

<b>Agenda Item</b> A9	<b>Committee Date</b> 31 May 2017	<b>Application Number</b> 17/00352/FUL
<b>Application Site</b>  Land to the rear of Dragons Head Hotel Main Street Whittington		<b>Proposal</b>  Demolition of outbuildings, conversion of barn to dwelling, erection of 3 dwellings with associated landscaping, parking and alterations to the existing access and erection of a first floor side extension over existing pub
<b>Name of Applicant</b>  Mr Simon Nutter		<b>Name of Agent</b>  Mr Andrew Tait
<b>Decision Target Date</b>  6 June 2017		<b>Reason For Delay</b>  None
<b>Case Officer</b>		Mrs Eleanor Fawcett
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Refusal

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, a previous application at this site, for a similar proposal, was reported to the Planning Committee following a request from Councillor Peter Williamson. The reason for the original request related to: the proximity to recently approved dwellings; that the access had been used for many years by the public house; and issues raised by the Authority in relation to design. Members also undertook a site visit in January 2017.

**1.0 The Site and its Surroundings**

- 1.1 The site is located within the small settlement of Whittington, which is located towards the north east of the District. It relates to the Dragon's Head Hotel and associated land, comprising a large area of hardstanding, a grassed area, beer garden, and a detached barn. Part of the site appears to have been previously used as a Caravan Club Certified Site, but it is likely that this use ceased in 2015. There are a number of mature trees along the site boundaries and the land slopes significantly downwards towards the rear of the site (east), and rises again beyond the site boundaries.
- 1.2 The public house and barn are within the Conservation Area and there are some Grade II Listed buildings located approximately 15 metres to the south west and 45 metres to the north west. The site is within the Countryside Area, as identified of the Local Plan Proposals Map and part of the land to the east, outside the application site boundary, is located within Flood Zone 3.

**2.0 The Proposal**

- 2.1 Planning permission is sought for the demolition of outbuildings at the rear of the public house, with this and some of the adjacent land used as car parking. The barn to the south of the site would be converted to a single dwelling and a terrace of three dwellings is proposed towards the east of the site, with associated gardens and parking. A significant amount of engineering works appear to be required given the changes in levels across the site and a two storey side extension is proposed to the public house. This is a resubmission of two previously refused applications. The main alteration

relates to the inclusion of the public house within the application boundary, and an extension to this.

### **3.0 Site History**

3.1 Two planning applications were submitted in 2016 (16/00238/FUL and 16/01373/FUL) for similar proposals to the current application, but excluding the extension to the public house. These were both refused, the second at Planning Committee on 6 February 2017, and for the following reasons:

1. *The site is located within a small rural settlement with very limited services and as such is not considered to be sustainable in terms of its location. It is not considered that a sufficient and robust justification has been put forward to justify four new dwellings in this unsustainable location and it is likely that the proposal could have a detrimental impact on the viability and vitality of the pub business which it proposes to support. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Sections 6 and 8, Policy SC1 of Lancaster District Core Strategy and Policies DM20, DM42 and DM49 of the Development Management Development Plan Document.*
2. *The proposed alterations and extension to the barn do not respect the agricultural character and appearance of the building and would result in an overly domestic appearance. The design and layout of the new dwellings does not relate well to the surrounding built heritage and fails to provide an appropriate level of private amenity space, including in relation to the barn conversion. It is therefore considered that the proposal does not represent good design and is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles, Section 7, and Section 12, and policies DM8, DM31, DM32, DM33, DM35 and DM42 of the Development Management Development Plan Document.*
3. *As a result of increased traffic movements and poor visibility at the site's entrance, the application has failed to demonstrate that it will benefit from a safe access point onto the public highway. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular Section 4, and policies DM20 of the Development Management Development Plan Document.*

Application Number	Proposal	Decision
16/01373/FUL	Demolition of outbuildings, conversion of barn to dwelling, erection of 3 dwellings with associated landscaping, parking and alterations to the existing access	Refused
16/00238/FUL	Demolition of outbuildings, conversion of barn to dwelling, erection of 3 dwellings with associated landscaping, parking and alterations to the existing access	Refused
15/00468/PRETWO	Conversion of the existing public house to a mixed use scheme comprising a public house, shop and self-contained flat, conversion of a barn into a residential dwelling and erection of 18 residential dwellings with associated access road (Pre-application advice)	Unlikely to be acceptable
07/01055/FUL	Erection of retractable canvas awning	Refused
1/80/1368	Erection of a garage	Approved
1/79/1182	Use land for siting caravan for occasional summer use	Refused
1/79/1349	Use land for siting caravan for occasional summer use	Refused

### **4.0 Consultation Responses**

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

Consultee	Response
Parish Council	<b>Support.</b>
County Highways	<b>No comments received</b> (though the Highway Authority objected to the previous application as the proposal would result in an increase in peak hour traffic movements and the development has not demonstrated that it will benefit from a safe access point

	onto the public highway)
<b>Conservation</b>	<b>No comments received</b> (though raised concerns on the previous application as the proposed new dwellings were not considered appropriate in design, contained conflicting features, and did not relate well to the surrounding built form of Whittington. Also had concerns regarding aspects of the fenestration on the barn conversion)
<b>Tree Protection Officer</b>	<b>No comments received</b> (though raised no objection on the previous application subject to conditions requiring additional tree planting and development to be carried out in accordance with the submitted Arboricultural Implications Assessment, though it was noted that any potential future conflict between occupiers of the proposed dwellings and adjacent trees could be lessened through an alteration in design – i.e. to increase the distance between the proposed dwellings and boundary trees)
<b>Lancashire Archaeological Advisory Service</b>	<b>No objection.</b>
<b>United Utilities</b>	No objection. Request conditions requiring: foul and surface water to be drained on separate systems; and submission of a surface water drainage scheme.

## **5.0 Neighbour Representations**

- 5.1 1 piece of correspondence has been received in support of the application which raises the following points:
- Will help to bring low cost housing to the village without being part of an intrusive development.
  - The re-opening of the public house with associated shop will add much needed facilities to the village and reduce the need for villagers and visitors to travel and will provide a focal point for people to meet.

The Ward Councillor has also written in support, for the following reasons:

- It has received unanimous support from the Parish Council;
- It is a brownfield site;
- There are no visual impacts arising as not visible from B6254;
- The access has been acceptable for the public house use for years and this proposal would not significantly increase its usage;
- The proposal will deliver much needed community facilities, including a bar, eatery, small retail outlet and a bed and breakfast; and
- It would create no precedent.

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

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

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles  
Paragraph 32 – Access and Transport  
Paragraphs 49 and 50 – Delivering Housing  
Paragraphs 56, 58 and 60 – Requiring Good Design  
Paragraph 70 – Social, Recreational and Cultural Facilities  
Paragraphs 117 and 118 – Biodiversity  
Paragraphs 131 – 134 and 137 – Designated Heritage Assets  
Paragraph 135 – Non-designated Heritage Assets

### **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 (adopted July 2008)

SC1 – Sustainable Development  
SC5 – Achieving Quality in Design

### 6.4 Lancaster District Local Plan - saved policies (adopted 2004)

E4 – Countryside Area

### 6.5 Development Management Development Plan Document (adopted July 2014)

DM7 – Economic Development in Rural Areas  
DM8 – The re-use and Conversion of Rural Buildings  
DM20 – Enhancing Accessibility and Transport Linkages  
DM27 – Protection and Enhancement of Biodiversity  
DM28 – Development and Landscape Impact  
DM29 – Protection of Trees, Hedgerows and Woodland  
DM31 – Development Affecting Conservation Areas  
DM32 – The Setting of Designated Heritage Assets  
DM33 – Development Affecting Non-Designated Heritage Assets or Their Settings  
DM35 – Key Design Principles  
DM40 – Protecting Water Resources and Infrastructure  
DM41 – New Residential Development  
DM42 - Managing Rural Housing Growth  
DM49 – Local Services

### 6.6 Other Material Considerations

Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended states that the local planning authority shall have regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

## **7.0 Comment and Analysis**

### 7.1 The main issues to be considered in the determination of this application are:

- Principle of the development
- Scale, siting and design and impact on heritage assets
- Impact on residential amenity

- Highway safety and parking provision
- Ecological implications
- Impact on trees
- Contaminated land
- Public Sewer

## 7.2 Principle of the development

- 7.2.1 Core Strategy Policy SC1 requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport and homes, workplaces, shops, schools, health centres, recreation, leisure and community facilities. Development Management DPD Policy DM20 sets out that proposals should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport. Policy DM42 lists settlements where new housing will be supported and indicates that proposals for new homes in isolated locations will not be supported unless clear benefits of development outweigh the dis-benefits. The application is not located within one of the settlements, the nearest of these being Arkholme, which is approximately 4km, to the south. The settlement of Kirkby Lonsdale, which is outside the District, contains a number of services and is located approximately 2.8km to the north.
- 7.2.2 Policy DM42 also goes on to say that proposals for housing in other rural settlements will be supported if it can be demonstrated that the development will enhance or maintain the vitality of the local community and proposals lacking a sufficient justification will be considered under the Rural Exception Sites criteria. Whittington is a small and relatively linear settlement, with development predominantly following the main roads through the village. It has a church and village hall and a public house, which is currently closed. There has previously been a more frequent bus service through the village, but currently there is only one bus service from Kirkby Lonsdale to Lancaster, via Whittington, which runs on school days. Therefore, someone living in this location would be wholly reliant on private transport. There are also currently no shops in the village, although one has been proposed as part of another housing scheme to redevelop a farm complex within the village. The site is therefore not in a location where new residential development would usually be supported as it is not considered to be sustainable.
- 7.2.3 The submission explains that the proposal will help to maintain the existing vitality of the local community through the refurbishment and reopening of the Dragon's Head, which is proposed to include a small village shop. The previous applications provided no details in relation to how the proposal would enable the public house to be reopened (for example the need for and costs of any refurbishment required that the dwellings might contribute towards). It was previously advised that it would need to be fully demonstrated through robust evidence that the level of development proposed was required to bring the public house back into use. There were also concerns that there were no assurances that the development would lead to the reopening of the pub and that it could lead to the business being less viable with the loss of the beer garden.
- 7.2.4 The current proposal includes the public house in the site boundary, in addition to an extension to the building. Some basic costings of works proposed to the public house have been provided with the submission. However, these are very general, with no breakdown of costs, and appear very high with no evidence to support the figures. It has also not been demonstrated that all these works are required to bring the public house back into use, such as the first floor extension that was not previously proposed. Furthermore no supporting documentation or reports have been provided to demonstrate the need for certain works that have been included in the costs, such as through a structural survey. In looking at what would be required for enabling development to bring the public house back into use, the local planning authority would also need to consider the purchase price of the building, and it would be expected that the condition of the building would have been taken in account in this. If the new dwellings are to be considered as enabling development, then there would be some way of securing that the money from the sale of the dwellings, or of the land with planning consent, would be used to carry out works to bring the public house into use and provide the shop proposed. This could be done through a legal agreement. However, it would need to relate to the carrying out of specific works and – potentially - a timescale that the public house needs to be operated for, and these works should directly relate to the money gained from the sale of the land or new dwellings. It may be that fewer properties are required to provide the funding needed. Unfortunately, the applicant appears unwilling to enter into a legal agreement to secure the opening of the public house. As such, it is not possible to consider this, or the creation of the shop, at present

as a firm benefit arising from this proposal, as there would be nothing preventing the dwellings being built and the public house not being opened.

- 7.2.5 The submission sets out that the applicant's expertise in the leisure industry, having owned and managed a number of cafes and licenced facilities, and illustrates that serious intention to bring the pub business back into use. A statement has also been provided from the applicant to show how he would run the public house. In addition to setting out that it is the intention to operate a bed and breakfast, this sets out that the sitting-out area would be moved to the front and that he never used the rear garden when he visited the pub many years ago. This has been shown on one of the site plans, and shows the area surfaced in permeable paving, enclosed by some planting. It is still considered that an enhanced area at the rear would benefit the business and provide an area away from the road, which would be particularly beneficial for families. However, the area at the front may be likely to be more used given its location to the west of the building.
- 7.2.6 Enabling development *could* be a strong justification for the four new dwellings. However, there is not currently sufficient evidence to support this, as set out in the previous paragraphs. Although the reopening of the public house and the creation of a small shop would clearly be beneficial, and would help enhance the vitality of the settlement, unfortunately the proposal still does not secure this. Advice has been given to the applicant, following the refusal of the previous application, but this does not appear to have been taken on board, with the exception of the submission of the brief information in relation to costs. In addition, within the pre-application advice, it was set out that the need for housing in Whittington should be justified with a robust, well evidenced local housing need assessment. The resubmission refers to the one carried out for a development which was approved in the village earlier in the year at Whittington Farm for 18 houses, although does not go into this in any detail. It is not clear that this development would meet an identified housing need, particularly in conjunction with the approved development. This decision has also been referred to by the agent. However, each application must be determined on its own merits. The approved scheme provided some very clear benefits which weighed in favour of the development. These were: the provision of a village shop and tea room within a converted barn; delivery of market and affordable housing; enhancements to the Conservation Area; utilisation of brownfield land and the provision of open space. The main justification for the current proposal, in addition to the provision of housing, is that it will allow the public house to re-open. However, there is still no guarantee that this would be secured through the current proposal, and it should be evidenced that the level of development proposed is required to finance the works proposed to be carried out. It is possible that a smaller development could provide the required finance, and this might overcome some of the other concerns and previous reasons for refusal. Given this and the above, it is not considered that the proposal currently complies with Policy DM42 of the DM DPD.
- 7.2.7 Paragraph 55 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and local authorities should avoid new isolated homes in the countryside unless there are special circumstances. These include: the essential need for a rural worker to live at or near their place of work in the countryside; where development would represent the optimal viable use of a heritage asset; where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling. Part of the proposal includes the conversion of a barn. This is an attractive building and is located within the Conservation Area. Its retention would therefore be beneficial. The current scheme has included amendments to the design, however it is still considered that some of the changes would have a detrimental impact on the character and appearance of the building. It is considered that this could be resolved through amendments which would likely result in the principle of this aspect being considered acceptable, although there are some other issues which are discussed below. It may be that the conversion of this building will provide the revenue necessary to carry out renovation works to the public house.
- 7.2.8 Paragraph 49 of the NPPF sets out that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of housing. Although this is currently the case, the Council has a very clear approach to sustainable development within rural locations. In addition, the NPPF is very clear that there are three dimensions to sustainable development which are economic, social and environmental. Although the proposal could meet the economic and social roles by allowing the public house to re-open, the submission does not demonstrate that the development is required to do this or that the money from this would be used to renovate the building and support the business. The proposal would also fail to

meet a social role by locating housing where occupiers would be wholly reliant on private transport to reach services. It could also be argued that once someone is travelling to work or taking children to school, they are more likely to use services, particularly larger shops, in these locations rather than support small facilities within the village. It is not therefore considered that a lack of a five year housing land supply justifies four new dwellings in this location, which lacks sufficient services, with occupiers wholly reliant on private transport. The justification put forward is not considered to be sufficient or robust enough to outweigh the adverse impacts.

### 7.3 Scale, siting, design and impact on heritage assets

7.3.1 Whittington Conservation Area was designated in 1981 for its retention of late-17th to 19th century vernacular buildings. The Dragon's Head Hotel is a late 19th century infill to the Whittington settlement, though it responds well to the surrounding vernacular appearance of the area. The barn, located behind The Old Post Office, is shown on the 1890 Ordnance Survey map. The submission sets out that the Dragon's Head was originally built as a dwelling for a Hutton Roof quarry owner and the barn was constructed as stables. The public house, outbuildings (proposed to be demolished) and the barn to be converted are located within the Conservation Area. The proposed dwellings are immediately on the boundary of the Conservation Area.

7.3.2 It is not considered that the demolition of the outbuilding would have a significant impact on the character and appearance of the existing building or the Conservation Area. The proposal would increase the amount of hardstanding to provide a parking area, and therefore surfacing treatments would need to be appropriate. The current application introduces an extension to the side of the public house, which will be partly above the existing single storey element, but will also project behind this away from the highway. It is considered that an extension could be accommodated on the side of the building, but the current proposal does not respect the character and appearance, in particular the proportions, of the existing building. Whilst it is proposed to be finished in stone and have a slate roof, the eaves height is very low and the windows have more of a horizontal than vertical emphasis and collectively this is likely to make the extension appear quite squat in relation to the existing building. It has also been designed with part of the roof slope continuing to a higher ridge level, resulting in an awkward split roof, part of which will be quite large and disproportionate to front wall of the extension. The public house and extension are within the Conservation Area, and will be clearly visible from the main road. Given the above, it is not considered that the extension will preserve or enhance the character and appearance of the Conservation Area and will detract from the appearance of the public house, which is considered to be a non-designated heritage asset, and is therefore considered to be contrary to both National and Local Planning Policy.

7.3.3 The scheme for the barn conversion utilises the existing openings but also proposes one additional window opening and three rooflights in the front elevation, a replacement door opening and an additional window opening in the side (east) elevation and two rooflights and two new narrow windows in the rear elevation, although there does appear to be a blocked up larger opening. The previous application introduced some amendments, retaining the sliding barn door. However, a new window is still shown behind this on the plan. The number and style of roof lights in particular adds to the domestic appearance that the scheme will introduce. It is likely that they would be required to be large in size as bedroom 3 is only served by three rooflights, and bedroom 2 is only served by one which will be at a high level. Given the poor level of light and outlook afforded to these rooms it is likely that, once occupied, there would be significant pressure for further openings that would further diminish the character of the building. The room in the roof space also has very limited full height space. The internal accommodation would be improved by removing the third bedroom and repositioning bedroom 2 and the en-suite so that the bedroom utilises the existing opening in the centre of the front elevation. This would also help to preserve the character of the building and reduce pressure for further openings. This was set out in the previous Committee report, but unfortunately no amendments have been made.

7.3.4 Overall, it is considered that the proposals would harm the character and appearance of the building, introducing overly domestic elements. However, it is considered that amendments could be made to make this acceptable, but this would involve removing one of the bedrooms and a reconfiguration of the accommodation.

7.3.5 The three new dwellings are proposed would be to the east of the site at a much lower level than the highway. Two large retaining structures are required above and below the dwellings, given the significant changes in levels. The land rises beyond the site, and the development is therefore

relatively well contained within the landscape. However, there are still significant concerns regarding the design. The front elevations lack a strong frontage, having timber lean-to porches. The windows are also square in appearance. The dwellings are proposed to be two-storey at the front and three-storey at the rear. Three projecting glazed gables are proposed on the rear elevation. It is not considered that the design of the dwellings relates well to the surrounding built heritage of the village. The location of the buildings also does not correspond well to the general linear nature of the settlement although there are some situations where there are dwellings to the rear of the main built frontage, such as the opposite development, The Maltings. Again, no amendments have been made in relation to this aspect of the scheme from the previous applications.

- 7.3.6 The layout is considered to be poor in terms of the location of parking for the public house in relation to the converted barn and the deficiencies in private amenity space. There is very little private amenity space shown in relation to the barn conversion which is considered to be unacceptable. At the side there is a very small paved area providing access to two adjacent parking spaces. At the front a small paved area is proposed but it does not appear that this would be enclosed and also lies next to parking to serve the public house, which would be 3.3m from the front wall of the building. Given its location and the character of the building, it is unlikely that a high boundary treatment to enclose this area would be considered acceptable. Following the previous refusal, options for using this building in association with the public house for manager's or visitor's accommodation were discussed with the applicant. The three detached dwellings also have relatively open front gardens, likely to be overlooked from the car park area at a higher level, but also from each garden area. The current retaining structure and wall allows overlooking from the parking area and any increase in this would be likely to impact on light and have an overbearing impact on the properties.
- 7.3.7 At the rear, the garden areas are very limited with one only having around 14 sq.m. One is much larger, but it is not clear if this is affected by the sloping land and would be overshadowed by adjacent mature trees. Drawings have been provided to show how the dwellings meet the Council's standards in relation to amenity space. However, this also includes areas that are overlooked by neighbouring properties, heavily overshadowed by trees and are parking spaces. The guidance supporting Policy DM35 sets out that new houses should look to ensure at least 50 sq.m of useable garden space which is not directly overlooked by neighbouring properties. It appears that the agent has misinterpreted the Council's policy believing it to mean privately owned rather than not overlooked. The current submission sets out that that it must be appreciated that within tight knit traditional settlements the level of amenity would be different from that on a purpose built housing estate and if potential purchasers do not like the amount of space available to them they can choose not to buy the properties. However, the NPPF stresses that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Whilst the characteristics of the site and surroundings have been taken into account, what is proposed by this scheme is particularly poor and could be significantly improved, although it may require a reduction in the numbers of dwellings. Overall it is not considered that the scheme provides an acceptable level of private amenity space, and amenity in general, for future occupiers and is a poor aspect of the overall layout and design the scheme.
- 7.3.8 The Lancashire Archaeological Advisory Service has advised that the Historic Environment Record shows a potential Roman Road line crossing the site. This is the northern end of a road from Lancaster that is only seen fleetingly along the north side of the Lune valley and is thought to be heading to a junction with the Roman road leading from the fort at Over Burrow northeast towards the fort at Watercrock near Kendal. The first part of the Over Burrow – Watercrock route is reasonably certain, and is thought to pass approximately 200m to the north of the development site. The route of the road from Lancaster, however, is poorly understood and there is only a low probability of remains being encountered on the development site. It has been advised that this low probability means that it is not considered that any formal archaeological intervention is justified.
- 7.4 Impact on residential amenity
- 7.4.1 The three dwellings at the rear of the site have the main windows in the front and rear walls, with none serving habitable room windows in the side wall. The adjacent residential development fronts the highway, but they appear to have long rear gardens extending at least until the eastern end of the application site. Given the siting and design, it is not considered that this part of the proposal will have a detrimental impact on residential amenity.
- 7.4.2 The barn shares boundaries with adjacent residential properties. There are no windows proposed to



the west elevation, facing the rear of properties fronting onto the highway. There are three facing the garden of a neighbouring property, in the south elevation, one of which appears to be existing, with one previously infilled. However, these could be fitted with obscure glazing which would prevent overlooking. This was shown on the plans for one of the previous applications, but has not been indicated on the current plans. There are concerns that the higher level roof light at the rear would result in overlooking to the rear gardens of the adjacent properties as the bottom of this would be 1.5m above the floor level. If repositioned slightly higher and installed as a fixed light then it may overcome these concerns.

## 7.5 Highway safety and parking provision

- 7.5.1 County Highways previously advised that the proposal will increase traffic movements at the site access during the peak hours and the current layout offers a substandard visibility to the left (south) on exit. A response has not yet been received in relation to the current proposal. However, it does not appear that any significant changes have been made to overcome the previous concerns. The submitted documents on the last and current application put forward various scenarios to improve visibility if the speed limit is reduced to 20mph and the carriageway narrowed to bring forward the give way line. In respect of the former, the Highways Authority previously confirmed that there is no intention to introduce a 20 mph speed limit in Whittington as it is unlikely that the relevant criteria will be met. The other option was to bring forward the give-way line by marking an edge of carriageway line along the frontage of the site. Notwithstanding the fact that the narrowing would need to be kerbed along the length, this approach would not be acceptable as it would introduce a reduced carriageway width in a village setting on a bend and opposite an existing junction (The Maltings).
- 7.5.2 The submission refers to the historic use of the land to the rear of the pub for camping and caravans but there is no evidence provided to substantiate this or provide an indication of the level of traffic generation associated with this usage. From carrying out research, there is no planning consent relating to these uses, though it appears that the site may have been a Caravan Club exemption site for five vans. The inclusion of family housing would increase movements to and from the site in the peak periods raising concerns regarding the poor visibility at the site entrance. The agent has set out that the applicant has the agreement of his neighbour to the south to reduce the boundary height. This comprises a low stone wall and a hedge. Even if a Grampian condition was added to ensure this was reduced before work started, a condition requiring it to be maintained at a height of no more than 1 metre would be unenforceable as it is outside the control of the applicant.
- 7.5.3 In respect of the internal parking layout, the parking spaces reserved for the occupiers of the barn conversion are not considered to be fully accessible. They do not have sufficient space to reverse into or out of the spaces without utilising the adjacent pub parking spaces. In the event of these spaces being occupied then the scenario would be vehicles reversing out onto the highway which would not be acceptable. In response to this, a vehicle manoeuvring plan was provided to show that vehicles can enter the highway in a forward gear, although it does appear very convoluted. The position of the access to the parking serving the three new dwellings and its width, appears to be restricted with the likelihood of conflicts between vehicles and also between vehicles and pedestrians.
- 7.5.4 On this basis, the Highways Authority previously recommended that the application be refused on the grounds that the development has not demonstrated that it will benefit from a safe access point onto the public highway, and that the development will result in an increase in peak hour traffic movements.

## 7.6 Ecological Impacts

- 7.6.1 A bat, barn owl and nesting bird survey has been submitted with the application and was carried out in November 2014. This has focussed on the public house and barn to be converted. There was no past or current evidence of bats roosting found at the site during the survey. The report sets out that the buildings are unlikely to be used by significant numbers of bats for roosting. It is highly unlikely the buildings are essential for species survival and precautionary mitigation is considered to be appropriate. Barn owls are currently considered to be absent and there was no indication of current use of the site by nesting birds. It is not therefore considered that the proposals will have a detrimental impact on bats, barn owls or nesting birds, subject to appropriate precautionary mitigation.

## 7.7 Impact on Trees

- 7.7.1 An Arboriculture Implications Assessment (AIA) has been submitted. A total of 7 individual trees and 6 groups have been identified in relation to the proposed development. Species include sycamore, cypress, ash, willow, birch, hawthorn, damson, and elder. The majority of trees are confined to boundary lines, many of which occupy offsite locations. Trees within and around the site provide a significant element of greening and site screening. In addition, they are a significant resource for wildlife including the potential to provide habitat and foraging opportunities for protected species. It is proposed that an early-mature sycamore (subject to confirmation of ownership) and a semi-mature willow are both removed in order to accommodate the proposed development. All other trees are to be retained. There are currently no proposals to remove any other existing trees. However, measures will be required to ensure trees are protected during the proposed development, demolition and construction phases.
- 7.7.2 The proposals currently encroach into the root protection areas and canopy areas of trees to the northern boundary and also to the south of the site. However, to the north this potential impact is lessened by the presence of pre-existing built up levels. Encroachment issues are further lessened with the use of Cellwebb, and hand dig construction methods which are satisfactory. Similarly, a short section of hard standing exists to the southern side of the site. It is considered that this access road will have constrained rooting from the adjacent trees. A “no dig” approach is proposed for the construction of the occasional visitor car parking area and a Geocell system is proposed which would minimise the potential impact upon tree roots. There is no scope for an alteration in ground level within identified root protection areas.
- 7.7.3 There is, however, likely to be an ongoing conflict with overhanging branches from the neighbouring site trees. It should be noted that future occupiers of the proposed new dwellings would have Common Law Rights to prune back any overhanging branches back to the boundary line. This could result in an adverse impact on the natural shape and balance of trees and result in a loss of amenity and wildlife benefit. As such, the trees have been assessed for their suitability for inclusion within a Tree Preservation Order. It is the intention to protect a linear group of trees comprised of 6 ash trees to the northern boundary and a single sycamore tree to the southern boundary with a Tree Preservation Order. In effect the order prohibits the lopping, topping, felling, uprooting, pruning or otherwise damage to any such tree without the written authorisation of the local authority. However, it is still considered that any potential future conflict could be lessened by increasing the distance between the proposed dwellings and boundary trees.

## 7.8 Contaminated land

- 7.8.1 The Contaminated Land Officer previously requested a preliminary risk assessment and further investigation and remediation if necessary. This is appropriate and can be controlled by condition.

## 7.9 Public Sewer

- 7.9.1 United Utilities has previously outlined that a sewer crosses the site and an easement of 3 metres would be required either side of this. This appears to have been incorporated into the layout.

## 8.0 Planning Obligations

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

## 9.0 Conclusions

- 9.1 The site is located within a location which is considered to be unsustainable. Although the re-opening of the public house, and inclusion of a small shop, would help to maintain the vitality of the settlement, this is not actually provided through the proposal. There is no certainty that the scheme will result in this and if granted there are currently no assurances, for example through a legal agreement, that appropriate works would be carried out and the pub reopened. In addition, no robust evidence has been provided to demonstrate that the development is required to bring the public house back into use and there has been no detailed justification put forward as to how the proposal would provide for local housing needs. Part of the scheme does propose the conversion of a traditional building, but it is not considered that it would improve the setting of the building. In fact it would likely result in harm to the non-designated heritage asset and potentially the Conservation

Area. These concerns also relate to the extension proposed to the public house. It is not therefore considered that the benefits of the proposal outweigh the harm. It is noted that a recent scheme for residential units has been granted in Whittington. However, this proposed to replace agricultural buildings and there were other clear benefits of the scheme which outweighed the unsustainable location. In addition to the above, it is not considered that the proposal provides a safe means of access or delivers high quality design, including appropriate amenity for future occupiers of the dwellings.

- 9.2 Notwithstanding the need to significantly boost the supply of housing (as defined by the NPPF, Section 6, Para 47 in particular), and the fact that housing applications should be considered in the context of the presumption in favour of sustainable development (Para 49), for the reasons set out above it is not considered that the proposal represents sustainable development and the benefits do not outweigh the harm.

### **Recommendation**

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

1. The site is located within a small rural settlement with very limited services and as such is not considered to be sustainable in terms of its location. It is not considered that a sufficient and robust justification has been put forward to justify four new dwellings in this unsustainable location. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Sections 6 and 8, Policy SC1 of Lancaster District Core Strategy and Policies DM20, DM42 and DM49 of the Development Management Development Plan Document.
2. The proposed alterations to the barn do not respect the character and appearance of the building and would result in an overly domestic appearance. The design and layout of the new dwellings does not relate well to the surrounding built heritage and fails to provide an appropriate level of private amenity space, including in relation to the barn conversion, and the extension to the public house is not in keeping with the character and appearance of the existing building and is not considered to preserve or enhance the special characteristics of the Conservation Area. It is therefore considered that the proposal does not represent good design and is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles, Section 7, and Section 12, and policies DM8, DM31, DM32, DM33, DM35 and DM42 of the Development Management Development Plan Document.
3. As a result of increased traffic movements and poor visibility at the site's entrance, the application has failed to demonstrate that it will benefit from a safe access point onto the public highway. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular Section 4, and policies DM20 of the Development Management Development Plan Document.

### **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 taken 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 of the application, the resulting proposal is unacceptable for the reasons prescribed in this report.

### **Background Papers**

None