

Agenda Item	A10
Application Number	19/01033/CU
Proposal	Change of use of 4 parking spaces to beer garden area
Application site	Charter House Car Park, Bulk Street, Lancaster, Lancashire
Applicant	Mr Mike Dent
Agent	N/A
Case Officer	Mr Robert Clarke
Departure	No
Summary of Recommendation	Approval

(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 Regulatory Committee.

1.0 Application Site and Setting

1.1 The site that forms the subject of this application relates to a small area of car park immediately west of the property known as The Old Stables. This property is a two storey detached stone building with a slate roof with timber windows and doors, located on Bulk Street in Lancaster. The car park to the rear is enclosed on its southern boundary by a high stone wall and established trees.

1.2 This section of Bulk Street is characterised by commercial properties with the Polish Centre located to the east of the site and numerous commercial properties located along Dalton Square which back on to the car park to the west. The ground floor of The Old Stables is used as an office and computer repairs business whilst the first floor has a permitted use as a microbrewery and pub. This current proposal relates to the former recently established micro-brewery/pub use.

1.3 The Old Stables is considered a non-designated heritage asset and the site is located within the Lancaster Conservation Area.

2.0 Proposal

2.1 This application proposes the change of use of 4 parking spaces within the existing car park to form a 100sq.m beer garden area associated with the adjacent microbrewery and pub within the first floor of The Old Stables. The proposed area is to contain moveable tables and chairs whilst a combination of planters and 'café barriers' will form the northern boundary enclosure to the beer garden. The Old Stables building itself will form the eastern boundary whilst the existing raised planting beds and stone walls will form the enclosure to the southern and western boundaries.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
18/00457/CU	Change of use of mixed use unit comprising an office (B1) and physiotherapy (D1) to mixed use unit comprising an office (B1), bar (A4) and micro brewery (B1)	Permitted
06/00907/CU	Change of use to office space for financial advisor	Permitted
01/00437/CU	Change of use of photographic studio to remedial therapy clinic	Permitted

4.0 Consultation Responses

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

Consultee	Response
Conservation Section	The proposal has the potential to cause a minor (less than substantial) level of harm to heritage assets, which could be minimised by controlling details, fencing and lighting.
Lancaster City Council Property Services	Verbal discussions have been held between the Case Officer and Property Services. Property Services have confirmed that they have no objection to the granting of a temporary permission.
Canal and River Trust	No objection.
Environmental Health	No comments received within the statutory consultation period.
Lancashire Constabulary	No objection. Advice provided regarding security measures.

4.2 No comments have been received from members of the public.

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Economic and Social Benefits
- Design and heritage matters
- Residential amenity and security

5.2 Economic and Social Benefits (NPPF Section 6: Economy, Section 7: Town Centres; Policies DM15: Small Business Generation, DM16: Town Centre Development, DM23: Leisure Facilities and Attractions, DM25: The Evening and Night Time Economy)

5.2.1 The Council will encourage and support the sustainable growth of the district's evening and night-time economy, which will contribute to the vitality of town centres, subject to the proposed development meeting the criteria set out in Policy DM25 of the DPD. Furthermore, development proposals that seek to support the creation or expansion of small businesses within the district are also supported in accordance with Policy DM16.

5.2.2 The existing micro-pub/brewery which the proposed beer garden will serve is located within a central and accessible location within the urban area of Lancaster and close to the city centre. The provision of a beer garden will contribute to the continued growth of this business and will provide both economic and social benefits. In addition to this, the micro-pub business has been impacted by the

prolonged periods of lockdown during which this business was either severely restricted with respect to its service offer or non-operational entirely. In light of the likelihood for continued restrictions imposed as a result of the Covid-19 pandemic, the provision of a beer garden would allow this element of the business to adapt and respond to the constantly evolving constraints. It would facilitate a more appropriate layout with respect to social distancing (which cannot be achieved internally due to the constraints of the building and layout), whilst it would also encourage customers to visit such a venue in the knowledge that the facilities have been adapted in the interests of their safety. The beer garden use would also encourage increased footfall within the city centre which would serve to contribute to the wider economic recovery as well as providing social benefits for the local community.

5.2.3 However, as set out above, the Old Stables is separated into two uses - a computer repairs business to the ground floor and the micro-pub/brewery to the first floor. The two businesses at present are operated by the same owner/operator. The two units share the same point of access from Bulk Street with a shared internal lobby from which customers either attend the service counter for the repairs business or utilise the stairs to access the first-floor micro-pub. The business uses within the building operate separately, however, they are inter-related by virtue of this shared access and internal layout. What is more, the customers utilising the beer garden would be required to enter the building from Bulk Street and in order to access the beer garden would be required to follow the corridor and pass through the kitchenette area within the ground floor computer repairs business. Whilst it is most likely that the computer repairs business would not be operating during the evening and weekends when customers would be utilising the access to the beer garden, the internal layout, access and relationship between the two uses within the building is unfavourable. Furthermore, patrons have to walk into the car park, passed the car park entrance (with no designated footpath), along a relatively narrow pavement to enter the building to use the toilet facilities, creating a conflict between patron and vehicles. Whilst planning policy would seek to encourage proposals that secure economic and social benefits, such proposals must be appropriate within their context, including existing surrounding uses. The provision of the beer garden facility should not hinder the successful operation of this already established and successful computer repairs business.

5.2.4 To this end, in order to adapt the building to accommodate both uses successfully, the potential for internal layout alterations were discussed with the applicant. For example, the possibility of either relocating the computer business at the first floor and locating the micro-pub to the ground or the creation of a new separate front and rear access and internal lobby for the micro-pub/brewery was raised. However, such internal changes are considered to be unviable at present due to operational constraints. Despite the clear benefits of this scheme, the layout and access arrangement and relationship between the existing uses is such that the proposal for the beer garden would not be acceptable on a permanent basis.

5.2.5 However, it is acknowledged that the proposal would facilitate the recovery of a small business from the impacts of the response to the Covid-19 pandemic as well as its adaptation to the likely continuation of operational restrictions. This would both secure benefits in terms of the business itself, but also more broad economic benefits through encouraging footfall within the city centre and social benefits to potential customers following the lifting of restrictions and opening of services which encourage social interaction. As a result, it is considered that there would be significant benefit in granting a temporary permission, based on the existing layout, for the operation of the beer garden over the summer period. However, it must be acknowledged that this is solely in the interest of aiding the economic recovery and adaptation of a business in the short term. In order for the beer garden facility to be considered acceptable in the longer term, an alternative layout internally, that respects the operation of the existing business which shares this building must be provided. It is intended that as well as aiding business recovery, the temporary period would allow opportunity for the mix of uses at the site to be reviewed and after this initial period for a new application to come forward with a more appropriate layout to be considered for a permanent solution.

5.3 Design and heritage matters (NPPF Section 16 Historic Environment; Policies DM29: Key Design Principles, DM38: Development affecting Conservation Areas, DM39: The Setting of Designated Heritage Assets, DM41: Development Affecting Non-Designated Heritage Assets of their Settings)

5.3.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed Building and or 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 the relevant heritage policies in the Development Plan DPD. The proposal will lead to a level of harm to the setting of both the Conservation Area and non-designated heritage assets (NDHA), as expressed by the Conservation Officer. This level of harm, considered to be less than substantial, must be weighed against the benefits of the proposal.

5.3.2 In the first instance, the harm to the heritage assets is considered to be mitigated by the location of the development site. The car park does not contribute positively in itself to the setting of the Conservation Area or heritage assets. In this respect the proposal could also be considered to result in an enhancement to the Conservation Area by reason of introducing activity and vibrancy to an area that would otherwise be occupied by vehicles. In addition, the 4 spaces which would form the beer garden are effectively screened by The Old Stables building itself, such that views from along Bulk Street would be restricted. Secondly, whilst the furniture itself cannot be controlled, the proposal includes the provision of simple and subdued timber tables and chairs, black minimalist 'café barriers' and timber planters, all of which will appear appropriate in the site context. Images of the appearance of the beer garden taken when it operated for a short period in the summer of 2020 have been provided by the Applicant. No external alterations to the appearance of The Old Stables building itself are required to facilitate the change of use.

5.3.3 Overall, whilst the proposal will result in some harm to the setting of the Conservation Area and NDHA, the harm is considered to be appropriately mitigated through the siting of the development within a corner of a car park, use of simple and subdued furniture and barriers and the fact that the harm would be for a temporary period. Given the temporary nature of the proposal it is considered unnecessary to control the barriers and planters by condition, but should an application be submitted for a permanent use, the imposition of such a condition could be considered appropriate.

5.4 Residential amenity and security (NPPF Section 6: Economy, Section 7: Town Centres, Section 12 Achieving Well Designed Places; Policies DM15: Small Business Generation, DM16: Town Centre Development, DM25: The Evening and Night Time Economy, DM29: Key Design Principles)

5.4.1 The site is located within the urban area of Lancaster, close to the city centre and as a result it can be expected that background noise levels would be elevated predominantly by reason of traffic noise. The beer garden would be located approximately 27 metres from the northern elevation of the residential apartments within The Roundhouse which is located on Nelson Street to the south. There are also residential dwellings approximately 50 metres to the north which back on to the car park area. Whilst the proposal would result in an increase in noise levels compared to the existing use of the space as a car park, due to the separation from the nearest residential receptors and the city centre location, it is considered that the proposed development will not result in significant harm to the standard of amenity that these nearby occupants could reasonably expect to enjoy. Should issues of noise arise, appropriate measures can be introduced by way of both the premises licence and Environmental Health Regulations.

5.4.2 Lancashire Constabulary has returned no objection to the application, but made recommendations regarding safety measures including surveillance, lighting, secure fixings and perimeter fencing. The site already has CCTV to the front and rear of the building as well as adequate lighting. As part of the proposal a 'café barrier' will demarcate the beer garden from the rest of the car. The premises also operates a restricted opening schedule as controlled by the premises licence. Overall, it is considered that the proposal will not have a detrimental crime or security impact, though having to circumnavigate the building to enter the premises from the beer garden (say to use the toilet facilities) is a weakness of the scheme. It puts patrons in conflict with vehicles using the car park and the beer garden is not secure space as recommended by the Police. This is another reason why only a short term consent is acceptable.

6.0 Conclusion and Planning Balance

6.1 In general, planning policy seeks to support development proposals that will facilitate the continued growth of businesses that contribute towards local economy. It is clear that businesses have been significantly impacted upon by the restrictions imposed as a result of the Covid-19 pandemic and the provision of a beer garden would contribute towards the recovery and adaptation of the micro-pub business moving forward, which is clearly supported by the City Council. However, the layout and internal arrangement of the building and the relationship of the beer garden with an existing

separate use within the same building results in an unfavourable proposal that could threaten the longer-term viability of an already established and successful business use. There are also concerns about patrons' safety and security matters due to not direct access from the beer garden back into the building. For these reasons, a permanent consent for the beer garden cannot be supported. However, it is considered on balance that a temporary permission until 31 October 2021 could be supported to enable the micro-pub to recommence operations when conditions allow and to enable a period of time during which the mix of uses within the building can be reviewed and a more appropriate layout solution be developed that could be supported on a permanent basis.

Recommendation

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

Condition no.	Description	Type
1	Temporary permission until 31 October 2021	Control
2	Development in accordance with approved plans	Control

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

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 taken 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.

Background Papers

None