

Reference:  
**APP/19/00338**

Area Team:  
**Development  
Management Team**

Case Officer:  
**Mr A Siddall**

Ward:  
**Clatterbridge**

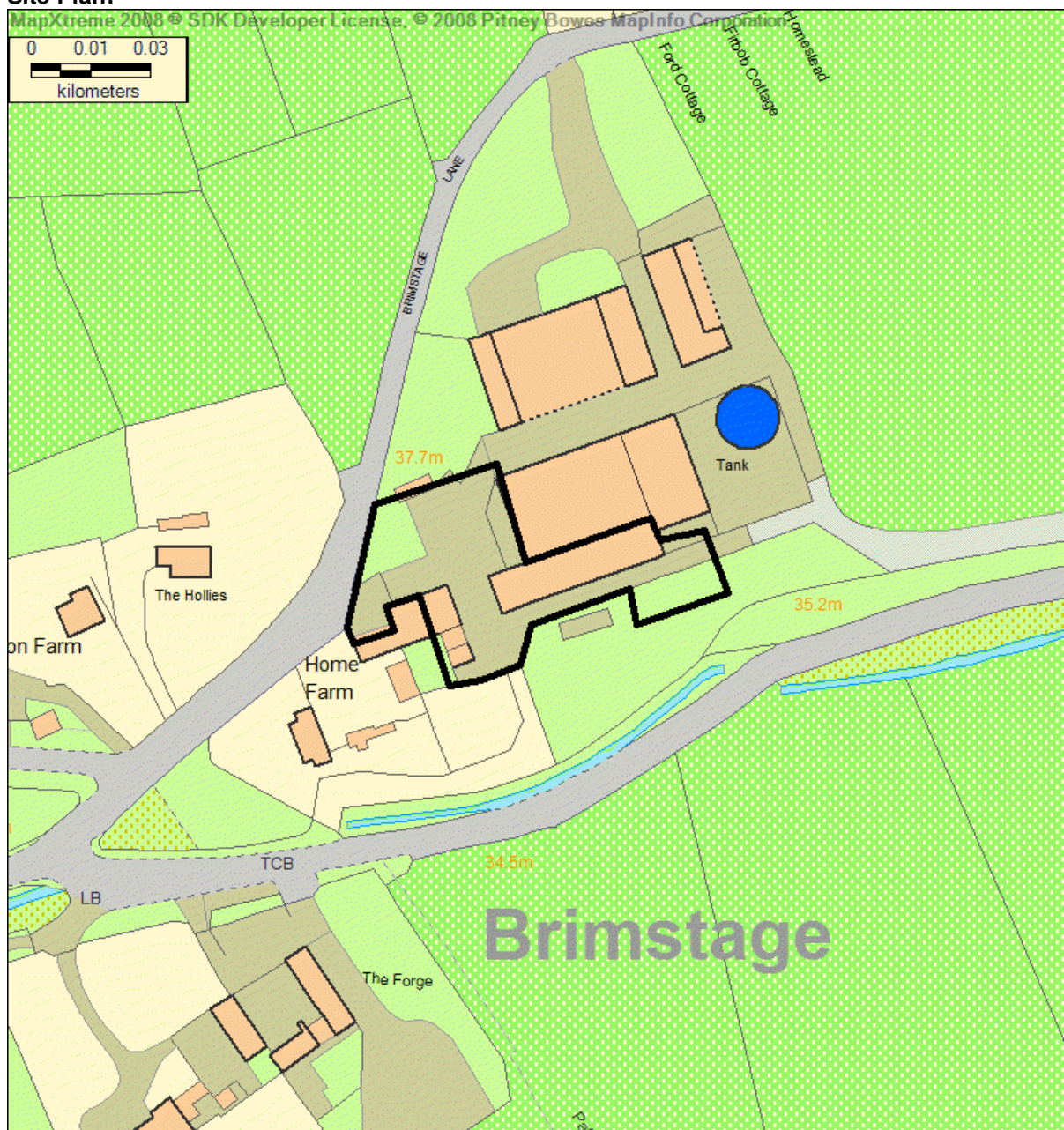
**Location:** Brimstage Brewery, Home Farm, Brimstage Lane, Brimstage, CH63 6HY

**Proposal:** Erection of first floor extension above existing brewery to form tap room and sales area (Mixed Use Class A1/A4) with external stair, and formation of car parking.

**Applicant:** Brimstage Brewing Co Ltd  
**Agent :** Burton Architects

**Qualifying Petition:** No

**Site Plan:**



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**Development Plan designation:**

Area of Special Landscape Value  
Green Belt

**Planning History:**

Location: Home Farm, Brimstage Lane, Brimstage, Wirral, CH63 6LA  
Application Type: Full Planning Permission  
Proposal: Change of use of milking parlour, collection yard and dairy to a micro brewery  
Application No: APP/04/05135  
Decision Date: 26/03/2004  
Decision Type: Approve

**Summary Of Representations and Consultations Received:****1.0 WARD MEMBER COMMENTS**

1.1 No comments received.

**2.0 SUMMARY OF REPRESENTATIONS**

2.1 Having regard to the Council's guidance on publicity for planning applications, notifications were sent to five neighbouring properties and on 25 March 2019 a notice was posted to the front of the site. The deadline for receipt of any representations was 17 April 2019. At the time of writing a second consultation period is underway following the re-advertising of the proposal as a departure from the development plan by way of site notice and press advertisement. The deadline for receipt of any representations is 12 June 2019.

**REPRESENTATIONS**

None received during the initial consultation period and at the time of writing, none received during the second consultation period.

**CONSULTATIONS**

Highways - No Objection;

Environmental Health - No Objection;

MEAS - The building is unlikely to have bat roost potential. A bat survey is not required and the Council does not need to consider the proposals against the three tests in the Habitat Regulations.

Merseyside Fire and Rescue Service - No objection, sets out standing advice for water supplies and access for fire appliances.

**Reason for Committee Referral** - The application comprises a non-domestic extension of an existing building within the green belt which is recommended for approval by Officers and therefore comprises a departure from saved Unitary Development Plan policy GB2.

**3.1 Site and Surroundings**

3.1.1 Brimstage Brewery is an existing rural business, operating since 2006 within former agricultural buildings on the Leverhulme Estate's Home Farm complex at Brimstage. The brewery is contained within a range of single and two storey steel framed buildings in block and timber cladding with metal sheet roofing to the south of similar buildings that remain in agricultural use. The business is accessed via the farm access of Brimstage Lane to the west and has vehicular parking and turning space on existing concrete hardstanding to the west and south. There is a small fenced paddock to the south bounded by a tree belt adjacent to Brimstage Road, to the east of the farm complex is open agricultural land. The site is within the Green Belt, the Thornton Hough Area of Special Landscape Value and a local site of Archaeological Importance.

**3.2 Proposed Development**

3.2.1 The brewery intends to construct a first floor extension of approximately 87 square metres to form a 'tap room' bar and retail area over part of the existing operational brewery. The extension would be steel framed and finished externally in vertical timber cladding with metal sheet dual pitched roofing. Public access would be gained via an external galvanised steel

stair to the north elevation. A window would be provided in the west elevation whilst a glazed screen with juliet balustrade will form the southern elevation. The east elevation would abut an existing first floor element of the building. Access would remain the same with 20 car parking spaces created, partially on the existing concrete hardstanding and partially on the paddock to the south using a grass reinforcement mesh. The premises would be open for retail sales to visiting members of the public from 09:00 to 17:00 Monday to Saturday, whilst the tap room would be open from 16:00 to 20:00 Thursday and Friday (from 15:00 on Saturdays).

- 3.2.2 The brewery has applied for funding for this development through the Liverpool City Region Local Enterprise Partnership under the LEADER scheme which is available for projects that support micro and small rural businesses and which boost rural tourism (amongst other priorities). The LEP manages funding applications on behalf of the European Union Agricultural Fund for Rural Development.

### **3.3 Development Plan**

- 3.3.1 The site falls within the Green Belt. Saved UDP Policy GB2 indicates that planning permission will not be granted for development within the green belt unless it is for the specific purposes. UDP Policy GB3 permits conversion or a change of use of buildings provided:

- (i) there is no greater impact on openness;
- (ii) the proposal does not involve extensive hardstanding and vehicle parking;
- (iii) the building is of permanent and substantial construction capable of conversion without major reconstruction;
- (iv) the form, bulk and design of the building is in keeping with the surroundings;
- (v) the use can adequately serviced in terms of access; and
- (vi) the use itself, or through traffic generation, would not have a detrimental effect on the appearance or quiet enjoyment of the surrounding area.

The only provision in the UDP for extensions in the Green Belt relates to existing dwellings, subject to UDP Policy GB5. This will need to be considered alongside the National Planning Policy Framework (NPPF 2019, paragraph 145 which expands the list of development which can be regarded as appropriate in the Green belt to include extensions that do not result disproportionate additions to the original building.

- 3.3.2 Saved UDP Policy TL10 which covers tourism development in the green belt, is considered to be of relevance. Where such development is considered 'not inappropriate' against wider green belt controls, it will additionally be judged on the following criteria:

- i) that the nature and scale of the proposals are appropriate to the setting and character of the surrounding area;
- ii) that the visual impact of the proposals are acceptable within the local landscape;
- iii) that adequate provision has been made for access, parking and servicing;
- iv) that the likely level of visitors and traffic to be generated can be accommodated without major alteration to local infrastructure;
- v) that the proposals would not cause unacceptable disturbance to neighbouring property and land uses, including wildlife; and
- vi) that the proposals can be accommodated within an existing building, or would otherwise preserve the openness of the Green Belt.

- 3.3.3 Saved UDP Policy CH25 indicates that where a proposal is likely to affect features of archaeological importance a desk based study will be required to inform the ultimate planning decision and whether further pre-or post decision assessment would be required. In this instance Officers agree with the applicant that no assessment is required as the scheme would not involve material ground disturbing works. it is a first floor extension connecting into existing structure and services whilst the new external stair will be fixed to the existing concrete hardstanding and the additional parking will be formed by the installation of a no-dig grass reinforcement mesh.

- 3.3.4 Saved UDP Policy AG1 seeks to protect the operational needs of existing agricultural holdings to ensure continued viable agricultural enterprise within the Borough and minimise

direct or indirect disturbance to existing agricultural land uses. Saved Policy AG7 permits farm based retailing provided that:

- i) the proposal does not exceed 100 square metres of net retail floor space and is located in a position that relates well to surrounding property;
- ii) the proposal utilises existing agricultural buildings;
- iii) there is adequate access to the highway network sufficient to accommodate peak flows;
- iv) appropriate parking for cars and delivery vehicles is provided in accordance with UDP Policy GB3;
- v) the amenity of neighbouring property is not seriously affected; and
- vi) adequate landscaping is provided.

3.3.5 Saved UDP Policy NC7 advises that development having an adverse effect on species protected by law will not be permitted unless the LPA is satisfied that the protection of the species can be secured through the use of planning conditions or obligations. In this instance MEAS, who provide ecological advice on behalf of the Council, advice that the development is unlikely to harm bats and have not advised Officers of any risk to any other protected species.

3.3.6 The site is within the Thornton Hough Area of Special Landscape Value, the character and appearance of which should be protected in planning decisions. Under UDP Policy LA1, the LPA will not permit development proposals which would:

- i) introduce new intrusive development within an otherwise open setting including prominent skylines or undeveloped coast;
- ii) result in the loss or erosion of distinctive landscape features without appropriate replacement provision; and
- iii) other proposals which in terms of their siting, scale, form and appearance would detract from the appearance of the area or intrude into important views.

3.3.7 Saved UDP Policy TR9 sets out considerations for the off-street parking provision for new development proposals and advises that the LPA will be guided by the availability in the area of alternative modes of transport, the operational minimum and maximum levels of car parking required for the development, any road safety or traffic management issues in the locality; and the likelihood of cars being parked on residential roads.

### **3.4 Other Material Planning Considerations**

3.4.1 NPPF (February 2019, paragraph 145) indicates that the Local Planning Authority should regard the construction of new buildings as inappropriate in the green belt. Inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances. Exceptions to this include the extension or alteration of an existing building, provided it does not result in disproportionate additions over and above the original building.

NPPF paragraph 83 seeks to support a prosperous rural economy by requiring planning decisions to enable the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well designed new buildings; and enable sustainable rural tourism and leisure developments that respect the character of the countryside.

3.4.2 The bar and retail uses proposed are main town centre uses which should ordinarily be directed to town centre or edge of centre locations using a sequential assessment. However, paragraph 88 of the NPPF is however clear that the sequential approach should not be applied to applications for small scale rural offices or other small scale rural development. With a floorspace of 87 square metres, the scheme can be considered 'small scale.'

3.4.3 Section 12 of the NPPF seeks to achieve well designed places. In particular, paragraph 127 advises that decisions should ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, and are sympathetic to local character and history and create places that are safe and accessible with a high standard of amenity for existing and future users. Development of poor design that fails to take the opportunities available for improving the character and quality of an area and

the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.'

### **3.5 Assessment**

3.5.1 The main issues pertinent in the assessment of the proposal are;

- Whether the proposal is appropriate development within in the Green Belt;
- Whether the scheme can be accommodated without detriment to appearance, quiet enjoyment of the area and living conditions of those living in nearby residential property. t;
- Whether the scheme protects the operation of the existing agricultural holding and meets the criteria for farm based retailing;
- Whether the scheme protects the character and appearance of the Thornton Hough Area of Special Landscape Value; and
- Whether there are any highways or transport issues that would prevent development;

### **3.6 Appropriateness of Development within the Green Belt**

3.6.1 The proposal represents the extension of an existing building and can be considered appropriate within the Green Belt under terms of NPPF paragraph 145 provided that the extension is not disproportionate to the scale of the original building. There is no post 1974 planning history relating to the construction of the original building and no evidence of the building on historic mapping records the LPA holds. it is most likely that the building now housing the brewery was constructed as part of an expansion/modernisation of the Home Farm agricultural enterprise between 1948 and 1974. Given this lack of planning history, Officers consider the building as it now stands to be 'original' for the purposes of Green Belt policy and therefore the proposed first floor extension represents a 40% increase in floor area. Officers do not consider this figure to be disproportionate and therefore the extension is not inappropriate development in the green belt in principle.

### **3.7 Impact on Character & Amenity**

3.7.1 The proposed development represents 87 square metres of additional floor space with a total height above ground level of 7.4 metres, akin to a low two storey dwelling and commensurate with the height of other modern agricultural buildings on the Home Farm complex. Its external materials of timber and metal cladding will also complement the existing agricultural and brewery buildings in appearance. In terms of the scale and visual impact of the proposal Officers do not consider that any harm will be caused to the character of the local area. The building would be seen against and amongst existing large format portal framed agricultural buildings and a backdrop of trees, and it would not introduce new ground floor floorspace thereby not having a material impact on the openness of the green belt in this location. Adequate access and parking provision is made for the scale of the proposal, whilst its small scale and daytime/early evening opening hours would not result in any need for major alteration to existing infrastructure or cause unacceptable disturbance to the limited number of local residents within the area. It is considered that the development meets the objectives of saved UDP Policies GB3 and TL10

### **3.8 Protection of existing agricultural enterprise and acceptability of farm based retailing:**

3.8.1 The existing brewery and farm have co-existed satisfactorily since 2006 and it is not considered that this additional development would prejudice the ongoing viability of the wider agricultural unit. The farm has two vehicular access points off Brimstage Lane and any intensification of use of one by the brewery would not prejudice the operational requirements of the farm. The proposed use is not one that is sensitive to noise and smell associated with the existing agricultural enterprise. The siting and design of the development is not considered to conflict with the existing agricultural enterprise.

3.8.2 the proposal can be considered small scale under UDP Policy AG7. In practice the majority of the floor space would be taken up by the bar and its seating area. The access, parking and impact on neighbouring amenity are considered acceptable in this instance.

### **3.9 Area of Special Landscape Value**

3.9.1 It is accepted that there will be some visibility of the new building from outside of the site, but

only at close quarters and then seen amongst and against existing agricultural buildings, and trees on the southern boundary. The development would not be visually intrusive in an open setting and would not result in the loss or erosion of distinctive landscape features such as woodlands, hedges or individual trees. The proposal does not conflict with important views and does not otherwise distract from the appearance of the area. On this basis Officers do not consider that the scheme conflicts with the objectives of saved UDP Policy LA1.

3.10 Highways and Transport Issues

3.10.1 The Council's SPD on parking standards requires maximum operational car parking for drinking establishments outside of town or suburban centres of 1 space per 5 square metres of public floor area. At 87 square metres this gives a provision of 17 spaces. In this instance 20 spaces are provided, including two disabled spaces, which, when considering the public floor area is slightly below 87 square metres is more than adequate. The access arrangements for the development are considered satisfactory and the small scale of the proposal will not have a material impact upon the capacity or safety of the local highway network. In reaching this conclusion, Officers are mindful that the Local Highway Authority has not offered any objection to the development.

3.11 Conclusion

3.11.1 The proposed extension is considered appropriate under the terms of national policy and the use is unlikely to have an adverse impact on the quiet enjoyment, amenity and character of the area.

The expansion would lead to a further 2FTE jobs within the brewery and up to a further 2FTE within the bar and retail area depending upon the level of trade. There would also be work in the construction of the extension and its supply chain. In this particular case, the scheme can be considered acceptable within the terms of local and national policy and i approval is recommended.

**Summary of Decision:**

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposed development, in this particular case, is considered to be an appropriate expansion of the existing brewery. . There are not expected to be any adverse effects on the visual amenity of the area, neighbouring residential amenity, the continued viability of the agricultural holding or the local highway network. Consequently, the proposed development could be approved within the terms of local and national planning policy.

**Recommended Decision:** **Approve**

**Recommended Conditions and Reasons:**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

**Reason:** To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 14 March 2019 and listed as follows:

AL(21)011 Revision B (Proposed Elevations) dated 14.03.2019

AL(--)-012 (Proposed Site Plan) dated 28.02.2019

AL(--)-013 (Proposed Plans Ground and First Floors) dated 28.02.2019

**Reason:** For the avoidance of doubt and to define the permission.

3. The external timber cladding and external roofing material shall match that to the existing brewery building as closely as possible in terms of type, size and colour.

**Reason:** To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy GB2 of the Wirral Unitary Development Plan.

4. The premises shall only be open to customers and other visiting members of the public between the hours of 08:00 and 20:00

**Reason:** In the interests of amenity and to accord with the objectives of Policies GB3 and AG7 of the Wirral Unitary Development Plan.

5. The development hereby permitted shall not be brought into use until:

- i) The car parking bays identified on drawing number AL(--)/012 (Proposed Site Plan) have been constructed and are available for use; and
- ii) At least one secure cycle parking stand has been installed on the site and is available for use.

Thereafter the car and cycle parking shall be retained.

**Reason:** To secure the provision of sufficient car and cycle parking appropriate to the scale and location of the development in accordance with Policies TR9 and TR12 of the Wirral Unitary Development Plan.

6. Stripping of the bargeboards shall be carried out by hand and under the supervision of a suitably licensed ecologist.

**Reason:** To minimise the risk of harm to any protected species in accordance with Policy NC7 of the Wirral Unitary Development Plan.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that order, the development hereby permitted shall be used only for purposes ancillary to the operation of Brimstage Brewery and shall not be sold, let or otherwise occupied or used independently of the brewery including any other use within classes A1 or A4 of the Use Classes Order 1987 (as amended).

**Reason:** Uses other than those specified have the potential to harm the character of the area or cause nuisance to those living nearby. This enables the local planning authority to consider the implications of other uses as and when they may be put forward, having regard to Policy GB3 and AG7 in the Wirral Unitary Development Plan.

8. All storage in relation to the development hereby approved shall be contained within the brewery buildings.

**Reason:** To ensure consistency with the existing planning permission and to ensure that the development maintains the character of the area; in the interests of visual amenity and to accord with Policy GB2 and Policy GB3 of the Wirral Unitary Development Plan.

9. Notwithstanding the provisions of the Town & Country Planning (General Development Procedure) (England) Order 2015 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent re-enactment) the gross internal floorspace shall not exceed 87m<sup>2</sup> and there shall be no extension or alteration to the development hereby approved.

**Reason:** For the avoidance of doubt and to enable the Local Planning Authority to consider the implications of intensification on the character and amenity of the area if other formats are put forward, having regard to Policy GB3 and AG7 in the Wirral Unitary Development Plan.

#### **Further Notes for Committee:**

1. The applicant, their advisors and contractors are advised that, should any bat species be found during construction, it is a legal requirement that work must cease and advice sought from a licensed specialist.
2. The proposals comprise minor development which is unlikely to generate significant volumes of waste. However, the Merseyside and Halton Joint Waste Local Plan (WLP) Policy WM8 Waste Prevention and Resource Management, National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) require use of construction and demolition methods that minimise waste production, maximise the re-use and recycling of materials on-site and minimise off-site disposal where practicable. As best practice the use of waste audits or a similar mechanism to monitor waste minimisation, recycling, management and disposal is recommended.
3. Merseyside Fire and Rescue Service advise that:
  - i) Access for fire appliances should comply with approved document B5 of the Building Regulations;
  - ii) Water supplies for fire fighting purposes should be risk assessed in liaison with the water undertakers (United Utilities) with suitable and sufficient fire hydrants provided; and
  - iii) The premises should comply with Section 55 of the County of Merseyside Act 1990

**Last Comments By: 12/06/2019**

**Expiry Date: 09/05/2019**