

COMMITTEE REPORT

Date: 5 March 2020 **Ward:** Bishopthorpe
Team: West Area **Parish:** Bishopthorpe Parish Council

Reference: 19/02626/FUL
Application at: 18 Main Street Bishopthorpe York YO23 2RB
For: Erection of detached single storey building to rear for use as micro-craft distillery
By: Miss M Priestley
Application Type: Full Application
Target Date: 10 March 2020
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks permission for the erection of a detached single storey building for use as a micro-craft distillery. It is proposed to construct a 30m² single storey timber building within the rear garden, the building would measure approximately 9.7m in length. It is proposed to use the building as a micro-craft distillery as a business to distribute spirits to local bars and restaurants. The structure would have a mono-pitched roof and be split into two sections; a larger craft room for the storage and labelling of bottles etc and the smaller store which would house the still.

1.2 The still would be in operation between 0700-1800 Monday to Friday operated by the applicant only. Spirits would be bottled and labelled on site by hand with a maximum of 180 bottles produced per week. The process involves brought in neutral grain spirits being blended on site with locally sourced fruits and botanicals. The spirits would be sold wholesale to licensed premises only, with no access to visitors other than those required for deliveries.

1.3 The host property lies within the heart of Main Street which is characterised by long rear gardens which is part of the historic form of the village.

1.4 The application was called to committee by Cllr Galvin for the following reasons:

- Inappropriate development in the conservation area
- The impact on neighbouring properties

2.0 POLICY CONTEXT

Draft Development Control Local Plan 2005

GP1 Design
HE3 Conservation Areas
E10 Working from Home

Emerging Local Plan policies

D1 Placemaking
D4 Conservation Areas
ENV2 Managing Environmental Quality

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 The procedure of heating up the still is in a sealed unit and therefore unlikely to produce any emissions. In terms of concerns regarding noise and odour the additional information supplied by the applicant does alleviate these concerns. No objections or conditions.

Design, Conservation and Sustainable Development

3.2 This building is sited within the heart of the open space behind the properties, which will harm the character of the conservation area. The proposals do not preserve nor enhance the character of the conservation area and therefore an in principle objection to the erection of any building within this location is raised.

Highway Network Management

3.3 No objections to the proposed development. The proposed building is located in the rear garden of a property utilising the dwelling's existing vehicular access. Given the quantities of materials and produce anticipated as quoted in the design and access statement; we envisage a negligible impact on the highway in terms of parking and traffic generation. No conditions or informatives are required.

EXTERNAL

Ainsty Internal Drainage Board

3.4 The Board has assets in the wider area in the form of various watercourses. These watercourses are known to be subject to high flows during storm events. Given the size of the development is approximately 30m², the Board's view is that it will have minimal impact on surface water drainage matters within the Drainage Board's district and accordingly, the Board has no comment to make on the proposal in this regard.

3.5 With regard to waste water, the planning statement states that "Effluent discharge will be into a septic tank to be disposed of with a monthly chemical waste collection service to prevent chemical waste entering the drainage systems." The Board have no objection to this.

Bishopthorpe Parish Council

3.6 The parish council object to the proposals on the following grounds:

- the conservation area is not appropriate for a new business
- Main Street is already heavily congested. It is unlikely to cope with the additional traffic generated
- a timber framed building does not appear the safest construction to house a still.
- distilleries produce fumes, odours and mould spores. There is no mention of mould risk. The use could impinge on neighbouring houses.

4.0 REPRESENTATIONS

4.1 Two letters of objection have been received from neighbouring properties. The following issues have been raised:

- the development would not preserve the long gardens of this part of Main Street which is characteristic of the conservation area in this part of the village
- previous applications have been refused for development in the rear gardens as they would fail to preserve the character of the conservation area
- a commercial use in a rural setting is not appropriate and would set a dangerous precedent for future development of the rear gardens
- increased traffic on main street
- safety concerns of the distillery being adjacent to a children's play area.
- the site plan and location plan appear to misrepresent the scale of the Woodman pub next door
- odour and noise issues

5.0 APPRAISAL

KEY ISSUES:-

Visual impact on the dwelling and the conservation area

Impact on neighbouring property

Highways Issues

RELEVANT PLANNING POLICY

5.1 The National Planning Policy Framework (2019) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

5.2 Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

5.3 Paragraph 127 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- are sympathetic to local character and history, including the surrounding built environment and landscape setting
- create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users.

5.4 Chapter 16 (Conserving and Enhancing the historic environment), paragraph 190, requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal. They should consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 192 a) requires local planning authorities to take account of sustaining and enhancing the significance of any heritage asset. Paragraph 193 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a heritage

asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

5.5 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.6 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

5.7 Policy D1 (Placemaking) seeks development proposals to improve poor existing urban and natural environments, enhance York's special qualities, better reveal the historic environment and protect the amenity of neighbouring residents.

Development proposals that fail to make a positive contribution to the city or cause damage to the character and quality of an area, or the amenity of neighbours will be refused.

5.8 Policy D4 (Conservation Areas) aims to protect the setting of conservation areas, stating that development proposals will be supported where they conserve or enhance the special character and appearance of the conservation area and leave qualities intrinsic to the wider context unchanged.

5.9 Policy ENV2 (Managing Environmental Quality) development will not be permitted where future occupiers and existing communities would be subject to significant adverse environmental impacts such as noise, vibration, odour, fumes/emissions, dust and light pollution without effective mitigation measures.

5.10 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF. Draft Local Plan Policies GP1 (Design) states that development proposals will be expected to respect or enhance the local environment, be of a density, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area and ensure that residents living nearby and not unduly affected by noise, disturbance or dominated by overbearing structures. Draft Local Plan Policy HE3 states that within conservation areas, proposals will only be permitted where there is no adverse

effect on the character and appearance of the area. Policy E10 (Working from home) states that planning permission for small business uses within or adjacent to residential curtilages where development would not adversely affect the amenity of neighbouring properties or the residential character of the area would be supported.

APPRAISAL

Impact on the character and appearance of the conservation area

5.11 The application site is within the Bishopthorpe Conservation Area where section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area. The building would be located adjacent to an existing timber structure approximately half way down the rear garden, along the eastern boundary. This part of the conservation area is characterised by long narrow garden plots extending to the rear in a typical medieval pattern, which remain largely free from built form. The openness to the rear reinforces the rural character of the conservation area and the medieval pattern of development. It is noted that several neighbouring buildings have been extended to the rear, although the subservient projections remain largely attached and/or close to the host buildings.

5.12 It is acknowledged that the proposed structure would be located further away from the host dwelling than most other outbuildings/extensions in the immediate vicinity, however it would be located in front of an existing garden building which projects further into the garden. The structure has been designed to reflect permitted development allowances, and would appear as a garden building that would typically be acceptable in a garden location. Whilst its scale is fairly significant, given the size of the plot, and its orientation and location along the side boundary it is not considered to harm the historic pattern of development and the character and appearance of the conservation area.

Impact on neighbour amenity

5.13 The building would be 2.4m in height adjacent to the side boundary with no. 20 Main Street. The shared boundary comprises mature hedging/landscaping which would largely obscure the building from view from no. 20. Given the limited height and its location away from the main neighbouring dwelling, the structure itself is not considered to harm the amenity of the neighbouring occupant.

5.14 Objections have been submitted objecting to the use of the building due to potential odours and noise produced during the process as well as being a potential hazard due to the heating process. The procedure of heating up the still is in a sealed unit and therefore it would be unlikely to produce any emissions. Due to the nature of the use, the applicant requires a licence from HMRC to operate the

distillery and would be applying for the rectification of alcohol licence only (and not for the production of spirits) meaning that alcohol cannot be produced on the premises. The applicant has provided a risk and fire risk assessment and would also be required to provide a full risk assessment as part of the application for the licence.

5.15 In terms of concerns regarding noise and odour, Public Protection are satisfied that the additional information supplied by the applicant would alleviate the concerns regarding impact on neighbour amenity, as there would appear to be little to no odour or noise associated with the use. In addition, the strict control by the HMRC is such that Public Protection do not have any objections to the use in this location.

Highways Issues

5.16 It is intended that the business would produce small batches of hand crafted spirits flavoured with locally sourced botanicals. No alcohol would be made on site and neutral grain alcohol would be delivered to site approximately twice a month. Deliveries would take place during weekdays, and delivery vehicles would have access to off road parking for the duration. Delivery of the finished product would be by the applicant to individual wholesalers. Given the quantities of materials and produce anticipated as quoted in the planning statement, it is envisaged that there would be a negligible impact on the highway in terms of parking and traffic generation.

6.0 CONCLUSION

6.1 The proposal is not considered to have a harmful impact on the character and appearance of the conservation area. Subject to conditions, the small scale of the business and its specific use is not considered to have a significant impact on the highway with regard to deliveries, nor on existing residential amenity. As such the scheme is considered to comply with paragraph 127 of the NPPF and local plan policies GP1, E10, D1 and ENV2 with regard to protecting neighbour amenity and paragraph 193 of the NPPF and local plan policies D4 and HE3 with regard to preserving the character and appearance of the conservation area.

COMMITTEE TO VISIT

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Proposed Site Plan - Drg. No: 19116-105

Proposed Ground Floor Plan and Elevations - Drg. No: 19116-110

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 The building shall be used only for the rectification and bottling of alcohol and for no other purpose including any other use falling within class B1 of the Town and Country Planning (Use Classes) Order 1987. No production of spirits shall take place on site.

Reason: To protect the living conditions of local residents and to enable the consideration by the local planning authority of any future proposed alternative uses and processes that may otherwise be undertaken without planning permission.

4 The distillery shall be operated only by residents of 18 Main Street, Bishopthorpe and there shall be no retail sales from the building.

Reason: To protect the living conditions of local residents as the location of the proposed use would be inappropriate for a separate business unit or for retail sales.

5 There shall be no deliveries to the approved use at the site except between the hours of 0800 and 1800 on Mondays to Fridays and 0900 to 1300 on Saturdays. No deliveries shall take place on Sundays or Bank Holidays.

Reason: To safeguard the amenities of local residents.

8.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Officers requested further information regarding the distilling process and the potential noise and odour impacts.

Contact details:

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