

Report of the Interim Chief Executive

APPLICATION NUMBER:	25/00547/FUL
LOCATION:	Blue Monkey Brewing Limited 11 Pentrich Road Giltbrook Industrial Park Giltbrook Nottinghamshire NG16 2UZ
PROPOSAL:	Retrospective change of use from B8 warehouse, showroom and distribution unit to B2 Brewery with Ancillary Retail & Tap Room to the ground floor and first floor boardroom / meeting room / office. Changes to forecourt parking area including provision to site outdoor seating and food vendor

The application is brought to the Committee at the request of Councillors D Watts, Bales and Owen.

1. Purpose of the Report

1.1 The application seeks planning permission for a retrospective change of use from B8 warehouse, showroom and distribution unit to B2 Brewery. The proposal includes an ancillary retail & taproom to the ground floor and first floor staff office space. The application also seeks permission for the siting of a food vendor and temporary seating to the front of the building.

2. Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to conditions outlined in the Appendix.

3. Detail

3.1 The application seeks full planning permission for the development as outlined in paragraph 1.1 above.

3.2 The application site consists of a large industrial unit formerly split into two separate units. Unit 10 is the Blue Monkey brewery, B2 use, and unit 11 is subject to this application. Previously unit 11 was B8 use storage and distribution, prior to Blue Monkey operating from this unit. Both units are located within an existing industrial park with a mix of B2 and B8 uses.

3.3 The proposed change of use to an expanded brewery in this location complies with Policy 9 - Retention of Good Quality Existing Employment Sites of the Part 2 Local Plan. The benefits of the proposal are that it would support local business growth by expanding the brewery which would offer an ancillary taproom facility. There are relatively modest socio-economic benefits in the form of job creation for the expansion. Any potential impacts on the amenity of residential properties and highway safety would be mitigated by planning conditions. These matters carry significant weight, and, subject to compliance

with conditions listed below, it is considered that overall, the benefits of the development would outweigh any negative impacts.

4. Financial Implications

4.1 The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

5.1 The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6 Data Protection Compliance Implications

6.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7. Background Papers:

7.1 No background papers.

Appendix

1. Details of the application

1.1 The application seeks planning permission for a retrospective change of use from B8 warehouse, showroom and distribution unit to B2 Brewery. The proposal includes an ancillary retail & taproom to the ground floor and first floor staff office space. The application also seeks permission for the siting of a food vendor and temporary seating to the front of the building.

2. Site and surroundings

2.1 The application site consists of a large industrial unit formerly split into two separate units. Unit 10 is the Blue Monkey brewery, B2 use, and unit 11 is subject to this application. Previously unit 11 was B8 use storage and distribution, prior to Blue Monkey operating from this unit. Both units are located within an existing industrial park with a mix of B2 and B8 uses.

3. Relevant Planning History

06/00896/FUL	Erection of employment floorspace (Class B1, B2 & B8) and 14,004m ² of retail floorspace (including 3,060m ² at mezzanine level) (Class A1) and 454m ² of customer refreshment floorspace (Class A1/A3) and 76m ² of management/customer amenity use floor space and 783m ² of play space (which may alternatively be used as retail under Part 2, Class E of the GPDO) (Class D2/A1), highway works and car parking provision.	PERC
08/00320/ROC	Variation of condition 1 (Highways work at junction 26, M1) attached to planning permission 07/00278/ROC	PERC
25/00210/FUL	Change of use from B8 warehouse, showroom and distribution unit to B2 Brewery with Ancillary Shop & Tap Room.	REF

4. Relevant Policies and Guidance

4.1 **Broxtowe Aligned Core Strategy 2014:**

The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy 4 - Employment Provision and Economic Development
- Policy 6 - Role of Town and Local Centres
- Policy 10 - Design and Enhancing Local Identity

4.2 **Part 2 Local Plan 2019:**

The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 9 – Retention of Good Quality Existing Employment Sites
- Policy 10 - Town Centre and District Centre Uses
- Policy 13 - Proposals for main town centre uses in edge-of-centre and out-of-centre locations
- Policy 17 - Place-making, Design and Amenity

4.3 **National Planning Policy Framework (NPPF) 2024:**

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 6: Building a strong, competitive economy
- Section 7: Ensuring the Vitality of town centres
- Section 9: Promoting sustainable transport
- Section 12: Achieving well-designed places

5. Consultations

5.1 **Consultees**

- Greasley Parish Council – No Comments received.
- Cllr H L Crosby - Greasley Ward - No comments received.
- Cllr M Brown - Greasley Ward - No comments received.
- Cllr A W G A Stockwell - Greasley Ward - No comments received.
- NCC Highways – No objection.
- Environmental Health – No objection. Conditions have been imposed on the Premises License for the property to mitigate any potential noise nuisance concerns with regards to the proposal.

5.2 Six neighbouring properties were consulted on the application with no comments received from any neighbouring properties or any third parties

6. Assessment

6.1 Principle of Development

- 6.2 A previous application (ref. 25/00210/FUL) was refused due to the lack of information to satisfy the requirements of the NPPF in terms of the sequential test. Prior to the submission of this latest application, discussions were held between officers and the agent/applicant to try to overcome the previous reason for refusal. In support of this application, a Planning Statement was provided that addressed previous concerns confirming the proposed taproom element was a subordinate use to the brewery.
- 6.3 The site is located on land that falls under Policy 9 - Retention of Good Quality Existing Employment Sites of the Part 2 Local Plan states that planning permission for expansion, conversion or redevelopment of land and premises for employment purposes on allocated and protected sites will be granted provided that 1 a) The employment use is within Use Class B1 (now E), B2 or B8, or sui generis use of a similar nature.
- 6.4 The application submitted is for a B2 use with an ancillary taproom / shop. Based on the information submitted in support of the proposal, it is considered that the proposed taproom would be subordinate to the primary use i.e. brewing. As such there is no requirement for the submission of the sequential test as part of this application. As such, the general principle of development is acceptable, subject to the following material considerations.
- 6.5 The proposed opening hours are 8am to 10pm Monday to Sunday. The taproom would provide incidental facilities for visitors of the brewery to try and buy products brewed by Blue Monkey. It is proposed that the majority of goods sold in the taproom would be exclusively made by Blue Monkey Brewery. The brewery would also offer tours of the facility. The application seeks permission for the siting of a food vendor on land in front of the brewery building. The catering unit will only be on site at the weekend and during the evening hours. Temporary outdoor seating would be provided for visitors to the front of the building in the form of picnic benches. There will be no permanent outdoor furniture or catering units.
- 6.6 In summary, the proposal seeks permission to expand its premises within a B2 use and therefore is considered to be compliant with Policy 9 of the Part 2 Local Plan. With due regard for paragraph 85 of the NPPF, significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 6.7 Design
- 6.8 Policy 10 of the Aligned Core Strategy states that development will be assessed in terms of massing, scale and proportion, materials and the impact on the amenity of nearby residents or occupiers. Policy 17 of the Part 2 Local Plan 2019 states that extensions should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene.

- 6.9 No external alteration alterations are proposed. As such, there are no concerns in terms of the impact of the proposal on the character and appearance of the area.
- 6.10 Amenity
- 6.11 Policy 10 of the Aligned Core Strategy states that the impact of a development on neighbour amenity will be a consideration. Policy 17 of the Part 2 Local Plan 2019 states that any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.
- 6.12 The site is located within an existing industrial estate with the nearest residential property being over 100m away. Environmental Health have been consulted as part of the application and have provided no objections. Environmental Health have confirmed that to avoid potential noise complaints in the future, restrictions have been placed on the Premises Licence regarding noise from live music events.
- 6.13 Notwithstanding this, in the interests of limiting the impact on the amenity of nearby residential properties it is considered necessary to restrict the opening hours of the taproom element of the proposal from 12 midday to 10pm Monday to Sunday. Furthermore, no music played by speakers shall be permitted outside the building in the interests of the amenity of nearby residential properties. Additionally, the catering unit will only be permitted on the site and open to customers on a Friday, Saturday and Sunday between 12 midday and 10pm, in the interests of protecting the amenity of neighbouring properties. Delivery hours would also be restricted to between hours 07.30am and 10pm Mondays to Saturdays, and 9am and 6pm Sundays, which is consistent with original planning permission for the industrial buildings (ref. 06/00896/FUL).
- 6.14 Overall, subject to the above conditions it is considered that the proposal would not amount to a significant impact on the amenity of residential properties.
- 6.15 Access
- 6.16 Policy 17 of the Part 2 Local Plan 2019 states that planning permission will be granted for new development that provides sufficient, well-integrated parking and safe and convenient access. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 6.17 The site forms part of a wider industrial estate including parking facilities. The proposed site plan shows 10 off street parking spaces to the front of the brewery building unit 10. In front of unit 11, there is also parking availability for

10 spaces, however this area would be used by a catering unit and picnic benches.

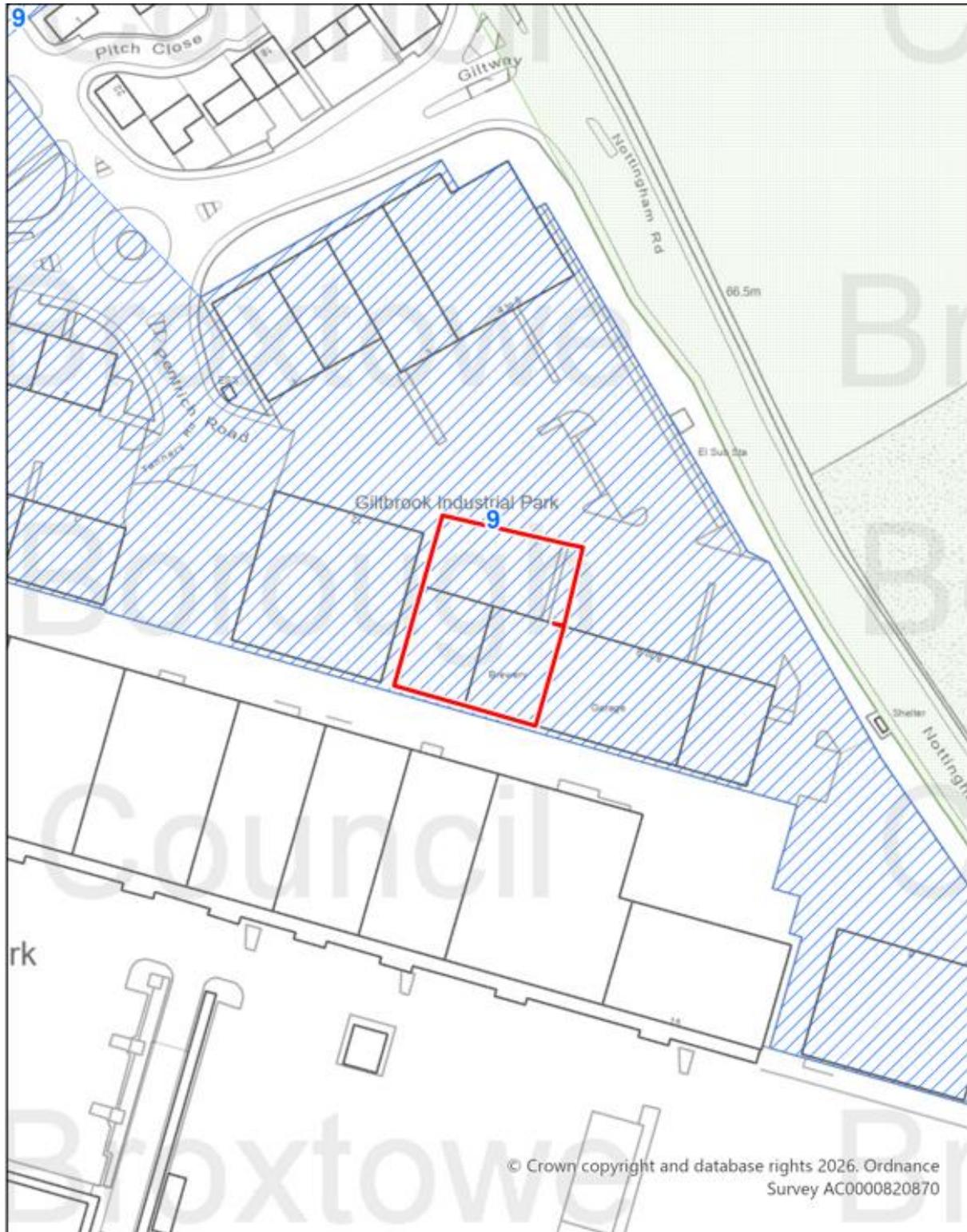
Currently, parking spaces are being used for storage of associated brewery goods. As such, a condition has been added restricting the area in front of unit 10 only for use of vehicles. Within three months of planning permission granted, this area must be made available for vehicle parking, as shown on the submitted proposed site plan. Furthermore, the catering unit will only be permitted on the site and open to customers on a Friday, Saturday and Sunday between 12 midday and 10pm, in the interests of retaining parking spaces to the front of unit 11 when required.

- 6.18 Nottinghamshire County Highways have provided no objections to the application. It is understood that in cases where there is a higher demand for parking, there is off street parking for up to 3 hours on the nearby Giltbrook retail park for visitors of the brewery and taproom.
- 6.19 With due regard to Policy 17 of the Part 2 Local Plan and paragraph 116 of the NPPF, it is considered that the proposal would not amount to an unacceptable impact on highway safety.
- 6.20 Biodiversity Net Gain
- 6.21 The application is exempt from BNG requirements due to it being a change of use application with no loss of any ecological areas as specified in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.
- 6.22 Planning Balance
- 6.23 The proposed change of use to an expanded brewery in this location complies with Policy 9 - Retention of Good Quality Existing Employment Sites of the Part 2 Local Plan. The benefits of the proposal are that it would support local business growth by expanding the brewery which would offer an ancillary taproom facility. There are relatively modest socio-economic benefits in the form of job creation for the expansion. Any potential impacts on the amenity of residential properties and highway safety would be mitigated by planning conditions.
- 6.24 Conclusion
- 6.25 It is concluded that, having regard to the relevant policies of the Local Plan, national planning guidance and to all other material considerations including the Public Sector Equality Duty and comments raised in the representations received, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that planning permission be granted subject to conditions outlined in the Appendix.</p>	
1.	<p>Within three months of the date planning permission granted the parking area to the front of the brewery unit (unit 10) must be made available for vehicles in accordance with the submitted drawing: Proposed Site Plan (Drawing Reference 002).</p> <p><i>Reason: To ensure parking remains available in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with the following plans received by the Local Planning Authority on 23 July 2025:</p> <ul style="list-style-type: none"> • Site Location Plan (Drawing Number: 001) • Proposed Site Plan (Drawing Reference 002) • Proposed Ground Floor Plans (Drawing Reference 201) • Proposed First Floor Plans (Drawing Reference 202) <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>The tap room hereby approved shall only be open to customers during the following hours and at no other times unless otherwise agreed in writing by the Local Planning Authority.</p> <ul style="list-style-type: none"> • Monday to Sunday 12 midday until 10pm. <p><i>Reason: In the interests of neighbour amenity in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
4.	<p>The parking area to the front of the brewery unit (unit 10) as shown on the submitted drawing: Proposed Site Plan (Drawing Reference 002), shall only be used for the parking of vehicles and at no point shall it be used for the storage of any goods or waste associated with the brewery.</p> <p><i>Reason: To ensure parking remains available in the interests of highway safety in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
5.	<p>No external PA System, or music played by speakers shall be permitted outside the building including the parking area to the front of the building as shown on the submitted drawing: Proposed Site Plan (Drawing Reference 002).</p>

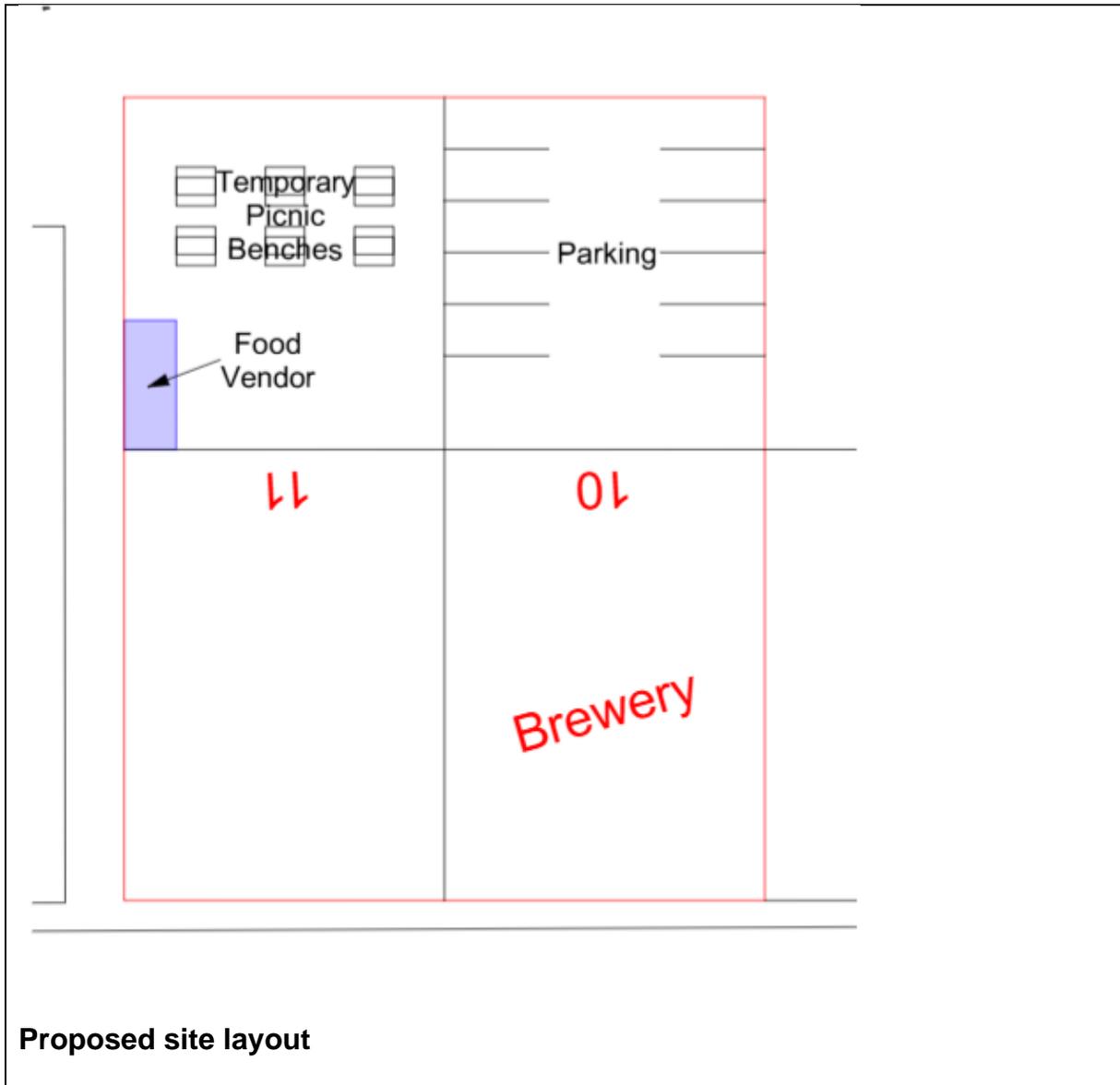
	<i>Reason: To protect nearby residents from excessive operational noise in accordance with Policy 17 - Place-making, design and Amenity and Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan.</i>
6.	<p>The catering vehicle shall only be sited as shown on the submitted drawing: Proposed Site Plan (Drawing Reference 002) and only be open to customers on a Friday, Saturday and Sunday between 12 midday and 10pm, unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure parking remains available and in the interests of neighbour amenity in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
7.	<p>No deliveries, commercial loading, unloading or servicing, nor vehicle activities associated therewith shall take place except between hours 07.30am and 10pm Mondays to Saturdays, and 9am and 6pm Sundays.</p> <p><i>Reason: In the interests of neighbour amenity in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.

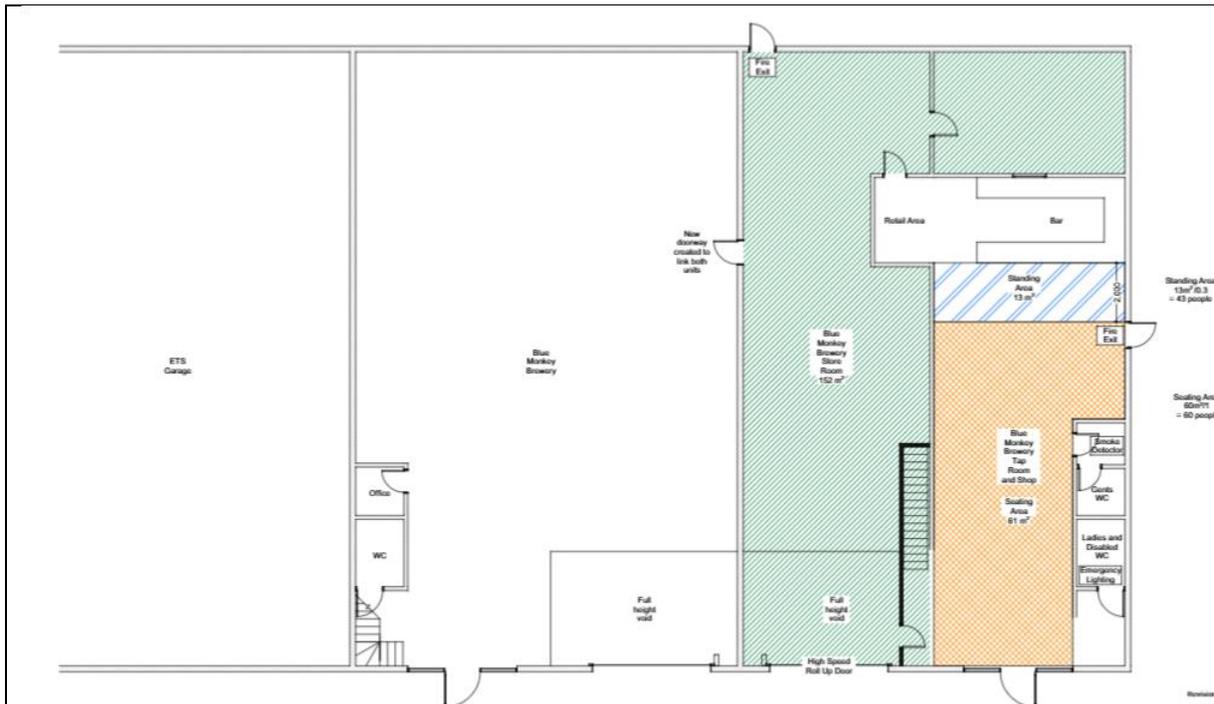
Site Location Map



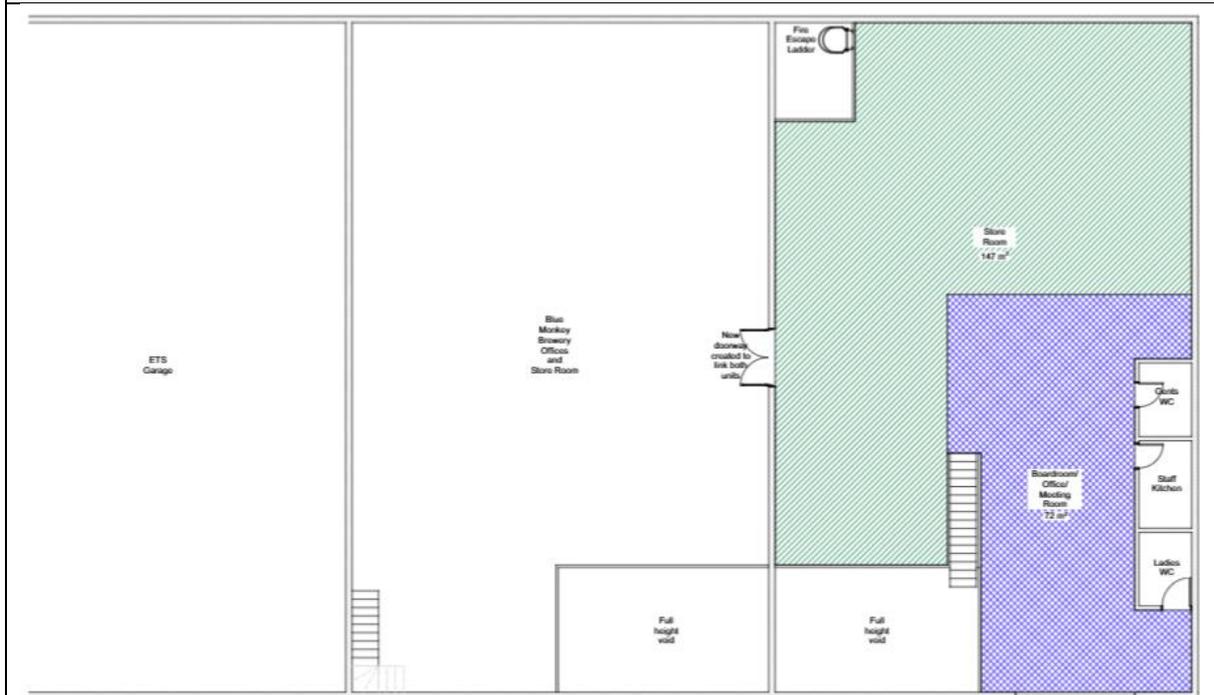
-  Site
 -  Green Belt
 -  Existing Employment Sites
- Policy 9

Plans (not to scale)





Proposed Ground Floor Layout



Proposed First Floor Layout