

Agenda Item A8	Committee Date 4 March 2019	Application Number 17/01502/FUL
Application Site Heaton Hall Morecambe Road Lancaster Lancashire		Proposal Change of use and conversion of the tavern into five dwellinghouses (C3) including the demolition of the existing conservatory and associated motel building and the erection of nine dwellinghouses (C3) with associated landscaping and vehicular parking
Name of Applicant Tom Hill		Name of Agent Mr Scott Bracken
Decision Target Date 2 May 2018		Reason For Delay Applicant unwilling to enter into Legal Agreement
Case Officer		Mr Mark Potts
Departure		No
Summary of Recommendation		Refusal

(i) Procedural Note

The application was presented to Planning Committee on 9 May 2018, where Members resolved to approve the development subject to the applicant entering into a Section 106 legal agreement to secure an affordable housing contribution (together with the long term maintenance of non-adopted highways, drainage and landscaping). The applicant has still to sign the agreement (or even provide an undertaking for the Council's cost of producing the agreement), and therefore the scheme is being presented back to Planning Committee for consideration.

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 the 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. The site is well connected to public transport with bus stops on Morecambe Road and also the main Lancaster to Morecambe cycle route located to the west.

2.0 The Proposal

- 2.1 A very similar proposal was refused by the Local Planning Authority in June 2017 for the reasons below:

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.*

The applicant has attempted to resolve these reasons by reducing the proposal from 16 units to 14 units.

- 2.2 The proposal 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 and associated conservatory). The 14th dwelling is proposed on the footprint of the existing conservatory.

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

- 1 bedroom property (Units 2 and 4);
- 2 bedroom property (Units 1, 3, 5, 6, 7, 10-14);
- 3 bedroom property (Units 9); and
- 4 bedroom property (Unit 8).

- 2.3 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. Unit 7 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 8 - 14 (including unit 6) would be two storey in height, and constructed in render with some stone, under slate roofs.

- 2.4 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 Further to the Local Planning Authority providing pre-application advice in 2015, two applications were submitted in the subsequent 2 years - one was withdrawn in 2016 and the other refused in 2017:

Application Number	Proposal	Decision
17/01503/LB	Listed building application for internal and external works, comprising the insertion of partition walls and demolition of internal walls, provision of new windows, construction of a single storey extension to the north and east facing elevations and demolition of the existing motel units	Pending Consideration (linked with 17/01502/FUL)
17/00136/FUL	Change of use and conversion of the tavern into five dwellinghouses (C3) including demolition of conservatory and motel building and erection of 11 dwellinghouses (C3) with associated landscaping and parking	Refused
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)	Split decision
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 subject to details of the car park surfacing/paving
Conservation Officer	No objection in principle although there will be some harm associated with internal and alterations and development within the immediate setting.
Tree Officer	No objection providing the Arboricultural Method Statement is updated to include the final treatment for all new surfaces within root protection and canopy areas and provision of a detailed landscaping scheme with an associated maintenance regime.
Strategic Housing Officer	Raises concerns with the contents of the viability statement.
Environmental Health Department	No objection on the provision that electric charging facilities are provided for together with a contaminated land assessment.
Lead Local Flood Authority	No observations received within the statutory timescales. However, previously no objection was raised.
United Utilities	No objection subject to a condition requiring a surface water drainage scheme to be submitted and foul and surface water drainage to be drained on separation systems.

Greater Manchester Ecology Unit	Initially recommended that the scheme was not determined until such time an updated bat assessment was provided and if necessary emergence surveys carried out. An updated assessment was provided and no objection raised on the provision that the mitigation as detailed within the applicant's bat survey is carried out.
Planning Policy	No Objection though the scale of development, the loss of community facilities, its relationship with the surrounding historic environment and resolving any highway concerns will be key considerations in this assessment.
Lancashire Constabulary	No observations received within the statutory timescales
Lancaster Civic Society	No observations received within the statutory timescales
County Education	No Objection. A financial contribution towards education provision is not required.
Lancashire Archaeology	No Objection on the basis that a written scheme of archaeological recording and analysis is provided.

5.0 Neighbour Representations

5.1 There has been one letter of objection received which raises concerns over property values.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF 2018)

Part 2 Achieving Sustainable Development
Part 4 Decision Making
Part 5 Delivering a sufficient supply of homes
Part 8 Promoting healthy and safe communities
Part 11 Making effective use of land
Part 12 Achieving well designed places
Part 16 Conserving and enhancing the historic environment

6.2 Local Planning Policy Overview – Current Position

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

- (i) The Strategic Policies and Land Allocations 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. The DPDs were submitted to the Planning Inspectorate on 15 May 2018 for independent Examination, which is scheduled to commence in the first quarter of 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council in late 2019.

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 2017, 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

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
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;
Open Space in New Residential Development Planning Advisory Note (PAN) (October 2015)
Lancashire County Council Infrastructure and Planning Annex 2 Education (November 2017)

7.0 Comment and Analysis

The main considerations with the application relate to the following:

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

7.1 Principal of the Development

- 7.1.1 The site is located within the Scale Hall area of Lancaster and therefore a sustainable location for a development of this nature. Whilst the City Council can demonstrate a deliverable 5 year housing land supply (which was not the case when the application was presented to Members for determination in May 2018), the relevant policies within the Local Plan in relation to housing are 'out of date' and therefore the tilted balance is engaged. 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 despite the applicant having erected fencing around the perimeter of the site. The site was a former public house and therefore it needs to be demonstrated 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 advice shared with the applicant in terms of the refused application was that they should seek to demonstrate that the public house no longer has a viable community use. This does not necessarily have to be a public house (A4) use. The applicant in the refused scheme provided no evidence to suggest that the property was marketed but in the case of this planning application they have provided somewhat

more justification than they did previously namely in the form of marketing details when the property was put up for auction. Whilst they have said that the site has been marketed since the applicant purchased the site, no information has been submitted to demonstrate that this is the case. These concerns have been relayed to the applicant's agent but no additional information has been supplied other than demonstrating that there are a number of public houses within the immediate area.

- 7.1.2 Purely on the basis of the requirements of Policy DM49 of the Development Management DPD it is not considered that the proposal complies with this policy and is therefore 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".

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 as a way of sustaining its future.
- 7.2.3 The removal of the modern conservatory is an improvement, and would better reveal the significance of the building, though a detached property (Unit 6) would be sited in its place. Whilst this is an improvement over the previously submitted scheme, which included two buildings directly in front of the Tavern, unit 6 would cause some degree of harm to the setting of the Listed building and detract from its significance. The Tavern is readily visible from Morecambe Road, and the erection of unit 6 would obstruct this viewpoint and the main experience and view of the asset for the public. As the harm would be less than substantial it should be weighed against the public benefits of the scheme.
- 7.2.4 Overall, the proposal will bring a neglected and empty building back into use which will contribute to the conservation of the historic building. It is considered that the proposal will cause a degree of harm through internal alterations and development within its immediate setting. It is considered the harm to the significance of the building will be less than substantial as the historic plan form of the house has already been altered and lost through the conversion to a country club and the setting substantially altered and diminished in the 20th century. What remains of the building is the 17th century historic fabric of the outrigger and fine architectural detailing of the 18th century frontage, of which the proposal seeks to mitigate any harm by enhancing these features through appropriate repair and sensitive reinstatement of traditional features. Whilst there is a degree of harm in the proposed conversion of the building, these have been justified in terms of restoration and retention of this significant asset of Skerton (and later Morecambe's) past and the Conservation Officer has no objection to the proposal. Lancashire Archaeological Advisory Services have no objection to the proposal though advises that the building merits the creation of a full formal record to Level 3. This can be addressed by means of planning condition.

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 unit 6 that would be sited to the east of the former farmhouse (in a similar location to the lightweight conservatory that is proposed to be removed), and unit 14 on the far

eastern edge of the site. The layout is essentially of a courtyard and the principle of this could work well in this urban setting. Officers raised significant concerns previously as garden sizes (only 18 sq.m) were significantly below the required 50 sq.m as endorsed by Policy DM35 of the DM DPD. The applicant has pushed units 8 to 13 further south, which now means that the garden sizes are a minimum of 41 sq.m. This is for a two-bedroom property and therefore a smaller type unit. Unit 8, which is a 4 bedroom property, would benefit from over 100m² of usable garden space. Unit 7, which is a 2 bedroom single storey dwelling, provides minimal landscaping along its frontage, which is more akin to communal landscaping as opposed to private garden space. However, it is considered that this could work well assuming appropriate boundary treatments and landscaping are implemented. The conversion element of the Tavern provides for communal landscaping with a new oval lawn enclosed by a gravel path, which is deemed to be acceptable.

7.3.2 Officers continue to feel that the proposal seeks to slightly over-develop the site, and it would be beneficial to remove plots 6 and 14 from the scheme. However, on balance, and subject to planning conditions controlling materials, landscaping and boundary treatments and giving great weight to the City Council's inability to demonstrate a 5-year housing land supply, Officers feel it would be unlikely to resist the scheme at appeal, given the sustainable location of the scheme and the harm that has already occurred to the setting of the Tavern.

7.3.3 Much of the scheme would provide for an adequate standard of outlook, though the some of the windows serving habitable rooms within the apartments of the converted Tavern are less than the required 21 metres away from the windows habitable serving habitable rooms of the adjacent off site properties by c2m. This is less of a concern in amenity terms given that the proposal brings a Listed building back into beneficial use. Therefore this aspect of the scheme is overall considered acceptable.

7.4 Trees

7.4.1 There are a total of 23 trees that have been identified in relation to the proposed development, and some of these are protected in law under the Tree Preservation Order No 214 (1993); the most valued of which is a copper beech. This is established immediately adjacent to the dilapidated conservatory, which is proposed to be demolished. The canopy of this tree overhangs this structure, so minimal pruning works have been identified with a maximum loss of live branches not exceeding 10%, limited to secondary branches not exceeding 4cm in diameter. This is acceptable. Officers previously had concerns with how the demolition of the conservatory would affect this tree and how this would be handled, but the applicant has stated that this would be via a "top down, pull back" technique, which is acceptable to the Tree Officer. A new surface treatment is proposed within the root protection areas of the retained trees so only no dig methods and porous materials should be proposed. This can be addressed by means of planning condition.

7.4.2 Whilst a landscaping scheme has been submitted, a maintenance regime will be required. The applicant has therefore addressed those previous concerns relating to the impact on the health and integrity of trees and therefore the development is now considered acceptable from a tree and landscaping perspective, subject to an amended Arboricultural Method Statement, which the applicant is agreeable to providing.

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 should take place to avoid any offence under the Habitats Directive. An additional visit by the applicant's ecologist took place in April 2018 and subject to the imposition of a precautionary condition regarding bat surveys as recommended by Greater Manchester Ecological Unit 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 would seek to support development proposals. The Lead Local Flood Authority has provided no observations on this application but raised no objection to previous,

similar applications subject to conditions being applied to any permission including draining the site sustainably in-line with the SuDS hierarchy and maintaining the drainage scheme.

- 7.6.2 County Highways has not raised an objection to the development, though 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 25 car parking spaces for the 14 units provided. Whilst this is under the car parking standards (maximum standards), this is acceptable given the application site's high level of accessibility, including its proximity to the cycle network, bus service provision, and other local facilities. Furthermore most of the dwellings proposed are smaller units, which demands less parking.

7.7. Affordable Housing Provision

- 7.7.1 The applicant initially submitted a financial viability report in support of the scheme that suggested the scheme could not support any affordable housing. Officers on the previous two planning applications had concerns regarding the content of the applicant's viability statements given the applicant suggested developing the site would result in a £400,000 loss. In line with National Planning Practice Guidance, a 'vacant building credit' should be applied where a vacant building is either converted or demolished and the credit will be equivalent to the gross internal area of the building to be demolished or brought back into use. Taking into account vacant building credit Officers considered that it would be more appropriate to seek a financial contribution towards affordable housing provision, and this remains the case today. Officers have concluded that the scheme can generate a reasonable profit (18%, or circa £400,000) and make a financial contribution to affordable housing. The applicant's agent agreed to providing an affordable housing contribution of £18,831 and the scheme was recommended for support on this basis.

- 7.7.2 Since the scheme was presented to Planning Committee in May 2018 no progress has been made on the legal agreement by the applicant. Despite best endeavours by the Case Officer and the Council's appointed legal representatives, there has been no progress despite assurances from the applicant's planning agents. It has been over 9 months since the scheme was presented to Planning Committee and therefore Officers consider that they have acted reasonably, pragmatically and in good faith throughout to secure an affordable housing contribution they deem necessary to make the development acceptable in planning terms.

- 7.7.3 Planning obligations should only be sought where they meet all of the following tests:

- A) Necessary to make the development acceptable in planning terms;
- B) Directly related to the development applied for;
- C) Fairly and reasonable related in scale and kind to the development.

- 7.7.4 Officers consider that the provision of an affordable housing contribution does pass the tests above (which echoes those set out in Regulation 122 (2) of the CIL Regulations 2010) and conforms to the requirements of DM41 of the Development Management DPD. Given there seems no appetite from the applicant to progress the agreement, Officers cannot support the scheme as it stands.

7.8 Other Material Considerations

- 7.8.1 Environmental Health Officers have asked for a land contamination survey together with the provision of electric vehicle charging points. It is considered that both these issues can be addressed by means of planning condition, should the scheme be supported by Members. No education contribution has been requested by County Education and therefore it is considered that there is sufficient capacity within the local schools.

8.0 Planning Obligations

- 8.1 It is recommended to members that that the following should be sought by way of legal agreement:

- The provision of an affordable housing contribution of £18,831;
- Long term maintenance of landscaping, open space and non-adopted drainage and highways and associated street lighting.

These requirements are considered to meet the tests set out in Paragraph 56 of the NPPF (2018). Given the scheme, there is a need for a number of highway related works that would be undertaken under Section 278 of the Highways Act. These works can be conditioned.

9.0 Planning Balance

- 9.1 Officers are keen to support the sensitive restoration of the former Farmhouse Tavern and the associated motel, which have been empty for over 5 years. The proposed scheme would enable the sensitive restoration of the Tavern, and whilst there would be some harm, the internal works would allow the restoration of the building back to its original use (albeit sub-divided). There is some harm to the setting of the building by virtue of the location of Unit 6 but this is considered to be less than substantial harm and the benefits associated with the scheme by bringing the Listed building back into use and the provision of new homes weighs strongly in the proposal's favour. It is worthy of note that none of the historic environment consultees raise an objection to the scheme.
- 9.2 The Tavern and motel rooms once served a valuable community asset and to date no compelling evidence has been provided by the applicant to suggest that since the property was purchased in February 2015 that any further marketing has been carried out in accordance with Policy DM49. This element weighs against the proposal, though Officers are mindful of the benefits associated with bringing this building back into a sustainable long term use, coupled with the urban location, which has bus stops, a cycleway, a supermarket and a restaurant within very close proximity of the site. From a nature conservation perspective it is considered that both the impacts on trees and protected species can be overcome by conditions and issues associated with drainage and highways can also be handled by means of planning condition. Electric vehicle charging points together with the provision for cycle storage will ensure that future occupiers have the opportunity to travel by sustainable modes of transportation.
- 9.3 The Local Planning Authority can demonstrate a five year housing land supply, but the tilted balance is engaged, given housing policies are considered out of date. Local Planning Authorities should look to support schemes unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. There is some limited harm caused to the setting of the Listed building, and the applicant has failed to supply the evidence to demonstrate that the building could not have an alternative use, but taking into consideration the sustainable nature of the site, it is considered that in the balancing exercise bringing the building back into a viable use weighs heavily in support of this proposal. Whilst there was a commitment by the applicant to provide an affordable housing commuted sum in advance of the May 2018 Planning Committee, no progress has been made by the applicant apart from appointing a solicitor. Given the time that has elapsed since the Planning Committee in May 2018 Officers have to determine applications in a timely manner and therefore given the lack of progress from the applicant the scheme is recommended for refusal.

Recommendation

That Planning Permission **BE REFUSED** for the following reason:

- 1) Whilst there was a commitment by the applicant to provide an affordable housing contribution, the applicant has sought not to progress the legal agreement process to allow this to be secured by the Local Planning Authority. The Local Planning Authority considers that the provision of an affordable housing contribution of £18,831 is required to make the development acceptable in planning terms. Given the reluctance of the applicant to commence the legal agreement process to allow this contribution to be secured, the scheme is considered contrary to Policy DM41 of the Development Management DPD, and Section 4 of the National Planning Policy Framework.

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 applicant is encouraged to liaise with the Case Officer in an attempt to resolve the reason for refusal.

Background Papers

None