

Agenda Item	A8
Application Number	23/01290/FUL
Proposal	Retrospective application for use of site from microbrewery to a mixed use microbrewery and drinking establishment with expanded food provision and retention of extensions to the south and west sides providing external seating and storage areas
Application site	Old School Brewery The Barn Holly Bank Warton
Applicant	Mr Ren Wallbank
Agent	Mr David Hall
Case Officer	Mr Sam Robinson
Departure	No
Summary of Recommendation	Approval

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, the application was called in within 21 days of appearing on the weekly list of planning applications by Councillor Sue Tyldesley who requested that the application be determined by the Planning Regulatory Committee.

1.0 Application Site and Setting

1.1 The site which forms the subject of this application is the Old School Brewery building located on Holly Bank off Crag Road on the western edge of Warton. The building is comprised of stone under slate and is identified as a non-designated heritage asset (NDHA).

1.2 To the north, east and south of the site lie residential properties whilst to the west lies a small car park. Warton Cragg which is designated as a SSSI is located approximately 140m beyond the car park to the west whilst the area of trees and land beyond the car park is designated as a biological heritage site. The site is also within the Arnside and Silverdale National Landscape and the Warton Conservation Area.

2.0 Proposal

2.1 This application is seeking retrospective consent for the use of site from microbrewery to a mixed-use microbrewery and drinking establishment with expanded food provision and retention of extensions to the south and west sides providing external seating and storage areas.

2.2 The bar area is located in the western part of the existing building whilst the external seating area is located to the front (south) of the building. The external area measures approximately 110sqm and

is surrounded by an open structure measuring approximately 2.4m in wall height and comprised of concrete and timber panels to the walls and a green fabric roof cover.

2.3 Access to and from the site will remain as existing.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
11/00112/CU	Change of use from builders workshop and garage to a micro brewery	Permitted

4.0 Consultation Responses

4.1 The following responses have been received from statutory and internal consultees:

Consultee	Response
Warton Parish Council	No objection (No objection raised but concern over noise levels from past events and suggest condition for times of start and finish for any music sessions)
Arnsdale and Silverdale AONB Officer	No comment (Recommend that Conservation Officers comments are considered, and that noise and lighting levels are at acceptable levels)
Conservation Officer	No comment
County Highways	No objection
Environmental Health	No objection (Recommendation for a condition that there are no amplified music performances outside)
Natural England	No response

4.2 The following responses have been received from members of the public:

- 278 letters of support
- 9 letters of objection
- 4 letters neither supporting nor objecting
- No comments received from Cllr Tyldesley

Letters of support relate to the following:

- The proposal encourages visitors to the area
- Noise impacts are limited
- Good asset for the village
- Community value/mental health and well-being
- Local employment and economic benefits
- Reduced COVID risk
- Close to village centre with good access
- Appropriate for locality
- Support for other local organisations
- Complies with policies
- Other sources of noise have greater impact

Letters of objection relate to the following:

- Unacceptable sound levels/noise impacts from live music
- Cooking odours
- Third party land ownership
- Outdoor area overlooks residential gardens
- Parking/disturbance on neighbouring hotel/business

- Inadequate emergency exits
- Visual impact

Letters relating to neither supporting or objecting relate to the following:

- Suggestion that the music should be inside
- Music can be loud/disturbance
- Proposal offers a community asset
- Concerns over traffic/parking

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle of development
- Design and impact on National Landscape and heritage assets
- Noise/residential amenity
- Highways
- Any other matters

5.2 **Principle of development** (NPPF Sections 2 and 6; Strategic Policies and Land Allocations DPD policy SP1 and SP2; Development Management DPD policies DM15, DM25 and DM56; and Arnside and Silverdale AONB DPD policy AS09)

5.2.1 Policy DM15 states that the Council will support proposals that involve the sustainable expansion of an existing businesses within its existing site subject to compliance with other relevant policies within the local plan. In addition to this, policy DM25 states that the Council will encourage and support the sustainable growth of the district's evening and night-time economy subject to ensuring there is a focus on public safety, no adverse impacts on the visual amenity, surrounding residential amenity and access requirements are provided where relevant. Finally, policy DM56 states proposals for new local services must be located where there is already a choice of travel options or where it can be demonstrated that accessibility will be significantly improved and therefore can be accessed by all members of the community. Where possible, local services should be located within, or adjoining, existing centres. This is largely re-iterated in policy AS09.

5.2.2 This proposal seeks to formalise the drinking establishment element of the business along with a small ancillary café element alongside. It is understood that the microbrewery had a tap room previously but the scale of such was considered ancillary to the main use of the building as a brewery. The expansion of this business seeks consent to create a mixed use comprised of a microbrewery with expanded drinking establishment both inside and outside of the building.

5.2.3 The existing brewery gained formal planning consent in 2011 and since then has grown as a business. This application effectively sees a small expansion of this business adjacent to the existing building, which is encouraged by policy DM15, however, this is subject to compliance with any other relevant material considerations. Similarly, the proposal will provide a small contribution for the evening and night-time economy with the amenity and design considerations discussed in the following paragraphs. Finally, policy DM56 states that proposals for local services should be located within accessible areas. Local services are defined in appendix A of the DM DPD which states, amongst other things, that cafes and public houses are to be considered as such. The site is located close to the centre of Warton which is identified as a sustainable rural settlement in the local plan and is also in close proximity to a bus route which is sited on Main Road approximately 50m away. Therefore, the site is considered to be well connected to the immediate village and wider district and the scale and size of the proposal remains proportionate to the village of Warton.

5.2.4 Consequently, for the reasons listed above, the proposal is considered acceptable in principle subject to the other material considerations that will be discussed in the following paragraphs.

5.3 **Design and impact on National Landscape and heritage assets** (NPPF Sections 12, 15 and 16 Strategic Policies and Land Allocations DPD SP7 and SP8; Development Management DPD policies DM29, DM38, DM39, DM41 and DM46; and Arnside and Silverdale AONB DPD policy AS02, AS07 and AS08)

- 5.3.1 Policy DM46 and AS02 states that in determining planning applications the Council will attach great weight to the protection of nationally important designated landscapes. Development proposals should, through their siting, scale, massing, materials, landscaping, vernacular style and design seek to contribute positively to the conservation and enhancement of the protected landscape and its setting.
- 5.3.2 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed Building, Conservation Area or their setting the local planning authority must pay special attention to the desirability of persevering or enhancing the character or appearance of the heritage asset or its setting. Policy DM38 states any development proposals and / or alterations to buildings, features and open spaces in Conservation Areas should preserve or enhance the character and appearance of the Conservation Areas. Finally, policy DM41 states proposals affecting the setting of a Non-Designated Heritage Asset will be required to give due consideration to its significance and ensure that this is protected or enhanced where possible.
- 5.3.3 The site sits on the fringes of the Warton Conservation Area and away from the medieval centre which lies along Main Steet in which the significance of the Conservation Area is largely derived from. Notwithstanding that, excluding the 20th century bungalow adjacent to the site, the site of the brewery has a pleasant backdrop and the building has attractive features, which is designated as an NDHA, and is comprised of stone under slate which contributes to the significance of the Conservation Area.
- 5.3.4 The site was previously utilised as a small lawned area and although occupying a rather prominent position within the street in front of the existing brewery, the structure has a relatively lightweight appearance with a low profile. The structure is comprised of concrete and timber panels at the base, open elevations and a green cloth roof which is removed at different periods of time subject to the weather. The low profile helps it appear subservient to the main building and when travelling from the east, the structure is viewed in the context of the surrounding vegetation which also helps to soften the appearance.
- 5.3.5 However, the base of the structure is comprised of concrete and timber panelling which is not a common material and does not provide a positive contribution to the appearance of the area. The applicant has agreed to finish this element in natural stone to match the stone and coursing of that of the surrounding area. It is considered that this is a much more suitable finish and one that would help to better preserve the character and appearance of the area and reduce the overall visual harm of the proposal. In terms of the impact on the character and appearance of the National Landscape, although relatively prominent, views of the site are relatively localised as they are surrounded by existing buildings and vegetation. The change of a stone finish to the base of the structure is more appropriate and should help to ensure that there are no significant adverse impacts on the visual amenity of the wider National Landscape.
- 5.3.6 Notwithstanding the above, due to the shallow profile of the roof and the green cloth material, this is not a design or appearance that is reflective of the Conservation Area when viewed as a whole. Whilst it is recognised that the site is located on the edge of the Conservation Area and away from the main areas of significance, it does occupy a relatively prominent spot within the streetscene. For these reasons, it is considered that the proposal does result in a minor level of harm to the significance of the Conservation Area.
- 5.3.7 Despite the minor level of harm, paragraph 206 of the NPPF is clear when considering harm to the significance of a designated heritage and states *'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'*. Paragraph 208 goes on to state *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*.
- 5.3.8 Whilst the LPA attaches a minor level of harm on the Conservation Area, in the context of the NPPF, the level of harm is considered to be less than substantial. In the context of the less than substantial harm, it is considered to be relatively low on this scale.

- 5.3.9 As outlined in the report earlier, the application has received considerable support from members of the public who outline the community benefits of such a scheme. Indeed, the LPA recognises the public benefits of such schemes as outlined in the principle of development paragraph at the beginning of this assessment. This is also recognised by the NPPF which states in paragraph 97 a) planning decisions should *'plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments'*.
- 5.3.10 In this instance, when considering that the proposal complies with the policies DM15, DM25 and DM56 and provides a community benefit and local service as defined with the DM DPD in a sustainable rural settlement as well as providing a modest contribution to local employment and the local economy. In this instance, these are public benefits that are considered to outweigh the minor level of harm that has been identified. It is considered necessary to condition a sample of the stone to be submitted consideration of the application within three months to ensure that the amendments are carried out in a timely manner as well as a securing the implementation of the amendment.
- 5.4 **Noise/residential amenity (NPPF Section 12; Development Management DPD policies DM29; and Arnside and Silverdale AONB DPD policy AS08**
- 5.4.1 Policy DM29 states that the Council will expect development to minimise impacts on air quality (including odour), noise and light pollution and locate new development sensitive to pollution in locations where existing sources of noise, light or air pollution can be satisfactorily mitigated.
- 5.4.2 In terms of the physical impact of the structure, as it is of a relatively small scale and is sited away from neighbouring properties, there will be no significant adverse impacts in terms of loss of light or overbearingness.
- 5.4.3 The creation of an outdoor drinking space does have the potential to give rise to noise issues. The Local Planning Authority (LPA) is aware that the Council's Environmental Protection Team (EPT) received complaints from local residents of loud music from live performances at the venue. An investigation indicated that the music levels were capable of causing a statutory nuisance.
- 5.4.4 The application has been submitted with a noise statement which took a recording on Sunday 5th May (bank holiday weekend). The recording took place when a performance was taking place and started from approximately 14:30 ending at 17:15. The LAeq level, which is the average sound level, indicated a 57.2db reading up which is slightly up from the 52.6 for ambient noise recording. Whilst the impacts and range of sound levels vary considerably and differ from person to person, dB level comparison charts vary but suggest sounds above 75 dB become unpleasant whilst anything above 85dB becomes harmful to the ear. The recording indicates that the level of sound almost entirely below this level excluding one incident which registered at around 90 dB. The report indicates this was caused by 'a passing vehicle since there was certainly no shouting activity from customers at the Old School Brewery' although there is no way to verify this.
- 5.4.5 Notwithstanding the above information, the main objections from members of the public appear to relate to the noise impacts of the live performances as well as concerns from the EPT. The noise statement also indicates that the recording was undertaken when one artist was performing with a single guitar but with no indication whether the music was amplified. Such variations could allow for significant changes within the dB ranges.
- 5.4.6 In December 2023, the EPT had sufficient evidence to serve an abatement notice resulting from music levels from live performances. Prior to serving this notice, a letter was sent to the owners advising them of this. Since December 2023, music levels have reduced and are now at an acceptable level. This is partly resulting from the performer(s) being inside the premises. If current levels are maintained, the EPT are satisfied that there would be no issues that would warrant a reason for refusal on this ground alone.
- 5.4.7 In light of the above information, it would appear that unregulated live music has the potential to cause a nuisance when considering the response provided by the EPT. The LAeq levels outlined in the noise statement without any artists performing suggest that the use of the site however would

not result in an adverse impact upon the amenity of neighbouring properties which is also of the opinion of the EPT as outlined in their consultation response.

5.4.8 The application form indicates that the hours of opening will range from 10:30 to 21:00 Monday to Friday and 10:30 to 22:00 Saturday and Sunday. The EPT have raised no objection to the hours of opening and by ceasing activity at 22:00 this will remove noise impacts before and after these hours.

5.4.9 Therefore, the LPA can be reasonably satisfied that with the inclusion of conditions which restricts any amplification of any music externally, along with conditions securing the hours of opening and closing, the proposal should not have a significant adverse impact in terms of noise on the neighbouring properties. In the unlikely event that a nuisance occurs in the future, this could still be addressed through separate Environmental Health legislation.

5.4.10 The neighbouring property to the east, 1 Crag Road, is in close proximity to the site which features a rear dormer that faces towards the proposed outdoor seating area. This property features a small garden space to the rear (west) and side (south) as well as an area to the front (east). The garden spaces to the rear and side are surrounded by a large retaining stone wall which is on a lower level to that of the application site. This sharp change in land levels will screen the garden when sat in the outdoor area but this garden area would be visible if passing on the access road between the application site and dwelling if one were close to the retaining wall. This is considered a pre-existing issue and one that would not be exacerbated by customers sat in the external area. 1 Crag Road does have a garden space to the front which, due to the layout of the site, is relatively private. Views towards the properties to the southern side of Crag Lane are sufficiently separated by the highway and would only afford views similar to that of anyone passing along the highway.

5.4.11 As mentioned in the previous paragraph, 1 Crag Road features a dormer window to the rear which faces towards the outdoor area approximately 9.5m away. This dormer appears to have been consented under the 96/00357/FUL application and the floor plan indicates it was constructed to facilitate a bedroom and ensuite. Whilst this is a relatively short distance between the window and outdoor seating area, the access road is considerably closer and would offer a closer view for anyone travelling north or south along this track or those that would already visit the brewery beforehand. The plans for this room also indicate that there is another window to the south, which appears to offer a view for the room, and rooflights to the east that would not be impacted by the proposal.

5.4.12 It is for these reasons that it is considered that the proposal would not have a significant adverse impact upon the amenity of the nearby residential properties subject to the inclusion of the conditions recommended above.

5.5 Highways (NPPF Sections 9 and 12; Development Management DPD policies DM29 and DM62: and Arnsdale and Silverdale AONB DPD policy AS08

5.5.1 Policy DM29 states that the Council will expect development to incorporate suitable and safe access to the existing highway network and road layout design, in line with the latest standards whilst policy DM62 outlines the maximum parking provision for development proposals.

5.5.2 The application does not propose any new access points or alterations to the highways. Due to the site constraints and land ownership of the appellant, the application cannot provide for any off-street parking within the site. However, the site is adjacent to a public car park and as mentioned earlier, is in close proximity to a bus route. There is also on street parking available along Main Street if needed. Due to the nature of the proposal, it is also likely that a number of customers will walk to and from the site.

5.5.3 Lancashire County Council Highways Authority have considered the application and stated that the planning application as presented would not have a severe impact on the surrounding highway network and therefore has no objection to the planning application.

5.6 Any other matters

5.6.1 The site is located approximately 140m to the east of Warton Cragg, which is designated as a SSSI. Due to the separation distances, the proposal will not result in any land grab of this area and the

nature and scale of the development should not see any adverse impacts upon the wildlife and fauna within this area. Natural England were consulted for comment, but none have been forthcoming. Biodiversity Net Gain (BNG) became mandatory for planning applications from 2 April 2024 as a way of creating and improving natural habitats by making sure development has a measurably positive impact ('net gain') on biodiversity. However, this is applicable for planning applications made after 2 April 2024 and as the application was submitted 9 November 2023, this is not applicable in this case.

- 5.6.2 Comments relating to the application affecting parish land have been noted (the letter does not state which parish, but it is presumed that it is referring to Warton parish council) and the applicant has served notice on the parish as a result of this comment. Warton parish council have not made comment on the land ownership, nor have they formally objected to the application.
- 5.6.3 Comments relating to inadequate fire safety within the building again, have been noted but this is an existing building, and the applicant would need to comply with the relevant fire regulations, but this is considered to be dealt with under separate legislation.
- 5.6.4 Finally, comments relating to odour from cooking have also been noted however, this appears to be a relatively small element of the business considering the footprint and nature of the use. Again, the EPT have not raised any objection to this element through the application but again, if this were to become a persistent nuisance, it is considered that this could be better controlled through separate Environmental Health legislation.

6.0 Conclusion and Planning Balance

- 6.1 The proposal does provide a local service within a sustainable rural settlement which is recognised to provide a benefit for the community it serves and subject to conditions, the proposal would not give rise to significant adverse impacts on the amenity of neighbouring properties. The alterations to the materials would provide a visual improvement but overall, the proposal would still likely result in a minor level of harm to the Conservation Area however, this level of harm is considered to be outweighed by the public benefits of the scheme. The proposal would also have no adverse impacts on the visual amenity of the wider National Landscape, highway network or the designated site of Warton Cragg. Overall, the proposal is seen to comply with the development plan when read as a whole and is therefore recommended for approval.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Development to accord with plans	Procedural
2	Submission of stone sample within 3 months and implementation to occur after	Submission of details
3	No amplified music outdoors	Control
4	Opening hours	Control

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

Lancaster City Council has made the decision in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None

