

Site Address: 16-18 West Street, Emsworth, PO10 7DY
Proposal: Change of use of small external store from B1 to micro-brewery (suitable for general use). (Renewal of Planning Permission APP/10/00884).

Application No:	APP/13/01209	Expiry Date:	27/01/2014
Applicant:	Mr Bolt The Emsworth Brewery	Team:	Team 2
Agent:		Case Officer:	Jenna Shore
Ward:	Emsworth		

1 Site Description

2 Planning History

APP/10/00884

3 Proposal

- 3.2 The application also seeks an alteration to parking in the vicinity. As indicated under the heading of parking within the 'Additional Information' heading the applicant has requested that parking spaces noted as P2 are to be used in association with the application site.

4 Policy Considerations

National Policies

National Planning Policy Framework

Core Strategies 2011 forming part of the HBLDF

CS16 (High Quality Design)
DM10 (Pollution)
DM14 (Car and Cycle Parking on Development (excluding residential))
DM3 (Protection of Existing Employment and Tourism Sites)

Saved Policies of HBDWLP 1996 - 2011 forming part of HBLDF

Listed Building Grade: Not applicable.

Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

Awaiting comments

(No objection was raised to application APP/10/00884 due to location of the proposal in relation to the harbour).

Natural England

No adverse comments

Conservation Officer

Awaiting comments

(No objection was raised to application APP/10/00884 as no changes are proposed to the building).

Environmental Health

No objection to the proposal, as long as all the previously agreed conditions remain in place.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 27

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Effect on the character of the streetscene
- (iii) Effect on neighbours

(i) Principle of development

7.2 The application site is located within the defined urban area, consequently development is considered acceptable in principle subject to development control criteria.

(ii) Effect on the character of the streetscene and the Emsworth Conservation Area

7.3 The proposed development involves the change of use of a small external store located to the rear of properties in West Street, Emsworth. It is not indicated that the change of use will involve external alterations to the small store, and the store is in fact, not visible from the street scene. Therefore there will be no significant impact on the street scene. The Conservation Officer has not highlighted a cause for concern in regards to the proposal and its impact on the immediate locality or the Emsworth Conservation Area.

7.4 The proposal is considered to comply with the objectives of Policy CS2 (Employment) of the Havant Borough Local Plan (Core Strategy) where uses are encouraged within locations (town centres) that provide employment and provide economic output. The renewal of this permission is considered to allow continued growth of what appears to be a successful business. To restrict a change of use would be detrimental to the continued success and therefore contrary to the objectives of CS2.

7.5 Policy DM3 of the Havant Borough Local Plan (Core Strategy) seeks to directly safeguard employment sites with a B1 use. The site has been operating as a micro-brewery since the granting of planning permission in 2011. It would appear unreasonable to request a marketing log as highlighted within points i) to v) of Policy DM3. The site currently provides three full time employment positions and this is indicated to remain the same if the application is granted planning permission. The site is predominately to remain as A1 and B1c with this proposal reflecting a small percentage of the overall site. The change of use will ultimately facilitate the continued use of the A1 and B1c functionality. it is therefore considered that the proposal is unlikely to undermine the objectives of Policy DM3.

7.6 Further to points raised in paragraph 7.5, the Local Plan (Core Strategy) was adopted in March 2011, and the previous application granted planning permission in April 2011. The Local Plan (Core Strategy) in its current form was therefore a material consideration at this time. Objection was not raised previously in regards to the proposal being contrary to local policy.

(ii) Effect on neighbours

Parking and Pedestrian Movements

- 7.7 The brewing process will require up to 3 members of staff for around 6 hours a day, brewing on average once every 2 weeks. 2 days a week, with the remainder of the week requiring 1 or 2 people for approximately 1hr per day. This assumes 1 production batch a week. The applicant has stated that up to 3 batches per week could be produced from the site with no increase in number of staff, but with an obvious increase in activity.
- 7.8 It is considered that in order to limit the activity levels on the site in the interests of the occupiers of neighbouring dwellings, a maximum of 2 batches per week should be produced as it is the boiling of the wort on brewing day that has the potential to cause odour and the more batches produced per week, the more people are required on more days of the week. This should ensure that the maximum activity level at the site should be up to 3 people on site together for a maximum of 4 days a week and for the remainder of the week, only 1 or 2 people on site for a maximum of 2 hours per day.
- 7.9 The applicant requested the hours of 09.00 till 20.00 7 days a week including bank holidays. Environmental Health have not commented on the hours of operation, just the delivery hours. However, it is felt that the hours of operation should be conditioned to 09.00 till 19.00 to restrict any form of disturbance into the evening. The number of 'brewing days', as defined in the applicants supporting information (the days when the boiling of the wort occurs) should also be restricted to a maximum of 2 days per week to ensure that residents living in nearby properties are aware when brewing days are and the hours of operation of the site, bearing in mind that the antiques shop operates 7 days a week, as do several other stores in close proximity to this site, such as the Co-op.
- 7.10 There are 2 parking spaces to be used in connection with the brewery and there is additional on street parking or pay and display parking within a short distance of the site. The proposed parking will be conditioned to ensure that 2 parking spaces are kept solely for the use of the brewery and it is considered that due to the fact that regular hours do not need to be kept with the brewing process and visits will be ad hoc throughout the day, the proposed parking arrangements are acceptable.

Deliveries

- 7.11 The store has B1 use at the moment which could incur a number of deliveries. In terms of lorries parking outside the front of properties along West Street in order to make deliveries, there are parking restrictions in force along West Street and therefore if lorries park illegally, this is a matter for those who enforce the parking restrictions in the area.
- 7.12 It is considered that due to the small scale of the site and the proposed use, the proposed number of deliveries should not have a significant impact on the neighbouring residents. The applicant has advised that deliveries of malt will occur once two months (a reduction from the previous application which started one delivery every month) and only when there is someone on site to accept the delivery. These deliveries will usually be made using a small van. If a large van is used, then the delivery can be made using the on street parking system and a trolley to wheel

the malt to the site.

- 7.13 Full casks of ale will be dispatched from site using a small van once a week. Environmental Health have previously advised under reference APP/10/00884 that deliveries should only take place to and from the site between 07:00 and 20:00 Monday to Saturday and not at all on Sundays or public holidays. It is considered that the delivery time should coincide with hours of operation which are restricted to 09:00 to 19:00 Monday to Friday, 09:00 to 17:00 Saturdays and not at all on Sundays and recognised Public Holidays. Plastic casks should also be used to minimise any noise and disruption to neighbouring properties. It is considered that these measures should ensure that any disturbance to and from the site should be kept to a minimum.

Odour

- 7.14 Many of the concerns raised by local residents to reference APP/10/00884 related to the odour often associated with the brewing process. The applicants previously proposed a condenser unit to mitigate these odours and have also advised that the odour only occurs on 'brewing days' (as defined above). Environmental Health have advised that the proposed condenser should mitigate most odour problems but that it should be managed properly. It is also felt that by limiting the number of days brewing can take place to just twice a week, this should also help mitigate any concerns raised regarding the odour from the brewing process. This is not indicated to change within this application.

8 Conclusion

- 8.1 Much concern was raised from neighbouring residential dwellings at the time of the original application. No letters of objection were received in respect of this application and Environmental Health have indicated that no cause for concern had been noted throughout the continued use of the site as a micro brewery from the date of permission to now. It is considered that the brewery as proposed is small scale with limited movements and that the intensity of the use and therefore the odours, traffic and pedestrian movements and noise can be conditioned. In light of the limited concern from neighbouring dwellings it is considered reasonable to now grant full planning permission.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/13/01209 subject to the following conditions:

- 1 The 2 parking spaces (P2 as shown on drawing received 2nd December 2013 and titled 'Site Plan Notes') provided within the curtilage of the site shall be kept available for such purposes.
Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 2 Deliveries shall only be taken and/or dispatched from the site between the hours of 09:00 and 19:00 Monday to Friday and 09:00 and 17:00 on Saturdays and not at all on Sundays and recognised Bank Holidays, and this condition shall apply notwithstanding any information contained in the current

application.

Reason: In the interests of the amenities of occupiers of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 3 The premises hereby permitted shall not be used for the purposes of brewing before 09.00 hours or after 19.00 hours on Mondays to Fridays nor before 09.00 or after 17.00 on Saturdays nor before 10.00 or after 16.00 Sundays and any recognised Public Holidays, and this condition shall apply notwithstanding any information contained in the current application.
Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 4 Brewing days (as described in the applicants additional information as when the wort is being boiled) shall be limited to a Monday to Saturday and not at all on Sundays or Bank Holidays and shall be limited to a maximum of 2 batches per week (as described in the applicants additional information as when the wort is being boiled).
Reason: In the interests of the occupiers of neighbouring dwellings and having due regard to Policy CS16 of Havant Borough Local Plan (Core Strategy) 2011, which forms part of the Havant Borough Local Development Framework and and the National Planning Policy Framework 2012.
- 5 The use hereby permitted shall not continue unless equipment detailed in the supporting information with application APP/10/00884 (Vent Axia TX9WW Axial 85w, and the external condenser, or similar) required to discharge odours and fumes from the brewing process is installed and retained to the satisfaction of the Local Planning Authority.
Reason: To ensure that the use does not result in unsatisfactory cooking odours outside the premises in the interests of the amenity of occupiers of nearby properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 6 The extraction equipment installed in pursuance to Condition 6 above shall be regularly maintained to ensure its continued satisfactory operation. The brewing process shall be ceased if at any time the extraction equipment ceases to function, until it is repaired and is operative to the satisfaction of the Local Planning Authority.
Reason: To ensure that the use does not result in excessive cooking odours outside the premises in the interests of the amenity of occupiers of nearby properties and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 7 Notwithstanding any information contained within the application, no equipment, storage container or shed, raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be located or stored on the site at any time except within the buildings hereby authorised for the micro-brewery use, unless details of this have otherwise been approved in writing by the Local Planning Authority for that express purpose.

Reason: In the interest of the appearance of the site and the visual amenities of the surrounding area and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 8 Unless otherwise agreed in writing by the Local Planning Authority, the casks to be used for the dispatching of beer from the site shall be plastic only.

Reason: In order to protect the amenities of neighbouring residents from noise and having due regard to Policies CS16 of Havant Borough Core Strategy 2011, which forms part of the Havant Borough Local Development Framework and the National Planning Policy Framework 2012.

- 9 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan received by the Council 2nd December 2013

Floor layout received by the Council 2nd December 2013

Parking detailing labelled as Site plan notes received by the Council 2nd December 2013

Additional information received by the Council 2nd December 2013

Email from applicant received by the Council 25th January 2014

Reason: - To ensure provision of a satisfactory development.