

| Agenda Item | Committee Date | Application Number |
|---|--|---------------------------|
| A6 | 26 June 2017 | 17/00136/FUL |
| Application Site | Proposal | |
| Farmhouse Tavern And Motel Morecambe Road Lancaster Lancashire | Change of use and conversion of the tavern into five dwelling houses (C3) including demolition of conservatory and motel building and erection of 11 dwellinghouses (C3) with associated landscaping and parking | |
| Name of Applicant | Name of Agent | |
| Tom Hill | Mr Scott Bracken | |
| Decision Target Date | Reason For Delay | |
| 26 July 2017 | Not Applicable | |
| Case Officer | Mr Mark Potts | |
| Departure | No | |
| Summary of Recommendation | Refusal | |

1.0 The Site and its Surroundings

- 1.1 The application site is located within the Scale Hall area of Lancaster and comprises a site area of approximately 0.35 hectares. To the north of the development lies the Babar Elephant restaurant, to the east Morecambe Road and to the south east lies Aldi Supermarket. To the south and south-west lies Derwent Court and other residential properties on Brindle Mews. The site is relatively level and consists of existing buildings in the form of the Tavern and associated former motel rooms, areas of hardstanding, trees and landscaped areas.
- 1.2 Farmhouse Tavern is a Grade II listed building, and there are a number of trees that are covered by Tree Preservation Order 214 (1993). There is an existing close boarded timber fence to the north of the development that separates the development from the playground associated with the Babar Elephant restaurant with some trees and hedgerows providing some screening to the south-east and south-west of the site.

2.0 The Proposal

- 2.1 The proposal involves the change of use of the former Tavern into 5 apartments and the erection of 9 dwellings (following the demolition of the former motel buildings). The existing dilapidated conservatory to the north east of the former Tavern is proposed to be demolished and would be replaced with a further pair of semi-detached properties, thus comprising 16 units in total.

The below gives a break-down of the property types;

- 1 bedroom property (Units 2, 4, 8 and 9);
- 2 bedroom property (Units 1, 3, 5, 6, 7, 10, 13-16);
- 3 bedroom property (Units 11 and 12).

The Tavern would remain essentially the same with a small extension in buff render with natural stone quoins to the north east side of the Tavern. On the west elevation of the Tavern part of the outbuilding is proposed to be rebuilt. Units 8 and 9 would be of single storey construction, utilising

the existing built form with a small extension of stone coloured render with a new slate roof. Units 10-16 would be two storey in height, and constructed in render with some stone, under slate roofs and units 6 and 7 would consist of slate roofs and a light stone coloured render and some coursed rubble stone.

A new gravel surface car park is proposed on an existing grassed area to the south of the tavern, whilst the existing tarmac car park to the north east of the site is proposed to be resurfaced in gravel. The scheme proposes new soft landscaping and the creation of an oval shaped lawn to the south.

3.0 Site History

3.1 The most relevant site history is noted below

| Application Number | Proposal | Decision |
|---------------------------|---|-----------------------|
| 17/00137/LB | Listed building application to facilitate the conversion of the tavern into five dwellinghouses (C3) including demolition of conservatory and motel building and erection of 9 dwellinghouses (C3) | Pending Consideration |
| 16/00422/LB | Listed building application to facilitate the conversion of the tavern into twelve dwellinghouses (C3) including demolition of conservatory and erection of two storey extension, and demolition of motel building and erection of five 2-storey town dwellinghouses (C3) | Withdrawn |
| 16/00421/FUL | Change of use of the tavern into twelve dwellinghouses (C3) including demolition of conservatory and erection of two storey extension, demolition of motel building and erection of five 2-storey town dwellinghouses (C3) | Withdrawn |
| 15/01079/PRETWO | Conversion of existing tavern and motel accommodation with associated alterations and extensions to provide 17 residential units | Advice Provided |

4.0 Consultation Responses

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

| Consultee | Response |
|--|--|
| County Highways | No Objection however recommends that the gravel car park is hard surfaced rather than gravel. |
| Conservation Officer | Objection ; concern regarding the erection of 2 separate dwellings to the east of the listed building and there is a lack of clear and convincing justification. |
| Tree Protection Officer | Objection to the proposed development in relation to trees namely the mature copper beach tree and concerns regarding pruning works to a mature horse chestnut tree. |
| Strategic Housing Officer | Concerns – The applicant needs to reconsider costs put forward as part of the development appraisal. It may be the case that the site would not provide a significant return but at the present time from the information put forward a conclusion is unable to be reached. |
| Environmental Health Department | No Observations received within the statutory timescales. |
| Lead Local Flood Authority | No Objection , assuming conditions associated with surface water drainage details and management and maintenance plan of the drainage systems |
| United Utilities | No Objection assuming conditions are attached ensuring foul and surface water is drained on separate systems, and that a condition controlling the need for a sustainable surface water scheme is submitted. |
| Greater Manchester Ecology Unit | Concerns - The site is of low ecological value the only potential constraints relate to bats, nesting birds and trees on the site. The bat assessment implies emergence surveys were planned for May and these do not appear to have been provided. |
| Fire Safety Officer | No Objection |
| Planning Policy | No Objection in principal. |

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|--------------------------------|---|
| Lancashire Constabulary | No Observations received within the statutory timescales. |
| Lancaster Civic Society | Generally supportive however concerned that there is over-development on the site. |
| County Education | No Objection – No requirement for a financial contribution to be made towards education. |
| Public Realm Officer | No Observations received within the statutory timescales |
| Lancashire Archaeology | Comments - In support of the comments made by the conservation officer, and also Lancaster Civic Society. Recommend if planning permission to be granted a condition should be attached requiring a Level 3 building recording |

5.0 Neighbour Representations

- 5.1 To date there has been one letter which neither objects or supports the scheme but raises concerns as to whether the character of the original building would be retained, how will parking be managed and will there be impact on the mature trees.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 12, 14 and 17 – Sustainable Development and Core Principles
Paragraph 32, 34, 35 and 38 – Access and Transport
Paragraphs 47, 49, 50 and 55 – Delivering Housing
Paragraphs 56, 58, 60, 61 and 64 – Requiring Good Design
Paragraphs 69,70, 72 and 73 – Promoting Healthy Communities
Paragraph 103 – Flooding
Paragraphs 109, 115,116, 117,118 – Conserving the Natural Environment
Paragraph 120 – Risks from Pollution (contamination)
Paragraph 123 – Public health and noise considerations
Paragraphs 128-134 – Conserving and Enhancing the Historic Environment
Paragraphs 186, 187, 196, 197, 203-206 – Decision-taking

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains in a position to make swift progress in moving towards the latter stages of: reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual ‘saved’ land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan’s preparation progresses through the stages described above.

The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft ‘Review’ document are different from those adopted in 2014, and those policies materially affect

the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Lancaster District Core Strategy

SC1 – Sustainable Development
SC4 – Meeting the District's Housing Requirements
SC5 – Achieving Quality in Design
E1 – Environmental Capital
E2 – Transportation Measures

6.4 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM26 – Open Space, Sports and Recreational Facilities
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM30 – Development affecting Listed Buildings
DM32 – The Setting of Designated Heritage Assets
DM34 – Archaeology
DM35 – Key Design Principles
DM38 – Development and Flood Risk
DM39 – Surface Water Run-off and Sustainable Drainage
DM41 – New Residential dwellings
DM48 – Community Infrastructure
DM49 – Local Services
Appendix B – Car Parking Standards
Appendix E – Flat Conversions

6.5 Other material considerations

- National Planning Policy Guidance;
- Meeting Housing Needs Supplementary Planning Document;

7.0 Comment and Analysis

7.1 The main considerations with the application relate to the following;

- Principal of re-development;
- Heritage Concerns;
- Amenity/Design and Layout;
- Ecology and Protected Species;
- Trees;
- Ecology;
- Drainage and Heritage Considerations;
- Affordable Housing Provision.

7.1.1 Principal of re-development

7.1.2 The site is located within the Scale Hall area of Lancaster and therefore a sustainable location for a development of this nature. The City Council cannot demonstrate a deliverable 5 year housing land supply (having 3.9 years at present), because of this the lack of a five year housing land supply triggers the operation of the second part of the NPPF Paragraph 14, and therefore decision makers have to weigh the consequences of an undersupply of housing against other policies in the development plan that may have the effect of restricting that supply. The Tavern and associated motel rooms have been neglected for a number of years, and unfortunately they have fallen into a state of neglect, and vandalism has started to occur and the applicant has erected fencing around

the perimeter of the site. The advice shared with the applicant in terms of the withdrawn application was that they should seek to demonstrate that the public house no longer has a viable community use (as required by Policy DM49 of the DM DPD in terms of marketing the property for a period of 12 months at a realistic price). The applicant has not provided this information. They state that the Tavern was auctioned in February 2015, however it is unclear whether the applicant purchased the property at this auction. The applicant considers that the possibility of a listed building being vacant for 12 months is not compatible with the NPPF regarding bringing buildings back into use, and therefore they consider that the scheme is compliant with Policy DM49. Whilst Officers agree that the building needs to be brought back into use, the proposal currently fails to with Policy DM49 as the applicant has failed to demonstrate that there a public house use could be viable. In the absence of this information, the proposal is not compliant with Development Plan policy.

7.2 Heritage Concerns

7.2.1 The NPPF states that when considering the impact of a proposed development on the significance of a designed heritage asset, great weight should be given to the asset's conservation. Similarly, the local planning authority in exercising its planning function should have regard to s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

Paragraph 132 of the NPPF seeks to express the statutory presumption set out in s66(1) of the 1990 Act. How the presumption is applied is covered in the following paragraphs of the NPPF, though it is clear that the presumption is to avoid harm. The exercise is still one of planning judgment but it must be informed by the need to give special weight to the desirability to preserve the heritage asset.

7.2.2 The Grade II Farmhouse Tavern (formerly known as Scale Hall), was formerly a small manor house dating from c1700 and then later used as a country club and pub. It is constructed in sandstone rubble with ashlar dressings and a slate roof. There has been a modern alteration and addition to a stable block to the rear which was converted into a motel. It is worthy of note that historically the use of the building was as a residential dwelling and therefore the principle of converting the building back to a residential use could be acceptable in principle (assuming the Policy DM49 issues are addressed) as a way of bringing the building back into use.

7.2.3 The removal of the modern conservatory is an improvement, and would better reveal the significance of the building, however a pair of semi-detached properties (Units 6 and 7) would be sited in its place. In the view of officers this would negatively impact the setting and detract from the significance of the listed building. The Tavern is readily visible from Morecambe Road, and the erection of the two units would obstruct this viewpoint and the main experience and view of the asset for the public. The harm would be less than substantial however should be weighed against the public benefits of the scheme.

7.2.4 As set out in Paragraph 132 of the NPPF, any harm should require clear and convincing justification. In the view of the Conservation Officer this is not included within the current application, and there are concerns with respect to the proposed development and its' setting to the listed building. No additional information has been provided by the applicant to overcome the Conservation Officer's concern from 10th May. Historic England and the National Amenity Societies have been consulted on the accompanying Listed Building application (Item A7 on this Committee Agenda). Historic England do not offer comments on the application and advise that the local planning authority should seek the advice of their Conservation Officer instead. To date the Georgian Society (although they objected to the previous application) have not yet responded to the consultation and any views will be reported verbally to Members. It is considered that the scheme at present has not provided the necessary clear and convincing justification required under the NPPF, and therefore we believe that the setting of the Tavern could be compromised by the erection of units 6 and 7.

7.3 Amenity/Design and Layout

7.3.1 The development seeks to utilise the existing footprint of the tavern and associated motel rooms with the exception of the two units that would be sited to the east of the former farmhouse (in a

similar location to the lightweight conservatory). The layout is essentially of a courtyard and the principle of this could work well in this urban setting. Notwithstanding this Units 10-16 have substandard garden sizes with many only in the region of 3.8 metres in depth with gardens in the region of 18 square metres, which is significantly below that required under DM DPD Policy DM35 (50 square metres). Additionally many are north-west facing with trees behind making these units feel oppressive. Unit 8 fails to provide any private amenity space at all, and whilst the lawns (as communal space) are acceptable for the conversion element of the scheme, the remainder feels considerably over-developed and as a consequence the areas of private garden space and open space is heavily-compromised. In addition, the relationship of units 12-16 with the neighbouring restaurant play area is a matter of concern, given that there is only 6 metres from the edge of the play area to the properties. By providing larger gardens, the separation distances would be greater to the restaurant play area. However officers consider that this can only occur with an amended scheme which reduces the quantum of development (and which addresses the other points of concern that are reflecting in this report).

7.3.2 Much of the scheme would provide for an adequate standard of outlook; however Unit 2 would have a bedroom window which is less than 2 metres from the blank elevation of unit 6 (which given this is only a 1 bedroom property is unacceptable). Elsewhere, the units within the former tavern are less than the required 21 metres (required under Policy DM35 of the DM DPD) between habitable windows of the adjacent off site properties (circa 19 metres). This is less of a concern in amenity terms given that the proposal brings a listed building back into beneficial use, and this aspect of the scheme could be considered acceptable. With respect to Unit 5, this is located on the second floor of the Tavern and is a 2 bedroom unit which mostly benefits from roof-lights for outlook and light. However no cross section plans have been received to demonstrate that the rooflights are capable of providing sufficient natural light and outlook. Unit 8 feels rather uncomfortable as this is a one bedroom unit and the main bedroom is only 9.8 square metres and the minimum room standards as part of Appendix E of the DPD requires 10.2 square metres. Again these are matters that could be addressed via a reduction in the number of properties being proposed.

7.3.3 Many of the concerns raised above were made clear to the applicant when the previous application was withdrawn in 2016. It is unfortunate many of these issues have not been addressed within this submission. Officers are willing to work with the applicant to devise a scheme which can be found acceptable, and to provide a standard of accommodation that would satisfy the policies contained within the Development Management DPD.

7.4 Trees

7.4.1 There are total of 23 trees that have been identified in relation to the proposed development, and some of these are protected in law under Tree Preservation Order No 214 (1993). The most valued of which is a copper beech (T1), which is established immediately adjacent to the dilapidated conservatory. Others in close proximity include mature sycamores and horse chestnuts. The Tree Protection Officer has serious concerns regarding Units 6 and 7 being sited so close to the root protection area of T1 and considers it is entirely impractical to site these units here due to the large and pendulous canopy of this impressive specimen. The scheme does propose the loss of 4 trees and this loss is considered acceptable in principle and is unlikely to have any adverse impact on the amenity value of the site. T3 (a mature horse chestnut) is proposed to remain, however the applicant has proposed a crown reduction of up to 30%. This would be unacceptable for a tree of this species and age classification and to remove live branches to this extent is likely to impact upon the health and integrity of this tree. Given the above the scheme fails to conform to DM DPD Policy DM29.

7.5 Ecology

7.5.1 A bat survey has been supplied in support of the scheme and the buildings assessed for their bat roosting potential. Given the works to the buildings that are to be converted would only result in temporary disturbance to the features where bats may roost, the applicant's ecologist considers that avoidance via the use of precautionary surveys would occur to avoid any offence under the Habitats Directive. It is discussed within the applicant's submission that emergence surveys were to be carried out in May 2016, however this material has not been shared with Officers despite this being requested. Notwithstanding this, via consultation with Greater Manchester Ecology Unit there is confidence that via the imposition of a precautionary condition regarding bat surveys it is considered that the scheme would be acceptable from an ecological perspective.

7.6 Drainage and Highway Considerations

7.6.1 The site lies within Flood Zone 1 and therefore is at the lowest risk of flooding, and somewhere where the local planning authority (LPA) would seek to support development proposals. The Lead Local Flood Authority have no objection to the development assuming conditions are applied to any permission and given this it has to be assumed that the site can be drained sustainably and in-line with the SUDs hierarchy. County Highways have not raised an objection to the development, however they have commented that the gravel surfacing of the car park should be a bonded surface such as tarmac or pavements. This issue could be addressed by planning condition should the scheme be supported. The scheme proposes 29 car parking spaces for the 16 units provided. Under the car parking standards (maximum standards), and in the absence of an objection from County Highways, this is acceptable given the application site's high level of accessibility, including its proximity to the cycle network and bus service provision.

7.7 Affordable Housing Provision

7.7.1 The applicant has submitted a financial viability report in support of the scheme that has reached the conclusion that the scheme cannot provide to support any affordable housing. Officers have some reservations regarding the figures contained within the development appraisal, and whilst it may be the case that the site would not provide a significant return, from the information supplied the LPA is unable to reach a conclusion that no affordable housing could be provided. It is therefore considered that the current information presented by the applicant does not provide a level of confidence to enable the LPA to consider that the scheme cannot support any affordable housing (either financial contribution or on site provision). As a result, the scheme fails to conform to Policy DM41 of the Development Management DPD.

8.0 Planning Obligations

8.1 None applicable given that the scheme is recommended for refusal.

9.0 Conclusions

9.1 The local planning authority are supportive of bringing this site back into a viable use and restoring the Tavern. Notwithstanding this, there are concerns regarding the impact on the amenity of future and existing residents with respect to privacy, inadequate garden sizes and poor outlook. These problems arise, in the opinion of the local planning authority, because this is an over-intensive scheme. There needs to be a reduction in the number of units and a reconfiguration of the proposal to resolve the amenity issues.

9.2 The reconfiguration of the scheme is necessary to try to resolve other problematic issues. The close proximity of Units 6 and 7 are likely to negatively impact on the setting of the listed building. It is upto the applicant to submit additional information in an attempt to justify the harm to the heritage asset. However it is preferable if the scheme can be reconfigured to remove the likely harm. The development also has the potential to negatively impact on the mature copper beech tree and a mature horse chestnut tree, and this is likely to necessitate a change in layout.

9.3 The Tavern is a former pub which has been out of operation for a number of years. However insufficient evidence has currently been put forward to demonstrate that this facility should be lost to residential development. In addition the scheme proposes no affordable housing, and whilst a viability study has been included in support of the application, Officers have concerns regarding the costs used in the appraisal and therefore cannot be certain that the scheme cannot afford to provide any affordable housing.

9.4 These are other issues (which can be overcome via amendments), such as the use of a gravelled area for car parking instead of hard-surfaced (and appropriately marked out). But all of these deficiencies combine to persuade Officers to recommend refusal of the current scheme. Officers are keen to ensure that the Tavern is restored, and the surrounding land redeveloped, and the message for the applicant is that the local planning authority wishes to work with you to find a mutually-acceptable scheme.

Recommendation

That Planning Permission **BE REFUSED** for the following reasons;

1. It is considered that the development would not make a positive contribution to the area given inadequate separation distances between dwellings, coupled with a lack of appropriate garden spaces. It is therefore considered that the scheme has not demonstrated good design and the scheme as proposed would compromise the amenity of future and existing residents due to the over-developed nature of the site, and therefore the scheme would fail to conform to Policy DM35 of the Development Management DPD, Policy SC5 of the Core Strategy, and Section 7 of the National Planning Policy Framework.
2. The scheme would potentially adversely impact on a large mature preserved copper beach tree that is established close to the existing conservatory, and given the development has the potential to impact on the root protection area of this impressive, protected specimen, the relationship between the development and the tree is unacceptable. In addition the works to the large mature horse chestnut tree, in terms of the extent of pruning required is considered excessive and as such the development is contrary to Policy DM29 of the Development Management DPD.
3. There are concerns for the setting of the Tavern which results from the siting of Units 6 and 7 in front of the listed building. It is considered that the harm to the setting of this building has not been demonstrated to the satisfaction of the local planning authority, as there is a lack of clear and convincing justification, and therefore the scheme fails to comply with Policies DM30 and DM32 of the Development Management DPD and Paragraphs 132 and 134 of the National Planning Policy Framework.
4. The applicant is not proposing any affordable housing as part of the scheme. Whilst a viability appraisal has been submitted in support of the scheme to demonstrate that it is not viable to support any affordable housing contribution, in the opinion of the Local Planning Authority the applicant needs to reconsider costs put forward as part of the development appraisal as at present there is a lack of confidence in the applicant's assessment and therefore the scheme is considered contrary to Policy DM41 of the Development Management DPD.
5. The Tavern is a former public house, and would have previously provided the community of Scale Hall with a valuable local service. However it is considered that the applicant has failed to provide the necessary compelling and detailed evidence which is required under Policy DM49 of the Development Management DPD to enable the local planning authority to consider its loss is justified and appropriate.

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

In accordance with the above legislation, the City Council can confirm the following:

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Whilst the applicant has taken advantage of this service prior to submission, the resulting proposal is unacceptable for the reasons prescribed in the Notice. The local authority are keen to see the site developed in a sustainable manner and the applicant is encouraged to liaise with the Case Officer in an attempt to resolve the reasons for refusal.

Background Papers

None.