

Agenda Item A5	Committee Date 4 June 2018	Application Number 18/00095/FUL
Application Site Land North of 1 Sunny Hill Westbourne Road Lancaster Lancashire		Proposal Erection of a three storey building comprising of 6 two-bed apartments (C3) with associated parking, landscaping and creation of a pedestrian access
Name of Applicant Mr Howard		Name of Agent Mr David Howard
Decision Target Date 24 April 2018		Reason For Delay
Case Officer		Ms Charlotte Seward
Departure		No
Summary of Recommendation		Refusal

1.0 The Site and its Surroundings

1.1 The proposal site is a walled garden to the north of semi-detached properties 1 and 2 Sunny Hill. Within the site there is a disused garage and a number of trees, including two Yew trees protected by a TPO and a group of trees that are protected as a group. The site is accessed off Westbourne Road and is located within the Cannon Hill Conservation Area. To the east of the site lies the Grade II Listed residential property known as The Knoll. There is an area of surface water drainage 1:1000 risk at the access point to the site.

2.0 The Proposal

2.1 The scheme has been revised on 5 separate occasions in response to consultation responses, comments from the public and the Planning Officer. The proposal, as it stands at the point of writing this report, seeks permission for a three storey building comprising of 6 2-bed flats. The proposal includes 6 parking spaces and 1 visitor space, and 6 cycle spaces. The site is proposed to be landscaped to include retaining walls, stone paving, 6 Holly trees and 3 Oak trees. Bin storage is proposed to the side of the building. Vehicular access is proposed via the existing, unaltered access point but a new pedestrian access with opaque gates is proposed in the existing wall onto Westbourne Road.

3.0 Site History

3.1 Outline planning permission was granted in 2010 (10/00731/OUT) for a detached single dwelling house on the proposal site. This application was never implemented and has lapsed. On land adjacent to 2 Sunny Hill planning permission was granted in 2010 (10/00542/FUL) for a five bed dwelling house and the formation of a new improved access. This permission has been materially commenced and is considered extant.

Application Number	Proposal	Decision
10/00731/OUT	Outline application for the erection of a detached single dwelling house	Permitted

10/00542/FUL	Erection of a five bed dwelling house and the formation of a new improved access	Permitted
09/01168/OUT	Outline application for the erection of a five bed private dwelling, associated landscaping and alterations to the access and junction with Westbourne Road	Permitted
09/00010/REF	Outline application for the erection of a five bed private dwelling and associated landscape works	Appeal dismissed
09/00196/OUT	Outline application for the erection of a single five bed roomed private dwelling and associated landscape works	Refused

4.0 Consultation Responses

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

Consultee	Response
County Highways	Where approval is granted it should be subject to conditions relating to: implementation of the parking scheme prior to first occupation; construction traffic management statement; off-site highways improvement scheme for the provision of a bus stop, flag pole and timetable to be implemented prior to first occupation.
Tree Protection Officer	Objects: Removing all of the trees as proposed will have a long and lasting adverse impact upon the existing character and appearance of the local Conservation Area, a designated area that is recognised for its “wooded character”.
Conservation Officer	Objects: The proposed new development would lead to less than substantial harm to the significance of the Cannon Hill Conservation Area as it would erode the wooded and spacious plot character of the area.
Lancaster Civic Society	Objects: This development is inappropriate for a prominent site in a Conservation Area and would recommend that planning permission be refused.
Environmental Health	Objects: The proposal does not include any mitigation for the impact of the increased traffic on air quality.
United Utilities	Comments: Foul and surface water shall be drained on separate systems. A surface water drainage scheme that accords with the sustainable drainage hierarchy and includes adequate proposals for maintenance and management of the surface water drainage system shall be required.

5.0 Neighbour Representations

5.1 56 letters of objection were received to the original proposal, and 39 further representations in objection have been made to the 4 sets of amended proposals that have been submitted. The material planning considerations raised are summarised below:

- Overdevelopment of the site that conflicts with the character of the Conservation Area - density of development on sites in this area are considered to be 10-20% of the total garden area whilst this proposal would exceed this at 25-30%;
- Size/scale/height/footprint/design/set back from the boundary is inappropriate for the site and the character of the Conservation Area;
- The site is suitable only for 1 dwelling – previous proposal could be considered reasonable for plot size and character of the area;
- Unacceptable impact on protected trees and the impact on amenity and biodiversity of the area, and the character of the Conservation Area and lack of adequate replanting to mitigate this impact;
- Adverse impact on residential amenity of The Knoll and Sunny Hill;
- Proposed parking not in accordance with policy standards – insufficient parking could result in potential overspill onto the public highway creating a hazard. Parking incidents resulting in obstruction resulted in call outs from the police 9 times in 2015, 10 times in 2016 and 6 times in 2017;
- Increased traffic generation on narrow Westbourne Road resulting in hazard;
- Increased use of narrow pavement;
- Lack of bicycle storage;

- Lack of garden space;
- Increase use of constrained access and potential conflict with pedestrians and cyclists;
- Impact on setting of the adjacent Listed building, The Knoll;
- Lack of a surface water run-off scheme - the removal of trees and creation of hard surfacing will increase potential for flooding of Westwood and Westlands;
- Deeds for Sunny Hill restrict development on this plot to a private dwelling house;
- The plans showing the 2010 development permitted on land adjacent to 2 Sunny Hill are misleading;
- Overlooking of Westbourne Road properties; and
- Lack of emergency vehicle access.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

- Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles
- Paragraph 32 – Access and Transport
- Paragraphs 49 and 50 – Delivering Housing
- Paragraphs 56, 58, 64 – Requiring Good Design
- Paragraph 80 – Sustainable Drainage
- Paragraph 133 – Heritage Assets

6.2 Local Planning Policy Overview – Current Position

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

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

This enables progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were published on the 9 February for an 8 week consultation in preparation for submission to the Planning Inspectorate for independent Examination. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in late 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2017, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Lancaster District Core Strategy (adopted July 2008)

- SC1: Sustainable Development
- SC2: Urban Concentration
- SC4: Meeting the District's Housing Requirement
- SC5: Quality in Design

6.4 Development Management Development Plan Document (DPD)

- NPPF1: Presumption in favour of sustainable development

- DM20: Enhancing Accessibility and Transport Linkages
- DM22: Vehicle Parking Provision
- DM27: The Protection and Enhancement of Biodiversity
- DM29: Protection of Trees, Hedgerows and Woodland
- DM31: Development affect Conservation Areas
- DM32: Setting of Designated Heritage Assets
- DM35: Key Design Principles
- DM39: Surface Water Run Off and Sustainable Drainage
- DM41: New Residential Development

7.0 Comment and Analysis

7.1 The main issues are:

- Principle of development
- Housing land supply
- Housing mix
- Highways safety
- Trees and impact on Conservation Area
- Residential amenity
- Scale and design, and impact on Conservation Area
- Air quality
- Surface water and foul drainage

7.2 Principle of Development

7.2.1 The site is located within the urban area of Lancaster, which in addition to the existing urban areas of Morecambe, Heysham and Carnforth, is where Policy SC2 seeks to direct 90% of all new dwellings within the District. Policy requires that development proposals are directed to where sustainable travel patterns can be achieved, should minimise the need to travel by private car and maximise opportunity for walking, cycling and public transport. This site can be considered to be sustainable in relation to transport and access to services.

7.2.2 Given the location of this development within the urban area, within an established residential area, within reasonable walking distance to services and open space, and having access to sustainable forms of transport, the development of this site for housing is supported in principle, subject to detailed matters being acceptable.

7.3 Housing Land Supply

7.3.1 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. Where the development plan is out of date, or the local planning authority does not have a 5 year housing land supply, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or specific policies in the NPPF indicate development should be restricted.

7.3.2 In October 2017 Lancaster City Council published a 5 year housing land supply position. Based on the adopted housing requirement of 400 dwellings per annum the housing land supply is 4 years. As a consequence there is a clear expectation that unless material considerations imply otherwise, sites that offer the opportunity for housing delivery should be considered favourably.

7.4 Housing Mix

7.4.1 Policy DM41 of the Development Management DPD requires that new residential development must provide an appropriate dwelling mix in accordance with the Lancaster District Housing Needs Survey or other robust evidence of local housing need. The proposed development is for 6 2-bed flats. The Strategic Housing Market Assessment (Part II) published in February 2018 identified for Lancaster South a need of 1600 dwellings, 33% of which is identified for the house type "flats", and majority of the general need is identified to be for 1/2 bed dwellings. As such the delivery of 6 2-bed flats would still assist in delivering a balanced housing market.

7.5 Highways safety

7.5.1 Policy DM35 requires that developments incorporate suitable and safe access to the existing highway network, provide for parking in accordance with Policy DM22 and Appendix D, and design

schemes that reduce the negative impacts of cars. The proposal seeks to utilise the existing vehicular access and create a new pedestrian access.

- 7.5.2 Public objection to the proposal has raised concern of adverse highways impacts arising from the insufficient parking provision, resulting in the potential for overspill parking off-site. Furthermore concerns have been raised about the use of the existing access and potential conflict of pedestrians/cyclists/vehicles on the narrow Westbourne Road.
- 7.5.3 The case officer raised concerns with County Highways in relation to the intensification of use of the existing access as a result of the development. From the site visit it was considered that the visibility was constrained in both directions by the existing boundary walls. When measuring 2.4m back from the carriageway, visibility appeared to be significantly impaired.
- 7.5.4 Following further consideration, County Highways has advised that “*The existing access complies with the requisite design guide standards such as to accommodate an increased frequency of vehicles movements from the adjacent public highways onto Sunny Hill Lane*” and that the visibility splays are in excess of 43m. Therefore, notwithstanding the concerns raised by the public objectors and by the case officer, County Highways does not have any objection to the increased use of this access making it difficult to substantiate a reason for refusal on highway grounds. Due to the attractive character of the boundary walls and the walls to the right being outside of the control of the applicant, it is not possible to improve the sight lines to increase visibility.
- 7.5.5 Appendix B of the Development Management DPD sets out the maximum car parking standards. For 2-bed dwellings the standard is a maximum of 2 car parking spaces. The amended proposal provides for 6 parking spaces and 1 visitor space. Previous plans considered have shown a higher and lower provision number of parking spaces. The amendments as they relate to parking provision have sought to address both the highway safety issues. It is considered that a reduced provision can be accepted in this location due to the proximity of the site to the city centre (0.75km) and the railway station (c0.5km). County Highways considered the parking level to be adequate for this location where a condition requiring agreement to an off-site highways improvement scheme for the provision of a bus stop is made. However, the number 11 bus that serves the residential areas to the west of the city centre from the bus station only has 2 bus stops on Westbourne Road, according to County’s transport maps, and the application site sits virtually half way between them (350m and 365m to the west and east respectively). Therefore not only is their request disproportionate for the size of the amended proposal, but the bus stops relate poorly to the application site.
- 7.5.6 The cycle storage standards require a maximum of 12 bicycle spaces and 6 communal spaces. The proposal includes the provision of 6 spaces to be wall mounted on the elevation facing Westbourne Road. The provision is less than half the required standards and given the reduced number of parking spaces this provision should be higher. However, the size of the development plot and the requirement to provide adequate bin storage means that it is difficult to provide additional storage. The original proposal showed 16 spaces, and the subsequently revised scheme showed 12. The scheme was further reduced to provide for a bin store adjacent to the building rather than sited adjacent to the access where its positioning was undesirable in relation to traffic flow and amenity of the lane. It is considered that it is difficult with the current building footprint and parking requirements to provide any additional cycle parking spaces. It is considered that the proposal is therefore contrary to requirements for cycle storage and that this has an adverse impact on the sustainability of the scheme. It is also considered that a more secure solution would be preferable, especially with the introduction of the pedestrian access.
- 7.5.7 The amended scheme shows a pedestrian access within the existing boundary wall onto Westbourne Road. This is in response to objections relating to the conflict of pedestrians and vehicles at the access. County Highways has not provided comment on this pedestrian access. Whilst it is considered that the location of this access is less than ideal as it would lead to the bins and the cycle storage area, it is considered that this addition to the scheme has helped to increase pedestrian safety.
- 7.5.8 County Highways has requested a number of other conditions. This includes a condition to implement the agreed parking layout. Such a condition would meet the tests of the NPPF (paragraph 206) as the parking is essential to the acceptability of the scheme. The condition relating to construction traffic management is dealt with through separate legislation and therefore would not meet the test of the NPPF.

7.5.9 County Highways position makes it difficult to substantiate a reason for refusal on the basis of the intensification of the existing access. A reduced number of car parking spaces can be accepted given its sustainable location. Likewise, whilst more cycle storage would be preferable, the scale of the development and the limitation of the site does not allow for the provision of more spaces.

7.6 **Trees and Impact on Conservation Area**

7.6.1 The site falls within the Conservation Area which is in part characterised for its wooded character. There are several Tree Preservation Orders (TPOs) that affect trees within the site. T1 and T14 are protected by TPOs nos. 376 (2005) and 118 (1987). Trees within the site are now subject to a group TPO (no. 648 (2018)), which includes the group of 7 trees around the garage, a group 3 trees adjacent to T1, a group of 3 in the south west corner of the site and 2 trees which fall with the garden of The Knoll on the boundary. In addition any trees over 75mm in diameter (as measured 1.3m above ground level) are protected as they are in a Conservation Area. The designation of these trees means that they are considered to have an amenity value that is worth protecting.

7.6.2 It should be noted that in 2010 a refusal of a Tree Works application was partly allowed and partly dismissed at appeal. Appeal decision APP/TPO/A2335/911 allowed for the felling of 6 trees but required the retention of T14. The felling of the 6 trees was allowed subject to a requirement to replant 3 oak and 3 holly trees in specified locations. The trees have been felled but the replacement planting has not occurred.

7.6.3 Policy DM29 supports the protection of trees which positively contribute, as individuals or groups, to the amenity and/or environmental value of the area. Development should positively incorporate existing trees within the new development. Where this cannot be achieved the loss must be adequately justified and any loss replaced at a ratio of 3 new trees for each 1 lost.

7.6.4 Objections have been received from the Tree Protection Officer, the Conservation Officer and from the public in relation to the loss of the protected trees and the lack of substantial replanting. Concern from the public has been raised to the biodiversity losses that would result from their removal.

7.6.5 This proposal seeks to remove all of the trees from the site. The submitted AIA concludes that the trees are either category C or U and that their removal to accommodate the development can be accepted on this basis. The assessment also states that visual appeal of the T1 and long term coexistence in its location means that its TPO is not defensible. A further separate statement from another Tree Consultant advises that in their opinion T1 has limited public amenity due to it being viewed only from a short section of road and states that the proposed development would mean that the tree cannot be preserved. The AIA does not make assessment of the impact of the revised parking on T14, and fails to consider the protected status of the trees in the assessment, and also fails to include the required replanting of 3 holly trees from the 2010 appeal. A number of statements have been submitted by the agent in relation to the trees which set out a position that challenges whether the trees on the site are worthy of the TPO status and questions the amenity value of the trees and their contribution to the area.

7.6.6 The Tree Protection Officer has submitted an objection to the proposed removal of all of the trees, and has recently refused a Tree Works Application for the site which resulted in the creation and designation of the most recent TPO. It is the Tree Protection Officer's view that the trees have an amenity level that merits TPO designation and the loss of the trees would be harmful to the appearance and character of the Conservation Area. Furthermore, the proposed replacement planting scheme, taking into account the replanting required as part of APP/TPO/A2335/911, is considered not to meet the terms of the appeal decision and would only result in 2 additional trees and a hedgerow, falling significantly short of the required replacement ratio of 3:1.

7.6.7 Having considered the information submitted by the agent, the two tree consultants employed by the agent, and the Tree Protection Officer's comments, and having carried out a site visit, it is considered that the existing trees have a high level of amenity value that contributes to the appearance and character of the Conservation Area, and to the identified characteristic of the area of large properties in mature landscaped plots. The proposed development does include planting but this would not meet in full the requirements of the terms of the 2010 appeal and would fall well short of the required planting of 33 trees. In addition any future trees would be under future pressure as they would overshadow the principle rooms of the flats.

7.6.8 Amended plans have been submitted, but none of these plans, have sought to reduce the tree losses or retain the protected Yew Tree. The degree of loss of existing trees is considered to be unacceptable, and the degree of replacement planting insufficient to overcome it. Whilst the level of replanting at 1:3 at this site may be difficult to achieve with any proposal, it is possible to develop the site whilst retaining trees within this site, and providing more substantial replanting. However, this would require a much reduced proposal in terms of number of dwellings, footprint and scale. Overall the proposal would lead to unjustified loss of protected trees, resulting in less than substantial harm to the Cannon Hill Conservation Area.

7.7 Residential Amenity

7.7.1 Policy DM35 sets out the key design principles which new development should address. The following assessment addresses the amenity of the proposed units, and the impact on neighbouring properties.

7.7.2 Currently there are no standards for new flat accommodation in the Development Plan. At a national level there are the "Technical housing standards – Nationally described space standard". It is proposed that these will be adopted as part of the emerging plan. For 2 bed homes with 3 bed spaces the minimum gross internal floor area (GIA) is 61sqm with 2sqm of built in storage. 4 flats are 62sqm and 2 flats are 61sqm so just meeting the overall GIA requirement. The internal built in storage for each of the units is 1sqm and therefore does not meet the required 2sqm. The width and total floor area of the single and double bedrooms just meet requirements. Overall the scheme just meets the required specifications but fails to meet the internal storage requirements. An additional 1sqm could be provided within the double bedrooms or hallway to meet this requirements. It is considered that this could be dealt with through an amendment to the plans. A verbal update will be provided to Committee should amended plans be submitted.

7.7.3 Concern was raised about the level of outlook and overshadowing of the bedrooms on the ground floor. The levels of the site mean that these bedrooms would look out onto a 3.5m high retaining wall. Generally an acceptable distance to a blank elevation is 10m. The scheme has been amended to try and address these issues by including pulling the building back from the retaining wall to increase the distance by 1.2m, but angling the windows and by including an area of planting in the retaining wall to soften the views. Despite these amendments the degree of overshadowing and overbearingness on the ground floor bedrooms is significantly adverse that it can be considered unacceptable.

7.7.4 In relation to the neighbouring properties, the original proposal was considered to have an unacceptable impact on the amenity of The Knoll from overlooking. The proposal included 8 windows and 13 roof lights looking towards the garden of the property within close proximity of the boundary. The amended scheme has sought to address this by reducing the numbers of windows, altering the internal floor levels relative to the height of the Velux rooflights and angling windows to prevent direct looking. It is considered that these amendments have reduced the impact on The Knoll to a degree that can be considered acceptable.

7.7.5 The close proximity of the development to 1 Sunny Hill means that there is a potential impact from overlooking. The Sunny Hill elevation shows 3 bathroom windows facing directly towards the neighbouring residential property. This impact could be mitigated by a condition to require that windows are fixed and obscure glazed. The impact of the front elevation windows is more difficult to overcome. The first and second floor windows would afford views into the garden of Sunny Hill. This garden is already overlooked by the neighbouring 2 Sunny Hill, but this proposal would increase the degree of overlooking and further reduce the remaining privacy of the garden.

7.7.6 There are no specific standards relating to external amenity for flats. However, as a general rule 9sqm for external amenity/drying area is required for flat conversions. For dwelling houses this is 50sqm. Policy DM35 relating to design requires that proposals should have regard to local distinctiveness in siting and layout and create appropriate outdoor spaces for proposed occupiers. The proposals have been amended to increase the external amenity area by reducing the level of parking and hard surfacing to account for this, which has improved the scheme. However, overall the level of external amenity space does not reflect the density of development in the area which is for single dwelling houses in large soft landscaped plots.

- 7.7.7 The positioning, distance and orientation of the proposal to the neighbouring Westwood and Westlands would mean that there would be no harm to residential amenity as a result of the proposal.
- 7.7.8 In summary, the residential amenity of the ground floor flats is unacceptable and the proposal would result in overlooking of Sunny Hill garden that cannot be mitigated by the proposed holly trees. Further mature planting could overcome this but would not be possible on the current layout and would have additional impacts of further overshadowing the proposed flats.
- 7.8 **Scale and design, and impact on Conservation Area**
- 7.8.1 Policy DM35 requires that new development should make a positive contribution to the surrounding landscape. Policy DM31 permits only development that preserves or enhances the character of the Conservation Area. This reflects the provision of the Town and Country Planning (Listed Buildings and Conservation Areas) Act. A key characteristic of the Cannon Hill Conservation Area is its fortuitous aesthetic of dwellings situated within large landscaped plots and its wooded character. Policy DM32 requires that the setting of designated heritage assets is preserved and enhanced.
- 7.8.2 The original scheme was identified to be unacceptable in scale and design. Whilst the proposal sought to use high quality materials the height, footprint, proximity to the boundary, loss of trees and green space, fenestration and lack of design details would have resulted in a proposal that would result in less than substantial harm to the Conservation Area.
- 7.8.3 The proposal has been amended to reduce the number of flats from 8 to 6, to reduce the number of parking spaces from 9 to 7, to increase the amenity space within the site and space for planting. The height of the building has been reduced by 0.75m and the building has been moved from the rear retaining wall by 1.2m. However, the overall footprint has been retained. The design of the scheme has also been altered to break down the elevation into two sections, include a peaked gable and reduced the number of windows and rooflights.
- 7.8.4 The scheme is certainly an improvement on the original proposal, but the overall scale and footprint of the dwelling would still result in the overdevelopment of the site. The design of the scheme uses high quality materials but would still be of a design which is not reflective of the character of the area, particularly in relation to the amount and design of the fenestration, including the projecting rear windows and the central glazing element and porch, and the split roof form. Policy requires that development in a Conservation Area should be of a high standard to ensure the preservation and enhancement of the Conservation Area, particularly in a prominent road side location. The proposal would result in less than substantial harm to the Conservation Area that could be avoided by a much reduced scheme.
- 7.9 **Air quality**
- 7.9.1 Policy DM35 requires that proposals minimise the impacts on air quality. The Council's Low Emission and Air Quality Planning Advisory Note (PAN) sets out mitigation required for certain types of proposals. This site is located within close proximity to the Lancaster Air Quality Management Area (AQMA), and any traffic entering and exiting the site would need to travel through the AQMA.
- 7.9.2 The size of the scheme means that it falls below the threshold requirement for an Air Quality Assessment, but the location of the scheme means in relation to the highway network will mean that the proposal will have a potential to increase the levels of pollution in the AQMA.
- 7.9.3 The PAN requires for sites which are below the threshold but will affect the AQMA to mitigate their air quality impacts, including the control of construction emissions. Environmental Health has objected on the grounds that no scheme for mitigation has been submitted with the application.
- 7.9.4 In discussion with the Environmental Health Officer it was identified that the provision of 2 electric vehicle charging points and a method statement for construction dust control would overcome the objection. Subject to an appropriate condition to require the submission and agreement of details of the former prior to the commencement of development, the proposal would be considered acceptable in relation to air quality. The latter requirement is covered by other legislation.
- 7.10 **Surface water and foul drainage**
- 7.10.1 Policy DM39 requires that new development should seek to demonstrate that there is no increase in on and off site surface water run-off. The sustainable drainage hierarchy as set out in Paragraph

80 of the NPPF requires that surface water is drained in the most sustainable way and must demonstrate why more sustainable methods are not feasible. The most sustainable way is to a watercourse, then infiltration, then to a surface water drain and lastly where no other option are possible connection into the public sewer.

- 7.10.2 United Utilities has commented that conditions should be applied to any permission to require that foul and surface water are drained on separate systems, and that a surface water drainage scheme accords with the sustainable drainage hierarchy. Details must include adequate proposals for maintenance and management of the proposed surface water drainage system.
- 7.10.3 In relation to surface water drainage, no information has been submitted to demonstrate why the only option at this site is to drain into the public sewer, and no detailed drainage plans have been provided to show how this will drain on a separate system for the whole site or ensure that the rate of run off is limited to 5 litres per second into the public sewer. It is considered that this could be adequately dealt with a pre-commencement condition requiring the submission of a detailed surface water drainage scheme (which is separate from the foul drainage) and scheme for the management/maintenance of the agreed system.
- 7.10.4 In relation to foul drainage the application states that foul and surface water will drain into a private system and then connect into the public sewer. Indicative plans have been provided of this which show both the foul and surface water in the same system. Subject to a condition requiring the final details of a separate foul drainage system on site, the proposal can be considered acceptable in relation to foul drainage.

8.0 Planning Obligations

- 8.1 There are no planning obligations to consider as part of this application.

9.0 Conclusions

- 9.1 This proposal would deliver 6 homes within a part of the urban area of Lancaster that would reduce the need to travel and help to meet the outstanding housing needs of the District. The type and size of homes would meet the identified need for the Lancaster South area and the location can be considered to be sustainable.
- 9.2 National and local planning policy applies a presumption in favour of sustainable housing development in location where there the local planning authority cannot demonstrate a 5 year housing land supply. Planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the requirements of the NPPF taken as a whole.
- 9.3 In this case it is considered that the proposal represents unacceptable overdevelopment of the site. The scale of the proposal in terms of massing, footprint and the number of dwellings proposed relative to the size of the site results in the unjustified loss of trees and inadequate re-planting, unacceptable levels of amenity for the two ground floor bedrooms, and a disproportionate retained area of soft landscaping in comparison to neighbouring residential plots. In addition the design of the proposal would detract from the appearance and character of the Conservation Area. Cumulatively the scale of the development would result in less than substantial harm to the Conservation Area which could not be justified, and unacceptable levels of amenity for the ground floor flats. It is considered that these impacts are significantly adverse that it cannot be outweighed by the benefits of delivering 6 homes on this site.

Recommendation

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

1. The siting, scale and design of the proposed building and parking area results in the unjustified loss of trees and inadequate re-planting, unacceptable levels of amenity for the two ground floor flat bedrooms, and a disproportionate retained area of soft landscaping in comparison to neighbouring residential plots that results in harmful overdevelopment of the site that fails to preserve and enhance the Cannon Hill Conservation Area and results in less than substantial harm that is not outweighed by the benefits of the provision of housing. The proposal is therefore considered to be

contrary to National Planning Policy Framework Paragraphs 14, 49, 64 and 133, and Development Management Development Plan Document Policies DM29, DM31 and DM35.

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 takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed in the Notice. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

Background Papers

None.