

Agenda Item A12	Committee Date 7 April 2015	Application Number 14/01088/CU
Application Site New Inn Hornby Road Wray Lancaster	Proposal Change of use and conversion of vacant public house (Class A4) to 3 residential units (Class C3) and installation of balcony and stairs to rear of existing attached cottage	
Name of Applicant Mr Richard Skelton	Name of Agent Mr Matthew Wyatt	
Decision Target Date 31 December 2014	Reason For Delay Awaiting further information, Officer workload and Committee cycle	
Case Officer	Mrs Petra Williams	
Departure	No	
Summary of Recommendation	Approval	

(i) Procedural Note

The application is one which would normally be dealt with under the Scheme of Delegation but because of the planning history of this particular site, which has included presentation of previous items to the Planning Committee, a similar referral is considered appropriate at this time.

1.0 The Site and its Surroundings

- 1.1 The site which forms the subject of this application is located on the south side of Hornby Road at the western entrance to the village of Wray. It comprises a stone under slate public house (New Inn) which fronts the inside of the bend and is set behind a shallow open forecourt. The building, which was refurbished in 2007, is two storey and includes living accommodation at first floor, part of which has historically been used as a dining room in association with the pub. There are a number of relatively modern extensions and structures to the rear of the building. At the western end of the building there is an attached cottage which is also in the ownership of the application. It is understood that the cottage was formally the stable building associated with the New Inn although its occupation is not actually tied to the use of the public house.
- 1.2 To the west lie three residential properties set back and elevated above the road. To the east lies a single substantial detached house with Wray Methodist Church and Friends Meeting House beyond. To the rear (south) lies an elevated garden area with open fields behind. Opposite the site, on the north side of Hornby Road lies the associated pub car park (16 spaces) which is surrounded by residential properties of various ages and forms including a converted barn which fronts Hornby Road and Kiln Lane.
- 1.3 The character and form of the site and its surroundings are those of a typical rural village with residential uses dominating. The village also boasts a popular café/tea-room, a village store and post office and a second public house (George and Dragon) in addition to a village hall. Hornby Road is part of the B4680 which in the direct route from points west of Hornby through Bentham to joining the A65 at Clapham and then south east to Skipton and beyond. It is therefore quite heavily trafficked with a full range of private and commercial vehicles on both local and medium distance

journeys.

- 1.4 The building is grade II Listed and lies within the Wray Conservation Area and Forest of Bowland Area of Outstanding Natural Beauty.

2.0 The Proposal

- 2.1 The application proposes to convert the public house to form 3 separate open-market dwellings and associated garden areas as well as works of improvement to the existing attached cottage. Designated parking areas for the residential units are proposed within part of the existing car park on the northern side of Hornby Road. The 3 residential units would comprise the following:

Unit 1 – Two bed unit comprising an open plan living/kitchen at ground floor; a bedroom, en-suite and utility room at lower ground floor and a bedroom and en-suite at first floor.

Unit 2 – Three bed unit comprising a lounge, kitchen, dining room, utility/toilet facility at ground floor and 3 bedrooms with one en-suite and bathroom at first floor.

Unit 3 – Three bed unit comprising a lounge, kitchen/diner, utility/toilet facility at ground floor and 3 bedrooms with one en-suite and bathroom at first floor.

The submitted plans also propose the creation of a balcony and external stairs to the rear of the existing 2 bed cottage.

3.0 Site History

- 3.1 There is an extensive planning history associated with the New Inn the most recent and relevant being:

Application Number	Proposal	Decision
13/00586/CU	Change of use and conversion of vacant public house (Class A4) to 3 residential units (Class C3) and installation of balcony and stairs to rear of existing attached cottage	Refused
13/00610/LB	Listed Building application for works to New Inn and attached cottage to facilitate the conversion of the public house to 3 residential units, including demolition of flat roof extensions, replacement windows and doors, installation of roof lights, erection of stone wall and porch canopy and creation of balcony and stairs to rear of existing cottage	Refused
13/00585/OUT	Outline application for the erection of 2 semi-detached dwellings with associated amenities	Withdrawn
07/01058/CU	Change of use at first floor to provide dining rooms with guest/staff bedrooms and erection of a single storey extension to kitchen	Permitted
07/01124/LB	Listed Building application for extension to kitchen, provision of external stair and landing and internal alterations at first floor level	Permitted
06/01294/LB	Listed Building Consent for internal alterations –	Permitted
00/00330/LB	Listed Building Application for alterations to change former window in east gable to a fire door	Permitted
98/00708/CU	Change of use and conversion of former public house to form two dwellings and alterations to existing access	Refusal upheld at Appeal

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objections subject to a condition relating to off site highway works

County Archaeology	No objections subject to a condition relating to building recording
Environmental Health	No objections subject to a condition relating to hours of construction
Conservation Officer	No objections subject to conditions relating to detailing and materials
Tree Officer	No objections subject to conditions relating to tree protection, works and planting
Planning Policy Officer	No objections
Wray with Botton Parish Council	No response received within statutory consultation timescale.

5.0 Neighbour Representations

5.1 No correspondence has been received in respect of this application but one letter of support has been submitted in respect of the associated Listed Building application.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (**paragraph 14**). The following paragraphs of the NPPF are relevant to the determination of this proposal:

Paragraphs **49** and **50** – Delivering Housing
Paragraphs **56**, **58** and **60** – Requiring Good Design
Paragraphs **129**, **131** and **132** – Heritage

6.2 Development Management DPD

Policy **DM7** – Economic Development in Rural Areas
Policy **DM8** – Re-use and Conversion of Rural Buildings
Policy **DM15** – Proposals involving Employment Land and Premises
Policy **DM30** – Development Affecting Listed Buildings
Policy **DM31** – Development Affecting Conservation Areas
Policy **DM32** – Setting of Designated Heritage Assets
Policy **DM35** – Key Design Principles
Policy **DM42** – Managing Rural Housing Growth
Policy **DM44** – Residential Conversions
Policy **DM49** – Local Services

6.3 Lancaster District Local Plan

Saved Policy **E3** - Areas of Outstanding Natural Beauty

7.0 Comment and Analysis

7.1 The key materials considerations are:

- Principle of development in land use terms
- Loss of rural food and drink outlet
- Marketing
- Design and heritage impacts
- Impact on residential amenity of neighbouring properties
- Access and highway impacts
- Impact on trees

7.2 Principle of development in land use terms

Wray is identified under Policy DM42 of the Development Management DPD as being one of the settlements where new residential development will be supported. Furthermore the general site

location within the village of Wray is considered to be an acceptable and sustainable location for residential development. This site is convenient to walk, cycle and travel by public transport between the site and workplaces, shops, schools, health centres, recreation, leisure and community facilities. The principle of residential development on suitable sites within this village is generally accepted and also encouraged. Policy DM42 also sets out general requirements for rural housing and advises that it should relate well and be proportionate to the existing built form of the settlement. The proposal is considered acceptable in this regard.

7.3 Loss of rural food and drink outlet

Whilst the location of residential development within the established confines of the settlement is broadly acceptable (in land use terms), the principle of development cannot be fully assessed until the proposal is weighed against Paragraphs 28 and 70 of the NPPF and Development Management DPD Policy DM49 which refers to local services. DM49 acknowledges the role that local services, such as public houses, can play in the long term sustainability of communities and seeks to ensure that any loss of such facilities is not enabled without evidence that a business is not feasible. The policy seeks evidence that reasonable measures have been taken to market the property as a going concern over a period of at least 12 months. Marketing should include a realistic price and make use of local and national media sources and there should be alternative provision of the service within the settlement. With regard to the latter point there is indeed another public house within the village in addition to a village hall. Marketing will be examined within the following paragraphs.

7.4 Marketing

7.4.1 A key issue with the previous submission was the inadequacies in respect of marketing. The relevant local policy at the time required a reasonable marketing exercise of at least 12 months and evidence that the business was no longer viable. Emerging policy at the time (which is now current) places additional emphasis on local and national media for the purposes of marketing at a realistic price. Consideration of the previous scheme revealed that the intermittent marketing exercise had not been conducted at a local level and at one point the property had been advertised with an incorrect address. It was also considered that the asking price was not set at a realistic level and that no record of enquiries had been submitted.

7.4.2 In respect of this submission the Marketing Statement reiterates that the business closed in November 2012 and the goes on to explain that the premises have been marketed since that time with Fleurets who are a specialist leisure property agents and states that their website generates 40,000 visitors per month. The particulars of the site have been promoted via the agent's website, mailshot and buyer alerts. The property agents utilise an automated email system which sends over 120,000 alert emails every week to market and match properties with buyer requirements and a log of enquiries which extended beyond a request for sales particulars has been submitted. This marketing has been carried out in addition to the trade press advertisements within the Caterer and Hotel Magazine as well as Fleurets own 'On Market' Magazine. It is understood that a sale board has remained throughout the current marketing period and this would raise awareness amongst the local community. It is also worth highlighting that despite numerous public objections from local residents during the previous submission the current scheme has only attracted one letter which is in fact one of support for the proposal and was submitted in relation to the associated Listed building application.

7.4.3 Officers are now satisfied that marketing has been carried out over an acceptable timescale at a realistic price and that sufficient marketing of the business has taken place at a national level in addition to the erection of a sale board at the property. Given the inadequacies of the last submission with regard to local marketing which were highlighted to the agent, it is disappointing that the current submission remains lacking on this point. However, the supporting information explains that although the property agents have historically advertised locally they found this to be an unviable approach given the low response and therefore focus promotion through traditional trade press. The property agents argue that any serious potential purchasers of a public house or restaurant (local or national) would be accessing and reading dedicated specialist literature (such as Caterer and Hotel Magazine) and would be registered with the specialist agents (such as Fleurets).

7.4.4 However, notwithstanding the reasons given by the property agents, slight concerns remain that the approach to marketing at a local level (despite the erection of a sale board) has been limited and as such it is considered that the submission does not fully comply with the requirements of policy DM49

of the Development Management DPD. However, the points made by the property agent are noted in respect of their approach to local marketing. Furthermore the building is Listed due to its heritage value and is in need of re-use to ensure its long-term future. A further period of time to ensure that the marketing exercise is done at a more local level may result in further deterioration to the Listed building which may affect its long-term use for any purpose. Whilst it is considered that sufficient marketing has not been undertaken at a local level it is acknowledged the premises has been advertised at a national level to a target market for approximately 2 years without any formal interest being expressed for the business. Therefore on balance, in order to secure the long-term future of a heritage asset the proposal is acceptable in planning policy terms and would accord with the Council's policies for conserving the historic environment. Comfort is also provided by the fact that the New Inn is not the only public house in the village.

7.5 Design and heritage impacts

7.5.1 It is considered that the removal of the existing unsightly modern flat roofed single storey extensions would provide an enhancement to the Listed building as will the landscaping of the rear garden areas. Changes to the external elevations to the public house and attached cottage include the replacement of windows and doors throughout as well as the creation of new window and door openings to the rear elevation. The proposed timber balcony and external stairs to the rear of the existing cottage are also considered acceptable and would improve the rear access arrangements for the cottage occupants while not impacting unduly on the character of the Listed building.

7.5.2 The subdivision of the public house to three units will follow the natural structural lines within the building, and the Conservation Officer is satisfied that these would largely replicate historical divisions. The scheme also involves the removal of the existing staircase between the ground and first floor and the installation of new staircases to each of the three units. In terms of alteration to the historic fabric, it remains a considerable internal intervention, but one that has the potential to be accommodated without overriding detriment to the heritage asset. The building has now been empty for approximately two years which undoubtedly poses a risk to the fabric of the building. It is therefore acknowledged that the re-use of the building and associated works has the potential to secure the long term conservation of this Listed property. The impact upon the Conservation Area is also considered to be acceptable. The Conservation Officer is satisfied subject to conditions regarding details.

7.6 Impact on residential amenity of neighbouring properties

It is considered that the scheme would result in an acceptable standard of residential amenity for future occupiers. Due to the separation distances involved in addition to intervening tree screening overlooking to and from neighbouring dwellings is not considered to be an issue in relation to this proposal. There are no other matters that directly or indirectly affect residential amenity.

7.7 Access and highway impacts

7.7.1 Associated vehicular parking for the 3 residential units would be created within part of the existing car park on the northern side of Hornby Road. This would comprise 6 parking bays, with the existing tarmac surface being retained and the parking area enclosed by stone walls. One vehicular parking space for the existing cottage would be created in the area currently used as an external seating area adjacent to its northern elevation.

7.7.2 However, the car parking area would utilise an existing highway access and it is not anticipated that the proposal would result in intensification of use of this access. Furthermore County Highways have raised no concerns in terms of highway safety. They suggested that a demarcation between the area of hardstanding (to the front of the building) and Hornby Road should be introduced in order to provide definition of the private boundaries, and have suggested the installation of kerb treatment to remedy this. It is considered that demarcation would be provided by the resurfacing of the hardstanding with a cobbled finish which has been advocated by the Conservation Officer. These details could be addressed by condition to the satisfaction of the local planning authority.

7.8 Impact on Trees

The site is within Wray Conservation Area, and as such trees are protected in law. There is a group of large, mature trees established to the south-west of the public house. These trees are clearly

visible from a public viewpoint and form a backdrop of greenery to the rear of the site and between the site and the neighbouring property to the west. It is therefore considered that this group of trees makes an important contribution to the amenity of the site, neighbouring property and the wider locality and should be retained. Given that changes in site levels to the rear of the site are proposed the development must be carried out with appropriate tree protection conditions to ensure that tree roots are adequately preserved.

8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application.

9.0 Conclusions

9.1 Notwithstanding the limited advertising within the local press, it is concluded that evidence of marketing is more robust than previous attempts, and national advertising has resulted in little interest. Issues regarding design and heritage impacts are considered to be acceptable and the proposal will not impact unduly on neighbouring residential amenity. Furthermore there are no concerns regarding impact on trees or highway safety. Therefore on balance it is considered that the application can now be recommended for approval.

Recommendation

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

1. Standard 3 year timescale
2. Amended plans dated 2 December 2014
3. Development in accordance with approved plans
4. Notwithstanding plans, details required –
 - Windows and doors including design, profile, colour and finish
 - Hard surfacing materials
5. Samples of slate, stone and pointing
6. Details required –
 - Rooflights
 - Ridge, verge and eaves
 - Rainwater goods
 - Balustrades and gates
7. Implementation of a programme of building recording and analysis prior to any works or strip out occurring
8. Arboricultural Method Statement
9. Tree works schedule
10. Scheme for new tree planting
11. Tree/hedge protection plan and implementation prior to works on site commencing
12. Scheme of highway improvement (namely the reinstatement of a length of kerb line along the sites frontage with Hornby Road)
13. Hours of construction (Mon to Fri 0800-1800 and Sat 0800-1400 only)

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

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

The proposal complies with the relevant policies and provisions of the Development Plan and on consideration of the merits of this particular case, as presented in full in this report, there are no material considerations which otherwise outweigh these findings.

The local planning authority has proactively worked with the applicant/agent in negotiating amendments which have now positively influenced the proposal and have secured a development that now accords with the Development Plan and the National Planning Policy Framework.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

None