

APPLICATION REPORT – 18/00975/FUL

Validation Date: 1 November 2018

Ward: Brindle And Hoghton

Type of Application: Full Planning

Proposal: Change of use from gin distillery to gin distillery and public bar including associated tours and events

Location: Holmes Farm Sandy Lane Brindle Chorley PR6 8LZ

Case Officer: Mr Iain Crossland

Applicant: Mr Gerard Singleton

Agent: Mr John Welbank

Consultation expiry: 22 November 2018

Decision due by: 27 December 2018

RECOMMENDATION

1. It is recommended that this application is approved subject to conditions.

SITE DESCRIPTION

2. The application site is located within the Green Belt to the north of Sandy Lane and Holmes Farm, adjacent to the M61 Motorway at Brindle. It comprises a warehouse type building that accommodates gin distilling and brewing plant. There is also a bar area that has been used previously without the benefit of planning permission. There is an established band of trees between the site and M61 motorway to the west, however, the land to the south and east between the site and Sandy Lane is open agricultural land. There are some dwellings to the south of the site on the opposite side of Sandy Lane. The site is accessed through Holmes Farm via an access from Sandy Lane.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks planning permission for the change of use from a gin distillery to a gin distillery and public bar including associated tours and events. This would comprise:
 - Distillery tour – 1 mid week with up to 30 people. Normally evenings 7-10pm. 1 per weekend with up to 30 people. Normally afternoons 2-5pm. These are usually corporate or club events with organised transport.
 - Gin Schools – 2 mid week with 12 people. Normally evenings 7-10pm. 1 per weekend with 12 people. Normally afternoons 2-5pm.
 - Public openings – To a maximum of 80 people. 6pm to 11pm. primarily targets local residents of whom the majority walk to site. Normally just once a week on either a Friday or Saturday night.
4. There would be no external alterations to the buildings.
5. It is proposed that the access to the site would be re-arranged to provide a one way system with separate access and egress points from Sandy Lane.

REPRESENTATIONS

6. Representations in objection have been received from the occupiers of 4 addresses raising the following issues:
- Impact on amenity through noise and disturbance.
 - Impact of light from cars.
 - Highways safety impact.
 - Impact on local public houses and the Village Hall.
 - The business should not have been started without planning permission.
 - If the business is successful it will require further accommodation that will result in further intrusions into the Green Belt.
 - The applicant's primary business is not farming but is as a groundworks contractor.
 - Disturbance from loud music.
 - Noise restrictions must be imposed to prevent noise late into the night.
 - The majority of people do not walk to the site.
 - Live music events and other activities have already been carried out without planning permission.
 - Impact on the value of surrounding property.

CONSULTATIONS

7. **Brindle Parish Council:** Have objected to this development and consider that it should be refused. The Parish Council have made the following observations:

1. Planning History.

In view of the applicant's past history in relation to development of the site there is no guarantee that if permission is granted no further development will take place. Indeed in the document DTPC Transport Statement there is a site plan showing a building referred to as a store adjacent to the distillery which currently does not exist it has not yet been built but will presumably form a further application. This is yet another incursion into the Green Belt.

2. Increased Use.

Events are already taking place some of which are larger than the suggested numbers in the current application and the proposals for guided tours will only increase this use.

3. Movement of Vehicles

As the majority of people do not walk to the site the number of vehicles arriving or leaving will increase. There will be potential noise nuisance and problems with vehicle lights shining into surrounding properties particularly late in the evening.

The groundwork business is mainly in the manner of using large diggers and associated equipment in relation to the description below which is part of an extract from Construction news.

Founded in 1984, Singleton Landwork Ltd based near Chorley, Lancashire provides professional groundworks including excavations, drainage, pipeline installations fencing and timberworks throughout the north west of England.

In the planning application it states that work has not started on the change of use this is clearly not the case as the venue has been in operation for at least 18 months prior to the submission of a planning application.

The change in speed limit at this point means that it is dangerous for cars leaving the site.

Also, should the application be granted, conditions on noise, the number of events and closing times to reduce the impact on surrounding residents be imposed.

8. **Regulatory Services - Environmental Health** - Environmental Health make no objection to the proposed development.
9. **Lancashire Highway Services:** Have no objection subject to conditions.

PLANNING CONSIDERATIONS

Principle of development

10. The National Planning Policy Framework (the Framework) is supportive of sustainable development in rural areas and most specifically in the context of this rural site states at paragraph 83 that Local Authorities should *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings and promote the development and diversification of agricultural and other land based rural enterprises.*
11. The proposed use would support the diversification of the agricultural enterprise and would enable the commercial distillery operation to create additional income streams from events as well as creating direct sale opportunities from visitors. This would also raise the profile of the gin and provide a direct marketing opportunity.
12. Support for rural businesses and farm diversification is reflected in the Central Lancashire Core Strategy policy 13, with the caveat that such proposals should not undermine the purposes of the Green Belt.
13. The application site is located within the Green Belt. National guidance on Green Belt is contained in Chapter 13 of the Framework which states that there is a general presumption against inappropriate development in the Green Belt and The Framework advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
14. In particular, the Framework states:

133. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

134. Green Belt serves five purposes:

 - *to check the unrestricted sprawl of large built-up areas;*
 - *to prevent neighbouring towns merging into one another;*
 - *to assist in safeguarding the countryside from encroachment;*
 - *to preserve the setting and special character of historic towns; and*
 - *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

143. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

144. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

146. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

 - a) *mineral extraction;*
 - b) *engineering operations;*

- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

15. The application site comprises a warehouse and plant to support a gin distillery. The building is of a permanent and substantial construction and the use of the building as a public bar including associated tours and events would, therefore, fall within exception d) as set out above. The proposed development would not, therefore, be inappropriate development in the Green Belt.
16. The Chorley Local Plan 2012 – 2026 sets out a number of criteria for business and industrial development at policy EP3. Given the assessment of amenity carried out below it is considered that the proposed development is broadly in line with these criteria and that no harm would arise contrary to policy EP3.
17. The inclusion of a bar that is open to the public represents a main town centre use as set out in the Framework. Policy EP9 of the Chorley Local Plan 2012 – 2026 sets out that outside the town, district and local centres, change of use and development for small scale local shopping and town centre uses (either as part of mixed use developments or in isolation) will be permitted where: a) The proposal meets a local need and can be accessed in its catchment by walking, cycling and public transport; and b) Does not harm the amenity of an adjacent area; and c) The Sequential Test and Impact Assessment are satisfied setting out how proposals do not detract from the function, vitality and viability of the borough's hierarchy of centres.
18. It is noted that the proposed bar would be limited in its opening hours and is specifically created to promote the produce of the distillery. As such it is purposefully located within the distillery site, and is unlikely to have been sited away from the operations of the distillery in a town centre or local centre. Given the small scale and limited opening hours of the bar it is not considered that it would impact on vitality or viability of the town centre of nearby local centres.

Impact on neighbour amenity

19. The application building is sited approximately 80m from the nearest residential property at Holmes Farm, which is within the same ownership as the application site. The warehouse is located approximately 120m from the nearest property on the opposite side of Sandy Lane at Chesham House. There are also four other properties opposite the site on Sandy Lane. Other properties to the west of the site are on the opposite side of the M61 and are over 130m away. To the east the nearest dwellings are at least 200m away.
20. The operation of the distillery itself generates limited noise and smells and results in a limited number of traffic movements, which are generally during the daytime. The operation of the distillery is not considered harmful to amenity in itself.
21. A previous application included the provision of a bar that would have been open to the public and available for private events. It was considered that the levels of noise generated through the use of the bar, and noise and disturbance generated as a result of the combination of vehicular and pedestrian activity, could not be reasonably controlled to an extent that there would be no impact on the amenity of nearby occupiers residing in a rural location. This was due partly due to the unspecific nature of the previous application that would have enabled a wide ranging scope for events, including the potential for live or amplified music and large numbers of visitors. In addition no noise assessment had been submitted in support of the application. Subsequently the impact on the amenity of neighbouring occupiers was cited as a recommended reason for refusal of that application.

22. The proposed use is more specific on this occasion and has specifically omitted the playing of music. A noise assessment has also been provided in support of the proposed development.
23. The noise assessment measured the likely sound levels emanating from the patrons at the distillery in relation to background noise levels, which include the prevailing sound from the adjacent M61 motorway, and the subsequent impact on the nearest residential property at Homes Farm. The calculations have identified that the likely sound level emanating from the patrons at the distillery would be significantly below the background sound levels and below the recommended guidance values. This has been reviewed and verified by the Council's environmental health officer, who raises no objection.
24. It is noted that the properties on Sandy Lane are some distance from the premises in which the distillery is based and that the parking area is located adjacent to this building. It is clear that the noise generated from within the building itself would not impact on the amenity of any neighbouring occupiers due to the degree of separation and prevailing background noise levels. This is on the basis that music would not be played at the premises and, therefore, it is recommended that a condition is included to prevent music.
25. Although the use of the premises on the proposed basis would have no neighbour amenity impact in itself, it is recognised that there would be greater potential for noise and disturbance arising from the combination of vehicular and pedestrian activity associated with such a use. Any impact would be more pronounced in the evenings, where there is likely to be a period of "dispersal" at an unsocial hour. This could include coaches loading and unloading, taxis picking up and dropping off and the inevitable groups of people lingering outside prior to departure.
26. It is noted that the parking and pick up / drop off area is located some distance from Sandy Lane, which would help to reduce this impact. It is also noted that the site egress point would be located further away from the nearest properties than the entrance and that the separation of the two would reduce vehicular conflicts that could also add to disturbance levels. Furthermore the use of the site as a public bar would only occur on two occasions per week. It is, therefore, considered that the proposed use would not be unacceptably harmful to neighbour amenity through noise and disturbance related to comings and goings. It is, however, recommended that conditions be attached to any planning approval setting out clear hours of operation for the specific uses proposed as part of the application.

Highway safety

27. The site is accessed via an existing vehicular access onto Sandy Lane, which has been used for some time by farm vehicles and other vehicles accessing the Holmes Farm site. Sandy Lane is classified as B5256 and is categorised as a secondary distributor road with a speed limit of 30mph fronting the site access. The proposed development would introduce a one way system with separate access and egress points from Sandy Lane.
28. Lancashire County Council Highways (LCC) have assessed the proposal and do not have any objections regarding the proposed change of use from a gin distillery to a gin distillery and public bar including associated tours and events and are of the opinion that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
29. LCC Highways are of the opinion that the proposed one-way system within the site would address concerns raised in relation to the previous planning application 18/00324/FUL that included a bar. This is subject to the provision of a one-way system and associated physical restraints, signing and lining being installed prior to the proposed use becoming operation. It is recommended that the provision and implementation of such a scheme is secured by condition.

CONCLUSION

30. It is considered that the proposed use as a public bar including associated tours and events at this site would not be inappropriate development in the Green Belt and would not be harmful to the vitality and viability of the town centre or district centres. The impact on neighbour amenity is considered to be acceptable, and there would be no adverse impact on highway safety.

RELEVANT HISTORY OF THE SITE

Ref: 76/00118/OUT **Decision:** REFOPP **Decision Date:** 15 June 1976
Description: Outline application for bungalow and change of use of storage building to garage and store

Ref: 81/00639/OUT **Decision:** REFOPP **Decision Date:** 18 August 1981
Description: Outline application for bungalow

Ref: 00/00726/FUL **Decision:** REFFPP **Decision Date:** 2 November 2000
Description: Erection of 22.5m lattice tower, 6 antennas, 2 microwave dishes, 1 equipment cabin and ancillary apparatus,

Ref: 01/00159/MAS **Decision:** PERMAS **Decision Date:** 28 March 2001
Description: Prior notification of siting of telecommunications equipment consisting of 15 metre pole, 9 antennas, 2 communication dishes and 1 equipment cabin.

Ref: 18/00324/FUL **Decision:** REFFPP **Decision Date:** 30 May 2018
Description: Erection of building and plant comprising gin distillery and bar (retrospective)

Ref: 18/00613/FUL **Decision:** PERFFPP **Decision Date:** 16 August 2018
Description: Erection of buildings and plant comprising gin distillery (retrospective)

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested conditions

No.	Condition												
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>												
2.	<p>The development hereby permitted for one dwelling shall be carried out in accordance with the following approved plans:</p> <table border="1"> <thead> <tr> <th>Title</th> <th>Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Location plan</td> <td>N/A</td> <td>01 November 2018</td> </tr> <tr> <td>Plans and elevations</td> <td>HFRG 01/3/18</td> <td>01 November 2018</td> </tr> <tr> <td>Proposed site plan</td> <td>HFFR 02/1/18</td> <td>17 October 2018</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>	Title	Reference	Received date	Location plan	N/A	01 November 2018	Plans and elevations	HFRG 01/3/18	01 November 2018	Proposed site plan	HFFR 02/1/18	17 October 2018
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3.	<p>The use of the building as a public bar (drinking establishment) hereby permitted shall</p>												

	<p>only operate on Fridays and Saturdays between the hours of 18.00 hours and 23:00 hours.</p> <p><i>Reason: To define the permission and in the interests of the amenity of the area and nearby residential properties.</i></p>
4.	<p>The use of the building for distillery tours and gin schools hereby permitted shall only operate between the hours of 19:00 hours and 22:00 hours Mondays – Fridays and 14.00hours and 17:00 hours Saturdays and Sundays.</p> <p><i>Reason: To define the permission and in the interests of the amenity of the area and nearby residential properties.</i></p>
5.	<p>No music of any type shall be played or reproduced in the building or on the site hereby permitted.</p> <p><i>Reason: In the interests of the amenity of the area and nearby residential properties.</i></p>
6.	<p>Prior to the use hereby permitted becoming operational a scheme for the one-way vehicular access system to include physical restraints, signing and lining shall be submitted to and approved in writing by the Local Planning Authority. The one-way system and associated physical restraints, signing and lining shall be provided in accordance with the approved details before the use of the premises hereby permitted becomes operative and permanently maintained thereafter.</p> <p>Reasons: To allow for the effective use of the one-way system.</p>
7.	<p>The car parking and manoeuvring areas shall be marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative and permanently maintained thereafter.</p> <p>Reasons: To allow for the effective use of the parking areas.</p>