

Agenda Item	Committee Date	Application Number
A7	26 June 2017	17/00137/LB
Application Site	Proposal	
Farmhouse Tavern And Motel Morecambe Road Lancaster Lancashire	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 dwelling houses (C3)	
Name of Applicant	Name of Agent	
Tom Hill	Mr Scott Bracken	
Decision Target Date	Reason For Delay	
21 June 2017	Committee Cycle	
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Split Decision	

1.0 The Site and its Surroundings

- 1.1 The application site is located in the Scale Hall area of Lancaster and amounts to a site area in the region of 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 The Farmhouse Tavern is a Grade II listed building and there are gate piers approximately 5 metres to the south west of the building and gate piers 15 metres to the east of the building which are also Grade II listed. 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 proposed development involves the change of use of the former Farmhouse 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 pair of semi-detached properties.
- 2.2 The scheme proposes the demolition of the existing conservatory attached to the Farmhouse Tavern; the demolition of modern outbuildings and additions to the north and rear elevation. There would be a removal of the northern section of the boundary wing of the motel units. The older part of the boundary outbuilding would be constructed into an additional dwelling and there would be 9 new dwellings essentially acting as a terrace attached to the Tavern. The stone paving and balustrades would be repaired and there would be decluttering of the existing facades such as the fire escape stairs, air conditioning units and service installations. There would be general repairs to the building using conservation led materials and techniques and the west elevation is proposed to be improved by the removal of the existing render.

2.3 Within the Tavern there would be subdivision to form the 5 residential units through the erection of new walls and (where possible) utilising the existing walls. Some of the existing partitions would be lost and there would be new doorways included within the existing walls to create the 5 new dwellings.

3.0 Site History

3.1 There is a relevant full application which is pending consideration which is noted below.

Application Number	Proposal	Decision
17/00136/FUL	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	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

5.0 Neighbour Representations

5.1 The application has been advertised in the press and by site notice. To date no representations have been received in relation to this listed building application.

4.0 Consultation Responses

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

Consultee	Response
Historic England	No observations to make on the proposals.
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.
Lancaster Civic Society	Welcome the principle to bring the building back into use, support the principle of the formal oval-shaped lawn and the retention of the trees, however considers that there is some over-development of the site.
Lancashire Archaeological Advisory Service	Notes the advice of the Conservation Officer and also the Civic Society and generally supports them, recommend if permission granted a Level 3 building survey should be conditioned.
Ancient Monuments Society	No observations received within the statutory timescales
The Council for British Archaeology	No observations received within the statutory timescales
Georgian Group	No observations received within the statutory timescales
The Society for the Protection of Ancient Buildings	No observations received within the statutory timescales
The Victorian Society	No observations received within the statutory timescales
Twentieth Century Society	No observations received within the statutory timescales

7.0 Comment and Analysis

- 7.1 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 The Farmhouse Tavern (formerly known as Scale Hall), is an impressive Grade II listed building. The building was formerly a small manor house dating from c1700 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 found acceptable in principle.
- 7.3 It is commendable of the applicant to pursue a development proposal that could secure a potential long-term use for the Tavern, particularly given its historical significance and this is acknowledged by the Civic Society as the site has been neglected for a number of years. However, the application as it stands has failed to provide sufficient information to fully assess the impacts of the proposal on the significance of the designated heritage asset. Finding a sustainable end use of the Tavern does carry significant weight in the determination of this application for listed building consent however there is nothing before officers to conclude that the change of use of the building into a residential use could be found acceptable as insufficient information has been supplied with respect to whether the Tavern could still operate as a community facility in the form of a Public House or similar as noted within the report to Committee for planning application 17/00136/FUL.
- 7.4 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. The case officer would agree especially when coupled with the rear gardens for units 6 and 7.
- 7.5 The application is supported by a Heritage Statement and Impact Assessment, which considers that on balance all elements of the proposed scheme have a neutral or positive impact, with any isolated negative matters being readily mitigated by positive changes of a more significant magnitude and therefore considers that their significance would either be sustained or enhanced. The conversion of the building into residential units does inevitably have some impact however no objection has been received from the conservation officer regarding the internal works and the external fabric of the main building would have most of the external additions removed from it and new elements are positioned more remotely which goes some way to reduce the impact.
- 7.6 At this time, however, the local planning authority cannot conclude that the proposals for the use of the building represent the optimum viable use. In which case it would be premature to accept the proposed internal alterations which have been identified by the Conservation Officer to lead to less than substantial harm. Whilst Officers are supportive of a future proposal which could see this significant building brought into a sustainable long term use, inadequate justification has been provided via the planning application 17/00136/FUL, as such without the public benefits of the proposal being realised at this stage, paragraph 134 of the NPPF cannot be satisfied and the strong presumption to avoid harm set out in the 1990 Act cannot be fulfilled. This must carry significant weight in the determination of the application. On this basis, the internal works cannot be supported although external works such as the decluttering of the facades of the Tavern can be found acceptable.

8.0 Planning Obligations

8.1 Not applicable.

9.0 Conclusions

- 9.1 Securing a long-term sustainable end use for the Tavern is a matter to be determined via the planning application 17/00136/FUL (Item A6 on this Committee Agenda), and as Members will note, the item is recommended for refusal for a number of reasons. Officers remain of the opinion that the principle of conversion of the building could be found acceptable, but need to understand what the optimum viable use for the Tavern is. The statutory test set out in the 1990 Act seeks to avoid harm. This presumption against harm carries significant weight in the decision making process. Officers therefore contend that the internal elements proposed in advance of a proposed alternative use being adequately justified would have an adverse impact on the special architectural and historic character of the Tavern and would be considered contrary to Policy DM30 of the Development Management DPD and paragraphs 132 and 134 of the NPPF.
- 9.2 Members are advised to support listed building consent for some of the external works, which could be undertaken independent of any approved development. However Officers also recommend refuse listed building consent for the internal works and remaining external works (which in essence would facilitate the development of a residential conversion which has not been found acceptable via 17/00136/FUL).

Recommendation

That a **split decision** is reached. In the first instance;

That Listed Building Consent for internal and external works comprising the insertion of internal partition walls and demolition of internal walls, construction of the extension to the north facing elevation and the demolition of the existing motel units **BE REFUSED** for the following reason:

- 1) At this time there is insufficient justification that the proposed works required to the listed building to facilitate a residential development, as shown on the submitted plans, is the optimum viable use of the building given the use is not established via the planning application it would be premature to support a scheme. Without such justification the local planning authority cannot conclude that the harm identified would be outweighed by the public benefits of the proposal, including securing its optimum viable use, and is therefore considered that the scheme is contrary to DM30 of the Development Management DPD and Paragraph 132 and 134 of the NPPF.

In the second instance;

That Listed Building Consent for external works comprising the removal of the existing conservatory, the removal of the outbuildings, the removal of the fire escape stair, air conditioning units, alarm boxes and service installations, replacement rainwater goods, replacement windows including roof-lights, stone gate posts repaired, steps, paving and balustrades repaired and re-instated and stone boundary walls repairs, can be **GRANTED** subject to the following conditions;

- 1) LB time Limit;
- 2) Insofar as it relates to the approved works listed above, the development be carried out in accordance with approved drawings;
- 3) Precise LB details to be submitted and agreed with the LPA
 - Precise window and door construction details/sample including colour and finish
 - Details of stone and stone cill/head samples to reinstated openings
 - Precise details repair methods to stonework and roof (including mortar and pointing samples and any new roof covering materials)
 - New roof lights to main roof and motel units.
 - Details of the repairs to stone gate posts, stone walls, steps, paving and balustrades
 - Hardstanding areas to be made good following the removal of the conservatory.
 - Details of rainwater goods

4) Archaeology Recording

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: In accordance with Article 35 of the Development Management Procedure Order, the Development Plan policies and other material considerations relevant to this particular application are those that are referred to in this report.

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, some elements of the resulting proposal are unacceptable for the reasons prescribed in the Notice. The applicant is encouraged to liaise with the Case Officer in an attempt to resolve the reasons for refusal.

There are other elements of the proposal that are acceptable and so Lancaster City Council can grant consent for such works. The decision 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.