

Agenda Item A6	Committee Date 7 January 2019	Application Number 18/01224/VCN
Application Site Whittington Farm Main Street Whittington Carnforth	Proposal Outline application for the erection of 18 dwellings with associated access and change of use of barn to a mixed use comprising a dwelling (C3) and a shop/tearoom (A1/A3) and Relevant Demolition of the existing agricultural buildings (pursuant to the variation of conditions 2 and 13 on planning permission 16/00397/OUT to alter the site layout and remove the play area)	
Name of Applicant John Simm	Name of Agent	
Decision Target Date 23 January 2019	Reason For Delay Not applicable	
Case Officer	Mr Mark Potts	
Departure	Yes	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 The application site relates to a 0.9 hectare parcel of land currently used as a working dairy farm consisting of an array of agricultural buildings, slurry pits and silos. The majority of the site is surfaced in tarmac and concrete. The proposed development is centrally located within the village of Whittington and is approximately 2.5km from Kirkby Lonsdale town centre.
- 1.2 The neighbouring uses comprise of residential to the north, west and south with open countryside being located to the east. The majority of these properties are traditional in appearance, and consist of detached, terraced and semi-detached properties. The site is relatively level at approximately 45 metres Above Ordnance Datum (AOD), though there is a significant fall to the south which is outside the application boundary.
- 1.3 The proposed development is located within the Whittington Conservation Area, and a Grade II listed building is located adjacent to the site (Wayside) and Whittington Farmhouse and Barn. There is a Public Right of Way (Footpath 6) that runs the length of the north east boundary of the site. The site is allocated under the adopted Local Plan as "Open Countryside".

2.0 The Proposal

- 2.1 Outline planning consent (which approved matters of scale, layout, appearance and access) was granted in September 2016. The new build element of the scheme consisted of the erection of four-2 bedroom houses, eleven 3-bedroom houses and four 4-bedroom houses. The approved units consist of terraced, semi-detached and detached properties. In terms of the conversion element, this was for a barn conversion to form a shop/café together with a 3 bedroom semi-detached property. The proposed dwellings were all two storeys in height and would be finished in natural stone under slate roofs with painted timber windows and doors. The consented scheme provided for open space and also an equipped play area, together with amendments to the access.

- 2.2 This planning application proposes the erection of 18 residential dwellings and the applicant is proposing 8 different house types and also the conversion of the existing barn to a residential dwelling (the four bedroom barn). The shop/café element remains consistent with the approved scheme.

The scheme proposes the following breakdown of dwelling sizes;

- Two – 2 bedroom semi-detached dwellings;
- Eight – 3 bedroom semi-detached dwellings;
- One – 3 bedroom detached dwelling;
- Seven – 4 bedroom detached dwellings;
- One – 4 bedroom barn.

The mix of materials includes stone, render, slate and windows are now proposed to timber.

3.0 Site History

- 3.1 The most relevant planning history is the outline planning consent associated with the scheme as noted below.

Application Number	Proposal	Decision
16/00399/LB	Listed building application for internal and external alterations to facilitate the change of use of barn to a mixed use comprising of a dwelling and shop/tearoom and removal of the site entrance walls	Granted
16/00397/OUT	Outline application for the erection of 18 dwellings with associated access and change of use of barn to a mixed use comprising a dwelling (C3) and a shop/tearoom (A1/A3) and Relevant Demolition of the existing agricultural buildings	Granted

4.0 Consultation Responses

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

Consultee	Response
Conservation Officer	Cannot support the scheme as it would harm the significance of the surrounding heritage assets and erode the architectural and historic interest of the Conservation Area, and the harm has not been mitigated by a well-designed scheme with appropriate and sympathetic layout or palette of materials.
Historic England	No observations to make on the planning application.
County Highways	Raise some concerns with respect to the following; <ul style="list-style-type: none"> • Swept path analysis should be submitted to show that a refuse vehicle can enter, turn within the turning heads and exit in forward gear; • All the internal footways have been omitted and replaced in part with service verges. This is a particular concern between the shop and the public open space which is bounded by a stone wall and exits onto the carriageway with no visibility for small children; • The driveways of plots 5 and 15-18 project over the service strips. The driveways should be long enough to allow the vehicles to sit behind the service strip. The driveways should be at the very minimum 4.8m long and where there is a garage they should be lengthened to 6m unless there is a roller shutter and then 5.5m is acceptable. The service strip should be provided in addition to the driveway length; • The boundary wall of Plot 19 lies within the service strip.
Public Realm Officer	No observations received within the statutory timescales.

Whittington Parish Council	Support the proposal and no objections to the scheme.
Greater Manchester Ecology Unit	No observations received within the statutory timescales.
Lancashire Police	No observations to make on the planning application.
Lead Local Flood Authority	No observations received within the statutory timescales.
Tree Officer	Raise concerns as to whether the off-site tree (T3) is proposed to be removed or stay.
Fire Service	No objection to make on the planning application.
Lancashire Archaeological Advisory Service	No objection. Recommends a planning condition associated with a programme of building recording and analysis is undertaken.
Contaminated Land Officer	No objections. Recommends the imposition of a condition associated with unforeseen contamination.
Ramblers Association	No observations to make

5.0 Neighbour Representations

5.1 There have been 2 letters of objection received raising:

- The loss of the play area is a concern, given this is something the village is deprived of;
- Concerns over the loss of amenity to existing dwellings, primarily to those on Crosslands.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (Paragraph 11). The following sections of the NPPF are relevant to the determination of this proposal.

Section 4 – Decision making;

Section 5 – Delivering a sufficient supply of homes;

Section 8 – Promoting healthy and safe communities;

Section 9 – Promoting sustainable transport;

Section 12 – Achieving well designed places;

Section 15 – Conserving and enhancing the natural environment;

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:

- The Strategic Policies and Land Allocations DPD; and,
- 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 spring 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council later in 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 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
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM30 – Development affecting Listed buildings
DM31 – Development Affecting Conservation Areas
DM32 – The Setting of Designated Heritage Assets
DM33 – Development affecting Non-designated heritage assets
DM34 – Archaeology and Scheduled Monuments
DM35 – Key Design Principles
DM38 – Development and Flood Risk
DM39 – Surface Water Run-off and Sustainable Drainage
DM41 – New Residential dwellings
DM42 – Managing Rural Housing Growth
DM48 – Community Infrastructure

6.4 Lancaster Core Strategy (2008)

SC1 – Sustainable Development
SC4 – Meeting the District's Housing Requirements
SC5 – Design

6.5 Lancaster Local Plan

Policy E4 – Open Countryside

6.6 Other Material Considerations

- National Planning Practice Guidance;
- Meeting Housing Needs Supplementary Planning Document;
- Lancaster City Council 2015 Housing Land Supply Statement.

7.0 Comment and Analysis

This application to vary conditions associated with the extant consent requires the following matters to be considered:

- Principle of Development;
- Layout and Scale Considerations;
- Heritage;
- Amenity Consideration;
- Highways;
- Drainage Matters;
- Open Space (including equipped play equipment);
- Natural Environment.

7.1 Principle of Development

- 7.1.1 Outline planning permission was granted in 2016 (16/00397/OUT) for the erection of 18 dwellings, including the change of use of a barn to a dwelling and also the provision of a shop/tearoom. The development is within the Whittington Conservation Area, and therefore as part of the outline consent, the applicant applied for matters of scale, appearance, layout and access. The original scheme was deemed a departure from the Development Plan on the basis that Whittington was not an identified village for a development of the size proposed. Officers recommended support for the scheme on the basis of the high quality house types proposed and overall high quality design, the provision of much needed public open space in the village and the contribution of a shop/café. Whilst Officers had reservations regarding the location based on sustainability concerns, on balance it was considered that the development was complementary to the Conservation Area, and also secondly the social and economic benefits of the scheme allowed Officers to recommend support; a conclusion that was also reached by Planning Committee Members. This application is made under Section 73 of the Town and Country Planning Act that seeks to amend the layout, house types and also remove the equipped play area that was included as part of the scheme.
- 7.1.2 The applicant asserts that the property has been marketed from some time through two local estate agents without success (on the basis of the existing planning consent). Due to this, a revised viable alternative is proposed so that the affordable dwellings can be realised within the village. Officers do understand that the site has been marketed for a period of time, but this may well be associated with the land value associated with the site.
- 7.2 Layout and Design
- 7.2.1 The applicant proposes a layout that in many ways is not dissimilar to that approved, though it is more rigid, uniform and goes against the predominately fortuitous fine grain to which Whittington is characterised by, and would create a harsh contrast with the surrounding townscape qualities and built form. Officers considered as part of the extant scheme that the sinuous nature of the road layout, and organic form of development worked well. The applicant did enter into pre-application discussions before this application was submitted, when it was advocated to the applicant that a layout akin to that approved would be required to allow Officers to recommend support for the scheme. Unfortunately the pre-application advice provided has not been adhered to. The angle to which Plots 1-4, for example, are positioned at fail to relate to the surrounding plan form and layout of historic buildings.
- 7.2.2 Whilst layout is a concern, Officers have a greater concern regarding the proposed house types. Whilst the applicant is a small locally based developer, the house types feel suburban and in Officers' opinion do not seek to preserve, or enhance the appearance of the Conservation Area. The variations in roof pitch across the houses seem to create an incoherent design and would negatively impact on the setting of the area. Officers are keen to support different house types, but none of the house types proposed work in the context of a Conservation Area and unfortunately feel like a throwback to a 1980s housing scheme. The applicant has retained the use of the house types but has made some positive amendments, albeit these were received the day before the report deadline. This adds some chimneys to properties (albeit on some units these appear overly dominant) and increases the use of stone. The amended plans have been shared with the Conservation Officer for comment, and Members will be verbally updated. The case officer feels whilst this is an improvement and it does go some way to addressing the concerns, though the house types still remain the same as originally submitted.
- 7.2.3 With respect to the scale, massing and heights of the houses there is general agreement that the proposed dwellings (from a scale perspective only) are appropriate. The materials were originally predominately white render and given the location of the development within the Conservation Area and the immediate setting of two Grade II listed buildings the use of stone akin to the consented scheme should have been used. The applicant has now amended the proposal to cater for this. The windows were initially proposed as white uPVC this element has now been amended to be timber windows. The applicant also proposed to utilise close boarded fencing as a means of enclosure for the domestic curtilage of the properties, but given the location of the development this is considered unacceptable to Officers, and this has now been amended to beech hedgerows.
- 7.2.4 The applicant has referred to the site at Arkholme for which Members approved Reserved Matters consent for 16 residential dwellings at Planning Committee in December 2018 (18/00645/REM). The applicant considers the house types proposed are akin to those approved on the Arkholme scheme. However, there are significant differences, insofar as the scheme in Whittington is wholly

included within the Conservation Area whereas the scheme in Arkholme was only partially, and the Arkholme house types respect the architectural vernacular of Arkholme whereas in Officers' opinion this application fails to respect the character of Whittington Conservation Area. Whilst the Parish Council is in full support of the planning application it is considered that the associated impacts on the Conservation Area are such that Officers feel that the house types proposed are unacceptable. Overall Officers feel that the proposed development would likely appear as a generic suburban housing estate within the Conservation Area and Officers do not consider the scheme would create a distinct character area or a scheme that respects the Conservation Area. The scheme simply does not represent good design. Whilst it is accepted that there has been historically an undersupply of housing within the District, this does not override the need for high quality design (given the location of the development within a Conservation Area).

7.3 Heritage Impacts

- 7.3.1 As already highlighted, the scheme is located within the Whittington Conservation Area. Wayside and Whittington Farm House are both Grade II Listed buildings and lie either side of the site entrance. It is fair to suggest that the two Grade II Listed buildings form a frame into the site. Officers worked with the applicant's agent on the extant scheme to arrive at a design and layout which was considered to enhance the Conservation Area. The applicant's proposal introduces quite suburban house types within the Conservation Area, and it is considered that the proposed amendments would erode the architectural interest of the Conservation Area and this would be contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy DM31 of the Development Management DPD. Furthermore, it is considered that the amended scheme would lead to a level of harm to the Whittington Conservation Area and also the setting of the two Listed buildings and non-designated heritage assets, albeit less than substantial harm. In Officers' opinion the public benefit associated with the redevelopment of the site does not outweigh the harm caused.
- 7.3.2 The development would fail to enhance, or preserve the Conservation Area's significance and no viability assessment has been submitted in support of the scheme to demonstrate that to redevelop the site, the scheme proposed is the only viable option. With respect to the impact on the two Grade II Listed buildings that essentially frame the view of the site, it is considered that the scheme would contrast and detract from the architectural quality of the two Listed structures and would be contrary to Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and Policy DM32 of the Development Management DPD.

7.4 Amenity Considerations

- 7.4.1 Whilst concern has been raised with respect to loss of privacy for off-site dwellings, namely for those residents on Crosslands separation distances are in excess of the 21 metres between windows. Internally within the scheme, the separation distances between dwelling houses do feel in some places quite close. The layout does appear overly intensive in the south western corner, but for the remainder of the site it is considered that amenity would not be compromised.
- 7.4.2 Access is afforded to the Public Right of Way that runs to the north east of the site and the applicant proposes this to be a 2 metre wide footway bound by hedgerow which would connect to the Public Right of Way (Footpath no 6) via a stile gate. The connection is a positive element, and welcomed by Officers. Boundary treatments were exclusively close boarded fencing but have since been amended to stone walls and hedgerow. Should there be viability concerns in bringing a scheme forward this cannot, and should not, be at the expense of the design of the development.

7.5 Highways

- 7.5.1 The application in essence seeks to provide a new access into the site and would utilise an access akin to that approved as part of the 2017 consent. Compared to the consented scheme the internal access has a much straighter alignment. Some concerns have been raised by County Highways, such that swept path analysis is required to show that a refuse vehicle can enter and turn within the turning heads and exit in a forward gear, and concern that internal footways have been omitted and replaced in part with service verges. There are some concerns regarding plot 5, and plots 15-18 over the service strips, and there are some concerns that the boundary wall of plot 19 falls within the service strip. The applicant has amended the proposal in line with the comments from County Highways and comments from the highway consultee are awaited. Notwithstanding the concerns

raised by County Highways, officers consider that the matters raised can be addressed by the applicant.

7.6 Drainage Matters

- 7.6.1 The application proposal has a roof area of circa 2,250 sq. m. and non-permeable roads in the region of 1,150 sq. m. It is proposed to drain the site via the use of soakaways and this follows on from the concept that was considered as appropriate as part of the outline planning consent (whereby the authority insisted that site investigation works were undertaken). The observations of the Lead Local Flood Authority (LLFA) are still to be provided. In terms of foul water, United Utilities require that the foul water for the site be gravity fed into the main sewer in the highway via a new 150mm pipe and not the existing 100mm sewer already serving the site. The applicant therefore proposes a new 150mm sewer be brought across the site to serve the site. The rationale for increasing to a 150mm pipe is that a 100mm pipe could cause foul water flooding within the site; something all parties would wish not to occur.

7.7 Open Space (including equipped play areas)

- 7.7.1 One of the key benefits of the scheme previously was the inclusion of an equipped play area. It should be emphasised that there was no policy requirement for the play area, and whilst Officers felt last time it was a little cramped, it was an element of the scheme that was afforded significant weight. Officers worked with the applicant on the consented scheme given there was no provision locally for equipped open space. The loss of the equipped open space is a significant weakness of the scheme.
- 7.7.2 The applicant has stated that the play area would require the Estate Management Company to take on the ongoing running and maintenance. The applicant considers it would not be reasonable or fair on the purchasers of the new properties to have to fund the management of the equipped play area. Whilst there is some merit in the applicant's ascertains, it is now quite standard practice for non-adopted infrastructure such as roads, drainage and open space to be funded via a management charge. Whilst they have liaised with the Parish Council as to whether they would take on the liability associated with this, it is still unclear as to whether a commuted sum could be provided to the Parish Council. Open space is still proposed in quite a central location, plus around the site entrance also. The loss of the equipped play area is a significant weakness of the scheme, but overall complies with the level of provision of open space that would be required of a development of this size.
- 7.7.3 Given there is no policy position that warrants the inclusion of equipped play area, there is no deviation from the adopted policy position on this. Open space has been provided on site, in quite a central location with an area of circa 300sq.m, together with smaller areas of open space being provided along the entrance into the site which could be informally used for seating areas. Overall the quantum of open space provided is appropriate. Nevertheless, the loss of the equipped play area remains a significant weakness of the scheme, given the environmental and social benefits that would arise from it.

7.8 Natural Environment

- 7.8.1 The Tree Officer has raised some concerns that there was a lack of information submitted in support of the application showing the impact of the development on the siting of trees and hedgerows. Whilst no information was submitted in support of the scheme, information was shared with the Local Planning Authority under the discharge of condition application (18/00137/DIS). Comments are awaited in this regard from the Tree Officer, but the case officer has a slight concern that in one of the submitted plans provided by the applicant it suggests that T3 may be removed to facilitate the development whereas the approved AIA suggests the converse. As part of the outline planning consent there was a requirement for an additional bat survey to be undertaken if works were delayed on the site beyond 2017. An amended bat survey was submitted in September 2018 and it was concluded that given it was undertaken at an appropriate time of year there was no reason to doubt the findings of the assessment by Greater Manchester Ecology Unit and therefore there was no objection.

7.9 Other Matters

- 7.9.1 A contaminated land assessment was submitted to the Council in support of the discharge of conditions application, and this has been reviewed by the contaminated land officer who in turn considers that some further investigative works will be required. Therefore it is considered necessary and appropriate to impose a planning condition which serves to deal with unexpected land contamination.

8.0 Planning Obligations

- 8.1 A Section 106 agreement is associated with the extant consent and the provisions of this agreement will still apply. The applicant has committed to providing the same quantum of affordable housing as per the outline planning consent.

9.0 Conclusions

- 9.1 The original scheme was a departure from the local plan, but Officers felt that they could offer support for it based on high quality design, provision of much needed affordable homes, provision of open space, and the provision of the shop and tea rooms. The amendments to the scheme are such that in Officers' opinion the quality of the house types and associated materials have been diminished significantly. Officers welcome the re-development of the site as it is accepted that the scale, materials and dilapidated condition of the modern buildings mean that they detract from the character of the Conservation Area. However, the proposed scheme should make a positive contribution to the character of the Conservation Area and improve the setting of the surrounding buildings, of which it is considered that the application fails to do and therefore it is recommended that the scheme be refused.

Recommendation

That this Section 73 planning application **BE REFUSED** for the following reasons:

1. The development by virtue of the layout and house types are considered to significantly erode the architectural interest of the Whittington Conservation Area, and would contrast and detract from the architectural character of the two Listed buildings that frame the site. It is considered that the proposal does not respect the character of the Whittington Conservation Area with respect to the design and would lead to a level of harm on the visual amenity and wider setting of the Conservation Area. The scheme fails to accord to Policy DM31 and DM32 of the Development Management DPD.
2. The layout and house types do not positively respond to the identity and character of the area by virtue of poor quality design, lack of regard to local distinctiveness and layout. On balance it is considered that the scheme does not accord with Policy DM35 of the Development Management Development Plan Document and Paragraph 130 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 reasons for refusal.

Background Papers

None