

Agenda Item	A12
Application Number	22/00626/CU
Proposal	Change of use of a mixed use building comprising a ground floor office (E) and first floor bar with micro-brewery (<i>sui generis</i>) to bar with micro-brewery (<i>sui generis</i>) on both floors and change of use of 4 parking spaces to beer garden area
Application site	The Old Stables And Charter House Car Park, Bulk Street, Lancaster. Lancashire
Applicant	Mr Mike Dent
Agent	N/A
Case Officer	Mrs Kim Ireland
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 Charter House Car Park 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 the property known as The Old Stables and the small area of car park immediately to the west of the property. The Old Stables 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 was used as an office and computer repair business up until recently when it ceased use in January 2022. The first floor of The Old Stables 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 to change the ground floor of The Old Stables from an office to a bar and microbrewery and retain the bar and microbrewery to the first floor. The entire building will be used

as one business. The ground floor will provide additional seating for the bar and micro-brewery, with a dedicated area within the foyer for pick-up of orders that have been made online. There are no alterations proposed internally or externally to facilitate the change of use.

- 2.2 The proposal includes the change of use of 4 parking spaces within the existing car park to form a 100sqm beer garden area associated with the adjacent microbrewery and pub within 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 enclosure whilst the existing raised planting beds and stone walls will form the enclosure to the southern and western boundaries. The use of the 4 car parking spaces to be used as a beer garden has previously been granted two temporary consents for a period of just under two years.

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
21/01385/CU	Change of use of 4 parking spaces to beer garden area until 31st December 2022	Permitted
19/01033/CU	Change of use of 4 parking spaces to beer garden area	Permitted
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
Property Services	No comments received at the time of compiling this report.
Parking and Administration	No comments received at the time of compiling this report.
Environmental Health	No comments received at the time of compiling this report.
Licensing	No comments received at the time of compiling this report.
Lancashire Constabulary	No comments received at the time of compiling this report.
Conservation Officer	Not providing heritage comments on this application.
County Highways	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.
Lancaster Canal Trust	No comments received at the time of compiling this report.
Arboricultural Officer	No objections the lime trees that border the outside area create dense shade, sitting low over the parking spaces and engulfing the lighting column. If the beer garden were to be formalised some remedial pruning would be required.
Canal and River Trust	No comments to make

- 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
- Parking and Highways
- 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: DM22: 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 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 microbrewery/pub which the proposed change of use of the ground floor of The Old Stables and the 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 utilising the ground floor of the property for the existing business of the microbrewery/pub and of a beer garden will contribute to the continued growth of this business and will provide economic and social benefits. In addition to this, the micro-pub business has been impacted by the prolonged periods of lockdown in the last couple of years. The provision of additional seating and providing a takeaway service to the ground floor and allowing the beer garden on a permanent basis, would allow the business to evolve and expand on what has been a difficult couple of years. The proposed expansion of the business 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 The previous two planning applications have only allowed temporary consent for the proposed beer garden, due to the convoluted access from the first floor business to the beer garden, where Patrons would have had to walk from 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 patrons and vehicles. Together with the two business uses of the microbrewery/pub and the computer repairs business, although operated at separate times of the day, were inter-related by virtue of the shared access from Bulk Road and internal layout. Therefore the layout and access arrangement and relationship between the two uses was such that the proposal for the beer garden would not be acceptable on a permanent basis.

5.2.4 However, planning permission is now sought for the change of use of the ground floor into additional pub space for the existing business, as well as the permanent change of use of four car parking spaces for the beer garden, therefore allowing the property and area to the west of the building to be used as one business and planning unit. The proposal would facilitate the recovery of a small business from the impacts of the response to the Covid-19 pandemic as well allowing the business to expand and evolve by providing additional services. This will secure benefits in terms of the business itself, but also more broad economic benefits through encouraging footfall within the city centre and social benefits by allowing more space inside and outside of the building for patrons of the business. As a result, it is considered that there would be significant economic and social benefits in granting planning permission.

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 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. No comments have been made on the proposal from the Conservation

Officer at the time of compiling this report. However 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. 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.

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 permanent 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 permanent period is acceptable from a highway's 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 No representations have been received from Lancashire Constabulary at the time of compiling this report. However they have commented on the previous application and made recommendations regarding safety measures including surveillance, lighting, secure fixings and perimeter barriers. The advice obtained from Lancashire Constabulary on the previous application will be shared with the applicant if the application is successful. 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, the change of use of the ground floor as additional space

for the existing business of the pub is a positive of the proposal as there will no longer be conflicts between patrons and vehicles with the previous convoluted access from the building to the beer garden.

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 the business has been significantly impacted as a result of the ongoing Covid-19 pandemic and the provision of additional seating to the ground floor of the property for the micro-brewery/pub and the beer garden would contribute towards the recovery and expansion of the business moving forward, which is clearly supported by the City Council. The proposal overcomes concerns that were raised on the previous two planning consents with regards to a convoluted internal arrangement and concerns about patrons' safety and security due to no direct access from the beer garden back into the building. Therefore it is recommended that the application is approved.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Standard 3 Year Timescale	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