

Agenda Item	Committee Date	Application Number
A5	27 th June 2016	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