

**Development Control (Hetton, Houghton & Washington)
Sub-Committee**

31 January 2012

SUPPLEMENTARY REPORT ON APPLICATIONS

REPORT BY DEPUTY CHIEF EXECUTIVE

PURPOSE OF REPORT

This report is circulated a few days before the meeting and includes additional information on the following applications. This information may allow a revised recommendation to be made.

LIST OF SUPPLEMENTARY ITEMS

Applications for the following sites are included in this report.

Houghton, Hetton &
Washington

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| S1 | Willows Reservoir East of 23 Eddison Road, Swan |
| S2 | Plot 2 Mandarin Way Pattinson Industrial Estate
Washington |
| S3 | Site of Emerson House, Emerson Road, Emerson,
Washington |

Development Control
(Hetton, Houghton and Washington) Sub-Committee

SUPPLEMENT

Number: S1

Application Number: 11/3177/EXT1

Proposal: Use of existing lake and land for trout/pike lake, associated development including lodge, on site warden's accommodation, snack and tackle shop and W.C. and education room, formation of car park, jetties footpaths and fencing

Location: Willows Reservoir East of 23 Eddison Road, Swan.

PROPOSAL:

This application seeks to extend/renew a previous planning approval: reference 05/03963/SUB.

Planning approval 05/03963/SUB approved the use of the existing lake and land for trout/pike lake with associated development including lodge, on site warden's accommodation, snack and tackle shop and W.C. and education room, formation of car park, jetties footpaths and fencing.

Planning approval 05/03963/SUB was presented to Members of the Development Control (Hetton, Houghton and Washington) Sub Committee at their meeting on 31 October 2006. The planning approval certificate was subsequently issued on 7 November 2006. To date the development has not been implemented and the majority of the conditions applied to the approval granted in 2006 remain outstanding.

The original report to members is attached as an appendices to this Supplementary Report for Members' ease of reference.

Members should note that the time period for implementation of the development approved by 05/03963/SUB was five years from the date of approval on 7 November 2006 (as set out in condition 1 of that planning permission).

This five year time period for implementation of the scheme is two years longer than the standard time limit for commencement of development following the approval of planning permission. In this instance, the five year time limit on commencement was applied to planning permission 05/03963/SUB in acknowledgement that ecology and wildlife survey can only be carried out at certain times of year and in acknowledgement that a great deal of supporting information was required to discharge pre commencement conditions.

The time period for implementation of this consent has now lapsed however consent was sought to extend the time limit for implementation of this consent by an additional three years before the period ended. An approval of this planning permission would effectively result in the applicant having had a total of eight years to implement development, an excess of five years over and above the time limit that is usually allowed following the approval of planning permission.

A Members site visit to this site was conducted on Monday 12 December 2011.

Principle of the Extension of Time for Implementation

Communities and Local Government (CLG) Guidance on Greater flexibility for planning permissions allows applicants to apply for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development. This measure was introduced, temporarily due to current economic conditions and has been in place since 1 October 2009.

The original planning consent (05/03963/SUB) was granted on 7 November 2006, i.e. the consent has now lapsed, but as the application to extend the time limit for implementation was made prior to this consent lapsing, the Local Authority retains jurisdiction to issue an extension of time if it sees fit.

The CLG guidance advises Local Planning Authorities to take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly, whilst taking into account whether development plan policies and other material considerations have changed significantly since the original granting of planning permission.

Paragraph 30 of the CLG guidance allows where necessary, Local Planning Authorities to impose such conditions as they see fit, including different conditions to those originally imposed, where necessary. Local Planning Authorities may also refuse to grant new planning permission to replace an existing permission if they consider that development plan policies have altered to such an extent that the proposed development no longer complies with the requirements of policy or where it is considered that other material considerations have altered to such a degree that the previously approved development is no longer acceptable. Where a refusal of planning permission is issued in connection with an application to replace an existing planning permission with a new permission, the applicant has a right to appeal the formal decision of the Council.

In light of the above, the relevant planning policies are set out below under the "Policies" heading. The policy considerations relevant to the determination of this application remain unchanged from the time of the original grant of planning permission in 2006.

However, most of the conditions applied to the approval of planning permission in 2006 to enable the development to fully comply with adopted policy remain outstanding. This is due to the lack of acceptable information which would have allowed the Local Planning Authority to formally discharge conditions. This issue is further expanded upon later in this report.

Furthermore, the circumstances on and around the development site are considered to have altered significantly since the approval of planning permission 05/03963/SUB. These changes in circumstance are discussed in detail later in this report.

Site Context

The Reservoir (hereafter referred to as Willows Pond) is located between the Swan Industrial Estate and “The Willows” residential development in an area of Barmston, Washington. To the southeast of the proposed development is the “Sherringham House” residential apartment block. To the south of the development is “Lakeside Gardens”. The eastern edge of the site is formed by an access track and the embankment of the former Leamside Railway line.

The majority of the proposed development site comprises a lake and lake edges with an area of proposed wetland habitat located in the northwest corner of the site. A track positioned to the eastern edge of the lake at the foot of the railway embankment also forms part of the application site.

Willows Pond is shown on historical maps dating back to 1858. Prior to its current use as a fishing lake, the pond was used by the Cape Insulation factory as a cooling lake during which time the level of the lake could be controlled via a well head that is located, close to the pond’s eastern shore adjacent to where the wardens accommodation is proposed as a part of the current proposal.

Part of the proposed development site (the north eastern corner) is designated as a SNCI (Site of Nature Conservation Importance). It should be noted that Sites of Nature Conservation Importance do not have statutory protection but are recognised on account of certain features, which makes them significant in a county or regional context. This particular SNCI supports a bird and amphibian population.

A Tree Preservation Order (No. 128) was made on trees on the site in 1999, however those trees are on the southern edge of the pond and are not affected by the proposed development.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Natural England

No Objection

Durham Wildlife Trust

Durham Wildlife Trust **objects** to the proposal as the information submitted does not discharge the conditions relating to the earlier permission with respect to the protection of wildlife and the Local Wildlife Site.

The report presented is inadequate in terms of the schedules and ongoing management plans that are required by the conditions, and the surveys conducted in relation to protected species, namely bats, do not follow recognised guidelines.

In the Trust's view the bat survey carried out was not adequate to establish the use of the site by bats and the potential use of trees on site as roosts, in particular trees that are to be reduced, pollarded or felled. There is therefore the risk that a bat, protected under UK law is killed or disturbed whilst in a place of shelter or rest or that there is damage to or destruction of a bat's breeding site or resting place.

Visual inspection identified trees 1951, 1991 and 1994 as being a potential bat roosts, showing the potential the site has to support bats. Tree 1994 is scheduled to be felled. Emergence surveys were conducted on 2 dates in June 5 days apart, the first survey when weather conditions were unsuitable for bats. The second survey recorded bat activity across the site.

The Bat Conservation Trust survey guidelines recommend that 2 or 3 surveys are conducted, spread through the optimum June to August period. However, there was in effect 1 survey in June used to inform the ecological report presented with the planning application.

The Bat Conservation Trust survey guidelines recommend a methodology for dusk emergence and dawn re-entry surveys – those guidelines state -

Surveyors are positioned so that all possible bat exits can be observed at one time and the line-of-sight should not exceed 50 m.

From the information supplied in the ecological survey report it is difficult to see how this guidance was followed by the use of 2 surveyors, particularly given the wooded nature of the site and the difficulty presented by being unable to view trees from the water.

Given this difficulty in surveying presented by the woodland and open water habitats the Trust would have expected a precautionary approach to be taken when undertaking tree works as part of the development, but there is no indication in the report that a suitable method statement will be used to minimise potential impacts on bats and to inform those conducting tree works on what to do if bats are unexpectedly discovered.

The schedule for tree works given in the table in appendix 5 of the ecological report states that tree work will be completed within 2 months on the start of the construction work, but does not give a date for the start of construction. Tree felling and reduction could therefore be carried out at a time when risk of roosting bats is greatest. It should also be noted that there will also potentially be a risk to nesting birds if tree work is carried out at certain times of the year.

City Services - Network Management

No objection to the proposed development, however the unscaled plan submitted in relation to car parking does not give an accurate indication of its capacity. An accurate scale plan (drawn to a recognised scale) is required to verify the size and capacity of the car park proposed.

Regarding the service vehicle access, if approved, the use of this access should be controlled by a condition, restricting its use to a service/emergency vehicle use, and excluding access by other vehicles. An accurate, scale plan should be

submitted, showing a turning facility for a refuse vehicle. In addition, the gates should be set back at least 12 metres from the highway.

Environment Agency

Comments from the Environment Agency are awaited and will be reported verbally at the Committee meeting.

Network Rail

No objection to the proposed development subject to:

- All surface and fowl water drainage to be directed away from the railway line.
- Mutual boundary between the railway and the development to be maintained at all times.
- Trespass proof fence must be provided by the applicant adjacent to Network Rail's boundary (minimum 1.8 metres high) due to the increased risk of trespass on to the railway as a result of the development.
- The developer should note that the railway line may become operational on a 24 hour a day basis in the future, appropriate soundproofing to the warden's lodge should be considered.
- All earthworks and excavations must be designed and executed such that there is no interference with the integrity of Network Rail's property and structures.
- All roads, paths or ways providing access to any part of the railways undertaker's land must be kept open during and after the development.

Final Date for Receipt of Representations: **20.12.2011**

REPRESENTATIONS:

8 representations received in objection to the proposed development.

The representations received raise issues as follows:

Objector 1

- North east shoreline as indicated on the proposed site layout (adjacent to The Willows) is now under water due to a rise in the level of the lake.
- If boardwalks are built the water between them and the shore would become stagnant and smelly.
- The track to the east of the lake where the Warden's Lodge is proposed is now privately owned by a group of "The Willows" residents (including the objector) who will not allow the applicant to develop any part of the track or any other land within their ownership (the applicant is allowed access along the track to service the well head for which he is responsible).
- Vehicular access onto Station Road from the track to the east of the lake would be dangerous, particularly for construction traffic.
- Fencing erected on the site has affected landing areas for Swans.
- The northern most area of the proposed development site encompasses an area of Village Green.
- Massive earthworks required in connection with the development, particularly the infilling required to create the car parking area, would lead to conditions prejudicial to the residential amenity of those living near to the site, particularly those residents of Sherringham House, Lakeside Gardens and Barmston Close.
- Increase in traffic volume, congestion and on street parking particularly during the construction phase of the development when large volumes of fill material will be required to be transported to the site, but also following construction during use of the fishing lake.

Objection 2

- Proposed development will result in loss of privacy.
- Proposed development will generate unacceptable levels of noise.
- The access proposed to the development is poor.
- Such a construction/development of this area would breach Articles 5 & 8 and Protocol 1, Article 1 of the Human Rights Act 1998, for the neighbours and residents close by, which includes the objector.

Objection 3

- Invasion of privacy due to overlooking from proposed car park.
- Proposal will allow public access to the bottom of rear garden where currently there is none.
- Increased litter.
- Loss of view.
- Detrimental impact upon wildlife and trees, particularly bats.
- Poor maintenance of the site to date.

Objection 4

- Loss of view.
- Noise and disturbance due to close proximity of car park and Warden's Lodge.
- Negative impact upon wildlife.
- Increased traffic leading to dangerous road conditions.
- Warden's lodge is a way of gaining residential use on the site. Alternative accommodation in the nearby Swann industrial Estate and on Station Road should be considered instead.
- Invasion of privacy through overlooking in to rear of dwelling and rear garden from proposed car park.
- Security risk – the proposed car park will allow easy access to the rear of properties on Lakeside Gardens. These properties currently have lake water to the rear.
- Current lack of maintenance of the site and concerns that if litter and weeds are not cleared at the present time, the site will not be properly maintained in the future.
- Increase in litter.
- Intensification of traffic.

Objection 5

- Objection 5 is accompanied by detailed plans indicating what the objector considers to be significant differences in the site since planning permission 05/03963/SUB was approved in November 2006.

- Objection 5 further states reasons for objection as being:
 Enclosure of land now designated as Village Green.
 Failure to discharge planning conditions of planning approval 05/03963/SUB.
- Landing area for Swans on the lake inhibited by fencing erected by the applicant.
- Litter and poor maintenance of the site to date.
- Number 6 – 11 The Willows now hold title plans for the area of the site to the rear of these properties. The owners of this area of land will not allow any development to take place on their property. In addition much of this area, which was dry land in 2005/2006 is now underwater due to the water level of the lake rising since 2006.
- The track to the east of the lake where the Warden's Lodge is proposed is now privately owned by a group of "The Willows" residents (including the objector) who will not allow the applicant to develop any part of the track or any other land within their ownership (the applicant is allowed access along the track to service the well head for which he is responsible).
- Negative impact upon biodiversity of the site as a result of the proposed development.
- 7220 cubic metres of fill will be required to fill the areas of the lake required for construction of the car park alone. This infilling is likely to take approximately two years to complete. The noise and disturbance to residents of all these homes will be intolerable while the work is carried out.
- The materials required for infilling and development of the site will destroy the ecosystem of the lake.
- Part of the proposal involves school groups – how will children be safely transported to the site, Station Road is not a suitable place for school children to exit buses.

Objection 6

- The boundary between the bottom of the gardens of 6-11 The Willows and the lake have changed since 2006.
- The track to the east of the site is now owned by a group of "The Willows" residents and no construction work i.e. Warden's Lodge, will be permitted on this track.
- Part of the site now has Village Green Status.
- A fence has been erected by the applicant on Council land.
- The applicant has a right of access through Sheringham House Car Park but the residents of Sheringham House have car parking and access requirements that could be inhibited by the infilling and construction access proposed through the car park.

- 678 x 20 cubic metres of infill will be required and machinery for compacting: there is no detail of the fill material to be used and no detail of the construction barrier that will be used in the lake. This construction will occur 5-6 metres away from some of the flats located in Sheringham House and up to the rear gardens of Lakeside Gardens.
- The site is a Site of Nature Conservation importance that should be protected.
- Only one of the previously applied conditions have been discharged
- Lack of maintenance on site currently.

Objection 8

Objection 8 listed the following grounds for objection:

- Inappropriate use.
- Increased litter.
- Loss of light.
- Loss of privacy.
- Noise from use.
- Poor access.
- Traffic Generation.
- Visual Amenity.

POLICIES:

In the Unitary Development Plan the site is subject to the following policies;

B_2_Scale, massing layout and setting of new developments

T_22_Parking standards in new developments

T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

B_1_Priority areas for environmental improvements

EC_15_Development or extension of bad neighbour uses

WA_1_Retention and improvement of established industrial / business area

B_3_Protection of public/ private open space (urban green space)

L_7_Protection of recreational and amenity land

L_5_Ensuring the availability of Public Parks and amenity open space

L_4_Standards for outdoor sport and recreation

L_3_Encouragement to regional recreational developments in appropriate locations

WA_14_Improvements in the level of provision / quality of amenity open space

CN_18_Promotion of nature conservation (general)

CN_21_Developments affecting designated / proposed LNR's, SNCI's or RIGS

CN_15_Creation of the Great North Forest

EN9_Noise and Development

COMMENTS:

Application History

As the application under consideration seeks an extension to a previous planning approval issued in November 2006 it is important to consider the background to the granting of that planning permission and also consider if circumstances on the site have altered on the site since the granting of the original planning permission reference 05/03963/SUB.

Red Line Boundary

It is noted that the southernmost extent of the red line associated with planning approval 05/03963/FUL takes in an area occupied by Sheringham House. It is also noted that an area within the red line of the development (south west extent of the red line) takes in a triangular area of land now occupied by number 34, 35 and 36 Lakeside Gardens and an area of adopted highway.

The applicant has signed certificate B to indicate that he does not own all of the land to which the development relates, however the applicant has not served notice upon the occupiers of Sheringham House or upon the owners of number 34, 35 and 36 Lakeside Gardens.

It appears that the inclusion of both Sheringham House apartment block and those properties located in Lakeside Gardens is an error on the part of the applicant, particularly given that there is no development proposed in these locations (not including the proposed access to be taken through the car park of Sheringham House).

Advice regarding the inclusion of these areas, which are in private ownership and are occupied by private individuals, has been sought from the City Council's Legal Services Team and will be reported verbally at the Committee meeting.

Previous Planning Approval

The application associated with planning approval 05/03963/SUB was submitted for the consideration of the Local Planning Authority on 25 October 2005 and was made valid on the same date. The application process was lengthy, with the application being presented to Members for determination some twelve months later in October 2006. Members resolved to approve application 05/03963/SUB and planning permission was subsequently issued on 7 November 2006. However it was considered necessary to attach a total of 24 planning conditions to the approval.

Of the 24 conditions attached to the approval 05/03963/FUL 13 were pre-commencement conditions requiring the submission of additional detailed information for the approval by the Local Planning Authority prior to any development work commencing on the site. (Failure to discharge pre commencement planning conditions in advance of commencing development can render planning permission invalid and the development unlawful).

The inclusion of these conditions was considered necessary because the information submitted to support the planning application was considered to be either absent from the submission or else was not considered to be detailed enough to allow development to immediately proceed.

The conditions attached to planning approval 05/03963/SUB were considered to satisfy the six tests set out in Circular 11/95 regarding the validity of planning conditions. That is, the conditions included on the approval were considered to be:

- i. necessary;
- ii. relevant to planning;
- iii. relevant to the development to be permitted;
- iv. enforceable;
- v. precise; and
- vi. reasonable in all other respects .

The 13 pre-commencement conditions included on planning permission 05/03963/FUL required information relating to the following:

- Plan showing precise car park layout.
- Construction methodology for car park and turning area.
- Precise details of all boundary enclosures (gates and fences).
- Schedule and samples of materials to be used in construction.
- Detailed planting schedule for marginal vegetation.
- Management plan for the site and timetable for its implementation.
- Construction methodology for warden's lodge.
- Precise details of the fishing stock for the lake.
- Comprehensive tree survey to identify all trees to be removed and/or pruned and a methodology for the tree works to be undertaken.
- Plan identifying the type and location of bat boxes.
- Submission of water quality tests to ensure against degradation of the water quality of the reservoir during and following development.
- Timetable for ecological works to be implement.
- Construction methodology for the construction of the walkways and jetties.

The applicant has been successful in gaining formal discharge of condition thirteen only of planning permission 05/03963/SUB (construction methodology for walkways and jetties).

Despite several attempts by the applicant to discharge the other pre commencement conditions associated with this development, the Local Planning Authority has been unable to formally discharge the outstanding twelve conditions because the information submitted by the applicant discharge conditions has been inadequate and unacceptable to enable formal discharge.

There has been no attempt made to formally discharge condition 20 relating to the submission of the results of water quality tests.

Issues

The main issues to consider in the determination of this application to extend the life of an existing planning permission are:

- Principle of Development
- Impact Upon Residential Amenity
- Impact Upon Village Green
- Impact Upon Wildlife and Ecology

Each issue is examined in turn below:

Principle of Development

The approval of planning permission 05/03963/SUB in 2006 established the proposed development as acceptable in principle, subject to conditions.

Impact Upon Residential Amenity

The proposed development for use of the lake for the purposes of fishing does not in itself raise concerns in connection with impact upon residential amenity. It is recognised that fishing, as a sport, is in general an activity undertaken on an individual basis and is a quiet pursuit.

However, the development proposed incorporates an area of car parking that will require a significant amount of earthworks in its construction including a large area of infill approximately (45x35) 1575 metres in area (depth unknown) immediately adjacent (to the rear) of numbers 31 – 36 Lakeside Gardens.

Two issues are considered to be relevant in respect of the car parking area:

1. The impact upon the residential amenity of the occupiers of number 31 – 36 Lakeside Gardens and the occupiers of Sherringham House as a result of the use of the car park by those attending the lake to visit/fish.
2. The impact upon the residential amenity of the occupiers of numbers 31-36 Lakeside Gardens and Sherringham House during the infilling and construction phases of the proposed development, particularly the proposed car parking area.

With reference to the impact upon the residential amenity of nearby occupiers as a result of the use of the car park, it is considered that the location of the car park to the rear of 31 to 36 Lakeside Gardens is unacceptable and will result in unacceptable levels of noise and disturbance for the occupiers of those properties as a result of vehicles coming and going from the site, car doors slamming and visitors to the site gathering in the car parking area.

It is acknowledged that a different view was taken in respect of the location of the car park at the time of the original approval of planning permission in 2006. However, at the time that 05/03963/SUB was submitted and the site visited by the case officer, number 31- 36 Lakeside Gardens had not been constructed and the site that they occupy appeared as a vacant area of lakeside.

Members should note however, that planning permission 04/01883/LEG was approved on 4 May 2005 for the erection of 19 terraced two and a half and three storey houses and 23 flats with car parking. Lakeside Gardens, including numbers 31 – 36 Lakeside Gardens, therefore had planning permission prior to the approval of planning permission 05/03963/SUB in November 2006 and was recognised by the Local Planning Authority as a committed site in their determination of the aforementioned permission. However, numbers 31 – 36 Lakeside Gardens had not been completed when planning permission 05/03963/SUB was approved. Records show that the first of these houses to be sold was number 32 Lakeside Gardens and that sale was completed on 4 April 2007.

Based upon the above it is considered that the circumstances on and adjacent to the site have significantly altered since the approval of planning permission 05/03963/SUB in 2006. The presence of number 31-36 Lakeside Gardens has effectively rendered the location of the proposed car park in the south west corner of the site, adjacent to Sheringham House's carpark as unacceptable and likely to result in unacceptable noise, disturbance for the occupiers of those properties. Furthermore, the location of the car parking area to the rear of numbers 31 -36 Lakeside Gardens is will result in unacceptable overlooking of the rear of those properties, particularly the rear gardens and rear elevations of these properties which currently enjoy a completely private aspect to the rear overlooking the lake.

In addition to the above Members will note the comments of the Executive Director of City Services: Network Management who states that the unscaled plan submitted in relation to car parking does not give an accurate indication of its capacity. It is therefore difficult for the Local Planning Authority to accurately assess the final capacity of the car park, and therefore the exact effect of the car park, at this stage, which again is considered to be unacceptable.

With reference to the significant infilling and earthworks that are associated with the proposed development, planning permission 05/03963/SUB included a condition requiring a construction methodology for the car park to be submitted and approved prior to commencement of any development on the site. This condition sought details of the fill material to be used in the construction of the car park and the methods that would be used in construction as well as details of the likely impacts upon the wildlife of the lake. The results of water quality test before, during and after construction were also required by condition.

The conditions referred to above were attached to planning permission 05/03963/SUB for two main reasons:

1. To ensure that the ecology and wildlife of the site was protected during construction.
2. To ensure that infilling and construction of the car park were undertaken using a method that would ensure that the residential amenity of near neighbouring residents did not experience unacceptable levels of noise, disturbance, dirt and detrimental impact upon visual amenity during the construction phase of the development.

Despite the submission of information by the applicant to discharge conditions relating the infilling and construction of the car park the Local Planning Authority has been unable to discharge these

conditions because the information submitted to date is considered to be inadequate and not satisfactory to ensure that development will be undertaken to minimise the impact upon wildlife and to minimise the impact upon near neighbouring residents.

Objections to the proposed development have been received in respect of the infilling of the lake in particular, although the applicant has not submitted precise details of the volume of material required of the infilling of the lake, one objector suggests that approximately 7220 cubic metres of fill will be required to fill the areas of the lake required for construction of the car park alone and that this infilling is likely to take approximately two years to complete.

It is accepted by the Local Planning Authority that it is inevitable that with all development which includes construction works there will be some degree of noise and disturbance experienced by those near to the development site during the construction phase of the development, and that it would be unreasonable to refuse planning permission based solely upon the likelihood of disturbance during construction.

However, the infilling and construction works required in connection with the proposed car park are significant and it is considered that the lack of detailed specification supplied in connection with the proposed infilling provides no degree of certainty for the Local Planning Authority concerning the method, impact and timescales involved in the construction works required.

This, together with the material change in circumstances on the site by virtue of the completion of number 31 – 36 Lakeside Gardens, and the planned route for construction traffic terminating in the car park of Sheringham House, suggests that the Local Planning Authority should take a precautionary approach with regard to the approval of further planning permission on this site.

It is considered that the lack of detailed information is unacceptable and as no evidence has been presented to contrary it must be considered that the infilling activity that will be required to facilitate this development could be a lengthy undertaking, to the detriment of the residential amenity of near neighbouring residential occupiers by virtue of noise and disturbance and impact upon visual amenity, contrary to the requirements of Policy B2 and EN5 of the adopted Unitary Development Plan.

For the avoidance of doubt Policy B2 of the adopted Unitary Development Plan states that:

The scale, massing layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and locality and retain acceptable levels of privacy; large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas.

Policy EN5, relates to noise, and states that:

Where development is likely to generate noise sufficient to increase significantly the existing ambient sound or vibration levels in residential or other noise sensitive areas, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to

incorporate suitable mitigation measures in the design of the development. Where such measures are not practical, permission will normally be refused.

Members should note that no noise assessment accompanied planning application 05/03963/FUL or this application to renew that permission.

It should also be noted that one of the objections received stated that the objector considered that the proposed development would breach articles 5 and 8 and Protocol 1, Article 1 of the Human Rights Act 1998.

Land Ownership Issues

Some of the objections received to this proposed development referred to the ownership of certain areas of the development site. It is understood from these objections that since the granting of planning permission in 2006 the track adjacent to the railway line to the east of the site has been bought and is now owned by a group of residents who live in the nearby housing estate known as "The Willows". The objectors have indicated that they will not allow any construction works i.e. the proposed warden's lodge, to be constructed on land in their ownership. (Access to service the wellhead only is permitted to the applicant). Similarly it is claimed that the ownership of areas of land on the boundary between the rear gardens of The Willows and the reservoir has altered since 2006.

Although it is difficult to envisage how the proposed development could be fully implemented given that the track to the east of the lake is no longer available to the applicant, matters of property ownership cannot be considered as a material planning consideration because land can be acquired to enable development and it is not a requirement of planning legislation that those applying for planning permission own the land to which their application relates.

Impact Upon Village Green

Objections have been received to the proposed development on grounds that it will encroach on to areas which enjoy Village Green Status.

Areas of land to the north and north west of the development site are registered as a Village Green (following Regulatory Committee on 22 April 2008). These areas were not designated as Village Green at the time the planning permission 05/03963/SUB was approved.

These areas of land and are now registered under section 22 of the Commons Registration Act 1965 and section 15 of The Commons Act 2006 as Village Green.

The red line boundary supplied with the planning application does not encroach in the areas of Village Green, rather the red line boundary abuts the areas of Village Green in the north western portion of the site.

However, the proposed site layout plan showing the proposed development does indicate that it is intended to erect fencing across the area of Village Green located adjacent to 12 The Willows.

The red line boundary of the planning application and the proposed layout plan supplied therefore

appear to contradict one another and no certainty can be had regarding what is actually proposed by the development being considered. In the event that the red line boundary is correct, any works proposed outside of that red line would not have the benefit of planning permission, even if this application were approved. Conversely, if the proposed site plan is to be accepted as accurate an enclosure of land designated as Village Green is proposed.

It is not acceptable to erect fencing across an area of land registered as Village Green effectively enclosing the area of Village Green nearest to the northern shore of the lake.

Impact Upon Wildlife and Ecology

Willows Pond is designated as a Site of Nature Conservation Importance (SNCI) in the Unitary Development Plan. Its designation as such was undertaken due to the invertebrate and bird populations that the lake supports.

Several conditions were attached to the original planning approval issued in connection with this development requiring the submission of information to demonstrate how the biodiversity, wildlife and ecology of the site would be managed and protected during construction and thereafter. None of the information submitted in connection with wildlife, ecology and biodiversity is considered to be adequate to either discharge conditions attached to 05/03963/SUB or to give the Local Planning Authority sufficient certainty over how wildlife and biodiversity will be managed and protected as a part of this development. This is considered to be unacceptable, particularly in the setting of an SNCI and contrary to the requirements of Policies CN19 and CN21 of the adopted Unitary Development Plan.

Objections to the proposed development have been received from Durham Wildlife Trust for the following reasons:

Durham Wildlife Trust objects to the proposal as the information submitted does not discharge the conditions relating to the earlier permission or provide sufficient information to support the current application with respect to the protection of wildlife and the Local Wildlife Site.

The ecological report presented is inadequate in terms of the schedules and ongoing management plans that are required by the conditions, and the surveys conducted in relation to protected species, namely bats, do not follow recognised guidelines.

It is considered that the bat survey carried out was not adequate to establish the use of the site by bats and the potential use of trees on site as roosts, in particular trees that are to be reduced, pollarded or felled. There is therefore the risk that a bat, protected under UK law is killed or disturbed whilst in a place of shelter or rest or that there is damage to or destruction of a bat's breeding site or resting place.

Visual inspection identified trees 1951, 1991 and 1994 as being a potential bat roosts, showing the potential the site has to support bats. Tree 1994 is scheduled to be felled. Bat emergence surveys were conducted on 2 dates in June 5 days apart, the first survey when weather conditions were unsuitable for bats. The second survey recorded bat activity across the site.

The Bat Conservation Trust survey guidelines recommend that 2 or 3 surveys are conducted, spread through the optimum June to August period. However, there was in effect 1 survey in June used to inform the ecological report presented with the planning application.

The Bat Conservation Trust survey guidelines recommend a methodology for dusk emergence and dawn re-entry surveys, those guidelines state:

Surveyors are positioned so that all possible bat exits can be observed at one time and the line-of-sight should not exceed 50 m.

From the information supplied in the ecological survey report it is difficult to see how this guidance was followed by the use of 2 surveyors, particularly given the wooded nature of the site and the difficulty presented by being unable to view trees from the water.

Given this difficulty in surveying presented by the woodland and open water habitats the Local Planning Authority expected a precautionary approach to be taken when undertaking tree works as part of the development, but there is no indication in the report that a suitable method statement will be used to minimise potential impacts on bats and to inform those conducting tree works on what to do if bats are unexpectedly discovered.

The schedule for tree works given in the table in appendix 5 of the ecological report states that tree work will be completed within 2 months on the start of the construction work, but does not give a date for the start of construction. Tree felling and reduction could therefore be carried out at a time when risk of roosting bats is greatest.

It is considered that the information relating protected species on the development site, i.e. bats is unacceptable and does not adequately support the application to renew planning permission. This is contrary to the requirements of Policy CN22 of the adopted Unitary Development Plan which states that:

Development which would adversely affect any animal or plant species afforded special protection by law, or its habitat either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the city.

It should also be noted that there will also potentially be a risk to nesting birds if tree work is carried out at certain times of the year.

Several of the objections received to the proposed development are on grounds that the proposed development will have a detrimental impact upon the biodiversity of the site. One objection received particularly relates to the impact of the proposed development upon bats.

It is considered, in the absence of evidence to the contrary, the proposed infilling of the lake will be to the detriment of the ecology of the lake. This does not comply with the requirements of Policies CN18 and CN21 of the adopted unitary Development Plan.

Furthermore, information regarding the protection and management of the ecology of the site is

considered to be inadequate, this is considered to be unacceptable in an area designated as a site of nature conservation importance (SNCI) and also contrary to the requirements of Policies CN18 and CN21 of the adopted unitary Development Plan.

Policy CN18 of the adopted unitary Development Plan requires that:

CN18 The Promotion of the Interests of Nature Conservation Will be sought throughout the city....measures will include:

- a. The appropriate management of Council owned land;*
- b. Encouraging land owners and occupiers to adopt management regimes sympathetic to nature conservation, especially in wildlife corridors;*
- c. Making provision in development proposals for preservation of habitats or creation of compensatory habitats;*
- d. Seeking opportunities in development proposals or other schemes for new habitat creation on both public and private land.*
- e. Improving access and providing interpretation to appropriate sites of wildlife interest; and*
- f. Refusing inappropriate development.*

Policy CN21 of the adopted Unitary Development Plan states that

CN21 Development which would adversely affect a designated or proposed local nature reserve, site of nature conservation importance or regionally important geological/geomorphological site either directly or indirectly will not be permitted unless:

- (i) No alternative site is reasonably available and the benefits of the proposed development would outweigh the regional or local value of the site; or*
- (ii) Any loss of nature conservation or earth science interest can be fully compensated elsewhere within the site or in its immediate environs through the use of planning conditions and, where appropriate, planning obligations*

Summary

The granting of a new planning permission to replace previous planning permission 05/03963/SUB is considered to be unacceptable.

The application for development is considered to lack information to the degree that the Local Planning Authority cannot be certain of the specific details of the development proposed.

Furthermore, it is considered that circumstances on the application site have significantly altered since the approval of the original planning permission in 2006, particularly through the completion of numbers 31-36 Lakeside Gardens to the west of the site, and that that significant change in circumstances means that the development proposed will have a significant detrimental impact upon the residential amenity of the occupiers of those properties through noise, disturbance and overlooking from the car park proposed, both during construction and following completion of the development, contrary to the requirements of Policies B2 and EN9 of the adopted Unitary Development Plan.

In addition to the above, the information regarding the protection and management of the ecology of the site is considered to be inadequate, this is considered to be unacceptable in an area designated as a site of nature conservation importance (SNCI) and contrary to the requirements of Policies CN18 and CN21 of the adopted unitary Development Plan.

The bat survey that accompanies the application is considered to be inadequate and unacceptable to the potential detriment of protect species present on the site (i.e. bats) if the development were to proceed. This is contrary to the requirements of policy CN 22 of the adopted Unitary Development Plan.

RECOMMENDATION: REFUSE for the following reasons:

1. The Bat Survey submitted in support of this application has not been undertaken in accordance with the guidelines of the Bat Conservation Trust. Furthermore the Bat Survey fails to properly establish the use of the site by Bats and also fails to properly establish the potential for trees on the site to be used as Bat roosts. Neither is there an indication in the submitted report that a suitable method statement will be used to minimise potential impacts on Bats and there is no indication to inform those conducting tree works on what to do if Bats are unexpectedly discovered. As such it is considered that the proposed development is likely to have a detrimental impact upon bats as a protected species contrary to the requirements of Policy CN22 of the adopted Unitary Development Plan.
2. The information submitted with the application relating to the management and protection of the ecology, biodiversity and wildlife present on the site, both during construction and operation of the development proposed, is inadequate to allow a proper assessment of the proposed management and protection of the ecology, biodiversity and wildlife on the site and the Site of Nature Conservation Interest as a whole. As such it is considered that the proposed development is likely to have a detrimental impact upon the ecology, biodiversity and wildlife of the site, particularly through the infilling of an area of the reservoir. This is contrary to the requirements of policies CN18 and CN21 of the adopted Unitary Development Plan.
3. The proposed development will result in an unacceptable loss of residential amenity for the occupiers of number 31 – 36 Lakeside Gardens in particular, and other near neighbouring properties, through unacceptable levels of noise and disturbance during what is likely to be a lengthy construction phase and thereafter by reason of noise and disturbance from those visiting the car parking area of the fishing lake and by reason of unacceptable overlooking and invasion of privacy through views from the proposed car parking area. This is contrary to the requirements of Policies B2 and EN5 of the adopted Unitary Development Plan.

Number: S2

Application Number: 11/03537/EXT1

Proposal: Application for a new planning permission to replace an extant planning permission, in order to extend the time limit for implementation 08/03582/OUT. Application for outline planning permission for the erection of a B8 distribution unit (up to 10,000 m2 in size), including detailed permission for means of access, including stopping up and diversion of public footpath and bridleway.

Location: Plot 2 Mandarin Way Pattinson Industrial Estate Washington

All matters relating to this development remain under consideration. As such this application will be reported to a later meeting of the Hetton, Houghton & Washington Development Control Sub Committee.

RECOMMENDATION: Defer for further consideration.

Number: S3

Application Number: 11/03181/OUT

Proposal: **Outline application for the erection of 125 houses with associated landscaping and highway works with access to be determined and remaining matters reserved for future consideration .**

Location: Site Of Emerson House Emerson Road Emerson Washington

As indicated on the main agenda some issues were being given further consideration namely:

- The principle of the development
- Ecological and Landscaping Issues
- Affordable Housing and
- Sustainability

The principle of the development

The application site is covered by policy EC4 and WA1.1 in the adopted Unitary Development Plan (UDP). The latter seeks to retain the site for employment uses particularly those falling within Use Class B1 (Business - Offices/Light Industry) and C1 (Hotel), while the former sets out the ancillary uses and uses which are not considered to be appropriate. The latter include shops (A1), residential institutions (C2) and housing (C3). The proposal is therefore contrary to the proposals of the adopted UDP.

However since the adoption of the UDP there have been a number of changes to National planning policy which also need to be taken into account including Planning Policy Statements -PPS3 (Housing (June 2011)) and PPS4 Planning for Sustainable Economic Growth (December 2009). PPS3 indicates that applications for residential development should be considered favourably where there is not a five year housing land supply and that the site meets the tests in respect of housing quality, housing mix, site suitability and the effective and efficient use of land. PPS4 makes it clear that where there is no reasonable prospect of a site being used for the allocated economic use, the allocation should not be retained and alternative uses considered.

More recently the government has made it clear through "A Plan for Growth" and associated ministerial statements that local planning authorities in considering applications for planning permission for development which would help to achieve economic growth (including housing) should show a strong presumption in favour of such sustainable development. In July 2011 the draft National Planning Policy Framework (NPPF) was released which again emphasised the strong presumption in favour of sustainable development. Further it states that planning permission should be granted where the plan is absent, silent, indeterminate or where relevant policies are out of date. While still in draft form the NPPF is nevertheless a material consideration in determining planning applications as it gives a clear indication of the direction of travel of government policy. The Localism Act also provided for the revocation of the Regional spatial

Strategies including that for the North East. That part of the Act has not yet been brought in to force and therefore policy 4 of the RSS which seeks a sequential approach to the consideration of all major development, gives priority to sites which have been previously developed and are within the urban area together with policy 9, which supports developing housing to support economic growth in sustainable locations and mainly on previously developed sites remain relevant material considerations in the determination of this application.

The applicant has argued that the UDP is out of date and the policy background has changed significantly since 1998 as indicated above. This combined with the identified need for new housing in Washington the lack of a 5 year supply of housing land, an over supply of employment land and a lack of demand for this particular site which has been on the market for over 10 years leads to the view that the site should be released for housing unless there are other material considerations which determine otherwise. The applicant's submission is that there are no other considerations which indicate any significant adverse impacts from the proposed development and therefore consent should be granted.

As indicated on the main agenda the Lead Policy Officer for Planning did not object to the release of the site for housing. The Strategic Housing Land Assessment (2011) is due to go to Cabinet in March. The assessment of the housing supply and requirement for the City over the next 15 years is complicated by the pending revocation of the RSS, however it is probable that the City does have a 5 year housing land supply. Nevertheless as a result of the past underperformance of housebuilding over recent years together with current government policy and advice it is not considered that the availability of that 5 year supply would be sufficient to sustain a refusal of planning permission.

Consideration therefore needs to be given to the Employment Land Supply and the views expressed by the Business Investment Manager. The applicant has been requested to provide additional information in respect of the marketing of the site and a response is awaited.

Ecological and Landscaping Issues

The submitted Ecological report is considered to be acceptable and the recommendations of that report with regard to mitigation and habitat enhancement should be the subject of a condition on any consent issued. It is advised that should the reserved matters application be submitted more than a year after the initial habitat surveys were undertaken then a further survey would be required to be undertaken.

As regards landscaping the proposals are considered to be appropriate in principle but further details will need to be submitted in respect of the specifics of the scheme. It is considered that this can be achieved via the imposition of conditions on any consent issued.

It is considered that with the imposition of condition in respect of the matters set out above the scheme would be in compliance with the requirements of policies CN18, CN22 and CN23 as well as CN16.

Affordable Housing

The applicant has just submitted a viability appraisal of the development and a proposal that 5% of the houses on the site would be affordable housing, rather than the 10% which the council's strategic housing market assessment would require. This information is being given further consideration.

Sustainability

The applicant has submitted additional information in support of the scheme in response to the concerns raised by the Lead Policy Officer for Planning. The applicant has argued that there is a small group of shops a little over 500m from the centre of the site which includes:

- a cost cutter store with cash point;
- a fish bar; and
- a public house.
-

In addition it is pointed out that Ayton Community Centre which runs various youth projects is likewise around 500m away. Meanwhile the bus stop at Dunnock Drive provides access to the shops and services including medical services at the Galleries, Chester le Street and Birtley as well as to the Metro services at Heworth. The bus stop is only 350m from the centre of the site and the provision of a pedestrian refuge in Emerson Road and upgrades bus shelter facilities if consent is granted will improve access to public transport and services. It is contended by the applicant that the above provision together with the enhanced cycle path and pedestrian network linkages and the Green travel Plan initiatives will ensure that the site is sustainable.

This additional information is being given further consideration.

Conclusions

The employment land, sustainability and affordable housing issues raised by the application are being given further consideration and the response to the request for further marketing information is currently awaited. Those deliberations will not be completed in time to allow a recommendation to be made to Members without the presentation of a technical report at the meeting. Consequently, it is considered that it would be appropriate to defer a decision on the application until a future meeting.

RECOMMENDATION: DEFER for further consideration.

APPENDIX 1

PREVIOUS COMMITTEE REPORT FOR 05/03963/FUL WILLOWS RESERVOIR.

PROPOSAL:

The proposal is for the use of the lake and land for trout and pike fishing together with associated development of a lodge, on site warden's accommodation, snack and tackle shop, toilet facilities and education room. The scheme includes the formation of a car park, jetties, footpaths and fencing.

Currently the lake is used as a fishing lake.

It should be noted that part of the land in the north west corner of the site is in the City Council's ownership.

Site Context

The Reservoir (hereafter referred to as Willows Pond) is located between the Swan Industrial Estate and "The Willows" residential development in an area of Barmston, Washington. To the southeast of the proposed development is the "Sherringham House" residential apartment block. To the south of the development is "Lakeside Gardens" a development which Members may recall was granted consent for residential development on the site of the former Lakeside Gardens nursing home in May 2005 (ref 04/01883/FUL). The eastern edge of the site is formed by the embankment of the former Leamside Railway line.

The majority of the proposed development site comprises a lake and lake edges with an area of wetland habitat located in the northwest corner of the site. A track positioned to the eastern edge of the lake at the foot of the railway embankment also forms part of the application site.

Willows Pond is shown on historical maps dating back to 1858. Prior to its current use as a fishing lake, the pond was used by the Cape Insulation factory as a cooling lake during which time the level of the lake could be controlled via a well head that is located, close to the pond's eastern shore adjacent to where the wardens accommodation is proposed as a part of the current proposal.

Part of the proposed development site (the north eastern corner) is designated as a SNCI (Site of Nature Conservation Importance). It should be noted that Sites of Nature Conservation Importance do not have statutory protection but are recognised on account of certain features, which makes them significant in a county or regional context. This particular SNCI supports a bird and amphibian population.

A Tree Preservation Order (No. 128) was made on trees on the site in 1999, however those trees are on the southern edge of the pond and are not affected by the proposed development.

Members may recall that they have previously visited this site.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

County Archaeologist:
Northern Gas Networks:
Director of Community And Cultural Services
Property Services Manager
Environment Agency:
Network Rail:
Head Of Facilities Management
Durham Wildlife Trust
English Nature
Northumbrian Water:

Final Date for Receipt of Representations: **29.09.06**

REPRESENTATIONS:

County Archaeologist: - No objection to the proposed development.

Environment Agency:- No objection to the proposed development subject to the imposition of standard planning conditions relating to surface water drainage from car parking areas

Northern Gas Networks:- No objection to the proposed development as no aspects of the proposal appear to conflict with any Northern Gas Networks apparatus in the area.

Northumbrian Water:- There are 5 separate Northumbrian Water surface water sewers which discharge into Willows Pond. These all drain hard paved areas in residential and industrial areas in the vicinity of the pond...The Company is concerned that as the proposal is a commercial venture any incident caused by a third party action could result in claims against the Company. It requests therefore that any granting of planning permission be conditional on a formal agreement between the applicant and the Company be signed prior to any works taking place, in order to protect the Company's position.

Network Rail:- No objection to the proposed development subject to standard rail conditions and a condition prohibiting any excavation of earth adjacent to the railway line.

English Nature:- Object to the proposal on grounds of potential impact upon protected species, tree felling and insufficient information to accompany the application.

Durham Wildlife:- Object to the proposal on grounds of potential impact upon protected species, tree felling and insufficient information to accompany the application.

Neighbour Representations

20 letters of objection to the proposed development have been received on grounds relating to the following:

- Plan Quality
- Environmental Destruction
- Privacy
- Land Ownership/boundary dispute.
- Trees
- Impact Upon Gas Main
- Impact upon sewers
- Impact upon the railway line
- Car parking and highway safety
- Noise and disturbance

POLICIES:

In the Unitary Development Plan the site is subject to the following policies;

CN_15_Creation of the Great North Forest

CN_21_Developments affecting designated / proposed LNR's, SNCI's or RIGS

CN_18_Nature Conservation

WA_14_Improvements in the level of provision / quality of amenity open space

L_3_Encouragement to regional recreational developments in appropriate locations

L_4_Standards for outdoor sport and recreation

L_5_Ensuring the availability of Public Parks and amenity open space

L_7_Protection of recreational and amenity land

B_3_Protection of public/ private open space (urban green space)

WA_1_Retention and improvement of established industrial / business area

EC_15_Development or extension of bad neighbour uses

B_1_Priority areas for environmental improvements

T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

T_22_Parking standards in new developments

B_2_Scale, massing, layout or setting of new development.

COMMENTS:

Policy Context

Paragraphs 54a of the Town and Country Planning Act, 1990 and section 38 (6) of the Town and Compulsory Purchase Act 2004, state that:

If regard is to be had to the development plan for the purpose of any determination to be made under the planning acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Each of the policies relevant to this application have been given due consideration. A summary of these considerations are set out below:

CN15: Tthe City Council will permit developments, schemes and other initiatives which assist in creating the great north forest (on land between and around the main urban areas) and which are in accordance with other policies of this plan. Developments which would adversely affect the creation of the forest will be resisted.

It is considered that the proposed development at Willows Pond would not adversely affect the creation of the Great North Forest. The applicant has indicated that the removal of two trees on the eastern shore of the lake will be necessary, primarily because of their poor condition. In addition to this, should Members be minded to grant approval, a condition may be attached to any approval granted requiring a full tree survey to be undertaken prior to any tree felling or pruning taking place on the site.

CN18 The Promotion of the Interests of Nature Conservation Will be sought throughout the city....measures will include:

- g. The appropriate management of Council owned land;*
- h. Encouraging land owners and occupiers to adopt management regimes sympathetic to nature conservation, especially in wildlife corridors;*
- i. Making provision in development proposals for preservation of habitats or creation of compensatory habitats;*
- j. Seeking opportunities in development proposals or other schemes for new habitat creation on both public and private land.*
- k. Improving access and providing interpretation to appropriate sites of wildlife interest; and*
- l. Refusing inappropriate development.*

Addressing each point in turn:

Approximately a quarter of the proposed development site is within the City Council's ownership, that being the area of land located in the north west portion of the site. The area is currently poorly maintained (primarily due to a lack of Local Authority resources). Photographs submitted by the applicant illustrate the level of flytipping and fire damage that has occurred within the development site. The incorporation of the area of Council owned land within the proposed development would facilitate the improved management of the site as a whole. The applicant has submitted details of

the proposed management regime for the fishing lake. However, should Members be minded to approve the application a condition may be attached to any approval granted requiring the submission of a comprehensive management document setting out in detail the management plan for Willows Pond.

The applicant as part owner and occupier of the Council owned area of the site has on the whole submitted proposals that are sympathetic to nature conservation and designed to encourage local participation in nature conservation activities. It is acknowledged that the area of proposed car parking to be located in the eastern area of the site adjacent to Sherringham House has the potential to have a negative impact upon the interests of nature conservation. This issue will be addressed separately later in this report.

When originally submitted the proposed development included an additional area of land (which is in Council ownership) in which the applicant proposed to create new dipping ponds, pagodas for educational use and a picnic area for visitors to the site. However, due to the submission of several Public Right of Way User Evidence Forms and significant opposition to the use of this area of land by those living on the periphery of the lake, the applicant revised the proposals to exclude this area. This resulted in the creation of dipping ponds being withdrawn from the application. The current plans indicate the north eastern most part of the lake edge, an area of wetland habitat, as being preserved for use by wetland creatures such as birds and amphibians. In addition the applicant has agreed to the installation of bat boxes throughout the site in order to encourage the species in the area. A bat survey has been submitted in connection with the application which indicated that the proposed tree felling works to be undertaken as a part of the development would have no detrimental impact upon Bat species.

CN21 Development which would adversely affect a designated or proposed local nature reserve, site of nature conservation importance or regionally important geological/geomorphological site either directly or indirectly will not be permitted unless:

- (iii) No alternative site is reasonably available and the benefits of the proposed development would outweigh the regional or local value of the site; or*
- (iv) Any loss of nature conservation or earth science interest can be fully compensated elsewhere within the site or in its immediate environs through the use of planning conditions and, where appropriate, planning obligations*

Part of Willows Pond is a Site of Nature Conservation Interest (SNCI). Due to the nature of the proposal it would be very difficult to find an alternative site, Willows Pond is currently used as a fishing lake.

The LPA do not claim that the proposed development would not have any impact on the habitats within the site. However, it should be considered that notwithstanding the importance of the nature conservation value of the site, Willows Pond is currently effectively an unmanaged resource which has attracted flytipping in and around the lake and anti-social behaviour, which if it were to continue unchecked could have a serious adverse affect on habitats within, and the overall amenity of, the site.. It is considered that the formalisation of the management regime for Willows Pond,

which would result from the implementation of this development, would outweigh the potential loss of an area of lake which is proposed to be infilled for car parking requirements.

WA1 Established Industrial/Business Areas and Available Sites within them will be retained and improved for the primary uses: offices, light industry, general industry, warehouses and storage (B1, B2, B8).

Policy WA1 is not directly relevant to the proposal, However, the development site neighbours the Swan Industrial Estate. It is very unlikely that the proposed development will have any negative impact upon the proposed development at Willows Pond.

WA14 Improvements in the level of provision and quality of amenity open space will be made in the locations shown below:

- (1) Sulgrave, New Neighbourhood Park*
- (2) Springwell, New Amenity Open Space*
- (3) Barmston, New Neighbourhood Park*
- (4) Columbia, improvement to Existing Park*

In terms of implementation the Adopted Unitary Development Plan States that in order to improve amenity open space within the Washington area improvements should be made to open land, combined with the adjacent Willows Pond SNCI. It is considered that the proposed formalisation of fishing at Willows Pond and the associated management programme will facilitate the improvement of the lake and lake side edge resulting in an improved amenity open space in accordance with policy WA14.

L3 The Council will encourage recreational developments of a regional nature where adequate access to the strategic road network and public transport facilities can be provided and will, where necessary, protect sites for future development, subject to an acceptable impact on the environment.

Willows Pond is not considered at present to be a regionally important recreational development. However, the nature of angling is such that the formalisation of the sport on the lake has the potential to attract visitors to it on a regional basis.

Access to the site will be controlled and a condition controlling formal opening and closing hours of the fishing activities on the reservoir may be attached to any approval granted, should Members be minded to approve this application. It is not considered that the formalisation of the sport on the lake will result in an unacceptable intensification of the use of the lake and it is unlikely that the formalisation of the use of the lake for fishing will result in any loss of residential amenity for near neighbouring properties.

L4 The City Council will aim to achieve a long term standard of 1.6 – 1.8 ha. Per 1000 population for outdoor sport and recreation for young people and adults. During the plan period priority will be given to achieving an interim city wide standard of 1ha. Per 1000 population. Particular attention will be focused on

- (i) Providing locally accessible outdoor sport and recreation facilities for the city population including people with disabilities and other disadvantaged groups;*
- (ii) Concentrating major facilities in key locations to provide high quality centres accessible by public transport, to serve the needs of the city and to attract investment.*
- (iii) Providing specific facilities to meet local needs.*

It is considered that the proposed development at Willows Pond by formalising fishing sport on the lake and providing comfort facilities for those using the lake will contribute to the aims of policy L4. The applicant has stated that the lake and lake edge will be open to the public wishing to visit the lake for activities other than fishing, e.g. duck feeding, during the opening hours of the lake. The applicant has also indicated that, should the proposal receive approval, the lake and the associated facilities would be open and available for specific groups, for example school groups, to use on a supervised basis. The applicant undertakes similar activities with supervised groups at Fox Pond Fishery which is also in their ownership.

L7 Land Allocated for open space or outdoor recreation, as shown on the proposals map, will be retained in its existing use. This includes playing fields attached to schools or other educational establishments. Permission for other uses on these sites will only be granted if:

- (i) Alternate provision, of an equivalent scale, quality and accessibility is made which assists the achievement of the standards indicated in policies L4, L5 and L6; or*
- (ii) The development is for educational purposes; and,*
- (iii) There would be no significant effect on the amenity, recreational and wildlife habitat value of the site.*

The application site is allocated as New and Upgraded Open Space/Leisure Use in the adopted Unitary Development Plan along with the open grassed area which is immediately to the west of the application site.

The proposal seeks to erect a fence around the lake edge on the north and south shores, adjacent to the disused railway line (at the foot of the rail embankment) to the east and also a small area of grass to the west and the wetland habitat area on the north-western shore of the lake. The Grassed area immediately to the west of the site and the area of trees adjacent to the southern shore of the lake will remain unfenced and openly accessible to the public at all times. The area within the fencing will be open for the visiting public to use only during the agreed opening times of the lake, in order to facilitate effective management of the proposal.

In addition the proposed site development would provide educational facilities and would enhance the recreational value of the site.

In terms of effect upon habitat, it is acknowledged that the infilling of a part of the lake will result in the loss of some habitat on the site. However, should Members be minded to approve this application, planning conditions may be applied to any approval granted requiring details of mitigation measures to compensate for the loss of the area of lake. Such mitigation measures would be required to be formally approved prior to the commencement of any works on the site. In addition to the mitigation measures, conditions controlling the materials to be used in the infilling of

the lake and the method of infilling may also be applied to any approval granted in order to avoid any potential pollution of the lake or damage to existing habitats.

The effect of the proposed development upon amenity will be examined further within this report.

B3 Public and Private open space will be protected from development which would have a serious adverse effect on its amenity, recreational or nature conservation value; proposals will be considered in the light of their contribution to urban regeneration and to the importance of such space to the established character of the area.

It is considered that the proposed development will enhance the recreational value of the site and facilitate the management of nature conservation within the site.

EC15 Development or extension of sites for bad neighbour uses including scrap yards and the sorting and storage of waste materials will only be permitted in areas identified as suitable in part II provided that:

- (i) There will be no significant nuisance to adjacent premises or highway users by virtue of dust, smell, vibration, smoke, noises, pollution of controlled waters, mud or slurry;*
- (ii) The site is adequately screened or is not visually prominent;*
- (iii) Appropriate facilities are provided for the storage and treatment of by-products and for waste disposal;*
- (iv) The site is of sufficient size for operations and has adequate car parking and servicing.*

Policy EC15, set out above, is not strictly relevant to this proposal in terms of pure planning policy. However, several of the objection letters that have been submitted in connection with this planning application refer to the proposal as a “Bad neighbour development”. The proposed development does not constitute a “bad neighbour development” in planning terms. An example of a “bad neighbour development” is a slaughterhouse or a scrapyard. The formalisation of the use of a fishing lake and the creation of facilities associated with angling cannot be considered to constitute a “bad neighbour use”. However, assessment of the proposal against Policy EC15 demonstrates that there will be no significant nuisance adjacent to any premises by virtue of dust, smell, vibration, smoke, noises, pollution of controlled waters, mud or slurry. The site will be screened from the nearest neighbouring properties “The Willows” by means of a 1.8 metre high screen fence with shrub planting positioned along the lake edge. There are no by products to store or dispose of and the car parking area proposed in connection with the development is considered to be of an appropriate size and arrangement to serve the development.

B1 The City Council will implement a programme of environmental improvements. In general, priority will be given to sites which are visually prominent and/or in the areas of greatest environmental degradation. Particular emphasis will be given to securing improvements within and adjacent to:

- (i) Older housing areas with poor quality surroundings*
- (ii) Areas with a concentration of derelict land and poor quality buildings;*
- (iii) Older industrial areas and main shopping centres;*

- (iv) *Main transport routes and entry points*
- (v) *Degraded land on the urban fringe and prominent edges of the built up area.*

While this policy does not specifically apply to this site, although it is similar in some respects to subsection (v), the general principle of City wide improvements is applicable. It is considered that the proposals submitted will result in an overall improvement in the environmental conditions at Willows Pond.

T14 Proposals for new development should:

- (i) *Be readily accessible by pedestrians and cyclists as well as users of public transport from the localities which they are intended to serve;*
- (ii) *Not cause any traffic congestion or highways problems on existing roads. Where this criterion cannot be met modifications to the highways concerned must be proposed to the satisfaction of the relevant highway authority and the cost of these must be met by the developer;*
- (iii) *Make appropriate safe provision for access and egress by vehicles (including buses), pedestrians, cyclists and other road users, paying particular attention to the needs of people with mobility impairment;*
- (iv) *Make provision for the loading and unloading of commercial vehicles.*
- (v) *Indicate how parking requirements will be accommodated.*

Members may recall that the previous application (5/00362/FUL) was refused permission on grounds on an unsatisfactory highway access.

The applicant has completely revised the proposed access to the site which is now proposed to be from the existing access to Sherringham House. A part of the lake measuring approximately 10m x 36m is to be infilled to provide a parking area which will accommodate approximately 14 cars. This is considered to be acceptable in highway engineering terms and accords with the levels of car parking in current supplementary planning guidance.

In addition to the proposed car parking area for visiting fishermen, the wardens lodge is to be accessed via the existing access to the track adjacent to the railway line. This access is considered to be acceptable for sole use by the occupier of the lodge for access and servicing.

It is considered that the proposed scheme meets the requirements of Policy T14 of the adopted Unitary Development Plan.

T22 In deciding the appropriate level of car and cycle parking to be provided in connection with a development proposal, the Council will have regard to:

- (i) *Development type (e.g. scale, use, catchment, user characteristics);*
- (ii) *Locational Characteristics (E.g. accessibility by modes other than the private car, population density, historic character).*

As set out above the proposal is considered to be satisfactory in terms of car parking and access arrangements.

B2 The scale, massing layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and locality and retain acceptable levels of privacy; large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas.

The layout of the proposed development is considered to be broadly acceptable and compliant with the requirements of policy B2. The issue of amenity and privacy is further examined later in this report.

CONSIDERATIONS

The main issues to consider when assessing this proposal are as follow:

1. Principle of the development.
2. Ecology and effect on the SNCI.
3. Highway and access arrangements
4. Wardens accommodation.
5. Public Utility Constraints.
6. Affect upon the amenity of near neighbouring properties.

The Principle of the Development

The application site, Willows Pond, is currently in use as fishing lake and has been in use as such for a number of years. The applicant purchased the lake for continued use as a fishing lake. The proposal currently under consideration seeks to formalise the use of the lake for fishing and provide additional facilities and security measures to facilitate and formalise management of the site.

A detailed analysis of the policy considerations in connection with this development is set out above. It is acknowledged that there are some areas of the proposed scheme that do are not strictly in accordance with development plan policy. However, these issues largely concern the detail of the scheme to be set out on site rather than with the principle of the use and it is considered that there are material considerations which mitigate for departure from policy.

It is considered that the use of Willows Pond as a fishing lake is acceptable in principle.

Ecology and effect on the SNCI

Willows Pond is designated as a Site of Nature Conservation Importance in the Unitary Development Plan. Its designation as such was undertaken due to the invertebrate and bird populations that the lake supports. The most recent ecological survey of the site indicates that the pond has a below average moderate conservation value for wetland plants and macroinvertebrates, while the adjacent terrestrial habitats have a low ecological diversity.

Objections to the proposed development have been received from Durham Wildlife Group and English Nature on grounds of potential impact upon protected species, tree felling and insufficient information to accompany the application.

Since the objections were received acceptable protected species (bat) surveys have been undertaken on the site. The supplied bat survey is considered to be acceptable. The applicant has also confirmed that there are to be only two trees felled on the site in order to facilitate development. (Should approval be granted for the proposed development any further tree felling on the site would be subject to a detailed tree survey to be submitted to and approved by the Local Planning Authority prior to any developments commencing on the site).

Discussions between English Nature, Durham Wildlife Group and the Local Planning Authority have been on going. English Nature have indicated that they wish to make no further comments in relation to the proposal Durham Wildlife Group have indicated that the ecological reports submitted in connection with the proposed development have been conducted to a satisfactory standard, although the group still maintain their objection to the scheme.

It should be noted that in consultation responses to planning application 05/00362/FUL, dated the 11th and 16th March 2005 neither Durham Wildlife Group or English Nature raised any objection to a proposal with an identical description to the one being considered in this report.

In order for the fishing lake to be commercially viable and to avoid the parking of vehicles on Station Road, within the Swan Industrial Estate and also to avoid the use of the unsafe access to the railside track from Station Road the formalised fishing activity on the lake requires some formal parking facility.

Members may recall that the previous planning application (05/00362/FUL referred to above) in connection with this development was refused for the following reason:

The proposed intensification of use is considered to generate additional vehicular ingress and egress and as such would create conditions prejudicial to highway safety and as such would be contrary to policy T14 of the Unitary Development Plan.

Planning application 05/00362/FUL was refused planning permission on purely highway grounds. Ecological impact did not form any part of the refusal on the original application for this proposal.

Other development neighbouring the application site: Lakeside Gardens (Planning Application 04/01883/FUL) involved the infilling of an area of the lake. This application was granted planning approval and an area of the lake has since been infilled. The area which it is now proposed to infill is immediately adjacent to the previously infilled area and no particular habitats have been identified as vulnerable as a result of the proposed works. Members are requested to have mind to consistency in the decision making process when considering this application.

In terms of other ecological considerations Willows reservoir is currently in a very poorly maintained state. The applicant has supplied photographs showing fire damage to trees and property (metal storage container) on the site and also showing evidence of flytipping and dumping of rubbish on

the site. The applicant also reports various incidents of anti-social behaviour and on one occasion the body of a victim of a drugs overdose was found on the site.

The applicant's bat survey indicates that the proposed development would not result in any detrimental effects to local bat populations.

As set out above there are several issues to be considered when considering the effect of the proposed development upon the ecology of the existing lake. Information submitted in connection with the application has illustrated that it is very unlikely that the proposed development will have any detrimental impact upon protected species. The infilling of an area of the lake is by its nature likely to have some impact upon the ecology of the area to be infilled. However, it should be borne in mind that the adjacent development at Lakeside Gardens was granted permission to infill an area of the lake immediately adjacent to where the proposed infilling is to take place. As indicated above, should Members be minded to grant approval for the proposed development planning conditions may be applied to any approval granted which would enable control of the materials and methodology for infilling the lake and requiring a clear and concise set of mitigation measures to be agreed with the Local Planning Authority prior to any work commencing on the site.

It is considered that the benefits to the reservoir environment and the area surrounding the reservoir in general will benefit significantly from the introduction of formal management of the site. It is accepted that the infilling of the lake will have some effect upon the ecology of the site but is also considered that the environment within the development site can be improved through mitigation measures and a formal management plan, both of which may be required through planning conditions should Member be minded to grant consent for this application. In conclusion it is considered that the benefits of the scheme in terms of the effect of the wildlife on the site outweigh the potential for harm and that the infilling of an area of the lake is considered to be acceptable in this instance.

Highway and Access Arrangements

- Vehicular Access

Vehicular access to Willows Pond is to proposed via the existing entrance to Sherringham House on the southern edge of the Pond, access to the proposed car park being via a ramp down from the existing Sherringham House car parking area.

Should Members be minded to grant approval for the proposed development the exact specification for the area of infilling for the car park may be attached to any approval granted in order that the local planning authority retain control over the materials to be used in the infilling of the reservoir and the methodology used to infill the reservoir.

The applicant has indicated the materials proposed to be used for the infilling of the reservoir as:

Block paving extended from Sherringham House car park. Pugs min 60mm thick on 225 bed of consolidated hardcore on teran (a weed suppressing sheet laid over consolidated clay) and

consolidated clay infill. Paving restricted by pcc kerb or other approved patient method. Carparking and turning area to be tarmac planings on clean stone infill on feven and clay filling.

The service access to the fishing lodge/wardens accommodation is to be gated using gates set back 12 metres from the highway in order to accommodate a refuse vehicle waiting to gain access to the lodge area. This access will be used by the inhabitant of the fishing lodge only and for service vehicles. It will not be used by those visiting the reservoir to fish.

In terms of highway safety and servicing the access and parking arrangements for the site are considered to be acceptable.

- Pedestrian Access

Pedestrian access to the site is to be via Sherringham House. Thereafter pedestrian access around the site will be of means of floating jetties and boardwalks and footpaths constructed on the reservoir edge.

The reservoir edge footpaths are to be constructed from sawn and sinkable timber secured with timber pegs and finished with hardcore fill and road planings. The footpaths are to be compacted and made smooth with a vibrating roller.

The floating jetties and boardwalks around the site are to be constructed on joists driven into the lake bed. Polythene barrels, ballasted to give a float margin of 200/300mm above the water line are to be used with timber "decking" type material with non-slip finish to be used as boardwalks. All boardwalks and jetties will be fitted with handrails for safety reasons.

The proposed access arrangements, both pedestrian and vehicular, and the car parking proposals are considered to be in accordance with policies T14 and T22 of the approved UDP and therefore acceptable.

Wardens Accommodation

The proposed development includes Warden's accommodation in the form of a single storey bungalow measuring 20.11 metres in length and 7.32 metres in width. The accommodation also provides a fishing platform projecting 3 metres in front of the bungalow. The lodge is proposed to be constructed of timber with a roof of pre-formed metal sheeting (similar to that used on commercial buildings at Pennywell). It will be positioned on the shore edge and will project out over the reservoir supported on timber beams in a "V" formation.

The accommodation forms a part of the application in order to provide 24 hour security on site and has been positioned so as to maximise natural surveillance of the lake.

In addition to warden's accommodation the building will provide an education/study room for groups visiting the reservoir, an office and store, toilet facilities and a snack and tackle shop and reception area.

The applicant has confirmed that there will be no cooking of hot food on the premises and no alcohol will be sold on site. Should Members be minded to approve this application conditions may be attached to any approval granted requiring:

- A. No sale of hot food from the lodge.
- B. No sale of alcohol from the lodge.
- C. That the accommodation provided within the lodge is for use in connection with the fishing lake only and that upon cessation of operation of the fishing lake the accommodation building be removed and the land reinstated back to its original form.

The design and location of the warden's accommodation are considered to be satisfactory and in accord with the requirements of policy B2 of the approved UDP.

Public Utility Constraints

The application site has three main constraints:

- A. The location of an outfall chamber used previously to control the level of the reservoir.
- B. A gas pipeline running adjacent to the railway embankment.
- C. Discharge of sewers into the pond.

The outfall chamber is located on the eastern shore of the reservoir adjacent to the location of the proposed warden's accommodation. The outfall chamber will remain unaffected by the proposed development.

With reference to the gas pipeline running across the site. Northern Gas Networks have been consulted regarding this proposal and have confirmed that they have no objection to the proposed development (fax of 1st December 2005). Should Members be minded to approve the proposed development a condition may be attached to any approval granted requiring the submission of a construction methodology prior to works commencing on the site in order that the construction works are controlled and carried out in a safe and effective manner.

The concerns of Northumbrian Water in respect of possible third party claims against the Company have been outlined above and it is considered that an appropriate Grampian condition requiring such an agreement be signed with Northumbrian Water prior to the commencement of work on the site could be imposed on any consent.

It is considered that the proposed development will have no negative effect upon the outfall chamber, gas pipeline or sewerage network on the site, subject to the imposition of appropriate conditions and hence is acceptable in this respect.

Amenity Issues

In considering the merits of any planning application it is important to assess the impact of any proposed development upon the residential amenity of those neighbouring it.

In this instance the residential properties most directly affected by the proposed development are those located in Sherringham House, to the south of the application site, and those located in The Willows, to the north of the site.

Those residents living in Sherringham House will be most directly affected by the parking arrangements for the proposed development. However, the development will not reduce the number of parking spaces available to those living in Sherringham House and will not impact upon the access to Sherringham House. It is unlikely that the residents of Sherringham House will experience any loss of residential amenity as a result of the proposal.

It should be noted that there has been a significant level of objection to the proposed development from residents living within "The Willows".

It is proposed that a boardwalk and jetties be constructed along the northern shore of the reservoir adjacent to the rear gardens of "The Willows" properties.

The topography of the site is such that "The Willows" are set in an elevated position over the lake. Some of "The Willows" residents have constructed substantial areas of decking etc along the reservoir edge.

Objection to the proposed development have been received on grounds of overlooking, loss of privacy, security and noise and disturbance.

It is acknowledged that the boardwalks and jetties to be positioned to the rear of "The Willows" will introduce pedestrian traffic into areas not previously accessible however, the boardwalks and jetties will only be available for use by fishermen and visitors to the site during the opening hours of the fishing lake (Spring/Summer 0800 - 2000; Autumn 0800 – 2000; Winter 0800 – Dusk). The boardwalks are set down at a lower level than the gardens to the properties and it is proposed to erect a 1800mm high open mesh fence (the exact details of which may be required as a condition should permission be granted) with shrub planting providing screening to these properties to prevent any invasion of privacy and to provide security to both the lake and the garden areas.

As set out above it is acknowledged that there will be pedestrian movement introduced into areas of the lake which are currently inaccessible. However, on balance it is not considered that the introduction of controlled access to these areas is unacceptable as it is unlikely to result in unacceptable loss of residential amenity for the occupiers of "The Willows" properties fronting the reservoir.

Members should note that there is an ongoing boundary dispute between the residents of "The Willows" properties and the applicant. However, boundary disputes are a civil matter and cannot be considered as a material planning consideration.

Further, Members should be aware that a previous amendment to the scheme removed the boardwalks and jetties from the north shore of the reservoir. However, as the Local Authority was in receipt of several Public Rights of Way User Evidence Forms claiming a route along the southern shore of the reservoir, the applicant amended the plans to allow the claimed route to remain unobstructed. The resulting plan moved the board walks previously located on the southern shore to the northern shore adjacent to "The Willows". Further user evidence forms have also been submitted claiming a route along the railway edge. However, this claimed route is considered to be invalid due to the very low number of claims received.

It is considered unlikely that the proposals will result in any significant noise and disturbance, given that fishing is generally considered to be a quiet activity. It is accepted that during the construction of the walkways and car park and the erection of the boundary fencing there will be some noise but this can be controlled in part through the imposition of an hours of construction condition on any consent granted.

It is considered unlikely that the proposed infilling of the reservoir in this area will create any loss of residential amenity for any near neighbouring property. The parking arrangements for the proposed fishing facilities are separate from those designated for Sherringham House. The proposed car parking area will have some impact upon those properties located on the edge of the Lakeside Gardens development in that they will no longer be "lakeside" however, it is unlikely that these properties will experience any loss of residential amenity through overlooking and or noise and disturbance as a result of the creation of 14 car parking spaces. There will be a grassed area to the rear of the parking area providing a "buffer" between the car parking spaces and the houses on the edge of Lakeside Gardens.

It is considered that the likely adverse effects of the proposal in terms of the impact on residential amenity would be minimal and not sufficient to sustain a refusal of the application.

Conclusion

Willows Pond is a constrained site. It is constrained by its close proximity to residential and industrial development; constrained by utilities in the form of gas pipes and well heads on the site. It is further constrained by the habitats and populations that it supports in terms of bird and invertebrate populations.

The Pond and its immediately surrounding area are in a neglected state and would benefit from some formal management.

The site already has an established use as a fishing lake and it is likely that this activity will continue regardless of the success or otherwise of this planning application. This proposal seeks to formalise that use and control access to the reservoir.

The views of the Durham Wildlife Trust have been outlined fully in this report. It is their view that the infilling of the lake is unacceptable as insufficient mitigation has been provided to compensate

for the infilling. However, it must be considered that the development adjacent to the site (Lakeside Gardens) involved the infilling of the lake and was granted approval in December 2004 (04/01883/LEG) and that no particular habitats have been indicated to be at risk.

On balance it is considered that the formalisation of the fishing activity on the lake and resulting improvements to the management and security of the site outweigh the loss of the area of lake required for car parking.

For the reasons set out in this report, it is considered that the application be approved subject to conditions in respect of the matters set out below:

RECOMMENDATION: APPROVE subject to conditions relating to the following:

Conditions

1. Time Limit
2. Compliance with approved plan
3. Management Plan with illustrated diagram showing the precise management operations on the site and the location of these operations throughout the site.
4. Car Park Layout
5. Discontinuance of use of the lodge and removal of it from the site in the event that commercial fishing activity ceases on the site.
6. No hot food to be cooked or served on site.
7. No alcohol to be sold on the site.
8. No operating on Christmas day.
9. Precise details of boundary treatments
10. Detailed construction methodology for car park giving precise details of materials to be used and methods of construction.
11. Construction methodology for lodge giving precise details of materials to be used and methods of construction.
12. Occupation of lodge solely by a warden in connection with the business
13. No construction or erection of structures, footpaths or jetties in the north western wetland habitat without the express permission of the local planning authority.
14. No night fishing at any time on the site
15. Hours of operation
16. Comprehensive tree survey identifying all trees to be removed and or pruned and giving a precise methodology for these works.
17. Bat boxes to be provided throughout the site to the specification of the Local Planning Authority.
18. Materials to be submitted and approved.
19. Agreement with Northumbrian Water.
20. Water quality surveys to be conducted prior to development commencing and at specified intervals thereafter
21. Tree felling works to take place during October to February to avoid bird nesting season.
22. Details of the fishing stock and amount of fishing

23. Details of shallow pools and scrapes to be created
24. A detailed planting schedule for the marginal vegetation and the landscaping of the site
25. Hours of construction