

APPLICATION REPORT – 19/00066/FUL

Validation Date: 31 January 2019

Ward: Brindle And Hoghton

Type of Application: Full Planning

Proposal: Section 73 application to vary condition no. 6 (no music) attached to planning permission 18/00975/FUL (change of use from gin distillery to gin distillery and public bar including associated tours and events) to enable background music to be played during events and within the bar.

Location: Holmes Farm Sandy Lane Brindle Chorley PR6 8LZ

Case Officer: Mr Iain Crossland

Applicant: Mr Gerard Singleton

Agent: Mr John Welbank

Consultation expiry: 1 March 2019

Decision due by: 28 March 2019

RECOMMENDATION

1. It is recommended that the 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. The application property itself comprises a warehouse type building that accommodates a distillery and bar that were granted planning permission under two separate applications (ref. 18/00613/FUL and 18/00975/FUL). The site is adjacent to the M61 motorway to the west, and the land to the north and east is open agricultural land. To the south of the site, between the distillery and Sandy Lane, are the agricultural buildings and farm house associated with Holmes Farm. There are some dwellings to the south of the site on the opposite side of Sandy Lane that are laid out in a ribbon of development along Sandy Lane. The site is accessed through Holmes Farm from Sandy Lane. Planning permission 18/00975/FUL required a scheme for a one-way vehicular access system, however, no such details have yet been provided and the access works have not been delivered.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. This application seeks consent to vary condition 6 (no music) attached to planning permission 18/00975/FUL to enable background music to be played during events within the bar. The applicant proposes that background music within the bar area would be limited to 60dB measured internally within the building and that no live music or discos would be allowed within the distillery.

REPRESENTATIONS

4. One letter of objection has been received raising the following issues:
 - The distillery already plays music
 - Impact on amenity of neighbouring occupiers
 - This may lead to the playing of live music, which would be more harmful to amenity.

CONSULTATIONS

5. **Brindle Parish Council:** Have commented that they understand that music is already being played during opening hours. It is considered that should planning permission be granted the playing of music would be extended to discos and live events to the detriment of the amenity of local residents.
6. **Regulatory Services - Environmental Health:** The proposed sound level would be acceptable and would not create any noise nuisance.

PLANNING CONSIDERATIONS

7. Planning permission for the erection of buildings and plant comprising a gin distillery was granted in August 2018 (ref.18/00613/FUL) after they had been erected and become operational. This planning permission was shortly followed by an application (ref.18/00975/FUL) to change the use of the building from a gin distillery to a gin distillery and public bar including associated tours and events. Planning permission was granted in December 2018.
8. Planning permission for the use of the building as a public bar included a number of conditions including a condition preventing the playing of any music within the building. The bar has been in operation since this time and the operator now seeks consent to vary condition 6 of planning permission 18/00975/FUL to enable background music to be played when the bar is open and during events within the bar.
9. The application proposes that background music within the bar area would be limited to 60dB measured internally within the building and that no live music or discos would be allowed within the distillery. The application building is sited over 100m from the nearest residential property at Holmes Farm, which is within the same ownership as the application site. The warehouse is located over 120m from the nearest property on the opposite side of Sandy Lane at Chesham House. There are also four other properties on the opposite side of Sandy Lane from Holmes Farm. 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.
10. An acoustic assessment and survey was submitted with the original application in response to concerns about noise levels that may generated through the patronage of the building impacting on the amenity of residential occupiers. The assessment demonstrated that the background sound level in the evening period was recorded at 61.9dB(A), which is significantly above recommended sound levels, and is due in the main to the presence of the M61 motorway. The assessment notes that guests would generally be located within the distillery building, which offers a minimum of 25dB attenuation, from the composite steel-clad construction. If outside typical maximum levels from people talking would be in the region of 75dB(A), although this is not a continuous sound level. The sound reduction over a distance of 108m to the nearest property is 40.6dB(A). Based on the above this would result in a sound level of approximately 35dB(A) outside the property. This is significantly below the background sound level identified, even in the middle of the night, at the nearest property. As such the proposed use of the site was not considered to result in an adverse impact on the nearby property (which is under the same ownership as the distillery site).
11. The assessment was accepted by the Council's Environmental Health Officer as providing sufficient documentation, evidence and mitigation so that the proposed use would not result in an adverse impact on the nearby residential properties.

12. The proposed use of background music limited to 60dB measured internally within the building would be less than the background noise levels recorded at the site and would be less than typical maximum levels from people talking, which would be in the region of 75dB(A). As such it could only be concluded that the playing of music at this sound level would have no greater impact on the amenity of any neighbouring occupiers over and above the current background noise levels. It is also noted that the Council's environmental health officer raises no objection on this current application.
13. The applicant proposes to install a sound limiting device that is linked to the audio system and can control sound levels accordingly so that 60dB measured internally within the building is not exceeded. This would enable adequate control over sound levels and would render a variation of the condition specifying a 60dB noise limit enforceable, precise and reasonable.
14. On the basis of the above assessment it is considered that the proposed variation of condition 6 of planning permission 18/00975/FUL to enable background music to be played during events within the bar area limited to 60dB measured internally within the building would have no unacceptable impact on neighbour amenity.

CONCLUSION

15. It is recommended that the application is approved and condition 6 is varied for the reasons set out above.

RELEVANT HISTORY OF THE SITE

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:** PERFPP **Decision Date:** 16 August 2018
Description: Erection of buildings and plant comprising gin distillery (retrospective)

Ref: 18/00975/FUL **Decision:** PERFPP **Decision Date:** 12 December 2018
Description: Change of use from gin distillery to gin distillery and public bar including associated tours and events

Ref: 19/00046/ADV **Decision:** PCO **Decision Date:** Pending
Description: Application for advertisement consent for the display of an externally illuminated post mounted advert sign

Ref: 19/00047/AGR **Decision:** WDN **Decision Date:** 15 February 2019
Description: Agricultural determination for the erection of an agricultural machinery and grain store

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

1. The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of this permission.

Reason: To define the permission and in the interests of the proper development of the site.

2. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Location plan	N/A	1 November 2018
Plans and elevations	HFRG 01/3/18	1 November 2018
Proposed site plan	HFFR 02/1/18	17 October 2018

Reason: For the avoidance of doubt and in the interests of proper planning.

4. The use of the building as a public bar (drinking establishment) hereby permitted shall only operate on Fridays and Saturdays between the hours of 18.00 hours and 23:00 hours.

Reason: To define the permission and in the interests of the amenity of the area and nearby residential properties.

5. 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.

Reason: To define the permission and in the interests of the amenity of the area and nearby residential properties.

6. Background music within the bar area will be limited to 60dB measured internally within the building. No live music shall be played or reproduced in the building or on the site hereby permitted.

Reason: In the interests of the amenity of the area and nearby residential properties.

7. 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.

Reasons: To allow for the effective use of the one-way system.

8. 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.

Reasons: To allow for the effective use of the parking areas.

9. This permission shall expire on 12 December 2020 by which date the use hereby permitted shall have been discontinued.

Reason: To enable the Local Planning Authority the opportunity to monitor the impact of the development on the residential amenity of nearby occupiers.