



**Lake District
National Park**

5

**Report from the Head of Development Management to the
Development Control Committee**

Application number:	7/2025/5162
Application type:	Full Planning application
Applicant:	Lakes Brew Co.
Location:	The Old Mill, Giggling Goose Cafe, North Road, Ambleside, Cumbria, LA22 9DT
Grid reference:	337646 504592
Proposal:	Change of use of cafe (Class E) to drinking establishment (Sui Generis) and works to create toilets
Report prepared by:	Ben Long, Area Planner
Report agreed by:	Neil Henderson, Planning Manager
Recommendation:	APPROVE with conditions

1 About this report

- 1.1 The case planner has prepared this report, assessment and recommendation taking into account our policies (known as the Development Plan), written representations we have received, and any other material considerations.
- 1.2 Material considerations are things that are relevant to our decision making and which we are able to take into account – for example site specific factors, or Government planning policy (the National Planning Policy Framework) and Government planning guidance (the National Planning Practice Guidance).
- 1.3 The Development Control Committee will determine the application at its meeting having regard to the provisions of the Development Plan, representations we have received, and all other material considerations, following a verbal and visual summary of the application by the case

planner and, where applicable, after hearing any verbal representations made in accordance with our Policy for Public Speaking at Meetings.

- 1.4 Most applications are decided under powers delegated to the Head of Development Management. A small number of significant or more contentious applications are considered by our Development Control Committee as set out in our Scheme of Delegation.

2 Background and proposals

- 2.1 I am reporting this application to Committee because my recommendation to approve is contrary to the views of Lakes Parish Council.
- 2.2 The Old Mill is a Grade II listed building located adjacent to Stock Ghyll in the Ambleside Conservation Area. The Old Mill comprises a number of separate retail and related business units; the one the subject of this application has previously been a café, The Giggling Goose.
- 2.3 This application is for the change of use of the premises to a drinking establishment. The area covered by the application relates to the building, and a garden area alongside the beck to New Road at Stock Low Bridge. No material physical external alterations are proposed. An associated listed building consent application (7/2025/5163) has been submitted in respect of internal works to provide toilets and a replacement stair. Adverts are not included in either application, those proposed are to replace pre-existing signage.

3. Representations

- 3.1 Lakes Parish Council have considered applications 7/2025/5162 and 5163 together and recommend refusal on the following grounds:

This application has generated widespread concern from local residents and fails to demonstrate compatibility with the surrounding environment, either physically, socially, or historically. Lakes Parish Council strongly recommends refusal of this application on the grounds of amenity harm, access and safety concerns, neighbourhood disruption, and policy non-compliance.

1. *Negative Impact on Residential Amenity. The proposed development is located within a predominantly residential area and is immediately surrounded by multiple permanent residences. The introduction of outdoor alcohol consumption in such a confined space raises significant concerns about noise disturbance, particularly in the evenings. This represents an unacceptable impact on the amenity of adjoining residents and users, contrary to Policy 6.*

The shared access is used by several businesses, and it would be neither professional nor welcoming for visitors to walk past potentially rowdy drinkers in such a small and constrained setting.

2. *Historical and Cultural Sensitivity. The site forms part of a historically significant area of Ambleside, which includes Stock High Bridge, Stock Low Bridge, and The Old Mill—features that are central to the town's industrial heritage. The surrounding buildings have evolved over centuries, and the proposed development is not proportionate to the character or scale appropriate to this sensitive historic setting. As such, it risks undermining the area's cultural and historical identity, in conflict with Policy 7.*
 3. *Neighbourhood and Lane Impact The proposed use is likely to lead to significant physical and noise disturbance spilling out onto the private lane running north of the site from the butcher's shop on North Road. This lane is flanked by a mix of residential dwellings, small businesses, and holiday lets. The cumulative effect of increased activity in this space would not be of benefit to local amenity and could lead to late-night disturbances incompatible with nearby uses*
- 3.2 Westmorland and Furnes Council as Local Highway Authority and Lead Local Flood Authority have no objections.
 - 3.3 Historic England offer no comments and recommend that the advice of our in house experts should be sought.
 - 3.4 At the time of writing we had received two letters of objection and two letters of support.
 - 3.5 The objectors' comments include:
 - A drinking establishment with extended opening times is not an appropriate fit for this historical building, nor for its beautiful surroundings in the heart of Ambleside.
 - There are resident houses in close proximity and running alongside the beck who share the same Time-Physical Space. Noise and activity would impact on their residential amenity. The effect of the surrounding buildings makes the area a natural amphitheatre
 - There would be conflict and perceived risk for users of the shared access serving other properties/businesses.
 - Necessary signage would detract from the character of the area.
 - There would be increased pressure on parking spaces on North Road.
 - The proposed management plan arrangements would result in more noise/disturbance on North Road as customers leave the premises late at night.
 - Ambleside is now at risk of becoming a party destination making it more suited to short term holiday letting and sterilising the community.
 - 3.6 The supporters' comments include:
 - The applicants' brewing business is an asset to the area.
 - The proposal would make use of a beautiful spot that is under utilised.

4 Development plan policies and other relevant guidance

4.1 Lake District National Park Local Plan 2020-2035

- Policy 01: National and international significance of the Lake District
- Policy 02: Spatial strategy
- Policy 03: Development and flooding
- Policy 04: Biodiversity and geodiversity
- Policy 05: Protecting the spectacular landscape
- Policy 06: Design and development
- Policy 07: Historic environment
- Policy 17: retailing and town centres

4.2 The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications.

5 Main issues and assessment

5.1 The main issues are:

- The principle of the development
- Impact on the character and appearance of the area
- Impact on the amenity of neighbours

The principle of the development

5.2 The site lies close to the centre of Ambleside and the existing building has an established commercial use. The site lies outside of, but adjacent to, the Primary Shopping Area of Ambleside identified in the Local Plan, that lies to the south side of Stock Ghyll.

5.3 Policy 17 of the Local Plan: retailing and town centres states that:
In the Primary Shopping Areas of Ambleside, Bowness, Keswick and Windermere we will support commercial, business and service uses where proposals maintain and enhance the vitality of these centres.

Outside the Primary Shopping Areas a sequential test for the location of development will be applied. Proposals for edge of centre and out of centre locations will only be supported where evidence demonstrates that proposals would not harm the vitality or viability of these shopping areas.

5.4 In this case it needs to be acknowledged that the existing use as a café is an existing retail or town centre use, falling within Use Class E, which would allow a significant degree of flexibility for use for other commercial purposes. There is not a hard and fast line between a café use selling some alcohol and a 'drinking establishment' with the former falling within Use Class E and the other requiring a specific planning permission for a change of use. This provides a 'fall back position' in that if we refuse permission, the site could continue to be used as a café/restaurant use without the need for a further planning application.

- 5.5 I consider therefore that the use is acceptable in principle and does not contravene Policy 17. The key test of its acceptability relates to its site specific effects, especially those of residential amenity.

Impact on the character and appearance of the area

- 5.6 The site lies within the Ambleside Conservation Area, includes a Grade II listed building, and as a vernacular building is part of the Lake District's settlement pattern, an attribute of the Outstanding Universal Value of the English Lake District World Heritage Site. A yew tree close to New Road is the subject of a Tree Protection Order.
- 5.7 The effects of specific works proposed to the interior of the listed building are considered separately under listed building consent application 7/20125/5163. Any effect on the setting of the listed building needs to be considered as part of the assessment of this planning application.
- 5.8 The proposed change of use involves little in the way of change to the outward appearance of the site. In relation to the exterior of the building, the evidence of the change of use would be limited to new signage, which would replace the existing.
- 5.9 To the west side of the mill there is a garden that has seen little management since the previous use of the premises ceased. Adjacent to the stream, there is a retaining wall topped by a timber fence, then a path and then a section of the garden that has been levelled, surfaced and provided with seating. No planning permission has been granted for this use or the physical works, but from photographic evidence between 2009 and 2019, it seems likely that the use and surfacing of part at least of this area has become lawful as part of the past café use. This is part of the 'fall back position' in that if we refuse permission some of this outdoor space could continue to be used as part of a café/restaurant use.
- 5.10 The proposals are to retain the upper part of this outdoor seating area and to restore the lower part, including around the protected yew tree, and to preclude access to the rest of the garden, so that it can be retained and maintained. Appropriate fencing would not cause harm to the visual character of the site and the setting of the listed building.
- 5.11 The effect on character would therefore not primarily be from changes that affect historic fabric or the visual appearance of the site. In the event that a change could be identified it would be more of a perceptual change in character arising from some aspect of the nature of the use, such as an increase in noise and busyness at different times of the day/night. There are currently no conditions limiting hours of use.
- 5.12 I find it difficult to conclude that a drinking establishment as opposed to another form of commercial or hospitality use of the site would necessarily have such an effect or change that it could be said to be materially harmful to the character of the area or to the site's heritage assets.

- 5.13 I am satisfied therefore that the development proposed is acceptable in terms of its impact on the character and appearance of the area and that it satisfies the requirements of Local Plan Policies 01, 02, 05, 06, 07 and the NPPF.

Impact on the amenity of neighbours

- 5.14 This, I consider, is the key issue that needs to be considered in determining the acceptability or otherwise of the proposed development.
- 5.15 The existing premises was last used as a café, within the old mill complex there is also a masseur, and an opticians' premises together with a small retail unit. Working clockwise from the north of the site, there are retail and residential uses on the opposite side of North Road. There are some guesthouse uses, but mostly residential properties on the south side of Stock Ghyll along Bridge Street (Rattle Gill), at the bottom of Bridge Street there are some houses and some shops. Across New Road to the south is the Apple Pie bakery and tea room, then Bridge House, and busy food and drink uses at the Tap Yard and Flying Fleece. To the north side of the site there is another shop on New Road and some houses beyond the garden of the application premises. Lastly, on North Road, is The Unicorn pub. A lane serves the above houses and the rear of the Unicorn, from which the application premises and the opticians also have access.
- 5.16 The closest residential uses are those on Bridge Street about 10m away to the south across the stream, and on Stock Terrace about 20m away to the north, above the garden area.
- 5.17 Use contained within the building is unlikely to have any material or adverse effect on residential amenity of neighbouring users, nor would comings and goings by the upper entrance/exit to and from the premises by North Road, which is close to The Unicorn. It is the use of the outside space and the access/egress from and to New Road that is more likely to cause such effects.
- 5.18 The applicant has provided a noise assessment. This identifies a relatively high and consistent background noise level in this area as a result of traffic on New Road and in particular on the presence of the stream. The report concludes that during the intended operational period of the use of the site, including the outside space noise would be within World Health Organisation and British Standard recommended levels.
- 5.19 We recognise the findings of the assessment but would observe that the planning test of an effect on residential amenity is not the same as for a statutory noise nuisance, and there is scope for an adverse effect on amenity at lower levels than those anticipated above. In particular, the nature of noise associated with people enjoying a drink nearby may be unpredictable and variable. As such it may be more likely to disturb nearby residents' amenity, than the consistent noise of the stream. I do recognise however that the consistent background noise levels will mask some of the noise from patrons.

5.20 The applicant has provided a management plan to address these issues. The key contents of the management plan are that:

- The outside space would be limited to an identified permitted area;
- Cleft oak facing would be provided to separate the outside seating area from the rest of the garden;
- the outdoor space and access/egress from/to New Road would be closed to patrons from 9:30pm with the gate access locked, access/egress would then only be available from the entrance from/to North Road;
- No outside heating would be provided; and
- No additional external lighting would be provided (there is existing festoon lighting along the fence by the stream and a light over the rear entrance door).

5.21 These measures would provide certainty to neighbouring residents with regard to the way that the premises can be expected to be managed and would serve to limit the potential for noise and disturbance to the earlier part of the evening.

5.22 The controls would be secured by condition with any material departure being a potential breach of condition, and any change proposed would require our further approval.

5.23 I consider that these measures: controlling the amount of use of the garden that takes place; limiting when it can take place; controlling access through the area; and, precluding any external heating or additional lighting, would provide an appropriate level of protection for the amenities of nearby residents. My conclusion on this point is informed by the potential fall back position of café use, the proximity of the use to other town centre uses and the background noise level resulting in particular from the proximity of the stream.

5.24 While I appreciate the concerns of the Town Council with regard to the potential effects of an uncontrolled drinking establishment use here, I consider that subject to the measures proposed the use of the premises would not have an unacceptable impact on amenity due to visual intrusion, overlooking, noise or disturbance, or other adverse impacts. I consider that the development is acceptable in terms of its impact on amenity and satisfies the requirements of Local Plan Policy 06, and the NPPF.

6 Conclusion

6.1 The Old Mill has an established use as a café, a town centre use. The principle of a continued town centre use, including as a drinking establishment would be compliant with Local Plan Policies 02 and 17.

6.2 I cannot identify any unacceptable effects on the visual amenity or the historic character of the area arising from the use proposed.

6.3 The acceptability or otherwise of the change of use is, I consider dependent on the assessment of the effect of the use on the residential amenity of the

nearby residential uses. Any such adverse effects are likely to be the result of the use of the outside space available at the premises, especially late into the evening. The applicant and agent have now forwarded management proposals that satisfy me that the use is capable of being operated in this area without an unacceptable effect on amenity. Subject to appropriate conditions therefore, I recommend approval.

RECOMMENDATION: APPROVE with conditions

Conditions/Reasons

1 The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

REASON: Imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.

2 The development hereby permitted shall not be carried out otherwise than in conformity with the following submitted plans and details:

- Drawing nos.

Revised Location plan received by the Local Planning Authority on 11 July 2025;

Revised Block Plan received by the Local Planning Authority on 16 July 2025

24.02 P-03 rev E Proposed plans;

24.02 P-04 rev D Proposed elevations;

- Lakes Brew Co. Management Plan of outdoor space received by the Local Planning Authority on 11 July 2025.

REASON: For the avoidance of doubt.

3 The use hereby permitted shall not be operated otherwise than in accordance with the Lakes Brew Co. Management Plan of outdoor space received by the Local Planning Authority on 11 July 2025.

REASON: Unrestricted use of the outside space at the premises as part of a drinking establishment would be likely to cause unacceptable adverse effects on the residential amenities of nearby residential properties which would be contrary to Policy 06 of the Lake District National Park Local Plan (2020-2035).

4 The outside space permitted for use by customers shall be limited to that area shown as such on the revised Block Plan received by the Local Planning Authority on 16 July 2025. Prior to the first use of this outside space as part of a drinking establishment pursuant to this permission, cleft oak fencing to a minimum height of 1m shall be erected along the line as shown on the above drawing, and so maintained thereafter.

REASON: Unrestricted use of the outside space at the premises as part of a drinking establishment would be likely to cause unacceptable adverse effects on the residential amenities of nearby residential properties which would be contrary to Policy 06 of the Lake District National Park Local Plan (2020-2035) and in the

interests of the appearance of the site that lies within the Ambleside Conservation Area.

NPPF decision notice requirements

Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 35(2) statement.

The Local Planning Authority have worked with the applicant in a positive and proactive manner by seeking solutions to problems arising in relation to dealing with the application by seeking management measures to address potential impacts on residential amenity.

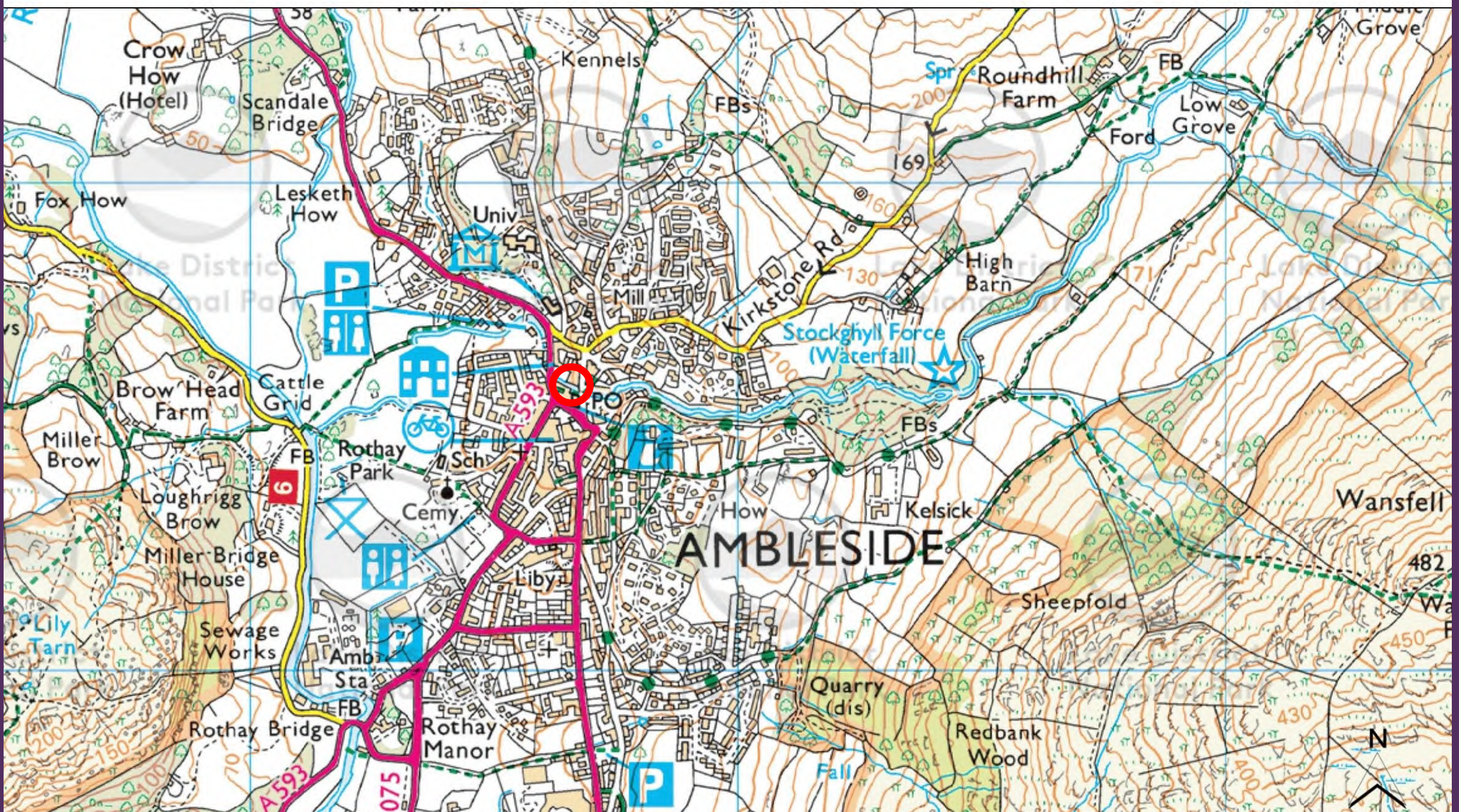
Background papers

Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.

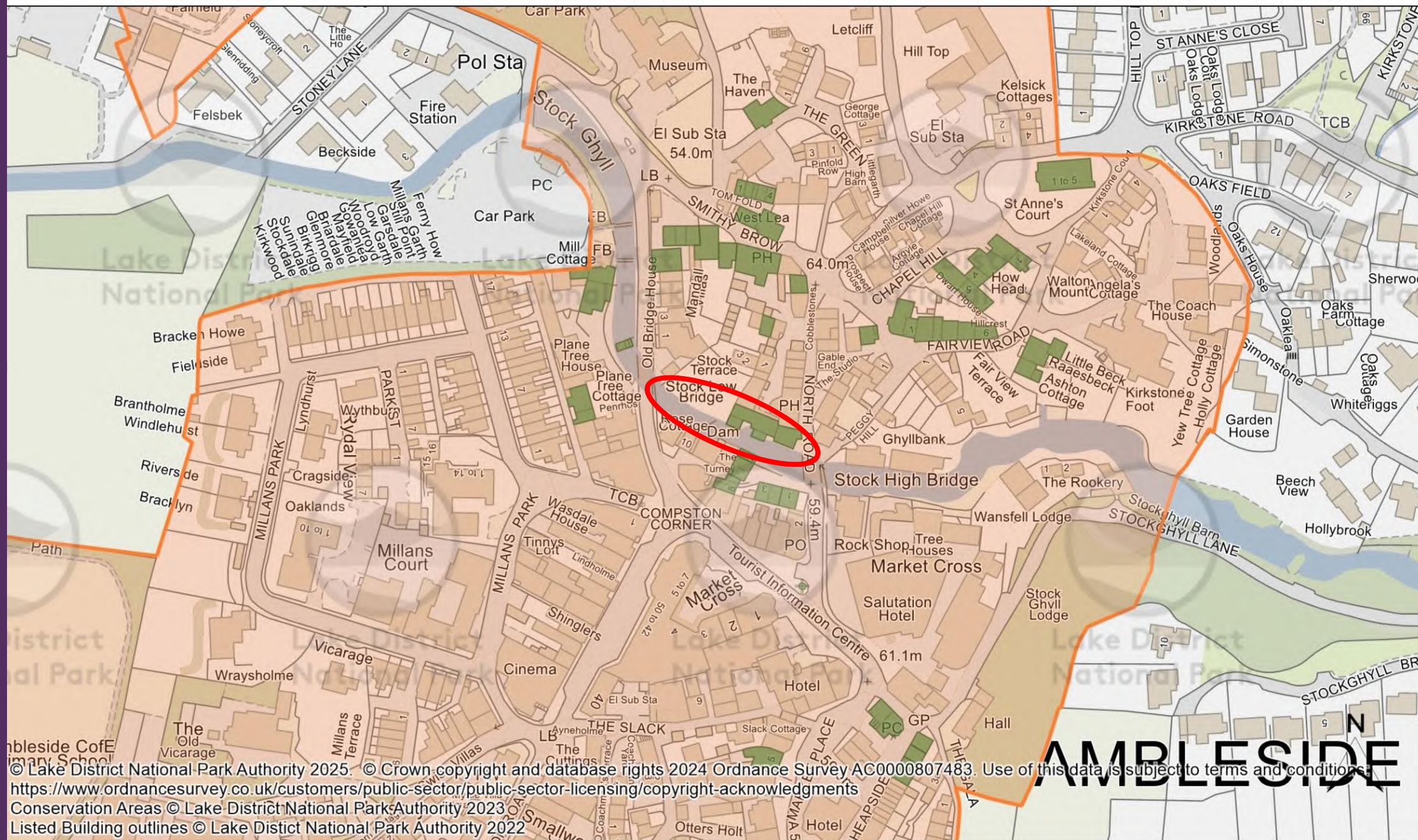
7/2025/5162

The Old Mill, Giggling Goose Café, North Road, Ambleside, Cumbria LA22 9DT

Change of use of café (Class E) to drinking establishment (Sui generis) and works to create toilets



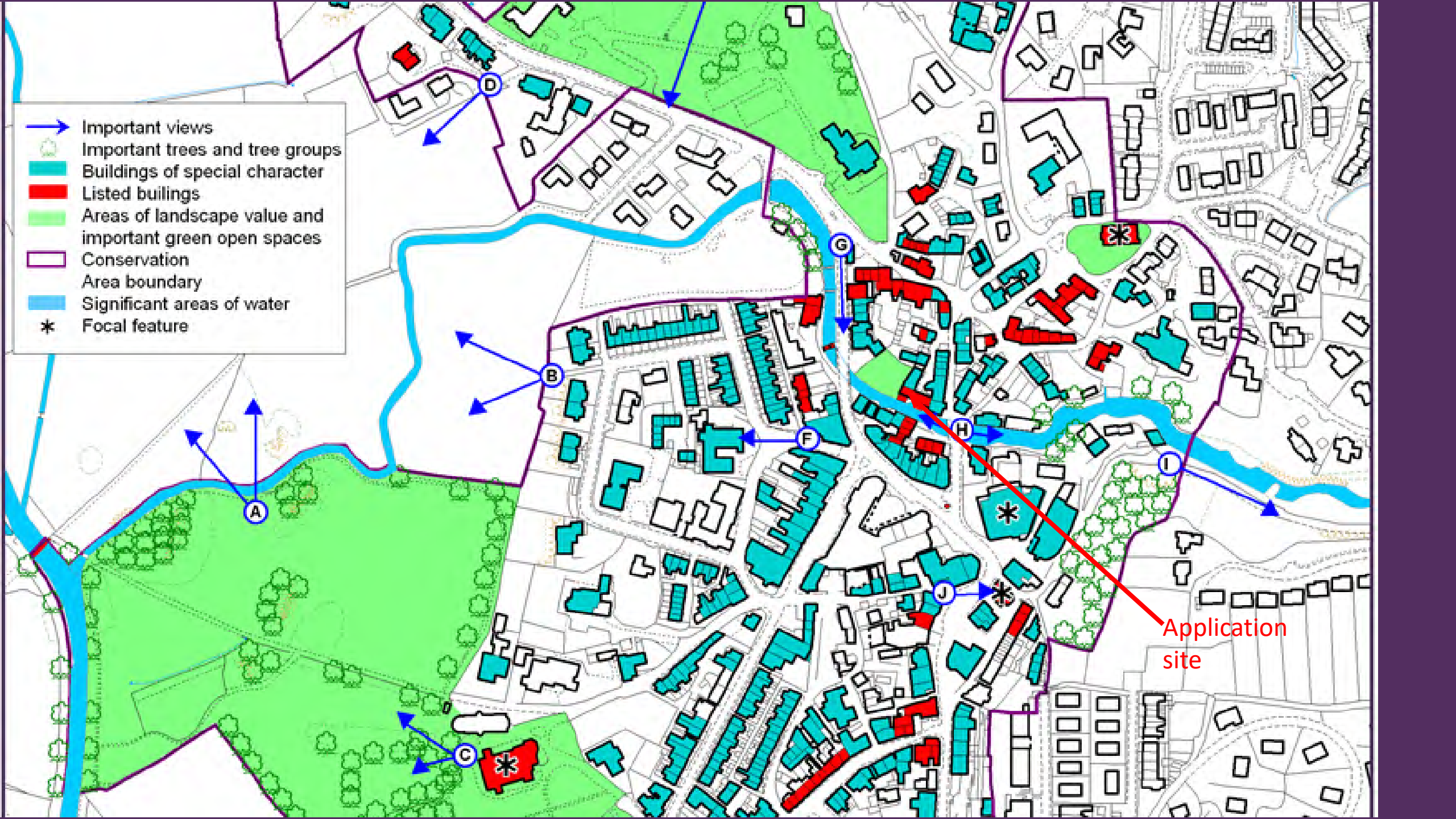
Site location



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- Important views
- 🌳 Important trees and tree groups
- 🏠 Buildings of special character
- 🔴 Listed buildings
- 🌿 Areas of landscape value and important green open spaces
- 🟪 Conservation
- 📐 Area boundary
- 🌊 Significant areas of water
- * Focal feature

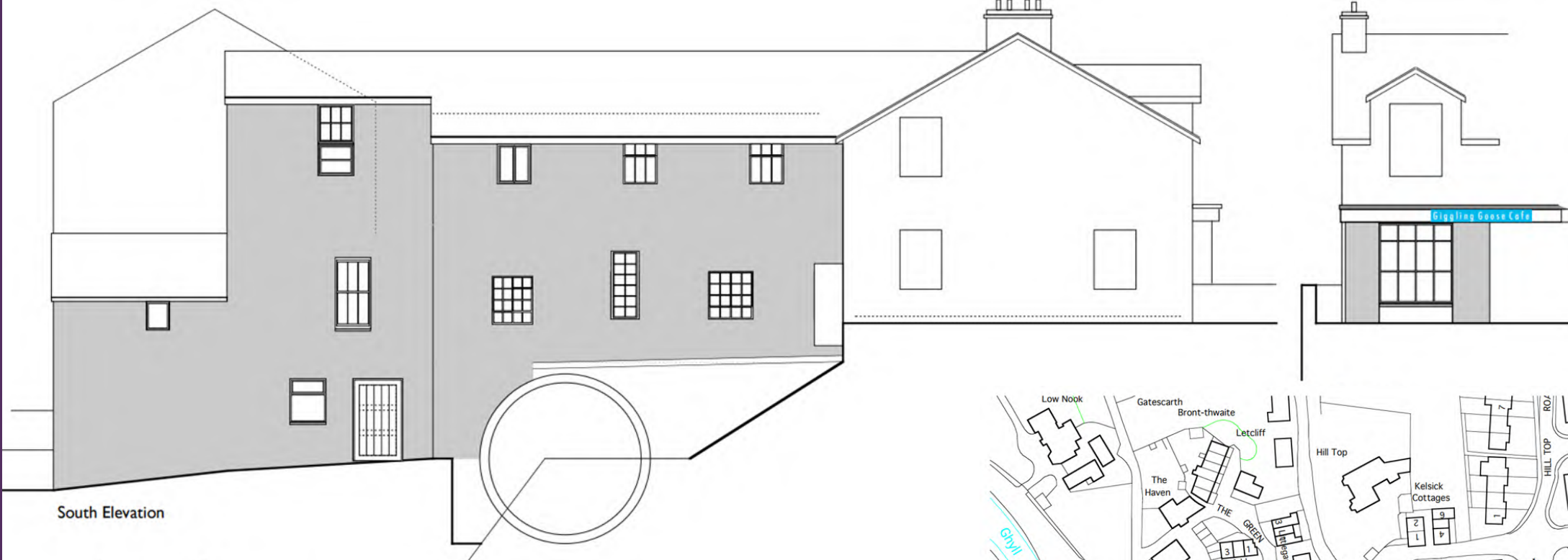


Application site

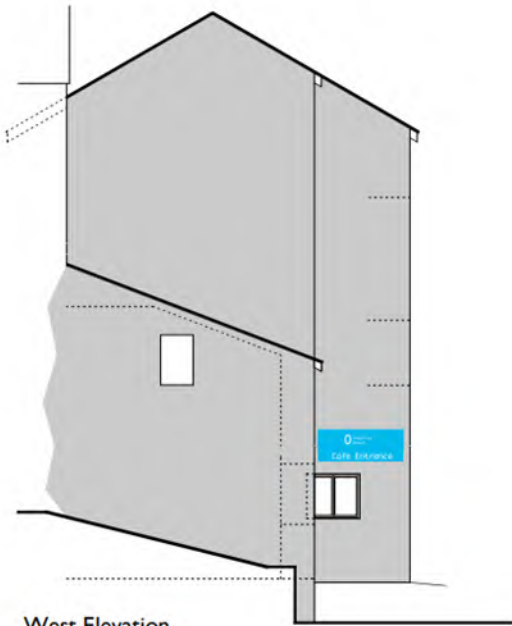




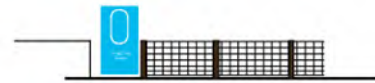
As
existing



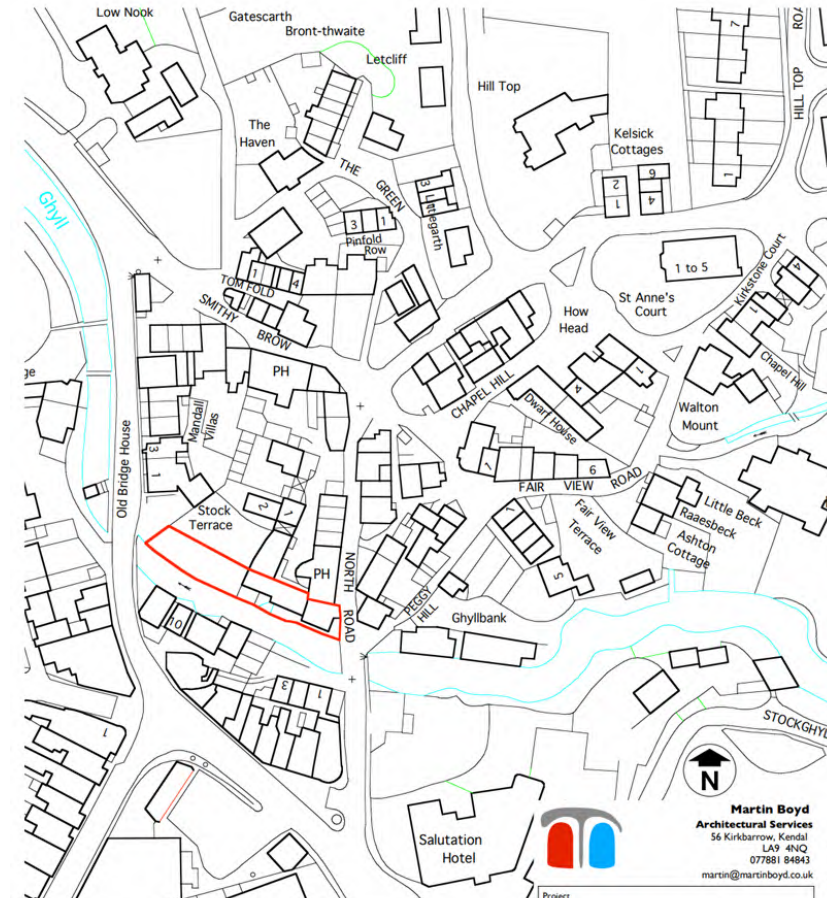
South Elevation



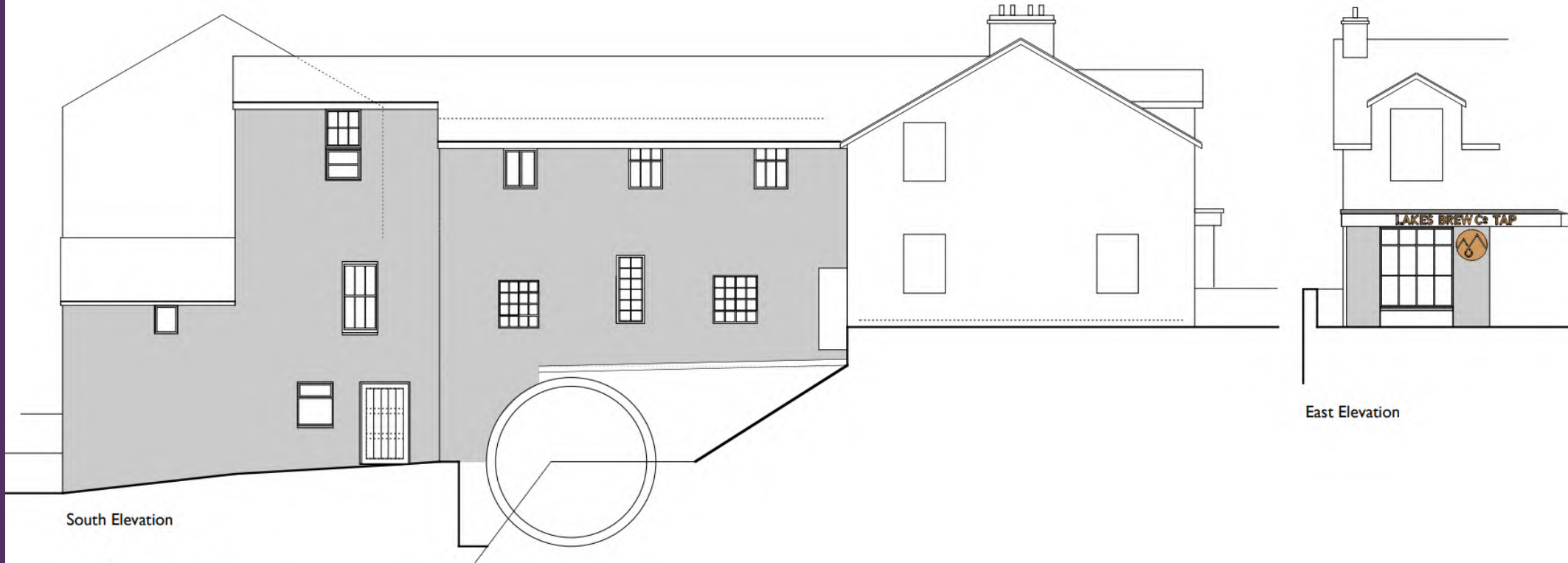
West Elevation



Sign Position 3

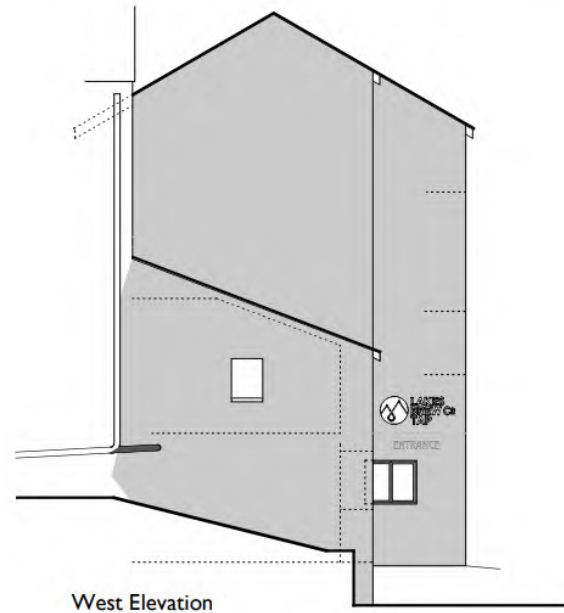


As Proposed

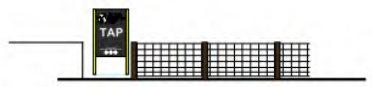


South Elevation

East Elevation



West Elevation



Sign Position 3



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Project	LA22 9DT
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Drawing Title	Proposed Elevations
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Drawn By	Date	Scale	Checked
	06/03/24	1:100@A3	
Job No.	Drawing No.	Revision	
24.02	P-04	D	



Residential amenity







Across Stock
Ghyll

Upstream
and
downstream



Old
Bridge
House



Stock
Terrace

Sign Post 603

Garden

Fence

Stone
Wall

Existing
Shared WC

Public
House

NORTH
ROAD

Ground Floor

Lower Floor

Upper Floor

Entrance/Exit
From Lower
Floor

Entrance/Exit
From Ground
Floor

Front Shop Area

STOCK GHYLL



Project
LA229DT
Scale - 1:200@A3

Drawing Title
Block Plan

