

Agenda Item A19	Committee Date 20 September 2010	Application Number 10/00542/FUL
Application Site 2 Sunny Hill Westbourne Road Lancaster	Proposal Erection of a five bed dwelling house and the formation of a new improved access	
Name of Applicant Mr D Howard	Name of Agent N/A	
Decision Target Date 17 August 2010	Reason For Delay Considered at last committee – then subject to site visit	
Case Officer	Mrs Jennifer Rehman	
Departure	No	
Summary of Recommendation	<p>The previous committee report is provided again, and is unaltered in content except for the addition of paragraphs (a) to (e) which explain the procedural matters and outstanding information, and the addition of a background paper at the end of the report.</p> <p>Planning permission was granted on 23 August 2010 for the proposal.</p> <p>Further information will be verbally available to Members on 20 September 2010.</p>	

(i) Procedural Matters and Update

- (a) This application was referred to the Planning Committee by the Head of Regeneration and Policy for consideration on 23 August 2010 on the basis that the previous outline consent was determined by Members in April 2010. The previous outline application was referred because the applicant was in dispute with the local planning authority regarding the manner in which the Service has dealt with previous applications.
- (b) **The main body of the report below is unaltered in content from August 2010.** The applicant has submitted amended proposals relating to the undertaking of works to the protected yew tree at the site access. It is anticipated that these will have been considered by the statutory consultees in time for the September meeting and they will be reported verbally to Members.

- (c) Members will also have had the opportunity to visit the site and view the tree for themselves at the site visit arranged for 13 September 2010. In the meantime, an independent arboriculturist has been commissioned by the Head of Regeneration and Policy to assess the condition of the specimen, by virtue of the fact that there is a dispute over the condition of the tree, and their findings will be made public and will be available to the Committee in time for the meeting.
- (d) Members will also note that there is one addition to the previous committee report; a **background paper** which is a report by the applicant's own arboriculturist Luke Steer of Treescapes Consultancy Ltd.
- (e) Finally, Members are advised that following the presentation of verbal updates referred to in (c) above, should there be any decision to permit the full removal of the tree, then there will be a requirement for compensatory planting at a ratio of 3:1 as standard.

1.0 The Site and its Surroundings

- 1.1 The site that is the subject of this application for full planning permission relates to a 0.1ha site situated within an area of Lancaster City known as Cannon Hill. It is an area predominantly characterised by low density large Victorian houses surrounded by mature trees and set within relatively extensive garden plots. There is a diverse range of building types in this area including The Knoll - one of the first redbrick built houses in Lancaster; Westbourne House – one of the earliest examples of concrete house construction; Laurel Bank – one of the finest, grand stone-built terraces in the North West; the 19th century random rubble stone properties at Abraham Heights Farm and; the 1980's detached brown brick properties on Orchard Lane. A number of these properties are of significant architectural and historic merit and are recognised by their grade II listing.
- 1.2 The application site forms part of the original domestic curtilage to 2 Sunny Hill and was formally an orchard. No. 2 Sunny Hill is one of a pair of semi-detached mid-Victorian properties served by a private, un-adopted lane (Sunny Hill) which runs the length of the eastern boundary. The road is accessed off the south side of Westbourne Road approximately 70m west of Westbourne Drive, which runs parallel to Sunny Hill at a lower level. At present this private lane is an unmade road, narrow with substandard visibility in both directions at the junction with Westbourne Road, although the applicant has commenced work to the access and at the time of compiling this report the existing wall had been demolished with a new access formed. The applicant has started re-building the wall behind visibility splays specified in both the current application and the previous proposal. This matter will be discussed later in the report.
- 1.3 Sunny Hill comprises a single pair of semi-detached properties – 1 and 2 Sunny Hill, constructed in stone under slate at three storeys high. These properties are situated hard up against the western boundary with ample land to the front and sides. They occupy a rather imposing and elevated position, orientated to face east towards the City Centre over properties on Westbourne Drive. The application site itself is bound by Orchard Lane; a private access road which runs along the southern boundary and leads to three large modern detached properties, the random rubble stone wall separating the site from The Knoll along the western boundary; 2 Sunny Hill to the north, and properties on Westbourne Drive to the east. The boundary treatment, with the exception of the western boundary, consists of trees, shrubs and hedges of Hawthorn, Holly and Beech.
- 1.4 The site has a constant and uniform slope of approximately 1 in 12 running perpendicularly down from the west boundary to the almost parallel eastern boundary, with negligible deviation in level between the north and south boundaries of the site.
- 1.5 The trees along the western boundary are all protected by TPO No. 118/G2 and are located within the grounds of The Knoll. There are also protected trees close to the site access (TPO No: 2005/376/T3) and mature trees along the eastern side of the private lane which are not protected. There has been a recent appeal decision relating the trees at the access onto Sunny Hill which is relevant to the application and shall be discussed in section 3.0 and 7.0 of this report.
- 1.6 At present the site is unallocated in the Lancaster District Local Plan. It should be noted however that the area in which this application is proposed is under consideration for conservation area status with all the consultation now completed. Notwithstanding this, the conservation area designation has

not yet been granted formal resolution by the local planning authority.

2.0 The Proposal

- 2.1 Full planning permission is sought for the erection of a five bedroom detached dwellinghouse and the formation of a new improved access at the junction with Westbourne Road.
- 2.2 The proposed dwelling has a rectangular footprint, somewhat larger than the adjacent pair of properties, positioned centrally on the plot tight up against the western boundary with a 1.5m set back behind the building line of 1 and 2 Sunny Hill. The layout plan indicates a footprint of 8.5m (depth) by 20m (length) with the ground floor levels set approximately 1.2m below the existing ground floor levels of the adjacent properties on Sunny Hill. The height of the main part of the building is approximately 6.7m, increasing to approximately 8.8m to account for the third storey element of the scheme. The proposed dwelling employs a contemporary modular approach to the design, using a simple palette of materials including a white and grey render, cedar boarding and glass. The proposed accommodation is split over three floors comprising two large reception rooms at ground floor level, together with utility/storage space and WC; an en-suite master bedroom, three further bedrooms with a bathroom at first floor level and; a guest bedroom, shower room and study at second floor level. The flat roof nature to the design allows for the creation of two grass roofs – one over the main part of the dwelling and a smaller area over the flat roof that forms the third storey cedar clad pod. The scheme also incorporates a flat roof single storey garage which shall be linked to the main dwelling with external walls only.
- 2.3 The design and access statement also indicates that due to the 1:12 slope of the site, landscaping and re-grading of the plot will be required. This will be arranged into a series flat lawned terraces with the internal lawn boundary heavily planted and the existing hedgerows enclosing the site retained. The submitted sections demonstrate how this arrangement will be achieved.
- 2.4 This full planning application also seeks permission for alterations and improvements to the access consisting of closing up the existing access and relocating it 3m further up Westbourne Road; widening the access to 4.5m; setting the gateposts back 3m from the edge of the kerb and demolishing and rebuilding the boundary walls in order to achieve 25 visibility splays in both directions; together with improvements to the pavement at the junction (splaying and realigning of the kerbstones).
- 2.5 The proposed development would result in a number of trees being removed. This consists of two groups of trees (comprising Elder, Holly, Hazel, Hawthorn, Yew and Sycamore) at the access, another group of trees (Apple and Cherry) located in the plot itself and a Sawara Cypress tree located in front of 2 Sunny Hill. An Arboricultural Method Statement and Tree Protection Plan have been submitted with the application and are read in conjunction with the Arboricultural Implications Assessment dated 25 March 2010. This indicates that the Yew tree located on the east side of the proposed new access and trees T4 – T6 shall be retained and protected, together with the trees along the eastern boundary of the lane (G7, T10 and T11).

3.0 Site History

- 3.1 An outline application was submitted to the Council in March last year for the erection of a five-bed dwellinghouse. This application was refused on the 7 May 2009 for the following reason:
- The proposed development would lead to an increased use of the existing vehicular access to the site which, without improvements to the site lines and the formalising of passing places, would lead to additional pedestrian and vehicular conflict. Utilising this existing substandard access would be seriously detrimental to highway and pedestrian safety, particularly at the junction with Westbourne Road. Subsequently the proposed development fails to make satisfactory access arrangements and is therefore considered contrary to policy H19 and Supplementary Planning Guidance Note 12 'Residential Design Code' of the Lancaster District Local Plan.*
- 3.2 The Planning Inspector concluded that *any increased usage of the access without improvements to the visibility would be harmful to highway and pedestrian safety* and subsequently dismissed the appeal.
- 3.3 During the course of the appeal process, a revised scheme was put to the Local Planning Authority

which involved the relocation of the access up the hill and the subsequent loss of 14 trees close to the site access. At this time, Officers were seriously concerned about the loss of trees and the impact on the wider visual amenities of the locality and advised the applicant that such a proposal would not be supported. Rather than submitting a revised planning application, the applicant chose to apply to remove these trees via an *Application for tree works: works to trees subject to a TPO and/or notification of proposed works to trees in a conservation area*. This was refused by the Council on the grounds of their significant contribution to the character and amenity value of the wider landscape; their greening and screening function between the adjacent residential property and the public highway; and their overall good condition and longevity. The applicant appealed this decision.

- 3.4 An Arboricultural Inspector appointed by the Secretary of State concluded that 6 of the appeal trees within group G3 (close to the derelict garage) were in a poor condition and did not have a significant amenity value. In relation to these trees the appeal was allowed. The Inspector did however consider the Yew Tree T3 at the access a significant amenity feature and dismissed the appeal in relation to this particular tree – commenting that the tree could be retained with minor amendments to the design of the access to prevent any undue harm.
- 3.5 In light of the above planning history, the applicant submitted a revised outline application for the access only and all other matters reserved. This application resolved the highway issues and outlined how the new access could be provided without undue harm to the protected trees. Members supported this application in April this year.
- 3.6 The applicant has now applied for full planning permission for the erection of a dwelling and alterations to the access. The proposal varies slightly from the outline and incorporates a single storey detached garage to the side of the dwelling and slight changes to the access arrangement.
- 3.7 Since the submission of this application on the 22 June 210, the applicant has commenced work on site. The work carried out to date involves a significant amount of excavation to the upside of the protected tree, the formation of an access, the creation of a retaining wall and the relocation of the stone boundary walls. It appears that the works carried out on site relate to this pending proposal and not the outline permission which granted a conditional consent for the access only. Furthermore, the applicant has failed to undertake the work in accordance with the previously submitted Tree Protection Plan and Arboricultural Method Statement. As a consequence it appears that the protected Yew tree at the access has been damaged. This is a matter your Officers are currently investigating. A verbal update will be provided for Members at the committee meeting.
- 3.8 For information, Members may be interested to know that an outline application for a single dwelling on land between No. 1 Sunny Hill and Westbourne Road has now been submitted but is still pending consideration. The table below summarises the above planning history:

Application Number	Proposal	Decision
09/00196/OUT	Outline application for the erection of a five bed private dwelling and associated landscape works	Refused and later dismissed at appeal. (Delegated)
09/0089/TPO	The application proposed the removal of 14 trees subject to TPO 118/G3 and 2005/376/T3.	Refused. The applicant appealed the decision with the Planning Inspectorate allowing the appeal in relation to 6 trees in G3 and dismissing the appeal in relation to T3 of the 2005 TPO. (Delegated)
09/01186/OUT	Outline application for the erection of a five bed private dwelling and associated landscape works	Outline permission was granted for the access only (all other matters reserved). Permission was granted subject conditions requiring the development to be carried out in accordance with the approved plans with various conditions precedent. (Committee)

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
County Highways	No objections. The proposal is effectively the same in highway terms to the previous approved outline permission. Conditions regarding the closing up of the existing access; provision of the new vehicular access, turning area, garaging and parking; and the provision of 25x 2m visibility splays should be imposed in the event that the application is approved.
Environmental Health	Recommends refusal on the grounds that no desk top study has been submitted. In the event approval is granted an hours of construction condition is required.
Tree Protection Officer	Additional information in respect of tree protection measures to be submitted to support the submitted Arboricultural Method Statement (AMS). Subject to receipt of this, conditions regarding implementation of the AMS, tree protection and landscaping to be imposed.
United Utilities	No response received from United Utilities - current standing advice states that where no response is received this means that there are no United Utilities assets in the location and therefore there is no objection. UU commented on the outline permission and requested the development be drained on a separate system. Conditions relating to site drainage were imposed on the outline consent and as such will be repeated in the event that the submitted scheme is approved.

5.0 Neighbour Representations

5.1 At the time of compiling this report, 3 letters of representation have been received. Two of these letters raise objections to the proposed development. The reasons for opposition are as follows:

- The design and use of materials are inappropriate. The development should be built with similar materials and style to those around it, particularly given the sites potential conservation area status and proximity to The Knoll (listed building).
- The modern design will set an undesirable precedent for future development which will have ramifications for the conservation area.

The other letter submitted does not raise objections to the scheme but stresses the importance of high quality materials and appropriate landscaping to allow the building to sit comfortably within its setting. Concerns are still raised regarding construction traffic, highway safety and disturbance and the detailing of the new wall to the access.

6.0 Principal Development Plan Policies

6.1 Lancaster District Core Strategy

Policy SC2 (Urban Concentration) seeks to build healthy sustainable communities by focussing development where it will support the vitality of existing settlements, regenerate areas of need and minimise the need to travel. This policy seeks to accommodate 90% of new dwellings within the existing urban areas of Lancaster, Morecambe, Heysham and Carnforth.

Policy SC4 (Meeting the Districts Housing Requirement) sets out the principles which will ensure housing needs are met through housing allocations and determining planning applications. This policy seeks to identify housing land and manage the phased release of housing land in accordance with the Regional Spatial Strategy.

Policy SC5 (Achieving Quality in Design) seeks to maintain and improve the quality of development throughout the District by ensuring new development is of a quality which reflects and enhances the

positive characteristics of its surroundings.

Policy ER7 (Renewable Energy) seeks to promote micro-renewables through the development control process and determining planning applications.

Policy E1 (Environmental Capital) seeks to safeguard and enhance the Districts Environmental Capital by ensuring that development in the city of Lancaster and other historic areas conserves and enhances a sense of place. This policy also indicates that the Council will resist proposals which would have a detrimental effect on environmental quality and public amenity.

Lancaster District Local Plan

Policy H19 (Development on Small Sites in Lancaster, Morecambe, Heysham and Carnforth) states that new residential development within existing housing areas will be permitted which;

- Should not result in the loss of greenspace or other areas of locally important open space;
- Would not have a significant adverse effect on the amenities of nearby residents;
- Provides a high standard of amenity;
- Makes adequate provision for the disposal of sewage and waste water, and
- Makes satisfactory arrangement for access, servicing and cycle and car parking.

Supplementary Planning Guidance Note 12 'Residential Design Code' sets out the Councils design guidance for new residential development.

National Planning Policy Statement 3 (Housing) is also relevant in the determination of this application. This policy sets a number of objectives. High quality housing and good design is one of them. PPS3 also states that a key objective of Local Planning Authorities is to make effective use of land by re-using land that has been previously developed. The newly adopted PPS3 (June 2010) has removed private residential gardens from the definition of previously developed land.

7.0 Comment and Analysis

7.1 Principle of Development

The Council seeks to build and maintain sustainable communities through a strategy of Urban Concentration whereby 90% of new dwellings to be accommodated within the existing urban areas of the District. In the context of the Districts housing policy, the principle of constructing a new single dwellinghouse in this location raises no significant planning concerns. The site is in a sustainable location on the edge of the city centre with the principle of development recently granted through the outline consent. However since granting this consent, there has been a slight change in national policy, with private gardens now excluded from the definition of previously developed land. PPS3, Policy SC2 and SC4 of the Core Strategy all seek to encourage new development on previously developed land. Notwithstanding this, PPS3 does not exclude development on garden land outright nor does it state that garden land is 'greenfield'. In which case each case must be determined on its own merits with regard to the Development Plan and any material considerations. In this case, the principle of a dwelling on the land adjacent to No. 2 Sunny Hill has been established with the recent approval of outline consent. It was determined earlier this year that the plot was capable of accommodating a single dwelling without undue harm to neighbouring residents or adversely affecting the character and appearance of the area. These circumstances have not changed and whilst it could be argued that there is sufficient housing land available to enable individual sites to be resisted, there are no grounds to resist such development in this case.

7.2 In light of the fact that the principle of the development has been accepted, the principal issues for Members to consider in the determination of this application relate to the design and appearance of the proposed dwelling.

7.3 Character and Appearance

Since the last application was determined proposals for the Cannon Hill area to be afforded conservation area status have progressed, with consultation on the proposal completed. As a consequence Officers have been mindful of this and consider it a material consideration in the determination of the submitted application.

- 7.4 Cannon Hill, which developed as a low density suburb in the mid-late 19th-century, has survived largely intact with high quality historic buildings. The mature woodland, extensive gardens and boundary walls provide equally important unifying factors in this area. The pattern of built form is characterised by the density of development increasing gradually downhill from The Knoll. Sunny Hill sits below The Knoll and serves two semi-detached Victorian properties constructed over three stories built in stone under slate with intricate architectural detail. 1 and 2 Sunny Hill are largely unaltered. They are positioned centrally up against the western boundary with large extensive garden plots to either side.
- 7.5 The low density built form and the apparent street pattern of the Cannon Hill area is clearly what makes it so unique from elsewhere within the City and as a consequence is one of the main reasons for considering the area for conservation area status. In plan form Sunny Hill appears to be subdivided into four plots, namely 1 and 2 Sunny Hill and two plots to either side of these properties. The submitted application relates to the development of the far plot, which was formally garden land to 2 Sunny Hill. The development of this plot is going to reduce the size of the curtilage associated with 2 Sunny Hill and create an additional dwelling on this site. Notwithstanding this, the two plots created remain substantial in size with ample space around them so as not to undermine the low density characteristics of the Cannon Hill area. Indeed evidence has been shown that the original intention was to build on this plot many decades ago.
- 7.6 The layout of the development is marginally different from the outline consent. In fact the dimensions of the dwelling are slightly smaller, but with the additional garage, the overall footprint is now slightly greater. This however raises no significant planning issues. The most controversial element of the proposal, clearly relates to the design of the dwelling. The applicant has purposefully avoided designing a dwelling which is of similar style to the nearby Victoria properties. The proposal takes a very modern approach to developing the site employing contemporary forms, materials and construction technologies. This in isolation is commendable and clearly constitutes good design as advocated by national planning policy and our local plan policy SC5. However for a scheme to be of truly good design it should have regard to its setting. In this case, despite some disagreement from neighbouring residents, this innovative approach to the site works well in this location. The site is heavily screened from the public highway (Westbourne Road) and is only visible from neighbouring gardens and Orchard Lane – even then there is natural landscaping to help screen the site. The use of contrasting materials and large areas of glazing to the proposed dwelling simply enhances and brings out the special architectural detail of the important surrounding properties, in particular 1 and 2 Sunny Hill.
- 7.7 To ensure the special historical and architectural qualities of 1 and 2 Sunny Hill are not jeopardised by the erection of a new dwelling on the application site, the scale of the development has been respectfully designed to maintain a subordinate relationship with the neighbouring properties, whilst holding its own identity and presence within the plot. The highest part of the dwelling, which in itself is a small pod located on top of the main part of the dwelling, is located just below the eaves of the neighbouring property, with the main part of the dwelling no higher than the middle of the first floor windows. Similarly, the building line set by the frontages of 1 and 2 Sunny Hill has been retained, with the proposed dwelling set back approximately 1.5m from their principal elevations.
- 7.8 The development is arguably not conventional in terms of form, design and use of materials (stone buildings under slate pitched roofs), but this does not mean that the development is inappropriate; regard has to be paid to the site context. Modern, high quality design can equally add to the positive characteristics of an area. This site lends itself to be developed in an innovative fashion without undue harm to the area. However it is acknowledged that the matter of design can clearly be subjective and it is inevitable that some may disagree with your Officers opinions regarding this. However, on the basis that the site is relatively well screened and that the design in itself has a respectful relationship to the neighbouring properties, a refusal of planning permission on design grounds would be difficult to substantiate.
- 7.9 The location of the proposed access was granted consent under the outline permission. The only change relates to the design of the access arrangement, in particular the form of the new walls fronting Westbourne Road. The previous outline consent showed the new walls (both the upside and low side of the access) curving into the site. The current scheme shows the wall to the upside of the access concaved with a raised planter to the front with the wall to the low side designed as previously approved. From a streetscene perspective, amendments have been requested to revise the upside of the access to create a symmetrical and simplified arrangement. Such amendments

would respect the form and appearance of this boundary wall, which is an important design feature within the Cannon Hill area. At the time of compiling this report, the applicant had verbally informed Officers that he was not prepared to amend this access. The applicant believes that the proposed design provides enhanced pedestrian visibility and that there are other accesses within the immediate vicinity with similar asymmetrical characteristics. This is disputed. On the south side of Westbourne Road the majority of the accesses up Cannon Hill have a symmetrical design; whether concave or convex in appearance.

7.10 In the history section of this report, it was noted that work has already commenced on site. The development carried out relates to the proposed access arrangement with the concave section of wall already completed. This whole situation is regrettable, and whilst our intention is to enhance the appearance of the access through the suggested amendments, a refusal of planning permission because of the design of the access arrangement would be difficult to support. Notwithstanding this, it is the intention that the new walls will be rebuilt in natural reclaimed stone. This is evident on site.

7.11 With regards to the re-grading and landscaping of the site, despite some neighbouring concerns, the formation of terraced lawns and the sweeping drive would not cause an adverse impact on the visual amenities of the locality. As noted earlier the site is well screened from public view. A refusal of planning permission on the grounds of landscape and character impact would be difficult to substantiate in these circumstances and particularly given previous development of the Cannon Hill area over recent years. It is proposed that a landscaping condition be imposed if Members are minded to grant planning permission.

7.12 Based on the above considerations in respect to the design and appearance of the proposed dwelling and landscaping, the proposed development is considered compliant with the policies E1 and SC5 of the Core Strategy and H19 of the Local Plan. With regards to the access arrangement, the proposed development could be significantly improved as noted above, however given that this is the only element that raises concern, this alone would not be sufficient to refuse the application.

7.13 Neighbouring Amenity

The proposed dwelling is surrounded by residential properties to the north (2 Sunny Hill), east (Westbourne Drive) and south (Orchard Lane) with separation distances of approximately 14m, 33m and 26m respectively. The Knoll, which is currently occupied as offices, is located to the west of the site and is a sufficient distance from the proposed development. It is also sufficiently screened by mature woodland along this boundary.

7.14 Despite previous concerns regarding overlooking and loss of privacy during the determination of the outline application, none of the neighbouring residents have raised objection on loss of residential amenity grounds to the current proposal. The principal elevation is fully glazed and provides the primary habitable accommodation with plenty of natural light. The windows to the side elevations and to the rear serve the internal circulation areas and non-habitable rooms only, with the exception of a kitchen window at ground floor level, which would be screened by the boundary treatment between this site and 2 Sunny Hill. Due to the scale of the proposed development, its position within the plot, the topography of the area and existing landscaping, the relationship of the development to neighbouring residential properties is considered compliant with policy H19 and SPG 12 of the Local Plan. The only matter which does raise concern, is the potential use of the flat roofs as external sitting-out areas. Using the grass roofs as additional amenity space would result in elevated overlooking into the only private garden area to 2 Sunny Hill. This would be unacceptable and as such it is proposed that a condition be imposed to prevent the use of the flat roofs for this purpose. A further condition would be required preventing the insertion of any new windows on the side elevation facing this neighbouring property, as 2 Sunny Hill has some habitable windows facing the application site.

Subject to these appropriate conditions, the erection of a new dwelling in this location in the manner proposed would not significantly harm neighbouring residential amenity.

7.15 Highway Safety

The existing access to Sunny Hill is narrow and has substandard visibility in both directions. During the determination of the first outline application it was concluded that an additional dwelling in this location, accessed via a narrow private road which suffers poor intervisibility, would pose a risk to

highway safety and as such was refused. The Planning Inspector equally found the existing access to be inappropriate to accommodate a further dwelling and therefore dismissed the application. In light of this, a further outline application was submitted which proposed to close off the existing access and relocate a widened access 3m up the hill. This was permitted by Members in April this year. The access proposed as part of the current scheme remains principally the same (location and width) as the access approved under the outline application. As such County Highways have raised no objections to the proposal provided conditions are imposed, as noted in the consultation section in this report.

7.16 The site layout provides sufficient car parking to adequately comply with the Council's parking standards. The application also indicates that 5 cycle spaces will be provided in the curtilage of the dwelling.

7.17 Trees

As noted in the history section of this report, an application to fell protected trees has been determined at appeal where 6 of the protected trees were allowed to be felled and the one tree at the site access (T3) to be retained. Replacement planting is indicated in this appeal decision and amounts to three oak trees and holly trees to be planted within twelve months of felling. This appeal decision is separate to the submitted application and as such the replacement planting is not shown on the proposed plans. To account for the other trees which are to be felled, if Members are minded to support the proposal, a landscaping condition should be imposed requiring details of hard and soft landscaping including replacement tree planting.

7.18 The protected tree of the 2005 TPO, which is identified for retention in the latest appeal decision, (ref: TPO 376/2005 T3) is located in very close proximity to the new access. A load bearing surface is proposed to be installed to reduce the potential impact on root systems within the root protection areas of T3 in relation to construction of the access and trees T10 and T11 in front of the proposed dwelling. Further details to support the submitted Method Statement regarding how the existing access will be developed and the method for installation of the 'special surface' have been requested. This detail was particularly important with regards to how the load bearing system would be constructed at the access so close to the protected Yew tree. Excavation at the access has been carried out with damage to this tree clearly evident. The detail is still needed however to ensure other trees on site are not damaged. The outcome of this shall be verbally presented to Members. Despite this, if Members are minded to approve the development, conditions are required relating to tree protection measures, the method statement and landscaping.

7.19 Subject to the submission of satisfactory information, the proposed development and subsequent loss in trees can be adequately mitigated through an appropriate landscaping scheme to be agreed by condition.

7.20 Sustainability

With regards to sustainability, the application indicates that the house will far exceed the requirements of the current building regulations in terms of energy use and conservation by employing a number of techniques that include:

- Ground source heat pumping;
- Heat exchange ventilation to minimise heat loss;
- High levels of thermal insulation and air-tightness to minimise heat loss;
- High thermal mass to passively achieve required diurnal temperature changes and;
- Rainwater collection.

This indicates a sound commitment to achieving a low carbon property on this site and is therefore compliant with policy SC1 (Sustainable Communities) of the Core Strategy. In line with other residential applications in the district, it is also considered that the standard conditions are imposed; that is that the properties should meet at least Code Level 3 for Sustainable Homes, and that at least 10% of the predicted energy demand for the development shall be met by on-site renewable energy measures.

7.21 Other Matters

Concerns regarding potential noise and disturbance from construction are inevitable for a period of time in any development. In order to prevent undue harm, a planning condition should be imposed limiting the hours of construction in the interest of neighbouring residential amenity. There are similar concerns regarding the use of the existing lane for construction traffic. Whilst this is not entirely a planning matter, there is an argument to suggest that in the interests of highway safety, the proposed access should be provided before development commences rather than prior to occupation. This can be delivered by an appropriately worded condition and is clearly the applicant's intention given the work already carried out on site.

8.0 Planning Obligations

- 8.1 The development proposal falls below the requirements for any on-site or off-site contributions towards highway infrastructure or affordable housing.

9.0 Conclusions

- 9.1 The principle of a dwellinghouse on this site has been established through the granting of outline consent earlier this year. The main considerations for Members to consider are whether the scale, design and layout of the development is appropriate in this location. Having had regard to the special historic and architectural qualities of the Cannon Hill area and considered the relationship of the development to neighbouring residential properties, Members are advised that, despite the regrettable situation over the access walls and the preserved tree, the development now being proposed is compliant with the policies contained in the Development Plan and as such the proposal should be supported.

Recommendation

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

- 1 Standard time limit
- 2 Development to accord with the approved plans and supplementary documents
- 3 Precise details/samples of all external materials including window sample
- 4 Access to be provided prior to commencement of development and retained at all times thereafter
- 5 Existing access to be permanently closed off when the new access is operational
- 6 Provision of parking and turning to be provided in full and retained
- 7 Visibility splays to be provided and maintained at all times
- 8 Site to be drained on a separate system and details of the surface water drainage to be submitted and agreed with the LPA
- 9 Tree Protection Condition
- 9 Development to be carried out in accordance with the AMS
- 10 Standard landscaping condition
- 11 Existing stone and copings from the wall fronting Westbourne Road to be reused unless otherwise indicated in writing with the LPA
- 12 Unforeseen contamination condition
- 13 Construction hours condition
- 13 Properties to meet at least Code Level 3 for Sustainable Homes
- 14 No development until a scheme for measures to incorporate at least 10% of the predicted energy requirements via on-site renewable sources is agreed.
- 15 The roof of the development shall not be used as a balcony or as a sitting-out area, nor shall the flat roof be physically enclosed
- 16 No windows or doors to be inserted in the elevation facing 2 Sunny Hill without express consent from the local planning authority.
- 17 Removal of PD rights (Parts 1 and 2)

Human Rights Act

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

Background Papers

1. Letter (and photos) from Luke Steer, Treescapes Consultancy Ltd, dated 16 August 2010.