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Dear Robert

PHANTOM BREWING CO – UNIT 3-5 MEADOW ROAD: PREMISES LICENCE

I write to you on behalf of our client, Phantom Brewing Co., in respect of its premises licence application to extend the hours that it may sell alcohol at its brewery located at Unit 3-5 Meadow Road, Reading ("**the Site**").

Specifically, this letter addresses representations submitted by Planning Officers at Reading Borough Council, explaining that these comments are either unrelated to the four prescribed licensing objectives and therefore not material, or unjustified to the extent that they should hold very little weight.

The premise licence application submitted by Phantom Brewing Co. must be considered on its merits only in respect of:

- the prevention of crime and disorder;
- public safety;
- prevention of public nuisance; and
- protection of children from harm.

Therefore, reference to the planning history and context of the Site by Planning Officers, which does not relate to the four licensing objectives, is not material to this premises licence application.

Nevertheless, Planning Officers have made assumptions and appear to prejudge matters of what is and what is not lawful on the Site, which cannot be left unanswered (even though not material to the premises licence application).

The lawful use of the Site is as brewery, which has a Class B2 general industrial use. A lawful development certificate (reference 190744/CLP) was granted establishing that a taproom (a bar selling drinks to the public) could operate as ancillary to the main brewery use, without there being a material change of use.

This application provided information in respect of the ancillary nature of the taproom, including its overall floor area, hours of opening, and predicted turnover as a proportion of total brewery sales.

Whilst this information supported the lawful development certificate, it is important to understand that should circumstances surrounding the taproom change (such as hours of opening, floorspace and turnover), this does not automatically render it unlawful as compared to being lawful under the approved lawful development certificate. The taproom operating under different circumstances may still be considered ancillary to the Class B2 brewery use, as a matter of fact and degree.

Thus, conclusions jumped to by Planning Officers that an increase in hours of opening of the taproom would result in a material change of use, without any discussion with Phantom Brewery Co. or any awareness of the full relationship between the taproom and the brewery, are premature and unfounded. Phantom Brewery Co. would welcome dialogue with the Planning Officers in respect of all material considerations of fact and degree relating to this matter.

But the point remains that even if a change of use were to occur through the taproom's additional hours of opening, this is irrelevant to the consideration of the premises licence application.

Therefore the Planning Officers' reason for objecting to the premises licence application "*on the basis of unlawful change of use of the site*", is not a material reason to do so.

Reference is made by Planning Officers to existing residential development in the area, including that being delivered opposite the Site, but do not provide any justification as to why that relationship with the taproom causes issue in respect of the four licensing objectives.

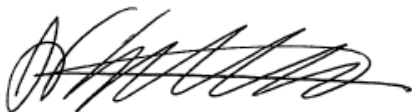
In terms on general amenity, it is relevant that the Site has a Class B2 general industrial use, located in a designated core employment area suitable for intensive and potentially noisy industrial uses. Industrial activities on the Site are not restricted by hours of use. The brewery or any other general industrial use could therefore operate 24 hours a day, as operational and economic necessities might require.

For Planning Officers to consider a small taproom bar (the type of activity commonly found in residential areas across Reading) might be harmful to surrounding residential amenity, against the unfettered general industrial use of the Site, would be unjustified.

Overall

I would be pleased if this letter can be taken into account in the consideration of Phantom Brewery Co.'s premises licence application.

Yours sincerely,



Andrew Somerville
Associate Director

cc. Phantom Brewery Co.