

Agenda Item A15	Committee Date 3 June 2019	Application Number 19/00245/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 Mr John Simm	Name of Agent	
Decision Target Date 12 June 2019	Reason For Delay Not applicable	
Case Officer	Mr Mark Potts	
Departure	Yes	
Summary of Recommendation	Approval	

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 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. A Grade II listed building is located within the site (Wayside), with the Listed Whittington Farmhouse and Barn falling just beyond the site's southern boundary. 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 7 different house types and also the conversion of the existing barn to a residential dwelling (the three 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 and detached dwellings;
- Eight – 4 bedroom detached dwellings;
- One – 3 bedroom barn.

The mix of materials includes stone, render, slate and windows to be timber/uPVC. Boundary treatments are proposed to be beech hedgerows.

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
19/00406/REM	Reserved matters application (consisting of landscaping only) for the demolition of existing buildings, erection of 18 dwellings, change of use of barn to a mixed use comprising a dwelling (C3) and a shop/tearoom (A1/A3) and associated landscaping.	Pending Consideration
18/01224/VCN	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)	Refused
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	No Objection to the amendments.
Historic England	No Observations received within the statutory timescales
County Highways	No objection on the understanding that the footway along the frontage of plot 19 is upgraded to 1.8m.
Public Realm	No Observations received within the statutory timescales

Whittington Parish Council	No Observations received within the statutory timescales
Lancashire Police	No Observations received within the statutory timescales
Lead Local Flood Authority	No Observations received within the statutory timescales
Tree Officer	No Objection
Fire Service	No Observations received within the statutory timescales
Lancashire County Specialist Advisory Services	No Observations received within the statutory timescales
Ramblers Association	No Observations received within the statutory timescales
Contaminated Land Officer	No Observations received within the statutory timescales
Greater Manchester Ecology Unit	No Objection

5.0 Neighbour Representations

5.1 There has been **two letters** of objection received based on the below;

- Concerns over the loss of amenity to existing dwellings, primarily those on Crosslands;
- The landowner has raised some concerns associated with whether the correct certificates have been served.

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. 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

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

- (i) The Strategic Policies and Land Allocations DPD; and,
- (ii) (A Review of) The Development Management DPD

The Examination Hearing Sessions commenced on 9 April 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.

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.

Given the current stage of both DPDs, it is considered that significant weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

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 2018 Strategic Housing Land Availability Assessment 2018.

7.0 Comment and Analysis

7.1 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 high quality layout and landscaping, 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 the Planning Committee. 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 farm 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. Notwithstanding this, it is for Councillors to determine whether the amended scheme which consists of layout and design changes, is acceptable or not.

7.2 Layout, Design and Heritage Impacts

7.2.1 A similar application was refused by the Local Planning Authority in January 2019, namely as a result of the proposed house types, which in the opinion of Officers could have been substantially improved on. The applicant has worked proactively with Officers on changes to the house types and in the opinion of Officers this has been beneficial to the overall design. It is the case that the layout remains relatively unchanged from the refused application but there have been a number of alterations to the design of the properties to break up the massing such as with the Coniston house type. That said, it is difficult to avoid a layout which will create a suburban development within a cul-de-sac arrangement, which will cause a degree of harm to the significance and character of the Conservation Area.

7.2.2 Officers are pleased to note that the house types have been significantly amended, particularly with alterations to the roofscapes, which will better reflect the surrounding built heritage. The changes to the Sandown, Coniston and Huntington house types now have more synergies with the local architectural styles. During the course of the determination period there have been some amendments to the roof pitch of the double garage to better reflect the pitch of the houses that it will be situated within the grounds of the Sunningdale and Huntington house types.

7.2.3 Previously there was some concern regarding materials, and via pre-application discussions more stone facing within the development would be used which will be an improvement as it will assist in respecting the built heritage that surrounds the site such as non-designated heritage assets and listed buildings. The change is most notable on the gateway into the site (the Coniston house type). There is still a little confusion concerning the extent of stone facing, and the applicant has been asked to narrate a plan detailing which elevations will be in stone. The applicant has suggested either painted wood, or uPVC windows. However, given the location of the site, timber windows are required and can be conditioned as such. Boundary details on the whole are acceptable, though the rear boundary to the barn should be amended to either stone or natural green screening, but this can be secured by planning condition.

7.2.4 Officers consider that the amended application would enhance the Conservation Area's significance. With respect to the impact on the two Grade II Listed buildings that essentially frame the view of the site, the amendments that have been made go some way to mitigate the impact although some harm would occur. It is considered the development adheres to Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies DM31 and DM32 of the Development Management DPD, and whilst there is harm this is considered to be less than substantial.

7.3 Amenity Considerations

7.3.1 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. Whilst it is quite dense, it is not considered overly so that it would warrant an objection, and there are parts of the village which adopt similar characteristics.

7.3.2 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.

7.4 Highways

7.4.1 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 were previously 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 are awaited from the Highway Authority in this regard.

7.5 Drainage Matters

7.5.1 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 to ensure the site could be drained given the layout being applied for). The observations of the Lead Local Flood Authority (LLFA) were provided previously who raised no objection to the development. 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 development. 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.

7.6 Open Space

7.6.1 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, and this remains the same today. The loss of the equipped open space is a significant weakness of the scheme.

7.6.2 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. From experience on the proposal in 2016, even if there was desire for the Parish to provide such a facility it was hampered by no land to do so. This was a view expressed verbally by the Public Realm Development Manager. Open space is still proposed in quite a central location, as well as around the site entrance. 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.

7.6.3 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.

7.7 Natural Environment

7.7.1 The trees that should be removed to facilitate the development should only be T1, T2 and T5 with the retention and protection of T3, T4, G1 and H1-H3. This will be clarified with the applicant and Councillors updated verbally but this was in line with the approved outline planning consent from 2016. 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. Greater Manchester Ecology Unit raises no objection to the application.

7.8 Other Matters

7.8.1 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.

7.8.2 Concern has been expressed by the land owner that the required notice had not been served by the applicant. Assurance has been provided on this matter and it is clear that the applicant is aware of the planning application.

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 and this continues to be welcomed in meeting the needs of this rural parish and critically adding to the vitality of the village. All other obligations such as the provision of tea room and shop remain as per the extant agreement.

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. 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 has to make a positive contribution to the character of the Conservation Area and improve the setting of the surrounding buildings. The applicant has undertaken a number of design changes to the dwelling types which now leads Officers to be able to offer support for the scheme, albeit Officers prefer the original scheme.

Recommendation

That this Section 73 planning application **BE GRANTED** subject to the following conditions:

1. Timescales (reserved matters to be submitted no later than 1 September 2019);
2. Approved plans;
3. Programme of archaeological recording;
4. Construction Method Statement;
5. Tree protection measures and Arboricultural Method Statement;
6. Contaminated land assessment;
7. Access details;
8. Surface water drainage scheme;
9. Management of surface water;
10. Foul water disposal;

11. Building materials;
12. Open space management and maintain;
13. Offsite highway improvements;
14. Development in accordance with Arboricultural Implications Assessment;
15. Car parking implementation;
16. Hours of construction;
17. Shop and café hours;
18. Shop/café restrictions;
19. Removal of Permitted Development rights;
20. Garage use restriction;
21. Bat roost potential;
22. Visibility splays

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.