

4. Planning History:

TM/84/11286/FUL Grant with Conditions 23 May 1984

Apple grading and packing shed having overall height of 6.5m (21 ft).

5. Consultees:

- 5.1.1 PC: The application does not state a proposed change of use, but the application forms state that the existing use is B8 (storage or distribution) and the proposed use would be B2 (general industrial). We would have thought that the proposed change of use would have been a significant part of the application in terms of its implication on what the building could be used for in the future, but in any event we would query the existing use classification of B8 – is there not a separate classification for agriculture? As far as we are aware this building has been used primarily for agricultural storage, other than any personal items of the owner, Mr Cross, and that it has not at any time acquired a change of use categorisation from agricultural to B8? We have checked on the TMBC website and cannot find reference to any such application.
- 5.1.2 Given the potential implications of this application we are very surprised that the applicant has included so little detail. The Planning Statement only states that “the brewing on the site is of a small scale” and in Section 22 of the Application Forms only a very limited amount of information is given as to what “small scale” might actually mean. Bearing in mind members of Offham Parish Council went to visit the existing micro-brewery in West Peckham to try and glean some additional information as to exactly what might be involved and what possible implications there might be for surrounding residential properties.
- 5.1.3 The applicant states that “all containers have a capacity of around 350 gallons”, but does not state how many containers are proposed. At West Peckham they have three tanks each with a capacity of 72 gallons, a total capacity therefore of 216 gallons. Consequently we can only surmise that the proposed operation is on a significantly larger scale and could perhaps be better described as a “mini brewery” rather a micro-brewery. It is essential to know the proposed output, both initially and maximum potential, as this is critical to be able to estimate the number of deliveries of raw materials required, number of barrels produced and taken away, and quantity of waste materials also to be disposed of.
- 5.1.4 Whilst we understand that "diversity" in small agricultural holdings is encouraged as a means to enabling the owner/occupier to supplement the income stream and make the unit more economically viable, there is a big difference between this principle and permitting a change of use of an agricultural building to an independent commercial use by an outside operator as is the case in this application.

- 5.1.5 It is concerning that in the application the applicant quotes the Planning Officer's pre-planning advice that "such a proposal would, in broad policy terms, be acceptable" but reassuring to know that this statement was qualified by the addition of "provided we can be assured that there will be no harm to amenity of nearby residents".
- 5.1.6 Following careful consideration of the proposal, undertaking our research and listening to the concerns of the residents we believe that the proposed use is not acceptable in this location. We understand that a number of adjoining residents have written to TMBC direct objecting to this proposal, and we support them in their concerns on the grounds of additional vehicular movements and more importantly the very real potential for regular unpleasant odours emanating from the building courtesy of the "ventilation shaft/small chimney".
- 5.1.7 Bearing in mind that residents in Offham Village are well acquainted with "odours" emanating from the former Landfill site over the years, and now unfortunately from the composting plant at Blaise Farm Quarry, we believe that there is a very real risk that the odours emanating from the proposed micro-brewery will directly affect neighbouring properties on a regular and potentially even continual basis. The applicant acknowledges that there will indeed be smells but it is a very subjective opinion to state that they will be "minimal" or "pleasant" - especially if it is on a regular and/or continual basis. Positioning the flue on the "north-east corner of the building so that any smell is directed away from any other buildings across the orchard in the direction of the prevailing winds" is not, in our opinion, sufficient to negate the objections and concerns of adjoining residents. Our research confirmed that there are the recognisable smells whenever a batch starts brewing coming from the steam generated by the boiling process. The applicant states that this will initially be once a week but "eventually peak at once per day, 5 days a week". However, as we have already pointed out the proposed containers are very large and probably there would be more than one of them. It would not seem unreasonable to suggest that there could be several batches on the go and not all of them will be running in tandem therefore that part of the process that emits the steam could in reality happen far more frequently than suggested.
- 5.1.8 Like the residents we also have concerns on the proposed vehicular movements. Aldon Lane is extremely narrow, being only one vehicle width, there are very few passing places, and it is totally unsuitable for use by large vehicles. Furthermore the applicant in his submission consistently makes use of the word "usually" which seems very vague when considering potential additional vehicular impact on the adjoining residents and the local environment. Maybe the initial proposed movements will be no greater or less than those generated by the site at present but obviously there is considerable potential for the volume of traffic to increase. In addition to the daily movements of the two full time employees, there will need to be regular deliveries of raw materials, the associated apple orchard is of insufficient size to supply one 350 gallon container let alone any additional ones plus the other raw materials such as the hops themselves, barley, cleaning fluids,

chemicals etc all of which need to be taken into account. There is no information given on the quantity of output/barrels. Our research concluded that barrels when full are very heavy and a "small transit van" would in reality not be able to carry very many at a time. Consequently there will either be more vehicle movements than suggested and/or bigger vehicles required to take away the finished goods. Furthermore there will be the vehicle movements associated with the removal of recyclable waste for which a variety of potential sources are quoted - the Council, local farmers and others.

- 5.1.9 Whilst the applicant states that there will be "very little activity outside of the building except for the loading of casks" the noise that would be generated from the proposed operation would, we believe, be significant and intrusive on surrounding residential properties. Whilst the hours of working are stated as 9am to 6pm 5 days a week, presumably, as the brewing process is continual, there will be a need for some weekend work/monitoring. In addition to the noise generated by the traffic, moving barrels around onto and off delivery vehicles and for cleaning is also a fairly noisy operation.
- 5.1.10 Furthermore whilst it is a lovely idea that hops might be re-introduced to the area, this is only an "aim" rather than a commitment therefore all the raw materials required for brewing "beer" will have to be imported into the site. Likewise it would seem to us, based on the acreage of the existing orchard, that the quantity of apples grown on site would only be a small proportion of that required to produce cider on a regular basis, therefore the "home" crop will also have to be supplemented by additional imports.
- 5.1.11 In conclusion therefore we support the residents of Aldon Lane and strongly object to the proposed change of use to accommodate a micro-brewery on the site:
- a. The proposed change of use will not be a positive contribution to the Conservation Area in which it sits.
 - b. It will have a detrimental effect on adjoining residential properties by virtue of the at least 5 day a week working, odours from the proposed ventilation shaft and additional vehicular movements.
 - c. Aldon Lane is not capable of accommodating the additional traffic movements that will be generated by this proposal.
 - d. The proposal will have a negative impact on the local environment.
- 5.2 KCC (Highways): No objections. With regard to staffing, the applicant has stated that there will be 2 FT members of staff and 2PT members of staff. Should all members of staff be working on one particular day, it will generate 8 vehicular trips along the lane (4 arriving and then departing) should all staff choose to drive to the site. Over a 9hr working day, this will average out at less than 1 trip per hour. This

is the worst case scenario, this combined with the daily delivery vehicle picking up casks/products from the site, this will accumulate to 10 vehicular trips on Aldon Lane over a 9hr period (1.1per hour).

- 5.2.1 With regard to deliveries, the D+A statement identifies that deliveries will occur once a month (possibly fortnightly at times) consisting of a vehicle no larger than a Cat C two axle vehicle. I have travelled along the lane and I cannot foresee how this will cause detriment to highway safety.
- 5.2.2 Unfortunately we cannot condition the type of vehicle that delivers to the site, planners can informally ask the applicant to use the said transit van for deliveries to ease residential concerns along the lane.
- 5.2.3 There is sufficient parking within the site to accommodate staff and deliveries, the applicant has stated in the D+A statement that all loading/unloading will occur within the applicant's site. The applicant has not stated that they will be trading from the site, therefore the only vehicular movements will be for staff and deliveries.
- 5.2.4 Given the size of the application, together with the vehicular trips generated, I cannot see the application having a negative effect on highway safety.
- 5.3 DHH: At the level of use indicated by the applicant the potential detriment to the amenity of nearby residential properties is small, but possible. The potential detriment to the locality is more likely should the scale of production increase beyond that currently proposed.
- 5.3.1 In order to safeguard the environmental amenity of the area I would suggest conditions are applied to any approval granted.
- 5.3.2 The applicant should be required to submit acoustic details to the Local Planning Authority for any new plant to be installed at the premises.
- 5.3.3 A condition should be used if planning permission is granted, requiring details of measures for the control any potential odour from the proposed use/emanating from the site to be submitted to and approved by the local planning authority.
- 5.3.4 Referring to the additional information submitted relating to the condenser, I would ask that the discharge from this be via a sealed means into an appropriate drain/sewer (I understand that the waste will be solely liquid). The condenser should be kept in place, appropriately maintained and used at all times when the process is operational.
- 5.3.5 I also recommend a condition that details of any external lighting of the site shall be submitted to the Local Planning Authority. The scheme shall not be implemented until approved in writing by the Local Planning Authority. Details to be submitted shall include a layout plan with beam orientation and a schedule of

equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

5.3.6 I would suggest conditioning the hours of operation at the premises and times for deliveries to the premises.

5.4 CPRE: Our committee considers that this proposal will have the advantage of bringing into use a redundant farm building and utilise the crop from the apple orchards. In the event that the LPA is minded to consent the application, the use should be limited to B1.

5.5 Private Reps: Art 8 + CA Site and Press Notice+ 4/3S/1X/18R (6 letters written by same objector, 4 additional letters written by another objector within the same household). 18 letters received objecting to the application on the following grounds:

- There is a power drop on the lanes electricity supply. The proposal may result in service disruption to the neighbouring properties;
- There is a problem with the flow rate of water. Is the applicant going to look into this?
- The current waste water goes to a pumping station to be pumped across the railway. Who will take responsibility for the additional waste water generated?
- A microbrewery allowed in a village in Cambridgeshire produced an appalling smell and the site was untidy. The proposal will result in an immense impact in an unspoilt part of the community;
- Aldon Lane is a single track road, unsuitable for regular commercial traffic, with many walkers and cyclists. The proposed increase in traffic and the use of the lane by large vehicles as a result will therefore put road users at risk. There are few passing places along the road;
- There has been no numerical information supplied of vehicular movements;
- One delivery a month of ingredients and one collection a month is not the full extent of the heavy goods vehicle movement for such a process;
- Aldon Lane lies in a Conservation Area and is mainly residential and farming. The proposal would be out of keeping with the character of the lane;
- The people living adjacent to the site have the potential to see their homes blighted by the proposal and a loss in their value;

- There is the danger that the owner will look to change the use of the building again in a few months;
- The fumes emitted from brewery operations are not pleasant and are more akin to sewage;
- There seems to be no realistic figure for the decibel level intended in what is a residential area;
- The visual impact of an industrial chimney and excess light pollution are unacceptable within a conservation area;
- The roof and upper 2/3 of the walls of the building appear to be of asbestos cement construction. In the absence of a professional evaluation of the structural condition of the building and asbestos containing material included in its construction the LPA is not in a position to determine whether the terms of policy DC1 of the MDE DPD regarding suitability of buildings is satisfied;
- When the wort is boiled odoriferous oils from the hops and malt are entrained in the steam and there is the potential for these to cause significant detriment to amenity. It may be that these emissions can be reduced;
- Organic waste material from the brewing process will emit odour but the significance of this together with mitigation proposals and the potential efficiency have not been evaluated to the extent that the applicant has not yet determined if material should be “covered” or “sealed”, how often it should be removed, or addressed the odour implications of handling stored waste material;
- Potential odour emissions should be quantified and evaluated using DEFRA guidance. In the absence of this evaluation we do not believe that the local planning authority can be confident that this issue has been appropriately addressed;
- No information is provided as to the impact of noise from brewing operation and the associated bottling, containerisation and materials handling, including inside and outside the building. The closest noise sensitive development, the residential element of the artist’s studio at the Applehouse, shares an unscreened common boundary with the service yard and faces the access doors to the proposed brewery building at a distance of only 28m. The noise aspects should be quantified and evaluated using appropriate methodologies;
- An assessment of the noise impact in light of the existing building construction also needs to be made;
- Further details of external lighting should be sought to protect the residential amenity of neighbouring properties;

- As the process is 24/7 and the smell of the odour is subjective, those living in close proximity could find these views objectionable;
- The spreading of waste further across the field would create more unpleasant smells;
- The outlying acreage of the site would not be sufficient to support this production and therefore they would need to buy further raw materials;
- There is no mention of sales from the site. This would contribute to further vehicles using the lane;
- The aerial photograph submitted with the application is very out of date. The yard has not looked like that for many years;
- We assume that TMBC are asking the HSE for their consideration on turning the building into a factory;
- The appeal decisions for Aldon Farm, for the use of a building erected as an art and poetry workshop states that the traffic generated by the art and poetry workshops would be contrary to the objectives of Structure Plan policy SP1;
- The welfare facilities situated on site are for agricultural use only. Given that the application is for 'sui generis' the welfare facilities would be precluded from use by the brewery;
- The modular building used for welfare facilities was allowed to remain for agricultural use and if that use ceased within 10 years of approval the building would have to be dismantled. Given that the barn is for a change of use does the modular building break its conditional approval?;
- Comments made relating to the Swan are unfounded as the levels of production are far smaller and hence the whole scale of operation less damaging. The scale of the buildings alone at Aldon Farm is far larger, which would increase levels of all activities accordingly;
- A micro-brewery would be fairly innocuous trade and would have very little impact on the daily lives of anyone living in the lane;
- It would help to save the orchard that adjoins it, which can only be a good thing, whilst making good use of the barn and cold store;
- If this plan does not go ahead, the buildings may be used for something more intrusive;
- This lane has and will always change, if that change does not alter the character of the lane, that can only be a good thing.

6. Determining Issues:

6.1 The proposed change of use must be assessed against PPG2 in terms of its impact on the Metropolitan Green Belt. PPG2 allows for the re-use of buildings within a Green Belt providing:

- a) it does not have a materially greater impact than the present use on the openness of the Green Belt;
- b) strict control is exercised over the exterior of re-used buildings and other associated uses which might conflict with the openness of the Green Belt;
- c) the buildings are of permanent and substantial construction;
- d) the form, bulk and general design of buildings are in keeping with their surroundings.

The current proposal does not involve any additional external development. The proposal seeks approval for the change of use of buildings whose current lawful use is for agriculture. The applicant was originally proposing to install a chimney into the building. However, the applicant has amended this so that no alterations are proposed to the existing building, and that a condenser can be used instead.

6.2 The applicant has stated in their submission that a micro-brewery falls within Class B1 of the Use Classes Order. However, I am of the opinion that, unless specific controls are imposed, a micro-brewery might, in certain circumstances, be considered to fall within Use Class B2.

6.3 Policy DC1 of the MDE DPD relates to the conversion of rural buildings that are of sound construction and capable of conversion without major or complete reconstruction for commercial, industrial, recreation or tourist development. The buildings appear to be of sound construction and capable of being adapted to the proposed use. The proposed alterations are internal and will therefore not have a detrimental impact upon the character of the area or of the Conservation Area.

6.4 Policy CP24 of the TMBCS requires proposals to respect the site and its surroundings. Development should not be detrimental to the amenity, functioning or character of the countryside.

6.5 Policy CP1 of the TMBCS states that the need for development will be balanced against the need to protect and enhance the natural and built environment. The quality of the natural environment, countryside and residential amenity should be preserved and, where possible, enhanced.

6.6 The applicant's supporting statement indicates that at the start of the business two staff would be employed to carry out one brew per week to produce 37 casks per week. The applicant envisages that, in the future, the scale of the business may

expand to carrying out one brew daily, with up to 37 casks per day, requiring an additional two part-time staff. (360 gallons would fill 40 casks). It is proposed to operate the business 9am to 6pm Monday to Friday. Outside these hours there will be the slow and silent fermentation of hopped and malt-flavoured liquid into beer within completely closed containers.

- 6.7 It is anticipated by the applicant that if the brewery were operating with one brew per day, a standard van could distribute most of the 37 casks in a single journey from the brewery on a daily basis (during the normal working week), loaded inside the building. It is proposed that deliveries of ingredients to the site will be between once a month and once every two weeks, by a vehicle no larger than a category C two-axle (rigid) goods vehicle. There is adequate off-street parking on the existing hardstanding for this scale of business, and space for turning. I am of the opinion that there will be little, or no, overall increase in traffic from this site. Any increase in traffic by the proposed use of the site compared to its agricultural use would be limited. Furthermore, vehicles operating from the site in relation to agriculture are likely to be larger than those associated with the proposed business. Kent Highway Services has no objections to the proposal.
- 6.8 The existing buildings appear to be under-utilised at present. Whilst there is orchard land adjacent to the site, in the same ownership as the application buildings and yard, I am of the opinion that the proposal will not result in the fragmentation or severance of a land holding, creating a non-viable agricultural unit.
- 6.9 In terms of noise, it is not proposed to bottle beer on site. The beer would be transferred to plastic casks when finished, which would not have a detrimental impact upon the amenity of the locality in terms of noise. Further acoustic details should be provided before any intensification takes place (eg installation of additional plant) to ensure the development will not exceed NR35 at the nearest noise sensitive premises/site boundary. DHH advises that the terms of such a condition (ie the noise level limitations) can be met by appropriate mitigation.
- 6.10 Further details of measures of odour control must be submitted for approval, and it must also be required that all constituent parts are maintained, repaired and replaced as often as occasion may require. These matters can appropriately be dealt with through a condition. I note that reference has been made, in consultation responses, to odour that is apparently currently coming from Blaise Farm. I understand that DHH is investigating this matter separately.
- 6.11 The application proposes the disposal of waste malt, hops and apple waste to local farms for feed.
- 6.12 Residential dwellings lie adjacent to the site. I am of the opinion that the proposed one brew per week, as is originally proposed, will not result in a detrimental impact on the residential amenity of the locality sufficient to warrant refusal, bearing in

mind the fallback position of alternative agricultural uses that could occur without planning permission in the farm buildings and on the land.

- 6.13 The applicant is not proposing any additional external lighting over and above that already existing, and a condition can be used to restrict this.
- 6.14 In the light of the above, I am of the opinion that the proposal, **at the initial scale proposed**, would not have a significantly detrimental impact upon the amenity of surrounding residential properties.
- 6.15 As indicated above, an unfettered brewery use is likely to fall within Class B2 of the Use Classes Order. A condition can be imposed to restrict the building to a micro-brewery and for no other purpose within Class B2, as such alternative uses may have additional impacts on residential amenity, upon the rural amenity of the locality and upon the local highway network.
- 6.16 I note the concerns raised with respect to the water and electricity supplies in the area. However, neither of these is a material planning consideration in itself and they are matters for the applicant to liaise with the utility companies over.
- 6.17 I note the appeal decision for the adjoining site (TM/06/01272/FL – Modular built workshop for teaching/seminar room for literature/poetry/art workshops or use as artist's studio, with associated facilities). Members may recall that this appeal against a refusal of planning permission was dismissed in the light of concerns over, amongst other things, the unsustainable location and the amount of traffic that would be attracted to the site. However, it is difficult to make direct comparisons between that appeal proposal and the current one, given that they relate to different sites, with different planning history and different uses proposed. In particular the level of comings and goings for a teaching studio is not comparable to that for a microbrewery. It must also be borne in mind that the current proposal is for the re-use of an existing building, not for the erection of a new building (which is what the previous appeal related to).
- 6.18 I consider that the proposal is satisfactory at the scale proposed. Conditions relating to staff levels and hours can be used to restrict the scale of the business from expanding in the future, subject to further consideration by the LPA.
- 6.19 Amended plans have been submitted to show the staff welfare facilities to be provided in the barn, in addition to an area to make beverages. These would involve no internal alterations. Concerns were raised prior to the amended plans being received as to the location of the welfare facilities and whether the facilities to be used were in the adjacent building where a condition requires the building to be removed if it is no longer used for agriculture (TM/08/00046/FL). This current proposal is not associated with the adjacent building which lies outside the application site.

7. Recommendation:

7.1 Approved in accordance with the following submitted details:

Email dated 05.10.2010, Email dated 08.10.2010, Email dated 13.10.2010, Email dated 14.10.2010, Planning Statement dated 06.08.2010, Site Layout dated 06.08.2010, Photograph aerial dated 06.08.2010, Location Plan dated 15.10.2010, Photograph building exterior dated 06.08.2010, Photograph building interior dated 06.08.2010, Site Plan with related buildings dated 06.08.2010, Elevations existing dated 06.08.2010, Photograph view from road dated 06.08.2010, parking plan dated 15.10.2010, email dated 17.11.2010, internal layout plan dated 17.11.2010 subject to:

Conditions / Reasons

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (Z013)

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 The use hereby permitted is for a brewery only and for no other purpose, including any purpose within Class B2 of the Town and Country Planning (Use Classes Order) 1987 (as amended).

Reason: In order that any other proposal for the use of the buildings is the subject of a separate application to be determined on its merits, having regard to the constraints on the land.

- 3 No works or associated activities including deliveries, uploading, servicing, vehicle parking or the manoeuvring of vehicles related to the brewery use hereby approved shall be carried out within the application site before 0800 hours or after 1800 hours on Mondays to Fridays, nor at any time on Saturday, Sunday and Bank and Public Holidays.

Reason: In the interests of amenity.

- 4 The use hereby permitted shall not commence until details of measures for the control of any potential odour from the proposed use/emanating from the site have been submitted to and approved by the Local Planning Authority. The measures shall include provision for ongoing maintenance of equipment in order to maintain these controls. These approved measures shall be fully implemented prior to the commencement of the use hereby permitted and so used in perpetuity.

Reason: In the interests of amenity.

- 5 No new plant shall be installed at the premises additional to that shown on the layout plan date-stamped 17 November 2010, unless details of an acoustic scheme in relation to that plant have been submitted to and approved by the Local

Planning Authority. These details shall include full spectrum octave analysis, demonstrating that the noise from the additional plant shall not exceed NR35 at the nearest noise sensitive premises/site boundary.

Reason: In the interests of amenity.

- 6 The vehicle parking spaces shown on the block plan shall be provided and kept available for such use at all times and no permanent development shall be carried out on land so shown or in such a position as to preclude vehicular access and turning to the vehicle parking spaces.

Reason: To ensure a permanent retention of vehicle parking for the premises.

- 7 Details of any external lighting of the site shall be submitted to the Local Planning Authority for approval prior to the installation of any lighting. Details to be submitted shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details.

Reason: In the interests of amenity.

- 8 The building hereby permitted for use as a Microbrewery shall not be used for retail sales or for the collection of goods by customers.

Reason: To avoid an overintensive use of the premises in the interests of residential amenity and the safe and free flow of traffic.

- 9 No delivery vehicles associated with the microbrewery shall arrive, depart, be loaded, or unloaded within the application site outside the hours of 9am to 6pm Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid unreasonable disturbance outside normal working hours to nearby residential properties.

- 10 No bottling shall take place on site and the beer/cider shall be despatched from the site in plastic casks only.

Reason: In the interests of amenity.

- 11 The number of staff working on the site in connection with the microbrewery shall not exceed 4 (2 full time and 2 part time) without the prior written approval of the Local Planning Authority.

Reason: To avoid an overintensive use of the premises in the interests of residential amenity and the safe and free flow of traffic.

- 12 Discharge from the hereby approved condenser shall be via a sealed means into an appropriate drain/sewer. The condenser shall be kept in place, maintained and used at all times when the brewing process is operational.

Reason: In the interests of amenity.

Informatives

- 1 The applicant should be aware of the need to contact Southern Water in respect of the discharge of liquid waste products to the drainage system.
- 2 The applicant is required to register with the Borough Council's Food and Safety Team on 01732 876192 to obtain a food registration form and agree the internal finish of the building.

Contact: Glenda Egerton