitted other than re-purposing an existing extraction fan. The resulting use would be a 'mixed use' consisting of beer brewing (an industrial process in the terms made out in the application) and warehousing (or storage and distribution).

Following a recent application for a premises licence it was apparent that the area put forward for a licence exceeded the extent of floorspace on the previously approved plans and would allow for the sale of beer on the site and customers to visit, and thus considered to be in breach of the planning consent – outside of conditions controlling use and based on differing plans. This revised application has been submitted to resolve that matter.

This revised proposal encompasses a larger area associated with the nano-brewery. It includes the originally approved 17.2 square metres of floorspace, along with an additional 48.3 square metres of floorspace that is to be used as a seating area where customers can drink alcohol prepared on the premises, as well as an ancillary storage area for grain, brewing equipment and materials.

The proposal represents a diversification of the applicant's existing business and would operate alongside their existing storage and distribution business. As with the previous application, no external alterations to the building are proposed. The brew room would be used for the production of ales, including mashing of barley, boiling wort, fermenting the brew in sealed tanks, and then conditioning the product in tanks and kegs. It would be a small-scale venture and would not require the use of any noisy machinery.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan Development Plan Document (Adopted 2020)
S01 Spatial Objectives
SS1 Development Principles
SS6 Biddulph Town Area
DC1 Design Considerations
T1 Development and Sustainable Transport

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2021/0129 Change of Use to Nano Brewery. Approved.

CONSULTATIONS

Publicity

Site Notice expiry date: 28.12.2021
Neighbour consultation period ends: 28.12.2021
Press Advert: N/A

Public Comments

None

Town / Parish Comments

Biddulph Town Council: Support Approval. Some suggestion by Town Cllrs that opening hours be restricted.

Environmental Health

As previous application - the nano brewery element appears relatively small based on the advice provided but it maybe prudent to impose the following conditions to ensure nearby residential properties are protected from smells and noise.

The granting of planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of part

III of the Environmental Protection Act 1990 be received. The premises licence restrict music and customer noise emissions and requires monitoring and control by the operator.

Staffordshire County Council Highways

Initial objection with concerns raised over insufficient/conflicting information in relation to parking provision; opening hours; and capacity.

Additional information was submitted by the applicant to address concerns (3rd Dec 2021). The position over the use, opening hours, and parking arrangements has been clarified. There would be little overlap between the tasting use and other commercial uses on the estate. Additional parking is available.

No objection subject to conditional approval.

OFFICER COMMENTS

Principle of Development

Paragraph 80 of the National Planning Policy Framework confirms that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. This guidance is enshrined within the policies of the Staffordshire Moorlands Local Plan, with policy SS1 confirming that the Council will expect development to increase economic prosperity and provide opportunities for employment and greater local capacity, with an educated, skilled and flexible workforce.

Policy SS6 of the Local Plan furthermore confirms that the Council will seek to create employment growth and increase the diversity of employment opportunities by supporting the retention and growth of existing businesses within the town and providing opportunities for new enterprises and businesses by promoting further development. These provisions are further reinforced by policy E1 of the Local Plan, which confirms that new employment development will be assessed according to the extent that it supports and improves the local economy in terms of providing for the needs and skills of the existing and future local resident workforce and meeting identified business needs.

The proposed nano-brewery, even with its additional floor area (totalling 65.5 square metres) is a small-scale venture that represents a diversification of the applicant's existing business which they are looking at branching out into. The proposal represents an appropriate use within this established industrial estate, as the predominant use of this part of the building will remain the brewing of beer.

Design

Essentially internal works that are required, there would be no material alterations to the external appearance of the building.

Amenity

The nearest dwelling is some distance from the dwelling (around 50m) to the west, there is a belt of trees between the edge of the employment site and the neighbours that provides enclosure and screening. Brewing beer in the nano brewery would be an industrial process. However, it would not involve noisy machinery and would be compatible with the nearby residential areas in those respects. A conditional permission could prevent the unit from being used for potentially more harmful industrial process, within a use class.

At such a small scale, the brewing is not expected to adversely impact on the amenity of residents. The applicant expresses an intention to use an existing extraction installation. Following advice and guidance from Environmental Health, it would be considered appropriate to use an informative reminding the applicant of responsibilities to control odour and noise nuisance and ensuring that suitable arrangements are installed. There is no retail element proposed here and the site would not be open to passing trade.

It is furthermore noted that the Environmental Health Officer did not object to the recent licence application.

Highway Safety

There would be no increased demand for parking provision. It is an established employment site. With the submission of additional information and points of clarification, there is no objection from the Highway Authority. The following sets out the applicant's submissions and explanation.

The applicant insists his business would not open a conventional pub. The primary use of this half of the building will be a nano brewery, with tastings only taking place during certain hours on a Friday, Saturday and Sunday. Brewing operations will be the principal activity, which will take place during the following hours:

- Monday - Thursday: 07:30 - 17:00hrs
- Saturdays: 07:30 - 12:00hrs
- No Brewing on Fridays

During those hours the applicant will not be opening the premises for customers to sit in and consume products bought on the site. They will be brewing beer only, and various materials and equipment will be accessed in the storage area throughout the day. There might be occasional collections during those hours by customers who have ordered products online, but the applicant expects this to be minimal and would only amount to one extra vehicle being on site at any one time in any case. The applicant may occasionally opt to run a brewing workshop during those hours (as that is when they are producing beer) but this would be for a maximum of four people due to the size of the brewhouse which is very small. As these would be group events, we would expect people to travel together.

In terms of tastings, the applicant intends to open for customers to consume their products on the premises during the following hours:

- Friday - Saturday: 12:00 - 01:00hrs
- Sunday: 12:00 - 23:00hrs

During those hours the applicant would serve beer for consumption on the premises and for consumption off the premises, and the applicant expects the vast majority of take away sales to take place in these periods. During the majority of these hours of use, the surrounding commercial properties are not occupied which substantially reduces any prospect of a parking shortfall.

In terms of the capacity of the seating area, this would be capable of accommodating up to 30 customers, but in practice lower numbers of customers would be expected. The part of the building proposed for a change of use equates to an area of 48.3 square metres, which based on the adopted car parking standards for restaurants (no standards set for drinking establishments) equates to a parking requirement of 7.5 spaces (one space per 4 seated customers).

A revised site location plan shows the location of the parking on the site incorporated into a revised red line. The landlord of the site has also confirmed that he has no issue with customers parking in other parking areas on the estate during the 'tasting' times as the other commercial operators are usually closed during the majority of those periods. There are also public transport connections on Brown Lees Road which offer twice hourly connections with Biddulph and Hanley.

The proposed seating area and ability for customers to visit the site to try the beers that are brewed there has the propensity to generate additional vehicle movements to and from the site, but since this is an established industrial estate, such movements are not considered to be harmful to the amenity of the area. The revised proposal therefore meets the requirements of policy DC1 of the Local Plan.

CONCLUSION / PLANNING BALANCE

Compatible small scale business diversification on an established employment site within the town of Biddulph. The development would comply with the Strategy SS6 of the Local Plan and there would be no conflict with policies DC1 or SD4 in terms of amenity impacts. With exploration, consultation and discussion of the issues it can be concluded that the introduction of a customer seating area and some tasting and drinking uses, would not bring with it adverse impacts in respect of highway or amenity, that should prevent from the grant of a new planning permission that is differing or revised in its terms.

A very similar permission to the one already permitted should be granted with a differing plans condition referencing the revised floor layout plan (that shows a customer seating area); a revised 'use' condition that clarifies customer tasting can be part of the permitted use; and a opening hours condition, as suggested by applicant to address highway concerns, limiting customer drinking activity to times that won't conflict with other commercial activity. No new conditions relating to environmental health response and amenity impacts that would be anymore onerous than those on the existing permission.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Ben Hurst

Recommendation Date: 24/01/2022

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council