

---

**Report of the Head of Strategic Investment**

**STRATEGIC PLANNING COMMITTEE**

**Date: 02-Nov-2017**

**Subject: Planning Application 2017/92286 Change of use from existing industrial use (B1) to mixed use brewery with on-site public tasting room (brewery tap room) and storage of alcohol/function area. Unit 15, Heath House Mill, Heath House Lane, Golcar, Huddersfield, HD7 4JW**

**APPLICANT**

T Pegg

**DATE VALID**

11-Jul-2017

**TARGET DATE**

05-Sep-2017

**EXTENSION EXPIRY DATE**

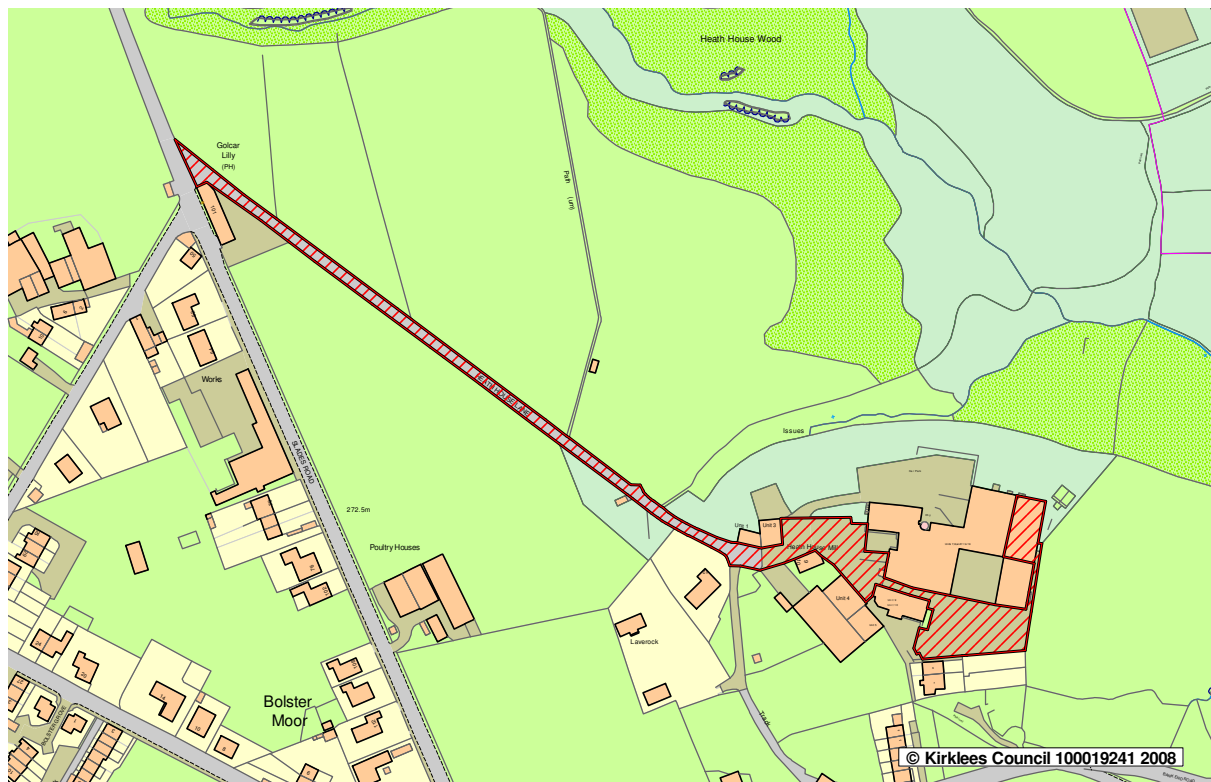
07-Nov-2017

---

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

---

**Electoral Wards Affected: Colne Valley**

No

Ward Members consulted

---

**RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

**1.0 INTRODUCTION:**

1.1 The application is brought to the Strategic Committee in accordance with the Scheme of Delegation because the proposal is for a non-residential development on a site area greater than 0.5 hectares.

**2.0 SITE AND SURROUNDINGS:**

2.1 The application relates to the ground floor of part of a former mill (Heath House Mill). The mill complex has been subdivided into a number of commercial units. The application site includes the shared parking area that serves some of the commercial units.

2.2 The mill site is accessed via Heath House Lane which is an unadopted track off Slades Road in Golcar. Heath House Lane carries public footpath COL/60/10 and COL/60/20.

2.3 The mill lies within the Green Belt. There are open fields to the east, woodland to the north, residential development to the south and open fields and a small number of dwellings to the west.

**3.0 PROPOSAL:**

3.1 Change of use from existing industrial use (B1) to mixed use brewery with on-site public tasting room (brewery tap room) and storage of alcohol/function area. The brewery and tasting room/function area are already operational.

The brewery currently operates between the hours of 8am to 5pm Monday to Friday and these hours would remain unchanged. In respect of the opening times of the tasting room and function area the proposed hours are:-

- Wednesday, Thursday & Friday: 17:00 to 23:00
- Saturday: 12:00 to 23:00
- Bank Holidays: 12:00 to 23:00

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 97/92833 Partial demolition and conversion of industrial premises to 44 no. residential units – Approved

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The applicant was asked to provide additional information relating to the nature of the proposed use which has been used to inform the appraisal at section 10 of this report.

#### **6.0 PLANNING POLICY:**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

##### Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 The application site is allocated as Green Belt on the Unitary Development Plan Proposals Map.

BE1 – Design principles  
BE23 – Crime prevention  
B1 – Employment needs of the district  
B4 – Change of use of land and buildings last used for business or industry  
EP6 – Noise generating development  
T10 – Highway safety  
T19 – Parking standards

##### Publication Draft Local Plan (submitted for examination April 2017):

- 6.3 The application site is allocated as Green Belt on the Publication Draft Local Plan. To the north of the site is an area that forms part of a Wildlife Habitat Network.

PLP3 - Location of new development  
PLP8 - Safeguarding employment land and premises  
PLP21 – Highway safety and access  
PLP22 – Parking  
PLP24 - Design

Supplementary Planning Guidance / Documents:

6.4 None

National Planning Guidance:

6.5 The following parts of the National Planning Policy Framework are relevant:

‘Core planning principles’

1 - Building a strong, competitive economy

2 – Ensuring the vitality of town centres

4 – Promoting sustainable transport

8 – Promoting healthy communities

9 – Green Belts

‘Decision-taking’

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application was advertised by site notice, neighbour notification letters and press advert.

7.2 Two representations have been received. One in support and one raised an objection. The representations are summarised as follows:

In support:

- I am not associated with the applicants in any way other than attending some of their events and I can see the building from my property across the valley.
- This venue is wonderful for the area and the council should be supporting this business. This is a great use that will bring a lovely old building back into use.

Objection:

- Numerous families with young children live close by. Concerns with noise, disturbance, safety and unsociable behaviour – particularly as a result of late opening times and alcohol being involved
- Visitors may use the access in front of the houses adjacent to Bank End Road as a thoroughfare; this is not a public right of way and such use could cause conflict
- There is a nearby pub (Golcar Lily) which is sufficient for the village and well separated from young families
- This is a rural area and the proposal will have a major impact on the existing quality of life and surroundings

**8.0 CONSULTATION RESPONSES:**

8.1 **Statutory:**

KC Highways Development Management – No objections

## 8.2 **Non-statutory:**

KC Environmental Services – No objection subject to conditions restricting the hours of operation and regarding details of any extract ventilation system

West Yorkshire Police Architectural Liaison Officer – No objections

## 9.0 **MAIN ISSUES**

- Principle of development
- Amenity
- Highway issues
- Representations
- Other matters

## 10.0 **APPRAISAL**

### Principle of development

- 10.1 The development is for a mixed use development comprising of a small scale brewery operation including storage and bottling area along with an on-site public tasting room. The bottling area would double up as a temporary events area alongside the tasting room to provide a space for functions to be held.
- 10.2 The site forms part of a former mill which has been subdivided into various commercial units. The principle of the brewery operation is therefore considered to be compatible with the existing industrial nature of the mill site.
- 10.3 The tasting room essentially provides a form of drinking establishment which would fall within the A4 use class. Drinking establishments are classified as main town centre uses and as such should be located within town centres in accordance with paragraph 24 of the NPPF and UDP policy S1. However, the applicant has stated that the tasting room is intended as an ancillary operation to the main brewing business.
- 10.4 The tasting room would comprise approximately 15% of the overall floor area and would be partitioned off from the bottling/temporary events area by either fencing or ropes. The applicant has indicated that the partitioning needs to be temporary to facilitate forklift truck movements within the building when stock is being moved and prepared for delivery. The tasting room would be open on three weekday evenings and from midday on Saturdays plus Bank Holidays.
- 10.5 Tasting rooms are a common aspect of breweries, particularly small 'craft beer' manufacturers and where brewery tours are offered. Officers accept that the tasting room can be considered to be ancillary to the brewery operation and therefore a sequential assessment is not considered necessary.
- 10.6 The applicant is explicitly seeking permission to use the premises as a function room as part of the mixed use scheme. The bottling area would be made available for use as a temporary events/function area outside of the brewery operating hours. The applicant has been holding a number of events/functions since they opened in March 2017. The events have been held under temporary events licences and there have been twelve of these temporary events so far this year. The applicant has stated that the frequency of future events would be dependent on demand but previous events have

included a wedding, birthday parties and open weekends put on by the applicant. Future advertised events are three murder mystery nights in December.

- 10.7 A function room is not a main town centre use as such although function rooms are invariably associated with another principal use. In this case the function use is essentially associated with the brewery tap room. Officers do not have any significant concerns with the principle of a function room on the site subject to a consideration of the highway safety and residential amenity impacts. However, the inclusion of the temporary events area raises an issue as to whether this would tip the balance in terms of the tasting room being ancillary to the brewery operation because the combined floor area represents a considerable proportion of the overall floor space and there would not be any permanent physical separation between the tasting room and the events area. There is therefore the potential for the proposed tasting room to be enlarged by using the bottling area as an overflow.
- 10.8 If it is considered that the tasting room is more akin to an A4 use in its own right then a sequential assessment should be carried out to establish whether there are any alternative sites capable of accommodating the business in town centre or edge of centre locations. Having said that, even if a sequential assessment is necessary it does not automatically follow that the use would be unacceptable in this location.
- 10.9 The application can only be assessed on the basis of the information provided. The applicant has confirmed that the bottling process is a full day operation which takes place once or twice a week. This area is also used for packaging the beer and readying stock for deliveries and such activities occur each day of the week, taking much of the day and involving fork lift trucks. As such, the bottling/temporary events area would be used on a day-to-day basis as an integral part of the manufacturing process.
- 10.10 Whilst it is recognised that the tasting room could be readily expanded to include the bottling area when it is not being used in connection with beer production, on balance officers are prepared to accept that the tasting room is an ancillary element and the proposals do not require a sequential assessment. A condition could be imposed to seek to ensure that the tasting room remains ancillary to the overall operation. This could be done either by limiting the floor area of the tasting room (although the absence of any permanent physical separation to confine the tasting room makes such a condition difficult to enforce) or by limiting the number of visitors to the premises at any one time. The number of visitors visiting the facility is considered to be the best way of controlling the level of activity.
- 10.11 In a broader sense, the proposals would support the growth of a new business which currently supports one full time and two part time members of staff. The application indicates that up to four part-time jobs would be created by the proposals. In this regard the principle of the development is supported by the NPPF.

#### Residential Amenity

- 10.12 The premises form part of an established mill that has been subdivided and contains numerous different businesses. These include a steel products manufacturer, a window supplier, green construction firm, a small removal

business and technology repair shop. There are also a number of residential properties within the immediate vicinity. The closest properties are 8 Heath House Lane which is a semi-detached house that abuts the shared parking area; 9 Heath House Lane which is a detached dwelling set within the mill complex and; 12 Heath House Lane which adjoins the main access to the mill site. There are also numerous other dwellings slightly further from the site boundary but still in close proximity.

- 10.13 The main potential sources of noise would be music associated with the function events and from the general comings and goings of visitors to the tasting room and the function events. There is also the potential for activity to 'spill out' into the communal car park for example if a food truck were to be present (as has occurred previously) and from people smoking. The activity would mainly be concentrated towards evening times when it would also be most perceptible to neighbouring residents.
- 10.14 The unit is reasonably well separated from the nearest residential properties with it being located in the north east corner of the mill site and with other parts of the building providing some physical separation. The car park does however abut a dwellinghouse to the south.
- 10.15 The applicant has indicated a willingness to restrict any use of the function area to the same hours as the tasting room and the proposed hours of use, which would have a closing time of 11pm, are considered acceptable to Environmental Services. The premises have been operating for approximately seven months with twelve temporary events having been held so far and it is noted that Environmental Services have not advised of any noise complaints having been received.
- 10.16 Limiting the number of patrons visiting the site at any one time would also help to moderate the extent of activity associated with the tasting room/function area and thereby mitigate the residential amenity impacts. The applicant estimates that the maximum number of people the venue could accommodate is 200 although the applicant has not yet obtained a premises licence under which the Fire Service would seek to limit the number of visitors on safety grounds. The absence of a premises licence makes it more difficult for officers to recommend a maximum number but officers consider that 150 people (excluding staff) would be reasonable and would mean that the extent of activity would be commensurate to the location. It is likely that visitors to the tasting room would generally be well below this level and the imposition of this maximum figure would help to ensure that the tasting room remained an ancillary aspect of the business.
- 10.17 Officers are of the opinion that a restriction on the opening hours and the total number of visitors at any one time would be sufficient to mitigate the impact of the tasting room and function area to an acceptable degree. These matters can be conditioned.
- 10.18 The brewery opening hours are 8am to 5pm Monday to Friday and this does not give rise to any concerns.
- 10.19 Environmental Services have raised a concern about the potential for odour from the brewing process affecting residential premises in the vicinity and as such have suggested that details of the extract ventilation system be submitted for approval. The applicant has responded and stated that "there is

an extraction system in place for some minor odour coming from the fermenter during brewing time, however it unlikely to be noticeable more than a few meters away from the unit". Brewing has been taking place for a number of months and no odour complaints have been received although it is still considered prudent to require details of the extraction by condition. There is nothing to suggest that hot food would be prepared within the building and so there would not be a requirement for a food extraction unit.

- 10.20 The application is considered to comply with Policies BE1 and EP6 of the UDP and guidance in the NPPF.

#### Highway issues

- 10.21 The existing access track is via Heath house Lane, serving a mixed use industrial development. The width of the access is approximately 4.9m along its full length with a passing place midway.
- 10.22 The applicant has advised that inbound deliveries are brought by a 3.5 tonne van once every two weeks with other small stock and packages brought by car. Outbound deliveries are by a 3.5 tonne van that leaves and returns two to three times a week. A rigid body truck collects pallets once a month.
- 10.23 Supporting information indicates that the site is accessible by public transport with nearby bus stops on Slades Road and Bolster Moor Road with the bus service extending late into the evening.
- 10.24 The applicant has access to a car park area that is shared with some of the other businesses within the mill. The main demand for parking associated with the proposal would be in the evening time and on Saturdays when the demand from the other businesses would be at its lowest.
- 10.25 Highways Development Management consider the proposed access and car parking arrangements to be acceptable. Furthermore there is adequate turning space within the site for deliveries and waste collection. Refuse will be stored at the location currently in use.
- 10.26 It is not considered that the development would give rise to any significant highway safety impacts and the application is considered to comply with Policies T10, T19 and BE1 of the UDP.

#### Representations

- 10.27 Two representations have been received - one in support and one raising an objection.
- 10.28 The concerns raised relate to the impact on residential amenity and specifically noise, disturbance, safety and unsociable behaviour – particularly as a result of late opening times and alcohol being involved. Concerns have also been raised with people accessing the site on foot in front of the houses adjacent to Bank End Road which is not a public right of way.
- 10.29 In consultation with Environmental Services the noise impacts have been considered and it has been concluded that any impact would be acceptable provided that the opening hours are restricted.



- 10.30 In terms of safety and anti-social behaviour, the Police Architectural Liaison Officer has been consulted and no objections have been raised.
- 10.31 The use of private land to gain access to the site could not be controlled through this application.
- 10.32 In the circumstances officers do not consider that the grounds of objection could be substantiated.

Other matters:

- 10.33 No external alterations are being proposed and therefore there are not any visual amenity considerations.
- 10.34 The site lies within the Green Belt and the application relates to the re-use of an existing building that is of permanent and substantial construction. The development would not harm the openness of the Green Belt or prejudice the purposes of including land in Green Belt and it is therefore considered that the proposals satisfy chapter 9 of the NPPF.
- 10.35 The application involves change of use of existing premises with an established light industrial (B1) use and Policy B4 of the UDP is therefore relevant. The proposals would however result in an alternative employment use that is based around a light industrial process and as such it is considered that the aims of Policy B4 would not be unduly prejudiced.

## **11.0 CONCLUSION**

- 11.1 The principle of a brewery with (ancillary) tasting room and a function area is considered to be acceptable on this site and would not result in any significant detrimental residential amenity or highway safety impacts. This is subject to a restriction on the hours of use of the tasting room and function area and the maximum number of number of visitors attending at any one time.
- 11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**

1. Development in accordance with approved plans
2. Restriction on hours to those proposed within the application.
3. Restriction of number of visitors to the tasting room/function area at any one time (excluding staff) to a maximum of 150.
4. Details of existing extract ventilation system for brewing process

### **Background Papers:**

Application and history files.

Website Link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92286>

Certificate of Ownership – Notice served on Lowry Partnership, Hulley Road, Macclesfield