

Committee Report

Item No: 6B

Reference: DC/21/03599

Case Officer: Owen Fayers

Ward: Sudbury Southwest.

Ward Member/s: Cllr Sue Ayres.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Planning Application - Erection of 3no. solar PV carports with associated infrastructure including cabling to Leisure Centre, battery storage system and 5no. electric vehicle charging points

Location

Station Road Car Park, Station Road, Sudbury, Suffolk

Expiry Date: 20/08/2021

Application Type: FUL - Full Planning Application

Development Type: Minor All Other

Applicant: Babergh and Mid Suffolk District Councils

Agent: N/A

Parish: Sudbury

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call In request been received from a Council Member: No

Has the application been subject to Pre-Application Advice: The proposal was the subject of informal pre-application discussion between Babergh's Planning Officers and Regeneration Officers.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

The application has been submitted on behalf of Babergh District Council.

CLASSIFICATION: Official

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework

CN01 - Design Standards

TP15 - Parking Standards - New Development

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh

CS13 - Renewable / Low Carbon Energy

CS15 - Implementing Sustainable Development

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Town/Parish Council

Sudbury Town Council

Recommend approval.

National Consultee

N/A

County Council Responses

SCC - Highways

No objection subject to Construction Management Strategy condition.

Internal Consultee Responses (Appendix 6)

Environmental Health – Noise/Odour/Light/Smoke

14.07.2012:

No objection in principle but noted that fans/inverters can create noise; therefore, recommended refusal until further information was received.

06.08.2021:

Following the provision of additional information regarding the carpark PV panels and associated invertors/vehicle chargers, there is still not sufficient information provided for us to make an informed recommendation that the development is approved without condition at this stage.

Following a discussion between Officers, Environmental Protection have no objection in principle. However, We would require pre-commencement conditions.

These conditions relate to a noise assessment, noise limits and maintenance.

Environmental Health - Sustainability Issues

No objection.

Environmental Health - Land Contamination

No objection.

Economic Development & Tourism

No comments received.

Contract And Asset Management Team

No comments received.

B: Representations

At the time of writing this report at least 0 letters/emails/online comments have been received.

PLANNING HISTORY

There are approximately thirty applications on the wider site stretching back over forty years. None of these are of particular relevance to the proposal at hand, but the selection below gives a flavour of the evolution of the larger site.

REF: B/88/00597	ERECTION OF SUPERMARKET BUILDING (PART TWO-STOREY) COMPLETE WITH CAR PARKING AND INCLUDING A REVISED ROAD LAYOUT AT THE JUNCTION OF STATION ROAD & GREAT EASTERN ROAD AND THE EXISTING ACCESS TO CAR PARK AND AN EXTENSION TO THE EXISTING COACH AND LORRY PARK AS AMENDED BY LETTER AND PLAN FROM AGENT DATED 24/06/88, LETTER FROM APPLICANT DATED 29/06/88 AND FURTHER LETTER AND PLAN FROM AGENT DATED 17/08/88	DECISION: GRA
REF: B/0125/84/OUT	Construction of leisure pool with ancillary offices, cafeteria and car parking.	DECISION: GRA 26.04.1984
REF: B/0800/84/FUL	Erection of Leisure Pool with ancillary offices,	DECISION: GRA

cafeteria and car parking and construction of vehicular access. 04.01.1985

REF: B/0119/80/FUL

Reconstruction and associated landscaping of existing lorry and car park and change of use of former railway track to form extension to Railway Walk.

DECISION: GRA
24.03.1980

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1. Station Road Car Park is located within the centre of Sudbury, to the south of the main Market Square off Station Road. Sudbury Leisure Centre is located to the east of the site, with the Waitrose supermarket located to the west.
- 1.2. The car park is split into three defined sections, with northern and southern car parks to the east, with the other car park located to the west serving the supermarket. The site in question is the southernmost car park located to the east.
- 1.3. The site is located outside of the Sudbury Conservation Area, which is located to the north-west of the site.

2.0 The Proposal

- 2.1. The proposal seeks the erection of 3no. solar PV carports with associated infrastructure, including cabling, to the Leisure Centre, battery storage system and 5no. electric vehicle charging points.
- 2.2. The solar photovoltaic (PV) carports would generate renewable electricity from solar panels installed on the carport frames.
- 2.3. The carports would be coupled with up to 5no. electric vehicle (EV) charging stations for use by the public as well as a battery electricity storage system (BESS) facility, which will store any surplus energy from the solar panels.
- 2.4. A lockable Glass Reinforced Plastic housing container (GRP) would house the inverters associated with each section of the solar carport and all cables are contained at ground level and are not accessible to the public.

3.0 The Principle Of Development

- 3.1. As a full application for the erection of 3no. solar PV carports with associated infrastructure including cabling to the Leisure Centre, battery storage system and 5no. electric vehicle charging points, the application is assessed against Local Plan policies CN01 and TP15, Core Strategy policies CS01, CS13 and CS15 and the NPPF.

- 3.2. Babergh Local Plan policy CN01 - Design Standards - is given full weight in assessing this proposal. CN01 requires that developments are of an appropriate scale, form, design and materials for the location. Developments should respect adjacent development and the surrounding environment. This includes any soft and hard landscaping proposed. This is discussed in full in part 5 below.
- 3.3. Babergh Local Plan policy TP15 - Parking Standards - New Development - is given full weight in assessing this proposal. TP15 requires that all development should comply with current parking standards. This is discussed in full in Paragraph 4 below.
- 3.4. Babergh Core Strategy policy CS01 - Applying the presumption in Favour of Sustainable Development in Babergh - is given full weight when assessing this proposal. CS01 requires that a positive approach is used when considering applications that improve the economic, social and environmental conditions in Babergh District. Evidence should be provided to support the application and should be approved unless there are adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme.
- 3.5. Babergh Core Strategy policy CS13 - Renewable / Low Carbon Energy – is given full weight assessing this proposal. CS13 requires that all new development will be required to minimise dependence on fossil fuels and make the fullest contribution to the mitigation of climate change through adopting a sustainable approach to energy use.
- 3.6. Babergh Core Strategy policy CS15 - Implementing Sustainable Development - is given full weight in assessing this proposal. CS15 has a long list of criteria. The criteria that are, in some way, relevant to this proposal include:
- iv) ensure an appropriate level of services, facilities and infrastructure are available or provided to serve the proposed development;
 - v) retain, protect or enhance local services and facilities and rural communities;
 - viii) address climate change through design, adaptation, mitigation and by incorporating or producing sources of renewable or low-carbon energy;
- 3.7. The need for an increase in energy generation from renewable sources in order to reduce Greenhouse Gas (GHG) emissions is formally recognised and encouraged within the Local Development Policies and Government targets for renewable energy.
- 3.8. The Council has declared a Climate Emergency and resolved measures to help achieve its ambition of becoming carbon neutral by 2030 so this significant project is a visible step forward.
- 3.9. The application delivers in terms of the Council's Climate Reduction Management Plan and specifically action number 1.1. *“We will explore opportunities for low carbon energy generation, with a view to minimising our reliance on the grid e.g. solar farms, solar car ports, battery storage. This will include options for Council-owned land/buildings and other investment opportunities”.*

- 3.10. The proposal promotes sustainable development by providing accessible renewable energy facilities, providing local power to the leisure centre, but also offering a number of electric vehicle charging points in the town centre to encourage more sustainable forms of travel and support air quality.
- 3.11. The proposal is considered to comply with the development plan and core strategy policies listed above. These policies are consistent with the aims of the NPPF.

4.0 Site Access, Parking And Highway Safety Considerations

- 4.1. The proposed carports would cover a total of 42no. parking bays.
- 4.2. The proposal would have no impact on the existing parking arrangements. There would be no change to the number of parking spaces on site or to the layout of the existing car park.
- 4.3. The proposal would not have a detrimental impact on the existing highway and is therefore acceptable in this regard.
- 4.4. Suffolk County Council Highway Authority has raised no objection to the scheme on highway safety or parking grounds, subject to securing a construction management strategy. This is to ensure safe working, minimal disturbance to the existing communities and adverse impact on the public highway during the construction phase. This has been requested by way of condition.

5.0 Design And Layout [Impact On Street Scene]

- 5.1. The PV panels will be mounted on a steel frame made from galvanised steel. The 'W' shaped framework has a support base which is mounted to the ground using a screw pile anchor system. The bases will be situated every 2-3 parking bays.
- 5.2. Two of the three carports are located to the northern boundary of the site, adjacent the boundary of the northern car park. The remaining carport is located to the centre of the carpark towards the east.
- 5.3. The lowest point of the carports measures just over 3 metres in height. The two northernmost carports measure a total height of 4.1 metres, with a depth of 5.2 metres covering the depth of a single parking bay. The central carport, at 10.4 metres, measures almost double the depth of the northern carports. This is because the central carport covers the depth of 2no. parking bays. The total height of the central carport measures 4.8 metres.
- 5.4. The solar PV installation would be functional for a minimum period of 25 years, although evidence suggests that it can continue to generate energy for a further 15 years. The Council is committed to maintaining the system to maximise its lifespan.
- 5.5. The Solar Carport frame is a temporary construction and can be fully dismantled and the steel construction recycled once the PV modules have reached the end of their efficiency. Once dismantled, and with the anchor holes then being filled in, there would effectively be no trace of the carport on the land. The temporary nature of the construction allows for future adaptability of the car park in accordance with local policies for the design of spaces with future adaptability in mind.

- 5.6 The five EV charging stations are to be located to the northern boundary of the site, adjacent the boundary of the northern car park, positioned towards the east. The EV chargers would be protected under the canopy of the carport frame, reducing their visual impact.
- 5.7 On-site signage and bay marking would be updated to clearly direct visitors and staff to the EV charging points. Details of this would be secured by condition.
- 5.8 The self-contained BESS unit and GRP are located to the east of the site and south of the Leisure Centre. The cable routes from the carports and BESS lead to the GRP via the cable route.
- 5.9 The location of the site is set back from the highway and well screened by a row of trees on the boundary between the northern and southern carpark, as well as to the east and south.
- 5.10 There are no residential properties within the immediate vicinity of the site, as such the proposal is not considered to have an impact on the street-scene or the character of the surrounding area

6.0 Landscape Impact, Trees, Ecology, Biodiversity And Protected Species

- 6.1 The site has no landscape amenity value. Given the proposal and intended use of the site the proposal is not considered to risk harm to biodiversity or protected species and no enhancement measures are required.

7.0 Land Contamination, Flood Risk, Drainage and Waste

- 7.1. The proposal does not give rise to any land contamination issues.
- 7.2. The site is situated within Flood Zone 1 and is therefore at low risk from flooding.

8.0 Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]

- 8.1. There are no listed buildings within close proximity. The site is located outside of the Sudbury Conservation Area, which is located to the north-west of the site.
- 8.2. The proposal is not considered to have a detrimental impact on the Conservation Area, particularly given that the site is already developed as a car park.

9.0 Impact On Residential Amenity

- 9.1. The site is already in use as a car park and the proposal does not change this. The vehicle movements into and off the site are not likely to alter due to the proposal.
- 9.2. There are no residential properties within the immediate vicinity of the site, therefore it is not considered the proposal would result in any change nor any negative affect on residential amenity.
- 9.3. It is acknowledged that the EV charging points, as well as some of the associated infrastructure may emit a slight 'buzzing' noise. Your Environmental Control Officers have requested further information post-decision in the form of conditions.

- 9.4. In any event, given the existing background noise levels associated with the car park, vehicular movement, the leisure centre and supermarket, and the fact that there are no residential properties within the immediate vicinity, it is considered that a low level 'buzzing' noise would not give rise to any harm to residential amenity.
- 9.5. Subject to conditional details, the proposal is not considered to give rise to a significant detrimental impact on residential amenity that would warrant refusal in this regard.

PART FOUR – CONCLUSION

10.0 Planning Balance and Conclusion

- 10.1. The proposal would have no significant detrimental impact on highway safety or residential amenity, nor impact on the character of the surrounding area, including the Conservation Area.
- 10.2. The proposal promotes sustainable development by providing accessible renewable energy facilities, which support the council's ambition of becoming carbon neutral by 2030.
- 10.3. The proposal accords with the relevant development management policies, and the NPPF. It is therefore recommended that permission be granted.

RECOMMENDATION

That the application be GRANTED planning permission and include the following conditions: -

1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: COMMENCEMENT TIME LIMIT

The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard. Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved under Section A, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Reason - For the avoidance of doubt and in the interests of proper phased planning of the development.

3. REQUIREMENT FOR NOISE ASSESSMENT

The development hereby approved shall not commence until full details of all plant to be installed including precise acoustic specification, as well as a noise assessment, to include details of the prevailing existing background level, to be based on methodology as given in British Standard BS4142:2014 have been submitted to an approved by the LPA, in order to allow the likelihood of loss of amenity to be determined.

Reason - To minimise detriment to nearby residential amenity

4. ONGOING REQUIREMENT: BS4142 LIMIT ON EXTERNAL NOISE LEVELS

The rating level of sound emitted from any fixed plant and/or machinery associated with the development for the use hereby approved shall not exceed background sound levels by more than 5dB(A) between the hours of 0700-2300 (taken as a 15-minute LA90 at the nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15-minute LA90 at the nearest/any sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property. This shall be the initial noise condition.

Where the levels predicted, exceed the background levels by more than those established in the initial noise condition then a scheme of mitigation to ensure compliance shall be submitted for approval by the LPA.

Reason - To minimise detriment to nearby residential amenity

5. ONGOING REQUIREMENT: MAINTENANCE

The plant and any noise mitigation scheme as required, hereby approved by the LPA, shall be maintained throughout the lifetime of the development to ensure the level of noise emitted from the site shall not exceed the initial noise condition.

Reason - To minimise detriment to nearby residential amenity

6. ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT: CONSTRUCTION MANAGEMENT TO BE AGREED

A construction management strategy shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site; this strategy is to include access arrangements for contractors' vehicles (locations and times) and a methodology for avoiding mud from the site tracking onto the highway with a strategy for remedy of this should it occur. The approved strategy is to be adhered to until completion of the development.

Reason - To ensure safe working, minimal disturbance to the existing communities and adverse impact on the public highway during the construction phase.

7. ACTION REQUIRED PRIOR TO USE: SIGNAGE AND BAY MARKING

Prior to the development hereby permitted coming into use, details of proposed on-site signage and updated bay marking shall be submitted to and approved in writing by the Local Planning Authority. Such measures shall be in place prior to use and shall remain as such at all times.

Reason - To clearly direct visitors and staff to the EV charging points.

8. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF EQUIPMENT

The hereby approved carports, electric vehicle charging points and associated infrastructure shall be removed from the site when no longer required and the land re-instated to its former condition within six months of their last use.

Reason - To ensure that the site is kept in a tidy condition in the interests of visual amenity and the character and appearance of the area.

POSITIVITY STATEMENT

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high-quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. In this case the applicant took advantage of the Council's pre-application service prior to making the application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

INFORMATIVES

This permission / consent includes a condition precedent. Your development is potentially at risk of enforcement if you do not comply with the terms of any condition which requires you to do something before you commence development / start work. Development which is commenced in breach of a

condition is normally unlawful and may not constitute a valid implementation of the permission. We strongly advise you to allow reasonable time for the preparation, and consideration of, any conditional matters before the time limit on this application expires.

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.