



Committee: PLANNING REGULATORY COMMITTEE

Date: MONDAY, 29 APRIL 2024

Venue: MORECAMBE TOWN HALL

Time: 10.30 A.M.

A G E N D A

Officers have prepared a report for each of the planning or related applications listed on this Agenda. Copies of all application literature and any representations received are available for viewing at the City Council's Public Access website <http://www.lancaster.gov.uk/publicaccess> by searching for the relevant applicant number.

1 Apologies for Absence

2 Minutes

To receive as a correct record the Minutes of meeting held on 25th March 2024 (previously circulated).

3 Items of Urgent Business authorised by the Chair

4 Declarations of Interest

To receive declarations by Councillors of interests in respect of items on this Agenda.

Councillors are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Councillors should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Councillors are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

Planning Applications for Decision

Community Safety Implications

In preparing the reports for this agenda, regard has been paid to the implications of the proposed developments on community safety issues. Where it is considered that the proposed development has particular implications for community safety, the issue is fully considered within the main body of the individual planning application report. The weight

attributed to this is a matter for the decision-taker.

Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to local finance considerations when determining planning applications. Local finance considerations are defined as a grant or other financial assistance that has been provided; will be provided; or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has, will or could receive in payment of the Community Infrastructure Levy. Whether a local finance consideration is material to the planning decision will depend upon whether it could help to make development acceptable in planning terms, and where necessary these issues are fully considered within the main body of the individual planning application report. The weight attributed to this is a matter for the decision-taker.

Human Rights Act

Planning application recommendations have been reached after consideration of The Human Rights Act. Unless otherwise explicitly stated in the report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

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|----------|--|--|---------------------------------------|----------------------------|
| 5 | A5 23/01408/VCN | Whittington Farm Main Street
Whittington Carnforth | Upper Lune
Valley
Ward | (Pages 4 -
14) |
| | | 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 condition 2 on 16/00397/OUT to amend the layout and appearance of the dwellings). | | |
| 6 | A6 23/01488/VCN | Whittington Farm Main Street
Whittington Carnforth | Upper Lune
Valley
Ward | (Pages 15 -
43) |
| | | 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 on planning permission 19/00245/VCN to make amendments to the approved scheme). | | |

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|---|---------------------------------------|---|---------------------------------------|----------------------------|
| 7 | A7 24/00295/FUL | Whittington Farm Main Street
Whittington Carnforth | Upper Lune
Valley
Ward | (Pages 44 -
49) |
| Change of use of agricultural land to residential curtilage. | | | | |
| 8 | A8 23/00339/OUT | Land To The Rear 162 Scotforth
Road Lancaster Lancashire | Scotforth
West Ward | (Pages 50 -
56) |
| Outline application for the erection of one dwelling (C3) and alterations to existing access. | | | | |
| 9 | A9 23/01494/FUL | 2 West Road Lancaster
Lancashire | Marsh
Ward | (Pages 57 -
60) |
| Change of use and conversion of existing ground floor office to HMO (C4). | | | | |
| 10 | Delegated List (Pages 61 - 71) | | | |

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Sandra Thornberry (Chair), Claire Cozler (Vice-Chair), Louise Belcher, Dave Brookes, Keith Budden, Roger Dennison, Martin Gawith, Alan Greenwell, John Hanson, Jack Lenox, Sally Maddocks, Joyce Pritchard, Robert Redfern, Sue Tyldesley and Paul Tynan

(ii) Substitute Membership

Councillors Mandy Bannon (Substitute), Martin Bottoms (Substitute), Phil Bradley (Substitute), Tom Fish (Substitute), Paul Hart (Substitute), Colin Hartley (Substitute) and Paul Newton (Substitute)

(iii) Queries regarding this Agenda

Please contact Eric Marsden - Democratic Support: email emarsden@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Democratic Support, telephone 582000, or alternatively email democracy@lancaster.gov.uk.

MARK DAVIES,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on 17th April 2024.

Agenda Item	A5
Application Number	23/01408/VCN
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 condition 2 on 16/00397/OUT to amend the layout and appearance of the dwellings)
Application site	Whittington Farm Main Street Whittington Carnforth
Applicant	Candelisa Ltd
Agent	Mrs Fiona Tiplady
Case Officer	Mr Andrew Clement
Departure	Yes
Summary of Recommendation	Approval

(i) Procedural Matters

The original scheme was a departure from the local plan, but Officers and Members felt that they could offer support for it based on the quality of design, provision of much needed affordable homes, provision of open space, and the provision of the shop and tea rooms. It was considered that the re-development of the site could be supported, as the scale, materials and dilapidated condition of the existing modern agricultural buildings meant that they detract from the character of the Conservation Area.

Concurrent applications for another variation of conditions application and application for extended garden spaces to the south of the site have been submitted through separate application, for consideration and determination at the same planning committee meeting. The other variation of conditions application, referenced 23/01488/VCN, is very similar to this proposal in terms of layout and design, but seeks to place unit 18 along the southern row of properties, and this unit changes from 2-bed in this proposal to 3-bed in application 23/01488/VCN. The proposal to extend the garden areas of the southern row of properties through separate application 24/00295/FUL and is relevant to both concurrent variation of conditions applications. This follows pre-application advice during which extending the development area was discussed.

1.0 Application Site and Setting

1.1 The application site relates to a 0.9 hectare parcel of land last 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 to the northern end of the largely linear village of Whittington, rounding the inside corner of the B6254 road leading to Kirkby Lonsdale town centre, approximately 2.5km north of the site. The site is surrounded on two sides by residential

dwellinghouses fronting or closely adjacent to the Main Road through Whittington, placing the site inconspicuously behind the main thoroughfare through the village. To the south and east is open countryside and farmland, containing public right of way footpaths. The site is relatively level at approximately 45 metres Above Ordnance Datum (AOD), dropping to circa 42.5mAOD to the southern end of the site, before falling sharply to the south beyond the application boundary, reaching a plateau at around 37mAOD.

1.2 The proposed development is located within the Whittington Conservation Area, and a Grade II listed building is located adjacent to the site (Wayside), with the attached barn forming a shop as part of the parent approval and this variation application. A Public Right of Way (Footpath 6) runs the length of the northeast boundary of the site. The site is allocated under the adopted local plan as “Open Countryside”. There are pockets of surface water flooding risk (up to 1in30 year high risk) centrally within the site, and an area of lower risk (1in1000 year) surface water flood risk in the northeast corner of the site.

2.0 Proposal

2.1 This application seeks to vary an outline planning permission 16/00397/OUT, which had permission granted for the development described, and included the matters of access, layout, scale and appearance, with the only matter reserved being landscaping. The scheme continues to propose the demolition of the existing (mainly pre-fabricated) farm buildings, together with the conversion/rebuild of a barn to form a dwelling and a shop/tearoom, and the erection of 18 new dwellings, reconfigured access, open space and drainage.

2.2 The conversions remain the same as previously approved, but the design and layout of the 18 new dwellinghouses seeks to be varied through this variation of conditions application. The previously granted and proposed housing mix and types are detailed within the table below.

Bedrooms and type	Approved 16/00397/OUT	Approved 19/00245/VCN	Proposed 23/01408/VCN
2bed-semi (or mews)	4x	2x	4x
3bed-semi (or mews)	10x	5x	1x
3bed detached	1x	4x	6x
4bed detached	4x	8x	6x
5bed detached	0	0	2x

Whilst there are more detached 3-bed units, additional 2-bed units due to smaller upper floor rooms considered to form offices under 7.5sqm, and two of the approved 4-bed units are now 5-bed, the overall mix is largely as approved (and previously increased in bedrooms) through a preceding approved variation of conditions permission 19/00245/VCN.

2.3 The proposed dwellings are proposed to be finished in natural stone walls under natural slate roof, as the approval was, but the stone wall elevations are to a greater extent within the proposal, to the front, sides and rear elevations, with timber cladding applied to some aspects of properties, as to the more broad use of render within the last approved variation at this site. Access to the site would utilise the existing point of access to the farm, however, it would be improved to provide 2.4m x 60m visibility splays, with a 10 metre kerb radii on the southern kerb. The scheme also proposes a new grassed area, village green, visitor and shop parking with a grassed recreational area, with associated landscaping, largely unchanged by this variation of conditions proposal.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
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24/00377/AD	Agricultural determination for the erection of an agricultural storage building	Concurrent
24/00310/LB	Listed Building Application for the demolition of existing outbuildings and change of use, conversion and alteration of barn into one dwelling (C3), with associated parking	Concurrent
24/00309/FUL	Demolition of existing outbuildings and change of use, conversion and alteration of barn into one dwelling (C3)	Concurrent
24/00295/FUL	Change of use of agricultural land to residential curtilage	Concurrent
23/01488/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 on planning permission 19/00245/VCN to make amendments to the approved scheme)	Concurrent
23/00205/DIS	Discharge of conditions 7, 8, 9, 10, 12, 13 and 21 on approved application 19/00245/VCN	Concurrent
23/01147/FUL	Change of use of agricultural land to residential curtilage	Refused
23/00128/PRENG2	Pre-application advice request for 33 dwellings and S106 requirements	Advice provided
21/00331/ELDC	LDC for works undertaken in carrying out demolition to implement planning permission 16/00397/OUT	Granted
19/01590/LB	Listed building application for the installation of windows and doors, installation of a first floor, installation of replacement roof on existing barn, installation of internal staircase and internal partition walls and alteration of the site entrance walls	Permitted
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	Permitted
19/00245/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)	Permitted
19/00110/DIS	Discharge of conditions 3,4,5 and 6 on approved application 16/00397/OUT	Permitted
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	Permitted
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	Permitted

4.0 Consultation Responses

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

Consultee	Response
Whittington Parish Council	No observation received
County Highways	No objection
Conservation Officer	No adverse comment
Historic England	No adverse comment
Waste And Recycling	No observation received
Lead Local Flood Authority	No objection , subject to pre-commencement planning conditions for drainage arrangements
GMEU	No objection , subject to conditions controlling mitigation measures within the ecology report
Lancashire Archaeology	No objection
Fire Safety	No objection , informative regarding emergency vehicle access and water provision
Lancashire Constabulary	No objection , informative to include secured by design guidance
Environmental Health	No objection , but concerns regarding the details and previous layout reflected in the Phase 2 Site Investigation report

4.2 **One** representation from a member of the public has been received:

- Need to make provision for nesting birds within the development (nest bricks)

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Procedural matters, principle of development
- Design, scale, layout and housing mix
- Heritage and landscape impacts
- Residential amenity
- Accessibility and highways
- Drainage matters
- Natural environment
- Other matters

5.2 **Procedural matters, principle of development** Development Management (DM) DPD policies, DM1 (New Residential Development and Meeting Housing Needs), DM2 (Housing standards), DM3 (Delivery of Affordable Housing), DM4 (Residential Development Outside Main Urban Areas) and DM47 (Economic Development in Rural Areas); Meeting Housing Needs SPD; Affordable Housing Practice Note Planning Advisory Note; Housing Standards Planning Advisory Note, Strategic Policies and Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP3 (Development Strategy for Lancaster District) and SP6 (The Delivery of New Homes), and National Planning Policy Framework (NPPF) Sections 2. (Achieving sustainable development), Section 4. (Decision-making), Section 5. (Delivering a sufficient supply of homes), Section 6. (Building a strong, competitive economy) and Section 11. (Making effective use of land)

5.2.1 A Section 73 application seeks permission to carry out development without complying with planning conditions imposed on a previous planning permission, but to vary the details controlled through

planning conditions, and comply with such varied details and conditions. Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted, subject to new or amended conditions. The new permission sits alongside the original planning permission, which remains intact and unamended. It is ultimately open to the applicant to decide whether to implement the new permission or the one originally granted. Section 73 provides a mechanism to consider and assess minor material amendments (i.e. the changes sought via the Section 73 application) to an earlier planning permission.

- 5.2.2 A Section 73 application does not provide an opportunity to re-examine the principal considerations associated with the approved development, which were considered to be acceptable at the Planning Regulatory Committee in 2016. During the original June 2016 committee, it was proposed by Councillor Janice Hanson and seconded by Councillor Malcolm Thomas:

“That, subject to a Section 106 Agreement being entered into to secure the obligations contained in Paragraph 8.1 of the Committee Report outline planning permission be granted, subject to the conditions set out in the Committee Report.”

Upon being put to the vote, Members voted unanimously in favour of the proposition, whereupon the Chair declared the proposal to be carried, subject to the Section 106 agreement being entered and planning condition, delegated back to the Chief Officer to allow the Cumbria County Council consultation to expire and for discussions to continue regarding the relocation of the play area. Whilst this permission was granted almost 8 years ago, commencement within the timeframe in accordance with condition 1 of this permission was established through demolition of buildings, and certificated as such through 21/00331/ELDC.

- 5.2.3 A subsequent variations of conditions applications were brought before committee members, refused through 18/01224/VCN, due to the quality of the house types and associated materials having been diminished significantly. However, another variation of conditions application was granted (11 in favour, 3 abstain) through permission 19/00245/VCN to vary the design, layout and housing mix of the development, despite the reported officer preference for the original scheme approved. All decision making must remain consistent with the requirements of planning legislation to determine applications in accordance with the provisions of the adopted local plan, unless materials considerations indicate otherwise.

- 5.2.4 The provision of 18 dwellings, of which 7 are to be affordable homes, with a mixed use shop/tearoom and dwelling and the provision of new vehicular and pedestrian accesses has been established by the granting of a conditional planning permission, along with the originally and subsequently approved appearance, layout and scale of development. The material considerations of this application will focus only on the changes to the scheme proposed as part of this Section 73 application, namely the changes to the design, appearance, materials and layout of new dwellinghouses, and internal road/pavement arrangements. There is a concurrent full application for extending domestic curtilage areas to the south of the site, and another variation of conditions application seeking to vary the previous variation permission 19/00245/VCN with a slightly altered proposal to the one submitted as part of this application.

- 5.3 **Design, scale, layout and housing mix** Development Management (DM) DPD policies, DM1 (New Residential Development and Meeting Housing Needs), DM2 (Housing standards), DM4 (Residential Development Outside Main Urban Areas) and DM29 (Key Design Principles); Meeting Housing Needs SPD; Strategic Policies and Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP3 (Development Strategy for Lancaster District) and SP6 (The Delivery of New Homes), and National Planning Policy Framework (NPPF) Sections 2. (Achieving sustainable development), Section 4. (Decision-making), Section 5. (Delivering a sufficient supply of homes), Section 11. (Making effective use of land) and Section 12. (Achieving well-designed places)

- 5.3.1 The proposed layout remains very similar to that approved through 19/00245/VCN, slightly extending the pavement to Main Street, but continuing to propose this to just one side to the centre of the proposed housing development, which is akin with the pavement and walking provision within the wider village. It is difficult to avoid a layout which will create a suburban style development within a cul-de-sac arrangement, although reduced pavement provision helps to partially address this. There is contrast with the historic linear pattern of properties facing roads through Whittington, with

several 20th century developments to the north and southwest of the village similarly diverting from this pattern, albeit on a smaller scale, the sought layout would be congruent to the more recent developments locally, despite jarring with the historical layout. The modern elements of the farmstead, building layout and design as existing diverge from the historical layout, and the proposal similar to approved through 19/00245/VCN does not exacerbate nor worsen the approved fallback position.

- 5.3.2 Whilst the proposed development includes a couple of larger (5-bed) units, and a greater degree of detached dwellinghouses, the scale and mix are largely the same as that approved, and it is considered to be materially no detraction, given the policy position within DM1. This policy groups 4-bed plus into one category, and property types are primarily focussed on number of bedrooms, rather than whether detached or attached to others. The proposal includes a great number of 2-bed properties, in place of 3-bed, primarily due to instances of smaller upper floor rooms considered studies, rather than bedrooms, falling beneath the 7.5sq.m considered to form a bedroom. The approved scheme 19/00245/VCN focussed larger detached properties along the more visible (from public right of way) aspects to the south and east, which continues through this proposal. Whilst the density and proximity of dwellings is quite high, given the prevalence of terraced properties and mews, with larger rear gardens and small side curtilage, this is considered appropriate for this location. As such, the scale and housing mix are considered to be appropriate and similar to the fallback position.
- 5.3.3 One area of improvement over the approved position, and through negotiations over the course of this application, is the design and materials proposed as part of the development. Precise details of materials would continue to be controlled through planning conditions, however the current proposal has a greater proportion of natural stone walls, included to most external elevations to dwellings and outbuildings, whereas the approved scheme 19/00245/VCN included elements of render to some elevations. The proposed elevations include small areas of timber cladding, details of which should be included within the relevant planning condition through varying condition 11 to reflect the amended proposal. Materials for boundaries treatments are to remain primarily natural stone walls and hedgerows. Given these form boundary treatments, the species mix, staggering and height at planting of hedgerows and height of walls should be controlled through an additional planning condition.
- 5.3.4 Window orientation is considered to have improved during the course of the application, introducing more vertical emphasis and mullions to tie in with local characteristics. Greater variety of dwellinghouse has been incorporating as the application has progressed. Whilst these are largely house types from the developer, the variety, design and materials are considered to sufficiently reflect the existing mixed architecture and predominant use of natural materials on built form within the village, in a more contemporary style. Importantly, extended use of high quality natural materials assists with design and congruency to the village character. Whilst the roof pitches are steep in comparison to the surrounding vernacular, given instances of steep roofs in the vicinity (most notably School House and Old School Hall), and the steeper pitches within the proposal being located more centrally, it is considered that this would cause no undue harm, subject to being finished in natural slate roofs, details controlled through planning conditions. As such, the proposal is considered to be appropriate in terms of design, scale and materials, with a modest benefit of the proposal through the greater extent of natural materials within the external elevations proposed.
- 5.4 **Heritage and landscape impacts** Development Management DPD Policies DM29 (Key Design Principles), DM38 (Development affecting Conservation Areas), DM39 (The Setting of Designated Heritage Assets), DM41 (Development Affecting Non-Heritage Assets or their settings), DM42 (Archaeology), DM46 (Development and Landscape Impact), and DM57 (Health and Wellbeing), Strategic Policies and Land Allocations (SPLA) DPD Policies EN3 (The Open Countryside), SP7 (Maintaining Lancaster District's Unique Heritage) and SP8 (Protecting the Natural Environment); National Planning Policy Framework Section 12. (Achieving well-designed places), Section 15. (Conserving and enhancing the natural environment) and Section 16. (Conserving and enhancing the historic environment), and Listed Building and Conservation Areas Act 1990
- 5.4.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building, a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by policies DM37 and DM38. DM38

sets out that development within Conservation Areas will only be permitted where it has been demonstrated that:

- Proposals respect the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height and the materials used; and,
- Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and,
- Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.

5.4.2 The wider site contains Listed Buildings, for Wayside attached to a barn within the site, and the associated farmhouse to this development, all within Whittington Conservation Area. Whilst there are heritage sensitivities to the site, the development attached to the curtilage Listed barn to Wayside remain largely unchanged. The improved extent of natural stone external elevation materials are considered to be a modest betterment to the previously approved scheme, which has been previously reported as an enhancement to the Conservation Area compared to the current modern agricultural buildings to be demolished to facilitate development. The proposal is considered to be a further, albeit modest, enhancement with these regards, and is considered to be acceptable from a heritage perspective.

5.4.3 The site would infill a corner between two roads of the rural village of Whittington within the wider designated Open Countryside. Whilst the existing agricultural use provides a transition between the village and the countryside surrounds, the modern form and dilapidated condition of this jars with the natural stone under slate materials of the village as existing. The proposal would appear more domestic than existing, but within the existing built form (not brownfield land, as agricultural use exempt from this definition), proposing materials more in keeping with the wider village. The scale and size of development is similar to that previously approved, and as such similar to the fallback position of continuing to implement existing consents at the site, and no harm is identified with this regard.

5.5 Residential amenity Development Management DPD Policies DM27 (Open Space, Sports and Recreational Facilities), DM29 (Key Design Principles) and DM57 (Health and Well-Being); Strategic Policies and Land Allocations (SPLA) DPD Policy SC3 (Open Space, Recreation and Leisure); National Planning Policy Framework Section 8. (Promoting healthy and safe communities) and Section 12. (Achieving well-designed and beautiful places)

5.5.1 The nearest existing dwellinghouses to the proposed development is Wayside to the west, and dwellings to the north dwellings fronting Crosslands. The impact upon Wayside is unchanged through this proposal, as the attached shop/tearoom and associated dwelling remain unchanged. Gardens to the north, and elsewhere across the site, continue to be short of the 10 metre policy position, from 7 metres deep to the north boundary, similar to the approved position. Due to the track to the north and relatively long gardens to Crosslands, a separation distance of circa 30 metres is retained between the proposed rear elevations and Crossland rear elevations, which is considered sufficient to maintain privacy standards. Within the site, plot 12 centrally within the site is the most constrained, but is 21 metres from opposing upper floor openings to plots to the north, east and west, whilst a blank elevation to the south facing ensures the 12 metres separation is considered to be appropriate.

5.5.2 The proposed garden areas fall short of 10 metres deep across a number of properties within the approved 19/00245/VCN and within the current proposal. The width of most dwellings within the development ensure minimum area of curtilage is provided in accordance with policy, although mid-terrace plot 16 falls short at circa 43sq.m. In other areas, the short gardens fall primarily across aspects with no opposing dwellinghouses, ensuring privacy is maintained, but also providing a longer outlook beyond the gardens spaces, over surrounding countryside, tracks or open space within the site. Along the southern row, gardens have been made even shorter than those approved, particularly so for plot 5, although this does provide circa 90sq.m rear garden across the rear.

5.5.3 The applicant has sought to address the short gardens along the southern row through concurrent planning application 24/00295/FUL to extend these gardens southwards. Whilst the sloping topography of this land inhibits usability to a degree, extending the garden areas would ensure the depths of gardens is addressed in a proportionate fashion to the proposed dwellings and garden

depths in the vicinity. The benefits of this are greater for the particularly short gardens of plots 4 and 5, due to topography dropping less sharply to the southeast, compared to the southwest. The provision and use of these gardens for these properties should be controlled through a Grampian planning condition to ensure these are implemented as part of the development, and remove this detraction from the southern row.

5.5.4 An additional planning condition for details of the provision of bin storage as part of unit 16 should also be provided, given the lack of direct external access to the rear garden. This will ensure the detraction of garden spaces is limited to a modest degree when the scheme is considered as a whole, affecting a single unit falling short of the policy compliant garden area, which should be weighed in planning balance, alongside considerations of public open space to be brought forwards centrally within the scheme through this proposal.

5.6 **Accessibility and highways** Development Management DPD DM29 (Key Design Principles), DM57 (Health and Well-being), DM61 (Walking and Cycling), DM62: (Vehicle Parking Provision), and Appendix E (Car Parking Standards); PAN08 (Cycling and Walking); Strategic Policies and Land Allocations (SPLA) DPD policy SP10 (Improving Transport Connectivity); National Planning Policy Framework Section 9. (Promoting sustainable transport) and Section 12. (Achieving well-designed and beautiful places)

5.6.1 The proposal includes a continuous footpath to the north of the proposed widened existing access, culminating centrally within the site reaching smaller and cul-de-sac streets without a pavement. Whilst this would be short of expectation for city and suburban developments, the proposal is considered appropriate for this rural context, and particularly so for Whittington, where very narrow and single side pavements are characteristic of the settlement. Importantly, the proposal represents a marginal improvement in walking provision above the previously consented scheme, and with the retention of the public right of way link to the east, the proposal is considered to sufficiently encourage and provide facilities for walking to local bus stops and the wider right of way network.

5.6.2 County Highways originally objected to the proposal, due to lack of access road width, lack of pavements on each side, boundary heights, parking dimensions, service strips and swept paths. Following further details, amendments and confirmation that the internal estate roads would not be put forwards for adoption, no objection has been returned in the latest response from County Highways, who also confirm the proposed access is suitable. Each plot has at least two parking spaces, larger properties having 3 or 4, and garage spaces meet minimum dimensions to provide sufficient parking across the site. Subject to confirmation of wall heights at key visibility and parking space points, controllable through planning condition, the proposal offers sufficient space and provisions for foot and vehicle movements, of an equivalent standards to that previously approved at the site through 19/00245/VCN

5.7 **Drainage matters** Development Management (DM) DPD Policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water), DM36 (Protecting Water Resources and Infrastructure), and DM57 (Health and Wellbeing), Strategic Policies and Land Allocations (SPLA) DPD Policy SP8 (Protecting the Natural Environment); National Planning Policy Framework (NPPF) Section 14. (Meeting the challenge of climate change, flooding and coastal change)

5.7.1 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. LLFA have raised no objection to the latest application, however previously attached pre-commencement planning conditions should be unchanged, and have not sought to be varied through this application.

5.7.2 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, to prevent foul water flooding within the site. Whilst some details have been submitted with this regard, the pre-commencement planning condition for foul drainage should remain unaltered, and is not proposed to be varied.

5.8 **Natural environment** Development Management (DM) DPD policies DM43 (Green Infrastructure), DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland); Strategic Policies and Land Allocations (SPLA) DPD Policy SP8 (Protecting the Natural Environment); National Planning Policy Framework (NPPF) Section 15. (Conserving and enhancing the natural environment)

5.8.1 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. Amendments to the proposal have demonstrated the development can be carried out in accordance with previously approved arboriculture information and tree protection measures, with these conditions unaltered and unimpacted by the proposed development. No concerns have been raised by the Council's Tree Officer, who has been liaising with the applicant and their appointed arboriculturist regarding laying an existing hedgerow. Whilst landscaping is the only matter reserved as part of this variation of the outline permission, tree-lined streets and to the open space centrally and to the access. Full details of landscaping are controlled through the reserved matters process, however given hedgerows form domestic boundary treatments, the heights, staggered planting and species mix of these should be controlled through an additional planning condition.

5.8.2 An amended bat, bird and barn owl survey was submitted, dated July 2023, which concludes that buildings have negligible to low potential for use by bats and barn owls and nesting birds, with negligible to low potential for use by bats. Whilst a public comment has suggested additional nest be provided within the development, Greater Manchester Ecology Unit raises no objection to the application and mitigation measures within the submitted report. Subject to altering condition 22 to reflect the updated survey effort, the proposal is considered to mitigate ecological impacts, equivalent to that previously approved.

5.9 **Other matters** Development Management DPD Policies DM29 (Key Design Principles) and DM32 (Contaminated Land, Strategic Policies)

5.9.1 A 2018 contaminated land assessment was submitted to the Council in support of this application, and this has been reviewed by Environmental Health who in turn consider 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 land contamination, unvaried, as preceding discharge of conditions application 19/00110/DIS concluded that it is essential that ground conditions are re-checked once all hardstanding has been removed and any suspected areas of soil contamination notified.

6.0 Planning Obligations

6.1 A Section 106 agreement is associated with the extant consents, 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 remain as per the extant agreement.

7.0 Conclusion and Planning Balance

7.1 The proposal seeks to alter the design and layout of development, with a new developer progressing the scheme since the original approval in 2016 and subsequent variation in 2019. The amendments to the scheme and designs are considered to be compatible with the built form and character of Whittington, with an equivalent housing mix and unaltered obligations in terms of affordable housing and other provisions within the site. The designs are enhanced by a larger use of natural materials within the proposal, incorporated to a greater degree than the previously approved variation. This is a key feature to congruency with the character of Whittington, given the prevalence of such high-quality natural materials in the village and associated Conservation Area.

7.2 Whilst there are detractions in terms of garden spaces within the proposal, partially mitigated through a concurrent application to extend some of these. This modest harm introduced within this application is considered to be outweighed by the improved design and particularly the high-quality natural materials within the proposal. Along with the redevelopment of the dilapidated farmstead, public open space and affordable housing benefits previously approved, ensuring the character and

design are appropriate is vital at such a proportion of development within the districts characterful rural settlements, and the proposal is considered to achieve this, with this betterment outweighing modest detractors introduced, with a varied proposal that does not materially diminish the quality of approved development.

Recommendation

That Variation of Conditions Planning Permission **BE GRANTED** subject to the following conditions, and a variation to the s106 agreement to reflect this permission:

Condition no.	Description	Type
1	Reserved matters application and timescale (varied to reflect commenced development)	Control
2	Accord with amended approved plans (varied to submitted plans)	Control
3	Archaeological building recording (varied to reflect previously agreed details)	Control of approved details through 19/00110/DIS
4	Construction management plan (varied to reflect previously agreed details)	Control of approved details through 19/00110/DIS
5	Tree protection plan (varied to reflect previously agreed details)	Control of approved details through 19/00110/DIS
6	Land contamination survey	Pre-commencement
7	Details of access road, footpath links and visibility splays	Pre-commencement (except demolition)
8	Surface water drainage scheme	Pre-commencement (except demolition)
9	Surface water maintenance scheme	Pre-commencement (except demolition)
10	Foul water drainage scheme	Pre-commencement (except demolition)
11	External materials details and samples (updated to reflect amended scheme and materials)	Pre-commencement above ground
12	Open Space maintenance	Pre-commencement above ground
13	Play equipment	Pre-commencement above ground
14	Off-site highway improvements	Pre-occupation
15	Tree mitigation measures	Control
16	Car parking implementation	Control
17	Hours of demolition and construction	Control
18	Shop/café opening hours	Control
19	Restriction on shop and tearooms	Control
20	Remove dwellinghouse permitted development rights	Control
21	Garage use restriction	Control
22	Ecology and protect species survey (updated to reflect new report)	Control
23	Protection of visibility splays	Control
24	Boundary treatments and hedgerows (new condition to reflect additional information)	Prior to installation and occupation
25	Grampian condition extended gardens (new condition to reflect additional information)	Prior to occupation plots 1 to 6
26	Bin store details for plot 16 (new condition to reflect additional information)	Prior to occupation plot 16

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, Officers have 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 made 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 (*copies included after application A6 23/01488/VCN*)

- 16/00397/OUT – Previous officer report to the Planning Regulatory Committee June 2016
- 19/00245/VCN – Previous officer report to the Planning Regulatory Committee June 2019

Agenda Item	A6
Application Number	23/01488/VCN
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 on planning permission 19/00245/VCN to make amendments to the approved scheme)
Application site	Whittington Farm Main Street Whittington Carnforth
Applicant	Candelisa Ltd
Agent	Mrs Fiona Tiplady
Case Officer	Mr Andrew Clement
Departure	Yes
Summary of Recommendation	Approval

(i) **Procedural Matters**

The original scheme and subsequent variation permission were a departure from the local plan, but Officers and Members felt that they could offer support for it based on the quality of design, provision of much needed affordable homes, provision of open space, and the provision of the shop and tea rooms. It was considered that the re-development of the site could be supported, as the scale, materials and dilapidated condition of the existing modern agricultural buildings meant that they detract from the character of the Conservation Area.

Concurrent applications for another variation of conditions application and application for extended garden spaces to the south of the site have been submitted through separate application, for consideration and determination at the same planning committee meeting. The other variation of conditions application, referenced 23/01408/VCN, is very similar to this proposal in terms of layout and design, but seeks to place unit 18 slightly further north more centrally within the site, rather than along the southern row, and this unit changes from 3-bed in this proposal to 2-bed in application 23/01408/VCN. The proposal to extend the garden areas of the southern row of properties through separate application 24/00295/FUL and is relevant to both concurrent variation of conditions applications. This follows pre-application advice during which extending the development area was discussed.

1.0 Application Site and Setting

1.1 The application site relates to a 0.9 hectare parcel of land last 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 to the northern end of the largely linear village of Whittington, rounding the inside corner of the B6254 road leading to Kirkby Lonsdale town centre,

approximately 2.5km north of the site. The site is surrounded on two sides by residential dwellinghouses fronting or closely adjacent to the Main Road through Whittington, placing the site inconspicuously behind the main thoroughfare through the village. To the south and east is open countryside and farmland, containing public right of way footpaths. The site is relatively level at approximately 45 metres Above Ordnance Datum (AOD), dropping to circa 42.5mAOD to the southern end of the site, before falling sharply to the south beyond the application boundary, reaching a plateau at around 37mAOD.

1.2 The proposed development is located within the Whittington Conservation Area, and a Grade II listed building is located adjacent to the site (Wayside), with the attached barn forming a shop as part of the parent approval and this variation application. Public Right of Way (Footpath 6) runs the length of the northeast boundary of the site. The site is allocated under the adopted local plan as “Open Countryside”. There are pockets of surface water flooding risk (up to 1in30 year high risk) centrally within the site, and an area of lower risk (1in1000 year) surface water flood risk in the northeast corner of the site.

2.0 Proposal

2.1 This application seeks to vary a previously granted variation 19/00245/VCN to outline planning permission 16/00397/OUT, which had permission granted for the development described, and included the matters of access, layout, scale and appearance, with the only matter reserved being landscaping. The scheme continues to propose the demolition of the existing (mainly pre-fabricated) farm buildings, together with the conversion/rebuild of a barn to form a dwelling and a shop/tearoom, and the erection of 18 new dwellings, reconfigured access, open space and drainage.

2.2 The conversions remain the same as previously approved, but the design and layout of the 18 new dwellinghouses seeks to be varied through this variation of conditions application. The previously granted and proposed housing mix and types are detailed within the table below.

Bedrooms and type	Approved 16/00397/OUT	Approved 19/00245/VCN	Proposed 23/01488/VCN
2bed-semi (or mews)	4x	2x	3x
3bed-semi (or mews)	10x	5x	1x
3bed detached	1x	4x	7x
4bed detached	4x	8x	6x
5bed detached	0	0	2x

Whilst there are more detached 3-bed units, an additional 2-bed unit due to smaller upper floor rooms considered to form offices under 7.5sqm, and two of the approved 4-bed units are now 5-bed, the overall mix is largely as approved (and previously increased in bedrooms) through a preceding approved variation of conditions permission 19/00245/VCN.

2.3 The proposed dwellings are proposed to be finished in natural stone walls under natural slate roof, as the approval was, but the stone wall elevations are to a greater extent within the proposal, to the front, sides and rear elevations, with timber cladding applied to some aspects of properties, as to the more broad use of render within the last approved variation at this site. Access to the site would utilise the existing point of access to the farm, however, it would be improved to provide 2.4m x 60m visibility splays, with a 10 metre kerb radii on the southern kerb. The scheme also proposes a new grassed area, village green, visitor and shop parking with a grassed recreational area, with associated landscaping, largely unchanged by this variation of conditions proposal.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
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24/00377/AD	Agricultural determination for the erection of an agricultural storage building	Concurrent
24/00310/LB	Listed Building Application for the demolition of existing outbuildings and change of use, conversion and alteration of barn into one dwelling (C3), with associated parking	Concurrent
24/00309/FUL	Demolition of existing outbuildings and change of use, conversion and alteration of barn into one dwelling (C3)	Concurrent
24/00295/FUL	Change of use of agricultural land to residential curtilage	Concurrent
23/01408/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 condition 2 on 16/00397/OUT to amend the layout and appearance of the dwellings)	Concurrent
23/00205/DIS	Discharge of conditions 7, 8, 9, 10, 12, 13 and 21 on approved application 19/00245/VCN	Concurrent
23/01147/FUL	Change of use of agricultural land to residential curtilage	Refused
23/00128/PRENG2	Pre-application advice request for 33 dwellings and S106 requirements	Advice provided
21/00331/ELDC	LDC for works undertaken in carrying out demolition to implement planning permission 16/00397/OUT	Granted
19/01590/LB	Listed building application for the installation of windows and doors, installation of a first floor, installation of replacement roof on existing barn, installation of internal staircase and internal partition walls and alteration of the site entrance walls	Permitted
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	Permitted
19/00245/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)	Permitted
19/00110/DIS	Discharge of conditions 3,4,5 and 6 on approved application 16/00397/OUT	Permitted
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	Permitted
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	Permitted

4.0 Consultation Responses

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

Consultee	Response
Whittington Parish Council	No observation received
County Highways	No objection
Conservation Officer	No adverse comment
Historic England	No adverse comment
Waste And Recycling	No observation received
Lead Local Flood Authority	No objection , subject to pre-commencement planning conditions for drainage arrangements
GMEU	No objection , subject to conditions controlling mitigation measures within the ecology report
Lancashire Archaeology	No objection
Fire Safety	No objection , informative regarding emergency vehicle access and water provision
Lancashire Constabulary	No objection , informative to include secured by design guidance
Environmental Health	No objection , but concerns regarding the details and previous layout reflected in the Phase 2 Site Investigation report

4.2 **One** representation has been received from a member of the public and can be summarised as raising the following comment:

- Need to make provision for nesting birds within the development (nest bricks)

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Procedural matters, principle of development
- Design, scale, layout and housing mix
- Heritage and landscape impacts
- Residential amenity
- Accessibility and highways
- Drainage matters
- Natural environment
- Other matters

5.2 **Procedural matters, principle of development** Development Management (DM) DPD policies, DM1 (New Residential Development and Meeting Housing Needs), DM2 (Housing standards), DM3 (Delivery of Affordable Housing), DM4 (Residential Development Outside Main Urban Areas) and DM47 (Economic Development in Rural Areas); Meeting Housing Needs SPD; Affordable Housing Practice Note Planning Advisory Note; Housing Standards Planning Advisory Note, Strategic Policies and Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP3 (Development Strategy for Lancaster District) and SP6 (The Delivery of New Homes), and National Planning Policy Framework (NPPF) Sections 2. (Achieving sustainable development), Section 4. (Decision-making), Section 5. (Delivering a sufficient supply of homes), Section 6. (Building a strong, competitive economy) and Section 11. (Making effective use of land)

- 5.2.1 A Section 73 application seeks permission to carry out development without complying with planning conditions imposed on a previous planning permission, but to vary the details controlled through planning conditions, and comply with such varied details and conditions. Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted, subject to new or amended conditions. The new permission sits alongside the original planning permission, which remains intact and unamended. It is ultimately open to the applicant to decide whether to implement the new permission or the one originally granted. Section 73 provides a mechanism to consider and assess minor material amendments (i.e. the changes sought via the Section 73 application) to an earlier planning permission.
- 5.2.2 A Section 73 application does not provide an opportunity to re-examine the principal considerations associated with the approved development, which were considered to be acceptable at the Planning Regulatory Committee in 2016. During the original June 2016 committee, it was proposed by Councillor Janice Hanson and seconded by Councillor Malcolm Thomas:
- “That, subject to a Section 106 Agreement being entered into to secure the obligations contained in Paragraph 8.1 of the Committee Report outline planning permission be granted, subject to the conditions set out in the Committee Report.”
- Upon being put to the vote, Members voted unanimously in favour of the proposition, whereupon the Chair declared the proposal to be carried, subject to the Section 106 agreement being entered and planning condition, delegated back to the Chief Officer to allow the Cumbria County Council consultation to expire and for discussions to continue regarding the relocation of the play area. Whilst this permission was granted almost 8 years ago, commencement within the timeframe in accordance with condition 1 of this permission was established through demolition of buildings, and certificated as such through 21/00331/ELDC.
- 5.2.3 Subsequent variations of conditions applications were brought before committee members, refused through 18/01224/VCN, due to the quality of the house types and associated materials having been diminished significantly. However, another variation of conditions application was granted (11 in favour, 3 abstain) through permission 19/00245/VCN to vary the design, layout and housing mix of the development, despite the reported officer preference for the original scheme approved. All decision making must remain consistent with the requirements of planning legislation to determine applications in accordance with the provisions of the adopted local plan, unless materials considerations indicate otherwise.
- 5.2.4 The provision of 18 dwellings, a mixed use shop/tearoom and dwelling, and the provision of new vehicular and pedestrian accesses has been established by the granting of a conditional planning permission, along with the originally and subsequently approved appearance, layout and scale of development. The material considerations of this application will focus only on the changes to the scheme proposed as part of this Section 73 application, namely the changes to the design, appearance, materials and layout of new dwellinghouses, and internal road/pavement arrangements. There is a concurrent full application for extending domestic curtilage areas to the south of the site, and another variation of conditions application seeking to vary original outline planning permission 16/00397/OUT with a slightly altered proposal to the one submitted as part of this application.
- 5.3 **Design, scale, layout and housing mix** Development Management (DM) DPD policies, DM1 (New Residential Development and Meeting Housing Needs), DM2 (Housing standards), DM4 (Residential Development Outside Main Urban Areas) and DM29 (Key Design Principles); Meeting Housing Needs SPD; Strategic Policies and Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP3 (Development Strategy for Lancaster District) and SP6 (The Delivery of New Homes), and National Planning Policy Framework (NPPF) Sections 2. (Achieving sustainable development), Section 4. (Decision-making), Section 5. (Delivering a sufficient supply of homes), Section 11. (Making effective use of land) and Section 12. (Achieving well-designed places)
- 5.3.1 The proposed layout remains very similar to that approved through 19/00245/VCN, slightly extending the pavement to Main Street, but continuing to propose this to just one side to the centre of the proposed housing development, which is akin with the pavement and walking provision within the wider village. It is difficult to avoid a layout which will create a suburban style development within

a cul-de-sac arrangement, although reduced pavement provision helps to partially address this. There is contrast with the historic linear pattern of properties facing roads through Whittington, with several 20th century developments to the north and southwest of the village similarly diverting from this pattern, albeit on a smaller scale, the sought layout would be congruent to the more recent developments locally, despite jarring with the historical layout. The modern elements of the farmstead, building layout and design as existing diverge from the historical layout, and the proposal similar to approved through 19/00245/VCN does not exacerbate nor worsen the approved fallback position.

- 5.3.2 Whilst the proposed development includes a couple of larger (5-bed) units, and a greater degree of detached dwellinghouses, the scale and mix is largely the same as that approved, and it is considered to be materially no detraction given the policy position within DM1. This policy groups 4-bed plus into one category, and property types are primarily focussed on number of bedrooms, rather than whether detached or attached to others. The proposal includes a great number of 2-bed properties, in place of 3-bed, primarily due to instances of smaller upper floor rooms considered studies, rather than bedrooms, falling beneath the 7.5sq.m considered to form a bedroom. The approved scheme 19/00245/VCN focussed larger detached properties along the more visible (from public right of way) aspects to the south and east, which continues through this proposal. Whilst the density and proximity of dwellings is quite high, given the prevalence of terraced properties and mews, with larger rear gardens and small side curtilage, this is considered appropriate for this location. As such, the scale and housing mix are considered to be appropriate and similar to the fallback position.
- 5.3.3 One area of improvement over the approved position, and through negotiations over the course of this application, is the design and materials proposed as part of the development. Precise details of materials would continue to be controlled through planning conditions, however the current proposal has a greater proportion of natural stone walls, included to most external elevations to dwellings and outbuildings, whereas the approved scheme 19/00245/VCN included elements of render to some elevations. The proposed elevations include small areas of timber cladding, details of which should be included within the relevant planning condition through varying condition 11 to reflect the amended proposal. Materials for boundaries treatments are to remain primarily natural stone walls and hedgerows. Given these form boundary treatments, the species mix, staggering and height at planting of hedgerows and height of walls should be controlled through an additional planning condition.
- 5.3.4 Window orientation is considered to have improved during the course of the application, introducing more vertical emphasis and mullions to tie in with local characteristics. Greater variety of dwellinghouse has been incorporating as the application has progressed. Whilst these are largely house types from the developer, the variety, design and materials are considered to sufficiently reflect the existing mixed architecture and predominant use of natural materials on built form within the village, in a more contemporary style. Importantly, extended use of high quality natural materials assists with design and congruency to the village character. Whilst the roof pitches are steep in comparison to the surrounding vernacular, given instances of steep roofs in the vicinity (most notably School House and Old School Hall), and the steeper pitches within the proposal being located more centrally, it is considered that this would cause no undue harm, subject to being finished in natural slate roofs, details controlled through planning conditions. As such, the proposal is considered to be appropriate in terms of design, scale and materials, with a modest benefit of the proposal through the greater extent of natural materials within the external elevations proposed.
- 5.4 **Heritage and landscape impacts** Development Management DPD Policies DM29 (Key Design Principles), DM38 (Development affecting Conservation Areas), DM39 (The Setting of Designated Heritage Assets), DM41 (Development Affecting Non-Heritage Assets or their settings), DM42 (Archaeology), DM46 (Development and Landscape Impact), and DM57 (Health and Wellbeing), Strategic Policies and Land Allocations (SPLA) DPD Policies EN3 (The Open Countryside), SP7 (Maintaining Lancaster District's Unique Heritage) and SP8 (Protecting the Natural Environment); National Planning Policy Framework Section 12. (Achieving well-designed places), Section 15. (Conserving and enhancing the natural environment) and Section 16. (Conserving and enhancing the historic environment), and Listed Building and Conservation Areas Act 1990
- 5.4.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building, a Conservation Area or their setting, the local planning

authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by policies DM37 and DM38. DM38 sets out that development within Conservation Areas will only be permitted where it has been demonstrated that:

- Proposals respect the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height and the materials used; and,
- Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and,
- Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.

5.4.2 The wider site contains Listed Buildings, for Wayside attached to a barn within the site, and the associated farmhouse to this development, all within Whittington Conservation Area. Whilst there are heritage sensitivities to the site, the development attached to the curtilage Listed barn to Wayside remain largely unchanged. The improved extent of natural stone external elevation materials are considered to be a modest betterment to the previously approved scheme, which has been previously reported as an enhancement to the Conservation Area compared to the current modern agricultural buildings to be demolished to facilitate development. The proposal is considered to be a further, albeit modest, enhancement with these regards, and is considered to be acceptable from a heritage perspective.

5.4.3 The site would infill a corner between two roads of the rural village of Whittington within the wider designated Open Countryside. Whilst the existing agricultural use provides a transition between the village and the countryside surrounds, the modern form and dilapidated condition of this jars with the natural stone under slate materials of the village as existing. The proposal would appear more domestic than existing, but within the existing built form (not brownfield land, as agricultural use exempt from this definition), proposing materials more in keeping with the wider village. The scale and size of development is similar to that previously approved, and as such similar to the fallback position of continuing to implement existing consents at the site, and no harm is identified with this regard.

5.5 **Residential amenity Development Management DPD Policies DM27 (Open Space, Sports and Recreational Facilities), DM29 (Key Design Principles) and DM57 (Health and Well-Being); Strategic Policies and Land Allocations (SPLA) DPD Policy SC3 (Open Space, Recreation and Leisure); National Planning Policy Framework Section 8. (Promoting healthy and safe communities) and Section 12. (Achieving well-designed and beautiful places)**

5.5.1 The nearest existing dwellinghouses to the proposed development is Wayside to the west, and dwellings to the north dwellings fronting Crosslands. The impact upon Wayside is unchanged through this proposal, as the attached shop/tearoom and associated dwelling remain unchanged. Gardens to the north, and elsewhere across the site, continue to be short of the 10 metre policy position, from 7 metres deep to the north boundary, similar to the approved position. Due to the track to the north and relatively long gardens to Crosslands, a separation distance of circa 30 metres is retained between the proposed rear elevations and Crossland rear elevations, which is considered sufficient to maintain privacy standards. Within the site, plot 12 centrally within the site is the most constrained, but is 21 metres from opposing upper floor openings to plots to the north, east and west, whilst a blank elevation to the south facing ensures the 12 metres separation is considered to be appropriate.

5.5.2 The proposed garden areas fall short of 10 metres deep across a number of properties within the approved 19/00245/VCN and within the current proposal. The width of most dwellings within the development ensure minimum area of curtilage is provided in accordance with policy, although mid-terrace plot 16 falls short at circa 43sq.m. In other areas, the short gardens fall primarily across aspects with no opposing dwellinghouses, ensuring privacy is maintained, but also providing a longer outlook beyond the gardens spaces, over surrounding countryside, tracks or open space within the site. Along the southern row, gardens have been made even shorter than those approved, particularly so for plot 5, although this does provide circa 90sq.m rear garden across the rear.

5.5.3 The applicant has sought to address the sort gardens along the southern row through concurrent planning application 24/00295/FUL to extend these gardens southwards. Whilst the sloping

topography of this land inhibits usability to a degree, extending the garden areas would ensure the depths of gardens is addressed in a proportionate fashion to the proposed dwellings and garden depths in the vicinity. The benefits of this are greater for the particularly short gardens of plots 4 and 5, due to topography dropping less sharply to the southeast, compared to the southwest. The provision and use of these gardens for these properties should be controlled through a Grampian planning condition to ensure these are implemented as part of the development, and remove this detraction from the southern row. An additional planning condition for details of provision of bin storage as part of unit 16 should also be provided, given the lack of direct external access to the rear garden. This will ensure the detraction of garden spaces is limited to a modest degree when the scheme is considered as a whole, affecting a single unit falling short of the policy compliant garden area, which should be weighed in planning balance, alongside considerations of public open space to be brought forwards centrally within the scheme through this proposal.

5.6 **Accessibility and highways** Development Management DPD DM29 (Key Design Principles), DM57 (Health and Well-being), DM61 (Walking and Cycling), DM62: (Vehicle Parking Provision), and Appendix E (Car Parking Standards); PAN08 (Cycling and Walking); Strategic Policies and Land Allocations (SPLA) DPD policy SP10 (Improving Transport Connectivity); National Planning Policy Framework Section 9. (Promoting sustainable transport) and Section 12. (Achieving well-designed and beautiful places)

5.6.1 The proposal includes a continuous footpath to the north of the proposed widened existing access, culminating centrally within the site reaching smaller and cul-de-sac streets without a pavement. Whilst this would be short of expectation for city and suburban developments, the proposal is considered appropriate for this rural context, and particularly so for Whittington, where very narrow and single side pavements are characteristic of the settlement. Importantly, the proposal represents a marginal improvement in walking provision above the previously consented scheme, and with the retention of the public right of way link to the east, the proposal is considered to sufficiently encourage and provide facilities for walking to local bus stops and the wider right of way network.

5.6.2 County Highways originally objected to the proposal, due to lack of access road width, lack of pavements on each side, boundary heights, parking dimensions, service strips and swept paths. Following further details, amendments and confirmation that the internal estate roads would not be put forwards for adoption, no objection has been returned in the latest response from County Highways, who also confirm the proposed access is suitable. Each plot has at least two parking spaces, larger properties having 3 or 4, and garage spaces meet minimum dimensions to provide sufficient parking across the site. Subject to confirmation of wall heights at key visibility and parking space points, controllable through planning condition, the proposal offers sufficient space and provisions for foot and vehicle movements, of an equivalent standards to that previously approved at the site through 19/00245/VCN

5.7 **Drainage matters** Development Management (DM) DPD Policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water), DM36 (Protecting Water Resources and Infrastructure), and DM57 (Health and Wellbeing), Strategic Policies and Land Allocations (SPLA) DPD Policy SP8 (Protecting the Natural Environment); National Planning Policy Framework (NPPF) Section 14. (Meeting the challenge of climate change, flooding and coastal change)

5.7.1 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. LLFA have raised no objection to the latest application, however previously attached pre-commencement planning conditions should be unchanged, and have not sought to be varied through this application.

5.7.2 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, to prevent foul water flooding within the site. Whilst some details have been submitted with this regard, the pre-commencement planning condition for foul drainage should remain unaltered, and is not proposed to be varied.

5.8 **Natural environment** Development Management (DM) DPD policies DM43 (Green Infrastructure), DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland); Strategic Policies and Land Allocations (SPLA) DPD Policy SP8 (Protecting the Natural Environment); National Planning Policy Framework (NPPF) Section 15. (Conserving and enhancing the natural environment)

5.8.1 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. Amendments to the proposal have demonstrated the development can be carried out in accordance with previously approved arboriculture information and tree protection measures, with these conditions unaltered and unimpacted by the proposed development. No concerns have been raised by the Council's Tree Officer, who has been liaising with the applicant and their appoint arboriculturist regarding laying an existing hedgerow. Whilst landscaping is the only matter reserved as part of this variation of the outline permission, tree-lined streets and to the open space centrally and to the access is indicated in this submission. Full details of landscaping are controlled through the reserved matters process, however given hedgerows form domestic boundary treatments, the heights, staggered planting and species mix of these should be controlled through an additional planning condition.

5.8.2 An amended bat, bird and barn owl survey was submitted, dated July 2023, which concludes that buildings have negligible to low potential for use by bats and barn owls and nesting birds, with negligible to low potential for use by bats. Whilst a public comment has suggested additional nest be provided within the development, Greater Manchester Ecology Unit raises no objection to the application and mitigation measures within the submitted report. Subject to altering condition 21 to reflect the updated survey effort, the proposal is considered to mitigate ecological impacts, equivalent to that previously approved.

5.9 **Other matters** Development Management DPD Policies DM29 (Key Design Principles) and DM32 (Contaminated Land, Strategic Policies)

5.9.1 A 2018 contaminated land assessment was submitted to the Council in support of this application, and this has been reviewed by Environmental Health 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 land contamination, unvaried, as preceding discharge of conditions application 19/00110/DIS concluded that it is essential that ground conditions are re-checked once all hardstanding has been removed and any suspected areas of soil contamination notified.

6.0 Planning Obligations

6.1 A Section 106 agreement is associated with the extant consents, 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 remain as per the extant agreement.

7.0 Conclusion and Planning Balance

7.1 The proposal seeks to alter the design and layout of development, with a new developer progressing the scheme since the original approval in 2016 and subsequent variation in 2019. The amendments to the scheme and designs are considered to be compatible with the built form and character of Whittington, with an equivalent housing mix and unaltered obligations in terms of affordable housing and other provisions within the site. The designs are enhanced by a larger use of natural materials within the proposal, incorporated to a greater degree than the previously approved variation. This is a key feature to congruency with the character of Whittington, given the prevalence of such high-quality natural materials in the village and associated Conservation Area.

7.2 Whilst there are detractions in terms of garden spaces within the proposal, partially mitigated through a concurrent application to extend some of these. This modest harm introduced within this application is considered to be outweighed by the improved design and particularly the high-quality natural materials within the proposal. Along with the redevelopment of the dilapidated farmstead,

public open space and affordable housing benefits previously approved, ensuring the character and design are appropriate is vital at such a proportion of development within the districts characterful rural settlements, and the proposal is considered to achieve this, with this betterment outweighing modest detractors introduced, with a varied proposal that does not materially diminish the quality of approved development.

Recommendation

That Variation of Conditions Planning Permission **BE GRANTED** subject to the following conditions, and a variation to the s106 agreement to reflect this permission:

Condition no.	Description	Type
1	Reserved matters application and timescale (varied to reflect commenced development)	Control
2	Accord with amended approved plans (varied to submitted plans)	Control
3	Archaeological building recording (varied to reflect previously agreed details)	Control of approved details through 19/00110/DIS
4	Construction management plan (varied to reflect previously agreed details)	Control of approved details through 19/00110/DIS
5	Tree protection plan (varied to reflect previously agreed details)	Control of approved details through 19/00110/DIS
6	Land contamination survey	Pre-commencement
7	Details of access road, footpath links and visibility splays	Pre-commencement (except demolition)
8	Surface water drainage scheme	Pre-commencement (except demolition)
9	Surface water maintenance scheme	Pre-commencement (except demolition)
10	Foul water drainage scheme	Pre-commencement (except demolition)
11	External materials details and samples (updated to reflect amended scheme and materials)	Pre-commencement above ground
12	Open Space maintenance	Pre-commencement above ground
13	Off-site highway improvements	Pre-occupation
14	Tree mitigation measures	Control
15	Car parking implementation	Control
16	Hours of demolition and construction	Control
17	Shop/café opening hours	Control
18	Restriction on shop and tearooms	Control
19	Remove dwellinghouse permitted development rights	Control
20	Garage use restriction	Control
21	Ecology and protect species survey (updated to reflect new report)	Control
22	Protection of visibility splays	Control
23	Boundary treatments and hedgerows (new condition to reflect additional information)	Prior to installation and occupation
24	Grampian condition extended gardens (new condition to reflect additional information)	Prior to occupation plots 1 to 6
25	Bin store details for plot 16 (new condition to reflect additional information)	Prior to occupation plot 16

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, Officers have 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 made 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

- 16/00397/OUT – Previous officer report to the Planning Regulatory Committee June 2016
- 19/00245/VCN – Previous officer report to the Planning Regulatory Committee June 2019

Agenda Item A5	Committee Date 27 th June 2016	Application Number 16/00397/OUT
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	
Name of Applicant Mr Edward Mackereth	Name of Agent Mrs Lisa Allison	
Decision Target Date 30 th June 2016	Reason For Delay Awaiting Bat Survey and Design Modifications	
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 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); however there is a significant fall to the site 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). 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 The proposed development is in outline form, however the applicant is applying for access, layout, scale and appearance with the only matter reserved being landscaping. The scheme proposes the demolition of the existing (mainly pre-fabricated) farm buildings together with the conversion/rebuild of a barn to form a dwelling and a shop/tearoom. The scheme proposes the erection of 18 new dwellings, reconfigured access, open space and drainage.
- 2.2 The new build element of the scheme consists of the erection of four 2 bedroom houses, eleven 3-bedroom houses and four 4-bedroom houses. The units consist of terraced, semi-detached and detached properties. In terms of the conversion element, this will be a barn conversion to form a shop/café together with a 3 bedroom semi-detached property. The proposed dwellings are all two

storeys in height and would be finished in natural stone under slate roofs with painted timber windows and doors.

- 2.3 Access to the site would utilise the existing point of access to the farm however would be improved to provide 2.4m x 60m visibility splays, with a 10 metre kerb radii on the southern kerb. The scheme also proposes a new grassed area, village green, visitor and shop parking with a grassed recreational area, with associated landscaping.

3.0 Site History

- 3.1 A planning application (15/01366/OUT) was withdrawn in January 2016 which proposed the same number of units, together with the shop and tearoom. The applicant's decision to withdraw the application followed officer concerns regarding principles, housing need, layout, ecology, drainage and cultural heritage. A Listed Building application (16/00399/LB) also relates to the development and is being presented on the same Committee Agenda.

4.0 Consultation Responses

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

Consultee	Response
Lancashire Police	No objection , however recommend that secured by design standards are employed.
Lead Local Flood Authority	No objection , recommends conditions concerning a maintenance plan, drainage scheme and its subsequent implementation.
United Utilities	No objection , recommends conditions concerning foul and surface water being drained on separate systems, provision of a surface water scheme and management and maintenance of drainage systems.
Historic England	No objection - recommend amendments to the layout to better reflect the grain of the conservation area to deliver a more linear scheme.
Conservation Section	No objection – the development will not have an adverse impact on the conservation area or the setting of the surrounding listed buildings and non-designated heritage assets. They recommend a more linear scheme and conditions regarding materials.
Public Realm Officer	Requests that provision is made for 358m ² of Amenity Space on-site with a play area on the site together with an off-site contribution of £6,132 towards Parks and Gardens.
Ramblers Association	No observations received within the timescales
Natural England	No objection
Greater Manchester Ecology Unit	No objection , following the amended information in the form of a bat survey in May 2016, recommend conditions associated with nesting birds, landscape management and bats.
Planning Policy	The site is not located in a settlement where the Council would look to promote significant residential development. To be supported, the applicant will need to demonstrate that it would enhance or maintain the vitality of the local community and meet an evidenced housing need.
Strategic Housing Officer	The survey findings demonstrate some low-level need for both market and affordable housing in a village that is not defined as an area that a scheme would generally be supported but given the low level of affordable housing in rural areas there is an unmet need across the district.
Whittington Parish Council	No objection
County Highways	No objection , however recommends some offsite highway works, protection of visibility splays and details of the access to be conditioned as part of any planning permission.
Environmental Health	No observations received within the timescales.
County Strategic Planning (Education)	Raise concerns over the sustainability of the proposal, given the nearest school is over 2 miles away.

Public Rights of Way Officer (Lancashire County)	No observations received within the timescales
Tree Protection Officer	No objection in principle, however reconsideration of new stone walls to be outside of root protection areas.
Fire Safety Officer	No objection
County Archaeology	No objection however recommends a condition regarding archaeological recording and analysis.

5.0 Neighbour Representations

5.1 The application has been advertised in the press, by site notices and adjoining residents notified by letter. To date there has been 4 letters of objection received based on the below reasons;

- Unlikely the village shop could be supported locally;
- No community facilities within the village;
- Increased risk of surface water run-off;
- Road safety concerns;
- Lack of parking proposed for off-site properties;
- Lack of parking proposed on the site;
- Questions the need for the proposed development;
- Inaccuracies within the supporting documentation.

One letter in support in the development;

- However seeks clarification that trees and hedgerows will be maintained and managed and for the large ash trees to be preserved on the site.

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 14). The following paragraphs of the NPPF are relevant to the determination of this proposal:

Paragraphs 7, 12, 14 and 17 - Sustainable Development and Core Principles
 Paragraph 32, 34 and 38 Access and Transport
 Paragraphs 49, 50 and 55 - Delivering Housing
 Paragraphs 56, 58, 60, 61 and 64 – Requiring Good Design
 Paragraphs 69,70, 72 and 73 – Promoting Healthy Communities
 Paragraph 103 – Flooding
 Paragraphs 109, 115,117,118 – Conserving the Natural Environment
 Paragraphs 128-134 – Conserving and Enhancing the Historic Environment

6.2 Lancaster Core Strategy

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

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 Local Plan

Policy E4 – Open Countryside

6.4 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

7.1 The key considerations in determining this planning application are:

- The principle of residential development in this location;
- Loss of agricultural business;
- Provision of affordable housing;
- Layout;
- Design;
- Impact on heritage assets;
- Drainage;
- Ecology and Trees;
- Highways, Parking and Public Rights of Way;
- Education; and,
- Open Space.

7.2 The principle of residential development in this location

7.2.1 The Development Management DPD has not identified Whittington as a village within the District where significant new housing is proposed, and therefore approval of this scheme would constitute a departure from the Development Plan. Furthermore the latest version of the Council's Strategic Housing Land Availability Assessment (SHLAA) has deemed the site undeliverable for housing (given it is not within a sustainable settlement), however it was deemed a deliverable site in the Council's SHLAA of 2014. The village does have a village hall, a church, and has a public house (currently vacant), and is therefore not wholly un-sustainable but it does presently lack key amenities to support a scheme of this scale. However, it is in relative close proximity to Kirkby Lonsdale (2.5km away) which has numerous services, however travel to Kirkby Lonsdale would be relied upon by principally private car journeys. As of 2nd April 2016 there is no bus service that passes through Gressingham, Arkholme, Newton, and Whittington and these villages will only be served by a return journey from the Queen Elizabeth School in the afternoon. A real concern for officers is that the development would be totally reliant on private car journeys, and walking and cycling to Kirkby Lonsdale is somewhat restricted and highly unlikely to occur.

7.2.2 The fundamental questions concerning the principle of this development is whether the development will enhance or maintain the vitality of the village, (and whether the scheme is sustainable); and secondly whether the scheme is actually meeting a local need as set out in Policies DM41 and DM42 of the DM DPD.

7.2.3 The scheme is providing for a mix of market and affordable dwellings in an area of the district where house prices are above the district average. Given the policy backdrop the applicants have

submitted a detailed planning and sustainability statement in support of the application. The provision of a village shop on the ground floor and a tea room on the 1st floor of a barn used for the storage of farm machinery would assist in making the village a more sustainable settlement and therefore, the provision of this facility does weigh heavily in support of the proposal because of the social and economic benefits that would accrue. The shop/tearooms would be subsidised for a period of 5 years by the applicant, however it would operate out of relatively small premises with the shop being a total of 62.62 m² and the tearooms at 49.55 m². Concerns were raised during the withdrawn application that there was no information relating to the shop and tearooms. Since then the applicants have proposed that the shop will open for a minimum of 5/6 days a week and would stock essential goods such as bread, milk and fresh produce which are all locally sourced. As part of the applicant's Housing Needs Survey questionnaire, out of the 31 people who responded to the questionnaire 24 of these were in support of a village shop equating to 77% in support. Therefore it is considered that the provision of the shop/café would assist with maintaining the vitality of the village and would provide some immediate social and economic benefits.

- 7.2.4 With respect to housing need, the applicant was requested to provide evidence that the scheme is capable of meeting the housing needs of the local community. Following the withdrawal of the previous planning application the applicant delivered a questionnaire survey to all households within the village. 150 forms were distributed and 31 completed forms returned, representing a response rate of 21%. One significant weakness of the returns was that much of the data that would enable clear conclusions to be drawn in relation to demand for market and affordable housing was incomplete. Of the 31 returned questionnaires only 5 of the households stated that they needed to move either now or in the next 5 years. These were a combination of home owners with no mortgage that are unlikely to have an affordable housing need, and two concealed households that are likely to have an affordable need based on the income and present housing circumstances. Therefore it could be considered that there is a low level of housing need, however this does not take account of those households who did not return the questionnaire that may have a housing need; nor do they capture the needs of the households that left Whittington but have a desire to live/return there (possibly due to being forced out because of property prices for example). Following the feedback from the local community the scheme has been amended to provide four 2-bedroom houses and three 3-bedroom houses, thus assisting with meeting the needs identified via the questionnaires.
- 7.2.5 Whilst it cannot be concluded wholeheartedly that there is a demand for the number of units that are being proposed, the applicant's robust questionnaire to all the households within the parish has done their best to ascertain this need. The Parish Council continue to raise no objection to the development, and the applicants have submitted a letter from the Parish as part of this submission with the Parish being supportive of the scheme.
- 7.2.6 The application does bring with it many benefits such as the delivery of market and affordable housing; enhancements to the Conservation Area; utilisation of brownfield land (whilst still maintaining a farming presence); provision of open space; provision of a shop/cafe and making a small but valuable contribution to the Local Planning Authority's housing land supply. Crucially there are reservations that whilst Whittington does have links to Kirkby Lonsdale and Arkholme (which is deemed a sustainable settlement), that given the lack of village services this will result in a development heavily reliant on private car journeys, and as such this is a weakness of the scheme. Notwithstanding this, the Council is supportive of sustainable housing and cannot demonstrate a five year housing land supply and therefore the presumption in favour of sustainable development applies. It is considered that the applicant has sufficiently demonstrated that the scheme will enhance and maintain the vitality of the local community and the provision of a village shop/café and the play area (the latter at least to remain in perpetuity) weighs heavily in support, and with this comes about social, economic and environmental benefits. Therefore the benefits that would arise persuades us that the development complies with Policies DM41 and DM42 of the DM DPD.

7.3 Loss of agricultural business

- 7.31. The loss of the farm complex to facilitate the development is regrettable as the village is built on its rural roots and farming is a key component. There will be benefits arising from the removal of the farm buildings (to both visual and residential amenity) and should a scheme be approved, the applicant has sought to diversify his farming enterprise into sheep farming which is a low cost and low intensity form of farming (and would utilise buildings within the control of the applicant). With this in mind if a scheme was to be approved it is considered appropriate to control that no agricultural buildings should be constructed on the site for a period of 10 years, following the demolition of the

buildings to facilitate this development. The applicant is amenable to this and this could be controlled by means of legal agreement.

7.4 Affordable Housing Provision

7.4.1 Policy DM41 of the DM DPD requires a development of this size on brownfield sites to contribute to 30% on-site affordable housing provision. The applicants are proposing in excess of the minimum required at 36.8% (7 units) and therefore a significant benefit of the scheme and one that requires special weight (especially given the distinct lack of affordable properties in rural parts of the district). At pre-application stage it was emphasised to the applicant that contact be made with Registered Providers to establish the need in this location, and whilst no engagement has been made with Registered Providers, the application is proposing 3 three-bedroom properties together with 4 two-bedroom units. The Strategic Housing Officer is supportive of additional affordable homes in an area of the district where house prices are above the district average, and the scheme does comply with Policy of DM41 of the DM DPD and this can be controlled by means of Section 106 Agreement.

7.5 Layout

7.5.1 The sites layout is 'organic' rather than linear and it is considered that this suits its rural position and the sites constraints. Concerns (albeit not objections) have been raised from Historic England and the Conservation Officer that the layout is felt to be suburban in form and that an amended linear layout with a greater density of dwellings would be more suited to the site. Whilst these comments are noted, it is considered that there has been care in designing a scheme which complements the village. There were a number of weaknesses with the withdrawn application's layout such as awkwardly shaped garden sizes which would have limited the enjoyment and usability; potential conflict with visitor parking for the shop and parking provision for residents; the orientation of selected plots and the relationship between open space and habitable rooms. Whilst not all of these issues have been addressed by the applicant, they have sought to amend the orientation of the block of terraced houses (plots 18, 19 and 20), the creation of larger garden spaces and amendments to plots 10 and 11 to accommodate the play area. The on-site separation distances between dwellings are less than the DM DPD Policy DM35 minimum standards (21 metres between habitable windows), however given the orientation of the dwellings involved it is not considered that privacy would be a cause for concern. The distances to off-site dwellings is considered appropriate to maintain privacy and therefore overall the layout is considered acceptable.

7.6 Design

7.6.1 Whilst this is an outline application, the proposed development is applying for scale and appearance and therefore as part of this application it needs to be considered whether the design of the scheme positively contributes to the Conservation Area in which it sits. The dwellings relate well to the local vernacular and would use traditional materials such as stone, slate and timber doors and windows. Subject to materials to be agreed it is considered that in design terms the scheme could be supported and positively responds to the variety of styles and buildings within the Conservation Area. Given the sensitivities of the site it is considered necessary to include conditions associated with pointing, the stonework to be used, surface treatments and details of boundary treatments.

7.7 Impact on Heritage

7.7.1 The application is within the Whittington Conservation Area and for this reason the applicants have sought to apply for scale, layout, appearance and access to allow for the scheme to be properly assessed. National guidance is clear that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. It should be noted that the significance of a heritage asset derives not only from its physical presence, but also from its setting. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision takers to have special regard to the desirability of preserving the setting of a listed building and conservation areas. A separate application has been submitted for Listed Building Consent for the conversion of the barn to a shop/tearooms and associated dwelling under application 16/00399/LB.

7.7.2 As stated elsewhere within the report the site currently supports a number of agricultural buildings (mainly prefabricated) with the majority of these detracting from the Conservation Area's character. Overall it is considered that the proposed scheme would make a positive contribution to the

character of the Conservation Area and whilst Historic England and the Conservation Officer have recommended an amendment to the layout, it is considered that the layout is logical and given site constraints works well in its context and would improve the appearance of the Conservation Area and there would be no substantial harm created to the settings of any of the nearby listed buildings such as Wayside, Park House and Whittington Farmhouse (all Grade II).

7.8 Drainage

7.8.1 The site is within Flood Zone 1. The proposal is supported by a Flood Risk Assessment and Drainage Strategy. The overall conclusion is that as the existing site is heavily developed there will be a significant decrease in impermeable area and surface water run-off will be drained via soakaways. Officers had concerns with the withdrawn application that no ground investigation testing had been undertaken to establish that soakaways could be used to drain the site. In February 2016 the applicant commissioned a series of percolation tests located at three trial pits across the site, the results of which were that the pits were all free draining in nature which in part is due to the high silt and gravel content within the area. Officers are now satisfied that the site can be appropriately drained and therefore it can be considered that the site conforms to Policy DM39 of the DM DPD. Neither, the Lead Local Flood Authority or United Utilities object to the scheme with both recommending conditions to address surface and foul water.

7.9 Ecology and Trees

7.9.1 The proposed development would necessitate a limited removal of trees and hedgerow. In particular the removal of two significant trees in the form of two Ash trees which have both extensive die back and deadwood in the crown. The scheme compensates for this loss and proposes indicative planting. The Tree Protection Officer has no objections but has concerns regarding the location of new stone walls being located within the agreed Root Protection Zones and therefore she has requested that root friendly materials and methods of construction should be employed and possible relocation of walls outside the zones. This can be addressed by a suitably worded planning condition. An amended Arboricultural Impact Assessment has since been submitted and the further observations of the Tree Protection Officer will be reported verbally to Members.

7.9.2 The application is accompanied by an ecological appraisal and a bat survey with the underlying headline that the site has a low ecological value given it is a working farm. The barns are assessed as having a negligible risk and therefore unlikely that the buildings could be utilised as roosts; a further survey was undertaken in May 2016 at the request of the Council's ecological advisors and this demonstrated no evidence of bats. Officers raised concerns with the previous application given one of the trees to be lost (T1) has the potential to support bats. Additional information has been supplied with respect to this tree that it is classified as moderate in its potential for use by bats and unlikely it would support a significant roost (maternity, multiple bats or multiple species roost). A mitigation strategy has been submitted and this can be conditioned. The Council's ecological advisors raise no objection subject to mitigation being controlled by appropriately-worded planning conditions, and as such it is considered there would be no adverse impact on protected species.

7.10 Highways, Parking and Public Right of Ways

7.10.1 The application is accompanied by a Transport Statement. The proposal would involve an amendment to the current farm access to facilitate the development with the loss of some stone walling which currently acts as boundary treatment. Whilst concerns have been raised in response to the planning application regarding highway safety, the County Council as Highway Authority does not object to the development however proposes a number of conditions. One such condition includes the laying of the public right of way that passes the site with compacted stone (the route is currently defined whereby users have walked across the grassland). Whilst this has its benefits, it would be unlit and undulating and therefore not overly user friendly and therefore the stoning up of the path would have limited benefit and would not be required to make the development acceptable in planning terms. It is therefore considered that the scheme can be safely accommodated on the local highway network and subject to conditions controlling the site junction construction, visibility splays and off-site highway works the scheme is considered acceptable. It should be noted that in sustainability terms whilst concerns have been raised by the Highways Authority they offer no objection to the scheme.

7.10.2 Parking is adequately provided for within the scheme and where possible the application has sought to hide cars behind the building line. The properties benefit from parking bays or driveways with garages. The level of provision is at the maximum end of the car parking standards but this is deemed acceptable for the size of properties and the village's current public transport situation.

7.10.3 There is a public right of way that passes the north eastern boundary of the site, it is proposed that the boundary hedgerow would remain to separate the proposed site from the public right of way. Users of the right of way currently pass the operational farm complex (including the sound of livestock and farm plant machinery). It is not therefore considered that for users of the Right of Way the enjoyment of this route would not be adversely affected by the scheme. Furthermore, there would be gain by having a direct link from the development to the footpath.

7.11 Education

7.11.1 The County Council have stated that the nearest primary school is 2.58 miles away and raise concerns regarding the sustainability of the proposed scheme. The County Council have been requested to provide an education contribution should this scheme be approved however at the time of drafting this report the contribution is unknown. Notwithstanding this, the nearest primary school is in Kirkby Lonsdale (albeit only marginally closer) and therefore any contribution sought by the County would be unlikely to be spent on the school that is most likely to serve the development's needs. Given a request can only be sought where they are necessary to make the development acceptable in planning terms, related to the development, and fair and reasonable in scale and kind in this instance it is not considered a request could be justified in this particular instance.

7.12 Open Space

The village lacks open space provision, and therefore approval of this scheme would provide for this in the form of a small area illustrated as a village green in front of the proposed shop/café, a children's play area (utilising three pieces of equipment, seating and bin provision) with a total area of 210m², and open space adjacent to the entrance and this this weighs in support of maintaining the vitality of the village which has environmental and social benefits. Given the number of units proposed there is no requirement for a children's play area (despite one not featuring in the village), however it has been proposed by the applicant, which would assist with providing the community with a much needed asset. However, the location of the play area is located at far side of the site which limits its attractiveness to be used by the community and officers believe that there would be more merit in having this where plot 3 is located which would have a greater standard of natural surveillance and be more readily accessible to members of the community who may wish to use it. Officers also recommended that an area of 400 m² was offered as opposed to the 210 m² proposed. These concerns have been conveyed to the applicant's agent however no amendment has been forthcoming on this basis, who state that there was public support for the play area to be located where it currently is. The facility would have a buffer zone greater than 10m in depth between the activity zone and habitable room façades of the nearest dwellings and with this no objection has been offered by the Councils Public Realm Officer. It is regrettable that an amendment was not forthcoming as the play area could be considered to feel a little trapped between two units, however it would be highly unlikely to be able to defend this as a reason for refusal should permission not be granted. On balance, given there is no requirement for a facility and given no objection from the public realm officer it is considered that this element on balance can be found acceptable, however conditions should be imposed regarding specific details of play equipment and a maintenance regime and for this to be available for use by the local community

7.12.2 The public realm officer has requested a financial contribution towards Williamson and Ryelands Park however given the distance to these Parks (circa 20km) it is considered that this would not be appropriate to seek a contribution in the circumstances as it is unlikely that users of the development would frequently use these parks.

8.0 Planning Obligations

8.1 The applicant is willing to provide the following requirements (secured by way of legal agreement under s106 of the Town and County Planning Act 1990). These requirements are considered to meet the tests set out in paragraph 204 of the NPPF:

- The provision of 7 affordable homes (in line with current policy);
- The shop/cafe to be open for trading prior to the occupation of no more than 5 of the dwellings and to be operational for a minimum five years;
- Restricting the provision of new agricultural buildings within the applicant's ownership for a period of ten years;
- The setting up of a Private Management Company to ensure the public open space, amenity space, surface water drainage systems and private roads within the site are maintained at all times in perpetuity.

With Committee's support, Officers seek delegation to ensure that the Section 106 Agreement is signed within the agreed time period for decision-making (i.e. before 30th June 2016).

9.0 Conclusions

9.1 Redevelopment of the site to a mainly residential development is very finely balanced not least as this is a village where ordinarily the Local Planning Authority would not support a development of this size. Critically however, the Local Authority cannot demonstrate a 5 year housing supply, so development proposals have to come forward within the district to meet this need. Whilst Whittington is not a sustainable village and therefore not a location where a significant scheme would generally be supported, the provision of the shop/café weighs heavy in support of the scheme; there would be benefits to the overall character of the conservation area; the provision of 7 affordable homes; open space/play area that could be utilised for the benefit of the community and being able to utilise a brownfield site yet still retaining an active farming business, and with this it is considered in social, economic and environmental terms there would be benefits that arise from the scheme that would amount to sustainable development.

Recommendation

That Outline Planning Permission **BE GRANTED** (subject to signing a Section 106 Agreement) subject to the following conditions;

1. Standard outline condition with just landscaping reserved for future consideration
2. Development in accordance with the list of approved plans
3. Construction management scheme
4. Tree protection plan and arboricultural method statement
5. Standard contamination condition
6. Access details, including visibility splay provision and protection; footpath linkages; amendment to the boundary walls.
7. Off-site highway works (footpath to site frontage, road markings and gateway treatment measures)
8. Surface water drainage scheme
9. Surface Water Management and ongoing Maintenance
10. Four drainage scheme
11. Notwithstanding plans, materials, including natural stone, natural slate, mortar, render, rainwater goods, eaves/verges/ridges, doors, windows, garage doors, boundary treatments, gates, surface treatments
12. Parking to be provided prior to the associated development being occupied / brought into use
13. Hours of demolition / construction (0800-1800 Mon to Fri, and 0800-1400 Sat only)
14. Hours of operation for the retail/tea rooms (0700-1900 Mon to Sat, and 1000-1700 Sun and public holidays
15. Tearoom/Shop – restricting use.
16. Removal of PD rights (Parts 1 A-G, 2 and 14)
17. Garage use restriction
18. Archaeological Written Scheme of Investigation
19. Maintenance of Open Space/Play Area
20. Details of landscaping and play equipment to be submitted for consideration.
21. Accordance with Protected Species Bat Survey and Mitigation.

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 has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the agent to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made 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.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

None

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.

Agenda Item	A7
Application Number	24/00295/FUL
Proposal	Change of use of agricultural land to residential curtilage
Application site	Whittington Farm Main Street Whittington Carnforth
Applicant	Rural Candelisa Ltd
Agent	Mrs Liz Walker
Case Officer	Mr Andrew Clement
Departure	No
Summary of Recommendation	Approval

(i) Procedural Matters

Concurrent applications for another variation of conditions application and application for extended garden spaces to the south of the site have been submitted through separate application, for consideration and determination at the same planning committee meeting. The two variation of conditions applications seek slightly different layouts and housing mix to one another, referenced 23/01408/VCN and 23/01488/VCN. Both seek to vary permissions reported to be departures from the local plan. This proposal seeks to extend the garden areas of the southern row of properties through separate application 24/00295/FUL and is relevant to both concurrent variation of conditions applications. This follows pre-application advice during which extending the development area was discussed.

1.0 Application Site and Setting

- 1.1 The application site relates to a circa 1,220sq.m parcel of land sloping down southeastwards from a farmstead and associated slurry pit, although concurrently seeking to vary consents for conversions and 18 new dwellinghouses, which is understood to be currently active on-site. The majority of this application site is grassland, and includes part of an agricultural track joining the farmstead to further agricultural fields to the east.
- 1.2 The site is centrally located on the edge of the village of Whittington, approximately 2.5km from Kirkby Lonsdale town centre. Beyond the farmstead, the neighbouring uses comprises of residential to the north, and west, with open fields located to the east and south. The majority of nearby properties are traditional in appearance and form, finished in predominantly natural sandstone under slate. The site is located just beyond Whittington Conservation Area, and Grade II listed buildings are located adjacent to the sit, Wayside and Whittington Farmhouse and Barn. The site is allocated under the adopted Local Plan as Open Countryside. Public right of way (PROW) footpath no.6 runs along the northeast of the site.

2.0 Proposal

2.1 The application seeks planning permission to change the use of the field to domestic curtilage.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
24/00377/AD	Agricultural determination for the erection of an agricultural storage building	Concurrent
24/00310/LB	Listed Building Application for the demolition of existing outbuildings and change of use, conversion and alteration of barn into one dwelling (C3), with associated parking	Concurrent
24/00309/FUL	Demolition of existing outbuildings and change of use, conversion and alteration of barn into one dwelling (C3)	Concurrent
23/01488/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 on planning permission 19/00245/VCN to make amendments to the approved scheme)	Concurrent
23/01408/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 condition 2 on 16/00397/OUT to amend the layout and appearance of the dwellings)	Concurrent
23/00205/DIS	Discharge of conditions 7, 8, 9, 10, 12, 13 and 21 on approved application 19/00245/VCN	Concurrent
23/01147/FUL	Change of use of agricultural land to residential curtilage	Refused
23/00128/PRENG2	Pre-application advice request for 33 dwellings and S106 requirements	Advice provided
21/00331/ELDC	LDC for works undertaken in carrying out demolition to implement planning permission 16/00397/OUT	Granted
19/01590/LB	Listed building application for the installation of windows and doors, installation of a first floor, installation of replacement roof on existing barn, installation of internal staircase and internal partition walls and alteration of the site entrance walls	Permitted
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	Permitted
19/00245/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)	Permitted
19/00110/DIS	Discharge of conditions 3,4,5 and 6 on approved application 16/00397/OUT	Permitted

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	Permitted
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	Permitted

4.0 Consultation Responses

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

Consultee	Response
Whittington Parish Council	No observation received to date
County Highways	No objection
Environmental Health	No objection , subject to contaminated land survey, including soil sampling, and any relevant mitigation given sensitive domestic end use

4.2 No observations have been received from members of the public to date:

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle of the development
- Scale, design and landscape impact upon the open countryside and setting of designated and non-designated heritage asset

5.2 **Principle of the development** Development Management (DM) DPD policy, DM29 (Key Design Principles); Strategic Policies and Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development); National Planning Policy Framework (NPPF) Sections 2. (Achieving sustainable development), Section 4. (Decision-making), and Section 11. (Making effective use of land)

5.2.1 The application proposes to change the use of agricultural land to domestic curtilage, in anticipation of implementing planning permission for the dwellinghouses through permission 19/00245/VCN, or if approved, a subsequent variation to this consent concurrently sought. A supporting statement suggests drainage infrastructure and landscaping will be located within the application site, however none are detailed as part of this proposal.

5.2.2 There are extant consents at the site, with 19/00245/VCN having no time limit condition and original approval 16/00397/OUT having received certification of commencement of the consent due to demolitions undertaken prior to this permission expiring. Whilst there are some outstanding per-commencement planning conditions and no dwellinghouses have been constructed to date, progress has been made with two concurrent variation of conditions applications, both recommended for approval with a Grampian condition tied to this application, to improve garden provision to the southern row of proposed dwellinghouses. Whilst this would much more neatly be tied into a single new full application with a larger development area, red edge development area

cannot be extended through the submitted variation of conditions applications. This application has effectively been submitted as a workaround to extend the wider residential development site due to the limitation in how applications can be varied.

5.2.3 An almost identical preceding application to this one was refused, approximately 4 months ago in late 2023, at a time when the now concurrent variation of conditions applications 23/01408/VCN and 23/01488/VCN were recently validated and invalid applications respectively, and no recent physical progress had been made on-site. Since then, the aforementioned variation of conditions applications have progressed to recommending approval at this planning committee, with progress on-site providing much greater confidence of development of the site finally coming to fruition, almost 8 years since originally approved. Whilst a preceding application to this was refused due to prematurity, the timing of this application, and ability to control the implementation of this with Grampian conditions closely tying to the concurrent variation, if approved, is considered to have addressed this issue. With such control through planning conditions for the proposed domestic curtilage to be brought forwards only as part and alongside the concurrent variation of condition applications, this addresses the principle unacceptability of the predecessor.

5.3 **Scale, design and landscape impact upon the open countryside and setting of designated and non-designated heritage asset** Development Management DPD Policies DM29 (Key Design Principles), DM39 (The Setting of Designated Heritage Assets), DM46 (Development and Landscape Impact), DM57 (Health and Wellbeing) and DM61 (Walking and Cycling), Strategic Policies and Land Allocations (SPLA) DPD Policies EN3 (The Open Countryside), SP7 (Maintaining Lancaster District's Unique Heritage) and SP8 (Protecting the Natural Environment); National Planning Policy Framework Section 12. (Achieving well-designed places), Section 15. (Conserving and enhancing the natural environment) and Section 16. (Conserving and enhancing the historic environment); and Listed Building and Conservation Areas Act 1990

5.3.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building, a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by policies DM37 and DM38. DM38 sets out that development within Conservation Areas will only be permitted where it has been demonstrated that:

- Proposals respect the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height and the materials used; and,
- Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and,
- Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.

5.3.2 The application site is located within the designated open countryside, adjacent to the Whittington Conservation Area. The site would be largely visually contained and screened from the perspective of Main Street, however it is more prominent from the public right of way (PROW) footpath to the east and south, being situated on elevated land sloping southeastwards towards this footpath. This public right of way footpath no. 6 skirts to the east of Whittington, and is primarily rural in nature, through agricultural fields leading to the River Lune and to the wider right of way network. The landscape is very open in this location, with the exception of Whittington village, which is a traditional rural village designated with a Conservation Area, containing a number of Listed Buildings and non-designated heritage assets, most notably Wayside and Whittington Farmhouse and barn.

5.3.3 The proposal seeks consent for a large curtilage area, measuring up to 19.2 metres deep from the 6 or 7 properties across proposed to the north through variation of conditions applications 23/01408/VCN and 23/01488/VCN respectively. Whilst the adjacent site to the north contains agricultural building and slurry pit, given the progress with concurrent applications and on-site, Officers are much more confident of development of the site coming forwards. More importantly, at this point it can be controlled to only be carried out with these concurrent applications through Grampian planning conditions. To the south and east is agricultural land.

5.3.4 The domestic curtilages would be visible from the surrounding landscape, particularly from the adjacent public right of way network in a prominent location on land sloping towards this receptor

point. This would increase the domestication of rural land and landscape, increasing the area of residential use of the site. This can be partially mitigated through sympathetic boundary treatments, such as double staggered native hedgerows, and by removing permitted development rights for boundary treatments and outbuildings, inline with the associated permissions immediately north. Whilst gardens would be larger, subject to the approval of concurrent variation of conditions application(s), this would be seen in the context of a wider residential development, and importantly can be controlled as such at this stage through Grampian condition. The site received positive pre-application advice on the element of modestly extending the site area to achieve the heritage and affordable housing benefits of the development, amongst others. The applications have been brought forwards through more convoluted means of variations of conditions and this change of use for extended gardens, rather than a comprehensive new full application for all the development sought, as recommended at pre-application stage. However, for this proposal, there are considered to be methods of ensuring the approvals, if granted, are brought forwards as one. This would avoid the domestic curtilage sought being seen as an alien feature in the rural agricultural landscape, but as larger gardens to a housing development. Through this proposal, whilst gardens proposed along the southern row would be larger than others within the site, these would be proportionate to the scale of development and curtilages in the wider village, and would help address a residential amenity detractor that was reported on as part of 23/01408/VCN and 23/01488/VCN.

5.3.5 In the existing site context, the proposal would cause a moderate degree of harm to the rural landscape and designated Open Countryside, and modest degree of harm to the setting of designated and non-designated heritage assets. However, this harm is reduced to become negligible in this location when viewed as part of a wider new housing development, which can be controlled through Grampian planning condition, should associated variation of conditions application(s) be approved by members. The proposal would help deliver the benefits of the wider scheme, and address residential amenity deficits in the associated applications, whilst finding a functional use for a sloping site that would otherwise likely be redundant. Subject to controls over boundary treatments and landscaping delivered as part of this proposal, condition control of implementation as part of wider residential developments only, and removal of permitted development rights to prevent potential harmful future domestic development, the harm to the countryside and heritage is considered to be negligible in this location visible as part of a wider scheme from the public right of way network.

6.0 Conclusion and Planning Balance

6.1 Given the progress with applications and on-site relating to the adjacent residential development, and subject to being controlled to be delivered as such, the proposed extended residential curtilage would be attached and associated with the new residential dwellinghouse, and viewed in this context. The proposed extended gardens would appear congruent to the wider residential development, with the main viewpoints from the public right of way to the east, looking back towards the village of Whittington and this rural settlement as a direct and immediate backdrop to the proposal. In this context, and as part of the wider scheme, landscape and heritage impacts would be negligible. The benefits of providing proportionate domestic curtilages to the new dwellinghouses, improving residential amenity standards of new dwellings and facilitating the continued implementation and deliverability of the wider residential development and the associated benefits of this are considered to weigh in favour, outweighing the negligible degree of harm identified.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Timescale	Control
2	Accord with approved plans	Control
3	Contaminated land assessment	Pre-commencement and first use
4	Details of boundary locations, types and heights	Prior to installation and first use

5	Remove permitted development outbuildings and boundary treatments	Control
6	Grampian condition linked to VCN approvals to the north	Control

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, Officers have 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 made 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

Agenda Item	A8
Application Number	23/00339/OUT
Proposal	Outline application for the erection of one dwelling (C3) and alterations to existing access
Application site	Land To The Rear 162 Scotforth Road Lancaster Lancashire
Applicant	Mrs Violet Davies
Agent	Mrs Karolina Duhs
Case Officer	Mrs Petra Williams
Departure	No
Summary of Recommendation	Approval

(i) **Procedural Matters**

This form of development would normally be dealt with by way of a delegated decision. However, the Service Manager considers the application should be determined by the Committee in line with section (e) of the Scheme of Delegation, due to connectivity between Uggle Lane and the site of the recently approved development for 70 dwellings and proposed new supermarket to the south of Lawsons Bridge.

1.0 Application Site and Setting

1.1 The site that forms the subject of this application is land associated with, and located to the rear of, number 162 Scotforth Road, which is a two-storey detached residential property located within the Scotforth area, in south Lancaster. The rear garden is of a substantial size measuring over 100 metres in depth. The western most part of this land (the application site) has gated access onto Uggle Lane. There is a detached garage close to the gated access and the submission states that this piece of land was historically used as a “market garden” but it is now largely overgrown and unkempt. There is a concrete path running through the centre of the site in an east/west direction and two tree groups in the eastern part of the site. Site boundaries comprise various hedges as well as a length open wire fencing along a length of the northern boundary.

1.2 There are residential properties around the site and as such it is bordered to the north, south and west by domestic gardens. There are four existing detached properties along Uggle Lane with Uggle Cottage located to the immediate north of the application site. Other dwellings are Farr Bank, Uggle House and The Orchards which lie on the western side of Uggle Lane with the west coast mainline beyond. There are also a number of detached outbuildings which are related to the properties on Ashford Close but are accessed via Uggle Lane.

1.3 Uggle Lane is an unadopted road but is a U-shaped Public Right of Way/bridleway (BW0101052) which runs from Ashford Road to the north, across Lawsons Bridge over the west coast mainline

then returning north towards Ashford Road along Cinder Lane. The site is 98 metres from the adopted highway on Lawson Close (which in turn is accessed off Ashford Road). From its Junction with Lawson Close down to the application site Uggie Lane is approximately 3 metres wide at its narrowest but is approximately 6 metres wide in places, particularly where passing places have been created as part of previous development.

2.0 Proposal

2.1 This application is seeking outline consent for one detached dwelling with access and all other matters reserved. Originally the submission proposed two detached dwellings, but the application was amended during the course of the application in an attempt to remove highway concerns/objections.

2.2 As the application is only seeking outline consent, no plans relating to the design, scale, form and materials have been provided for consideration, nor is there a requirement to provide any landscape or boundary treatment details. An indicative site plan has been submitted to illustrate how a dwelling may appear on the site.

2.3 Access is proposed off Uggie Lane following improvements to the site entrance.

3.0 Site History

3.1 A single relevant submission relating to this site has been received by the Local Planning Authority:

Application Number	Proposal	Decision
22/00787/OUT	Outline application for the erection of two detached dwellings (C3)	Withdrawn

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection The reduction in scale to one dwelling is seen as an improvement. Suggests conditions relating to a Construction Management Plan, the timing of deliveries and Electric vehicle charging points.
Public Rights of Way	No objections Concerns raised about the impact of increased vehicle movements along Uggie Lane and the effect this would have on the surface which will in turn effect public access.
Arboricultural Officer	No objection Subject to the submission of detailed landscape proposals
Engineers	No objection Subject to a condition relating to a Surface Water Drainage Scheme
United Utilities	No objection (Applicant to be made aware of advice note relating to proximity of United Utilities assets and infrastructure.
Natural England	No objection subject to a condition for the provision of a Homeowner Pack
Environmental Health	No objection suggests Contaminated Land condition and hours of working.
Fire Safety Officer	No objection (Applicant to be made aware of advice note to comply with building regulations)

4.2 The following responses have been received from members of the public:

A total of 28 items of public comment have been received (in response to the original and subsequently revised plans) with objections relating to the following points:

- Proximity of development to existing dwellings.
- Loss of light.
- Impact on trees and ecology.

- Queries relating to the accuracy and timing of the submitted Highways impact report.
- Disruptive impact of heavy vehicles accessing the site during any building work.
- Loss of trees.
- Possibly increase in flood risk.
- Access of fire appliance.
- The bridleway is a path to be used by walkers.
- pedestrian access to the development would be difficult or impossible for people with mobility issues, including wheelchair users.
- The proposed development would fail to provide an acceptable standard of residential amenity for the future occupants.
- The gated access onto Uggle lane has only recently been brought back into use.

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle of development
- Design and amenity
- Access and parking
- Trees and biodiversity
- Drainage

5.2 Principle of development (NPPF Sections 2 and 5, policies SP1 and SP2 of the Strategic Policies and Land Allocations DPD and policy DM1 of the Development Management DPD)

5.2.1 Policy SP1 of the Strategic Policies and Land Allocations DPD (SPLA DPD) states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework (NPPF). Policy SP2 outlines the settlement hierarchy throughout the district policy and DM1 of the Development Management DPD (DM DPD) states the Council will support proposals for new residential development that meet an evidenced housing needs.

5.2.2 The site is located within the urban area of Lancaster and lies adjacent to existing residential development. It is close to existing public transport links and services and is therefore considered to be a sustainable location where residential development is supported in principle, in accordance with the settlement hierarchy and development strategy set out within the Strategic Policies and Land Allocations DPD.

5.2.3 The site is considered to be well connected to the regional centre of the district with a good choice of local amenities in relatively close proximity which could be accessed on foot. As such, the site is considered to be located within a sustainable area and therefore the principle of a dwellinghouse can be supported subject to the other material considerations that are to be discussed in the later paragraphs of this report. In addition, as the Council cannot demonstrate a 5-year housing land supply, the tilted balance applies to this scheme. For decision makers, this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

5.3 Design and amenity (NPPF Sections 5 and 12 and policy DM29 of the Development Management DPD)

5.3.1 Policy DM29 states that development should 'contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palate of materials, separation distances, orientation and scale.' Policy DM29 also requires all development to provide a good standard of living accommodation for future occupiers and also seeks to ensure that there are no detrimental impacts to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution for existing neighbouring properties.

5.3.2 As stated above, the application seeks consent for a detached dwelling with the layout, design, scale and landscaping to be agreed at the later stage through the reserved matters. Whilst these details

are not considered at the outline stage, the Local Planning Authority must be satisfied that the proposal can be successfully sited without causing an adverse visual impact upon the amenity of the surrounding area.

- 5.3.3 Uggie Lane is a historic bridleway dating back to 1966 and until relatively recently has remained an undeveloped lane bounded by mature trees and vegetation. The erection of Uggie House (under application (11/00452/FUL) and Orchard House (under application 10/01303/OUT) and their associated accesses have added a slightly more urban feel to the lane and eroded to some degree the natural historic feel when passing through. It is considered that subject to scale and appearance in addition to appropriate landscaping (all to be considered at Reserved Matters) the proposal would not result in adverse visual amenity to the surrounding area.
- 5.3.4 Although not for consideration at this stage, the submitted Design and Access Statement suggests that the proposal would use materials and details which are prevalent in the local area which offers a wide palette of materials such as natural stone, render, timber cladding to external walls and roofs ranging from natural slate to tiles in both red and grey, although more contemporary materials may also be appropriate. However, such details would be considered as part of a Reserved Matters application.
- 5.3.5 The application site is approximately 60 metres deep with the frontage onto Uggie Lane being 12 metres wide and the width increasing to 20 metres at the rear of the site. Land levels increase gently across the site from west to east. However, in general terms it is considered that the development site could comfortably accommodate a single dwelling with associated parking and garden area.
- 5.3.6 As the layout and scale of the dwelling is not yet known, it is not possible to fully ascertain the impact of development upon existing levels of residential amenity. The indicative plan acknowledges the relationship of the site to neighbouring dwellings in particular 18 Ashford Close to the north and 33 and 35 Toll Bar Crescent to the south. Policy DM29 advises that there should normally be at least 21 metres between dwellings where windows of habitable rooms face each other and 12 metres where a habitable room faces onto a side wall with no such window. Consideration would need to be given to the position of windows and siting of the proposed dwelling at Reserved Matters stage in order to ensure there are no adverse overlooking impacts on neighbouring residential amenity. Similarly, consideration would also be given to the height of the dwelling at Reserved Matters and depending on the proposed siting within the plot, it may be the case that a bungalow style property would be more appropriate.
- 5.3.7 In terms of amenity for 162 Scotforth Road it is considered that ample private amenity space would be retained as well as parking provision and access from Scotforth Road.
- 5.3.8 Given the presence of surrounding residential properties it is considered the removal of permitted development rights in respect of householder development including extensions and ancillary buildings is reasonable so any further development can be considered appropriately in its context. It is also considered appropriate to condition finished floor and land levels within the site.
- 5.3.9 Overall, it is considered that a dwelling could be sited without having a detrimental impact upon the residential amenity of the existing dwellings while providing a satisfactory standard of amenity for future occupants of the site.
- 5.4 Access and parking (NPPF Sections 9 and 12 and policies DM29 and DM62 of the Development Management DPD)
- 5.4.1 Policy DM29 states that development should 'incorporate suitable and safe access to the existing highway and road layout design, in line with the latest standards and ensure that highway safety and efficiency is maintained or improved'. Policy DM62 outlines the parking provision requirements for development proposals. This is determined by the number of bedrooms within the dwelling which would be considered under the Reserved Matters application.
- 5.4.2 It is acknowledged that two applications (12/01011/OUT and 13/00648/OUT) for Outline permission for a single dwelling were refused on the adjacent site which forms part of the garden to 29 Toll Bar Crescent. County Highways objected to both of these applications and as such both included refusal reasons relating to the intensification of vehicular movements along the un-adopted bridleway.

County Highways initially raised objections to this application in its original form, for two dwellings, due to the intensification of vehicular movements along Uggle Lane. These objections were subsequently removed following the submission of revised plans.

- 5.4.3 As highlighted earlier in paragraph 1.1 there is an existing gated access from the site onto Uggle Lane and this is the site of the proposed access. Although the gate was observed during the original site visit in relation to the previously withdrawn application it was clear that this access had not been used for some considerable time due to the vegetation around this entrance. A subsequent site visit found this access now to be in use for vehicular access and parking. The County Highways has advised that the proposal for one dwelling would not result in a significant increase in vehicle movements but has voiced concerns regarding the servicing of the dwelling for the purposes of refuse collection or a fire service vehicle. Queries to the Waste and Recycling Team confirmed that generally refuse collection vehicles park on Lawson Close and then pull-out waste bins from Uggle Lane but occasionally may reverse down the lane for collection (this was witnessed during one of the Case Officer's site visits). Enquires were also made to the Fire Safety Officer who advised that it should be ensured that a site can be accessed within 20 metres, by a fire appliance or a bin lorry as they are similar in size. This would be in compliance with regulation B5, of Approved document B Volume 1 (Building Regulation 2020). As the Case Officer observed a refuse collection vehicle in the lane it would appear that compliance with regulation B5 could be achieved.
- 5.4.4 The Public Rights of Way team have raised concerns regarding wear and tear on the surface of the bridleway which will in turn affect public access. Although the Public Right of Way team is responsible for the surface being in a condition that is safe and fit for pedestrians, horse riders and cyclists. They do not maintain the route to a standard that is appropriate for vehicle use. However, as highlighted in the above paragraph there is an existing gated access to the site (and garage), which although not used for a considerable period of time, is now in use once again in association with 162 Scotforth Road. Uggle Lane also provides vehicular access to four other dwellings.
- 5.4.5 The Public Rights of Way team have no record of any public vehicular rights between Ashford Road and the proposed development site. It is for the applicant to determine if they have a right of access along the bridleway, which is not maintained at public expense for motorised vehicles. The County Highways consultee has also questioned the legality of the access rights for a mechanically propelled vehicle along Uggle Lane, which is classified as a bridleway, over which it is an offence to drive a mechanically propelled vehicle, unless the applicant has private rights of access over the lane. Neither County Highways or the agent have been able to confirm whether these rights exist or not. However, this is a private legal matter and separate to planning legislation.
- 5.4.6 Notwithstanding the concerns raised, County Highways consultee has not objected to the scheme and is satisfied that the proposed, improved access from the site onto Uggle Lane would be safe and the proposal would not result in a significant increase in the vehicle movements. A condition for the retention of visibility splays is recommended.
- 5.5 Trees and biodiversity (NPPF Section 15, policies DM44 and DM45 of the Development Management DPD)
- 5.5.1 Policy DM44 states that development proposals should protect and enhance biodiversity, to minimise both direct and indirect impacts and where directly or indirectly affecting an international designated site, a suitable Habitats Regulations Assessment will be undertaken by the Council. In addition to this, policy DM45 states that new development should positively incorporate existing trees and hedgerows.
- 5.5.2 The proposed access works would require the removal of a short section of Leylandii hedge at the front of the site to provide improved visibility. However, plans include the proposed replacement of this hedge behind the new visibility splay. This will be conditioned.
- 5.5.3 The majority of trees within the site are located within the eastern part of the plot and are made up of two groups comprising Beech, Damson, Hawthorn, Apple and Damson. These trees have been classified as a 'C category' within the AIA which indicates trees of the 'lowest quality'. Although it is considered that the loss of the trees would not have a significant impact on the local landscape character of the area they could be retained depending on the siting of the proposed dwelling within the plot. Nevertheless, sufficient mitigation could be secured in the form of replanting and

enhancement across the site through the Reserved Matters stage when the landscape elements are considered.

5.5.4 Close to the southern boundary there is a Cyprus and a Monkey Puzzle tree within the curtilage of 29 Toll Bar Crescent which is subject of a Tree Preservation Order (TPO 511(2012)). At this stage plans showing the siting of the dwelling and driveway are indicative only but the creation of a driveway into the site may require work within the Root Protection Areas (RPA) of the Cyprus and Monkey Puzzle tree. The submitted Arboricultural Impact Assessment advises that construction into root zones can be achieved if appropriate construction methods are used such as 'no dig' construction based on geocell grid infilled with porous material and retained by surface mounted or hand dug edging. However, a revised Arboricultural Impact Assessment and Tree Protection Plan would be expected at Reserved Matters stage when the final layout would be considered.

5.5.5 The application site lies within the median distance travelled of 3.454km (identified through the Recreational Disturbance Study for the Local Plan) to the European designated sites of Morecambe Bay and the Lune Estuary which is designated as a Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar site and Site of Special Scientific Interest (SSSI). As a result of the proximity of the residential development to the sensitive site, it is considered that a proportionate Habitats Regulations Assessment (HRA) is required to assess the recreational disturbance impacts on the coastal designated sites resulting from the development, the report is contained within a separate document. The potential impacts from increased recreational pressure are considered to be limited due to the small size of the proposed development, distance from the designated areas, and other options for recreation in closer proximity. However, to mitigate any potential increase in recreational pressures caused by the development, a homeowner pack can be provided to each of the apartments, as identified within the HRA for the Local Plan. The homeowner pack would be expected to include details of the adjacent designated sites (and the wider Morecambe Bay coastline), their sensitivities to recreational pressure and promote the use of alternative areas for recreation, in particular dog walking areas. This would be secured by condition.

5.6 Drainage (NPPF Section 12, policies DM29, DM34 and DM35 of the Development Management DPD)

5.6.1 Policy DM34 states that surface water should be managed sustainably within new development and that the Council advocates the use of a Surface Water Drainage hierarchy in line with best practice. Likewise, policy DM35 states all new development must demonstrate adherence to the National Planning Practice Guidance for sewerage infrastructure which includes a prioritised hierarchy.

5.6.2 With respect to surface water drainage, the application form indicates that the site would be served by a soakaway. The principle of drainage via infiltration is considered to be acceptable and is in accordance with the drainage hierarchy.

5.6.3 With respect to foul drainage the application form suggest that this would be dealt with via a package treatment plant. The Council's Engineers department raised no objection to the scheme subject to the submission of the details of a final surface water drainage scheme in order to ensure that the site is adequately drained. It is therefore suggested that this condition is included as well as details relating to the foul drainage system.

5.6.4 The removal of permitted development rights in respect of householder development including extensions and ancillary buildings would ensure any drainage infrastructure is protected from future development within the domestic curtilage.

6.0 Conclusion and Planning Balance

6.1 The proposal is considered to be located in a sustainable and well-connected area and therefore, the principle of providing housing to contribute to the Councils housing land supply is supported. The proposal will undoubtedly change the nature of the site but any loss of trees can be adequately compensated through appropriate planting/landscaping at the reserved matters. The site is considered large enough to ensure a suitable dwelling and respective garden space can be achieved in order to provide acceptable levels of amenity for future occupiers and retain amenity of existing nearby residential occupiers. The County Highways consultee is satisfied that access from the site

onto Uggle Lane would be safe and while there is a slight degree of conflict relating to the public right of way with regards to the condition of the track it is considered that the proposal would not result in a significant increase in vehicle movements. When considering the lack of a 5-year housing land supply and applying the tilted balance, the application is recommended for approval.

Recommendation

That Outline Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Time limit (Reserved matters required – except access)	Control
2	Approved plans	Control
3	Submission of homeowner pack	Prior to occupation
4	Construction environmental management plan	Prior to occupation
5	Provision of Vehicular Access	Control
6	Construction deliveries	Control
7	Submission of hedge replacement scheme to access	Prior to development
9	Construction management plan	Prior to development
10	Surface water details	Prior to development
11	Foul drainage system details	Prior to development
12	Details of gates and fencing including height	Prior to development
13	Finished floor and garden levels	Prior to development
14	Unforeseen Contamination	Control
15	Hours of construction	Control
16	Nationally Described Space Standards	Control
17	Removal of permitted development rights	Control
18	Retention of visibility splays	Control

Advice to be included with decision notice:

1. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. The applicant should be advised to contact Lancashire County Council's Public Rights of Way section by email on PROW@lancashire.gov.uk, quoting the location, district, and planning application number, to discuss their proposal before any development works begin.
2. Advice from United Utilities
3. Advice from Fire Safety Officer

Article 35. Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, Officers have 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 made 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

Agenda Item	A9
Application Number	23/01494/FUL
Proposal	Change of use and conversion of existing ground floor office to HMO (C4)
Application site	2 West Road Lancaster Lancashire LA1 5PG
Applicant	Mr Ajzkenol
Agent	Mr Grant Erskine
Case Officer	Mr Patrick Hopwood
Departure	No
Summary of Recommendation	Refusal

(i) **Procedural Matters**

The application has been called in to Planning Committee by Councillor Mandy Bannon, therefore the application must be determined by the Planning Regulatory Committee.

1.0 Application Site and Setting

1.1 The site to which this application relates is the ground floor of the former Victoria Hotel building on the corner of West Road and Willow Lane in Marsh. The ground floor is currently in use as offices for small businesses. The upper floors of the building are in residential use.

1.2 The site lies within an Article 4 Direction area, which removes permitted development rights for Houses in Multiple Occupation (HMOs).

2.0 Proposal

2.1 This application seeks planning permission for the change of use and conversion of the existing ground floor office space to a five-bedroom House in Multiple Occupation (HMO) (Use Class C4).

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
14/00386/CU	Change of use and conversion of existing public house (A4) and dwelling (C3) to offices (B1) on ground and first floors, 5 flats (C3) and 1 house in multiple occupation	Approved

	(C4) including the erection of a single storey store to the rear	
15/00051/CU	Change of use and conversion of existing public house to offices on ground and 6 flats including the erection of a single storey store to rear.	Approved

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection , subject to conditions for a construction management plan, construction delivery times, and bin store doors opening inwards.
Planning Policy Team	HMO Density: 18%
Environmental Health	No adverse comments or advice.
Fire Safety Officer	No response received.
Lancaster Civic Vision	Objection. High HMO density in Article 4 direction area. Conversion to flats is a better alternative to meeting housing local needs and contributing to the long-term sustainability of the area.

4.2 Two letters of objection have been received from local residents, and raise the following main points:

- Proposal exceeds HMO policy limit
- Loss of office space
- Access and use of existing facilities

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle of HMO Use
- Residential Amenity
- Highways
- Highways Impacts and Bin Storage
- Biodiversity

5.2 Principle of HMO Use (NPPF Section 12; Policies DM1, DM13, DM29 and SP9)

5.2.1 Policy DM13 of the Development Management DPD sets out the Council's approach to residential conversions. As part of this, the Council considers the importance of maintaining an appropriate housing mix and safeguarding the character of residential areas to be important priorities. The supporting text explains that large concentrations of HMOs in a small area can impact on the character of a residential area and give rise to an inappropriate mix of residents. It goes on to say that this has been the case in areas of Lancaster, having a negative effect on local amenity. As such, there is a general presumption against new HMOs within the district. Policy DM13 is clear in that proposals which would lead to a concentration of more than 10% of houses being classed as HMOs of the total housing stock within a 100m radius will not be considered acceptable.

5.2.2 Policies DM1 and SP9 seek to ensure that proposals promote balanced, strong and vibrant communities. Paragraph 135 of the NPPF requires developments to add to the overall quality of the area, be sympathetic to the local character of the area, and not undermine quality of life and community cohesion. This is reiterated by Local Plan Policy DM29 which seeks to promote a balanced mix of compatible uses, contributing positively to the identity and character of an area.

5.2.3 After undertaking an assessment of surrounding housing stock, in accordance with Appendix A of the Residential Conversions and Houses in Multiple Occupation SPD, the HMO density within 100m of the application site is 18%.

5.2.4 The agent has stated that it is not commercially viable to retain the ground floor offices. The loss of the office space would displace the existing small businesses, however there are vacant units elsewhere in Lancaster and the site is not safeguarded in the Local Plan for office use. For this reason, the loss of the office units cannot be refused; however, in accordance with policy DM13 a change of use to a HMO cannot be supported.

5.2.5 To conclude on this principal issue, the proposed development would harm the character of the area, by exceeding the level of HMOs considered acceptable in a particular location to maintain an appropriate mix and balance of households. This would not comply with Policy DM13, the purpose of which has been set out above, and the SPD, which seeks to manage the development of HMOs to prevent an over-concentration, which is considered harmful to local communities and to meeting housing need and balanced communities.

5.3 Residential Amenity (NPPF Section 12; Policies DM13 and DM29)

5.3.1 Policy DM13 requires that proposals for HMOs do not result in sub-standard living conditions. Policy DM29 requires new development to ensure there is no detrimental impact to amenity and Paragraph 135 of the NPPF requires developments to create places with a high standard of amenity for existing and future users.

5.3.2 In terms of living standards, originally the plans proposed a bedroom with its only window looking into the covered bike and bin store. This would not have been an acceptable outlook, and natural light would have been limited to the affected bedroom. Amended plans have been submitted in an attempt to address this. The shared kitchen/dining room is now proposed on this side looking into the covered bike store, and all bedrooms would face onto the surrounding streets. However, Appendix B of the Residential Conversions SPD requires that all living spaces (including kitchen diners) have an acceptable outlook and adequate level of natural light. Therefore, there would still be an impact in terms of living standards, with the proposal resulting in an unacceptable level of amenity.

5.3.3 The proposed HMO would have its own laundry facilities and therefore not require use of the building's existing laundry room. No detrimental impacts are anticipated on the amenity of adjoining premises, in terms of noise and general disturbance, nor would existing nearby uses result in a detrimental impact on the amenity of future occupiers.

5.4 Highways Impacts and Bin Storage (NPPF Section 9; Policies DM13, DM29 and DM62)

5.4.1 The site benefits from an existing covered external storage area, subdivided for bicycle and bin storage. There is no off-street parking available; however, the site is sustainably located close to public transport routes and local services. The submitted plan demonstrates that adequate bin storage can be achieved in accordance with the Council's Planning Advice Note for waste storage. Final details of bicycle and bin storage arrangements could be secured through a planning condition, and subject to this, the proposal is acceptable in terms of highways impacts and bin storage.

5.5 Biodiversity (NPPF Section 15; Policies DM44, SP8 and EN7)

5.5.1 The site falls within the 3.5km buffer for Morecambe Bay designated sites. Any new residential units within this buffer have the potential to increase recreational pressure on the coastal designated sites. In the event the LPA had been minded to approve the application, a Habitats Regulations Assessment would have been undertaken, and it is likely that mitigation would have been required in the form of a homeowner/tenant information pack.

6.0 Conclusion and Planning Balance

6.1 For the reasons outlined above, the proposed change of use would result impact upon the quality of the local area, through harm to its character, housing mix and community balance. Furthermore, the proposal would result in substandard living conditions. As such, the proposal conflicts with the relevant local and national policies and is therefore recommended for refusal.

Recommendation

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

1. The concentration of HMOs within 100m of the subject building equates to 18%, which exceeds the maximum concentration of 10% prescribed by Policy DM13 of the Development Management DPD. The proposal would result in harm to the quality, character, housing mix and community of the local area, contrary to the aims and objectives of Policies DM1, DM13 and DM29 of the Development Management DPD, Policy SP9 of the Strategic Policies and Land Allocations DPD, the Residential Conversions and Houses in Multiple Occupation SPD, and Paragraph 135 of the National Planning Policy Framework.
2. By virtue of the proposed layout, the shared living space would be subject to an inadequate level of natural light and an inadequate outlook. Consequently, the proposal would result in substandard living conditions detrimental to the amenity of future users and contrary to the requirements of Policies DM13 and DM29 of the Development Management DPD, Appendix B of the Residential Conversions and HMOs SPD, and Section 12 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 that it 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. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed in this report. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

Background Papers

N/A

LIST OF DELEGATED PLANNING DECISIONS

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
23/00172/DIS	5 And 6 Cable Street, Lancaster, Lancashire Discharge of condition 12 on approved application 15/01368/FUL for Mr N Priestley (Castle Ward)	Application Permitted
23/00367/VLA	Field At Grid Reference 350809 465524, High Road, Halton Variation of legal agreement application to amend plots 32 and 33 from shared ownership to affordable rent for Miss Josie Scrimgour (Halton-with-Aughton Ward 2015)	Application Permitted
23/00381/RCN	Golden Ball, Lancaster Road, Heaton With Oxcliffe Erection of one single storey building comprising 7 lettable bedrooms for holiday use with associated parking and new stone wall to entrance (pursuant to the removal of condition 16 on planning permission 13/00283/FUL to allow the sale of the holiday let units on the open market) for Mr. J. Fox & Mr. A. Gravell (Overton Ward)	Application Permitted
23/00616/FUL	Bay View Nursery And Garden Centre, Mill Lane, Bolton Le Sands Construction of additional car parking area for Lisa Clarke (Bolton And Slyne Ward)	Application Permitted
23/00970/FUL	Playing Fields To The Rear Of Middleton Parish Hall, 62 Low Road, Middleton Erection of single storey side extension to existing pavilion for Mr Thomas Smith (Overton Ward)	Application Withdrawn
23/01225/ELDC	Kirk House Farm, Main Road, Over Kellet Existing lawful development certificate for the lawful implementation of combined farm/residential access and detached carport only, within planning permission 00/00750/CU for Mr David Walling (Halton-with-Aughton And Kellet Ward)	Lawful Development Certificate Granted
23/01227/FUL	89 Balmoral Road, Morecambe, Lancashire Change of use of dwelling (C3) to holiday let (sui generis) for Mr Tim Boyd (West End Ward)	Application Permitted
23/01230/FUL	Bellhurst, Harterbeck, Roeburndale Part retrospective application for the siting of temporary caravan and erection of dwelling for agricultural worker for Mr Graham Wright (Lower Lune Valley Ward)	Application Permitted
23/01257/FUL	Leyland Farm, Helks Brow, Wray Installation of a ground mounted solar array for Mr George Hartley (Lower Lune Valley Ward)	Application Permitted
23/01266/LB	Thurland Castle, Tunstall Road, Tunstall Listed building application for the installation of replacement gates to entrance for Thurland Castle Management Company Ltd (Upper Lune Valley Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

23/01337/FUL	5 Loyne Park, Whittington, Carnforth Erection of a first floor extension to garage and installation of a bay window for Mr and Mrs Dent (Upper Lune Valley Ward)	Application Permitted
23/01339/FUL	Sainsburys , Cable Street, Lancaster Installation of electric vehicle charging points, substation, and rearrangement of car park for Sainsbury's Supermarkets Ltd (Castle Ward)	Application Permitted
23/01341/FUL	Longcroft , Westbourne Road, Lancaster Installation of replacement windows and installation of PV roof panels for Langley House Trust (Marsh Ward)	Application Permitted
23/01361/FUL	112 West End Road, Morecambe, Lancashire Demolition of existing detached garage and erection of an outbuilding for ancillary living accommodation for Mrs B Emerson (West End Ward)	Application Permitted
23/01362/FUL	3 Gardens Grove, Morecambe, Lancashire Demolition of existing garage, erection of a two-storey side extension, front porch and construction of decking and balustrade to the rear for Mr S Sawley (West End Ward)	Application Permitted
23/01396/FUL	Hyning Home Farm, Milnthorpe Road, Warton Retrospective application for retention of stable block and manege for Mr M Blease (Warton Ward)	Application Permitted
23/01413/FUL	Yew Tree House, Kirkby Lonsdale Road, Over Kellet Alterations to convert attached former barn/storage room to include installation of doors to existing opening to rear (north west) elevation, remediation works to gable wall, replacement of window in gable wall and in rear elevation including replacement heads and cills, replacement of the window to the front (south east) elevation with a door, installation of roof lights to the rear slope, relocation of flue onto rear roof slope, works to courtyard to provide disabled access ramp, erection of a greenhouse and associated landscaping works for Mr M Nockels (Halton-with-Aughton And Kellet Ward)	Application Permitted
23/01414/LB	Yew Tree House, Kirkby Lonsdale Road, Over Kellet Listed building application for alterations to convert attached former barn/storage room including insertion of mezzanine level with shower room and associated works, works to existing water damaged ceiling, installation of doors to existing opening to rear (north west) elevation, remediation works to gable wall, replacement of window in gable wall and in rear elevation including replacement heads and cills, replacement of the window to the front(south east) elevation with a door, installation of roof lights to the rear elevation, relocation of flue onto rear roof slope and replacement of non-breathable roof membrane for Mr M Nockels (Halton-with-Aughton And Kellet Ward)	Application Permitted
23/01425/ELDC	Harefield House, Scriffen Lane, Ellel Existing lawful development certificate for the erection of a dwelling (C3) without conditions imposed by Outline Consent (ref: 05/00857/OUT) and Reserved matters Consent (ref: 09/00870/REM) for Mr James Park (Ellel Ward)	Lawful Development Certificate Granted

LIST OF DELEGATED PLANNING DECISIONS

23/01443/FUL	Mayfield , Brettargh Drive, Lancaster Erection of two 1.5 storey side extensions, a part single/part three storey rear extension, a single storey extension to the front, alterations to the roof including a dormer extension to the front, erection of boundary fences/gates and remodelling of the front garden/driveway for Mr Anas Mister (Scotforth West Ward)	Application Refused
23/01444/FUL	Richmond Hall, Lancaster Road, Cockerham Erection of an agricultural storage building for Mrs Victoria Walmsley (Ellel Ward)	Application Refused
23/01454/FUL	Slyne With Hest Football Club, Bottomdale Road, Slyne Erection of a single storey extension to the front and side of existing changing rooms to form a clubhouse for Slyne Football Club (Bolton And Slyne Ward)	Application Permitted
23/01470/FUL	Land West Of, Sea View Drive, Hest Bank Erection of 27 specialist bungalows for older people, with detached garage and associated access, internal roads, infrastructure, open space, landscaping and parking for L Gittins (Bolton And Slyne Ward)	Application Refused
23/01482/FUL	Sunnyhurst, Emesgate Lane, Silverdale Demolition of existing garage and porch, erection of a 1.5 storey side extension incorporating juliette balcony, construction of front and rear dormer extensions, a single storey rear extension and construction of an area of hardstanding at the front for Mr & Ms William & Tessa Melling & Wright (Silverdale Ward)	Application Refused
24/00003/DIS	Buildings Adjacent To 43 Main Road And Land To The Front Of Pear Tree House, Carnforth, Lancashire Discharge of condition 3 on approved application 22/00246/LB for Mr Andrew Kirkham (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00011/DIS	Bowling Green Pavilion And Sports Ground, Packet Lane, Bolton Le Sands Discharge of condition 3 on approved application 23/01167/FUL for Stephen Gooch (Bolton And Slyne Ward)	Application Permitted
24/00015/DIS	Animal Care, Blea Tarn Road, Scotforth Discharge of conditions 3,4,5,6,7,8,9,11,13 and 14 on approved application 23/00485/FUL for Mr Steve Hinde (Ellel Ward)	Split Decision
24/00015/FUL	67 Sulby Drive, Lancaster, Lancashire Construction of a raised roof, hip to gable extension and construction of dormer extension to rear elevation for Mr Andrew Flook (Scotforth West Ward)	Application Refused
24/00019/DIS	63 Main Street, Warton, Carnforth Discharge of condition 4 on approved application 22/01436/LB for Dr and Mrs Tim and Kathrin Stallard (Warton Ward)	Application Permitted
24/00023/DIS	Pattys Barn, Hillam Lane, Cockerham Discharge of part of condition 3 on approved application 23/01410/FUL for Mr C Parry (Ellel Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

24/00027/FUL	Woodend, Kirkby Lonsdale Road, Halton Demolition of two existing stable buildings and erection of equine storage building for Mr Daniel McGowan (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00031/DIS	Pure Leisure Group, South Lakeland Leisure Village, Borwick Lane Discharge of conditions 2,4,5,6,7,8,9,10,11,12 and 14 on appeal reference APP/A2335/W/22/3312730 for Mr David Owen (Warton Ward)	Split Decision
24/00033/DIS	Part Of Former St Georges Works (Pump House), Abram Close, Lancaster Discharge of condition 4(i) on approved application 23/00571/FUL for Mr Nick Langford (Marsh Ward)	Split Decision
24/00034/DIS	MRL Services, Middleton Road, Heysham Discharge of conditions 3,4,5,6,7 and 8 on approved application 22/01104/FUL for Tim Butler (Overton Ward)	Split Decision
24/00034/FUL	Land To The North Of Capernwray House, Hobsons Lane, Capernwray Change of use of agricultural land to site six holiday lodges with associated hardstanding and internal access road, installation of a package treatment plant and drainage infrastructure for Mrs M Smith (Halton-with-Aughton And Kellet Ward)	Application Refused
24/00039/DIS	Lancaster Castle , Castle Park, Lancaster Discharge of condition 3 on approved application 23/00623/FUL for Ms Vicki Mathews (Castle Ward)	Application Permitted
24/00040/DIS	Lancaster Castle , Castle Park, Lancaster Part discharge of condition 3 on approved application 23/00652/FUL for Ms Vicki Mathews (Castle Ward)	Split Decision
24/00046/DIS	Lancaster Castle, Castle Park, Lancaster Discharge of condition 3 on approved application 23/00624/LB for Ms Vicki Mathews (Castle Ward)	Application Permitted
24/00047/DIS	Lancaster Castle, Castle Park, Lancaster Part discharge of condition 3 on approved application 23/00653/LB for Ms Vicki Mathews (Castle Ward)	Split Decision
24/00050/DIS	HM Prison Lancaster Farms, Far Moor Lane, Lancaster Discharge of conditions 3, 4 and 5 on approved application 23/00818/GOV for Ministry Of Justice (Bulk Ward)	Split Decision
24/00050/VCN	Land East Of Bank Barn, Village Road, Cockerham Erection of a detached dwelling and associated hard landscaping (pursuant to the variation of condition 2 on planning permission 22/01349/FUL to amend the dwelling footprint and design) for Mr Lee Norman (Ellel Ward)	Application Permitted
24/00051/VCN	Land At OS Grid Reference E346559 N452188, Main Street, Cockerham Erection of a detached dwelling, detached garage and associated hard landscaping (pursuant to the variation of condition 2 on planning permission 22/01315/FUL to amend the dwelling footprint and dwelling/garage design) for Mr Lee Norman (Ellel Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

24/00052/FUL	Little Crimbles Farm, Crimbles Lane, Cockerham Change of use of part of agricultural storage building to a pet crematorium for Mr Thornton (Ellel Ward)	Application Permitted
24/00054/FUL	Lower Barn, Aughton Brow, Aughton Retrospective application for the erection of 2 general purpose agricultural buildings and construction of retaining wall for Mr Andrew Talbot (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00055/DIS	Lune Garth, The Hermitage Estate, Low Road Discharge of condition 3 on approved application 22/01414/FUL for Jerry Huppert (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00055/FUL	2 Greenacre Road, Hest Bank, Lancaster Demolition of existing rear extension and erection of a rear extension, construction of a dormer extension to the side elevation and replacement of a dormer extension to the front elevation for Mr Stephen Wilson (Bolton And Slyne Ward)	Application Permitted
24/00056/DIS	4 The Nook, Bolton Le Sands, Carnforth Discharge of condition 3 on approved application 23/01493/FUL for Mr Sam Wallbank (Bolton And Slyne Ward)	Application Permitted
24/00058/DIS	Old Hall Farm, Kirkby Lonsdale Road, Over Kellet Discharge of condition 4 on approved application 21/00363/FUL for Mr Mark Drinkall (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00058/FUL	12 Sun Street, Lancaster, Lancashire Change of use of offices to one dwelling (C3) for Mr Richard Taylor (Castle Ward)	Application Permitted
24/00059/LB	12 Sun Street, Lancaster, Lancashire Listed building application for the removal of internal walls, construction of stud walls to form bathroom and en-suite at first floor, installation of kitchen, installation of internal door, installation of extract fans and associated ducting for Mr Richard Taylor (Castle Ward)	Application Permitted
24/00060/DIS	Lancaster Railway Station , Westbourne Road, Lancaster Discharge of condition 3 on approved application 23/01301/LB for Network Rail (Castle Ward)	Split Decision
24/00067/ELDC	Woodhouses Store, Back Townley Street South, Morecambe Existing lawful development certificate for the continued use of the building as a microbrewery with associated cold store facilities (E(g)(iii)) for Mr Mike Dent (Poulton Ward)	Lawful Development Certificate Granted
24/00068/DIS	55 Belle Vue Terrace, Lancaster, Lancashire Discharge of part of condition 4 on approved application 21/01485/FUL for Mr Boaz Elieli (Scotforth West Ward)	Split Decision
24/00068/VCN	23A Bye-pass Road, Bolton Le Sands, Carnforth Demolition of existing workshop, erection of detached dwelling (C3) and change of use of land into residential garden (pursuant to the variation of condition 2 on planning permission 22/01100/FUL to amend plans to change floorplan, fenestration, addition of solar panels and air source heat pump and moving position of building to allow for engineering works) for Mr & Mrs Hargreaves (Bolton And Slyne Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

24/00073/FUL	Deep Clough, Roeburndale Road, Littledale Construction of roof over existing silage clamp and concreting of yard area for Mr John Hill (Lower Lune Valley Ward)	Application Permitted
24/00074/DIS	250 Willow Lane, Lancaster, Lancashire Discharge of condition 1(i) on allowed appeal 23/00040/ENF for Mrs Emily Hutchinson (Marsh Ward)	Application Permitted
24/00076/DIS	Melling Farm, Melling Road, Melling Discharge of condition 6 on approved application 21/00557/VCN for Mr and Mrs Michael Griffiths (Upper Lune Valley Ward)	Application Permitted
24/00082/FUL	Ducksberry, Coneygarth Lane, Tunstall Erection of an extension to sun room to form a porch and alterations to external doors and windows for Laura Newton (Upper Lune Valley Ward)	Application Permitted
24/00089/FUL	Greenbank Farm, Hornby Road, Claughton Erection of an agricultural livestock building, silage clamp and midden for Mr David Platts (Lower Lune Valley Ward)	Application Refused
24/00094/FUL	1 The Drive, Hest Bank, Lancaster Erection of a two storey side extension and single storey rear extension, including associated landscaping and installation of a soakaway for Mr Michael Childs (Bolton And Slyne Ward)	Application Permitted
24/00097/FUL	22 Clarence Street, Morecambe, Lancashire Retrospective application for change of use of building into dwelling (C3) and the retention of replacement windows and doors and proposed demolition of part of building to create external amenity area for 1864 Properties Ltd (Poulton Ward)	Application Refused
24/00098/FUL	22 Clarence Street, Morecambe, Lancashire Application for a flexible planning permission for the change of use of building into a dual use Class E (commercial, business and service) / C3 (restricted to holiday use) (in accordance with Part 3 Class V of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)) and retrospective application for retention of replacement windows and doors for 1864 Properties Ltd (Poulton Ward)	Application Permitted
24/00099/FUL	14 Newlands Road, Lancaster, Lancashire Construction of dormer extension to the front elevation for Mrs L Bordelli-Jackson (Bowerham Ward)	Application Permitted
24/00101/PRENG2	Land Adjacent , 250 Oxcliffe Road, Heaton With Oxcliffe Pre-application advice request for the siting of static caravan and utility block for Mr Howard (Westgate Ward)	Closed
24/00110/FUL	212 Euston Grove, Morecambe, Lancashire Subdivision of existing dwelling (C3) into 1 flat and 1 maisonette (C3) for Mr Atif Hussain (Poulton Ward)	Application Permitted
24/00112/FUL	Pastordale Farm, Kellet Lane, Over Kellet Construction of arena for horses including alterations to land levels, erection of boundary fencing and associated landscaping for Mr and Miss Bellomy (Halton-with-Aughton And Kellet Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

24/00116/FUL	43 Earl Street, Lancaster, Lancashire Construction of flat roof dormer extensions to the rear and installation of two rooflights to the front for Mr Stuart Randall (Skerton Ward)	Application Permitted
24/00122/FUL	2 First Terrace, Sunderland Point, Morecambe Erection of shed for Mr Jeff Bellamy (Overton Ward)	Application Permitted
24/00124/FUL	14 Sunnybank Road, Bolton Le Sands, Carnforth Retrospective application for retention of dormer extension to the side elevation for Mr T Yates (Bolton And Slyne Ward)	Application Refused
24/00125/FUL	Holly Bank, Melling Road, Melling Part retrospective application for the erection of detached garage and associated groundworks for Mr Steve Sutton (Upper Lune Valley Ward)	Application Permitted
24/00126/FUL	33 Coastal Road, Hest Bank, Lancaster Demolition of garage, erection of single storey extensions to side and rear, alterations to front balcony and porch for Mr And Mrs Crabtree (Bolton And Slyne Ward)	Application Permitted
24/00132/FUL	34 Hazelmount Drive, Warton, Carnforth Construction of a dormer extension to the front and rear elevations for Miss Laura Walker (Carnforth And Millhead Ward)	Application Permitted
24/00136/FUL	31 Longlands Lane, Heysham, Morecambe Erection of two storey rear extension, construction of new roof and creation of rear raised patio area for Mr Wayne Jones (Heysham Central Ward)	Application Permitted
24/00137/PLDC	48 Barton Road, Lancaster, Lancashire Proposed lawful development certificate for a loft conversion including construction of hip to gable extension and dormer extension to the rear elevation, installation of front facing rooflights and recessed solar panels for C. Gillies D. Burnett (Scotforth East Ward)	Application Permitted
24/00144/FUL	22 Emesgate Lane, Silverdale, Carnforth Demolition of existing detached garage, erection of a two storey detached garage with ancillary living accommodation above, porch to side elevation, single storey rear extension and a two storey rear extension for Mr. & Mrs. Bate (Silverdale Ward)	Application Permitted
24/00145/FUL	5 Prospect Drive, Hest Bank, Lancaster Erection of a single storey rear infill extension for Mr & Mrs Collins (Bolton And Slyne Ward)	Application Permitted
24/00146/LB	George And Dragon, 24 St Georges Quay, Lancaster Listed building application for the installation of replacement windows to the rear elevation for Mr Ian Foster (Castle Ward)	Application Permitted
24/00147/FUL	2 Grant Close, Lancaster, Lancashire Erection of a side porch for Mr P Ashton (Marsh Ward)	Application Permitted
24/00148/FUL	26 Oxcliffe Road, Heysham, Morecambe Change of use from two flats (C3) to form a single dwelling (C3) demolition of existing rear extension, erection of a front and rear single storey extension and side canopy for Mr T Thompson (Heysham Central Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

24/00149/FUL	2 Green Lane, Lancaster, Lancashire Erection of a single storey rear extension, demolition of existing garage and erection of replacement timber garage for Mr Mark Greenly (Skerton Ward)	Application Permitted
24/00150/FUL	51 Halton Road, Lancaster, Lancashire Creation of new opening and dropped kerb for Mr & Mrs M Hudson (Skerton Ward)	Application Refused
24/00152/FUL	22 Burlington Avenue, Morecambe, Lancashire Conversion of existing garage into a habitable room for Mrs D Foster (Bare Ward)	Application Permitted
24/00153/VCN	5 Ousby Avenue, Morecambe, Lancashire Change of use of dwelling (C3) to a residential care home for children (C2) (pursuant to the variation of condition 4 on planning permission 23/00479/CU to amend the wording of the occupation condition) for Mr Andy Boardman (Westgate Ward)	Application Refused
24/00154/LB	St John The Evangelist Church, North Road, Lancaster Listed building application for the removal of existing slate roof covering, lead roof covering and gutter linings and repairs/alterations to timber roof structure/upper areas of masonry, re-covering of roof with new and reclaimed slate, installation of new lead to roof/gutters, alterations to existing cast iron downpipes, alterations to existing spire, associated mortar repairs, stone replacement, repointing works and installation of roof vents and replacement rooflight for Mrs Elanor Johnson (Castle Ward)	Application Permitted
24/00158/FUL	Lancaster Castle, Castle Park, Lancaster Removal of part of the curtain wall to reduce height for Mr Adam Brooks (Castle Ward)	Application Permitted
24/00159/LB	Lancaster Castle, Castle Park, Lancaster Listed building application for removal of part of the curtain wall to reduce height for Mr Adam Brooks (Castle Ward)	Application Permitted
24/00161/FUL	72 Regent Street, Lancaster, Lancashire Erection of a single storey infill extension to the rear for Mr and Mrs Messenger (Castle Ward)	Application Permitted
24/00162/PLDC	1 Wakefield Avenue, Morecambe, Lancashire Proposed lawful development certificate for the erection of a single storey rear extension, installation of a side flue and rooflight for Mr & Mrs Thwaites (Bare Ward)	Lawful Development Certificate Refused
24/00163/LB	1 Silverdale Road, Yealand Redmayne, Carnforth Listed building application for erection of porch to the rear (South) elevation for Mr. & Mrs. Oldfield (Silverdale Ward)	Application Refused
24/00164/FUL	61 Hest Bank Lane, Hest Bank, Lancaster Demolition of existing garage and erection of a single storey rear and side extension incorporating a garage for Mr Jordan Dixon (Bolton And Slyne Ward)	Application Permitted

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24/00167/LB	The Old Post House, 28 - 30 Yealand Road, Yealand Conyers Listed building application for the installation of replacement roof tiles to the east elevation and replacement of gutters/waste water pipes for Mr David Keeton (Warton Ward)	Application Refused
24/00169/FUL	14 Malham Close, Lancaster, Lancashire Erection of single storey front extension to porch/garage, construction of pitched roof to existing attached garage and erection of single storey rear extension for Dale Shepherd (Scale Hall Ward)	Application Permitted
24/00177/LB	105 Main Street, Warton, Carnforth Listed building application for removal of paint from stone surrounds to front elevation windows and door to reveal stone for Mr Alan Lupton (Warton Ward)	Application Permitted
24/00179/FUL	1 Silverdale Road, Yealand Redmayne, Carnforth Erection of a porch to the rear (South) elevation for Mr. & Mrs Oldfield (Silverdale Ward)	Application Refused
24/00181/PLDC	75 Gringley Road, Morecambe, Lancashire Proposed lawful development certificate for the erection of single storey rear extension, detached outbuilding and construction of dormer extension to rear elevation for Mr E Jenkins (Westgate Ward)	Lawful Development Certificate Granted
24/00184/FUL	9 Coastal Road, Hest Bank, Lancaster Erection of a single storey extension to kitchen/garage/workshop for Mr Philip Baggle (Bolton And Slyne Ward)	Application Permitted
24/00187/FUL	11 Burnsall Avenue, Heysham, Morecambe Erection of a single storey side extension, incorporating installation of pitched roof to existing rear extension and construction of front porch for Mr M Townend (Heysham Central Ward)	Application Permitted
24/00194/FUL	4 Lonsdale Grove, Morecambe, Lancashire Erection of detached garage with associated driveway for Mr & Mrs Paul Hilton (Bare Ward)	Application Permitted
24/00195/NMA	17 The Meadows, Yealand Redmayne, Carnforth Non-material amendment to planning permission 22/01469/FUL to include two rooflights for Mrs Ruth Harmer (Silverdale Ward)	Application Permitted
24/00200/FUL	Field North Of Birkland Barrow Road, Nether Kellet, Lancashire Part retrospective application for the change of use from agricultural land to equine space with associated hardstanding and erection of a double timber stable and 2 sheds for Mr Micheal Cowsill (Halton-with-Aughton And Kellet Ward)	Application Refused
24/00204/PLDC	2 Rushley Drive, Hest Bank, Lancaster Proposed lawful development certificate for the installation of roof lights to the north and south elevation and installation of replacement windows for Mr P Knowles (Bolton And Slyne Ward)	Lawful Development Certificate Granted

LIST OF DELEGATED PLANNING DECISIONS

24/00205/NMA	3 First Terrace, Sunderland Point, Morecambe Non-material amendment to planning permission 23/01038/FUL to change the finish of the garage from stone to roughcast render and for revisions to the French door/utility/boot room/bay window configurations for Mr and Mrs M Thompson (Overton Ward)	Application Withdrawn
24/00210/PLDC	26 Hawthorn Road, Bolton Le Sands, Carnforth Proposed lawful development certificate for the erection of a single storey rear extension for Mr I Benbow (Bolton And Slyne Ward)	Lawful Development Certificate Granted
24/00211/FUL	2 Dykes Lane, Yealand Conyers, Carnforth Demolition of existing garage and side extension, erection of a replacement single storey side extension to form garage and erection of a porch to the front for Mr And Mrs B & J Peall (Warton Ward)	Application Permitted
24/00212/PRENG3	Little Westfield, Westfield Hamlet, Nether Kellet Pre-application advice request for the erection of a dwelling (C3) for Mrs Suzanne Davies (Halton-with-Aughton And Kellet Ward)	Closed
24/00220/FUL	Castle Hill, Wagon Road, Dolphinholme Erection of a dwelling (C3), with associated vehicular access and landscaping for Mr & Mrs Troughton (Ellel Ward)	Application Refused
24/00231/AD	Stauvin Farm, Harterbeck, Roeburndale Agricultural determination for the surfacing of yards and track for Mr and Mrs Steven and Margaret Wright (Lower Lune Valley Ward)	Prior Approval Not Required
24/00234/PAH	17 Pembroke Avenue, Morecambe, Lancashire Erection of a 3.1 metre deep, single storey rear extension with a maximum roof height of 3.2 metres and a maximum eaves heights of 2.8 metres for Mr & Mrs C Morrow (Bare Ward)	Prior Approval Not Required
24/00241/PLDC	59 The Row, Silverdale, Carnforth Proposed lawful development certificate for the installation of replacement windows and door for Mr Neil Clucas (Silverdale Ward)	Lawful Development Certificate Granted
24/00250/PLDC	59 Prospect Street, Lancaster, Lancashire Proposed lawful development certificate for erection of single storey rear extension for Mr V Neglia (John O'Gaunt Ward)	Lawful Development Certificate Granted
24/00254/EIR	Yealand Hall Farm, Silverdale Road, Yealand Redmayne Screening request for the construction of roof over existing yard area for Mr Michael Holgate (Silverdale Ward)	ES Not Required
24/00255/AD	Cockhall Farm, Main Road, Thurnham Agricultural determination for the erection of building over existing silage clamp and yard for Mr Joe Clarkson (Ellel Ward)	Prior Approval Refused
24/00260/PLDC	21 Lynden Avenue, Morecambe, Lancashire Proposed lawful development certificate for the erection of single storey side and rear extension for Mr and Mrs Lee Carter (Bare Ward)	Lawful Development Certificate Granted
24/00269/PAH	27 Manor Road, Slyne, Lancaster Erection of a 4.00 meter deep, single storey rear extension and a maximum roof height of 2.85 meters for Mr Philip Warwick (Bolton And Slyne Ward)	Prior Approval Granted

LIST OF DELEGATED PLANNING DECISIONS

24/00282/EIR	Mellishaw North Development Site, Mellishaw Lane, Heaton With Oxcliffe Screening opinion for the erection of 3 new buildings comprising 5 units for employment use (Use Class Eg and B8) and a car showroom (Sui Generis), construction of internal roads, service areas, car parking and associated site works for Mr Cox (Westgate Ward)	ES Not Required
24/00293/AD	Brunstow, Scriffen Lane, Ellel Agricultural determination for access track for Mr James Hayhurst (Ellel Ward)	Prior Approval Refused
24/00297/EIR	Hying Home Farm, Milnthorpe Road, Warton Screening opinion for stable block and manege for Mr M Blease (Warton Ward)	ES Not Required
24/00301/NMA	29 Wyresdale Gardens, Lancaster, Lancashire Non material amendment to planning permission 23/01022/FUL for a change in roof design and reduction in windows for Mr Martin Edgar (John O'Gaunt Ward)	Application Refused
24/00304/AD	Cragg Farm, Littledale Road, Littledale Agricultural determination for the upgrading of existing access track for Mr Gorst (Lower Lune Valley Ward)	Prior Approval Refused
24/00305/NMA	1 Redvers Street, Lancaster, Lancashire Non-material amendment to planning permission 24/00044/FUL to change solar layout and cladding brand for Jennifer Woodward (Marsh Ward)	Application Permitted
24/00327/EIR	Yealand Hall Farm, Silverdale Road, Yealand Redmayne Screening option for the Erection of agricultural store building for Mr Michael Holgate (Silverdale Ward)	ES Not Required