

THE AVAILABILITY OF BACKGROUND PAPERS

In deciding what recommendation to make on the following application, the Head of Development Management at Winchester City Council has had regard to all documents contained in the application file. The following list specifies the categories of documents which may be found on such a file and which will be background papers * although in any particular case there may be no documents in that category.

1. Application form, required certificates, plans and drawings (including any amended plans and drawings).
2. Correspondence between the Planning Department and the Applicant or the Applicant's agents.
3. Correspondence, including correspondence between the Planning Department and other departments of the Council or other Authorities.
4. Notes of site visits, meetings and discussions.
5. Representations received from any party.

* Background papers do not include documents which contain e.g. confidential material and which constitute "exempt information" under the Local Government Act 1972.

Background papers may be inspected prior to the meeting to which this report is made and for 4 years thereafter beginning with the date of the meeting.

THE STATUS OF OFFICER RECOMMENDATIONS

Members of the public are reminded that;

- The recommendations contained in a report are those made by the officers at the time the report was prepared. Circumstances may cause a different recommendation to be made at the meeting.
- The officers' recommendations may not be accepted by the Committee.
- A final decision is only made once Councillors have formally considered and determined each application.

Recommendation codes

REF = Refused PER = Permitted LEG = Permitted, subject to legal agreement

THE HUMAN RIGHTS ACT 1998:

Please note that the Human Rights Act 1998 makes it unlawful for the Council to act in a way incompatible with any of the Convention rights protected by the Act unless it could not have acted otherwise.

In arriving at the recommendations to grant or refuse permission, careful consideration has been given to the rights set out in the European Convention on Human Rights including Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 14 (prohibition of discrimination in enjoyment of convention rights) and Article 1 of the first Protocol (the right to peaceful enjoyment of possessions).

The Council is of the opinion that either no such rights have been interfered with or where there is an interference with the rights of an applicant or objector, such interference is considered necessary for any of the following reasons:-

- ◆ The protection of rights and freedoms of others
- ◆ Public safety
- ◆ The protection of health or morals
- ◆ The prevention of crime or disorder
- ◆ The economic well being of the country.

It is also considered that such action is proportional to the legitimate aim and in the public interest.

Item No:
Case No: 15/01255/OUT / W19499/39
Proposal Description: Outline application with all matters reserved; Construction of new electric substation. (OUTLINE)
Address: Land At Old Park Farm Wimpey Site Part Of West Of Waterloooville MDA Hambledon Road Denmead Hampshire
Parish, or Ward if within Winchester City: Denmead
Applicants Name: Taylor Wimpey UK Ltd
Case Officer: Mrs Jill Lee
Date Valid: 19th June 2015
Site Factors: County Heritage Site
Contaminated Land Consultation
Overhead Power Line
Solent Disturbance and Mitigation Zone

Recommendation: Application Permitted

General Comments

This application is reported to Committee at the request of Denmead Parish Council, whose request is appended in full to this report.

The application is in outline with all matters reserved so it is the principle of providing an electricity sub station (ESS) on the site that is to be determined at this stage.

Site Description

The application site has been identified as an area of approximately 0.002 hectares of land located on the eastern edge of the Western Open Space opposite the entrance to Foxtail Road. The site is also within the Denmead – Waterloooville Local Gap.

The site is on an area of land identified as open space but which is not currently in use due to the levelling operation which is being carried out to reduce the height of the spoil heaps on the Western Open Space.

The area of land on which the electricity sub station is to be located is flat with no particular features. The high voltage overhead lines run just to the west and follow the line of the Western Open Space.

The nearest property is 1 Darnel Road which is approximately 17m from the edge of the site and approximately 21.5m from the proposed position of the building although this is not fixed at this stage.

There are two sub stations already within the Taylor Wimpey part of the Major Development Area (MDA) which were consented as part of the residential phases.

Phases 1 – 4 are served off a sub station which is located adjacent to plot 89.

There is a new sub station which has been approved to the northern end of phase 5 residential and this is intended to serve phase 5 and the remainder of the commercial area. This sub station is under construction but not complete at the moment.

The application site is within the administrative boundary of Winchester City Council.

Proposal

It is proposed to construct an electricity sub station to serve the recently approved extra care and nursing care homes.

The ESS will have an access onto Darnel Road from the back edge of the pavement. The proposed site will contain a building and indicative details have been submitted to show what it is intended to look like although the appearance is not being determined at this stage and submission of these details has been conditioned. The power for the new ESS will come from the approved sub station on phase 5 and the cables will run underneath the footpath in the usual manner. The ESS proposed will only serve the extra care and nursing care homes and has been located and designed to suit the needs of the electricity supplier (GTC). The ESS needs to be located mid way between the two facilities due to the required split of electrical loading.

Relevant Planning History

Outline planning permission reference 05/00500/OUT for the development of land for residential (450 units); live/work (24 units); employment (7.1 ha including B1, B2 and B8 and a Household Waste Recycling Centre), mixed use including retail, food and drink, financial/professional and health; open space/recreational purposes and the construction of two accesses from Hambledon Road (OUTLINE) was granted planning permission on 4th January 2008 subject to a S106 agreement.

There is no planning history directly relevant to this proposal but the two facilities that it is required for were approved at the West of Waterlooville joint committee on 13th June 2011. The nursing home is under construction and the initial ground works for the extra care facility are now taking place.

Consultations

Landscape and open space - 'No objection'. While the proposed sub station will occupy a small proportion of the western open space, its height, mass and footprint are relatively modest and will not significantly detract from the character and appearance of the open space when completed. As this is an outline application any reserved matters permission should be conditioned to enable a landscape scheme to be submitted, which should seek to soften the impact of the structure when viewed from the road.

Engineers drainage – No objection. Only storm water drainage is required for this unit and it would appear that it is to be discharged onto the ground adjacent to the building. If the applicant is confident that this will not adversely affect the building then that is acceptable otherwise discharge to a French drain surrounding the compound is suggested.

Head of Environmental Protection would not wish to make comments on a substation of this size particularly as it is contained within a building which will contain any possible noise emissions (hum).

Representations:

Denmead Parish Council – Unanimously raised a strong objection to this application. Members considered that the proposed substation would be in an area of green space and should be positioned in the commercial zone to the area south of the Nursing Care Home (Plot M2). Should there be a conflict of views between the Parish Council and the Case Officer the Parish Council would wish for this matter to go to committee

1 letter received objecting to the application for the following reasons:

- The sub station will be a large development.

- When the house was purchased Taylor Wimpey had confirmed that this area of land would not be built on.
- The development encroaches on the Denmead Gap which is supposed to provide separation from Denmead village and the new development. The village will lose its identity if this gap is lost.
- This development would be contrary to material planning matters and impact on the enjoyment of neighbouring properties.
- The development is likely to adversely affect a medical condition (epilepsy). The electrical magnetic field (EMF) from the overhead power lines has been measured and none was detected. This is not the case with a sub station.
- Being so close to a sub station will put electrical devices at risk of an Earth Potential Rise in fault conditions the high voltage is discharged to earth and can travel a significant distance as electric will travel the path of least resistance.
- There is an abundance of land that this substation could be built on which could be further away and less danger to the general public.

Relevant Planning Policy:

Winchester District Local Plan Review
Saved policies CE2, DP3, DP4, and DP14.

Winchester Local Plan Part 1 – Joint Core Strategy
SH2, CP13 and CP20

National Planning Policy Guidance/Statements:
National Planning Policy Framework.

Planning Considerations

Principle of development:

Planning permission was granted in outline for the northern part of the MDA being developed by Taylor Wimpey in January 2008.

The application site is within the countryside where non essential development is discouraged. The application site is located within an area known as the Western Open Space which forms a north south corridor of public open space along the western boundary of the MDA which also is included within the Denmead – Waterlooville Local Gap.

It would be possible for a statutory undertaker to construct the electricity sub station under their permitted development rights but they would not provide it within a building and would fence the site. The developer in this case would prefer the substation to be contained within a building for aesthetic reasons and also to contain any possible noise nuisance arising from humming from the apparatus. The developer has therefore made an application for the sub station and will commission it to the requirements of the statutory undertaker and then had the building over to them. The facility will be subject of the rules and regulations applying to the providers of electricity as with other sub stations within the MDA.

The policies regulating development on the site are contained within the Winchester District Local Plan Part 1 – Joint Core Strategy (LPP1) and the saved policies of the Winchester District Local Plan 2006 Review (WDLPR).

Within LPP1 policy SH2 states that “Land to the West of Waterlooville is allocated for the development of about 3,000 dwellings together with supporting uses. The extra care home and the nursing care home are both now consented and the nursing home is under construction with some ground works having taken place on the extra care home site. The electricity sub station is required for the functioning of both of these facilities as it is not possible to serve them off either of the two existing sub stations. Technical information from the applicant and the electricity provider has been submitted with the application to support this claim. To provide infrastructure to support development within the MDA is acceptable and allowed for under SH2 in LPP1.

CP13 requires new development to be of high quality design. Whilst this application is for a sub station it is being constructed in a traditional form with brick elevations and a tiled roof and the details of the materials to be used are conditioned to ensure that they are appropriate in this location. It is considered that the proposed design will be acceptable and that the proposed development will meet the requirements of CP13.

CP20 deals with landscape character and requires new development to be sympathetic to the landscape. The proposed sub station will be contained within a building and will be within a fenced compound which will be landscaped. It is considered that this is a suitable solution to mitigate the need to provide a building within the Western Open Space and the Denmead – Waterlooville Local Gap.

Within the WDLPR policy CE2 deals with Local Gap designations. The application site is within the Denmead – Waterlooville Local Gap. Development which would physically or visually diminish the Local Gap and thus undermine its function will not be permitted. The proposed development will introduce built form into the Western Open Space and the Denmead – Waterlooville Local Gap. The proposal is however modest with the red line site being 8m by 4m and the building and access will be incorporated within this. The sub station when approached from the north will be seen against the backdrop of the nursing home which is under construction and from views within the open space will be seen against the backdrop of the existing development on phase 2. When exiting Foxtail Road the building will be in full view against the backdrop of the Western Open Space but it is not considered that a building of this scale will significantly impact on the open space or the function of the Denmead – Waterlooville Local Gap. It is considered that the proposed development is in accordance with policy CE2.

DP3 and DP4 require new development to take account of its setting and not result in the loss of important views or natural features, trees etc. Whilst the development will result in built form within the open space it will be designed in a way that is appropriate to its setting and will reflect the surrounding development. It will also be landscaped which will help to soften any visual impacts although the height of any planting may need to be restricted due to the proximity of the overhead lines.

DP14 deals with public utilities and requires alternative sites to have been examined. In this case the applicant has asserted that this is the only location that is acceptable to the electricity provider. Sharing of existing sub stations has been assessed but is not possible. The cables are to be provided under the pavement and so will have no visual impact. It is not considered that the proposed development would harm a sensitive environment or the

amenities of a residential area as it is located on the other side of the road to the existing houses which is a greater degree of separation than the existing sub stations within the MDA which are located within the residential phases. It is considered that the proposed development accords with the requirements of policy DP14.

It is considered that the provision of an electricity sub station to serve consented development within the MDA is acceptable and the principle of the development is acceptable and policy compliant. The only issue to consider then is whether or not the actual provision of the building is unacceptable in terms of impacts on the landscape or to neighbours.

Design/layout:

The application is in outline only although indicative details of the proposed building have been submitted for information only. It is anticipated that the building required will be approximately 16m² and 4.3m in height. It will be constructed in brick elevations with a tiled roof. It is considered that containing the substation within a building will be preferable in design terms and will be preferable in the street scene particularly when landscaped. The details of the brick and tile are conditioned to ensure that good quality materials are utilised (condition 6). The advantage of containing the sub station within a building is that should any noise arise from the apparatus the building will help to contain it.

Impact on character of area and neighbouring property:

The building will be visible within the street scene and it will be important to ensure that it is adequately landscaped. It will not be the only building within the Western Open Space and when approaching from the Hambledon Road it will be viewed against the backdrop of the nursing home which is now under construction. Alternative positions for the substation have been discussed but due to technical requirements the position now proposed is the only position that will be acceptable in terms of providing the necessary power to the nursing and extra care homes. If the substation had to be moved into the developed area it would have to be located within the verge as there is no other space available in front of the houses on Darnel Road. This would not be acceptable in street scene or amenity terms. Providing the building on the open space keeps it away from neighbouring residential properties and allows space for it to be properly landscaped. It is not considered that the building will detract from the overall function or appearance of the Western Open Space or the Denmead – Waterlooville Local Gap.

The Head of Environmental Protection has confirmed that no adverse neighbour impacts would arise from a sub station located in this position in relation to the residential neighbours. There are sub stations that are located much closer to residential properties and cause no issues.

Landscape/Trees:

Because the application is in outline only with only the principle to be determined there are no landscape details provided. The landscaping details will be submitted as one of the reserved matters at a later stage. There is sufficient space within the site to allow for satisfactory landscaping to be provided.

Highways/Parking:

There are no highways or parking issues associated with the proposed development. There is access to the substation from Darnel Road for maintenance purposes and vehicles will pull off the roadway into the sub station compound and can pull clear of the road whilst the gates are opened.

Other matters.

It has been suggested that the sub station be moved into the commercial area but this has been discussed with the applicant and is not possible in terms of the technical specifications. The sub station could be constructed without requiring a planning application if it was to be constructed by the electricity provider. The applicant prefers to erect the building themselves to a higher specification and then dedicate it to the electricity provider and this is what has happened elsewhere on the MDA. Under normal circumstances the sub station would have been included as part of the reserved matters application for the phase but in this case because of the particular requirements of the two nursing and extra care homes that have been consented the need for an additional sub station has arisen.

An objection has been received which raises matters of health arising from living in close proximity to a sub station in terms of the Electro Magnetic Fields which could be present. The sub station will be subject to the rules governing electricity providers and this is separate legislation contained within The Electricity Safety, Quality and Continuity Regulations 2002 (as amended). This is not a planning matter and cannot be resolved within the remit of a planning application. The objection also makes reference to issues that could arise from an Earth Potential Rise where a high voltage charge is discharged to earth and can travel a significant distance. This again is a matter that would need to be addressed under other legislation which governs the electricity provider. They have agreed the location of the sub station so it is reasonable to assume that they have taken the safety of nearby residents or users of the open space into account.

The proposed drainage of the site has not been detailed at this stage and so a condition has been added to require details of surface water drainage to be submitted (condition

Recommendation

Application Permitted subject to the following conditions:

Conditions / Reasons:

01 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

01 Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990 (as amended).

02 Plans and particulars showing the detailed proposals for all the following aspects of the development (hereinafter called "the reserved and other matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. The approved details shall be carried out as approved and fully implemented before the building(s) is/are occupied.

Reserved and other Matters:

The layout including the positions and widths of roads and footpaths.

Landscape considerations including:

(i) a landscape scheme showing the planting proposed to be undertaken, the means of forming enclosures, the materials to be used for paved and hard surfaces and the finished levels in relation to existing levels;

(iii) the arrangements to be made for the future maintenance of landscaped and other open areas.

The siting of all buildings and the means of access thereto from an existing or proposed highway, including the layout, construction and sightlines.

The design of all buildings, plant and tanks, including the colour and texture of external materials to be used together with samples of all external facing and roofing materials.

details of surface water drainage.

02 Reason: To comply with the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order).

Informatives:

In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service and,

- updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

The Local Planning Authority has taken account of the following development plan policies and proposals:-

Winchester District Local Plan Part 1 - Joint Core Strategy: SH2, CP13, CP20.
Winchester District Local Plan Review 2006: CE2, DP3, DP4, DP14.