DELEGATED DECISION REPORT

SMD/2023/0419	**UNIT 3D**	**VARIATION OF CONDITION 5**
Valid 14/08/2023	**BROWN LEES ROAD**	**RELATING TO SMD/2021/0713**
	INDUSTRIAL ESTATE	
	FORGE WAY	**(FULL - MINOR)**
	KNYPERSLEY	

MAIN ISSUES

- Impacts on the function and operation of neighbouring units; and the amenity of nearby residential neighbours - specifically with regard to the proposal to make additional hours available for customer tasting and drinking 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 unit already has planning permission to be used as a nano brewery with customer drinking/tasting area SMD/2021/0713 and has been laid out and is used accordingly. The premises has associated signage and a small outside seating area.

PROPOSAL

Planning permission has already been granted for a change of use to provide within the unit a nano brewery room with customer seating area for drinking and tasting. The interior is laid out with a brewing area associated with the nano-brewery with a 48.3 square metres of floorspace that is 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 premises is set out and used in accordance with approved plans permitted with SMD/2021/0713.

The existing planning permission was subject to a planning condition that limits the times and days that customers can drink and taste on the premises:

5. The premises shall only be open to and used by customers to consume, drink or taste alcohol during the following hours:
• Friday - Saturday: 12:00 - 01:00hrs
• Sunday: 12:00 - 23:00hrs

Reason:- To ensure that there is parking available for customers at times when the estate is otherwise quiet or inactive and to prevent customer pedestrian or vehicle movements from conflicting with other commercial traffic.

The application is made under s73 of the Act for a differing permission to the one granted to include a variation to that condition so that customers would be allowed to drink, in addition, Mon – Thursday 17:00 – 23:00 hrs.

The applicant and occupant offers the following statement:

The premises have been open for 6 months and in that time they have had no complaints, and there is broad community support for the existence of the tap room, and for the way in which it operates and enhances the local area in terms of amenity, character and function. The applicant therefore refutes entirely the suggestion that the location is inappropriate for the proposed increased opening hours, which will continue to co-exist in harmony with the surrounding commercial premises. The applicant also already benefits from a premises licence for the intended hours of operation.

In terms of car parking, the car park has never once been full during the tap room opening hours, even when the premises have been busy. Please see by way of example hourly photographs taken over the weekend of the 8th / 10th September from the applicant's CCTV cameras which demonstrate this. The majority of the applicant's customers are local residents who walk to the site, or cyclists. There is consequently no reason for anyone to park in front of the complainant's gates as has been suggested. The complainant's premises also have their own gates so there is no security risk to his premises.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan Development Plan Document (Adopted 2020)
S01 Spatial Objectives
SS1 Development Principles
SS6 Biddulph Town Area Strategy
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.

SMD/2021/0713 Change of Use to Nano Brewery. Approved.

CONSULTATIONS

Publicity
Site Notice expiry date: 18/09/2023
Neighbour consultation period ends: 18/09/2023
Press Advert: N/A

Public Comments
One objection has been received from the owner and landlord of neighbouring units. The following concerns are raised:

- Parking availability falls short of providing for stipulated visitor numbers, vehicles are being parked along the roadside and within turning head adjacent to both of my properties where articulated vehicle access is required.
- Uninterrupted 24 hour access is essential for both properties
- The security gates would remain open until 1am and 11pm posing a security risk
- The premises undermines the estates reputation as a professional employment hub making it difficult to retain current tenants and attracting new ones.

The owner and Landlord of the application unit offers a rebuttal:

- Hoplab have been operating for some time and I have not received any complaint from neighbouring tenants
- Hoplab is only open to customers when the other units are closed and during these times the car park is mostly empty.
- All tenants have keys to the compound gates and all have 24hour access. I am not aware of any incident where a tenant has not been able to access their premises.
- The two properties that share Forge Way access with my properties both have gated compounds regardless of whether my gates are open
- The Hoplab being open when the other units are closed adds an onsite presence which can only enhance natural security and surveillance

Town / Parish Comments
Biddulph Town Council: Awaited

Environmental Health
No objection. There is no record of complaint against the premises operating under its current hours. The nearest NSR is approx. 40m away from the premises. There is no record predicted adverse impact to amenity subject to good on site management. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer. 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.

Staffordshire County Council Highways
No objection. Application is to alter opening hours of an existing brewery to allow consumption on the premises. Opening hours proposal is for hours outside the normal working hours of surrounding businesses and will use existing access and car parks. There are no objections on highway grounds.

OFFICER COMMENTS

The applicant and use relies on the terms of the existing planning permission for a nano brewery/brew lab, which within its terms already provides for a customer seating area with drinking and tasting between weekend (Fri-Sun) hours when neighbouring units are closed. The principle of this arrangement is established and, having been open for 6months, has so far demonstrated an apparent compatibility with the surrounding employment uses. There is no evidence that the use has adversely effected the operation of neighbouring units and the employment opportunity on the estate as a whole. Customer drinking presumably makes employment opportunity for a bar tender additional to those that might be involved directly with the brewing process.

Impact on the operation of neighbouring units
There has not been any direct objection or complaint from any of the businesses that occupy the neighbouring units. The objection comes from the owner/landlord of two of these units. The objector eludes to potential issues that might occur with access obstruction and security. However, they do not provide any evidence that this has been an issue to date or that particularly during the evening hours in the week, it is more likely to be an issue.

It does seem likely that visitors that wish to enjoy a drink are more likely to walk, and there is ability for many residents nearby to do so. In rebuttal the applicant does provide evidence, security camera shots of a generally empty car park with plenty of spaces still available.

It also seems likely that an onsite presence of customers and staff during hours when the other units are closed would increase security through natural surveillance and an ability to make a rapid response.

There is no evidence or convincing reason to find that additional customer drinking during evening hours in the week would cause inconvenience to the operations of other units in the area.

Impact on the amenity of nearby residents
There have not been any objections or complaints from any nearby resident. There is no record of complaint against the premises operating under its current hours. On this basis there is no objection from the Council's environmental health officer.

The nearest NSR is approx. 40m away from the premises. There is no record predicted adverse impact to amenity subject to good on site management. The other side of dense boundary shrubbery. The premises are close enough to local residents for customers to walk for a visit but not so close where the use during the hours

proposed should provide undue disturbance. There is no conflict with policies SD4 or DC1 In these respects.

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. After the business has been operational for 6 months it can be concluded that the introduction customer seating area and some tasting and drinking uses, has not brought with it adverse impacts in respect of highway or amenity. This evidence supports the prospect of a new planning permission that is differing or revised in its terms and allows additional hours during the week when customers can drink and taste at the brewery.

A very similar permission to the one already permitted should be granted with a differing opening hours condition as suggested by applicant limiting customer drinking activity to evening hours during the week in addition to the weekend opening that is already permitted. There should be no conflict with other commercial activity. No new conditions relating to environmental health response and amenity impacts that would be any more onerous than those on the existing permission.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Ben Hurst
Recommendation Date: 04/10/2023

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council