

APPLICATION NUMBER: 23/01079/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

23/01079/FUL

CASE OFFICER

Tom Hiles

DETERMINATION DATE 26.01.2024 EXT OF TIME 27.03.24

Address: Phoenix Brewery, Green Lane Heywood OL10 2EP

Proposal: Change of use from brewery ancillary areas to form pub

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	Y

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	N

EIA	Screening opinion completed and saved to Onbase?	N/A
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CONDITIONS	Pre-commencement conditions proposed?	Y
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION	Approve, with conditions
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CHECKED AND SIGNED OFF BY: LA

DATE: 27.03.24

SITE

The application site comprises part of Phoenix Brewery, a C19th brewery complex partly occupied by a beer manufacturer of the same name. The site is located on Green Lane in Heywood, forming part of an area of industrial premises towards the east side of Heywood. The site is immediately surrounded at the west, south and east by industrial and business uses, at the north-west by disused land, and at the north by a small group of dwellings. The Heywood Station on the East Lancashire Railway heritage railway is located a short distance to the north-west. The site lies within the Defined Urban Area as designated by the Rochdale Unitary Development Plan, and within the Heywood Station Conservation Area. The brewery itself is considered to be non-designated heritage asset.

The Phoenix Brewery comprises a substantial redbrick factory dated from 1903, mainly consisting of two-storey volumes arranged around an inner courtyard, and including a six-storey tower. The interior of the complex is accessed through an archway off Green Lane. The brewery has a landmark presence on Green Lane owing to its scale and character, and is an important contributor to the Conservation Area. The brewing company occupies the part of the complex at the front of the site onto Green Lane, with other buildings on the site occupied by other businesses. The brewery element of the site comprises production rooms, storage areas, and offices.

PROPOSAL

The application seeks permission to change the use of parts buildings at the front of the site to form a pub at part of the ground floor. The pub would comprise a bar area, games room, lounge, and toilets, and would be operated as part of the brewery. The application indicates that the rooms to be used are currently ancillary to the brewery. From their layout and character it appears that some of these rooms may have historically been in use for similar purposes, although this would appear to have lapsed some time ago. The pub would also incorporate a small retail area formed by enclosing the arched site entrance to the complex with glazing near the front and rear elevations. An existing window facing into the archway would be expanded to provide a door into this area. The submitted floor plans indicate that space at the first floor above the pub (currently used for storage) would be adapted to provide additional office space for the brewery.

Some of the internal works to form the new bar area had commenced at the time of the site visit in December 2023.

The application indicates that the proposal would create one additional full-time equivalent job, and indicates that the hours of operation would be 11am to 11pm on all days.

The application is supported by a Heritage Statement, Design and Access Statement, Business Sequential Statement and Crime Impact Statement.

An amended proposed site plan was received during to determination to clarify the location of the proposed operations within the brewery complex.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Sub-Regional

Places for Everyone Joint Development Plan (PfE)

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024.

Adopted Rochdale Core Strategy (CS):

DM1 - General development requirements

Delivering a more prosperous economy (SO1)

E1 - Establishing thriving town, district and local centres

E2 - Increasing jobs and prosperity

Improving design, image and quality of place (SO3)

P1 - Improving image

P2 - Protecting and enhancing character, landscape and heritage

P3 - Improving design of new development

To improve accessibility and deliver sustainable transport (SO5)

T1 - Delivering sustainable transport

T2 - Improving accessibility

Unitary Development Plan (UDP) saved policies

G/D/1 Defined Urban Area

EM/7 Development and Flood Risk

EM8 Protection of Surface and Ground Water

RELEVANT SITE HISTORY

None relevant

CONSULTATION RESPONSES

Highways And Engineering

The proposed change of use is not likely to generate excessive amounts of additional traffic, so we have no concerns regarding its impact on highway capacity

The application has identified off street areas for parking provision which we would say is acceptable.

The existing brewery generates servicing which is accommodated within the site and although the proposed use may create some additional servicing requirements we would not expect that this would have any detrimental impact.

We would not expect that the proposed use would have any impact on road safety.

Highways raise no objection to this application and request no specific highway conditions.

Environmental Health - Noise

This section has no objection in principle to the proposals, we would recommend the following conditions:

The opening hours are restricted to those applied for, Monday-Saturday 11:00 - 23:00 Sundays and bank holidays 11:00 - 23:00.

Conservation

The proposal seeks to convert part of the building to form a pub and shop. It is understood that this would form part of the works to open up the brewery for public access, allowing visitors to buy the products being made on site.

There are no objections in principle to the conversion of part of the building to form a pub, noting that it is proposed to be ancillary to the brewery use. Such a use would support the continued use of the building as a brewery; the purpose for which the building was originally designed. The provision of a pub within the brewery will help to ensure that the building remains viable, preventing it from falling into disuse.

The proposal includes some external alterations, including the creating a new door from an existing window and enclosing the archway to form the bar area. The courtyard enclosure should be lightweight with minimal framing to maintain the original sense of openness. While there would be some minor harm from enclosing this space, this could be largely mitigated by appropriate detailing.

Details of the existing floor building up within the archway are also required. These should be provided upfront as part of the application, with a detailed specification agreed by condition. Areas of cobbles/historic flooring should be retained and worked into the proposals.

It is not clear if the external grill is proposed to be retained. Unlike the grills over the windows, this appears to be a recent addition, but it would be helpful to have more details of this prior to confirming. If it is proposed to be removed, then the stonework will be required to be made good.

Details of the new door and the works to install it should also be required by condition. Any new windows and doors should be made of timber.

The external works would result in some harm to the exterior of the building and as a consequence the Conservation Area. This is considered to be at the lower end of less than substantial harm and could in part be mitigated by appropriate detailing (to be secured by condition). This harm needs to be outweighed by the public benefits of the proposal.

In this case, there are clear heritage benefits, including supporting the ongoing use of the building for its original purpose and supporting the visitor economy and footfall within the Conservation Area. It is considered that these benefits outweigh the low level of less than substantial harm identified. There are no objections subject to the clarification and conditions above.

GMP - Design For Security

I have reviewed the application and documents submitted in support the above application. I am happy to advise that we support the application. Our support is subject to the inclusion of a suitably worded condition that requires the developer to complete the works in accordance with the recommendations and physical security

specification set out within the Crime Impact Statement, or other, suitable, variations from the recommendations and security specification that have been agreed in writing with the Local Planning Authority.

Strategic Planning

No comments received to date

REPRESENTATIONS

Notification letters were issued to adjacent premises and a site notice was placed at the front of the premises in December 2023, in addition to a press notice. No public representations were received.

ANALYSIS

Principle of Development

The application site is allocated as Defined Urban Area under the Rochdale Unitary Development Plan. Policy G/D/1 is therefore relevant to any applications on the site and in the supporting text to this policy it is established that new development should be located in the urban area, so as to support urban regeneration and to protect the countryside.

The proposed development would comprise a town-centre use located outside any of the borough's established centres. The designated boundary of Heywood town centre is located slightly less than 1km to the north-west of the site, which therefore isn't considered to be well-connected to the nearest centre.

Policy E1 of the Core Strategy, in accordance with the NPPF, focuses retail and leisure development to promote the viability and vitality of the Borough's town centres. Saved UDP Policy G/S/1 (which is read in conjunction with Policy E1 following the adoption of the CS) establishes the hierarchy of centres across the borough, and requires applicants to provide a sequential approach to demonstrate that no suitable sites exist (or are likely to become available within a reasonable period of time) which would otherwise be sequentially preferable. Policy E1 sets out that out of centre development will only be considered acceptable when there are no suitable sites in, or on the edge, or well connected to, the town centre, district centres or local centres and the proposal would cause no significant overall impact on the existing centres vitality and viability.

In response to this policy requirement, the application is supported by a brief Business Sequential Statement, setting out the reasons why the site has been selected, which is essentially that the site forms part of the existing brewery premises, and the company does not own any other premises which could alternatively be used for the proposal.

Whilst the statement does not provide a full sequential exercise, the justification for the location of the proposal is considered to be acceptable. The proposed pub would be operated as part of the well-established brewery business and would bring back into use unused and underused areas of the traditional brewery complex. It is considered that the practicalities of the business operation do mean that no other sites would be suitable in or on the edge of any existing centres, and as such that establishing a town-centre use outside existing centres would in this case be acceptable in terms of policy E1.

As it is these specific circumstances of the operator which justify the proposal in terms of policy E1, it has been considered whether the operation of the pub should

be tied to the operation of the brewery by condition, to ensure that this remains the case in the long term and to avoid the possibility that the pub can be operated as a standalone business. It is not considered that the operation of the pub would clearly be justified solely on the basis of sustaining the heritage asset, and as such it is considered that this limiting condition would be justified.

Policy E2 *Increasing jobs and prosperity* notes in general terms that the Council will support the creation and retention of successful businesses and increase the number and quality of jobs to create a more prosperous lower carbon economy and it is considered that the proposed re-use of existing business premises and expansion of the existing brewery business would support these objectives along with those of PfE (JP-J2 and J4).

For these reasons, the proposed change of use is considered to be compliant with policy E1 and to support the objectives of policy E2 and Policies JP-J2 and J4 of PfE, and is therefore considered to be acceptable in principle.

Design and Heritage

CS policy P2 *Protecting and enhancing character, landscape and heritage* notes that the Council will protect the borough's heritage by measures including conserving, enhancing and promoting key heritage assets, both statutory and non-statutory, including consideration of their wider settings.

Core Strategy policy P1 *Improving image* notes that the Council will require high quality design in all new developments, and will ensure new development improves the image of the borough by measures including requiring design which is of a high standard, demonstrating innovation and originality. Policy P3 *Improving design of new development* notes that the Council will require all new developments, regardless of location in the borough, to adhere to high standards of design. NPPF paragraph 135 notes that planning decisions should ensure that developments will add to the overall quality of the area, and are visually attractive as a result of good architecture and layout, and are sympathetic to local character and history, including the surrounding built environment. P3 also notes that developments should incorporate design measures that design out crime and ensure developments and spaces are safe to use and access.

Places for Everyone policy JP-P1 notes that new development should conserve and enhance the historic environment and should respect the character and identity of the locality in terms of design and materials, Policy JP-P2 notes that:

We will proactively manage and work with partners to positively conserve, sustain and enhance our historic environment and heritage assets and their settings. Opportunities will be pursued to aid the promotion, enjoyment, understanding and interpretation of heritage assets, as a means of maximising wider public benefits and reinforcing Greater Manchester's distinct character, identity and sense of place.

The application site is a non-designated heritage asset, and falls within the Heywood Station Conservation Area.

The Conservation Officer has reviewed the proposed works and their comments are noted above, including their assessment that the works would result in less than substantial harm, at the lower end, to the significance of the Conservation Area, but that this would be outweighed by the public benefits which the proposal would provide. Approval of the proposal would therefore be in accordance with paragraphs 205 and 208 of the NPPF.

In response to the Conservation Officer's initial comments, the applicant confirmed that the entrance grill (gates to the entrance archway) will be retained and has advised that the cobbles within the archway would be replaced with polished concrete. The Conservation Officer has not objected to these clarified elements. Subject to further details to be approved by condition, on the basis of the Conservation Officer's comments it is considered that the proposal would be acceptable in terms of heritage conservation and to comply with the relevant local and national policies.

In design terms, the external alterations would be modest relative to the scale and character of the host building. The proposed infill glazing would appear as a contemporary element within a traditional building, but it is considered that a sensitive approach to these elements could achieve an acceptable design. Subject to the same details requested by the Conservation Officer to be assessed via condition, the proposal is therefore considered to achieve a high quality of building design.

GMP Design for Security have reviewed the Crime Impact Statement submitted in support of the application and their comments are noted above. Subject to a condition requiring compliance with the recommendations of the Crime Impact Statement (as suggested by DfS), it is considered that the proposal would support the crime and safety objectives of policy P3.

For the above reasons, it is considered that the proposed works would support the design objectives of local policies P1 and P3 and of PfE and the NPPF.

Residential Amenity

Core Strategy policy DM1 *General development requirements* notes that all development proposals should not adversely affect the amenity of residents or users.

Paragraph 127 of the NPPF notes that:

Planning policies and decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Development on the site has the potential to have impact on the residences to the north of the site on Green Lane, the closest being located around 45m away. Development of the type proposed could potentially result in noise and disruption to nearby residents.

However, given the limited scale of the proposal, the distance to these residences, and the proposed hours of operation, it is not considered that any such impacts would be likely to be significantly harmful. The comments from the environmental health officer are noted, and subject to a condition controlling the hours of operation to those proposed in the application, it is considered that the proposal would be acceptable in terms of residential amenity and therefore to comply with policy DM1.

Highways Safety and Access

Policy DM1 *General development requirements* requires an assessment into highway safety with applications required to demonstrate that they provide satisfactory vehicular access with adequate parking, manoeuvring and servicing arrangements, taking into account the proposed use and location. Paragraph 115 of the NPPF notes that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The consultation response from the Highways officer is noted and on the basis of their advice the proposal is not considered to give rise to any concerns in terms of highways safety or access arrangements, and is therefore considered to be acceptable in terms of policy DM1.

CONCLUSIONS AND RECOMMENDATION

The proposed development would support the economic objectives of the Rochdale Core Strategy and would support the sustainable use of a non-designated heritage asset. It is not considered that the proposal would result in harm to highways safety, residential amenity or public safety, subject to conditions controlling the operation of the business. The proposal is considered to be acceptable in terms of building design and effects on the heritage environment, subject to further design details to be secured by condition. The proposal is not considered to give rise to any other planning considerations and the proposal is therefore recommended for approval subject to the following conditions:

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).
2. This permission relates to the following plans and documents:
 - Location Plan
 - 02 – Proposed Plans
 - 04 – Proposed Elevations and Sections
 - 05 Proposed Site Plan
 - Crime Impact Statement

and the development shall be carried out in complete accordance with these hereby approved.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the saved Rochdale Unitary Development Plan, the adopted Rochdale Core Strategy and the National Planning Policy Framework.

3. Prior to the implementation of any of the following elements of the approved development, full design details for all of these elements shall be submitted to and approved in writing by the Local Planning Authority:
 - Drawings of infill glazing, including longitudinal and cross-sectional detailing to a scale no larger than 1:20, as well as materials, finishes, colours and details of fittings and means of opening.
 - Full details of internal floor materials and finishes to the new shop area, including increase in floor height and any edging materials.
 - Full design details (including facing materials and finishes) for the new entrance doorway into the shop area and of any new and replacement windows.

The development shall be carried out in accordance with the approved details, and these details must confirm that any new doors and windows will be of timber construction.

Reason: In order to ensure a satisfactory appearance and acceptable impact on the significance of the non-designated heritage asset and the

Conservation Area, in accordance with Policies P1, P2, and P3 of the Rochdale Core Strategy 2016.

4. The operating hours of the pub hereby approved shall be limited to 11.00 to 23.00 on all days.

Reason: In the interest of preventing harmful disruption to nearby residents, in accordance with the amenity requirements of policy DM1 of the Rochdale Core Strategy 2016

5. The development shall be carried out in full accordance with the recommendations of the submitted Crime Impact Statement.

Reason: In the interest of reducing crime and protecting public safety, in accordance with policy P3 of the Rochdale Core Strategy 2016.

6. The pub premises hereby approved shall be operated solely in association with the brewery business occupying Phoenix Brewery (or any other brewery business operating from the premises in the future), and shall not be operated as a standalone pub business at any time.

Reason: In the interest of protecting the viability and vitality of the borough's existing town centres, in accordance with policy E1 of the Rochdale Core Strategy 2016.

Procedure Statement

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively to issue the decision without delay.

Report Author Tom Hiles