

**Planning Committee:** 14 August 2018

**Item Number: 5**

**Application No:** [W 18 / 0539](#)

**Town/Parish Council:** Baginton  
**Case Officer:** Lucy Hammond  
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**Registration Date:** 26/03/18  
**Expiry Date:** 25/06/18

**Land to the north and south of the A45 between Festival and Tollbar Island Junctions of the A45 and A46, to the north of Coventry Airport Baginton, Coventry, CV8 3AZ**

Application for the approval of reserved matters (details of access, appearance, landscaping, layout and scale) pursuant to condition 1 of planning permission ref: W/16/0239 for the construction of a primary sub-station at Whitley South (within Development Zone 4 on the parameters plan). FOR Roxhill Developments Limited

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This application is being presented to Committee due to an objection from the Parish Council having been received.

**RECOMMENDATION**

That reserved matters approval be granted subject to the recommended conditions set out at the end of this report.

**DETAILS OF THE DEVELOPMENT**

This is a reserved matters application seeking approval for access, appearance, landscaping, layout and scale for the construction of a primary substation pursuant to the original outline permission, for which approval was obtained in 2016 under ref. W/16/0239. The sub-station is a crucial enabling element of the Whitley South scheme, which is intended to provide necessary, and essential, additional power for the scheme.

The substation is proposed towards the southern edge of the site and comprises an area in which would be two transformers and one control room. A 2.4m high mesh fence is proposed around the perimeter of the site to enclose the substation on all sides.

**THE SITE AND ITS LOCATION**

The application site on which the proposed substation is proposed sits to the southern edge of the wider Whitley South proposals but is in fact near to the northern edge of the Warwick District administrative boundary. The site is accessed off Rowley Road and sits on the southern side of the road. It is approximately 500m south of the A45 Stonebridge Highway which travels east to

west from Tollbar Island to Festival Island respectively, the latter junction being the connection between the A45 and the A46 that runs north to south.

The site of the proposed substation is approximately 185 metres from the nearest residential properties that lie on the eastern edge of the village of Baginton which is located to the west side of the application site and Coventry Airport lies to the south east of the site. There are no particular land designations or specific site constraints that are of relevant consideration in the determination of this application.

## **PLANNING HISTORY**

Although there is some relevant history to the wider site and associated development proposals, the only directly relevant record to this current application is the previously approved outline application, pursuant to which this reserved matters submission has been made. The outline application is summarised below:

W/16/0239 - Comprehensive development comprising demolition of existing structures and the erection of new buildings to accommodate offices, research & development facilities and light industrial uses (Use Class B1), hotel accommodation (Use Class C1), car showroom accommodation, small scale retail and catering establishments (Use Classes A1, A3, A4 and/or A5), new countryside park, ground modelling work including the construction of landscaped bunds, construction of new roads/footpaths/cycle routes, remodelling of junctions on the existing highway network, associated parking, servicing and landscaping (Outline application discharging access with all other matters reserved) - Approved 10.07.2017

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS8 - Employment Land (Warwick District Local Plan 2011-2029)
- DS9 - Employment Sites to be Allocated (Warwick District Local Plan 2011-2029)
- DS16 - Sub-Regional Employment Site (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- EC1 - Directing New Employment Development (Warwick District Local Plan 2011-2029)

- TC2 - Directing Retail Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TC17 - Local Shopping Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CT2 - Directing New or Extended Visitor Accommodation (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS2 - Protecting Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)

## **SUMMARY OF REPRESENTATIONS**

**Baginton Parish Council:** Objection for the following reasons:

- The siting is inappropriate for a noisy and intrusive structure
- There are other areas in the development that could accommodate this without it encroaching on the village of Baginton
- The substation is proposed on the highest and most intrusive part of the site
- While the development needs a substation it should be positioned on lower land towards the A45 where the loss of amenity, noise, visual impact, loss of

openness to the surrounding country park and other areas of Green Belt are significantly reduced

- This is an intrusive imposition close to Baginton and there are other alternative locations.

**Environmental Health:** No objection subject to condition

**Environment Agency:** No objection

**Lead Local Flood Authority:** No objection subject to condition

**WCC Ecology:** No objection subject to condition

**WCC Highways:** Comments awaited

**Public Response:** 2 letters of objection received raising the following comments:

- the proposed substation is obtrusive and too close to Baginton
- it should be positioned more unobtrusively where the visual impact is less this will result in unacceptable harm (noise and disturbance) to neighbouring properties in Baginton

## **ASSESSMENT**

The main issues relevant to the consideration of this application are as follows:

- the impact on the living conditions of nearby dwellings;
- the impact on the character and appearance of the area;
- car parking and highway safety; and
- other matters

### **Impact on the living conditions of nearby dwellings**

In considering the impact on nearby dwellings, it is important to bear in mind that the wider site has outline planning permission for a comprehensive development that includes A1/A3/A4/A5, B1 and C1 uses together with other uses not coming within the aforementioned use classes (e.g. car showroom, retail and catering establishments). It follows that a development of this scale will require the necessary infrastructure to support it, including features such as substations.

The principle of this type of development is therefore accepted and it falls to consider whether or not the proposed siting and scale would result in material harm to the residential amenity of any nearby properties or other neighbouring buildings in the vicinity.

Notwithstanding the scale of the proposed substation, which is necessary to serve a development of this overall scale, the nearest residential property in Baginton is some 200m away to the west, separated by areas of open space/country park and landscaping. The physical distance is such that the

substation would not result in any demonstrable harm to residential amenity by reason of overbearing, loss of light or loss of privacy.

In terms of noise that may be generated by the substation, the Environmental Health Officer has considered the application, read the submitted documents and has confirmed that there is no objection to the development on noise grounds, subject to the imposition of a standard condition on any forthcoming permission which seeks to limit the noise arising from the site and consequently control the potential for noise impact on local residential dwellings.

Subject to the recommended condition being attached to any forthcoming permission, officers therefore consider the development is acceptable in terms of noise and general disturbance and there would be no material harm arising in this regard.

Having regard to the above it is therefore concluded that the development would not result in any detriment to the amenity of residential properties or other neighbouring land uses/buildings and as such the development is considered to accord with the relevant provisions of the Development Plan, principally, Policies BE3 and NE5.

#### Impact on the character and appearance of the area

The substation is proposed off Rowley Road; the first transformer would be positioned reasonably near to the site's frontage, with the second transformer sitting approximately 4m behind it. The control room is proposed to the rear of the site, approximately 35m back from the site's boundary frontage and as such would be partially obscured by the transformers.

The transformer structures would measure 2.9m to the tallest part while the control room has a 3.9m height with a flat roof. The perimeter of the site is to be enclosed by 2.4m high mesh fencing which would be supplemented by tree and hedge planting. Indigenous hedgerow is proposed along the entire length of the east (side) and south (rear) boundaries and along the north (front) boundary up to the point of the access into the site. Along the western boundary, which separates the site of the substation from the village of Baginton, with the intervening feature of the country park measuring approximately 185m across, the same level of tree and hedge planting is not proposed but the 2.3m mesh fencing would continue. The transformers are proposed on the eastern side of the site and are thus not positioned close to the western boundary; there would be a total of 9m gap between the site boundary and the transformers. It is considered appropriate to add a condition requiring the submission of a further landscaping plan showing the addition of tree planting along the western boundary as well since there is no reason cited within the submission as to why it should be omitted from this boundary when the other boundaries are proposed to be suitably landscaped.

Overall, officers are satisfied that the proposal would not result in demonstrable visual harm to the character of the area and therefore the development accords with Policy BE1 of the Local Plan.

### Car parking and highway safety

Access is proposed off Rowley Road, which is subject to the national speed limit but has good visibility in both directions. The nature of the proposal is such that there is a limited need for parking within the site which can be suitably accommodated by the proposal.

Whilst the comments of WCC Highways are awaited and will be reported at your meeting, it is not anticipated that there will be an objection on Highways grounds.

### Other matters

#### *Ecology*

The comments received from WCC Ecology are noted, however the CEMP has been considered under the outline application and will need to be formally discharged as part of the appropriate process associated with the outline permission. It is noted however that the County Ecologist has also provided advice to the applicant and recommended the addition of a condition requiring the development to be timetabled and carried out in accordance with the detailed mitigation measures set out in an earlier Construction Management Plan received by the Local Planning Authority in June 2018.

#### *Flooding and Drainage*

The Lead Local Flood Authority initially requested some additional information/clarification regarding the drainage and surface water management. Following the receipt of additional information, the LLFA has confirmed there is no objection to the development subject to a condition being attached to any forthcoming permission requiring the implementation and provision of a maintenance plan giving details of how surface water systems shall be maintained and managed for the life of the development.

### **SUMMARY/CONCLUSION**

The development forms a detailed part of the wider site development approved under an earlier outline permission. The principle is therefore acceptable subject to an assessment being made of the other relevant planning considerations. There are no environmental health concerns about the proposal in terms of noise and general disturbance and therefore together with the distance to the nearest neighbouring properties officers are satisfied that the substation would not result in material harm to residential amenity. The development is also considered acceptable in terms of its visual impact and the landscaping proposed is acceptable although a condition is recommended that requires details of additional tree planting along the west facing boundary. There are no issues arising from the development in terms of ecology and flooding/drainage and overall the recommendation is to approve planning permission.

## **CONDITIONS**

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the following approved drawings, except as required by condition 2:-  
  
3924-1 001 Rev.P10, 1654/15 100 Rev.B, 3924-2 007 Rev.P3, 15-0752 hDA-DR-SK81 Rev.A and MN209809-JB-010 Rev.P04 and specification contained therein, submitted on 19 March 2018.  
  
**REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 2 Notwithstanding the details shown on approved drg. no. 1654/15 100 Rev.B, no part of the development hereby permitted shall commence until a further landscaping plan has been submitted to and approved in writing by the Local Planning Authority detailing the provision of additional tree planting along the western boundary of the site. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 3 Pursuant to Condition 1 of outline planning permission W/16/0239, a schedule of materials to be used on the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 The development shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding habitats and of protected and notable species within the site as set out in the document 'Construction Management Plan at Whitley South' prepared by Buckingham Group Contracting Limited, received by the District Planning Authority on 14th June 2018. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 5 No occupation and subsequent use of the development shall take place until a maintenance plan is implemented and provided to the Local Planning Authority giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan, if the system is part of a wider maintenance agreement written confirmation must be provided. **REASON:** To ensure the future maintenance of the drainage system having regard to Policy FW2 of the Warwick District Local Plan 2011-2029.
- 6 Noise arising from any plant or equipment at the primary substation, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) ( measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone ( whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
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