

<b>Agenda Item</b>	A10
<b>Application Number</b>	21/01385/CU
<b>Proposal</b>	Change of use of 4 parking spaces to beer garden area until 31st December 2022
<b>Application site</b>	Charter House Car Park Bulk Street Lancaster Lancashire
<b>Applicant</b>	Mr Mike Dent
<b>Agent</b>	N/A
<b>Case Officer</b>	Mr Patrick Hopwood
<b>Departure</b>	No
<b>Summary of Recommendation</b>	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 a public 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 micropub known as The Accidental Brewery. This current proposal relates to the 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 timber picnic tables 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. Black gazebos will keep customers dry during inclement weather.

2.2 Temporary permission is sought for a period expiring 31st December 2022.

### 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
19/01033/CU	Change of use of 4 parking spaces to beer garden area	Permitted (Temporary Permission)

### 4.0 Consultation Responses

4.1 At the time of writing this report, the following responses have been received from statutory and internal consultees:

Consultee	Response
Arboricultural Officer	<b>No objection.</b> The beer garden area is bordered by two semi-mature trees but they do not currently impact on the area which is covered by three tents.
Parking Services	No response received.
Property Services	Lancaster City Council owns Charter House car park and will enter into a legal agreement with the applicant for this temporary use. As landowner, the city council supports this application and is happy to assist this small business to continue to trade during these difficult times.
County Highways	<b>No objection</b> to the planning application and is of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.
Environmental Health	No significant environmental health implications were noted, and we offer no adverse comments or advice.
Conservation Team	<b>No objection</b> to this application.
Canal & River Trust	No comment.
Lancashire Constabulary – Designing Out Crime Officer	Recommends various crime and security measures.
Lancashire Constabulary – Licensing Team	No response received.

4.2 At the time of writing this report, no letters of representation were received from members of the public. Any further consultee or public comments will be summarised by way of a verbal update.

### 5.0 Analysis

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

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

5.2 **Economic and Social Benefits (NPPF Section 6: Economy, Section 7: Town Centres; Policies**

- 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 if necessary (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 open air seating is available. 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 stated 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. Alternatively, patrons would have to walk into the car park, passing 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 patrons 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 operation of this already established 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 during the previous application. 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 benefit in granting a further temporary permission, based on the existing layout, for the operation of the beer garden until the end of December 2022. 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. After the end of currently proposed timeframe, no further temporary permissions will be supported by the Local Planning Authority.

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). 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, minimalist barriers/chains 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.

5.2.3 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 **Parking and Highways (NPPF Section 9: Sustainable Transport; Policies DM60: Enhancing Accessibility and Transport Linkages, DM62: Vehicle Parking Provision)**

5.4.1 The disabled spaces, electric vehicle charging spaces, pool car spaces and bicycle spaces within Charter House car park are to be unaffected by the proposal. With surrounding public car parks offering alternative car parking provision, the temporary loss of 4 standard spaces at this car park is of no particular concern. In addition, since the Council declared a Climate Emergency in 2019, there is a desire to move away from the use of private motor vehicles in favour of sustainable transport options to access the city centre. The site is within easy reach of bus and cycling routes.

5.4.2 The Highway Development Control Section of Lancashire County Council has no objections to the planning application and is of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site. Due to the site's sustainable location with good access to public transport and public car parks, the County Highways Officer is of the opinion that the loss of 4 parking spaces to a beer garden area for a temporary period is acceptable from a highways perspective.

5.5 **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)**

5.5.1 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.

5.5.2 Lancashire Constabulary has made recommendations regarding safety measures including surveillance, lighting, secure fixings and perimeter barriers. The site already has CCTV to the front and rear of the building as well as adequate lighting. As part of the proposal a 'cafe barrier' will demarcate the beer garden from the rest of the car park. 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. The recommendations made by the Police will form an advice note attached to the permission if granted.

## **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 ongoing 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 further temporary permission until 31st December 2022 could be supported to enable the micro-pub to continue operations 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 temporary Planning Permission **BE GRANTED** subject to the following conditions:

Condition no.	Description	Type
1	Temporary permission until 31st December 2022	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

