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**Our Ref:** 18/00567/FUL  
**Your Ref:**



Mr Simon Nutter  
C/O Mr Andrew Tait  
Steven Abbott Associates  
130 Highgate  
Kendal  
LA9 4HE

**Regeneration and Planning  
Development Management Team**

PO Box 4  
Town Hall  
Lancaster  
LA1 1QR

## TOWN & COUNTRY PLANNING ACT 1990

### PLANNING PERMISSION

- Application No. :** 18/00567/FUL
- Applicant :** Mr Simon Nutter
- Site Address :** Dragons Head Hotel Main Street Whittington Carnforth Lancashire LA6 2NY
- Proposal :** Demolition of outbuildings, conversion of barn to dwelling, erection of 3 dwellings with associated landscaping, parking and alterations to the existing access and erection of a first floor side extension over existing pub

Lancaster City Council hereby give notice that **PLANNING PERMISSION HAS BEEN GRANTED** for the development described above in accordance with your planning application dated 1 May 2018, and the plans, drawings and documents which form part of the application, subject to the following conditions and reasons:-

1. The development to which this permission relates must be started not later than the expiration of 3 years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - 1434.01 - Location plan
  - 1431.34 D - Proposed plans and elevations (public house)
  - 1431.25 E - Proposed site plan
  - 1431.26 - Proposed floor plan (new dwellings)
  - 1431.27 - Proposed cross section
  - 1431.28 A - Proposed elevations (new dwellings)
  - 1434.31 D - Proposed elevation and floor plans (barn conversion)
  - 1434.40F - Proposed site plan (public house)or any amended plans subsequently approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.

3. No development, site preparation/clearance or demolition, in association with the three new build dwellings hereby approved, shall commence until the following details have been submitted to, and agreed in writing by the Local Planning Authority (LPA):

- a) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment; and
- b) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation Method Statement).

If during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then remediation proposals for this material shall be submitted to, and agreed in writing by the LPA. Prior to the development hereby permitted being occupied or brought into use the following details shall be submitted to, and agreed in writing by the LPA:

- c) The works specified in the Remediation Method Statement have been completed in accordance with the approved scheme; and
- d) A Validation Report and Certificate, confirming achievement of the Remediation Method Statement's objectives, including confirmation of the agreed remediation of any unforeseen contamination encountered during the works.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to the unacceptable risks from contamination during construction.

4. No development, site preparation/clearance or demolition, in association with the building to be converted to residential use hereby approved, shall commence until the following details have been submitted to, and agreed in writing by the Local Planning Authority (LPA):

- a) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment; and
- b) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation Method Statement).

If during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then remediation proposals for this material shall be submitted to, and agreed in writing by the LPA. Prior to the development hereby permitted being occupied or brought into use the following details shall be submitted to, and agreed in writing by the LPA:

- c) The works specified in the Remediation Method Statement have been completed in accordance with the approved scheme; and
- d) A Validation Report and Certificate, confirming achievement of the Remediation Method Statement's objectives, including confirmation of the agreed remediation of any unforeseen contamination encountered during the works.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to the unacceptable risks from contamination during construction.

5. The development shall be carried out in accordance with the submitted Arboriculture Implications Assessment, produced by Yew Tree & Gardens, dated 17/05/16. The tree protection measures outlined in this assessment must be implemented in full, prior to the commencement of any work on site in relation to the development. The development shall then be carried out in accordance with such agreed detail.

Reason: In the interest of visual amenity and to ensure the development is carried out in accordance with "BS 5837 (2012) Trees in relation to design, demolition and construction".

6. The development hereby permitted shall be implemented in full accordance with the approved ecology mitigation measures set out within the submitted Bat, Barn Owl and Nesting Bird Survey, dated 30/05/18. Where required by the approved mitigation, the measures shall be retained and maintained within the development at all times thereafter.

Reason: To ensure that adequate mitigation is put in place in relation to protected species.

7. No development (other than site clearance and demolition), in association with the three new build dwellings hereby approved (including the new access road and associated parking areas) shall commence until a foul and

surface water drainage scheme (based on the hierarchy of drainage options in the National Planning Practice Guidance and evidence of an assessment of site conditions), including how the scheme shall be maintained and managed after completion and any necessary infrastructure, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and be operational prior to the first occupation of the development and shall be maintained and managed in accordance with the approved details at all times thereafter.

Reason: To ensure that an appropriate surface and foul water drainage scheme is designed prior to the commencement of building works and implemented and operational prior to occupation in order to reduce the risk of surface water flooding and pollution to the environment.

8. No development (other than site clearance and demolition), in association with the building to be converted to residential use and the works proposed to the public house and its associated land (including the extended car parking area) shall commence until a foul and surface water drainage scheme (based on the hierarchy of drainage options in the National Planning Practice Guidance and evidence of an assessment of site conditions), including how the scheme shall be maintained and managed after completion and any necessary infrastructure, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and be operational prior to the first occupation of the development and shall be maintained and managed in accordance with the approved details at all times thereafter.

Reason: To ensure that an appropriate surface and foul water drainage scheme is designed prior to the commencement of building works and implemented and operational prior to occupation in order to reduce the risk of surface water flooding and pollution to the environment.

9. No development (other than site clearance and demolition), shall commence until details of the surfacing materials, including demarcation of parking spaces, and boundary treatments in association with all the external areas proposed to be associated with the public house and the associated cycle storage, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be retained as such at all times thereafter.

Reason: To ensure an appropriate form of development and to help preserve the setting of the heritage assets.

10. No development associated with the three new build dwellings hereby approved shall commence, unless otherwise first agreed in writing, until the car parking, external terrace/ seating area and cycle parking provision, to be associated with the public house, has been created and finished in accordance with the details shown on drawing numbers 1431.25 E and 1434.40F and approved by condition 9 of this consent, including demarcation. These shall be used wholly in association with the public house, and barn conversion, with no parking or storage of construction vehicles, equipment or materials associated with the three new build dwellings. These shall be retained and maintained in accordance with the approved details at all times thereafter, with the external terrace/ seating area, parking and turning areas kept available for these purposes, and in particular bin storage associated with the public house shall be in the location shown on drawing number 1434.40F.

Reason: To ensure that the extended parking area and terrace to the front has been completed prior to the commencement of works in association with the new build residential development, to ensure that the public house has the facilities available to allow it to open before the dwellings are constructed, and in the interests of highway safety.

11. Notwithstanding the details shown on the approved plans, no development above ground, in association with the three new build dwellings hereby approved (including the new access road and associated parking areas) shall commence until the following details, in relation to this aspect of the proposal, have been submitted to and approved in writing by the Local Planning Authority:

- Details and sample of slate;
- Details and sample of stone, including the type, coursing and jointing, with a sample panel to be erected on site prior to the commencement of the stonework;
- Details and sample of all proposed cladding;
- Details and sample of render;
- Details and sample of heads, cills, quoins and any window surrounds;
- Details of all window frames and doors including material, colour, design, thickness of frames and amount to be recessed from the face of the outer wall;
- Details of all rainwater goods;

- Eaves, verge and ridge details;
- Details of external flues including colour and finish.
- Details of all boundary treatments;
- Details of the refuse store; and
- Details of external surfacing materials.

The development shall be carried out in accordance with the approved details and be retained as such at all times thereafter.

Reason: To ensure an appropriate form of development and to help preserve the setting of the heritage assets.

12. No development above ground in association with the three new build dwellings hereby approved (including the new access road and associated parking areas) shall commence until details of the soft landscaping of the site (including wherever possible the retention of existing trees and hedges) and its maintenance regime have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or following first occupation/use, whichever is the earlier, and maintained at all times thereafter in accordance with the approved maintenance regime.

Reason: In the interests of the amenity of the area.

13. No works shall be carried out to the building proposed for conversion until the following details, in relation to this aspect of the proposal, have been submitted to and approved in writing by the Local Planning Authority:

- Details and sample of any new slate;
- Details and sample of any new stone, including the type, coursing and jointing, with a sample panel to be erected on site prior to the commencement of the stonework;
- Details of any stonework repairs including new pointing;
- Details and sample of any new heads, cills and quoins;
- Details of all window frames and external doors including sections, material, colour, design and amount to be recessed from the face of the outer wall;
- Details of rooflights including position in relation to the roofslope;
- Details of all rainwater goods;
- Eaves, verge and ridge details;
- Details of external flue including colour and finish;
- Details of all boundary treatments; and
- Details of external surfacing materials.

The development shall be carried out in accordance with the approved details and be retained as such at all times thereafter.

Reason: To ensure an appropriate form of development and to help preserve the character and appearance of the building and in the interests of the amenity of the Conservation Area.

14. No development above ground, in relation to the extension to the public house, shall commence until the following details, in relation to this aspect of the proposal, have been submitted to and approved in writing by the Local Planning Authority:

- Details and sample of slate;
- Details and sample of stone, including the type, coursing and jointing, with a sample panel to be erected on site prior to the commencement of the stonework;
- Details and sample of heads, cills and quoins;
- Details of all rainwater goods;
- Eaves, verge and ridge details;
- Details of all window frames and external doors including sections, material, colour, design and amount to be recessed from the face of the outer wall;

The development shall be carried out in accordance with the approved details and be retained as such at all times thereafter.

Reason: To ensure an appropriate form of development and to help preserve the character and appearance of the building and in the interests of the amenity of the Conservation Area.

15. No part of the three new build dwellings hereby approved shall be occupied until the associated access, car parking and turning areas have been created and laid out in accordance with the details shown on drawing

number 1431.25 E, and approved by condition 10. These areas shall be retained as such, for their approved purposes, at all times thereafter, with the proposed overspill and visitor parking available for use both in association with the residential development and the public house.

Reason: In the interests of highway safety and convenience.

16. No part of the three new build dwellings hereby approved shall be occupied until their associated external bin storage has been provided in accordance with the approved details. It shall be retained as such at all times thereafter.

In the interests of the amenity of the area.

17. No site preparation/clearance, demolition, construction, deliveries or fit-out associated with the development shall occur except between the hours of 0800-1800 Monday to Friday, and 0800-1400 on Saturdays. In particular no site activities shall be undertaken on Sundays or on Public Holidays without the prior written agreement of the Local Planning Authority.

Reason: In the interests of the amenity of the area.

18. The building to be converted to residential use shall not be occupied until the windows in the south elevation of the building have been fitted with obscure glazing. These shall be retained as such at all times thereafter.

Reason: To protect the privacy of the neighbouring property.

19. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no development under Parts 1, 2 and 14 of Schedule 2 of that Order shall be carried out without the express permission of the local planning authority.

Reason: To ensure that the impacts of any alterations, extensions, outbuildings or boundary treatments are fully considered to ensure that they do not adversely affect the character and appearance of the heritage assets or the character and appearance of the rural location, particularly given the site constraints.

20. The building to be converted to residential use shall be used wholly in association with the adjacent public house, the Dragons Head Hotel, as either staff accommodation or holiday accommodation and shall not be occupied, sold, disposed of or otherwise let without the express permission of the local planning authority.

Reason: In the interests of the amenity of the occupiers given the proximity to the public house and car park and the limited amenity space.

#### **ARTICLE 35 – DEVELOPMENT MANAGEMENT PROCEDURE ORDER**

Please see the attached statement which forms part of your decision notice.

#### **ADVICE**

If any infrastructure is required outside the application boundary in relation to the proposed drainage, such as a pond, it is likely that a further planning application would be required to cover this development and advice should be sought from the Local Planning Authority.

Signed: *Mark Cassidy*

Date: 28 August 2018

**PLANNING MANAGER (REGENERATION & PLANNING)**

**Your attention is drawn to the enclosed notes to be read in conjunction with the notice of decision.**



## **TOWN AND COUNTRY PLANNING ACT 1990**

### **ARTICLE 35 STATEMENT**

### **THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015**

In accordance with Article 35 of the above Order, your decision notice contains reasons for the imposition of planning conditions (where planning conditions are imposed), and in the case of each pre-commencement condition, a justification for the pre-commencement nature of the condition(s).

Lancaster City Council has made the decision 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 decision 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.

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Signed: *Mark Cassidy*

Date: 28 August 2018

**PLANNING MANAGER (REGENERATION AND PLANNING)**

# NOTES TO BE READ IN CONJUNCTION WITH THE NOTICE OF DECISION

*For applications submitted on or after 6<sup>th</sup> April 2009*

**LANCASTER  
CITY COUNCIL**

*Promoting City, Coast & Countryside*

## General

This permission refers only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment, bylaw order or regulation.

## Building Regulations

Any permission granted **DOES NOT** constitute approval under the Building Regulations. It is the responsibility of the applicant to, where appropriate; submit identical plans to the Council's Building Control service or an Approved Inspector. Any subsequent amendments to plans must be agreed with the Development Management Team. Failure to do so may result in enforcement proceedings for unauthorised development.

## Utilities

It is the responsibility of the applicant or any other party implementing the planning permission to check with any relevant utilities and statutory undertakers for the presence of any assets which may affect the land to which the permission relates.

## Discharge of Planning Conditions

The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008 introduced fees for requests for a formal response to confirm a planning condition has been discharged.

A fee is now payable where a written request is made for the discharge of one of more conditions on the same permission. The fee is payable per request and not per condition. The current fee is £116 per request (or £34 where the development is within the curtilage of a single dwellinghouse). The fee must be paid at the time of the request and will not be accepted retrospectively. It does not matter when the application was submitted or permission was granted. Requests to discharge conditions should be submitted online via the Planning Portal or on the form available from <https://1app.planningportal.co.uk/YourLPA/DownloadofflineForms>. Requests made in writing clearly stating the application number and the numbers of the condition(s) you are requesting confirmation of discharge for are also acceptable. Requests to discharge planning conditions or to confirm that they have been complied with that are received without the appropriate fee will be returned unanswered.

## Appeals

***Please note, only the applicant has a right of appeal.***

If the applicant is aggrieved by the decision of the Local Planning Authority to either:

- a. Refuse planning permission for the proposed development (except householder developments), or grant permission subject to conditions;
- b. Refuse planning permission for the proposed householder development, or grant permission for a householder development subject to conditions for applications submitted on or after 6<sup>th</sup> April 2009;
- c. Refuse to grant prior approval for proposed householder rear extensions;
- d. Refuse consent to display an advertisement, or grant consent subject to conditions;
- e. Refuse listed building consent, or to grant consent subject to conditions;
- f. Refuse consent to fell, lop, top or uproot protected trees, or to grant consent subject to conditions;

The applicant may appeal to the Secretary of State for the Environment in accordance with:

- a. Section 78 of the Town and Country Planning Act 1990
- b. Section 78 of the Town and Country Planning Act 1990 (As Amended)
- c. Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007
- d. Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- e. Schedule 2 of the Town and Country Planning (Trees) Regulations 1999.

Time Limits for submission of Appeals	
a. 6 Months from date of decision	b. 12 weeks from date of decision
c. 12 weeks from date of decision	d. 8 weeks from date of decision
e. 6 Months from date of decision	f. 2 months from the date of decision



Appeals must be made to the Planning Inspectorate and should be submitted online at <https://www.gov.uk/appeal-planning-inspectorate>. Alternatively, forms are available from The Planning Inspectorate, Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

The Secretary of State has power to allow a longer period for the giving of notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission could not have been given by the Local Planning Authority or could not have been granted otherwise than subject to conditions imposed by them having regard to the statutory requirements as laid down in relevant Orders, Regulations or Statutes. He does not in practice refuse to entertain an appeal solely because the decision of the Local Planning Authority was based on a direction given by him.

### **Compensation**

In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State for the Environment on appeal, or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 80 of the Town and Country Planning Act 1990, and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.

### **Purchase Notice**

If permission to develop land or listed building consent is refused or granted conditionally whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the District Council in which the land is situated a purchase notice requiring that Council purchase his interest in the land in accordance with Section 137 of the Town and Country Planning Act 1990.

### **Listed Building Consent**

If listed building consent has been granted, and any demolition is to take place you MUST in accordance with Section 8 (2) Planning (Listed Building and Conservation Areas) Act 1990 complete the enclosed form and send it to the Royal Commission on the Historical Monuments of England at the National Monuments Record Centre in Swindon at least one month before demolition commences.

### **Consent to Display an Advertisement**

Advertisements displayed with express consent granted for a specific period may, except in those circumstances where a condition has been imposed to the contrary or where renewal of consent has been applied for and refused, continue to be displayed on the expiration of that period subject to the service by the local planning authority of a notice requiring an application for express consent for the continuance of such display to be made. This notice is without prejudice to the local planning authority's ability to exercise any other power in the 'Town and Country Planning (Control of Advertisements) Regulations 2007 to secure the removal of such advertisements. It is a condition of every consent (whether expressly imposed or not) that before any advertisement is displayed on land in pursuance of that consent the permission of the owner or the land or other persons entitled to grant permission in relation thereto shall be obtained.

### **County of Lancashire Act 1984**

The applicant is advised the requirements of Section 31 of the County of Lancashire Act 1984 may apply to this development. This provides that satisfactory access shall be provided for the Fire Brigade (including their appliances, equipment and personnel). Any enquiries should be directed to the Fire Brigade.