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| <b>Agenda Item</b>               | A5   |
| <b>Application Number</b>        | 23/01408/VCN   |
| <b>Proposal</b>                  | 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) |
| <b>Application site</b>          | Whittington Farm<br>Main Street<br>Whittington<br>Carnforth  |
| <b>Applicant</b>                 | Candelisa Ltd  |
| <b>Agent</b>                     | Mrs Fiona Tiplady  |
| <b>Case Officer</b>              | Mr Andrew Clement  |
| <b>Departure</b>                 | Yes  |
| <b>Summary of Recommendation</b> | 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 |
|--------------------|----------|----------|
|--------------------|----------|----------|

|                 |  |                 |
|-----------------|--|-----------------|
| 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            | <b>No objection</b>   |
| Conservation Officer       | No adverse comment  |
| Historic England           | No adverse comment  |
| Waste And Recycling        | No observation received   |
| Lead Local Flood Authority | <b>No objection</b> , subject to pre-commencement planning conditions for drainage arrangements                                 |
| GMEU                       | <b>No objection</b> , subject to conditions controlling mitigation measures within the ecology report                           |
| Lancashire Archaeology     | <b>No objection</b>   |
| Fire Safety                | <b>No objection</b> , informative regarding emergency vehicle access and water provision  |
| Lancashire Constabulary    | <b>No objection</b> , informative to include secured by design guidance   |
| Environmental Health       | <b>No objection</b> , 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 20<sup>th</sup> 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 ( <b>varied to reflect commenced development</b> )     | Control   |
| 2             | Accord with amended approved plans ( <b>varied to submitted plans</b> )                           | Control   |
| 3             | Archaeological building recording ( <b>varied to reflect previously agreed details</b> )          | <b>Control of approved details through 19/00110/DIS</b> |
| 4             | Construction management plan ( <b>varied to reflect previously agreed details</b> )               | <b>Control of approved details through 19/00110/DIS</b> |
| 5             | Tree protection plan ( <b>varied to reflect previously agreed details</b> )                       | <b>Control of approved details through 19/00110/DIS</b> |
| 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 ( <b>updated to reflect amended scheme and materials</b> ) | 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 ( <b>updated to reflect new report</b> )                       | Control   |
| 23            | Protection of visibility splays   | Control   |
| 24            | Boundary treatments and hedgerows ( <b>new condition to reflect additional information</b> )      | Prior to installation and occupation                    |
| 25            | Grampian condition extended gardens ( <b>new condition to reflect additional information</b> )    | Prior to occupation plots 1 to 6                        |
| 26            | Bin store details for plot 16 ( <b>new condition to reflect additional information</b> )          | 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