

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

20 December 2010

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.

Washington

1. Land At Volker Stevin/Van Elle, Windsor Road/Springwell Road
Springwell Village
2. Reservoir East of 23 Eddison Road, rear of 31-36 Lakeside
Gardens and North of Sherringham House, Swan Washington.

Number:	S1
Application Number:	10/03294/FUL
Proposal:	Demolition of industrial units and construction of 60 no. dwellings and garages for residential purposes, with associated landscaping and access from Springwell Road.
Location:	Land At Volker Stevin/Van Elle, Windsor Road/Springwell Road, Springwell Village, Gateshead, NE9 7QN

Further to the main agenda report which set out this application in detail the following matters are addressed in this supplement report.

The principle of the use of the site for residential development.

The proposal is for a change of use from designated employment land to residential. The principle of the development was considered appropriate, although contrary to the UDP, based on the recommendations of the Economic Land Review (ELR) and Strategic Housing Land Availability Assessment (SHLAA).

The UDP was adopted in 1998 and in several locations, while at present remaining the adopted development plan, it has been overtaken by other more relevant policy documents, as explained below. The ELR recommended the release of both the Volker Stevin/Van Elle sites and land to the west of the site, stating that in the longer term the site may be better suited to non-industrial uses. The SHLAA amalgamated the sites and identified them as one, appropriate for housing on the basis of both sites coming forward as a comprehensive scheme.

It should be noted that the ELR and SHLAA are both research documents and will inform the forthcoming Core Strategy and the Allocations Development Plan Document of the City's Local Development Framework, however neither are policy documents that formally indicate the intended land use for the site. It will be the role of the LDF to determine which specific sites are to be allocated for the most appropriate purposes to best meet the objectives of the council. Until then national policies and the UDP remain the starting point for determining planning applications, but in the interim emerging LDF documents and information papers are material considerations.

There is a concern regarding the application, as it differs from the pre-application submission as the site boundary has changed and no longer includes land to the west of the site. The applicant has stated that a 2.4

metre high boundary enclosure will be erected to ameliorate nuisance, this could be controlled by condition.

The impact of the proposal on the operation of the nearby quarry.

As stated in the main report an objection has been received from Thompson's the operator of Springwell Quarry. The applicant has since responded to this objection which confirms that the noise survey submitted as part of the planning application recorded an average daytime noise level of 50.3db on the application site. This is well below the noise thresholds indicated within the planning conditions attached to the Thompson's planning approval. It is also again noted that the applicant proposes a 2.4m acoustic fence on the boundary facing the quarry therefore noise impact from the quarry will be further reduced.

The Highway and Infrastructure issues associated with the proposal.

The B1288 Springwell Road is a classified road, consequently, given its status; it is desirable that a proliferation of new accesses would generally be resisted.

However, both the proposed improved access to the development at Springwell Road and the existing access to the land to the north of the proposed development are based on existing accesses, which have apparently operated successfully for a number of years.

The access to the development would be appropriate from the B1288 and acceptable in highway safety terms. Similarly, access to any proposed re-development of the adjoining land could be taken from the existing junction, although it is likely that this access would require upgrading to facilitate an intensification of pedestrian movements.

Revision A of the layout received on 10 November 2010 identified via a blue line the extent of works under section 278 of the Highways Act which include traffic management measures and the proposed new access junction with Springwell Road. This was agreed with the Highway Engineer.

There are minor issues in respect of parking and layout but it is considered these could be controlled by condition should planning permission be granted.

The applicant has also agreed to promote the use of public transport through promotional information.

The amount of affordable housing provided as a percentage of the development.

The applicant has confirmed that 10% Affordable Housing will be provided in line with local authority requirements, this is considered acceptable and will be

controlled by an agreement under section 106 of the Town and Country Planning Act 1990.

The implications of the proposal on education facilities in the area.

There are no requirements to provide additional education facilities as there is capacity in the local schools.

The design principles of the proposal.

The design principles have been subject to extensive discussions and amended details submitted. Any outstanding matters are considered minor and will be controlled by condition.

The effect on possible industrial archaeology.

The County Archaeologist is satisfied that the proposal will not adversely affect industrial archaeology.

Any contamination of the site and remediation measures.

Whilst the full extent of any contamination is not known the applicant has given assurances that suitable mitigation measures will be employed. On all of these issues, further information has been submitted any outstanding issues will be controlled by condition.

Children's play.

Off site contribution for play space will be secured via a section.106 agreement as suggested by the applicant. The need for further play provision is currently being investigated and it has been suggested and agreed with the applicant that the contribution could be channelled to improving facilities at the nearby Bowes Railway Museum, a Scheduled Ancient Monument. This would also be controlled by a section 106 agreement.

Sustainability.

The applicant has agreed that the dwellings will be constructed to meet current Building Regulations.

Noise.

With regard the 2 sources of noise the quarry and Springwell Road traffic, the noise consultant submitted a supplementary report covering both sources, which confirms that whilst both sources of noise can be mitigated to comply with current standards through the use of double glazing, the applicant proposes use of the Flatmaster 2000 systems to habitable rooms. The system is a mechanical extract system which enables windows in such habitable rooms to remain closed with ventilation drawn from quieter facades. The

applicant is proposing to use enhanced/acoustic double glazing to the same habitable rooms; this can be controlled by condition.

CONCLUSION

The proposal is generally considered acceptable subject to detail. It is considered that the details can be resolved by negotiation of suitable planning conditions. If matters cannot be resolved the matter will be brought back to Members for determination.

The issue of off site play/contribution to Bowes Railway Museum will need to be secured by way of a section 106 agreement.

Members are recommended to delegate the application to the Deputy Chief Executive to approve planning permission subject to the following conditions and any considered necessary to resolve issues of detail; subject to the signing of a section 106 agreement.

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, to ensure that the development is carried out within a reasonable period of time.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Drawing No (to be agreed).

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

- 3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 The noise mitigation measures required in association with the development hereby approved, as identified in an approved noise assessment, shall be fully implemented during construction of the development and as appropriate following development and retained as such thereafter for the lifetime of the development unless otherwise first agreed in writing with the Local Planning Authority. In the interest of

residential amenity and to achieve a satisfactory form of development on site and to comply with the requirements of Policy EN6 of the adopted Unitary Development Plan.

- 5 The construction works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays unless otherwise first agreed in writing with the Local Planning Authority in order to protect the amenities of the area and to comply with policy B2 of the Unitary Development Plan.
6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the UDP.
8. Notwithstanding any specifications on the submitted plans details of all walls, fences or other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development is commenced. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable, in the interests of visual amenity and to achieve satisfactory noise attenuation measures on site and comply with policies B2 and EN6 of the Unitary Development Plan.
9. Before the development commences details of the method of containing the construction dirt and debris within the site and ensuring that no dirt and debris spreads on to the surrounding road network shall be submitted to and approved by the Local Planning Authority. These details shall include the installation and maintenance of a wheel wash facility on the site. All works and practices shall be implemented in accordance with the agreed details before the development commences and shall be maintained throughout the construction period in the interests of the amenities of the area and highway safety and to comply with policies B2 and T14 of the approved UDP.
- 10 The erection of fencing and other measures for the protection of all retained trees shall be undertaken in accordance with the approved plans (Drawing TPP-A received 20.04.10) and particulars before any equipment,

machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the adopted Unitary Development Plan.

11. If any tree shown to be retained on the approved plan(s) is removed, uprooted, is destroyed or dies as a result of the construction or positioning of the development hereby approved, a replacement tree shall be planted by the developer. The location, size and species of the replacement tree(s) shall be agreed in writing with the Local Planning Authority prior to any planting taking place and the replacement tree shall be planted at a time to be specified by the Local Planning Authority. In the interest of visual amenity, to retain a satisfactory noise attenuation barrier on site and to protect existing trees and to comply with the requirements of policies B2, EN6 and CN17 of the adopted Unitary Development Plan.

Recommendation: Delegate to the Deputy Chief Executive:

Number:	S2
Application Number:	10/03337/FUL
Proposal:	Erection of a single storey warden's lodge with associated car parking and boundary fencing (revised siting of lodge (to western shore of lake to the rear of Swan Industrial Estate from location on eastern shore of lake) approved as part of planning permission 05/03963/SUB.
Location:	Reservoir east of Eddison Road Rear of 31-36 Lakeside Gardens and North of Sherringham House, Swan, Wshington

Further to the report contained on the main agenda to Committee additional consideration of the outstanding issues have been concluded. These consideration are set out below:

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
 CN_18_Promotion of nature conservation (general)
 CN_19_Development affecting designated / proposed SAC's, SPAs and RAMSAR Sites
 CN_21_Developments affecting designated / proposed LNR's, SNCI's or RIGS
 CN_22_Developments affecting protected wildlife species and habitats
 B_3_Protection of public/ private open space (urban green space)
 L_2_Redressing indoor sport/recreation deficiencies through new development/dual uses
 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
 WA_14_Improvements in the level of provision / quality of amenity open space
 CN_17_Protected Trees

COMMENTS:

The proposed development under consideration by this application concerns the south western portion of a larger site known as "Willows Reservoir". Historically Willows Reservoir was used in association with the former Newall's Insulation Factory and later the Washington Chemical Company.

Willows Reservoir has an area of approximately 1.96 hectares and is

enclosed by a redundant railway line to the west, residential dwellings (Sherringham House and Station Road) to the south, residential dwellings (Lakeside Gardens), woodland and the Swan Industrial Estate to the west and registered open space (including areas of land with Village Green Status) to the north and north west. "The Willows" development of residential dwellings is also located to the north of the reservoir, the boundary of "The Willows" properties stretches up to the waters edge and includes some areas of the lake bed in this location.

The development proposed by this current planning application concerns an area of Willows Reservoir measuring 0.12 hectares. The proposed development site is located in the south west portion of the reservoir adjacent to Sherringham House and Lakeside Gardens. The majority of the proposed development site is currently under water, comprising a substantial area of lake.

PLANNING HISTORY

Previous applications for the wider redevelopment of Willows Reservoir are considered to be relevant to the determination of this application, particularly given that the proposed lodge is intended to serve the needs of a warden, whom the applicant claims is required to be present on site permanently to facilitate the needs of the commercial fishing operation and supervise visitors to the site.

Two previous planning applications are considered to be relevant to the consideration of this planning application. These are:

- 05/00362/FUL
- 05/03963/SUB

The details of which are set out below.

Planning application 05/00362/FUL which sought planning permission for use of the existing lake and land for a trout/pike lake with associated development including a lodge, on site wardens accommodation, snack and tackle shop and W.C. and education room and formation of car park, new ponds, jetties, footpaths and fencing, was presented to Members of the Hetton, Houghton & Washington Development Control Sub-Committee on the 7 July 2005. Members resolved to refuse planning permission for the development proposed, as the scheme which involved access being taken to the site from the rear of Sherringham House and Station Road was considered to be contrary to highway safety and UDP policy T14.

Following the refusal of planning permission on 7 July 2005, the applicant revised the access proposed to the site and resubmitted a planning application on 25 October 2005. Planning application 05/03963/SUB was presented to Members of the Hetton, Houghton & Washington Sub-Committee on 31 October 2006. Members resolved to approve the application and it was subsequently approved on the 7 November 2006 subject to 24 conditions, including pre-commencement conditions, all of which

remain outstanding, despite attempts by the applicant to formally discharge them.

The extant planning permission 05/03963/SUB remains valid until 6 November 2011. If all pre-commencement conditions relating to planning approval 05/03963/SUB are not discharged, and development does not commence on the site prior to this date, planning permission 05/03963/SUB will lapse and it will be necessary for the developer to reapply for planning permission.

The main issues to take into account when considering the proposed development are:

- Principle of the development.
- Siting and design of the proposed development (impact upon visual amenity)
- Impact upon near neighbouring residential property and occupiers.
- Impact upon wildlife and wildlife habitat.
- Highway access and car parking arrangements. Construction access, works and methodology.

PRINCIPLE OF DEVELOPMENT

The site is allocated in the adopted Sunderland Unitary Development Plan as New and Upgraded Open Space subject to Policy B3 of the adopted Unitary Development Plan and part of the site (including the area under consideration by this planning application) was designated as a Site of Nature Conservation Interest (SNCI) in 1985, Policy CN21 of the adopted Unitary Development Plan is concerned with SNCIs.

The previous planning approval on this site (planning reference: 05/03963/SUB) has established the acceptability of the use of the site as a commercial fishing lake, including the provision of an on site Warden's Lodge. However, it is critically important to recognise that whilst a Warden's Lodge for use in connection with the management of the fishing lake is considered to be acceptable in principle, the location of a residential dwelling on the site is not considered to be acceptable.

Objectors 2, 4, 5, and 6 have objected to the proposed development on the basis that the proposed Warden's Lodge will be a dwelling rather than a lodge in connection with the business proposed on the site.

To this end, in the event that Members were minded to grant planning permission for the development under consideration, a condition would be attached to any approval granted strictly controlling occupancy of the lodge to the manager of the fishing lake and his/her family for the duration of the operation of the commercial fishing lake. In the event that the commercial fishing operation of the lake were to cease, the condition would require that the lodge be removed from the site within a set, short timescale of the commercial operation ceasing.

Furthermore, any planning permission granted in connection with this planning application would have to include a condition limiting the time available for implementation of the permission in order that it runs concurrently with planning permission 05/03963/SUB and so that both permissions would lapse simultaneously in the event that pre commencement conditions remained undischarged on either permission or that the development did not commence on or before 6 November 2011.

SITING AND DESIGN OF THE PROPOSED DEVELOPMENT (IMPACT UPON VISUAL AMENITY AND IMPACT UPON RESIDENTIAL AMENITY)

EXISTING NEIGHBOURING DEVELOPMENT

To the immediate west of the site are numbers 31 to 36 Lakeside Gardens. These properties comprise one pair of semi detached three-storey town houses and one terrace of four three-storey town houses. The rear gardens of numbers 31 – 34 Lakeside Gardens have a length of approximately 8.5 metres before meeting a retaining wall and subsequently the waters edge. Numbers 35 - 36 Lakeside Gardens have more substantial gardens which measure approximately 16.5 metres long. Numbers 31 – 36 Lakeside Gardens currently have an open aspect to the rear, overlooking the reservoir.

To the south and south east of the proposed development site is Sherringham House and its car park (18 Car Parking Spaces). Sherringham House is a two and a half storey apartment block, comprising 18 apartments. Sherringham House gained planning permission on 8 August 2000 (planning application references: 98/01169/OUT approved 23 July 1998 and 00/00398/REM) and was subsequently developed. The apartments in Sherringham House have an open aspect from their northern elevation, overlooking the reservoir.

“The Willows” is a residential development of fourteen dwellings, six of which share a boundary with Willows Reservoir but not with the portion of the site under consideration by this application.

LODGE

As part of planning approval 05/03963/SUB consent was granted for the erection of a Warden's Lodge, Snack and Fishing Tackle shop on the eastern side of the reservoir adjacent to the redundant railway line. Previously the proposed lodge was positioned in a secluded position approximately 60 metres from the nearest property in “The Willows” and approximately 40 metres away from Sherringham House. It was not considered that the lodge, in the approved position would create any conditions prejudicial to the residential amenity of any near neighbouring property.

It is the Council's understanding that due to land ownership issues and access rights, the lodge as approved by planning permission 05/03963/SUB cannot be developed in the approved position. The applicant has therefore elected to apply for a Warden's Lodge, of identical design to that previously approved, on the western portion of the reservoir to the rear of numbers 34 – 36 Lakeside Gardens.

Planning permission 05/03963/SUB granted approval for an area of landscaping and car parking to be positioned in this area. In the approved scheme a landscape buffer of 25 metres would have been retained between the rear boundaries of 31-34 Lakeside Gardens and the car parking proposed.

However, the precise details of the car parking layout, landscaping and method of infilling the area of lake concerned were required as a pre-commencement condition of this planning approval. To date these conditions remain outstanding.

The application currently under consideration proposes the lodge to the rear of Lakeside Gardens. Objectors 10, 11, 12 and 13 have objected to the siting of the proposed lodge, stating that it is to be located partially on Council owned land. However, it must be noted that it is possible for anyone to apply for planning permission on land not within their ownership providing that the applicant serves notice on the land owner. In this instance the applicant has served notice upon the Council as land owner. In addition to this the Local Planning Authority has consulted with the Council's Property Services Team who has offered no objection to the proposed siting of the lodge.

A distance of 36.43 metres will be retained between the main rear elevation of the three storey dwellings on Lakeside Gardens and the main rear elevation of the proposed warden's lodge. Ten of the car parking spaces proposed will be positioned immediately adjacent to the rear boundary of 31 -34 Lakeside Gardens.

The proposed warden's lodge measures 20.1 metres in length (front and rear elevations), 7.3 metres in width and has a height of 2.6 metres to the eaves and 3.8 metres to the pitch of the roof. In order to provide some context to these dimensions, the length of the proposed lodge is roughly equivalent to the length of the frontage of numbers 31 – 34 Lakeside Gardens combined.

It is acknowledged that the separation distance to be retained between the main rear elevation of the existing properties on Lakeside Garden's and the proposed Lodge is in excess of the minimum separation distance of 21 metres required by the City Council's adopted Supplementary Planning Document for New Residential Development. However, the existing properties at 31- 36 Lakeside Gardens are three storey properties with main habitable rooms with outlook to the rear. In addition, the rear gardens of numbers 33-36 in particular are relatively short in comparison to the scale of the properties that they serve.

The current outlook from the rear of the properties on Lakeside Gardens is of an area of open water. The development proposed is of an entirely different character to that which currently exists in the vicinity.

Objectors 3, 4, 5 and 7 have raised objections to the scheme as they consider that the proposed development will inhibit the view of the reservoir that they currently enjoy from their properties.

However, it is important to note that it is not the loss of a view that is the important consideration here; because the planning process cannot be expected to protect the view that individuals may enjoy from their properties; rather it is important to consider the degree to which the proposed lodge will integrate with the surrounding area and further it is important to consider the degree to which the residential amenity of those occupying near neighbouring properties will be affected by the proposed lodge.

The positioning of car parking spaces adjacent to the rear gardens of Lakeside Gardens is considered to be unacceptable and likely to result in unacceptable levels of noise and disturbance for the occupiers of those dwellings and also the occupiers of apartments located in Sherringham House. It is considered that this noise and disturbance will occur through vehicles manoeuvring/engine noise, banging of car doors, car users congregating and car headlights shining into the ground floor habitable rooms positioned within the rear elevation of Lakeside Gardens. Six objections (objectors 2, 4, 5, 7, 11 and 13) have been received on grounds that the presence of the lodge and associated car parking will result in unacceptable levels of noise and disturbance to the detriment of residential amenity of those neighbouring the site.

It is considered that the effect of the proposed car parking area will be particularly detrimental to numbers 33 - 36 Lakeside Gardens due to the relatively short 8.5 metre rear gardens associated with these properties. One objection to the proposed development was received (objector 4) on grounds that the proposed lodge is located too close to existing dwellings.

In addition, the positioning of car parking spaces immediately adjacent to the rear gardens of Lakeside Gardens has the potential to result in loss of privacy and overlooking into these rear gardens. Such overlooking is contrary to the requirements of adopted Unitary Development Plan Policy B2. Objectors 1, 4, 5 and 7 have raised objection to the proposed development on the grounds of overlooking from the car park. Objectors 1, 2, 3, 4, 5 and 7 have objected to the proposed development on the grounds that it will result in a loss of privacy for existing occupiers of residential property.

The scale of the lodge proposed is considered to be significantly out of scale with any other near neighbouring residential property, as pointed out above, the Warden's Lodge, at 20 metres, has a length equivalent to the combined length of the frontage of numbers 31-34 Lakeside Gardens and is roughly two thirds of the length of Sherringham House's frontage. Despite the separation distance of 36.4 metres retained between the lodge and Sherringham House and despite the lodge being single storey in height, it is considered that within the context of the site, the proposed lodge will have an unacceptable overbearing effect upon the occupiers of 31 – 36 Lakeside Gardens. This is contrary to the requirements of policy B2 of the adopted unitary Development Plan.

One letter of objection to the development on grounds of it being out of scale

and not in keeping with its surroundings was received (objector 6).

IMPACT UPON WILDLIFE AND HABITAT (ECOLOGY)

The proposed development site is allocated in the adopted Sunderland Unitary Development Plan as New and Upgraded Open Space and part of the site (including the area under consideration by this planning application) was designated as a Site of Nature Conservation Interest (SNCI) in 1985.

The applicant has submitted an Ecological Survey relating to the entirety of Willows Reservoir rather than being restricted to the proposed development site.

11 objections to the scheme have been received on the basis that the proposed development will have an unacceptable detrimental impact upon wildlife and wildlife habitat on the site.

The submitted Ecological Survey has been examined and the following shortcomings have been identified:

The submitted survey does not meet Natural England's Guidelines in terms of the Bat survey work that has been undertaken. Amongst other things, the submitted survey does not contain a plan showing the location of bat boxes or bat tubes on the site.

A plan showing phase 1 or Dbap (Durham Biodiversity Partnership) habitats is missing from the information submitted and the information lacks a suitably detailed management plan and timetable for the works proposed.

There is no planting plan present within the submitted ecological statement to demonstrate the proposed location of marginal vegetation to be planted and no landscaping plan for the site.

Due to the sites status as an SNCI and also due to the possible presence of protected species on the site it is considered that further survey work will be required prior to a positive decision being potentially possible in relation to further development on this site.

Due to the lack of a suitable ecological survey of the site the proposal is considered to be contrary to policies CN18; CN19 and CN22 of the adopted Unitary Development Plan.

In addition to the above, one objection was received (objector 4) on grounds that increased traffic visiting the site would result in additional hazard to swans leaving the reservoir and walking in the streets and the car park of Sherringham House. It is not considered that this is an issue that could reasonably be controlled by the planning system.

TREES

Trees subject to Tree Protection Order (TPO) 128 are present on the wider site, however it would appear that some of the trees subject to this order

(Trees numbered T1, T2 and T3 in particular) are now underwater.

There are however a number of mature trees within and surrounding the application site and as such a tree survey was required to support the application.

A tree survey has been incorporated into the submitted ecological survey. However the information relating to trees is considered to be inadequate. British Standard Guidelines relating to trees recommend that stem diameter above ground level and height in metres of crown clearance above ground level be included as part of any survey, this information is missing from the tree survey submitted. In addition there is no detailed method statement or tree protection plan included in the information submitted and no information showing how the roots of trees on the site would be protected during and after construction.

Based upon the tree survey work submitted to date it is not possible for the Local Planning Authority to determine the effect that the proposed development will have upon trees, including protected trees, on the site.

The proposal must therefore be considered to be contrary to the requirements of policy CN17 of the adopted Unitary Development Plan which requires that the retention of trees, hedges and landscape features in all new development will be required where possible.

HIGHWAY ACCESS AND CAR PARKING ARRANGEMENTS, CONSTRUCTION ACCESS, WORKS AND METHODOLOGY.

The car parking proposed is to be located adjacent to the boundary of the rear gardens of numbers 33 – 36 Lakeside Gardens and adjacent to the side boundary of the rear garden of number 32 Lakeside Gardens. A total of 12 car parking spaces are proposed. 10 spaces for general purpose are proposed, together with 2 car parking spaces for use by disabled drivers. The two disabled drivers' spaces are proposed to be located to the rear of number 31 Lakeside Garden's garden.

The Executive Director of City Services (Transportation) has been consulted regarding the proposed development and has confirmed that (solely) from a highway engineering perspective the proposed layout of the car park is considered to be acceptable in principle.

However, the Executive Director of City Services (Transportation) requires details of the swept path and gradient at the entrance to the car park to be submitted for consideration by the Local Planning Authority to ensure that a viable arrangement can be constructed. No such details were supplied within the information that accompanies this planning application and the applicant (agent) declined the Local Planning Authority's request for sectional drawings to support to planning application.

The Executive Director of City Services (Transportation) requires that any construction methodology formulated in connection with the proposed

development establishes that suitable arrangements are made to maintain adequate access to the Sherringham House car park.

In addition to the above, eight objections to the proposed development have been received (from objectors 1, 2, 4, 5, 7, 9, 10 and 11) on grounds that the proposed development will result in an increase in traffic to and from the site; that there will be an increased risk of accidents as a result of increased levels of traffic to the site and that the proposed development will result in an increased level of car parking in residential streets surrounding the proposed development site. As stated above, the Executive Director of City Services (Transportation) has been consulted regarding the proposed development and has raised no concern relating to increase in the level of traffic or risk of accidents as a result an increase in traffic. In addition to this it must be considered that although cars parking in residential streets can be viewed as a nuisance by those resident in that street, an individual may park their vehicle on a public highway where no parking restrictions are in force. The applicant has also proposed a total of 12 car parking spaces in connection with the proposed development to which the Executive Director of City Services (Transportation) has offered no comment.

It is proposed to infill a substantial area of Willows Reservoir to enable the development of the Wardens Lodge, Access and Car Parking.

Two objections to the proposed development (from objectors 7 and 11) have been raised to the scheme on grounds that there is insufficient information accompanying the application to adequately explain how infilling and construction will be carried out during development. A further six objections (from objectors 2, 5, 7,9, 11 and 12) have been received to the scheme on grounds that there will be unacceptable levels of noise and disturbance for occupiers of residential properties during the construction phase of development.

Generally, the Local Planning Authority is satisfied with a condition being applied to any approval granted requiring precise details of a construction methodology to be submitted to the Local Planning Authority and approved in writing prior to any works commencing on site. Also, it is inevitable that some noise and disturbance will result from any construction works being undertaken. However, in this instance the site is considered to be sensitive in nature (SNCI) and a substantial area of existing reservoir is proposed for infilling. The site is also considered to be constrained in terms of accessibility, particularly for heavy goods vehicles and construction plant, and is in very close proximity to residential dwellings. In addition to this, planning approval 05/03963/SUB included a condition requiring a construction methodology to be submitted as set out above. To date the applicant has been unable to provide a construction methodology of sufficient detail to satisfy the condition in question. Therefore in order for the Local Planning Authority to be satisfied that any approval granted for the proposed development could be satisfactorily implemented, it is considered that information relating to the method of infilling to be used should be submitted along with precise details of a construction methodology, setting out how, where and when construction

activities will be undertaken on site.

It is considered that the information submitted to date to explain how the proposed infilling will be undertaken is not clear. Some of the information submitted states that pile sheets will be installed, whilst in other areas the information submitted refers to infill material being delivered to the site in trucks with back openings and being slid from the rear of the trucks and compacted into place. Until clarification of the construction methodology that is to be used is forthcoming it is very difficult for the Local Planning Authority to assess the acceptability of what is proposed.

There are no details, in plan form, supplied with the application under consideration to demonstrate how access will be gained to the proposed car park and lodge. Currently the area between Sherringham House car park and the area proposed as carparking/access is a heavily vegetated steep embankment. There is currently a difference of approximately 2.5 – 3 metres level between the car park level and the surface of the water in the reservoir. The refuse store for Sherringham House is also located on the northern edge of the car park, close to where it is assumed the access ramp to the car park will be located. However, as both the refuse store and the proposed ramp are absent from the plans submitted it is very difficult for the LPA to assess the effect that the proposed ramp will have upon access to the existing refuse store.

The Local Planning Authority wrote to the applicant (agent) for this application on 15 November 2010 requesting precise written details of how both vehicular and pedestrian access to the proposed development will be achieved. The Local Planning Authority advised the applicant (agent) that the details required should take the form of layout plans, sections (to address any differences in level that may need to be overcome) and written statements where relevant.

The applicant supplied the Local Planning Authority with a copy of a title deed (which is appended to this report) demonstrating that they had a right of access through the access to the car park to Sherringham House. It should be noted that the car park of Sherringham House is not available to the applicant for access purposes, it is therefore not clear where any construction compound in association with the proposed development would be located.

However, in responding to the request for additional information relating to how a vehicle ramp will be positioned and constructed as part of the proposed development the applicant (agent) indicated that:

“Once that area is infilled then a 1:10 ramp, up from the 0.5 “below the concrete retaining wall” level, will be created , this will ensure access can be made by pedestrians and vehicles from outwith the application site”

With particular reference to the LPA’s request for cross section plans of the proposed development the applicant (agent) stated that:

“as for x-sections we will try and get some to you but they are not necessary. The level of the area will be raised to 0.5 under the concrete wall (to the west) with a 1:10 fall to the waterside to the east then sloping sharper down to the water edge beyond the east of the lodge after the path around it. It is impossible to give exact clarity on that side as the water level changes. Instead clarity is given from a measurement off the concrete wall to the west boundary and then eastwards from there. Simple. And no NEED for cross-sections”.

To date no plans have been received demonstrating either the positioning of the ramp proposed or providing cross sections of the proposed development, the Local Planning Authority has therefore been unable to conduct a proper assessment of the access to the development proposed in terms of highway safety.

Miscellaneous

In addition to the above, Members are advised that the following additional objections were received in connection with the development proposed:

Objection on the grounds of devaluation of residential property: The value of private property cannot be taken in to account as a material planning consideration as it is a private matter, which is to a degree subjective, and not in the public interest.

Objection on ground that objector was not informed of planning approval 05/03963/SUB when purchasing their property. This cannot be considered as a valid objection on planning grounds. It is the responsibility of the purchaser of any property to ensure that they thoroughly research the property and the area surrounding their property prior to completing any purchase.

Concern that the fishing lake will operate 24 hours a day: A condition restricting the hours of operation of the fishing lake to between 8:00 – 20:00 March – September and 8:00 to 16:00 October to February is attached to planning approval 05/03963/SUB. Any operation of lake outside of these hours would be liable to enforcement action by the Local Planning Authority.

Objection on grounds that the development will result in increased levels of litter and vermin and future levels of maintenance: there is no evidence to suggest that the development proposed (a fishing lodge) will result in such increased levels. This is considered to be a management matter for the fishing operation and cannot reasonably be expected to be controlled by the planning system.

Three objections were received on grounds that the address of the site shown on the publicity information in connection with the planning application was misleading. Subsequently the site address was amended and neighbouring properties re-consulted with the amended address.

Summary

Although the use itself is considered to be broadly acceptable in principle

(based upon the need for a warden on site and previous planning approval 05/03963/SUB) the location of a warden's lodge with associated car parking and boundary fencing is considered to be inappropriate in the location proposed. It is considered that a lodge in this location will lead to conditions prejudicial to the residential amenity of near neighbouring residential occupiers of both Lakeside Gardens and Sherringham House through overlooking, overbearing effect and through noise and disturbance, contrary to the requirements of policy B2 of the adopted Unitary Development Plan.

In addition to this it is considered that insufficient information has been submitted with the planning application for the Local Planning Authority to conduct a proper assessment of the access to the development proposed in terms of highway safety and satisfactory highway layout, residential amenity (in terms of the construction phase of the development), ecology and impact upon the designated SNCI or impact upon trees present on the site. Contrary to the requirements of policies B2; T14; CN17; CN18; CN19 and CN22 of the adopted Unitary Development Plan.

Recommendation: REFUSE for the reasons set out below:

1. By reason of its size, appearance and location the proposed warden's lodge building will result in an unacceptable loss of residential amenity for occupiers of number 31 – 36 Lakeside Gardens through loss of outlook, and overbearing effect contrary to the requirements of policy B2 of the adopted Unitary Development Plan.
2. By reason of its close proximity to the rear elevations and rear gardens of numbers 31-36 Lakeside Gardens the proposed car parking will result in unacceptable levels of noise and disturbance and unacceptable overlooking and invasion of privacy for the occupiers of those dwellings to the detriment of residential amenity, contrary to the requirements of policies B2 and EN6 of the adopted Unitary Development Plan.
3. The information submitted in connection with the works proposed to trees and protection of trees on site is inadequate for the Local Planning Authority to properly assess the implications of the development proposed upon trees. The risk to protected and non-protected mature and semi-mature trees on site is therefore considered to be unacceptable and contrary to the requirements of policy CN17 of the adopted Unitary Development Plan.
4. The information provided to support the application concerning the protection of wildlife and wildlife habitat on the site (including the SNCI) during construction and following development is inadequate. The risk to wildlife, wildlife habitat and protected species is therefore unacceptable, contrary to the requirements of policies CN18; CN19 and CN22.

5. No details of vehicular or pedestrian access to the site have been provided. The development therefore does not make appropriate safe provision for access and egress by vehicles, pedestrians and other road and footpath users and does not make provision for the loading and unloading of vehicles. This is contrary to highway safety and to achieving a satisfactory form of development on site and to the requirements of policy T14 of the adopted Unitary Development Plan.