

<b>Agenda Item</b> A9	<b>Committee Date</b> 4 March 2019	<b>Application Number</b> 17/01503/LB
<b>Application Site</b>  Farmhouse Tavern And Motel Morecambe Road Lancaster Lancashire		<b>Proposal</b>  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
<b>Name of Applicant</b>  Tom Hill		<b>Name of Agent</b>  Mr Scott Bracken
<b>Decision Target Date</b>  6 March 2018		<b>Reason For Delay</b>  Applicant delay on Legal Agreement associated with 17/01502/FUL
<b>Case Officer</b>		Mr Mark Potts
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Split Decision

**(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) on the full planning application 17/01502/FUL. 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 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 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.

## **2.0 The Proposal**

- 2.1 The scheme proposes works to facilitate the change of use of the Tavern into 5 apartments (predominantly creation of new openings in existing walls, and removal and installation of partition walls), the demolition of the existing conservatory and the demolition of modern outbuildings and additions to the north and rear elevation. There would also be a removal of the northern section of the boundary wing of the motel units. The older part of the boundary outbuilding would be converted into an additional dwelling and there would be 7 new dwellings essentially acting as a terrace attached to the Tavern. The stone paving and balustrades would be repaired and there would be de-cluttering of the existing facades such as the fire escape stairs, air conditioning units and service installations. General repairs to the building using conservation led materials and techniques are also proposed and the west elevation is proposed to be improved by the removal of the existing render.

## **3.0 Site History**

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

Application Number	Proposal	Decision
<b>17/01502/FUL</b>	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	Pending Consideration
<b>17/00137/LB</b>	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)	Split decision
<b>17/00136/FUL</b>	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	Refused
<b>16/00422/LB</b>	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
<b>16/00421/FUL</b>	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
<b>15/01079/PRETWO</b>	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
<b>Lancashire Archaeological Advisory Service</b>	<b>No objection.</b> Recommends a level 3 building survey should permission be granted.
<b>Historic England</b>	<b>No observations</b> to make on the proposals.
<b>Conservation Officer</b>	<b>No objection</b> in principle although there will be some harm associated with internal and alterations and development within the immediate setting.
<b>Lancaster Civic Society</b>	No observations received within the statutory timescales
<b>Ancient Monuments Society</b>	No observations received within the statutory timescales

<b>The Council for British Archaeology</b>	No observations received within the statutory timescales
<b>Georgian Group</b>	No observations received within the statutory timescales
<b>The Society for the Protection of Ancient Buildings</b>	No observations received within the statutory timescales
<b>The Victorian Society</b>	No observations received within the statutory timescales
<b>Twentieth Century Society</b>	No observations received within the statutory timescales

## **5.0 Neighbour Representations**

5.1 To date no representations have been received in relation to this Listed building application.

## **6.0 Principal National and Development Plan Policies**

### **6.1 National Planning Policy Framework (NPPF)**

Section 4 - Decision Taking

Section 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**

DM30 – Development affecting Listed Buildings

DM32 – The Setting of Designated Heritage Assets

DM34 – Archaeology

## **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"*. 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. The previous application failed to fully assess the impacts of the proposal on the significance of the designated heritage asset, but this application has resolved the concerns by amending the site layout.
- 7.4 The removal of the modern conservatory is an improvement, and would better reveal the significance of the building. However, it is unfortunate that Unit 6 would be sited in a similar position, and although it is set back it is considered this may cause a degree of harm when viewing the building. 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. The harm would be less than substantial so should be weighed against the public benefits of the scheme, in terms of bringing the main building back into use.
- 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 though 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. The new elements are positioned more remotely, which goes some way to reduce the impact.

## **8.0** **Planning Obligations**

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

## **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 17/01502/FUL. Members will note, that the item is recommended for refusal on the reluctance of the applicant to progress the Section 106 legal agreement to secure an affordable housing contribution. This is considered necessary to make the development acceptable in planning terms. Officers remain of the opinion that the principle of conversion of the building can be found acceptable, on the understanding an affordable housing contribution is provided for. 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 an approved use, 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 193 and 196 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 refusing 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 17/01502/FUL given the applicant is not progressing the necessary legal agreement).

## **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) It would be premature to support the internal and external alterations to the building to facilitate a residential use, when the development has not been found acceptable associated with the full planning application 17/01502/FUL. Without support of the full application, the Local Planning Authority cannot conclude that the harm identified would be outweighed by the public benefits of the proposal (in this instance a lack of affordable housing contribution), and is therefore considered that the scheme is contrary to DM30 of the Development Management DPD and Paragraphs 193 and 196 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) Listed building consent 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 details to be submitted and agreed with the Local Planning Authority
  - 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 that it has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

## **Background Papers**

None