**8. 16/2594/FUL – Erection of 10 metre high noise retention wall and associated landscaping at SUB STATION NORTH OF SILK MILL ROAD, RIVERSIDE ROAD, OXHEY HALL, HERTFORDSHIRE for National Grid**

◼

|  |  |
| --- | --- |
| Parish: Watford Rural Parish Council | Ward: Oxhey Hall and Hayling |
| Expiry Statutory Period: 16 February 2017 | Officer: Matthew Roberts |
|  |  |
| Recommendation: That planning permission be approved | |
|  | |
| Reason for consideration by the Committee: The application has been brought before the Planning Committee as it has been called in by the Head of Regulatory Services on behalf of the Director of Community & Environmental Services. | |

**1.** **Relevant Planning History:**

1.1 15/1853/FUL - Erection of 10 metre high noise retention wall - Withdrawn on 20 November 2015 due to lack of evidence to justify requirement for wall.

1.2 16/0068/FUL - Erection of 10 metre high noise retention wall - Withdrawn on 07 March 2016 due to concerns regarding Green Belt and lack of justification for a wall.

1.3 16/0755/FUL - Erection of 10 metre high noise retention wall - Refused on 01.06.2016 for the following reason:

R1: *The proposed 10 metre high noise retention wall would constitute inappropriate development in the Metropolitan Green Belt, which, by definition is harmful. The harm to the Metropolitan Green Belt is exacerbated by reason of its height, length and solid design which would result in a visually intrusive form of development, to the detriment of the openness of the Metropolitan Green Belt and the visual amenity of the immediate area. No very special circumstances have been demonstrated to outweigh the significant harm to the Green Belt. The proposal therefore fails to comply with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the National Planning Policy Framework (NPPF).*

**2.** **Detailed Description of Application Site:**

2.1 The application site relates to a parcel of land within a National Grid substation which is accessed via Riverside Road in Watford.

2.2 The substation, including all electricity plant, buildings and associated structures is enclosed by metal security fencing. The wider part of the site covers an extensive area and is partially enclosed by vegetation and a public right of way to the south east, west and north (Ebury Way). The majority of the site is covered by electricity plant enclosed by metal security fencing whilst a large detached flat roofed building is located to the south west.

2.3 The substation is served by an access located within the north eastern corner with an internal road running parallel with the south eastern boundary. The internal road is gated and 2.5m high temporary hoardings have been erected along the length of the road.

2.4 The area in-between the internal road and the boundary contains a vegetated (semi-natural) strip of land which provides, to some degree, a visual barrier between the substation and the adjacent housing development.

2.5 To the south and south east of the application site there is a public right of way which separates the substation from a two storey flatted development on Silk Mill Court and two storey terrace properties on Silk Mill Road (91 to 105). The Public Right of Way is located on a slightly lower land level than the application site.

2.6 With regards to policy designations, the application site falls within the Metropolitan Green Belt and Flood Zone 2.

**3.** **Detailed Description of Proposed Development:**

3.1 This application seeks planning permission for the erection of a 10 metre high noise retention wall with associated landscaping.

3.2 The 10m high acoustic barrier (“wall”) would run the entire length of the existing metal security fencing which encloses the substation with the internal road. The proposed wall would abut the internal road extending 111m in length; with the wall deviating northwards into the substation with splayed walls either side to form a new steel gated access. The wall would also include a 10m deep return along the north eastern elevation and include a splayed wall along the south western elevation by approximately 11.7m.

3.3 The wall is to be constructed out of insulated aluminium profiled coated cladding panels erected horizontally finished in a shade of green. The wall would sit above a 0.2m brickwork plinth, taking the total height to 10.2m.

3.4 In order to erect the wall an existing metal gate and elements of fencing are to be slightly relocated within the site. In addition, the current access road has recently been extended in width by 1m in order to accommodate the new wall but this will be re-instated following completion.

3.5 The proposal also includes significant re-planting within the existing vegetated parcel of land in-between the internal road and the south eastern boundary of the application site. The re-planting scheme includes 74 new trees in total surrounded by significant woodland shrub mix.

3.6 This application is accompanied by the following documents:

* Planning Statement prepared by National Grid (dated December 2016)
* *Recommendations for Height of Acoustic Barrier* prepared by RPS (dated August 2016)
* Ecological Appraisal prepared by Amec Foster Wheeler (dated April 2015)
* Tree Survey Report prepared by Amec Foster Wheeler (dated July 2015).
* Flood Risk Assessment (dated March 2015)
* Photographic Montages - Ebury Way Footpath view
* Photographic Montages - Silk Mill Road view
* Local Biodiversity Checklist

**4.** **Consultation:**

4.1 Environmental Health Officer: In support.

*“I would recommend approving this application as it will improve the amenity of the area which is currently affected by a low frequency hum as described in the applicant’s report.*

*I have received a total of five complaints from residents along Silk Mill Road. One of which is representing the eight residents of Silk Mill Court. These complaints are from a range of locations along Silk Mill Road not just properties that back onto the site.*

*I have visited the area on a number of occasions and the low frequency noise from the substation is very noticeable both outdoors and also inside one of the complainants’ houses.*

*Having reviewed the information submitted and also looked at the Ealing situation along with the discussions with representatives from National Grid it is my opinion that this proposal will reduce the impact of this noise on residents and that there are no suitable alternatives.*

*If this application is not approved then residents would be contacting this department due to the disturbance caused by the noise. This could result in the council considering the site to be causing a statutory nuisance. If this were to be the case then based on my knowledge of the site we would recommend a barrier as further attenuation of the equipment on site is not feasible.”*

4.2 Landscape Officer: No objection.

*“From an arboricultural point of view I have no objections to the proposal. My comments for the applications 15/1853/FUL, 16/0068/FUL, and 16/0755/FUL would also still apply here.”*

Previous comments under 15/1853/FUL, 16/0068/FUL and 16/0755/FUL included:

*“I hold no objections to the proposals from an arboricultural point of view. There are no Tree Preservation Orders on site however; the area is within the Greenbelt. A tree survey report dated July 2015 by CBA Trees has been supplied along with a separate Ecology report.”*

Previous comments also suggested a number of planning conditions relating to details of future landscaping, a landscape management plan, no felling and lopping and a tree protection scheme.

4.3 Highway Authority: No objection.

*“This application proposes the erection of 10m high noise retention fencing on the west side of the site access road. This access road is gated and is classified as a private road and consequently not maintained by Hertfordshire County Council as the Highway Authority. The proposed position of the fence will therefore not have any influence upon the safe movement of traffic on the highway network. Access to and from the highway network is via the junction with Riverside Drive and Silk Mill Road where visibility for a vehicle emerging from the access road is acceptable. The Highway Authority has therefore not identified any detrimental effect of the proposal on users of the highway and consequently it does not raise any objection to the application.”*

4.4 Environment Agency: No comments received. Any comments received will be verbally updated at Committee.

4.5 Footpath Section: No comments received. Any comments received will be verbally updated at Committee.

4.6 National Grid: No objection.

*“National Grid has no objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line.”*

4.7 Watford Borough Council: No comments received. Any comments received will be verbally updated at Committee.

4.8Watford Rural Parish Council: No comments received. Any comments received will be verbally updated at Committee.

**5.** **Neighbour Consultation:**

5.1 No. consulted: 31

No. responses: 11 (all in support / **no objections**)

5.2 Site Notice: Expired on 26 January 2017 (further consultations).

5.2.1 Press Notice: Not applicable.

5.3 Summary of responses:

* Applications show major noise reduction for all residents
* Residents are subjected to a loud, unreasonable and continuous humming noise
* Affects the enjoyment of our properties day and night
* Barrier will hide substation from view improving outlook
* Noise has affected my health
* Noise has put off potential buyers of my house
* Noise constitutes a statutory nuisance
* Noise levels have increased over time
* Complained to National Grid over 7 years ago
* Disappointed that the Council rejected previous applications
* Wall can only be seen as an improvement
* Environment will be better with the barrier in place

5.3.1 The material planning considerations listed above shall be discussed within the following analysis.

**6.** **Reason for Delay:**

6.1 Committee cycle.

**7.** **Relevant Local Planning Policies:**

7.1 National Planning Policy Framework (NPPF):

7.1.1 On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF). The adopted policies of Three Rivers District Council reflect the content of the NPPF.

7.2 The Three Rivers Local Plan Core Strategy:

7.2.1 The Core Strategy was adopted by the Council on 17 October 2011. Relevant Policies include: CP1, CP8, CP9, CP10, CP11 and CP12.

7.3 Development Management Policies LDD:

7.3.1 The Development Management Policies LDD was adopted on 26 July 2013 having been through a full public participation process and Examination in Public. Relevant policies include: DM2, DM6, DM7, DM8, DM9 and Appendix 4.

7.4 Other:

7.4.1 The following Acts and legislation are also relevant: The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 Habitat Regulations 1994, the Localism Act 2011 and the Growth and Infrastructure Act 2013.

7.4.2 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

7.4.3 Online Planning Practice Guidance.

**8.** **Analysis:**

8.1 Background and Overview:

8.1.1 The existing substation was commissioned in the 1960’s and National Grid as land owner has a statutory obligation to develop and maintain an efficient, co-ordinated and economical electricity transmission system to ensure the safe, secure and reliable distribution of electricity throughout the network as set out within the Electricity Act of 1989. The current substation operates continuously on a 24/7, 365 days per year basis and is a strategic part of the national electricity system, associated with the bulk transmission of electrical power across the wider London area. The substation is connected at 275,000 volts, with four overhead line circuits between Elstree in Hertfordshire and Iver in Buckinghamshire. The substation also serves electrical supplies to the area encompassed by Watford, Harrow, Rickmansworth and Chesham which includes important public community facilities such as hospitals, police stations and fire stations. Since first being constructed, the substation, plant and associated equipment have remained relatively unchanged.

8.1.2 Following a noise complaint from a local resident to National Grid in 2012, this application is the fourth planning submission received by the Local Planning Authority (LPA) since 2015. Prior to all planning submissions, National Grid has advised that a number of remedial works took place to mitigate the noise complaint by the local resident. The remedial works included the replacement of the ageing transformer noise enclosure doors with modern, acoustic doors together with associated sealing around their frames and the infilling of any holes within the noise enclosure. Investigations were also made into replacement of roofs of the noise enclosures but it was found that the reduction would not even be noticeable.

8.1.3 In 2013 National Grid received a further complaint from the resident stating that the on-site remedial works had made little or no difference. During discussions with the complainant it was confirmed that the 100Hz transformer hum was the principal issue; which at the time was compounded by noise arising from the operation of cooling fans present on the transformers on SGT3A and SGT3B (location shown on drawing number A.01 Rev A) which are positioned towards the south eastern corner of the site. National Grid has confirmed that the cooling fans are to be replaced; however this would not address the complainant’s concerns concerning the constant 100Hz humming noise.

8.1.4 To address the main noise concern, National Grid initially commissioned *The Xodus Group* to undertake a number of specialist noise investigations (detailed within the submitted Planning Statement). The summary of these investigations identified the following:

* The source and transmission path of the noise
* The predicted reduction in noise at 105 Silk Mill Road offered by 6m, 8m, 10m and 12m high noise barriers
* The predicted reduction in noise to the wider community
* The predicted effect of installing an acoustically absorbent or non-absorbent barrier
* The predicted effect of replacing the SGT noise enclosure roofs
* Made recommendations for the most appropriate form of mitigation

8.1.5 National Grid concluded that the optimum solution to address the original noise complaint was determined as being the installation of a 10m high acoustic barrier alongside both transformers SGT3A and SGT3B. Following the findings the LPA were contacted by National Grid who advised that they were seeking to undertake the erection of a 10m high wall under permitted development by virtue of rights afforded to statutory undertakers under Schedule 2, Part 15, Class B of the General Permitted Development Order 2015 (as amended). However, it was the informal view of the LPA that the works required planning permission as they were not for “the generation, transmission, distribution or supply of electricity” as thus did not fall within the limitations of Part 15, Class B of the said Order. However, no application for a Certificate of Lawfulness was made to seek formal confirmation.

8.1.6 A number of planning applications shortly followed for a wall at 10m high; however, as explained later on within the report, none have been approved. It should be noted that the Council’s Environmental Health Department has only ever received noise complaints arising from the substation within the last 6 months, post all previous planning submissions.

8.1.7 The first planning application submitted by National Grid under reference 15/1853/FUL was withdrawn as the requirement for the wall had not clearly been demonstrated and was to provide only minor benefits for a handful of local residents. In 2016, planning application reference 16/0068/FUL was also withdrawn due to concerns regarding the lack of community wide benefits which should form part of a “very special circumstances” argument. The third planning application under reference 16/0755/FUL was refused by the LPA as set out within paragraph 1.3 above. During this application the Council still had not received a single noise complaint and therefore the significant harm resulting from the development to the Green Belt was not outweighed by very special circumstances. It should be noted that a number of objections were initially received by local residents to that application but were subsequently withdrawn.

8.1.8 The following table outlines the differences between all previous schemes and the current proposal:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Planning Applications | Height (excluding brick plinth) | Length of south eastern elevation | North eastern return | South western return | New Trees proposed | Decision |
| 15/1853/FUL | 10m | 54m | 10m | None | 16 | Withdrawn |
| 16/0068/FUL | 10m | 54m | 10m | None | 16 | Withdrawn |
| 16/0755/FUL | 10m | 54m | 10m | None | 34 | Refused |
| **16/2594/FUL** | **10m** | **111m** | **10m** | **11.7m** | **74** | **Pending** |

Table 0.1: Comparison between design and landscaping.

8.1.9 Following the refusal of 16/0755/FUL on 1 June 2016, the Council’s Environmental Health Department has received a growing number of complaints concerning the 100Hz humming noise.

8.1.10 Towards the end of 2016 a meeting was held between officers within the Council and National Grid to address previous concerns. This application has therefore resulted from significant informal pre-application discussions. It should also be noted that National Grid has undertaken an extensive neighbourhood consultation exercise during 2016.

8.1.11 The following analysis section assesses the planning merits of the proposal.

8.2 Impact on Metropolitan Green Belt:

8.2.1 Whilst the substation is heavily consumed by development in the form of hardstanding, fencing, electricity plant and buildings, the application site is located within the Metropolitan Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans. They help to protect the countryside, be it in agricultural, forestry or other use. They can assist in moving towards more sustainable patterns of urban development.

8.2.2 As with previous Green Belt policy, the NPPF identifies the five purposes of including land in Green Belts as:

* to check the unrestricted sprawl of large built-up areas;
* to prevent neighbouring towns from merging into one another;
* to assist in safeguarding the countryside from encroachment;
* to preserve the setting and special character of historic towns; and
* to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

8.2.3 The requirements of the NPPF are considered to reflect adopted policies of both the Three Rivers District Council Core Strategy and Local Plan. Policy CP11 of the Core Strategy (adopted October 2011) states that there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt. Inappropriate development is, by definition, harmful to the openness of the Metropolitan Green Belt. Policy DM2 of the Development Management Policies LDD (adopted July 2013) replicates Government guidance in the NPPF which stipulates under paragraph 89:

*“A local planning authority should regard construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*

* *Buildings for agriculture and forestry;*
* *Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
* *The extension or alteration of a building provided that it does not result in disproportionate additions over and above the original building;*
* *The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
* *Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
* *Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development;”*

8.2.4 The proposal would involve the erection of a significant acoustic wall measuring approximately 10m in height by 111m in length (excluding returns). The proposed works would not fall under any of the exceptions expressed within the NPPF and as a direct result would constitute inappropriate development which is, by definition, harmful to the openness of the Metropolitan Green Belt. It is however noted that the proposal would not conflict with the any of the five purposes of including land in the Green Belt.

8.2.5 Whilst accepting that the site is extensively developed and contains plant and buildings which are generally inappropriate within the Green Belt landscape, these are historic structures and therefore it does not mean that further harmful development should be considered acceptable. The proposed acoustic wall would be of significant scale, measuring 10.2m in height (including brick plinth) whilst extending along the existing internal road by 111m (excluding returns). At 10.2m in height, the wall would appear more akin to a building from surrounding vantage points given its solid design, height and returns to the north east and south west. It is noted that the wall would screen the majority of the electricity plant from neighbouring outlook and from views inside the site from the adjacent public right of way; however, the proposed wall would rise significantly above the current height of the plant and buildings and by virtue of its solid design, constructed out of cladding, would appear far more prominent when compared to the existing plant/built form which includes generous gaps between structures. As a result, when considering the extent of the wall and its height it would result in significant actual harm to the openness of the Metropolitan Green Belt.

8.2.6 Whilst a large substantial number of trees are to be planted to mitigate the visual impact of the wall which would be painted a sympathetic colour, it would still have a significant harmful impact on the Metropolitan Green Belt by virtue of its scale. The NPPF makes it clear that substantial weight should be given to any harm to the Green Belt. The NPPF and local planning policies relevant to this application make it clear that inappropriate development should not be approved except in very special circumstances.

8.3 Do “very special circumstances” exist?

8.3.1 The NPPF states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

8.3.2 The very special circumstances presented by the applicant under this application are threefold; firstly that following complaints of noise nuisance by local residents to the Council’s Environmental Health Department there is a real risk of a Noise Abatement Notice being served; secondly, that the wall will provide amenity benefits to the local community through noise reductions and thirdly, the noise wall coated in the colour green with increased soft landscaping would visually enhance the local landscape.

8.3.3 The NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new development and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution. As a result, development which seeks to address an existing issue which adversely affects the living conditions of nearby residential properties could be considered as very special circumstances. However, the NPPF states that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt and “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

8.3.4 As set out within the applicant’s Planning Statement, various other options have been considered prior to the latest submission; including replacement of transformers, further improvements to existing noise enclosures, replacement of cooling fans, enhanced landscaping and the possibility of constructing an earth bund. National Grid has confirmed that all possible on-site mitigation alterations have occurred and it was concluded that a wall would be the most effective. This application is therefore a last attempt by National Grid to mitigate the noise issues which have affected local residents living in the vicinity of the substation.

8.3.5 It should be noted that a similar barrier has been installed by National Grid in the London Borough of Ealing following noise complaints from local residents who back onto a substation. In this instance, a 12m noise barrier was erected in 2014 and all pre-installation predictions concerning noise reductions were as predicted. As a result, National Grid is confident that all proposed noise reductions as set out within this application can be delivered.

8.3.6 When considering the existing scenario, it is relevant to apply the appropriate British Standards for rating and assessing sound. British Standard (BS) 8233 provides that it is desirable that the internal ambient noise level does not exceed 30dB in bedrooms at night and 35dB in bedrooms and living rooms during the day. In terms of outdoor amenity noise, the BS suggests that a desired garden and amenity area noise level of 50dB or below and upper limit of 55dB for both day and night time periods. It should also be noted that The World Health Organisation (WHO) has set the European target limit of outdoor night noise levels at 40-42dB. It is clear from site visits that there is an existing noise issue associated with the substation as an audible “humming” noise can be heard consistently when walking down the adjacent public right of way, when within the garden of 105 Silk Mill Road and within the communal area to the rear of Silk Mill Court. Nevertheless, it is not uncommon to expect a degree of noise from a large substation and those residents which are located close to the application site would generally expect some form of noise disturbance. As such, it is important to understand whether the proposed wall would result in more than just negligible noise reductions for local residents and in order to demonstrate very special circumstances to outweigh the inappropriateness of the development and its visual harm.

8.3.7 A Noise Investigation report has been published by RPS on behalf of National Grid and provides evidence demonstrating the requirement for a wall at 10m high given existing noise far exceeds the BS standards. The following table (table 0.2) provides information about the existing noise levels at certain properties located in the vicinity of the substation, the level of noise reductions proposed under planning application 15/1853/FUL and the reductions now proposed under this application. For information purposes, 105 Silk Mill Road is located at the end of a row of terraces close to the main access into the substation and is sited immediately adjacent to the public right of way which runs alongside the substation. Properties on Silk Mill Court is a two storey flatted development with amenity space backing onto the public right of way. 77 Silk Mill Road is located to the south of Silk Mill Court and is approximately 65m from the application site. 69 Silk Mill Court is located further to the south west in comparison with the rest of the aforementioned properties. Due to the layout of residential development, 14 properties (including flats) back onto the public right of way which separates them from the application site. There are another 18 properties which are located within a 70m distance of the application site.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **15/1853/FUL** | Sound pressure level, dBA | | | |
| Scenario | **105 Silk Mill Road** | **Properties on Silk Mill Court** | **77 Silk Mill Road** | **69 Silk Mill Court** |
| No barrier | 48 | 51 | No change | No change |
| 10m barrier | 40 | 46 | No change | No change |
| Change  after mitigation | -8 | -5 | No change | No change |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **16/2594/FUL** | Sound pressure level, dBA | | | |
| Scenario | **105 Silk Mill Road** | **Properties on Silk Mill Court** | **77 Silk Mill Road** | **69 Silk Mill Court** |
| No barrier | 48 | 51 | 46 | 49 |
| 6m barrier | 40 | 46 | 43 | 45 |
| 8m barrier | 42 | 42 | 39 | 42 |
| 10m barrier | **40** | **39** | **37** | **40** |
| **Change after mitigation** | **-8** | **-12** | **-9** | **-9** |
| 12m barrier | 39 | 37 | 36 | 38 |
| Change  after mitigation | -9 | -14 | -10 | -11 |

Table 0.2: Noise reduction comparisons

8.3.8 During a previous planning application a visit was made to 105 Silk Mill Road where the owner and long standing resident explained the noise issues and advised that he can no longer open his windows at night and the ability to use his garden has been severely affected in the summer months. This is reflective within table 0.2 above which indicates that the existing noise at 105 Silk Mill Road is well in excess of the desirable internal ambient noise levels of 30dB in bedrooms at night and 35 dB in bedrooms and living rooms during the day and beyond the WHO guidelines. However, with the 10m high wall in place the proposed noise projections show a significant reduction of 8dB which would bring the noise levels in line with the recommended WHO guidelines and slightly above the desired BS levels. The Environmental Health Officer has confirmed that such a reduction would be very noticeable and resolve the current noise issue.

8.3.9 In terms of the wider impact from the erection of a 10m high wall, Figure 3.9 within the submitted RPS report shows that properties within Silk Mill Court would benefit the most with a 14dB reduction but there would also be far wider positive impacts to the local community which was not demonstrated under previous planning applications. The wider benefits are due to the increased length in the barrier from 54m to 111m. Consequently, residents who live approximately 60m from the site (e.g. 77 Silk Mill Road) would be provided with noticeable noise reductions. Whilst is accepted that most of the properties within the immediate setting of the application site would still not meet the desirable levels as set by the BS with the 10m high wall in place, the difference in noise disturbance would be substantial and not negligible. Such reductions would therefore offer significant benefits to local residents and enable them to open windows and use their gardens in the summer thereby greatly improving their living conditions.

8.3.10 Notwithstanding the findings from the RPS report, the Council’s Environmental Health Department has confirmed that they have received a total of five complaints from residents along Silk Mill Road; although one resident is representing all residents of Silk Mill Court. It should be noted that the complaints are from a range of locations along Silk Mill Road and not just confined to those that back onto the public right of way which abuts the application site. In light of the noise complaints received, the Environmental Health Officer has confirmed that the site is causing a statutory nuisance and thus recommends that the barrier is erected. As such, the substantial benefits provided by the wall and the fact the Council’s own Environmental Health Officer supports its erection must be given significant weight in the determination process.

8.3.11 It should also be noted that Policy CP8 of the Core Strategy (adopted October 2011) states that in relation to utilities infrastructure (i.e. electricity supply), developers must ensure that infrastructure provision does not adversely affect the environment and the amenities of local residents.

8.3.12 It is accepted that certain residents currently have outlook onto an unsightly substation and public vantage points into the site have been increased following tree removal. Whilst the wall would screen unsightly equipment, the introduction of 10m high wall at a significant length is not considered to visually enhance the immediate landscape and thus should be afforded limited weight.

8.3.13 When considering the “very special circumstances” it is considered that the benefits as identified above to local residents within the vicinity of the application site and the fact the erection of the wall would prevent the issuing of a Noise Abatement Notice should be given substantial weight. When balanced against the inappropriateness of the development and its visual harm, it is felt that very special circumstances exist to outweigh the inappropriateness of the development and other harm. It would therefore comply with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (March 2012).

8.3.14 As the requirement for the wall is intrinsically linked to the operation of the substation, if the substation was to cease, the wall should be removed as the very special circumstances justifying inappropriate development would no longer exist. A condition has therefore been recommended.

8.4 Impact on streetscene/landscape:

8.4.1 Policy CP12 of the Core Strategy (adopted October 2011) states that in seeking a high standard of design, the Council will expect all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area. Policy DM7 also states that the Council will require proposals to make a positive contribution to the surrounding landscape.

8.4.2 The proposed wall would be readily visible from public vantage points due to the siting of a public right of way which runs parallel with the south eastern boundary of the site. Additionally, the visibility of the application site has been increased following the removal of a number of trees/vegetation in close proximity of the boundary. Glimpses of the substation and application site are also visible from certain points on Riverside Road and through gaps between residential buildings. To the west and north of the substation, the wall would be visible from the Ebury Way (public right of way); however, its impact on the landscape would be mitigated by virtue of its colour and the backdrop of existing vegetation. Notwithstanding the visual impact on the streetscene, neighbouring outlook and from public vantage points, the benefits provided by the wall outweigh such concerns.

8.5 Landscaping:

8.5.1 The proposal seeks to plant 74 trees within the existing semi-natural strip of woodland which abuts the south eastern boundary with the public right of way. The trees would be a mixture of species including Maples, Hawthorns and Hollys supplemented by woodland shrub planting.

8.5.2 Whilst the soft landscaping scheme is extensive, it should be noted that it would take approximately 3 years for the trees to grow to a height which would enable screening capabilities. The submitted information indicates that after 3 years the new trees would range in height from 3-9m with this height increasing to 4-18m after 13 years.

8.5.3 The introduction of significant trees is welcomed as it would provide a more established physical boundary and no doubt further assist in reducing any perceived noise impacts by local residents. As it stands, the site is relatively open in parts when walking along the public right of way and thus any enhanced vegetated boundary would be a positive measure.

8.5.4 The Landscape Officer has requested a number of planning conditions relating to the submission of a landscape management plan, no felling and lopping and a tree protection scheme. However, it is not considered that the suggested conditions are reasonable when the trees are not protected and the proposal involves significant re-planting of which is to occur as soon as practicable with the current planting season ending in March. It is also considered that the submitted soft landscaping plan provides sufficient detail to prevent the imposition of conditions which would inevitably delay its construction.

8.6 Highway Impact:

8.6.1 The proposed wall would be located immediately adjacent to a private road within the grounds of the substation. As a result, the wall would not have an impact on the nearby highway network. The Highway Authority has not objected to the proposal.

8.6.2 In terms of construction, it is considered that sufficient land is available within the site to prevent disturbance to the local highway network.

8.7 Impact on Right of Way:

8.7.1 To the south east of the application site there is a public right of way which runs parallel with the substation where it joins with the Ebury Way to the west.

8.7.2 The works subject to this application would not result in the diversion of the public right of way while construction works would be confined to within the bounds of the site. As it stands, temporary hoardings have been erected within the site which would protect the right of way.

8.7.3 Notwithstanding the above, an informative concerning the protection of the public right of way has been attached.

8.8 Environmental Impact:

8.8.1 The application site falls within Flood Zone 2 and therefore a degree of environmental risk attached. The Environment Agency’s Standing Advice has been considered and when considering the form of development proposed, it would not have a significant environmental risk attached.

8.9 Biodiversity:

8.9.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

8.9.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. No further surveys are therefore considered necessary in this instance.

8.10 Conclusion:

8.10.1 In conclusion, the proposal would constitute inappropriate development, which, by definition is harmful to the Metropolitan Green Belt. When considering the scale of the proposed wall, the development would also result in actual harm to the openness of the Green Belt and would appear visually intrusive when viewed within its immediate context. However, the LPA is mindful that many noise complaints have been lodged by local residents and the Environment Health Department are looking at ways to reduce the noise impact to prevent the service of a Noise Abatement Notice. Furthermore, the evidence submitted with the application has demonstrated that the 10m high wall would provide substantial and extremely noticeable noise reductions for local residents thereby improving their living conditions and enhancing the quality of the local area. The above factors when considered collectively are sufficient to constitute very special circumstances and thus outweigh the inappropriateness of the development and the other identified harm. Consequently, the proposal complies with Policies CP1, CP8, CP11 and CP12 of the Core Strategy (adopted October 2011), Policy DM2 and Appendix 4 of the Development Management Policies LDD (adopted July 2013) and NPPF (March 2012).

**9.** **Recommendation:**

9.1 That the decision be delegated to the Director of Community and Environmental Services to consider any representations received and that PLANNING PERMISSION BE GRANTED subject to the following conditions:-

C1 The development hereby permitted shall commence before the expiration of SIX MONTHS from the date of this decision.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004. The existing noise from the substation without the 10m high noise retention wall would result in the service of a Noise Abatement Notice.

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: A.01 Rev A; A.02 Rev A; A.03 Rev A; A.04; A.05 & 35715\_Bri08F.

Reason: For the avoidance of doubt and in the proper interests of planning and in accordance with Policies CP1, CP6, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM2, DM6, DM8, DM9, DM10 and Appendix 4 of the Development Management Policies LDD (adopted July 2013) and NPPF (March 2012).

C3 Within ONE MONTH of the date of this decision, details of the external colour of the noise retention wall to all elevations shall be submitted to and approved in writing by the Local Planning Authority. The noise retention wall shall be permanently retained in the agreed colour.

Reason: In the interests of the visual amenity of the Green Belt and local area in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

C4 All soft landscaping works hereby permitted shall be carried out in the next planting season in accordance with approved plan number 35715\_Bri08F. The soft landscaping works hereby permitted shall be maintained including the replacement of any trees or plants which die are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species, for a period for five years from the date of the approved scheme was completed.

Reason: In the interests of visual amenity and the locality and the Green Belt in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2 and DM6 of the Development Management Policies LDD (adopted July 2013).

C5 Immediately following the completion of the 10m high noise retention noise wall hereby permitted, the internal road shall be restored to its condition prior to works taking place.

Reason: In the interests of visual amenity and the locality and the Green Belt in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2 and DM6 of the Development Management Policies LDD (adopted July 2013).

C6 Following the cessation of the substation for electricity transmission purposes, the noise retention wall and its associated supporting structures and fittings hereby permitted shall be permanently removed from the application site within 3 months of the cessation of electricity transmission on the site.

Reason: The very special circumstances demonstrated under this application to justify inappropriate development within the Green Belt would no longer exist and therefore its retention would not be in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

9.2 **Informatives**

I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £97 per request (or £28 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. The Council's Building Control section can be contacted on telephone number 01923 727132 or at the website above for more information and application forms.

Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Information on this is also available from the Council's Building Control section. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

I2 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant and the Local Planning Authority engaged in pre-application discussions which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

I3 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

I4 The applicant is advised that a Public Right of Way runs adjacent to the application site. This Right of Way must be protected to a minimum width of 2m and its current surface condition maintained. The Right of Way must remain unobstructed by vehicles, machinery, materials, tools and any other aspects of construction during works. The safety of the public using the route should be paramount. The condition of the route must not deteriorate as a result of the works. All materials are to be removed at the end of construction.

If these standards cannot be reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order.