

ISLE OF WIGHT COUNCIL PLANNING COMMITTEE - TUESDAY, 30 JUNE 2020

REPORT OF THE STRATEGIC MANAGER FOR PLANNING AND INFRASTRUCTURE

WARNING

1. THE RECOMMENDATIONS CONTAINED IN THIS REPORT OTHER THAN PART 1 SCHEDULE AND DECISIONS ARE DISCLOSED FOR INFORMATION PURPOSES ONLY.
2. THE RECOMMENDATIONS WILL BE CONSIDERED ON THE DATE INDICATED ABOVE IN THE FIRST INSTANCE. (In some circumstances, consideration of an item may be deferred to a later meeting).
3. THE RECOMMENDATIONS MAY OR MAY NOT BE ACCEPTED BY THE PLANNING COMMITTEE AND MAY BE SUBJECT TO ALTERATION IN THE LIGHT OF FURTHER INFORMATION RECEIVED BY THE OFFICERS AND PRESENTED TO MEMBERS AT MEETINGS.
4. YOU ARE ADVISED TO CHECK WITH THE PLANNING DEPARTMENT (TEL: 821000) AS TO WHETHER OR NOT A DECISION HAS BEEN TAKEN ON ANY ITEM BEFORE YOU TAKE ANY ACTION ON ANY OF THE RECOMMENDATIONS CONTAINED IN THIS REPORT.
5. THE COUNCIL CANNOT ACCEPT ANY RESPONSIBILITY FOR THE CONSEQUENCES OF ANY ACTION TAKEN BY ANY PERSON ON ANY OF THE RECOMMENDATIONS.

Background Papers

The various documents, letters and other correspondence referred to in the Report in respect of each planning application or other item of business.

Members are advised that every application on this report has been considered against a background of the implications of the Crime and Disorder Act 1998 and, where necessary, consultations have taken place with the Crime and Disorder Facilitator and Architectural Liaison Officer. Any responses received prior to publication are featured in the report under the heading Representations.

Members are advised that every application on this report has been considered against a background of the implications of the Human Rights Act 1998 and, following advice from the Head of Legal Services and Monitoring Officer, in recognition of a duty to give reasons for a decision, each report will include a section explaining and giving a justification for the recommendation.

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1	19/01438/FUL	Parish: Sandown	
	105 High Street, Sandown, Isle of Wight.	Ward: Sandown North	Conditional Permission
	Proposed change of use from A3 to sui generis for micro brewery and bar		

01 **Reference Number:** 19/01438/FUL

Description of application: Proposed change of use from A3 to sui generis for micro brewery and bar

Site Address: 105 High Street, Sandown, Isle of Wight, PO36 8AF

Applicant: Ms Tracy Mikich

This application is recommended for: Conditional Approval

REASON FOR COMMITTEE CONSIDERATION

- An individual who was acting on behalf of the applicant throughout the application process is a Councillor and a member of the Planning Committee.

MAIN CONSIDERATIONS

- Principle of development
- Impact on the character and appearance of the area and the designated Conservation Area
- Impact on neighbouring properties
- Environmental Impacts

1. Location and Site Characteristics

- 1.1 The application site is located on the north west side of Sandown High Street and comprises a ground floor unit of a mid-terraced, traditional Victorian building. The Building consists of shops at ground floor and residential flats sat above.
- 1.2 The ground floor unit of the application premises has a largely glazed, traditional bay window frontage, but it is noted that the shop frontages in the vicinity of the site and along the high street vary between traditional and modern designs. The 1st and 2nd floor walls of the building are rendered
- 1.3 The upper floors of the building have been rendered and painted, but are in state of disrepair and as such, makes the building appear run down. Sections below the windows have been clad with artificial boarding.
- 1.4 The buildings on the side of the road of the application site are also of a traditional Victorian design with a similar retail use at ground floor and residential above.
- 1.5 On the opposite side of the road of the application site there is a mixture of modern and traditional buildings which are predominantly residential in nature.

2 Details of Application

- 2.1 Consent is sought for the change the current use class of the building from A3 you need to set out what an A3 use is to sui generis for micro brewery and bar.
- 2.2 The floor plans submitted with this application highlight that the internal layout of the building would not change from the existing layout.
- 2.3 Brewing equipment for the making of beer would be installed on site which would have the capacity to create a maximum of 75 litres per brew. It is intended to brew twice a week (150 litres per week) to create enough beer for sale on the premises. A small extractor fan would be installed to expel the steam created during the 2 hour brew process.
- 2.4 It is proposed for the existing café element of the building to continue so that food can be served.

3 Relevant History

- 3.1 P/01007/15 - Prior approval for change of use from A1 to A3 – Approved 2nd November 2015

4 Development Plan Policy

Local Planning Policy

- 4.1 SP3 - Economy
SP4 - Tourism
SP5 - Environment
AAP3 - The Bay
DM2 - Design Quality for New Development
DM8 - Economic Development
DM9 - Town Centres
DM11 - Historic and Built Environment

5 Consultee and Third Party Comments

Internal Consultees

- 5.1 The Council's Environmental Health Officer has recommended conditional approval.

Parish/Town Council Comments

- 5.2 No comments received from Sandown Town Council at this time.

External Consultees

- 5.3 The Crime and Order Office has raised objections to the proposal on the following grounds:

- As a café persons below the age of 18 will be able to enter and purchase beverages, we would be concerned if within the environment of this café / bar children were exposed to alcohol. To provide for the protection of children a Closed Circuit Television (CCTV) system should be installed within the premises
- The documentation does not state how much beer will actually be produced on the site.
- It is noted there is not a door to the rear of the premises which would have implications for escape and replenishment.

Third Party Comments

5.4 2 x third party letters of support have been received. These are summarized as follows:

- The establishment has already brought a breath of fresh air to the High Street
- As a microbrewery and bar, it would offer something new and attractive in Sandown.
- This is the sort of small business that Sandown High Street and Conservation Area needs
The retention of existing bay window and recessed front entrance combined with the use of traditional materials for shop front fascia and signage is a good example of best practice for Sandown retail business development in the Conservation area.

6 Evaluation

Principle

6.1 The Island Plan Core Strategy identifies the application site as being within the defined settlement boundary of The Bay Key Regeneration Area whereby policy SP1 states that the Council will, in principle, support development proposals. Policy DM9 of the Core Strategy seeks to preserve the retail function of Town Centres and Primary Retail Frontages and states that the Council will support proposals for change of uses of ground floor premises to non-retail uses where it can be demonstrated (individually or cumulatively) that the development would have no significant adverse impacts on the retail function, design, character, vitality and viability of the town centre. The site lies within the Town Centre boundary but is outside of the defined Primary Retail Frontage.

6.2 The application site lies within the eastern end of the High Street where there is a wide variety of commercial uses including retail, hot food takeaways and hairdressers. Whilst it is acknowledged that there are other cafes/bars within this area of Sandown, it is considered that this proposal would be appropriate given the commercial and tourist nature of the surrounding area. On this basis, it is considered that the addition of a micro-brewery/bar use from an A3 use as proposed would not result in an abundance of non-retail uses within this part of the town centre and would not result in any detrimental impact to the retail function or vitality of the town centre.

- 6.3 The proposed change of use would also bring a currently vacant building within the Town Centre boundary back into operation. The site is located outside of the Primary Retail Frontage and would not result in the loss of any retail floorspace given the previous use of the premises. For these reasons it is considered that the proposed development would not cause any adverse impact to the viability and vitality of the town centre and therefore complies with policies SP1 (Spatial Strategy) and DM9 (Town Centres) of the Island Plan Core Strategy.

Impact on the character and appearance of the area and the designated Conservation Area

- 6.4 As detailed above, consent is sought for the change of use of the unit from a restaurant/cafe (Class A3) to a microbrewery and bar (Sui Generis). The unit is at ground level of a mid-terraced building which can be seen from the street scene of the High Street. The surrounding area is predominantly commercial in nature with a mix of uses within Regent Street itself and a public house to the rear of the site. The upper floors of the commercial buildings within Regent Street are generally occupied by residential units and there are other nearby residential properties.
- 6.5 Except for the installation of the necessary equipment for the business, including the brewing and extraction equipment, there are no proposed changes to the internal layout or external appearance of the building as part of this application. It is understood from the planning statement submitted with the application that the site is currently operating temporarily under the existing A3 (café) use. Officers consider that the proposed change of use of the unit would bring the building back into full use. There are no other businesses within the immediate and wider area similar to what is being proposed in this application, which officers consider would add to the vitality of this part of the High Street.
- 6.6 The alterations to the building are internal and therefore would not be readily visible. As a result, the alterations would have a minimal impact on the immediate and wider area.
- 6.7 For the above reasons, it is considered that the proposal would not cause any detrimental impact to the character and appearance of the site or the designated Conservation Area and therefore would comply with policies DM2 and DM11 of the Island Plan Core Strategy.

Impact on neighbouring properties and Environmental Impacts

- 6.8 As detailed above, the application site previously operated as a cafe with the remainder of the building occupied by residential flats. The surrounding area is similar in nature, with predominantly commercial units at ground floor and the upper floors generally occupied as residential units. There are also residential properties across the road from the application site.
- 6.9 With regard to odour concerns, the Council's Environmental Health Officer has advised that whilst some odours may be noticeable by neighbouring residents during the brewing process, it would only be possible if the neighbouring residents were stood at their windows. The boiling during the brewing process would

generate odours around 4 hours per week, a relatively short period of time and it should be noted that due to the commercial nature of the surrounding area, various low level odour would be experienced, due to nearby cafes etc. The Environmental Health Officer has advised that should odours generated by the development be found to cause unreasonable disturbance, Environmental Health would use its powers under the Environmental Protection Act to resolve any issues. As such, it is considered that the potential for a loss of amenity as a result of odour would be low, but that should it occur, it could be remedied through Environmental Health controls.

- 6.10 The Environmental Health Officer has raised concerns about potential noise pollution from music entertainment and the impact on the residential properties above the premises. No information had been submitted by the applicant to confirm if and how the proposal would be affected by music noise, but the applicant has advised that music entertainment would be very occasional and finish at 2200 hours on any given night it occurs. Whilst Officers from Environmental Health and the Local Planning Authority consider that the use of the site as a micro brewery and bar in itself would not cause noise disturbance to an unacceptable degree, it is considered that there is potential for music entertainment to exceed noise levels to an inappropriate and harmful degree. It is therefore considered necessary and reasonable for a condition to be attached to a planning approval which would require the applicant to submit a Noise Management Plan outlining noise mitigation measures prior to the use of the building commences.

Other Matters

- 6.11 As detailed above, the Crime and Order Office has raised concerns/objections to the proposal.
- 6.12 Firstly, as a café, persons below the age of 18 would be able to enter and purchase beverages and concerns were raised that if within the environment of this café/bar, children would be exposed to alcohol. To provide for the protection of children, it has been requested for a Closed Circuit Television (CCTV) system to be installed within the premises. Officers highlight that the concern regarding children being on premises would be covered by the applicant's licence conditions and as such, is not a material planning consideration to this application.
- 6.13 Secondly, the documentation submitted with the application does not state how much beer would be produced on the site. The planning statement submitted with this application states that 150 litres would be brewed per week and as such, this concern has been overcome.
- 6.14 It was highlighted on the original plans that there was not a door to the rear of the premises, which would have implications for escape and replenishment. Revised plans were submitted during the course of the application showing that there is a door to the rear of the building and therefore has overcome this concern.
- 6.15 Having regard to the above and subject to the attached conditions being complied with, it is considered that the proposed development would not cause any significant or detrimental impact to the amenities enjoyed by the occupants of the

surrounding residential properties and therefore would comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

7 Conclusion

- 7.1 For the reasons set out above, it is considered that the proposal complies with the requirements of the policies listed within this justification. Therefore, it is recommended that the development is approved subject to appropriate conditions.

8 Recommendation

- 8.1 Conditional Approval

9 Statement of Proactive Working

9.1 ARTICLE 31 - WORKING WITH THE APPLICANT

In accordance with paragraphs 38 of the NPPF, the Isle of Wight Council takes a positive approach to development proposals focused on solutions to secure sustainable developments that improve the economic, social and environmental conditions of the area. Where development proposals are considered to be sustainable, the Council aims to work proactively with applicants in the following way:

- o The IWC offers a pre-application advice service
- o Updates applicants/agents of any issues that may arise in the processing of their application and, where there is not a principle objection to the proposed development, suggest solutions where possible

In this instance the application was deficient in information relating to the proposed opening hours of the business and how potential noise pollution would be mitigated against. Further information with regard to the opening hours was provided during the course of the application which has overcome the Council's concerns. A Noise Management Plan has been requested by a planning condition.

Conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall only be carried out in complete accordance with the details shown on the submitted plans, labelled:

1) BOO-PLAN Revision 1 and dated 09/01/2020 (Internal/Floor Plans)

Reason: For the avoidance of doubt and to ensure the satisfactory implementation of the development in accordance with the aims of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

- 3 Prior to the use hereby permitted commencing, a Noise Management Plan (NMP) shall be submitted to and approved by the Local Planning Authority. The NMP shall include as a minimum, written details of the following information;
- ix. Organisational responsibility for noise control
 - x. Hours of operation and music production
 - xi. Imposed planning/licensing conditions controlling noise/disturbance
 - xii. Physical and managerial noise controls processes and procedures
 - xiii. Music noise level controls including music noise limiter settings and any external noise limits
 - xiv. Details of how compliance with control limits is achieved and procedure to address non-compliance
 - xv. Details of review of NMP
 - xvi. Details of community liaison and complaints logging and investigation.

Development shall be carried out in accordance with the approved details.

Reason: To prevent annoyance and disturbance, from noise emissions from the premises and to comply with policy and DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

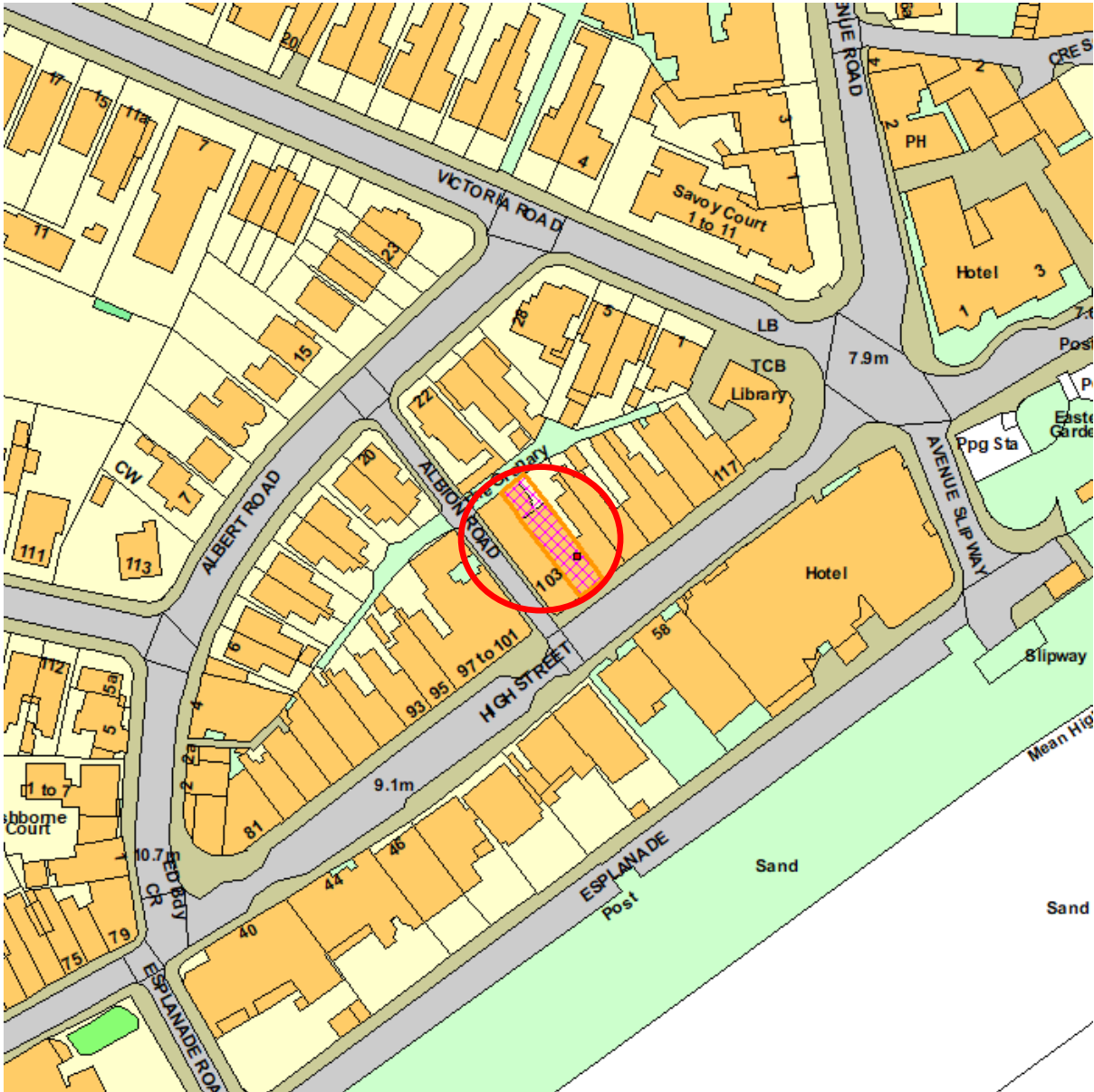
- 4 The use hereby permitted shall not be open to customers outside the following times:

0800 to 2300 Mondays to Fridays;
0800 to 2300 Saturdays; and
0800 to 2300 Sundays and Bank or Public Holidays

Reason: To protect the amenities of nearby residential properties and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

- 5 No waste, including food waste, shall be stored outside the building other than on the day of collection.

Reason: To ensure that waste is not stored outside the building in the interests of the amenity of the area and neighbouring property occupiers in accordance with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.



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