

SITE PLAN

RR/2023/328/P

BEXHILL

Unit 11  
Beeching Road Studios  
Beeching Road



## Rother District Council

Report to	-	Planning Committee
Date	-	13 April 2023
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2023/328/P
Address	-	Unit 11, Beeching Road, Bexhill, TN39 3LJ
Proposal	-	Change of use of unit to create brewery and associated tap room and Installation of chiller units to front and rear.

[View application/correspondence](#)

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**RECOMMENDATION:** It be **RESOLVED** to **GRANT (FULL PLANNING)**

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**Director: Ben Hook**

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**Applicant:** Mr Ben Murray (Three Legs Brewery)  
**Agent:** Mr Ashley Wynn (Greenhayes Planning)  
**Case Officer:** Mr Michael Vladeanu  
(Email: [Michael.vladeanu@rother.gov.uk](mailto:Michael.vladeanu@rother.gov.uk))

**Parish:** BEXHILL COLLINGTON  
**Ward Members:** Councillors Mrs D.C. Earl-Williams and D.B. Oliver

**Reason for Committee consideration:** Council owned land.

**Statutory 8-week date:** 10 April 2023  
**Extension of time agreed to:** 20 April 2023

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This application is included in the Committee site inspection list.

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### 1.0 SUMMARY

- 1.1 Full planning permission is being sought for the change of use of a vacant unit into a brewery and associated tap room and installation of chiller units to the front and rear of the property.
- 1.2 The key considerations in this application are: the principle of development, impact upon the character and appearance of the local area, noise and amenity impacts and highways/parking.
- 1.3 On balance, the proposal is considered acceptable in terms of planning policy, providing employment opportunities and allowing for an existing business to relocate and expand. The view is taken that the proposed development would have an acceptable impact on the character and appearance of the site and is

not expected to give rise to harm to neighbouring amenity or highway safety. It is, accordingly, recommended that planning permission be granted.

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## **2.0 SITE**

- 2.1 The subject premises consist of a single building orientated at right angles to the highway, containing six small industrial units, all of which front an access road that runs-off Beeching Road. On the opposite side of the access road is a building of similar design that also provides accommodation for six small units. Each unit has a roof of gabled design, screened from view at the front by an upstanding parapet. Windows and doors along the units are a mix of black and white uPVC and steel, with white render along the front elevations.
- 2.2 The site is accessed from its eastern boundary, off Beeching Road. Parking bays line the front of the units, separated by a footpath for pedestrian movement. The wider area is very much industrial in nature, with residencies to the rear-west of the units, separated by a bank of trees that screen views onto and from the site.
- 2.3 The site is located within the development boundary for Bexhill as outlined in the adopted Development and Site Allocations Local Plan (DaSA).
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## **3.0 PROPOSAL**

- 3.1 This application seeks full planning permission for the change of use of unit 11 to form a brewery and associated tap room and Installation of chiller units to front and rear.
- 3.2 The brewery and tap room would be managed by Three Legs Brewery and would allow the business to expand into this unit to allow for a more suitable location. The unit would also be of sufficient scale to accommodate sustainable new growth and a location which is more accessible to suppliers and customers. Alongside the brewery processes a tap room would also be installed which will sell on site beverages in afternoon/evenings and will also sell products to customers. The business will also hold events associated with this tap room use.
- 3.3 The proposed use would require four FTE employees with the expectance of four new jobs to be created over the first 12 months and 10 new jobs over the next three years overall. The plans indicate that there would be six parking spaces provided located to the west of the unit.
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## **4.0 HISTORY**

- 4.1 RR/2021/1483/P Creation of one opening for installation of external door on right hand side elevation of Unit 7. Creation of one opening for installation of external door on left hand side elevation of Unit 12. APPROVED CONDITIONAL
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## 5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- PC1: Presumption in favour of sustainable development
  - OSS1: Overall Spatial Development Strategy
  - OSS2: Use of Development Boundaries
  - OSS3: Location of development
  - OSS4: General development considerations
  - BX1: Overall Strategy for Bexhill
  - BX3: Development Strategy
  - EC1: Fostering economic activity and growth
  - EC2: Business land and premises
  - EC3: Existing employment sites
  - EN1: Landscape stewardship
  - EN3: Design quality
  - TR3: Access and new development
  - TR4: Car parking
- 5.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:
- DCO1: Retention of Sites of Social or Economic Value
  - DEC3: Existing Employment Sites and premises
  - DEN1: Maintaining landscape character
  - DEN7: Environmental pollution
  - DIM2: Development Boundaries
- 5.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations.
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## 6.0 CONSULTATIONS

### 6.1 [RDC Environmental Health](#) – **NO OBJECTION**

6.1.1 Issues to be addressed by Condition.

### 6.2 [Sussex Police](#) – **NO OBJECTION**

### 6.3 [Planning Notice](#)

6.3.1 One letter of objection has been received (from five representatives). The concerns raised are summarised as follows:

- Not the correct location for this type of business.
- Waste / extra noise from deliveries + collections.
- The car park is often used for children's exercise when businesses are closed i.e. Sundays and therefore this will not be possible any longer.
- Unsociable behaviour will occur.

6.3.2 Three letters of support have been received (from five representatives). The reasons are summarised as follows:

- Support for the regeneration of the site which is in good proximity to transport links, provided that conditions are attached to limit noise, drainage and waste storage facilities.

6.3.3 One letter with general comments has been received (from five representatives). The comments are summarised as follows:

- The Council will recall the problems that Sharwood had with air pollution in the area which was caused by the food processing. Despite bigger chimneys built after Council intervention the air pollution still continued. Hopefully the microbrewery has a plan should there be a repeat of any air pollution issues and potential complaints.

6.4 Bexhill-on-Sea Town Council – **NO OBJECTION**

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## **7.0 LOCAL FINANCE CONSIDERATIONS**

7.1 This application is not liable for Community Infrastructure Levy.

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## **8.0 APPRAISAL**

8.1 The key issues for consideration are as follows:

- a) Principle of Development
- b) Impact on surrounding amenity
- c) Design: layout, appearance and landscaping
- d) Access, transportation and highways safety

### **8.2 Principle of Development**

8.2.1 The site is within the development boundary for Bexhill where the redevelopment/reuse of vacant properties is acceptable in principle subject to compliance with other policy considerations to ensure there would be no adverse impact.

8.2.2 Policy BX1 provides support for economic growth within the Town and states that the overall strategy for Bexhill is to “promote the economic growth of the town, and wider area, including through encouraging growth in new and established local firms, especially in high value-added sectors, prioritising development for employment purposes, increasing the supply of land and premises and promoting efficient infrastructure.”

8.2.3 The National Planning Policy Framework also gives support for local businesses to expand and states at paragraph 81 that “planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. 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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.”

8.2.4 Policy EC3 of the Rother Local Plan Core Strategy states that land and premises currently in employment, including tourism, use will be retained in such use unless it is demonstrated that there is no reasonable prospect of its

continued use for employment purposes, or it would cause serious harm to local amenities. The policy also permits intensification, conversion, redevelopment and/or extension having regard to other policies of the plan.

8.2.5 The use is considered appropriate for the location and would be considered to make a positive contribution to the economy of Bexhill and as such the principle of development is considered to be acceptable, subject to other considerations below.

### 8.3 Impact on Surrounding Amenity

8.3.1 Policy OSS4 (ii) states that all development should not unreasonably harm the amenities of adjoining properties.

8.3.2 The site lies within an established industrial area and is not adjoined by any residential properties. The nearest residences are located along Colebrook Road which is some 40m to the west, with trees and car parking areas separating them. Given this relationship, it is not considered that the proposed use would have any greater impact than the existing authorised use of the building.

8.3.3 Environmental Health have been consulted on the application and are satisfied with the proposal but have sought conditions to monitor noise, foul and surface water drainage, waste storage facilities and restriction on hours of opening.

### 8.4 Design: Layout, Appearance and Landscaping

8.4.1 National Planning Policy Framework (2021) Chp12 'Achieving well-designed places' sets out the expectation regarding Good Design: Paragraph 126 'The creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'.

8.4.2 Policy EN3 (Design Quality) of the Rother Local Plan Core Strategy requires that 'new development...contributes positively to the character of the site and surroundings, including taking opportunities to improve areas of poor visual character or with poor townscape qualities'. It sets out eight Key Design Principles which will be consolidated with those of the National Planning Policy Framework to review the design resolution of the application.

8.4.3 Policy OSS4 of the Rother Local Plan Core Strategy requires that all development to (iii) respect and does not detract from the character and appearance of the locality.

8.4.4 Policy BX1 of the Rother Local Plan Core Strategy states that the strategy for Bexhill is to (i) conserve and enhance the town's distinct and independent character.

8.4.5 The only external changes to the building are the addition of two small chiller units, one to the front and one to the rear of the property. These units would appear as associated infrastructure associated with the commercial building

and hence would have an acceptable impact upon the character and appearance of the locality.

## 8.5 Access, Transportation and Highways Safety

- 8.5.1 Policy TR4 (i) states that proposed developments shall: (i) meet the residual needs of the development for off-street parking having taking into consideration localised circumstances and having full regard to the potential for access by means other than the car, and to any safety, congestion or amenity impacts of a reliance on parking off-site whether on-street or off-street.
- 8.5.2 Policy CO6 of the Rother Local Plan Core Strategy states that a safe physical environment will be facilitated by (ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.
- 8.5.3 Given the existing use of the site as commercial unit, it is not considered that the proposed use as a brewery and tap room would have any greater impact on highway safety. The site is close to the town centre, accessible by public transport and is considered sustainably located.
- 8.5.4 The proposals would involve a total of 6 No. onsite car parking spaces being provided, which is considered sufficient for the proposed use. Nearby offsite parking is also available in the public car park to the rear of the site.

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## 9.0 CONCLUSION

- 9.1 In determining this application, the issues appraised were a) Planning policy: Principle of Development; b) Impact on surrounding amenity c) Design: layout, appearance and landscaping; d) Access, transportation and highways safety.
- 9.2 Principle of Development: It is considered that the application accords with planning policy. It would contribute to the Council's objectives of regeneration, enabling inward investment, and securing long-term employment within the designated area of Bexhill as identified in the Local Plan.
- 9.3 Impact on surrounding amenity: Given the existing authorised use of the site as a commercial unit, it is not considered that the proposed use as a brewery and tap room would have any greater impact on neighbouring amenity in terms of any increased noise or activity.
- 9.4 Design: layout, appearance and landscaping: the application accords with Policies EN3 (Design Quality) and OSS4 (General Development Considerations). The external alterations proposed are relatively minor and would not have an unacceptable impact on the character or appearance of the locality.
- 9.5 Access, transportation and highways safety: the application accords with Policies TR3 (Access and New Development), SRM1 (Towards a low carbon future), and Paragraph 8 of the National Planning Policy Framework (sustainable development).

- 9.6 It is considered that the application accords with the Rother Local Plan Core Strategy (2014), the Development and Site Allocations Local Plan (2019), Section 38(6) of the Planning and Compulsory Purchase Act (2004), and the National Planning Policy Framework (2021). As such, the application is recommended for approval subject to conditions.

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**RECOMMENDATION: GRANT (FULL PLANNING)**

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**CONDITIONS:**

1. The development hereby permitted shall be begun before the expiration of three-years from the date of this permission.  
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved:
  - a) Block Plan, received by the council 13/02/2023
  - b) Site Location Plan, received by the council 13/02/2023
  - c) Proposed Floor Plan, received by the council 13/02/2023
  - d) Existing and Proposed Elevations, received by the council 13/02/2023Reason: For the avoidance of doubt and in the interests of proper planning
3. The rating level, LA<sub>r</sub>,Tr, of sound emitted from all fixed plant at the development hereby permitted shall not exceed LA<sub>90</sub>,15min background sound levels by more than 5 dB between the hours of 0700-2300 at the nearest sound sensitive premises and shall not exceed the LA<sub>90</sub>,15min background sound level between 2300-0700 at the nearest sound sensitive premises. All measurements shall be made in accordance with the methodology of BS 4142:2014+A1:2019 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.  
Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.  
Any deviations from the LA<sub>90</sub> time interval stipulated above shall be agreed in writing with the Local Planning Authority.  
Reason: To protect the amenities of nearby residents and comply with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and paragraphs 174 and 185 of the National Planning Policy Framework 2021.
4. Before the use hereby permitted commences, a written scheme for the disposal of foul and surface water drainage that meets the requirements of the local sewerage undertaker shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the drainage system has been constructed in accordance with the approved scheme. The approved scheme shall be maintained for the life of the approved development.  
Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Policy SRM2 of the Rother Local Plan Core Strategy.



5. Prior to the occupation of approved buildings suitable and sufficient waste storage facilities shall be provided for the safe and secure on site storage of waste derived from the business to ensure that no detriment to amenity from odour, flies or vermin arises. A scheme detailing the provisions to be made for the safe storage and regular removal of waste must be submitted to and approved in writing and not altered without the prior written approval of the Local Planning Authority and shall be maintained for the life of the approved development.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and paragraphs 174 and 185 of the National Planning Policy Framework 2021.

6. The use hereby permitted shall not be open to customers before the hours of 12:30 or after 22:30 on Friday and Saturday and before 15:00 or after 22:00 on Wednesday and Thursday and before 12:30 or after 20:00 on Sundays and Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and paragraphs 174 and 185 of the National Planning Policy Framework 2021.

#### **NOTES:**

1. Food preparation areas on the premises must comply with requirements of current food hygiene legislation (EC Regulation 852/2004). Any mechanical ventilation plant must meet the requirements of the noise condition above.
2. The Applicant is advised to consult directly with Police Licensing at Sussex Police before making plans for licensed premises serving alcohol or conducting other licensable activities at this site. Sussex Police Licensing Team may have some of their own requirements to be implemented into the premises before they are satisfied it meets the above licensing objectives on the day-to-day operation of the premises.
3. The Applicant's attention is drawn to the SBD website where the Secured by Design (SBD) Commercial Development 2015 document can be found. This is a comprehensive document that encapsulates both commercial developments where the public have no formal access, e.g. factory or office buildings, and those where public access is integral to the commercial use such as retail premises, leisure centres and public buildings.

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.