

27 JUNE 2023 PLANNING COMMITTEE

6b PLAN/2023/0483

WARD: CANALSIDE

LOCATION: Land adjacent to 7 Emperor Avenue, Woking, Surrey.

PROPOSAL: Installation of 1no. new OSCP cabinet and 2No. Light feeder pillars (cabinets) (existing OSCP cabinet to be removed).

APPLICANT: ThamesWey Group

OFFICER: Joanne Hollingdale

REASON FOR REFERRAL TO COMMITTEE

The applicant is the ThamesWey Group which is a Council owned company and thus the application falls outside the Scheme of Delegation.

SUMMARY OF PROPOSED DEVELOPMENT

The application seeks planning permission for the installation of 1no. new OSCP cabinet and 2No. Light feeder pillars (cabinets) (existing OSCP cabinet to be removed).

The 1no. OSCP cabinet would measure 2.1m in width by 0.7m in depth with a height of around 1.8m. The 2no. light feeder cabinets would each measure 0.6m in width by 0.3m in depth with a height of around 0.9m. All cabinets would be dusty grey (RAL7037) in colour.

The OSCP cabinet will be the cabinet providing fibre to each dwelling for broadband and TV purposes and the two light feeder pillars would power the street/external lighting in the development.

PLANNING STATUS

- Urban Area
- Thames Basin Heaths SPA Zone B (400m-5km)
- Priority Place
- Flood Zone 1 and 2 (some areas of the Sheerwater Regeneration area)
- Basingstoke Canal Conservation Area & SSSI (nearby)
- Local Centre (Sheerwater Local Centre nearby)

RECOMMENDATION

That authority be delegated to the Development Manager (including any other Authorised Officer) to **Grant** planning permission subject to:

- (i) no letters of objection being received from the current consultation period which expires on 29.06.2023; and
- (ii) the planning conditions set out in this report.

SITE DESCRIPTION

This application relates to a very small part of the central area of Phase 1c (Copper) of the residential development for the Sheerwater Regeneration. The small central area is located at the central crossroads junction and will comprise a small hard

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surfaced amenity area containing a substation (including a parking space for maintenance vehicles to the substation) and planting. The substation has been constructed although the land around the substation including the nearby houses are still under construction.

Phase 1c (Copper) is located mostly on the site of the former athletics track which has been replaced at Hoe Valley School, Mayford and also includes some of the area to the west of the track and a small section of the car park serving the existing community facilities. The phase abuts the Basingstoke Canal to the north and the Bishop David Brown School sports pitches to the east. Vehicular access into the phase would be by Spencer Close.

RELEVANT PLANNING HISTORY

The most relevant planning history for this application is as follows:

PLAN/2018/0374 - Section 73 application to remove Condition 26 (bund), to vary Condition 4 (approved plans insofar as they relate to the Leisure Centre and sports pitches), Condition 23 (phase 1b playing fields timeline), to submit details to satisfy Condition 21 (on/off-site drainage works), Condition 27 (drainage details for phase 1a(i)), Condition 28 (drainage details for phase 1a(ii)), Condition 29 (drainage details for phase 1a(iii)), Condition 30 (drainage details for phase 1b), Condition 52 (external materials for Leisure Centre), Condition 53 (details of finished floor levels for Leisure Centre), Condition 54 (sustainability - substitution of combined heat and power plant with a ground source heat pump) and amendments to wording of Condition 36 (phase 1c details of front boundary enclosures), Condition 38 (phase 1c biodiversity enhancement measures), Condition 43 (phase 1c external materials), Condition 45 (phase 1c details of bin storage areas), Condition 46 (phase 1c details of photovoltaic panels), Condition 47 (phase 1c sustainability measures), Condition 49 (protection of residential properties from noise), Condition 51 (phase 1c details of play area/trim trail delivery) to alter the timing for the submission of details for approval, of planning permission PLAN/2015/1260 for the redevelopment of the Sheerwater Estate. Permitted 18.04.2019 subject to a S106 Legal Agreement and Executive Obligations.

CONSULTATIONS

SCC County Highway Authority: Any comments received will be reported verbally.

SCC/SuDS: As there is no change to the impermeable area we would have no further comments.

WBC Contaminated Land Officer: Based on the information/proposals (placement of cabinets bolted to the ground) and minimal or no ground disturbance I have no comments to make.

WBC Arboricultural Officer: There are no arboricultural objections to the proposal.

REPRESENTATIONS

None received to date - none of the dwellings in the immediate vicinity of the proposed cabinets are completed/occupied.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2021)

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Woking Core Strategy (2012)

CS9 - Flooding and Water management

CS16 - Infrastructure Delivery

CS17 - Open space, green infrastructure, sport and recreation

CS18 - Transport and accessibility

CS21 - Design

CS24 - Woking's landscape and townscape

CS25 - Presumption in favour of sustainable development

Development Management Policies Development Plan Document (DM Policies DPD) (2016)

DM2 - Trees and landscaping

DM5 - Environmental Pollution

DM8 - Land Contamination and Hazards

DM22 - Communication infrastructure

Supplementary Planning Documents (SPDs)

Outlook, Amenity, Privacy and Daylight (2022)

PLANNING ISSUES

01. The main planning issues to consider in determining this planning application are the principle of development and the effects on the amenity area, character and appearance of the area and neighbouring residential amenity having regard to the relevant policies of the Development Plan and any other relevant material planning considerations.

Principle, amenity area, character and appearance of the area

02. Paragraph 114 of the NPPF states that "*advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being*" and that planning decisions should support the expansion of electronic communications networks and should "*prioritise full fibre connections to existing and new developments*". This is supported by Policy C16 of the Woking Core Strategy 2012 and also Policy DM22 of the DM Policies DPD 2026 where the supporting text states that the policy seeks to ensure that acceptable provision can be made for communications including 'next generation broadband' whilst ensuring the impact on environment, visual and residential amenity is minimised.
03. These policies support, in principle, the provision of communications infrastructure, particularly fibre, such as the larger cabinet, to new developments subject to other detailed considerations.
04. In this case the 3no. cabinets would be located on the hard surfaced central amenity area. Policy CS17 seeks to prevent the loss of open/amenity space and Policy CS17 applies to this area because it will form an area of open/amenity space.
05. This central area of hard surfaced amenity space was always intended to have a dual function i.e. to provide space for the substation to serve the development and also provide an informal amenity area at the crossroads junction in the centre of the phase. The substation has been installed on site, however as the development will be served by fibre (to provide broadband and TV connectivity)

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- 1no. cabinet is required for the 88no. panels to connect to each dwelling and the 2no. light feeder pillar cabinets will power the street/external lighting for the development. Planning permission is required in this case because there are no permitted development rights for these installations.
06. No overall loss of the amenity open space will occur, although 3no. new cabinets would be added to the space. They would be well sited in relation to the existing substation building and they would be positioned on areas which were already intended to be hard surfaced. Whilst the cabinets would be additional structures in the amenity area, they would be very small and would not impair the use of the amenity area or its function as informal amenity space for residents.
 07. In terms of visual amenity paragraph 126 of the NPPF states that *“the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development”*. Policies CS21 and CS24 of the Woking Core Strategy 2012 seek high quality new development to *“respect and make a positive contribution to the street scene and the character of the area in which they are situated...[and] Incorporate landscaping to enhance the setting of the development”* and *“provide a positive benefit in terms of landscape and townscape character, and local distinctiveness”*.
 08. The larger fibre (OSCP) cabinet would be sited so that it is viewed against the side elevation of the substation building. This cabinet would be around 1.8m in height and coloured grey (the substation doors are also coloured grey). Either side of the fibre cabinet would be two planting beds. The two smaller light feeder pillar cabinets would be around 0.9m high and whilst their position would be offset from the existing substation building, on three sides, these would also be surrounded by a planting bed. A planning condition (condition 4) is included to secure the proposed landscaping.
 09. Although the cabinets would be viewed within the amenity area and the immediate vicinity, they would provide essential infrastructure for the new residential development, they would not impair the use of the amenity area and would be well sited and viewed in context of the much larger substation building. The whole amenity area would also have some tree planting as well as further shrub planting.
 10. A green coloured cabinet has been previously installed on the site and it is proposed that this will be removed and replaced with the 3no. cabinets the subject of this application. As the existing cabinet is more prominently sited than the proposed cabinets, given the acceptability of the 3no. cabinets as part of the well-planned small amenity area it is considered reasonable and necessary to require the removal of the existing cabinet within 1 month of the installation of any of the new cabinets (condition 1).
 11. In light of these considerations the proposed 3no. cabinets are not considered to result in any overall loss of the amenity area or result in any visual harm to the character and high quality appearance of this area as designed/envisaged in the original development proposals. Subject to conditions, the proposed development would comply with policies CS16, CS17, CS21 and CS24 of the Woking Core Strategy 2012, Policy DM22 of the DM Policies DPD 2016 and the NPPF.

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Neighbouring amenity

12. Policy CS21 of the Woking Core Strategy 2012 states that proposals for new development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook.
13. Given the proposed location of the cabinets and their size and height, no adverse impacts would result to the amenities of the future occupiers of the nearest neighbouring dwellings.

Other matters

14. The application site does not fall within an area at risk of fluvial (i.e. river) flooding and a new surface water drainage system would be installed as part of the new development. The cabinets would be on an area that was approved with impermeable paving and thus would not adversely affect the approved surface water drainage system. The proposal is considered to comply with Policy CS9 of the Woking Core Strategy 2012.
15. The roads within the centre of the phase would be private and given the positioning of the cabinets, they would not adversely affect any visibility splays at the adjacent junction, or from the neighbouring driveway to No. 7 Emperor Close (adjacent dwelling). The proposal is considered to comply with Policy CS18 of the Woking Core Strategy 2012.
16. As there would be minimal or no ground disturbance no contamination issues are raised and the proposal is considered to comply with Policies DM5 and DM8 of the DM Policies DPD. In any event it should also be noted that the phase as a whole is subject to contamination verification (condition 28 of PLAN/2018/0374).

Local finance considerations

17. As this application relates to structures/building “into which people do not normally go” the proposal is not Community Infrastructure Levy (CIL) liable/chargeable.

Conclusion

18. For the reasons set out within this report, the proposed development would comply with the policies of the Development Plan, and other material considerations, including the NPPF. It is recommended that authority be delegated to the Development Manager (including any other authorised officer) to grant planning permission following the expiry of the site/press notice period (on 29.06.23) and no letters of objection being received.

BACKGROUND PAPERS

Planning file PLAN/2023/0483

Site visit photographs

RECOMMENDATION

That authority be delegated to the Development Manager (including any other

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Authorised Officer) to **Grant** planning permission subject to:

- (i) no letters of objection being received from the current consultation period which expires on 29.06.2023; and
- (ii) the planning conditions set out in this report.

Conditions

01. The development hereby permitted shall be installed in accordance with the application details and approved plans within 6 months from the date of this planning permission and within 1 month from the date of installation of any of the cabinets hereby approved the existing cabinet on the site (coloured green) shall be permanently removed from the site along with any debris arising.

Reason: To accord with the provisions of Section 91 (1) of The Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) and to protect the visual amenities of the area.

02. The development hereby permitted shall be carried out in accordance with the approved plans listed below:

OSCP Cabinet and Light Feeder Pillars - Proposed Plan and Elevations (PL-100 Rev A) received on 30.05.23; and
(Landscaping Plan) Cabinet Mark Up (SHE-EN-XX-00-DR-L-105 Rev P03) received on 30.05.23

Reason: For the avoidance of doubt and to ensure that the development is completed in accordance with the approved plans.

03. The external colour of the 3no. cabinets hereby approved shall be RAL 7037 – dusty grey in perpetuity, unless otherwise first approved in writing by the Local Planning Authority.

Reason: To protect the visual amenities of the area.

04. All landscaping shall be carried out in accordance with the details shown on the approved plans in the first planting season (November-March) following the installation of the 3no. cabinets or as part of the installation/landscaping of the wider amenity area within which the proposal sits whichever is the sooner and shall be maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and biodiversity and to preserve and enhance the character and appearance of the locality.

Informatives

1. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements the National Planning Policy Framework 2021.

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2. You are advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.
3. The applicant is advised that under the Control of Pollution Act 1974, works which will be audible at the site boundary will be restricted to the following hours:-
 - 8.00 a.m. - 6.00 p.m. Monday to Friday
 - 8.00 a.m. - 1.00 p.m. Saturday
 - and not at all on Sundays and Bank Holidays.