

Committee Report**Date:05.06.2019**

Item Number	02
Application Number	19/00349/FUL
Proposal	Proposed erection of Substation in most southern corner of approved development (Application: 16/00217/OULMAJ)
Location	Land At Arthurs Lane Hambleton FY6 9AT
Applicant	Mr Guy Houghton
Correspondence Address	c/o MCK Associated Ltd FAO Mr Elliott Clegg Burnaby Villa 48 Watling Street Road Fulwood Preston PR2 8BP United Kingdom
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Mr Robert Clewes****1.0 INTRODUCTION**

1.1 This application is before Members of the Planning Committee at the request of Councillor Robinson. A site visit is recommended to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is a small piece of land forming part of a much larger site that is a housing allocation designated in the adopted Wyre Local Plan (2011-2031) on the eastern side of Arthurs Lane on the edge of the rural settlement of Hambleton. The site currently forms part of an agricultural field and is immediately adjacent the northern boundary of Hambleton Primary School and directly fronts Arthurs Lane. The front boundary of the site is marked by a well-established hedgerow and there are trees and hedges along the boundary with the school. Facing the site on the opposite side of Arthurs Lane are residential properties.

3.0 THE PROPOSAL

3.1 The proposal is for the erection of an electricity sub-station in connection with the approved residential development for 165 dwellings. The proposed structure has a footprint of 3.85m by 3.1m and has a height (to the underside of the roof) of 2.44m. The elevations are to be constructed of brick. It is located at the southwestern corner of the development site of 16/00217/OULMAJ, immediately next to the northern boundary of the adjacent primary school.

4.0 RELEVANT PLANNING HISTORY

4.1 16/00217/OULMAJ - Outline application with all matters other than access reserved for a residential development of up to 165 dwellings with access taken from Arthurs Lane. Approved.

4.2 18/00395/RELMAJ - Reserved matters application (for matters relating to appearance, landscaping, layout and scale) for the erection of 165 dwellings, landscaping and associated works following outline planning permission 16/00217/OULMAJ. Approved.

4.3 18/01200/REM - Reserved matters application (for matters relating to appearance, landscaping, layout and scale) for the erection of 4 dwellings (plots 152, 153, 164 and 165) and associated works following outline planning permission 16/00217/OULMAJ. Approved.

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN

5.1.1 The Wyre Local Plan 2011-2031 (WLP31) was adopted on 28 February 2019 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

5.1.2 The following policies contained within the WLP 2031 are of most relevance:

- SP2 - Sustainable Development
- CDMP3 - Design
- CDMP6 - Accessibility and Transport
- SA1/10 - Land at Arthurs Lane, Hambleton

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2019

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on the 19th February 2019. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2019 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.2 The following sections / policies set out within the NPPF are of most relevance:

Section 4 - Decision-making

Section 12 - Achieving well-designed places

6.0 CONSULTATION RESPONSES

6.1 HAMBLETON PARISH COUNCIL - No comments received

6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS) - No objection

7.0 REPRESENTATIONS

7.1 4 representations received raising the following issues:

- Proposal would be in breach of condition 26 of the outline application
- There should be no encroachment into the approved public open space
- Unacceptable impact on visual amenity as no landscaping proposed and insufficient detail on materials
- Concern about health and safety risks generated by the substation close to a school
- Insufficient detail about access

8.0 CONTACT WITH APPLICANT/AGENT

8.1 Agent contacted seeking further detail on the proposed brick to be used and the inclusion of a landscaping scheme along the rear and side boundaries of the development.

9.0 ISSUES

Principle of development and Policy compliance

9.1 The application site is located within the boundary of a housing allocation which was granted outline planning approval under ref: 16/00217/OULMAJ. Subsequent reserved matters applications ref: 18/00395/RELMAJ and 18/01200/REM have agreed the scale, layout, appearance and landscaping of the development. The proposed sub-station is situated at the southwest corner of the site fronting Arthurs Lane within the area of land designated as Public Open Space on a Development Framework / Parameters Plan submitted with outline application 16/00217/OULMAJ. Condition 26 of that outline permission requires that no development shall be located within this area. The intent of this condition is to provide a green buffer between the development and Arthurs Lane and the approved layout in the reserved matters applications have been in general accordance with this. New residential developments of this scale often require a new electricity substation and so this is considered to be a necessary piece of infrastructure required to support the development. It is logical that the utility operator requires this to be sited somewhere allowing ease of access. It is considered that its siting in the very southwest corner fronting Arthurs Lane is appropriate and due to its modest size will not undermine the overall green buffer being provided. Sufficient Public Open Space provision for the development will be retained even with the slight loss in this corner of the site as it is acknowledged that an oversupply of provision was made against Local Plan policy in place at the time the outline permission and reserved matters applications were determined. It is therefore considered that the proposed development is acceptable in principle.

Visual Impact / Design / Impact on the streetscene

9.2 The proposal fronts onto Arthurs Lane and would require a section of hedgerow to be removed approx. 5m in length. The section required to be removed would be small meaning that the sub-station would still be screened from view unless standing directly in front of it. Notwithstanding this, the area in which the development is located, is within the designated Public Open Space which is subject to a landscaping condition on the outline permission requiring a landscape scheme to be

agreed and implemented. This condition is yet to be discharged. As a result it is not yet certain that the hedgerow fronting Arthurs Lane will be retained although this will be something that the condition will look to retain where practical. It is therefore considered that a simple landscaping scheme along the rear and side boundaries of the substation would benefit the development and this would help screen the substation from views from the north and from within the new housing development. This can be secured by an appropriately worded condition. The existing well-established trees within the school grounds adjacent the site would act as a suitable screen when approaching from the south. The design of the substation is functional and a condition can secure an appropriate brick material.

Impact on residential Amenity

9.3 The proposal would be approximately 18m from the nearest residential property. In terms of overbearing and loss of light the modest size of the sub-station and the as stated separation distance would ensure that there would be no detrimental impact. As the proposal is a structure that only houses equipment and apparatus there would be no loss of privacy. With regards to the loss of view from an individual property, this is not a material planning consideration, however it is considered that whilst it is situated opposite residential properties there will be no detrimental loss of openness due to the modest size of the development.

Impact on Highway / Parking

9.4 The sub-station would be accessed directly off Arthurs Lane however it is not considered that it would create any detrimental impact to highway safety and Lancashire County Council have not raised any objections in this respect. The sub-station would not materially change the number of vehicular movements along Arthurs Lane as it is of a nature that it would not require frequent visits except for maintenance and / or repair.

Ecology

9.5 The application site is located within a SSSI Impact Risk Zone (IRZ) as such consideration needs to be given to any potential impact to protected species. The site is located immediately adjacent existing built development, to the east and west, and is not close to any potentially sensitive areas such as ponds, Biological Heritage Sites (BHS) or the nearest SSSI itself. As such it is considered that there will be limited issues with regards to ecology. The site does contain some hedges and trees which could potentially provide some habitat for wildlife and it is indicated that some of these are to be removed to accommodate the development. As such these removals could have impacts upon nesting birds and as such a restrictive condition should be attached to any consent to prevent any removal or works between the months of March and August.

Other matters

9.6 Flood Risk - The site is located wholly within Flood Zone 1 and is therefore at the lowest risk of flooding. As such there is no requirement for the submission of a flood risk assessment nor sequential test.

9.7 Trees - It is considered that the development will not impact on any trees. Although there are trees adjacent the site to the south the development is not of a nature that would result in unacceptable harm.

10.0 CONCLUSION

10.1 The proposed development is considered to be acceptable in principle as it is within the site allocation for the Arthurs Lane residential development. Although within the area of Public Open Space (POS) fronting Arthurs Lane the proposal is not considered to impact on the required POS provision or undermine the overall requirement for a green buffer and is therefore appropriately located. There is sufficient spacing between the sub-station and neighbouring residential properties to ensure that there is no impact to residential amenity. Conditions can be imposed to ensure an acceptable impact on visual amenity. Taking the above into account it is considered that the proposal is acceptable and in compliance with Policies SP2, CDMP3, CDMP6 and SA1/10 of the adopted Wyre Local Plan (2011-2031) and the NPPF.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.

11.2 ARTICLE 1 of the First Protocol Protection of Property has been considered in coming to this recommendation.

12.0 RECOMMENDATION

12.1 Grant planning permission subject to conditions

Recommendation: Permit

Conditions: -

1. The development must be begun before the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application deemed valid by the Local Planning Authority on 10.04.2019 including the following plans/documents:

- Site Location Plan - LP01
- Site Plan - SP01
- Elevations, Plans and Sections - ENDSS0021H

The development shall be retained hereafter in accordance with this detail.

Reason: For the avoidance of doubt and so that the Local Planning Authority shall be satisfied as to the details.

3. No development above ground level shall be commenced until details of the materials to be used in the construction of the external surfaces of that development

have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

4. No development shall take place until full details of soft landscaping works, along the side and rear boundaries of the site, have been submitted to and approved in writing by the Local Planning Authority. These details shall include any existing landscaping to be retained and any new, replanted or transplanted hedgerows, planting plans specifications and schedules (including plant size, species and number/ densities), and shall show how account has been taken of any underground services.

The landscaping works shall be carried out in accordance with the approved details prior to first use of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity and ecology in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework. The details are required to be approved prior to commencement of development to ensure landscaping is implemented at an appropriate time during the development.