
Report of the Head of Strategic Investment**STRATEGIC PLANNING COMMITTEE****Date: 15-Feb-2019**

Subject: Planning Application 2018/93374 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, Bolster Moor, Huddersfield, HD7 4JW

APPLICANT

Timothy Pegg

DATE VALID

12-Oct-2018

TARGET DATE

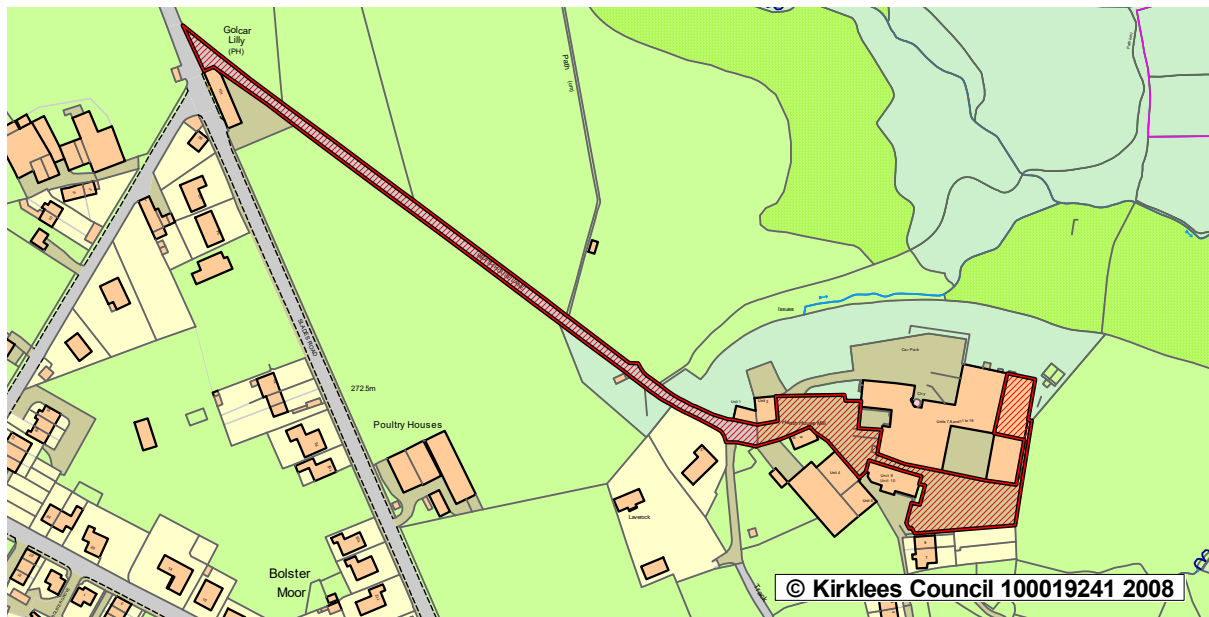
07-Dec-2018

EXTENSION EXPIRY DATE

17-Jan-2019

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

Y/N

Ward Members consulted
(referred to in report)

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 This application has been brought to strategic committee as the scheme relates to a non-residential development of a site area greater than 5ha, in accordance with delegation agreement.
- 1.2 The application has been submitted following the expiration of a previous, time-limited, 12 month permission, granted at the strategic committee meeting of the 02nd November 2017. This current application proposes a change of use from industrial use (B1) to mixed use brewery with on-site public tasting / occasional function room on a permanent basis.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to the ground floor of part of a former mill complex (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 adopted track off Slades Road in Golcar. Heath House Lane carries public footpath COL/60/10 and COL/60/20. 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 The application seeks permission for the change of use from the 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 having been granted time-limited (12 month) permission under application 2017/92286.
- 3.2 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 these would differ from those

previously agreed under the 2017 permission. The proposed hours of use for the brewery and function room as part of this application are:

- Wednesday, Thursday and Friday: 17:00 – 23:00
- Saturday: 12:00 – 23:00
- Bank Holidays: 12:00 – 23:00

4.0 RELEVANT PLANNING HISTORY

4.1 Site

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 (Conditional Full Permission)

2017/94331 – Discharge conditions 6 (ventilation), 7 (car parking scheme) and 8 (noise mitigation strategy) on previous permission 2017/92286 for change of use from existing industrial use (B1) to mixed use brewery with on-site public tasting room (brewery tap room) (Discharge of conditions approved)

4.2 Surrounding

97/92833 – Partial demolition and conversion of industrial premises to no.44 residential units (Conditional Full Permission)

2015/93558 – Notification of Prior Approval for the installation, alteration or replacement of other Solar Photovoltaics (PV) equipment on the roofs of non-domestic buildings (Details Approved)

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 No negotiations were held regarding this application.

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 48 of the National Planning Policy Framework (2018). 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 (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan its published modifications and Inspector's final report dated 30 January 2019 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.

6.2 The site is allocated as Green Belt on the UDP proposals map and retains the Green Belt designation on the publication draft Local Plan

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

- BE1 – Design Principles
- BE23 – Crime prevention
- B1 – Employment need of the district
- B4 – Change of use of land or buildings last used for businesses or industry
- EP6 – Noise generating development
- S1 – Town centres
- T10 – Highway Safety
- T19 – Parking standards

6.4 Kirklees Publication Draft Local Plan (PDLP): Submitted for examination April 2017

- PLP3 – Location of new development
- PLP8 – Safeguarding employment land and premises
- PLP13 – Town centre uses
- PLP21 – Highway Safety and Access
- PLP22 – Parking
- PLP24 – Design
- PLP52 – Protection and improvement of environmental quality

6.5 National Planning Guidance:

- Chapter 2 – Achieving sustainable development
- Chapter 6 – Building a strong, competitive economy
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving well-design places
- Chapter 13 – Protecting Green Belt Land

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by site notice, newspaper article and letters to the occupants of neighbouring dwellings. The public consultation period expired on 26th November 2018.

7.2 No public representations have been received in support or against to the development

8.0 CONSULTATION RESPONSES:

- KC Environmental Health – No objection (subject to conditions)
- KC Highways – No objection

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The scheme relates to a mixed use development comprising of a small scale brewery operation including storage and bottling area along with an on-site public tasting room. It is noted that the tasting area may be temporarily expanded to approximately one third of the total floor space for 'one off' events or weekend functions.
- 10.2 The site forms part of a former mill which has been subdivided into various commercial units. The principle of the brewery operations it therefore, considered to be compatible with the existing industrial nature of the mill site. However, the tasting room essentially provides a form of drinking establishment which falls within use class A4. Drinking establishments are classified as main town centre uses and as such should be located within town centres in accordance with paragraph 86 of the NPPF, Policy S1 of the UDP and Policy PLP13. However, the application has states within the design and access statement that that the tasting room is intended as an ancillary operation to the main brewing business.
- 10.3 The tasting room would comprise approximately 20% of the overall floor area. However, it is advised that as a working brewery that the brewery operation and tasting/function area would not be operational at the same time, in the interest of health and safety. Consequently, the tasting room would have restricted opening times of three weekday evenings and from midday on Saturdays plus bank holidays.
- 10.4 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 ancillary to the brewery operation and therefore a sequential assessment in this instance is not considered necessary. However, the applicant is explicitly seeking permission to use the premises as a function room as part of the mixed use scheme. A function area is not a main town centre use and invariably associated with another principal use. In the case of this application the function use is essentially associated with the brewery tap room. Officers do not have any significant concerns with the principal of a function room on site subject to considerations of highway safety and residential amenity. However, the inclusion of a temporary events rises an issue as to whether this would tip the balance in terms of the tasting room being ancillary to the brewing operation as the total floor space (one third) represents a considerable proportion of the overall floor space and there would be no permanent physical separation between the tasting room and events area.

- 10.5 As such 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 conducted. However, it is advised that it does not automatically follow that such a use in this location would be unacceptable. Regardless the application can only be assessed on the basis of the information provided. The applicant has advised that the tasting room would be an ancillary use and that the proposed function room would be for one off event. Equally, the submitted design and access statement advises that, on the grounds of health and safety brewery operations and tasting / function room would not overlap. Consequently, it is fully anticipated that the manufacturing process would be the priority, ensuring that sufficient stock levels are maintained to satisfy orders. Indeed tasting / function room would only be available during the afternoon and evening for three weekdays and Saturday. Alternatively the brewery is believed to function continually on a Monday to Friday 8am to 5pm.
- 10.6 Weight also need to be afforded to the temporary 12 month permission granted at planning committee under planning application 2017/92286. During this time Kirklees Environmental services and Kirklees Highway Services have advised that no complaints relating to the operations of Lords Brewing have been received. Equally, this planning application has not elicited any public representations. Furthermore the proposal would help to support the growth of a new business with associated employment of up to 4 additional part-time staff beyond that already employed (one full time and two part time). When considering the above aspects it is advised that the scheme is supported by guidance contained within the National Planning Policy Framework and as such is acceptable in principle.

Urban Design issues

- 10.7 The application site occupies a prominent location with views available from Golcar. That noted it is advised that the application does not propose any changes to the external appearance of the unit thereby being acceptable. Planning officers would advise however, that should the applicant wish to erect any advertisement or make external alterations that planning permission may be required.
- 10.8 Given the above it is advised that the application is acceptable in regard of visual amenity, complying with Policy BE1 of the Unitary Development Plan (UDP), Policy PLP24 of the publication draft Local Plan and guidance contained within Chapter 12 of the National Planning Policy Framework (NPPF).

Residential Amenity

- 10.9 The premises forms part of an established mill that has been subdivided and contains numerous different businesses. Those include Midas Aluminium Ltd, Environmental Construction Products Ltd, Green Building Store Ltd and Isinglass Ltd. There are also a number of residential dwellings within the immediate vicinity, the closest properties include no.8 Heath House Lane a semi-detached property that abuts the shared parking area; no.9 Heath House Lane a detached dwelling set within the mill complex and; no.12 Heath House Lane which adjoin the main access to the mill site. It is also advised that there are a number of other dwellings slightly further from the site boundary but in close proximity.

- 10.10 It is anticipated that the main source of noise would be music associated with the function events and from the general comings and goings of visitors to the tasting room and function events. It is also identified that there is the potential for activity to 'spill out' in to the communal car park, for example if a food truck were to be present (as has occurred previously) and from people smoking. Furthermore the activity would be concentrated during evening times when it would be more perceptible to occupiers of neighbouring residential dwellings.
- 10.11 In this regard it is noted that the unit is reasonably well spaced from the nearest residential properties, being located in the northeast corner of the mill site and other expanses of the building offering further physical separation. However, the car park does abut a dwelling house (no.8) to the south. To this end Environmental services have advised that they have not received any complaints during the temporary 12 month permission and indeed the application has not attracted any objections. The imposed restriction of 11pm closing and maximum number of patrons 150 (excluding staff) are on this basis considered an appropriate measure and will be again conditioned as part of any permission.
- 10.12 In respect of the brewery, opening hours would be restricted to 8am to 5pm Monday to Friday and while this does not give rise to concerns of noise nuisance KC Environmental services have identified concerns in respect of odour from the brewing process. To overcome this concern a odour control scheme was submitted and approved by the council under the 2017 time-limited permission. Again no concerns have subsequently been received by the council and as such the means of mitigation is considered acceptable. Notwithstanding this it is considered reasonable to reiterate such a condition to ensure that the current extraction system remains in-place for the lifetime of the development.
- 10.13 In all other respects the impact on residential amenity is considered acceptable thereby complying with Policy BE1 and EP6 of the Unitary Development Plan, Policy PLP52 of the publication draft Local Plan and guidance contained within Chapter 15 of the National Planning Policy Framework (NPPF).

Highway issues

- 10.14 The proposed scheme was granted a time-limited, 12 month permission under planning application 2017/92286. At this time KC Highway services advised that a detailed car parking management scheme should be submitted and approved. This condition was discharged under application number 2017/94331.
- 10.15 KC Highway services have again been consulted and have advised that no complaints have been received in this 12-month period. Subject to the development adhering to the previously approved car parking management plan no objection to the scheme is offered by KC Highways. In light of the above it is considered that the scheme complies with Policy T10 of the Unitary Development Plan and Policy PLP21 of the publication draft Local Plan.

Representations

- 10.16 No public representations were received regarding this application.

Other Matters

- 10.17 The site lies in the Green Belt. The application relates to the re-use of an existing building that is of a permanent and solid construction. The development would not harm the openness of the Green Belt or prejudice the purposes of including land in the Green Belt. The scheme is therefore considered to comply with Chapter 13 of the Unitary Development Plan.
- 10.18 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 change of use of Unit 15 to mixed use brewery with on-site tasting room and occasional function room has been operational for a period of 12 months. During this time the council has not received any complaints in respect of noise nuisance or highway safety. Equally, during the public consultation phase of the application no representations objecting to the development were received. As such the proposed development is considered to be appropriate development, not harming the prevailing amenity and adhering to guidance contained within the UDP and PDLP.
- 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.
- 11.3 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 the approved plans
2. Hours of restricted use for the brewery Monday to Friday 08:00 – 17:00
3. Hours restricted for tasting room: Wednesday, Thursday & Friday 17:00 – 23:00, Saturday 12:00 – 23:00 and bank holidays 12:00 – 23:00
4. Maximum number of guest 150
5. Adhere to car parking management scheme
6. Adhere to noise mitigation strategy

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93374>

Certificate of Ownership –Certificate A signed