

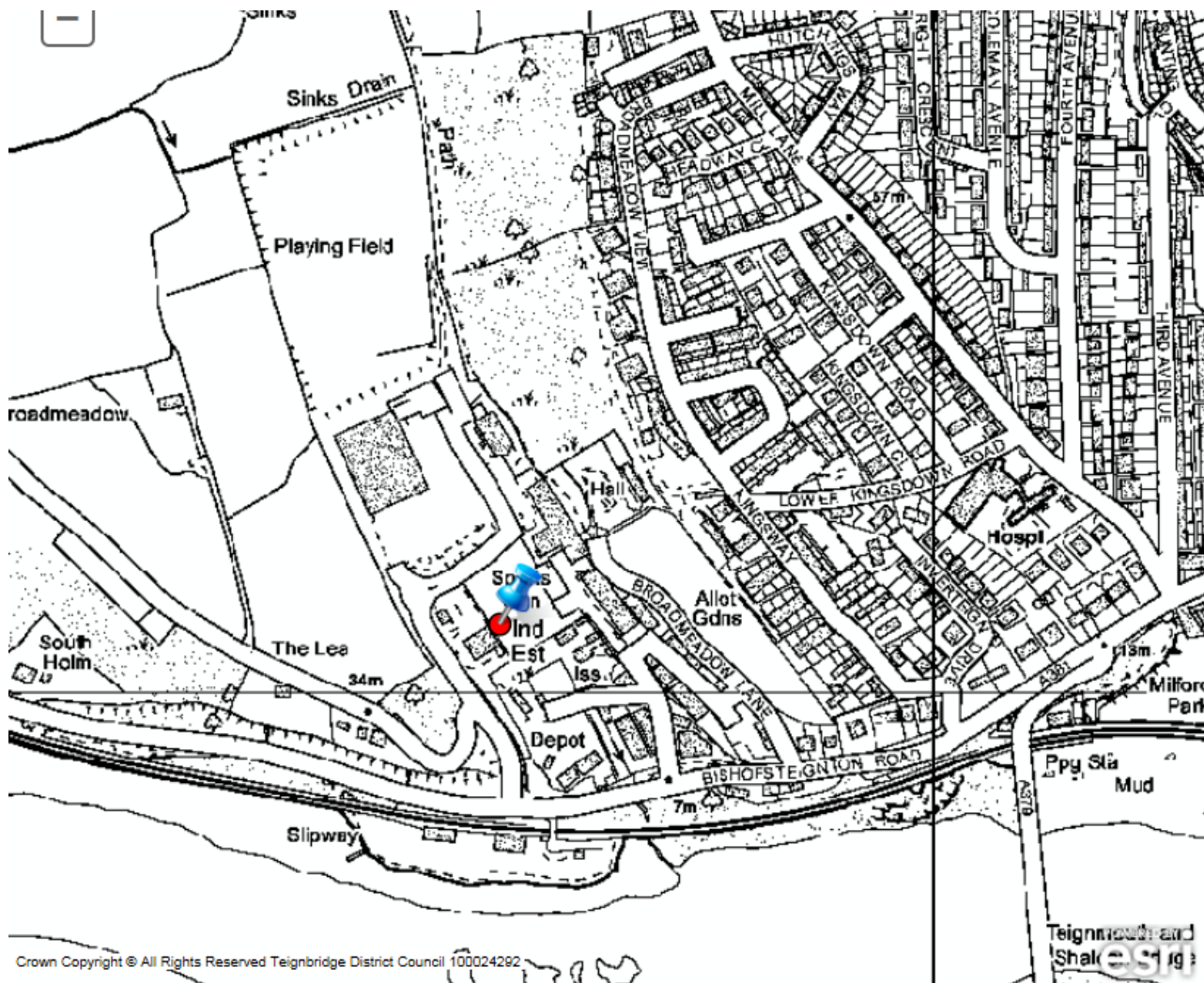
PLANNING COMMITTEE REPORT

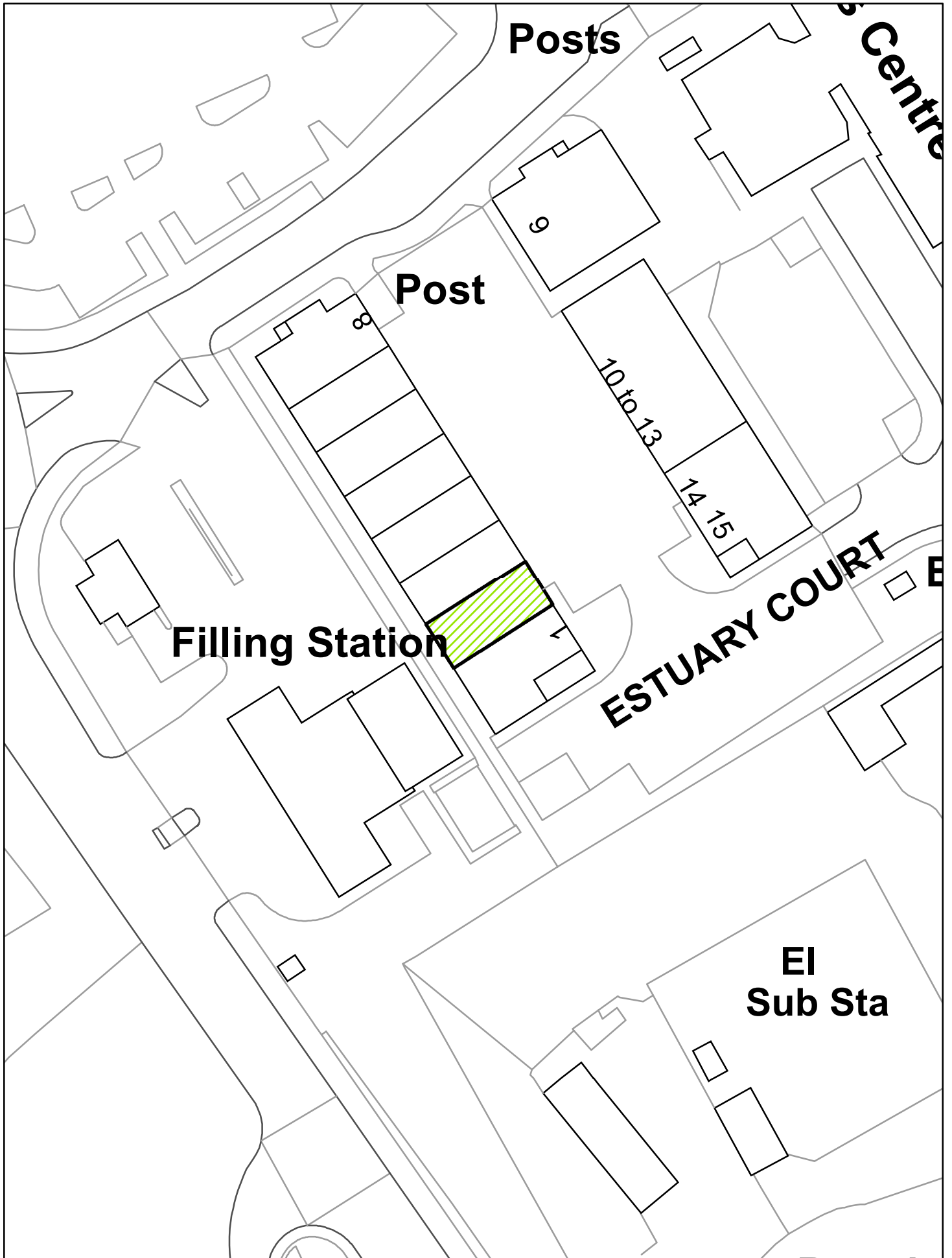
5 June 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	TEIGNMOUTH - 18/00474/FUL/28 - Unit 2, Estuary Court, Broadmeadow - Additional use of building for B2 (General Industrial)	
APPLICANT:	Exeter Gin Ltd	
CASE OFFICER	Guy Gibson	
WARD MEMBERS:	Councillors Cox and Matthews	Teignmouth West
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/00474/FUL&MN=Y	





1. REASON FOR REPORT

The land subject of this application is owned by Teignbridge District Council. In accordance with standing procedures all planning applications relating to Teignbridge-owned land must be submitted to the Planning Committee for determination.

On the issue of ownership, the submitted Site Location Plan shows all of Block A of Estuary Court outlined in blue indicating it is in the ownership of the applicant i.e. Exeter Gin Ltd. This is not correct as Estuary Court is owned by Teignbridge District Council. It is considered that this error is not material insofar as it relates to the future use of Unit 2. However, as the Local Planning Authority and owner/landlord Teignbridge do have a responsibility to ensure that the proposed use is appropriate for the area and to protect the amenity of tenants of neighbouring units who have leased premises on the basis of these units having a B1(a) office or B1(c) light industrial use. The implications for amenity of this proposed change of use are discussed further below.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to following conditions:

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

REASON:- In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The works hereby permitted shall be carried out in accordance with the application form and the following approved plans/documents:

Received on 29 March 20018
Site Location Plan, Unit 2 - 1:500

REASON:- In order to ensure compliance with the approved drawings.

3. The premises shall be used for the distilling and re-distilling of alcohol, bottling, storage and distribution by Exeter Gin Ltd only and for no other purpose (including any other purpose in Class B2 of the Schedule of the Town and Country Planning (Use Classes) Order, 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modifications). On vacation of the application site by Exeter Gin Ltd the use of the premises shall revert to Class B1(a) office or B1(c) light industrial use.

REASON: In the interests of local amenity.

4. The use hereby permitted shall not include for retail sales.

REASON: To prevent a retail use operating in this locality, in the interests of local amenity, in the interests of maintaining the viability and vitality of existing shopping centres and to protect the stock of employment land in the district.

3. DESCRIPTION

Site, background and proposal

- 3.1. The application site is a small business unit sited in Block A of Estuary Court which is sited on the Broadmeadow Industrial Estate. The site is within the settlement limits of Teignmouth. Estuary Court was granted planning permission in 2013 under reference 13/00085/MAJ for a mixed use development comprising offices (Use Class B1(a)), light industrial (Use Class B1(c)), storage and distribution (Use Class B8) and educational uses.
- 3.2. The proposal involves use of the building by Exeter Gin Ltd for the production process of distilling and re-distilling of alcohol, bottling and distribution of their product. Exeter Gin Ltd are a local Teignmouth family based company that currently employs 2 people full-time and that has now outgrown their production and storage facilities. This is a considerable expansion for the company into larger premises and could see employment increase to 7 people over the next 7 years.

Analysis

- 3.3. As the proposed distilling use is defined as a Class B2 General Industrial Use the establishment of such a use at Estuary Court requires planning permission for change of use due to the existing Class B1 use. The purpose of the existing B1(a) offices and light industrial B1(c) uses is to restrict the use of the premises to activities that can be carried out without detriment to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. In contrast Class B2 covers more intrusive industrial uses which have the potential to impact on the amenity of the area. In considering whether to allow a B2 use at these premises a balance needs to be struck between the need to support additional job creation in accordance with Policy EC1 (Business Development) and the potential of the B2 distilling use proposed for disturbing neighbouring occupants.
- 3.4. While distilleries generally have a B2 use the operation proposed in this application is very small scale. Moreover, the agent in his covering letter states that it is not envisaged there would be external flues or emission from the process and the stills are sealed. It is therefore considered that this relatively low key distillery use is more akin to a B1 operation and therefore could operate in this environment without causing undue disturbance to the occupiers of neighbouring properties.
- 3.5. One concern is that the proposal has been worded for "Additional Use of building for B2 use (General Industrial)". Such permission if granted unconditionally would permanently allow any B2 use to operate from this building. Therefore if Exeter Gin were to vacate the premises other B2 uses could move into the building without the need for further planning permission. Clearly this raises concerns that future B2 uses could be far more intrusive than the currently-proposed distillery use and therefore have the potential to significantly affect the amenities of nearby occupants. To overcome this problem it is recommended that this application be approved subject to a condition limiting the use of the building to a distillery use only

to be operated by Exeter Gin Ltd and when the applicants vacate the building its use shall revert back to the present B1(a) and (c) use.

- 3.6. Another concern is that in order to maintain the viability and vitality of local shopping areas and to protect the stock of employment land in the district in accordance with Policy EC2 (Loss of Employment Sites), the proposed use shall not involve retail sales direct to the public. A further condition preventing such retailing activity is therefore recommended.

Summary and Conclusion

- 3.7. For the reasons set out in this report the proposed distillery use is considered acceptable subject to the conditions recommended above.

4. POLICY DOCUMENTS

Teignbridge Local Plan

S1A (Presumption in Favour of Sustainable Development)

S1 (Sustainable Development Criteria)

EC1 (Business Development)

EC2 (Loss of Employment Sites)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

None.

6. REPRESENTATIONS

No representation have been received.

7. TOWN COUNCIL'S COMMENTS

No objections.

8. COMMUNITY INFRASTRUCTURE LEVY

There is no additional floorspace proposed and therefore no CIL charge.

9. ENVIRONMENTAL IMPACT ASSESSMENT

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

Business Manager – Strategic Place