

AGENDA ITEM NO.8/2(h)

Parish:	West Acre	
Proposal:	Retrospective External tap area adjacent to brewery (Temporary)	
Location:	Abbey Farm River Road West Acre PE32 1UA	
Applicant:	Duration Brewery	
Case No:	22/00910/F (Full Application)	
Case Officer:	Mrs Jade Calton	Date for Determination: 20 July 2022 Extension of Time Expiry Date: 12 September 2022

Reason for Referral to Planning Committee – Called-in by Cllr Moriarty

Neighbourhood Plan: No

Case Summary

Temporary planning permission (2 years) is sought for the change of use of an existing hardstanding outside of Duration Brewing Co in West Acre, to use as an external Tap Area. Proposed plans indicate the siting of tables and a bar area, as well as space for a food truck on an existing courtyard hardstanding central to the existing business use at Abbey Farm, known as the Westacre Estate.

The use is proposed as an outdoor extension to the brewery's existing Tap Room and is proposed for a temporary period of 2 years whilst building operations are completed on the south section of the existing barn building (approved under 17/01212/F). The application has been amended since its original submission to respond to comments from neighbours and CSNN.

Abbey Farm and the surrounding land are designated as a Scheduled Monument by Historic England. The main barn on site is Grade II* Listed, and Abbey House further to the east of the application site, is a Grade II Listed Building.

Key Issues

Principle of Development
Business Operations
Heritage
Neighbour Amenity
Highway Safety
Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

Temporary planning permission is sought for the change of use of an existing hardstanding outside of Duration Brewing Co in West Acre, to use as an External Tap Area. Proposed plans indicate the siting of tables and a bar area, as well as space for a food truck on an existing courtyard hardstanding central to the existing business use at Abbey Farm. The site is proposed as an outdoor extension to the brewery's existing Tap Room. The proposal has been amended since its original submission and is proposed for a temporary period of 2 years whilst building operations are completed on the south section of the existing barn building (approved under 17/01212/F).

Abbey Farm and the surrounding land are designated as a Scheduled Monument by Historic England and the main barn is Grade II* Listed. Abbey House itself, to the east of the application site, is a Grade II Listed Building.

SUPPORTING CASE

The applicant submitted the following supporting case:

Company Background:

'Duration is a family run local business employing 9 people full time and several part time / casuals. An award-winning farmhouse brewery that to date has received £280k in LEADER and local government funding. Recognised with 17 awards in its first 3 years of trading including Best Brewery in East Anglia and Best New Brewer in the UK. It also ranked in the top 10 new breweries in the world in 2020. Beer sold by 8 regional wholesalers reaching over 800 venues as well as to 8 other territories worldwide. Strong local support with local permanent lines held at Sculthorpe Mill, The Dabbling Duck, George & Dragon, The Brisley Bell, Rose & Crown - Harpley, Titchwell Manor, Gangway Cromer, White Horse Brancaster, The Ffolkes Arms and Eric's Pizza.

Context:

Due to drastic market changes in the on and off trade from COVID-19 and export contraction from Brexit the company has had to adapt its initial 5-year business plan by slowing and reducing its overall production growth and shifting focus to higher margin retail sales. These have come from online and on-premise sales. The ongoing cost-of-living crisis has made brewery managed retail an essential income stream and focus for Duration. The overall end goal and scale of the business and its operations at West Acre remain unchanged, though some elements have changed in their timeline and priority and also in their intended location within the brewery site scheme.

Application Considerations:

Duration is seeking permission to formalise an arrangement established in 2021: To utilise its outside north-west courtyard to offer seating to its barrel store taproom visitors and enable a food offer to be provided and parking on the green to the far west of the yard. The request is made due to having very limited space inside the barrel store where the temporary taproom is now located and no current options to occupy any additional inside space. The courtyard is adjacent to Routier cookery school with buildings on three sides making it the best place for containing visitors and a food truck and associated noise / odour disturbance. The barrel store was designed as a production space with office not retail. Plans are a-foot to build a replacement dedicated taproom and retail area with more inside space for a kitchen, seating and visitor centre by renovating the south gable of the stone barn.

At its height last year and when government guidelines permitted the taproom had 118 seats outside and 44 seats inside. The loss of outside use in 2022 has impacted the taproom and

brewery severely. Revenue is down significantly and overall seating is reduced by 63%. The brewery is primarily focused on being a manufacturer of beer. A small retail element was always intended in the 5-year plan and a focus on online and on-site retail sales came from a reaction to challenging market conditions, sooner than expected – and remain vital for the company's survival.

Duration seek permission to continue with a 120-cover taproom to fall in line with the longer-term replacement phase 2 plan. This temporary application is requested for 2 years and reduced to 76 outside seats and 44 seats inside. The offer a family focused, educational and daytime leisure activity that allow visitors time to take a tour, eat and drink and purchase take away beer. Duration also agrees to limit open times to 6pm on a Sunday. Not provisioning for some outside seating may lead visitors to take away their purchase's 'picnic' style on a sunny day to detrimental impact on the local area adding to noise, litter and generally detract from the small quiet village aesthetic. The longer-term plan would see retail elements moved and rehoused in the south end gable of the stone barn with more inside capacity and less outside use. The phase 2 outside seating would replace the current outside use in new location further away from neighbouring residents. This temporary use application could help inform what adjustments are deemed beneficial with regard to outside use, parking provision, scale and operating conditions. Duration is willing work with the landlord, planners and consult with the West Acre parish council to ensure suitable conditions are reached amicably and appropriate for the area.

Operations have been carefully calculated (see page 2) to simply keep retail revenue coming in based on less than what has already been established and keeping to a maximum of 150 vehicle movements a day - counted as a car arriving and departing. This can be achieved provisioning for 120 covers offering visitors 4 bookable 2hr slots a day. It assumes 3 people to a car - for visitors, and 1 person to a car – for staff. An average of 45 parking spaces will be needed for any one session. Assuming a 70% capacity across 4 sessions including walk ups during the height of summer and 30% capacity in winter with reduced hours/days.

To allow a cross-over of vehicles between sessions it is prudent to provision for 80 car parking spaces to stop visitor vehicles infringing on street parking and further impacting local residents and highways. We are open to a condition to 50-60 vehicle places but didn't want to ask for too little. The highways officer sees nothing too severe to pose an objection and Historic England have also given consent. We have the landlord's agreement to consider the parking sensibly for phase 2 be that relocating parking or demarking the spaces with fencing to prevent sprawl or using foliage to place a buffer area between parking and residential areas.

Sustainable Goals:

Duration have always strived to be a good company. Our mission is 'To Make Good Beer, With Good People, In a Way That Respects Where We Are'. We have collaborated with several local businesses to champion small producer principles supporting local suppliers and employing local people. We encourage cyclists and are a dedicated venue on Cycling UK's newly launched Rebellion Cycle Route. We work with circular waste principles to strive to put back more than we take from our moment in time celebrating brewing's agricultural heritage is why we opted for Norfolk and why we are regarded as one of the most sustainable craft breweries in the UK deploying innovative technologies to brew better.

Planning / Landlord / Parish Council Cooperation:

We always aim to be open in our dialogue while also managing/pivoting/adapting our start up family run business during the ongoing challenges of these times. We met with the parish council before we sought planning in 2017 and have offered support to each village fete since and to other community minded events in West Acre and the surrounding villages. We support local requests for raffle prizes or sports sponsorship within a 20-mile radius. We

believe our plans fit the mindset and scale in keeping with small village leisure and tourism while also being commercially minded. We are always willing to meet with local stakeholders and discuss plans frankly in the spirit of reaching a mutually acceptable approach.

Calculations:

An example of how we have calculated our requirements is illustrated here:

SUMMER Last year in the taproom our busiest days ran as follows:

- *11.30am 4 staff and 1 caterer = 5 cars / 5 movements*
- *12-2pm 120 visitors = 40 cars / 40 movements*
- *2-4pm 90 visitors = 30 cars / 30 movements*
- *4-6pm 30 visitors = 10 cars / 10 movements*
- *6-8pm 60 visitors = 20 cars / 20 movements*
- *All Day General Brewery traffic = 8 cars / 30 movements*

Total Peak Summer Day 300 Visitors + Brewery Operations = 113 cars / 135 movements

WINTER Last year in the taproom our busiest days ran as follows:

- *11.30am 1 to 2 staff and 0 to 1 caterer = 3 cars / 3 movements*
- *12-2pm 30 visitors = 10 cars / 10 movements*
- *2-4pm 30 visitors (3 per car) = 10 cars / 10 movements*
- *4-6pm closed = 0 cars / movements*
- *6-8pm closed = 0 cars / movements*
- *All Day General Brewery traffic = 8 cars / 30 movements*

Total Peak Winter Day 60 visitors = 31 cars / 53 movements'

PLANNING HISTORY

22/00957/F: PENDING CONSIDERATION: - Retrospective permission for storage shed within curtilage of Grade II* listed barn - Abbey Farm

22/00954/LB: PENDING CONSIDERATION: - Application for Listed Building consent for temporary siting of portacabin offices in enclosed yard within curtilage of Grade II* barn - Joinery Shop

22/00740/F: PENDING CONSIDERATION: - Retrospective temporary location of two steel shipping containers for storage of packing materials (cardboard) single use beer kegs (empty). - Duration Brewing

22/00688/A: Application Permitted: 15/06/22 - Application for Advertisement Consent: Non - Illuminated painted Sign flat against the timber clad west gable end of the Cunday Shed. Dimensions as shown on the drawing - white painted lettering 5000mm overall wide, 2770mm overall high. Swirl pattern in dark grey on the timber cladding slightly to south of centre from 1400mm above ground level up to top of gable. – Abbey Farm

22/00607/F: PENDING CONSIDERATION: - Retrospective application for the installation of chiller units, barriers and extractor duct - Abbey Farm

21/01779/LB: Application Permitted: 24/01/22 - Single storey extension and new gas tank on east side of Abbey Barn - Abbey Farm

21/01778/F: Application Permitted: 24/01/22 - Single storey extension and new gas tank on east side of Abbey Barn - Abbey Farm

21/01739/F: PENDING CONSIDERATION: - Variation of Condition 4 attached to Planning Permission 21/01197/F: to allow its use on any Sunday between 8.30am - 8pm - Abbey Farm (7 - Bar Barn)

21/01197/F: Application Permitted: 03/08/21 - Variation/Removal of condition 5 of planning permission 19/00370/F (bar barn only) to allow its use on one Sunday a month between 8.30am - 8pm - Abbey Farm (7 - Bar Barn)

21/00141/LB: Application Permitted: 16/04/21 - Listed building application to remove non-original over-height doors and polycarbonate roofing over. Replace with new framed, ledged and braced doors and restore original roof shape using reclaimed pantiles. Remove glass pantile rooflights and install 6 no. new conservation rooflights - Tractor Workshop

20/01722/F: Application Permitted: 17/02/21 - Variation of condition 5 of planning permission 17/01212/F to change details of drainage - Duration Brewing

20/00615/F: PENDING CONSIDERATION: PERMITTED - Change of Use from B1(c) to D1 with associated alterations at The Pickling Shed and Change of use from Agricultural to B1(a) to The Forestry Building - Abbey Farm

20/00264/LB: Application Permitted: 26/06/20 - Listed Building: Installation of external doors and skylights (retrospective) - Green Room

20/00263/F: Application Permitted: 17/11/20 - Installation of external doors and skylights (retrospective) - Joinery Shop And Bar Barn

19/00405/F: Application Refused: 05/12/19 - Retrospective application for the siting of containers - Abbey Farm

19/00370/F: Application Permitted: 10/09/19 - Retrospective Change of Use of Outbuilding...-Abbey Farm.

17/01212/F: Application Permitted: 28/09/17 - Conversion of barn to brewery.... - Abbey Barn Courtyard

17/01213/LB: Application Permitted: 12/09/17 - Listed Building Application: Convert barn to brewery... - Abbey Barn Courtyard

RESPONSE TO CONSULTATION

Parish Council: OBJECT

- Increased vehicular movements
- Uncontrolled parking
- Impact on the Schedule Monument
- Ground compaction
- Impact on residential amenity
- The parking area and numbers should be as originally approved in 17/01212/F.
- Cumulative impact from the extension to opening hours of the Art Gallery.
- Estimates 160 to 170 car movements per day to and from the site, circa 120 relate to the brewery.

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- West Acre is a small remote village
- Most people who use the tap room travel by car
- Relatively high turnover of covers
- The original brewery application (17/01212/F) allows for 20 parking spaces and references 30 vehicle movements
- The proposal represents a huge intensification of activity on the site.
- Share the same view as NCC Highways in that the access improvement. works need to be carried out
- Concerned about Sunday opening on residential amenity
- Generators used by tap day traders cause noise
- Outside music
- Foul drainage – additional pressure
- The Brewery has recently breached their consented waste outfall into the River Nar.
- The river (a chalk stream) is renowned for its water quality and biodiversity – very rare on a global scale.
- Seeks reassurance that IDB, Rivers Trust and Natural England, in addition to the EA are satisfied with the drainage methods on site.
- Concerned about the number of retrospective applications on the site.
- West Acre residents have been subject to creeping impact
- Noise
- Odour

Awaiting further / revised comments following the amendment of some of the details within the application. Any forthcoming correspondence will be reported in late representations.

Highways Authority: NO OBJECTION - subject to access and visibility splay conditions.

Historic England: NO OBJECTION: - Historic England consider that the proposed structures would cause some harm to the significance of the part of the scheduled monument in which they are located through a change in its setting.

We recognise that the structures are only required for a period of three years and that any change to the setting of the monument is temporary and wholly reversible. We are also mindful of the potential public benefit that the brewery business delivers in helping to support a viable use for the Abbey Barn and do not have an outright objection to the application.

However, we wish to reiterate that the siting of the temporary structures within the scheduled monument requires Scheduled Monument Consent.

Environmental Health & Housing - CSNN: OBJECT: – comments summarised as follows:

- Mindful of the need to support a local business.
- Noise complaints received (3) relating to the Brewery and tap days.
- Resident's rear gardens and bedroom windows back onto the site.
- No physical barrier between the site and neighbouring properties.
- Cumulative impact of the use of the entire Abbey Farm site.
- Tap Days attract more visitors.
- Increase in traffic volume.
- Impact of vehicular movements on neighbouring residents.
- Impact from parking and associated noise.
- Low background noise levels.
- Numerous retrospective consents at Abbey Farm making it difficult to prevent or efficiently control impacts from the intensification of the use.

- Whilst consent has been granted for the end gable tap room through the original conversion to brewery application, this is far less intense and had no outside seating associated with it.
- Consideration should be given to operating the tap days on both weekend days, offering local residents no respite.
- In order to make the use acceptable they should not operate beyond the current provision of 96 people (58 outside and 38 inside), and would need to include a combination of several of the following control measures: -
- Issuing a 1 year temporary consent combined with other control/mitigation measures to allow time to assess the level of impact/public complaint – effectively this could identify specific issues of complaint/impact, which could either result in objection to further extension of use or help to identify control measures which could then be incorporated into any new consent going forwards after the year (it is important to understand that some allowance may have been made by those affected, given the Covid restrictions, on the assumption that this would not continue/be allowed to continue);
- Designating the seating and public gathering/use area on a plan, controlled via planning condition;
- Limiting the number of people permitted (to limit people and vehicle noise escalation) to 96 (58 outside and 38 inside);
- Site signage – seeking to control visitor use/behaviours;
- Prevention of any external music;
- Prevention of any external plant such as generators;
- Erection of a solid barrier (blended/matching wall or acoustic fencing) around the courtyard to contain some people noise;
- Erection of an acoustic bund (min two metres high) to the western boundary of the site, behind the car park (more aesthetically pleasing than a 2.5m high absorptive acoustic fence) to reduce vehicle and some general site and people noise;
- Reduction in the number of days per week allowed for Tap Days;
- Reduction in the number of hours allowed per day for Tap Days;
- Reduction in the period of the year allowed for Tap Days;

Following the submission of amended details within the application, the CSNN officer has been re-consulted on the proposal and any further / revised comments will be reported under late representations.

REPRESENTATIONS

FOUR representations received from two local residents **OBJECTING** on the following grounds:

- Traffic
- Conflict with the aims of sustainable development
- Not only bookable time slots but also “walk-ups”
- Desire to triple their capacity and maximise onsite sales
- Proposed vehicles movements on site are a 5-fold increase from the original approval
- Intensification of use
- Increases opening times on Sundays
- Combined impact from other uses on the site
- Loss of amenity
- Noise
- Proposal does not comply with the original Noise and Odour Mitigation Plan
- Location of car parking close to residents
- Parking – possible damage to SAM

- The existing hardstanding closer to the Brewery should be used for parking
- Application should be subject to SAM consent
- Pollution to the SSSI River Nar
- 17 planning applications on the site
- Developing the site in a piece meal fashion

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS12 - Environmental Assets

CS11 – Transport

CS10 - The Economy

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

PLANNING CONSIDERATIONS

The main considerations in the determination of this application are as follows: -

- Principle of Development
- Business Operations
- Heritage Assets
- Residential Amenity
- Highway safety
- Other Material Considerations

Principle of Development

Temporary planning permission (2 years) is sought for the change of use of an existing hardstanding outside of Duration Brewing Co in West Acre, to use as an External Tap Area. Proposed plans indicate the siting of tables and a bar area, as well as space for a food truck on an existing courtyard hardstanding central to the existing business use at Abbey Farm. The site is proposed as an outdoor extension to the brewery's existing Tap Room and is proposed for a temporary period of 2 years, whilst building operations are completed on the south section of the existing barn building (approved under 17/01212/F).

Policies at both a local and national level are widely supportive of proposals which support the retention and expansion of existing businesses in rural locations. The principle of development is therefore considered acceptable.

Business Operations

Supporting information sets out that the brewery set up their retail element (for takeaway) in 2020 and then subsequently began operating a Tap Room, in the central part of the barn (amongst the brewery equipment and barrel store) for use whilst the south of the barn is completed in accordance with the approved plans. The quick growth of the business has resulted in this limited internal area being overcrowded and insufficient for the size of the business. The external seating area is proposed to allow temporary expansion of this area whilst the south section of the barn is completed.

Depending on season, the Taproom is proposed to operate between 12pm-8pm Thursday to Saturday and 12pm-6pm on Sundays.

Parking is proposed to be provided for up to 80 vehicles on an existing parcel of land to the north west of the barn complex, which will cater for the estimated approx. 150 vehicle movements to/from the site each day that the tap room is open. The supporting statement sets out that a portion of the customers visiting the taproom/brewery typically also visit the other businesses on site (namely the theatre and gallery).

The business operates a booking system which allows customers to book 2-hour time slots, with a maximum of 4 time slots throughout the day (between 12pm-8pm Thurs to Sat and 3 slots between 12pm-6pm on Sun).

The applicant has confirmed that the site currently accommodates seating for up to 58 people outside (uncovered) and 38 people inside but proposes to increase the total number of covers to a maximum of 120 people, with up to 76 outside seats and up to 44 inside seats. This number has been negotiated and reduced from the initially proposed total of 156 people. It is currently operating on Fridays and Saturdays and proposes to increase this to include Thursdays and Sundays, seasonally.

The applicant's justification for the additional covers, is to provide economic viability for the business and to enable funds to be raised for the restoration of the end gable of the barn and installation of the necessary equipment for the permanent tap room.

The size of the outdoor area provided on the site plan is self-restricting, which when combined with measures such as operating under a booking system, would limit the number of patrons on site at any one time.

The total maximum number of people proposed (120) is comparable with the operations which occurred during the pandemic (118). That said, the 118 covers were all outside at that time, as there was no inside seating due to Covid restrictions. Under the current proposal 76 of the total number will provide for outside seating, far less than during the pandemic.

It is proposed to have one food truck (varying traders) on site at any one time in order to focus the business on being family friendly and avoid a 'pub' environment. This element offers additional revenue, not only for the Brewery for also for collaborating local businesses.

The food vendors will connect to the Brewery's main power supply to avoid the need for a generator. Furthermore, there will be no disposal of waste at the site as the vendors will take their rubbish away with them.

Heritage Assets

Abbey Farm and the surrounding land are designated as a Scheduled Monument by Historic England, namely the West Acre Priory and Square Barrow. Abbey Barn itself (the main barn), to the east of the application site, is a Grade II* Listed Building. There is therefore a legal duty to assess the potential for harm to the significance of designated heritage assets and their setting. In line with the NPPF (2021), any harm to or loss of the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) requires clear and convincing justification.

With the overall use of the brewery buildings established and no structural changes proposed under this application, the main heritage concern is the visual impact of the proposed development (including the parking area) on the setting of the heritage assets and the potential for physical impacts on buried archaeological remains as a result of the use of adjacent land for parking vehicles.

The proposed seating area is bordered on three sides by existing buildings however longer views are available from the west of the site, albeit partially shielded by existing vegetations along road edges and within the wider application site.

The structures (marquee / awning) and tables and chairs within the Tap area are temporary and moveable, but due to their location within the setting of the West Acre Priory Schedule Monument and the listed Abbey Barn, their position has some visual impact on the setting of the designated heritage assets and as such causes a degree of harm to their significance.

Historic England raises no objection to the proposal as the structures are not fixed, and it is therefore unlikely that there will be any ground impact at all and thus any harm would not be deemed substantial.

Historic England also raises no objection to the use of the grass area indicated in the application for car parking. However, they raise concerns about the risk of damage to the scheduled monument through wheel rutting if the area is used when the ground is wet. The change of use of the area would need Scheduled Monument Consent. The granting of SMC for the car park use would, in addition to any conditions applied to the planning permission, provide an opportunity to time-limit the use of the area for parking and to ensure through SMC conditions that the parking is carried out without causing damage to the monument.

Historic England issued SAM consent on the 22nd August 2022 for the installation of the external tap area on a temporary basis.

In summary, paragraph 202 of the NPPF states that where there is less than substantial harm to the significance of the designated heritage asset, the harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimum viable use.

By virtue of the temporary timescales proposed and that any change to the setting of the monument and listed building is wholly reversible, together with the potential public benefit that the brewery delivers in helping to support a viable use for the Abbey Barn, it is considered that the proposal meets the aims and objectives of the NPPF and Policies CS12 and DM15 of the Local Plan.

Residential Amenity

The nearest residential dwellings are located to the west of the application site along River Road. The outside tap area to the front of the Brewery building is approximately a minimum of 70m and maximum of 90m from the rear boundaries of those residential properties. The proposed parking area to the west of the site is approximately 25m from the rear boundaries of the neighbouring properties.

Third party concerns have been raised regarding the impact of the proposal on residential amenity, and of particular concern is the noise associated with the level of activity and vehicular movements to and from the site. Given the above and initial concerns raised by CSNN, the request for a temporary permission has been reduced from 3 to 2 years and the number of patrons and proposed hours has been reduced.

As stated above in the report, the site is currently operating with uncovered outside seating for up to 58 people and inside space for up to 38 people. It is proposed to accommodate an additional 18 covered spaces outside, taking the total number of people outside to 76 at any one time, less than their operations during the pandemic.

The tap days currently takes place on a Friday and Saturday between 12pm – 8pm. It is proposed to include a further two days (Thurs 12 noon – 8pm and Sun 12 noon – 6pm) between March and November, taking it to a total of four days per week on a seasonal basis.

The proposed parking allows for up to 80 vehicles and it is anticipated that on a ‘worst case scenario’ there could be up to 150 vehicle movements per day that the tap area is open.

It is acknowledged that the proposed level of activity on the site and vehicular movements could be considered to be relatively high and is an intensification from the original Brewery consent which included the tap room within the building. However, any potential impact from the proposed use on residential amenity has to be finely balanced with other factors, such as the existing use of the wider site, together with the wider public benefits to the rural community, and enabling the viable use of Abbey Barn.

The wider Abbey Farm site has an established commercial / business use of varying classes. It was also historically used for agricultural purposes, utilising heavy farm machinery etc. Although the general background noise level is relatively low due to the site being located within a remote rural village, local residents are likely to be accustomed to a level noise and activates at times given the existing and historical use of the site. That said, it is acknowledged that the proposal represents an intensification in the level of activity in the locality.

It is the material increase in any potential impact to neighbour amenities that needs to be weighed against the fact that there is already consent in place for a tap room within the building which can be brought into use at any time once the restoration of the barn has been completed (an extant consent). Although the approved tap room is indoors, there is currently no control in place to prevent patrons from purchasing beer from the brewery and consuming it outside of the building on the wider site, as can be exercised under the business’s off-licence.

Justification has been provided in regard to the intensification of the proposed use, in that the business has grown quickly, which combined with Covid-19 restrictions and the need to raise funds to complete the restoration of the building, has meant that the outside area is needed to accommodate the tap days and support the viability of the main brewery enterprise.

In terms of the relationship between the application site and the adjacent residents, there are considerable separation distances involved which will help to limit any potential impact. Furthermore, the tap area is boarded by existing buildings on three sides to the north, east and south and the prevailing wind being south-westerly, means that any noise from the proposed use will not carry directly towards to the neighbouring residents.

CSNN concerns with the proposal are noted. However, taking the above into consideration together with the measures set out to control the numbers of people attending the tap days at any one time, limiting the hours of operation to four days of the week (during the summer season only) and at reasonable times of the day, it is not considered that the objection holds sufficient weight to warrant refusal of the temporary application. Further comments from CSNN on the amended proposal will be reported in Late Representations

Conditions can be imposed to further limit any impact from activity on the site associated with the proposed use, such as containing the 'tap area' as shown on the submitted plan and the submission of a site management plan which can include signage to discourage patrons from 'picnicking' on the grassed area, and such like.

Other restrictions can be imposed to reduce noise and odour impacts by way of prohibiting outside and amplified music; and allowing only one food vendor at any one time. Further conditions will be imposed limiting the days and hours of use.

By granting a 2-year temporary consent, this will enable the Local Authority to monitor the use and its impact and assess any such complaints if they should arise in order to inform future planning decisions at the site.

Any further regulation of noise and disturbance is outside of the remit of Planning Control and would be dealt with by way of a Statutory Nuisance under the Environmental Protection Act 1990. For these purposes it would need to be demonstrated that the 'events' would 'unreasonably and substantially interfere with the use or enjoyment of a home or other premises; or injure health or be likely to injure health'.

On the basis of the above, it is considered that when finely balanced, the level of activity from patrons and potential disturbance from vehicular movements when taking into account the days / hours of use, the existing business use of the site, separation distances involved and the restrictive conditions imposed, any impact on neighbour amenity would not be so significant that would be detrimental to their living conditions.

The proposal therefore accords with Development Plan Policies CS08 and DM15 and paragraph 130 of the NPPF.

Access, Parking and Highway Safety

The Local Highway Authority has raised no objection to the proposed use on the basis that the access improvement works agreed to under the original Brewery application (17/01212/F) are carried out and complied with.

The partly discharged conditions related to the upgrade and widening of the access where it meets the carriageway to a minimum of 5 metres for the first 20 metres into the site (condition 11); and the visibility splays being maintained below 1.05m (condition 13).

Whilst the details were partially discharged condition 11 was not implemented and condition 13 has not been maintained.

However, the West Acre Estate are in direct contact with the LHA, and have confirmed that they will carry out the remaining works to discharge the planning conditions 11 and 13 of application 17/01212/F. The width and length of the entrance road (on site) is already compliant but the LHA require it to be upgraded to their specifications, which the estate will undertake in due course.

The estate has cut back the vegetation on the visibility splays. Meanwhile the driveway has not suffered from the traffic using it at all during the temporary use of the tap area during the pandemic, and there have been no issues with water running off it onto the highway.

It is therefore considered that, providing the highway safety mitigation measures are complied with to allow safe and acceptable access for this development, the general conditions are not so severe that an objection could be justified by the LHA. The proposal therefore complies with Policy CS11 and DM15 of the Local Plan.

Other Material Considerations

Section 17 of the Crime and Disorder Act 1998 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. The application before the Committee will not have a material impact upon crime and disorder.

Third Party Representations

The Parish Council's and local residents concerns have been taken into full consideration in reaching a recommendation for this application, most of which have been addressed above in the report.

In light of the details within the application being amended, which proposes to reduce the number of covers (people); reduce the Sunday operating hours; and reduce the temporary time limit from 3 to 2 years, all third parties and statutory consultees have been re-consulted on the application. Any further comments received will be reported in late representations before the Planning Committee meeting.

CONCLUSION

The main consideration in the determination of this application is whether the intensification of the 'Tap Days' use at the established Brewery is acceptable and meets the aims of the NPPF in delivering sustainable growth and expansion of a business in a rural area, or whether or not this is outweighed by other material considerations such as the potential impact on residential amenity.

The proposal offers general conformity with Development Plan Policies, in terms of economic objectives, by helping to build a strong, responsive and competitive economy; social objectives by contributing to a strong, vibrant community; and environmental objectives, by making effective use of land and helping to support a viable use for Abbey Barn, which in turn protects and enhances the historic environment.

There will inevitably be a level of noise and disturbance associated with the proposed tap days. However, this needs to be finely balanced with the current and historic use of the site and whether the impact from the proposal would be significant enough to adversely affect the amenity of others, over and above what would be reasonable in this location.

It is your Officer's opinion that, on balance, the proposed tap area with reduced temporary consent, number of patrons and controlled hours would not substantially impact on residential amenity to such a degree that would adversely affect neighbours, when taking into consideration the existing commercial / business use of the site and the separation distances involved. As such it is considered that any limited noise and disturbance, as a result of the restricted number of tap days per week, would not outweigh the economic and community benefits of the proposal.

It is therefore considered that the proposal accords with the general provisions of the NPPF and Development Plan Policies CS06, CS08, CS10, CS11, CS12 and DM15 and is recommended for approval.

RECOMMENDATION

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The use hereby permitted shall be discontinued and the land restored to its former condition within two years from the date of this decision.
- 1 Reason: In order that the Local Planning Authority may retain control over the development where a permanent permission may give rise to conditions detrimental to the amenities of the locality contrary to the NPPF.
- 2 Condition: The development hereby permitted relates to area in red shown on the following approved plans; 106E and 107F.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The use hereby approved shall operate and be open to members of the public on the following days and times:

From the 1st March to the 31st October in any calendar year, on - Thursdays, Fridays and Saturdays between the hours of 12pm and 8pm; and - Sundays between the hours of 12pm and 6pm.

From the 1st November to the 28th February in any calendar year, on - Thursdays, Fridays and Saturdays only, between the hours of 12pm and 6pm.
- 3 Reason: In the interests of residential amenity, in accordance with the provisions of the NPPF.
- 4 Condition: The 'Tap Days' hereby approved shall be wholly contained within the marked area shown in green on the approved plan 107F.
- 4 Reason: In order for the Local Planning Authority to retain control over the development and in the interests of residential amenity, in accordance with the provisions of the NPPF.

- 5 Condition: Within 6 weeks of the date of this permission, a Site Management Plan shall be submitted to the Local Planning Authority and subsequently agreed in writing. The plan shall include details of measures that will be put in place to manage patrons, and others involved with the use hereby approved, in order to limit noise and disturbance to neighbouring residents. The details agreed in writing shall be implemented within a further 4 weeks of the date of the approval and maintained thereafter as such.
- 5 Reason: In the interests of residential amenity, in accordance with the provisions of the NPPF.
- 6 Condition Within 6 months of the date of this decision, the vehicular access shall be upgraded / widened to a minimum width of 5 metres and provided in accordance with the Norfolk County Council industrial access construction specification for the first 20 metres as measured back from the near channel edge of the adjacent carriageway. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 6 Reason: In the interest of highway safety and traffic movement, in accordance with the provisions of the NPPF.
- 7 Condition The visibility splays measuring 2.4 x 120 metres shall be provided to the south side of the access where it meets the highway and such splays shall be maintained in perpetuity free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.
- 7 Reason: In the interests of highway safety, in accordance with the provisions of the NPPF.
- 8 Condition No amplified or other music shall be played outdoors in association with the use hereby approved.
- 8 Reason: In the interests of residential amenity, in accordance with the provisions of the NPPF.
- 9 Condition Only one food vendor shall operate on site at any one time within the area marked in green on the Dwg 107F, during the opening days and times hereby approved.
- 9 Reason: In the interests of residential amenity, in accordance with the provisions of the NPPF.
- 10 Condition The use hereby approved shall operate on a pre-booked basis only, accommodating a maximum number of 120 patrons at any one time; with a maximum of 76 seats outside and a maximum of 44 seats inside. The owners / operators shall maintain an up-to-date register of bookings and shall make this available at all reasonable times to the Local Planning Authority.
- 10 Reason: For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development which might be detrimental to the amenities of the locality if not controlled, in accordance with the provisions of the NPPF.