

PLANNING COMMITTEE – 19TH July 2018

PART 2

Report of the Head of Planning

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 18/502439/FULL			
APPLICATION PROPOSAL Variation of Condition 2 of SW/11/0750 (Change of use from agricultural land to operational land for an electricity undertaker) to amend the approved landscaping scheme, to replace the proposed planting to the northern boundary of the site with gravel, in order to maintain access to cables on the site.			
ADDRESS Electricity Substation Cryalls Lane Sittingbourne Kent ME10 1JU			
RECOMMENDATION - Approve			
REASON FOR REFERRAL TO COMMITTEE Local Objections; Request from Ward Member			
WARD Borden And Grove Park	PARISH/TOWN COUNCIL Borden	APPLICANT UK Power Networks PLC AGENT Adrian Salt & Pang Limited	
DECISION DUE DATE 05/07/18	PUBLICITY EXPIRY DATE 08/06/18		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/11/0750	Extension of Electricity Substation	Approved	19.08.2011

- 1.01 This application relates to an already implemented 2011 planning permission to extend an existing electricity substation which contains a number of concrete flat roof buildings. The original vehicular access and small parking area to the front of the site was extended into the enlarged area when this was developed. The enlarged site is currently surrounded by a high fence outside of which a planning condition required a scheme of new boundary landscaping. Such a scheme was approved in June 2013.
- 1.02 The land immediately to the south and west of the site is scrub land. Further on in this direction, the land turns into open agricultural fields. A large, well-established residential estate lies to the east of the site, on the other side of Cryalls Lane (known as the Australia Estate). Somerset Close, a small cul-de-sac lies immediately to the north of the application site. The Westlands School lies to the northwest.
- 1.03 In 2011, planning application SW/11/0750 to change the use of an area of land from agricultural use to operational land for an electricity supplier was approved with the following condition (2):

'No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall ensure that the existing mature trees along the northern boundary of the site are retained, identification of all other existing trees, shrubs and other features within the site, planting schedules of plants, noting species, plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.'

The details submitted to satisfy this condition showed a 4m wide belt of landscaping to the new outer sides of the site including two rows of shrubs on either side of a central line of new trees; included the planting of fifty trees such as Field Maple, Silver Birch, Holly, Crab Apple, Whitebeam and Rowan, and one hundred shrubs including Dogwood, Hazel, Hawthorn, Spindle, Wayfaring Tree and Guelder Rose. This belt of landscaping extended on the southern, western and short northern (Somerset Close) boundary. However, a site visit confirmed that whilst the physical works have taken place, none of the approved landscaping has been implemented, and the 'landscaping' strip consists of brambles, thistles and weeds, meaning that the applicant is therefore in breach of their permission.

- 1.04 Members will doubtless be aware of ongoing efforts to determine whether or not the land to the south and west of this site should be designated as having Village Green Status. Members will also be aware that the same land to the south and west has been allocated for housing land under Bearing Fruits 2031: The Swale Borough Local Plan 2017. They may also be aware of a current planning application 17/505711/HYBRID for lane on either side of Wises Lane for almost 600 dwellings. This application is not connected to that current application or housing allocation, although Members will note that the objections to the application refer mainly to that large proposed development. Nor does the application affect the potential village green land.

2.0 PROPOSAL

- 2.01 The present proposal is to vary condition (2) of the original planning permission, as the applicant wishes to make a change to the approved landscaping drawing. On the northern side of the site, to the rear of nos. 13 and 14 Somerset Close, the landscaping strip along the short northern site boundary as approved measures 21m by 4.5m. The variation proposed is to cover this strip of land with gravel, rather than landscape it as approved. This is due to the fact that cabling runs under this strip of land and in case of a need to access this cabling, it will have a lesser effect to remove and replace gravel than it would to remove and replace trees, shrubs, etc. No other changes to the approved scheme are proposed.

3.0 PLANNING CONSTRAINTS

- 3.01 Potential Archaeological Importance.

4.0 POLICY AND OTHER CONSIDERATIONS

Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policies CP6 (Providing for utility provision) and DM14 (General development criteria).

5.0 LOCAL REPRESENTATIONS

- 5.01 Four letters and emails of objection have been received from local residents. The contents therein may be summarised as follows:

- *I feel it will have an impact on the local wildlife and there is already a road into the site that is used daily so making another road in I feel will bring more noise and disruption to a quiet road. (NB. The proposal is not for a new access road)*
- Landscaping to the front of the site has not been implemented
- This appears to be necessary for the proposed Wises Lane development, which has not been decided upon
- Loss of natural habitats for wildlife
- Open space needs to be recognised as a Village Green; the Australia estate has no public open green space

The applicants' agent has responded to these objections as follows:

'It would appear that the objectors have mistaken this application to vary planning condition 2 relating to the above planning consent for the Cryalls Lane Substation Site, with the ongoing Cryalls Lane Village Green Application. The two items are geographically separate and unrelated.

With reference to the attached application drawing Fig.3: Proposed Amendment to the Approved Landscaping Scheme, dated 4 May 18, we wish to clarify that the strip of land in question is situated within the existing substation, shaded grey in Fig.3. The land comprises an area measuring 20m in length by 4m in width i.e. 80sqm, all within the substation area. This strip was originally designed to be planted and to form part of the approved planting scheme. However, due to the need to have unimpeded access to the underground electricity cables, as shown in Fig.3, it is necessary to seek the Council's permission to adjust the approved planting scheme by replacing the 80sqm of proposed planting by 80sqm of gravel. The remaining areas of landscaping will be retained in accordance to the approved planting scheme. The cable route extending east-west is underground and is shown for identification purposes only.

I wish to reassure the objectors that there is no current plan to expand the Cryalls Lane Substation beyond the areas marked red and blue, shown in Fig.2: Site Plan.

This application is not related in any way to our Client's comments on the Cryalls Lane Village Green Application which were presented at the Planning Inquiry on 19 June 2018.'

6.0 CONSULTATIONS

- 6.01 No response has been received from Borden Parish Council.
- 6.02 The County Archaeological Officer raises no objection.

7.0 APPRAISAL

- 7.01 The key issues to consider here are the impact of the proposed change on the character and amenities of the area and residential amenity. For the sake of regularity, I shall consider each in turn.
- 7.02 The principle of this development has already been approved under planning application SW/11/0750, which approved the change of use of this small area of land. The permission has been implemented albeit without the necessary and approved

landscaping having been installed. Members will have noted that the proposal before them is to vary a condition to remove the requirement to plant a small boundary strip at the rear of two properties in Somerset Close, and to lay this area to gravel due to the position of underground cables. No other works or changes from the approved plans are envisaged.

- 7.03 With regard to residential amenity Members will note that the proposal is for a change of finish to the landscaping strip at the rear of the suite behind high close boarded fences in Somerset Close, an area that is quite concealed from public views, and that the application does not propose any intensification of use of the site. It should be noted that this is the least visible part of the site, tucked away in the northwestern corner away from Cryalls Lane. It is difficult to see from the road, and I would imagine equally difficult to see from the windows of any property nearby. As such, I am of the opinion that the proposal, if approved would have a negligible effect on visual amenity.
- 7.04 With reference to the concerns expressed with regard to ecological and biodiversity issues, these were again considered under the original application (SW/11/0750). However, with reference to the present application, I note that the strip of land in questions is very small in area (somewhat smaller than the average suburban rear garden) and that existing natural habitat land is immediately adjacent. As such, I do not believe any adverse effect will occur due to the very small area of the site.
- 7.05 I note the concerns raised by local residents with regard to speculation that this proposal may be linked to possible housing development to the south and west, but it should be noted that the application to extend the land available to the substation was made seven years ago, when there were no plans for housing development adjacent to the site. It should also be noted that the proposal is not for any intensification of use for the site or extension of same.
- 7.06 However, I also ask Members' approval to send a strongly worded letter to the applicant, demanding that the landscaping should actually be carried out. This is in addition to Condition (1) noted below.

8.0 CONCLUSION

- 8.01 I believe that whilst the lack of landscaping on this development is regrettable, this very small-scale change to the landscaping scheme is acceptable, and I therefore recommend that the proposal be approved, subject to strict conformity with the conditions noted below.

- 9.0 **RECOMMENDATION** – GRANT Subject to the following conditions:

CONDITIONS

- (1) The landscaping details approved under reference SW/11/0750/CCA relating to the western and southern boundaries to the site shall be implemented in full within six months of the date of this permission.

Reason: In the interests of visual amenity.

- (2) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as

may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area.

- (3) The site shall at no time be used as a depot or storage yard whether associated with its use as operational land for an electricity undertaker or not.

Reason: In the interest of highway safety and convenience, and visual amenity.

Council's Approach to the Application

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

