

<b>Agenda Item</b> A10	<b>Committee Date</b> 31 <sup>st</sup> May 2016	<b>Application Number</b> 16/00461/CU
<b>Application Site</b> Three Mariners Bridge Lane Lancaster Lancashire	<b>Proposal</b> Change of use of vacant land to create a seating area for public house	
<b>Name of Applicant</b> Mr Tony Roberts	<b>Name of Agent</b> Anthony Matthews	
<b>Decision Target Date</b> 8 June 2016	<b>Reason For Delay</b> None	
<b>Case Officer</b>	Mr Andrew Clement	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval subject to conditions	

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, the land is in the ownership of Lancaster City Council, and as such the application must be determined by the Planning Committee.

**1.0 The Site and its Surroundings**

1.1 The application site is an area of grassed land containing eleven trees and boundary hedgerow, outside the Three Mariners public house off Damside Street, immediately north west of Lancaster City Centre. The building is a Grade II Listed Building. The land is approximately 386.9sqm, and is owned by Lancaster City Council. The site is within Lancaster Conservation Area and is a designated natural and semi-natural green amenity space within the Open Space, Sports and Recreation section of the local plan map.

**2.0 The Proposal**

2.1 The application proposes to change the use of this land to provide outdoor seating for the adjacent public house. The pub already has five existing picnic benches directly outside their entrance, and proposes to extend the outdoor seating area into the adjacent land across Bridge Lane footpath, (which is also owned by Lancaster City Council). The new outdoor area will accommodate a maximum of 40 people over 10 new picnic benches, and is proposed to operate between the hours of 11:00 and 22:00 with no amplified music, bounded by the existing hedgerow and a proposed 600mm-high dark stained timber boundary fence.

**3.0 Site History**

3.1 The site has been subject to various advertisement and listed building proposals in previous years, none of which are connected to the current proposal. However a previous application for a seating area (Ref: 16/00428/CU) was withdrawn earlier this year.

## **4.0 Consultation Responses**

4.1 The following responses have been received from statutory and non-statutory consultees:

<b>Consultee</b>	<b>Response</b>
<b>Property Services</b>	No adverse comment
<b>Lancashire Constabulary</b>	<b>No objections</b> ; recommendations regarding CCTV, lighting, secure fixings and perimeter fencing (recommended at 1.2m height)
<b>Conservation Section</b>	<b>No objections</b> – will not unduly detract from the setting of the heritage assets. Fence should be stained timber.
<b>Environmental Health</b>	<b>No objections</b> subject to conditions restricting hours of use and a noise management plan
<b>County Highways</b>	<b>No objections</b> – the extent of land is wholly beyond the limits of the Bridge Lane public highway.

## **5.0 Neighbour Representations**

5.1 No observations received, with the site notice consultation period expiring on 19th March 2016. No neighbouring properties were directly consulted.

## **6.0 Principal National and Development Plan Policies**

### 6.1 National Planning Policy Framework (NPPF)

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (**paragraph 14**). The following paragraphs of the NPPF are relevant to the determination of this proposal:

**Paragraph 17.** Core planning principles

**Section 1.** Building a strong, competitive economy

**Section 11.** Conserving and Enhancing the Natural Environment

**Section 12.** Conserving and Enhancing the Historic Environment

### 6.2 Listed Building and Conservations Area Act 1990

**Paragraph 72** - General duty as respects conservation areas in exercise of planning functions.

**Paragraph 73** - Publicity for applications affecting conservation areas.

### 6.3 Development Management DPD

**DM3:** Public Realm and Civic Space

**DM5:** The Evening & Night-time Economy

**DM25:** Green Spaces & Green Corridors

**DM29:** Protection of Trees, Hedgerows & Woodland

**DM30:** Development affecting Listed Buildings

**DM31:** Development affecting Conservation Areas

**DM32:** The Setting of Designated Heritage Assets

**DM35:** Key Design Principles

### 6.4 Lancaster District Core Strategy (adopted July 2008)

**E1** – Environmental Capital

**E29** – Green Spaces

**E40** – Conversions in Conservation Areas

## **7.0 Comment and Analysis**

7.1 The key considerations arising from the proposal are:

- Principle of the Use;
- Scale, Design and Landscape Impact on the Character of the Conservation Area;
- Residential Amenity;

- Impact on Tree and the Natural and Semi Natural Green Amenity Space;
- Security and Risk of Crime;

## 7.2 Principle of the Use

7.2.1 The principle of the use of an outdoor seating area at this site has already been established in the general locality by the existing five picnic benches directly outside the public house and the presence of outdoor seating associated with other public houses in Lancaster City Centre and along the nearby St Georges Quay. However this proposal involves a slightly more remote siting of trees and benches in an area characterised as semi-natural due to the presence of existing trees. The change of use of this land to an outdoor seating area will have benefits by encouraging the sustainable growth of the business, particularly evening and night-time economy, which is supported by Policy DM5 and NPPF Section 1. It would not set a precedent for similar proposals, which would continue to be considered on their own site-specific merits. Subject to the issues discussed later in this report, the principle of the change of use, linked to the nearby public house, can be found acceptable on this parcel of land.

## 7.3 Scale, Design and Landscape Impact on the Character of the Conservation Area

7.3.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building, a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by policies DM30, DM31 and DM32. DM31 sets out that new buildings within Conservation Areas will only be permitted where it has been demonstrated that:

- Proposals respect the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height and the materials used;
- Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and,
- Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.

7.3.2 The existing features of protected trees and hedgerows will be retained, with the addition of ten picnic benches and a 600mm tall stained timber perimeter fencing along the north and west boundaries of the application site. Therefore, the physical alterations to the site to facilitate the proposed use will be minimal. The proposed fence height and materials are considered sympathetic to the Lancaster Conservation Area and adjacent Grade II listed building. The dark stained timber will appear inconspicuous around the grass and wooded land, and the modest height of domestic residential proportions will retain the open appearance of the site. The neighbouring residential flats of Lune Square have a matt black metal perimeter fence along Damside Street, and the proposed fencing is slightly shorter in height, more sympathetic materials and in a comparatively visually contained location.

7.3.3 Due to the minimal landscape and visual impact of the proposal, and subject to acceptable details of the proposed perimeter fencing, it is considered that the change of use will not have a detrimental impact upon the conservation area or setting of designated heritage assets. The proposal raised no adverse comment from the Conservation Section, and will support the continued use of the Grade II Listed public house, and is consistent with policies DM30, DM31, DM32 and NPPF Section 12.

## 7.4 Residential Amenity

7.4.1 The application site is in close proximity to residential flats of Lune Square, with Millrace residential flats on the opposite side of Damside Street, with windows, balconies and Juliette balconies facing the application site. These residential properties are situated in an inherently noisy area immediately north west of the city centre, in close proximity to Lancaster's one-way system on Bridge Lane and Cable Street. However, it is important that the residential amenity of this area is protected from any detrimental impact from unreasonable noise disturbance from the proposed use.

7.4.2 The Three Mariners public house has five existing picnic benches directly outside the premises, providing an outdoor seating area for up to 20 people. Over a 10 year period, Environmental Health records indicate that this service has not received any complaints about noise arising from these premises. Supporting information submitted on 10<sup>th</sup> March 2016 confirmed that the application site will include 10 benches for 40 people, trebling the outdoor seating provision of the public house. The use is proposed to operate between the hours of 11:00 to 22:00 with no amplified music, both of which can be controlled through condition. In addition, a noise management plan detailing the specific arrangements for supervision, security and events will be required prior to commencement of the use, again controlled through condition. Subjected to these conditions, the proposal is considered to have an acceptable impact on residential amenity in this particular location, and is consistent with policy DM35.

## 7.5 Impact on Tree and the Natural and Semi Natural Green Amenity Space

7.5.1 The proposed change of use will retain the existing trees and hedgerow, which can be confirmed through condition. The amenity space as existing appears to be relatively vacant due to the restricted size and visually contained location. The site is within close proximity to Priory Field and Vicarage Field to the north-west, although does not form part of these designated Key Urban Landscape. The amenity space is dissected by the access road to an existing carpark, and Bridge Lane. It is not considered that changing the use of this land to an outdoor seating area for the public house will have a detrimental impact on access to public amenity space. The proposal will increase the usage of an area of existing public realm, providing a more positive and vibrant streetscape through increased use and functionality of this land. The change of use will not have a detrimental impact on the existing protected trees and hedgerow, thereby retaining these features and the visual nature of the green space. Therefore, the application is considered to be compatible with policies DM3, DM25, DM29 and NPPF Section 11.

## 7.6 Security and Risk of Crime

7.6.1 Lancashire Constabulary have returned no objection to the application, but made recommendations regarding surveillance, lighting, secure fixings and perimeter fencing. Their recommended perimeter fence height is twice that of the proposed 600mm. However, when weighed against the greater visual impact of a taller fence, the sloped topography to the car park access road and lack of vehicular traffic along this section of Bridge Lane between the application site and associated public house, a fence height of 600mm is considered sufficient from a security perspective. At 600mm-high, the fact that the area will be capable of being viewed from surrounding public areas is considered to improve the surveillance situation. Given that the application site will provide an extension to an existing outdoor seating area, which will cease operation at 10pm, it is not considered that the proposal will have a detrimental crime or security impact.

## **8.0 Planning Obligations**

8.1 There are no planning obligations to consider as part of this application.

## **9.0 Conclusions**

9.1 In conclusion, it is considered that the proposed change of use will have no detrimental impact on the natural or historic environment. Through conditions to restrict the hours of use and prohibit amplified music and other noise management details, the proposed use will have an acceptable impact on residential amenity in an inherently noisy area with an existing smaller outdoor seating area to the public house. The proposal will support the continued use of the Grade II Listed public house, and contribute to the sustainable growth of the evening and night-time economy.

## **Recommendation**

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale
2. Use to be carried out in accordance with the approved plans
3. Amended plan condition– site plan, seating numbers and noise management
4. Noise Management Plan approved prior to use commencing
5. Confirmation of fencing size, material and colour

6. Hours of Operation - 11:00 to 22:00
7. Restriction of external Loudspeakers
8. Retention of all existing Trees/Hedges

### **Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

### **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

### **Background Papers**

None