

Planning Committee



Application Address	27 Feversham Avenue, Bournemouth, BH8 9NH
Proposal	Change of use of part of dwelling house and garage into micro brewery business - Existing unauthorised use
Application Number	7-2021-27551-A
Applicant	Knight Life Brewing Limited
Agent	Mr N Somerset
Ward and Ward Member(s)	Queen's Park Councillor Mark Anderson
Summary of Recommendation	Grant subject to conditions in accordance with the details set out below
Reason for Referral to Planning Committee	At the request of Councillor Anderson for the following reasons: Smell Traffic Cumulative impact Layout/density
Case Officer	Steve Davies

Executive Summary

Summary of Key Issues

- 1 The key planning issues for Members to consider are set out below. Members will have to balance all of the planning issues and objectives when making a decision on the application, against policy and other material considerations.

Representations received

- 2 There have been 15 responses to the consultation process. Overall, there are 11 objections and 4 in favour/no objection. A summary of the objections and support letters have been provided within the consultation section of the report.

Principle of development

- 3 The site is within a wholly residential and low density locality in the Queens Park area. Whilst this character does not specifically preclude a business use especially one operated as a home business the use will need to respect the residential locality.

Impact on the character and appearance of the area.

- 4 Outwardly for most of the time the property will still have the appearance of a family dwelling house. However, there will be more deliveries and when loading and unloading takes place a more commercial use will be apparent. With home deliveries becoming more prevalent most residential streets have seen an increase in commercial vans in their areas. Because of the nature of the business, and the restrictive conditions recommended it is

considered that the impact will not be sufficiently detrimental to the character of the area to object.

Residential Amenity

- 5 As set out above the commercial use will create a little more activity and nuisance than the typical dwelling house. However, because of the lengthy nature of the brewing operation and as it is being operated on a relatively small scale being confined to a domestic garage it is not considered that the impact will create a serious nuisance. The Environment Health Officer has visited the premises and considers that the impact will not result in a statutory nuisance and has suggested conditions to ensure that smells and noise will be controlled in the future.

Traffic/highway issues.

- 6 Again the small scale nature of the business will ensure that any additional traffic will not cause any significant nuisance or traffic danger in the road. The Councils Transport Engineer does not object.

Description of Proposal

7. The application is retrospective and involves a conversion of a domestic garage to a commercial micro-brewery. The original submission included an extension to the rear of the garage. However, this element of the proposal has been removed from the application.
- 8 The applicant has provided the following information about the operation of the use. Since commencement of trading, the deliveries and comings and goings as a result of the operation have been limited due to the Coronavirus pandemic, but principally by the capacity of the current number of 4 x 350Ltr fermenter vessels. The brewing/fermenting cycle for the finished product of craft beers is approximately 6 weeks for each of the fermenter vessels. The craft beers produced are principally supplied to customers in 330ml Cans. Therefore, currently the volume of goods inwards in brewing ingredients and cans to the brewery premises is approximately 275Kg Grain, 7.5Kg Hops and 3.5Kg Yeast delivered once every 6 weeks and approx. 1,500 - 2,000Nr 330ml cans per month.
- 9 The majority of outbound product deliveries take place 2 days per week on Fridays and Saturdays by the applicant or courier. Approx. 5 -10 customers per month collect their orders.
- 10 Responding to the impact issues the applicant has also provided the following information.
- **Noise** - *For the majority of time the operations of microbrewery are silent with only short duration intermittent low decibel noise emissions from :-
Thermostatically controlled air circulation and chiller fans/pumps for the fermentation processes,
240V 0.5 - 1.5Kw pumps and motors from brewing fluid transfer and canning operations undertaken during business as listed in the planning application.
These noise emissions are confined and environmentally insulated within the internally insulated timber stud and melamine chipboard clad external walls of the existing and proposed microbrewery area.*
 - **Odour** - *For the majority of time the microbrewery is completely free of odours from the fermentation process of craft beers because the fermenter vessels are sealed from contamination and environment. There are only 4No short periods of approx. 4-6 hours every 6 weeks during the brewing cooking processes. Currently odours and steam from the brewing cooking process is ventilated out into the environment through the rear facing window of the microbrewery area which is necessary to control condensation. However, with expansion of capacity of the brewery by building the extension and increasing the number of fermenter vessels from 4 to 6, the applicant plans to install carbon filtered extraction fan hood(s) over the brewing kettles to minimize condensation and emission of odours into the environment.*
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- **Waste** - *The principal organic waste by-product of boiled grain from brewing is collected and recycled by a local dairy farmer in Throop, Bournemouth every 6 weeks. The fermentation settlement wastage beer (max. 5 litres per fermenter) is diluted with cleaning solutions and clean water on sanitation of fermenter vessels between batches and is disposed into the existing foul water drain system of 27 Feversham Avenue connected to the mains sewer.*
 - **CO² Emission** - *There are zero CO² emissions released into the environment from the fermenting process of brewing craft beers produced by the applicant. This is because the Fermenter vessels of the Microbrewery are sealed and become pressurised by CO² generated through fermentation of beers brewed and which in turn, is absorbed back into the beer necessary to carbonate it before canning of the finished product.*
- 11 The applicant has also recently indicated that their operation has changed and has provided the following information.
- *We have now purchased a licenced Bar in Ashley Cross and have been open for 2 weeks selling our beers there.*
 - *We have no intentions on increasing the size of the garage and will only be making enough beer to supply our bar. (we shall not be doing canned deliveries any more and have withdrawn any on site sales)*
 - *Due to the above changes and now being able to consolidate our order to a single supplier we shall only require 1 delivery every 6-8 weeks.*
 - *Please note the vehicle that delivers our ingredients is no bigger than a 7-tonne lorry with a stop time of no more than 5 mins and has strict instructions to only park outside our home.*

Description of Site and Surroundings

- 12 Feversham Avenue is a relatively quiet and wholly residential road consisting of good sized two storey chalet style dwellings of differing designs. Plots are a good sized with properties set away from side boundaries to allow for side driveways and garages.

Relevant Planning History:

- 13 No relevant planning history other than a proposal for tree work in 2019.

Constraints

- 14 The site is protected by a Tree Preservation Order.

Public Sector Equalities Duty

- 15 In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to —
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Other relevant duties

16. For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area. The applicant has received a premises licence, and this principally deals with the Alcohol related issues.
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Consultations

- 17 The Environmental Services Officer in Community Services has been consulted. Overall, there is no objection to the operation subject to safeguarding conditions regarding potential future odour and noise issues.
- 18 The Transport Officer has been consulted and has made the following comment – *“It is not anticipated that change of use will result in any significant parking demand/ vehicle trips that would have a detrimental impact on the highway network.”*

Representations

- 19 There have been 15 responses to the consultation process. Overall, there are 11 objections and 4 in favour/no objection. The addresses and comments are summarised below.
- Ward Councillor – concerned with commercialisation, expansion by way of an extension, increase traffic, odours, increase callers to the site, cleaning operations creating a nuisance.
 - 56 Parkway Drive – concern with industrial character of proposal, nuisance from building works (although this appears to be attributed to a neighbour)
 - 35 Feversham Avenue – concern with delivery etc traffic associated with a commercial enterprise
 - 33 Feversham Avenue - concern with delivery etc traffic associated with a commercial enterprise and customer nuisance
 - 23 Feversham Avenue – concern with traffic and general nuisance especially with retail sales. Contrary to residential character.
 - 25 Feversham Avenue concerned with commercialisation, expansion by way of an extension, increase traffic, odours, increase callers to the site, cleaning operations creating a nuisance.
 - Letter from resident of Poole on behalf of a local neighbour – Concern with commercial waste disposal, Health and Safety regulations as regards safe working practices, fume extraction systems, water purification and fire regulations are ignored, numerous delivery vehicles, cars collecting goods all the time including late night and weekend periods, the air quality in the area is being affected by the fumes being emitted
 - 29 Feversham Avenue - current capacity results in a constant droning noise, which apparently is the chiller, frequent deliveries of cans and ingredients to the premises being unloaded in the road restricting access, proposal to work 7 days a week not suited to a quiet residential area, insufficient on site parking for deliveries, poor drainage, proposed extension will exacerbate issues.
 - Letter from resident of River Way on behalf of a local neighbour – Concern with noise, smells, numerous delivery vehicles, including late night and weekend activity.
 - 21 Feversham Avenue - 1. Adequacy of parking/loading/turning Feversham Avenue 2. Highway safety. 3. Traffic. 4. Over-development of the site/out of character in the area. 5. Design, appearance and materials. 6. Noise and disturbance. 7. Disturbance from smell. 8. Trading on premises near schools – protection of minors. 9. Industrial trading from homes precedent. 10. Loss of privacy/security. 11. Contrary to Green Infrastructure Strategy.
 - 60 Parkway Drive – no objections
 - 46 Feversham Avenue – no objections
 - 6 Bradpole Road (not immediate neighbour)– general support for application indicating that some of the objections do not amount to a serious loss of amenity.
 - 41 Leydene Avenue (not immediate neighbour) – support for the application.

Key Issues

20 The key issues involved with this proposal are:

- Impact on the character and appearance of the area.
- Impact on residential amenity.
- Traffic/highway issues.

21 These issues will be considered along with other matters relevant to this proposal below.

Policy context

22. Local documents:

Bournemouth Core Strategy (2012)

CS38: Minimising Pollution

CS41: Design Quality

District Wide Local Plan (2002)

Policy 5.3: New B1 uses – requirement to ensure that it does not affect adversely the character and appearance of the area.

Policy 5.10: Home Working – subject to consideration of impact on character and appearance of area and residential amenity.

Supplementary Planning Documents:

BCP Parking – SPD (2021)

23. National Planning Policy Framework (“NPPF” / “Framework”)

Section 2 – Achieving Sustainable Development

Paragraph 11 –

“Plans and decisions should apply a presumption in favour of sustainable development.

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For **decision-taking** this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.”

Section 6 - Building a strong, competitive economy

Paragraph 82 -

Planning policies should:

- a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;
 - b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
 - c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and
 - d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.
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Planning Assessment

Impact on the character and appearance of the area.

24. The introduction of a commercial operation into a residential area will obviously have some impact. As can be seen from the representations there has been an increase in delivery lorries to supply the brewing products and to distribute the beer. However, with the change in retailing trends nowadays there are many more delivery lorries in residential streets. Looking at the nature of the business the turnover of activity is relatively low as the process of brewing beer takes time. This is reflected in the relatively low number of likely delivery vehicles which in my view does not amount to a serious level of activity which would have a detrimental impact on the character and appearance of the area.
25. From the street the brewing operation itself is not really evident. If the garage door is open the activities can be viewed but from the street the impact is negligible. To maintain cleanliness and privacy the door will be kept closed most of the time. Occasionally there is likely to be some storage of items in the driveway but again this would appear to be only occasionally needed. To ensure that outdoor storage does not become a more regular or permanent feature I am suggesting that a condition restricting outdoor storage of items should be imposed. This would not prevent items in transit during the day.
26. Given the circumstances above the proposal would not harm the character and appearance of the area and would therefore accord with policy CS41 of the Local Plan and Policy 5.3 of the District Wide Local Plan.

Impact on residential amenity.

27. Local residents have highlighted various issues that could affect adversely residential amenity. The property at 29 Feversham Avenue would have the most impact. The effect of noise and odour has been considered by the environmental health officer. His overall view is that whilst there may be some slight noise or odour from the brewing operation the impact will not result in serious nuisance. However, it is important to add restrictive conditions relating to noise to ensure that the existing or proposed machinery and plant does not get noisier and is within the normally accepted parameters for residential areas. Similarly, the odours whilst not considered to be causing a serious problem at present needs some form of fume extraction with appropriate filters. Again, I have recommended a condition to deal with this matter. The requirement is to provide a small extract system that will ensure nuisance to neighbours is avoided.
28. At present the beer is put into cans for distribution. The canning machinery appears to be relatively quiet and in any event the noise condition will control this element. One issue could be working late into the evening. I will therefore add a condition to ensure that other than routine checking for safety reasons no working shall be carried out outside of normal working hours.
29. The applicant has indicated that the premises will not be used for the retail sale of beer products to members of the public. This is important as a constant flow of people wishing to purchase the product would be more akin to an off licence and this would not be suitable in this location. Again, I am recommending an appropriate restrictive condition.
30. Given the circumstances above the proposal would not in my view significantly harm the amenities or living conditions of neighbours and would therefore accord with policy CS38 and CS41 of the Local Plan or Policy 5.3 and 5.10 of the District Wide Local Plan.

Traffic/highway issues.

31. The transport officer has indicated that there is unlikely to be any traffic danger as a result of the proposal. As set out above there will be an increase in traffic and deliveries however
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the effect will relate to amenity rather than traffic danger. There is parking available on the drive and within the street. As this is a small home business with no external employees there is no requirement to provide any additional on site car parking space.

- 32 Given the circumstances above the proposal would not in my view significantly harm traffic safety conditions and would therefore accord with policy CS41 of the Local Plan or Policy 5.3 and 5.10 of the District Wide Local Plan.

Planning Balance / Conclusion

33. Generally, it is accepted that working from home with a small business is acceptable. Policy 5.10 of the district wide local plan supports this initiative. At the moment the scale of the business falls somewhere between that of a money-making hobby and a full scale brewery. The applicant had originally wanted to extend the garage and install more brewing vats to expand the production. I considered that any expansion beyond what is presently on site would not be appropriate. The extension has therefore been removed from the application. The applicant has also acknowledged that if the business becomes more successful and he expands there will be a need to move into commercial premises. In fact, as can be seen from the updated information in paragraph 5 above the use has already changed its emphasis. In this particular case there is a need to balance the economic benefits and the rights of the applicant to work from home with the impact on local amenity. The immediate neighbour in particular will be affected by the business operation to some extent. However, with appropriate restrictive conditions I consider that the impact will be within acceptable limits.

Recommendation

- 34 **GRANT subject to conditions**

Conditions

- 35 Note list below

1 Development to be carried out in accordance with plans as listed:

The development hereby permitted shall be carried out in accordance with the following approved plans: existing garage plan – Layout, K2105-01-00 block plan as updated with exclusion from application of proposed extension and 1.1250 scale site location plan.

Reason: For the avoidance of doubt and in the interests of proper planning.

2 Ancillary use only

The micro brewery hereby approved shall be used in connection with and operated by the householder of the main dwellinghouse only and not as a separate business entity.

Reason: In order to avoid an undesirable mixed form of development, which is likely to affect adversely the amenities of the locality and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

3 Scheme for the control and extraction of fumes to be submitted

The micro-brewery hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 90 days of the date of failure of any one or more of the requirements set out in i) to iv) below.

- (i) Within 3 months of the date of this decision a scheme for the control and extraction of fumes, gases, odours and other effluvia from the site shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
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- (ii) If within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- (iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State. The approved scheme shall have been carried out and completed in accordance with the approved timetable.
- (iv) Upon implementation of the approved scheme for the control and extraction of fumes, gases, odours and other effluvia from the site specified in this condition, that scheme shall thereafter be maintained/retained/remain in use.

Reason: To protect the amenities of occupiers of adjoining properties and in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

4 Noise levels

The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the pre-existing background level as determined by BS4142: 2014-"Method of rating industrial noise affecting mixed residential and industrial areas". In determining the background levels the existing brewery equipment shall be switched off to establish accurate levels.

Reason: To protect the amenities of occupiers of adjoining properties and in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

5 No storage outside of the garage

There shall be no goods, raw materials, waste or other articles of any description placed or displayed on the driveway outside of the garage or on outside areas of these premises.

Reason: The Local Planning Authority considers the use of the forecourt for the display of goods or for the placing of any articles thereon would be detrimental to the visual amenities of the area in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

6 Micro brewery only

The use hereby approved is for a micro brewery only and no other use within Class E of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order) and for no other purpose including any sales of beer or other similar products direct to members of the general public from the property. The distribution/sales of products shall be by way of wholesale and delivery only.

Reason: In the interests of local amenity and to prevent highway danger and in accordance with Policies CS14 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

7 Hours of use

The working hours for the brewery operation hereby permitted other than routine checking for safety reasons shall operate between the hours of 0700 and 1900 on Monday to Saturday only, and at no time on Sundays, Bank or Public Holidays.

Reason: To safeguard the interests of occupiers of adjoining and nearby residential properties and in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

8 Temporary consent

This permission is limited to the period expiring on 5 years from the date of consent. Immediately on the expiry of that period the use hereby permitted shall be discontinued.

Reason: To enable the Local Planning Authority to review the situation at the end of the period and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

Informatives

The Council aims to take a solution focused, positive and proactive approach to development proposals. This includes working with applicants and agents by:

- *offering a pre-application advice service, and*
- *as appropriate, updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.*

In particular, in this instance:

*the applicant was not provided with pre-application advice,
the applicant/agent was updated of any issues after the initial site visit,
the applicant/ agent responded by submitting amended plans to remove the extension and provided additional information, which were found to be acceptable and permission was recommended to be granted.*

Background Documents:

Documents uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application the subject of this report including all related consultation responses, representations and documents submitted by the applicant in respect of the application.

Notes.

This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972.

Reference to published works is not included.
