

Committee Report

Item No:

Reference: DC/22/02948

Case Officer: Elizabeth Flood

Ward: Lavenham

Ward Member/s: Cllr Margaret Maybury and Cllr Clive Arthey

RECOMMENDATION – APPROVE PLANNING PERMISSION WITH CONDITIONS

Description of Development

Full Planning Application - Construction of solar park.

Location

1 Northern Road, Chilton Industrial Estate, Sudbury, Suffolk CO10 2YH

Expiry Date: 04/08/2022

Application Type: FUL - Full Planning Application

Development Type: Minor All Other

Applicant: JCS Hi-Torque Limited

Agent: Mrs Gillian Davidson

Parish: Chilton

Site Area: 0.98ha

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: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The development comprises a renewable energy development

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

EM02 General Employment Sites - existing

CN01 Design Standards

TP15 Parking Standards – New development

CS13 Renewable – Low Carbon Energy

CS15 Implementing Sustainable Development

CS03 Strategy for Growth and Development

CLASSIFICATION: Official

Neighbourhood Plan Status

This application site is within an area where a Neighbourhood Plan is being progressed. It currently has no weight.

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

Chilton Parish Council:

The Parish Council does not object to the principle of having a solar park on this site, we do have concerns and reservations about the proposed scheme and consider it needs improvement in certain respects which should be readily achievable by the Applicants.

We question why the panels need to be so high off the ground and why could they not be lower in height so as to reduce their prominence. The Parish council would like a detailed explanation of what construction system is to be used to mount the solar panels and what steps will be taken to mitigate noise and dust pollution

There is no explanation of the strategy underlying the height of and location of the CCTV cameras nor what areas or range each of these cameras will cover. By having a column 9 metres high plus a camera of uncertain dimensions located upon the top, these CCTV columns will be prominent and easily visible to pedestrians such as visitors to the Health Centre and from vehicles passing along Church Field Road. As three of the cameras will be located very close to the edge of Church Field Road issues of privacy and data protection arise. If it is necessary to have CCTV along this northern edge, about which there is no information, Chilton Parish Council would like to have assurances from the Applicants and / or their technical suppliers that the cameras range will not cover pedestrians or drivers along Church Field Road and their range will only cover inside the wire mesh fence.

The existing small tress and hedgerow along the northern boundary with Church Field Road has gaps in places and elsewhere is thin. We consider full details of the additional planting of trees and hedges with a detailed plan of the proposed biological enhancements needs to be provided now in advance of any decision on this application so that information can be considered as part of that application rather than by subsequent condition

The provision of areas of grassland by way of skylark suitable plots should be also provided which would help increase/ establish their network. No provision or information provided for what is intended to be the regime for the grassland strips and the areas in and around and under the solar panels themselves in our view this information should be provided upfront now and not be dealt with by condition.

Sudbury Town Council: Approve

County Council Responses

SCC Flood and Water Officer

Recommend approval, the proposed development will not increase flood risk as the panel will run off to ground and drain naturally. The two ISO containers are less than 250sqm and would not be subject to a formal surface water drainage strategy, but may have to be drained in accordance with Building Regulation's part H.

SCC Highways

No objection subject to conditions. Construction management plan to be submitted

Internal Consultee Responses

Environmental Protection Sustainability

There is a need for an increase in renewable energy.

Environmental Protection Land Contamination

No objection, LPA to be contacted if any unexpected ground conditions are encountered.

Environmental Protection Noise/odour/light/smoke

No objection.

Place Services Ecology

No objection subject to conditions relating to Ecological Appraisal recommendations and Biodiversity enhancement strategy

B: Representations

At the time of writing this report no letters/emails/online comments have been received. A verbal update shall be provided as necessary.

PLANNING HISTORY

REF: B/0885/84/FUL	Construction of additional vehicular access.	DECISION: GRA 22.11.1984
REF: B/0248/84/FUL	Erection of extension to factory and office accommodation.	DECISION: GRA 26.04.1984
REF: B//92/00167	ERECTION OF SINGLE STOREY FACTORY EXTENSION AND CONSTRUCTION OF ADDITIONAL CAR PARKING	DECISION: GRA

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1. The application site is located adjacent to the built-up area boundary of Sudbury and sits between Northern Road and Churchfield Road. The site is 0.98 hectares, is currently allocated as employment land and is surrounded by commercial units. The site is within the ownership of the factory to the south, JCS Hi-Torque Limited which fronts onto Northern Road. There are very limited constraints on this site, it does not contain and is not in the setting of any listed buildings and is not located in any designated landscape area. The application site is within Flood Zone 1 and is at a very low risk of surface water flooding.
- 1.2. The character of the immediate area is predominantly employment and commercial units, with a relatively sloped landscape leading east of the site down Northern Road. The access point to the site would offer very little view of the site; however, Churchfield Road that runs along the rear offers views of the entire site. The rear of the site is also entirely made up of employment and commercial units.
- 1.3. The site does not fall within a designated Conservation Area. There are no listed buildings within the proposed site area. The closest nearest building is over 300 metres east of the site and is the Grade I listed Church of St Mary Chilton.

2.0 The Proposal

- 2.1. Full planning permission is sought for a photovoltaic solar park with associated battery storage and ancillary infrastructure, to provide electricity to the adjoining factory, JCS Hi-Torque Limited.
- 2.2. A brief description of the main infrastructure is set out below:
 - Solar panels – The solar panels are to have a maximum height of 2.4 metres and will be arranged in rows, facing south along the site. There will be a total of 1764 panels arranged over 15 rows.
 - Battery storage – The ancillary infrastructure required to house the batteries will measure no larger than 12.2 metres by 2.3 metres with a flat roof height of 3.7 metres.
 - Mesh fencing – 1.8-metre-high green mesh fencing is proposed along the boundary of the site, including the tree line along the northern boundary within the tree line.
 - CCTV – A total of 9 CCTV cameras will be installed on the site, these would be mounted on 3-metre-high poles in order to increase security of the site.
- 2.3. The proposed solar park would have a capacity of 697 kWp and would generate 803MWh which would provide enough energy to offset 75% of the adjoining business' needs. Whilst also preventing 482 tonnes of carbon dioxide emissions from JCS Hi-Torque Limited. It is estimated that 91% of the electricity produced by the solar park would be used in the adjoining factory.

3.0 The Principle Of Development

- 3.1. In considering this planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan includes the saved policies of the Babergh Local Plan 2006 and Core Strategy 2014.
- 3.2. The site is allocated within the Babergh Local Plan (2006) as an extension to the Chilton Industrial Estate General Employment Area. Policy EM2 states that planning permission will be granted for

employment related development in principle. The solar park in itself will produce very few jobs and such a use would generally not be acceptable within a General Employment Area.

- 3.3. In this case, however, the land is adjacent to and within the ownership of JCS Hi-Torque Limited which manufactures hose clips. This business has been located in Sudbury since 1973 and currently provides 88 skilled jobs. The factory includes a metal plating plant which is a very high consumer of energy, recent increases in electricity prices have meant monthly electricity bills have risen from £14k to £75k. These costs are considered unsustainable and put the business at risk.
- 3.4. The development of the solar park would provide 75% of JCS Hi-Torque Limited's electricity costs and is likely to secure 88 jobs. While the development would not in itself create jobs it would protect existing jobs and therefore the principle of development within EM02 is acceptable.
- 3.5. It is estimated that, with the use of extensive use of storage batteries, 91% of the electricity produced by the solar park, will be used by JCS Hi-Torque with the remaining 9% available to the grid. The proposal is therefore clearly related to the needs of the business rather than a conventional solar park.
- 3.6. While there is a risk that the business could close or relocate and therefore the solar park would no longer be required, the solar park would be a major benefit to any proposed user of the wider site or could be used to provide renewable energy to the grid. The site has remained undeveloped, despite being allocated for employment use since 2006 which indicates that it is unlikely to come forward for an alternative employment related development.
- 3.7. The NPPF must also be taken into account as a material consideration in planning decisions.

Para 152 states:

"The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure."

And goes on, at para 158, to set out how plans and decisions should provide for renewable energy development including stating that in determining applications for renewable energy developments: *"local planning authorities should:*

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas."

- 3.8. It is also necessary to note a number of relevant documents that set out the Government's wider objectives for delivering renewable energy developments as part of the ongoing decarbonisation and net zero agenda, including:

- National Policy Statements: These provide the policy context for the determination of NSIP scale proposals. This development is below the threshold for consideration as an NSIP, but EN-1 and the revised draft EN-3 provide helpful context and an indication of the government's direction of travel in respect of renewable energy development, now specifically identifying the role of solar development as a key part of the government's strategy for low-cost decarbonisation of the energy sector.
- British Energy Security Strategy (2022): This reinforces the net zero agenda and sets out a package of priorities, funding and policy objectives to move the country back to energy independence. This includes provision for onshore wind, solar and other technology including recognition of the need for network capacity and flexibility such as battery storage;
- Net Zero Strategy – Build Back Greener (2021): This is a decarbonisation plan setting out the UK objective of achieving net-zero emissions by 2050. Part of the plan for “Building Back Better” after the covid pandemic;
- Energy white paper (2020): This builds on the ten-point plan for a green industrial revolution, addressing the transformation of the energy system, promoting high-skilled jobs and clean, resilient economic growth as the UK seeks to deliver net-zero emissions by 2050;
- United Kingdom Food Security Report (2021): This document sets out an analysis of statistical data relating to food security. It is relevant here as the development would take an area of agricultural land, in arable production, out of active use for the period of the development proposed.

3.9. The principle of renewable energy development is supported by the NPPF (and other existing and emerging Government policy). The proposal is considered to be in general accordance with EM02 such that, provided the impacts of the proposal are or can be made acceptable, in accordance with NPPF para 11c, the planning authority should grant permission without delay. The impacts of the development and accordance with topic-specific policies are discussed in the following sections.

4.0 Site Access, Parking And Highway Safety Considerations

- 4.1. Access to the site is to be from the existing access point to the adjoining factory, off of Northern Road. This access is already well established and can accommodate large delivery vehicles during construction phases as well as maintenance vehicles during operational periods.
- 4.2. During operational periods there would be a limited need for parking provision or staff parking. Any additional parking that could be needed would be accommodated by the already existing car park of the factory.
- 4.3. The Suffolk County Council Highway Authority has raised no objection subject to a condition. The condition to be imposed is to ensure a construction management plan is submitted to, and approved in writing by, the LPA to ensure that during construction phases the impact of heavy-duty vehicles does not have an adverse impact on highway safety.

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

- 5.1. The character of the immediate area is predominantly employment and commercial units, with a relatively sloped landscape leading east of the site down Northern Road. There are other commercial units surrounding the site, with Sudbury Community Health Centre directly north of the site, the manufacturing buildings of JCS Hi-Torque to the south, a commercial building to the east

and McDonald's and Homebase to the west. The area holds no significant landscape value and this application has limited impact on this landscape. As stated above, the site is not subject to any statutory designations.

- 5.2. The closest residential dwellings are approximately 60 metres north of the site, situated on Waldingfield Road. The development is screened from these properties by the already existing vegetation to the south of the dwellings. There is some existing vegetation along the northern boundary of the site, which does not fall within the red line of this site.
- 5.3. The proposed development would not have an outlook or visual amenity impact on any neighbouring properties as these are all commercial units and not residential. The nearest dwellings are a sufficient distance from the proposal and, therefore, their visual amenity would not be adversely affected by this proposal.
- 5.4. The solar park may appear somewhat incongruous, surrounded by large scale commercial units; however, given the relatively low height of the panels and the retained vegetation, the development would not be particularly visible and could not be considered detrimental to the character of the area.
- 5.5. Chilton Parish Council has commented on this application with one aspect of it being the proposed height of the panels, stating that if there is to be no grazing of animals underneath the panels why is the height justified. In response, the height of these panels is considered typical for this sort of development and does not result in an adverse impact on the landscape.
- 5.6. On the basis of the above, there is not considered to be any unacceptable landscape or visual impact arising from the development as would warrant refusal of the application.

6.0 Flood Risk

- 6.1. The application site lies in Flood Zone 1 and is at a very low risk of surface water flooding.
- 6.2. The proposed development includes some additional hardstanding on the site, which consists of a crushed limestone roadway from the end of the existing access to the southern boundary of the site. This material is permeable and would therefore have limited effect on the drainage and surface runoff rates and is considered an acceptable material.
- 6.3. The Lead Local Flood Authority (LLFA) has recommended approval and stated that the solar panels will drain naturally holding objection until details of surface water discharge are submitted. It is proposed that any decision is subject to providing details of surface water discharge which are acceptable to the Flood and Water Officer. Given the large size of the site and the relatively small area of non-permeable surfacing it is considered that this holding objection can be relatively easily resolved and should not delay the Committee making a resolution on the application.
- 6.4. An initial ecological appraisal and additional reptile surveys have been provided for the site. No reptiles were found during the surveys and the site has limited potential to provide habitats for other wildlife given its location surrounded by commercial development. The initial ecological appraisal notes that the grassland could provide nesting opportunities for skylarks, and it is proposed to mitigate against any impacts on breeding birds by preventing development during the nesting season, or for the site to be surveyed for bird nests before work start, by an ecologist. The Parish

Council has requested that skylark plots are provided elsewhere. This is considered unnecessary given the small size of the site, which limits the opportunity for skylarks to nest and would be unduly onerous on the applicant.

- 6.5 Place Services Ecology is content that the proposed development would not be detrimental to biodiversity subject to conditions including biodiversity enhancement strategy.

10.0 Impact On Residential Amenity

- 10.1. The site is located amongst other commercial and employment units and has a sufficient separation distance from the nearest residential dwelling (Approximately 60 metres).
- 10.11. Due to the nature of the proposal, privacy and overlooking concerns would not arise from the development.
- 10.12. There would be an increased amount of traffic movements from the site during construction phases; however, it is assumed that this will decrease once the development is operational. A construction management plan is to be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of the works to ensure there will be minimal disturbance from vehicle movement.
- 10.13. The increase of traffic movements to and from the site would be via Northfield Road which is a well-established adopted highway. This road is used for several commercial units and can accommodate large and heavy vehicles that would be required during construction.
- 10.14. The proposed development includes electrical / mechanical equipment that would produce noise when operational; however, this is very unlikely to be heard from the residential dwellings to the north. The surrounding units are used for manufacturing, meaning that the immediate locality of the site is noisy during operating hours. The noise created by the equipment as part of this proposal is not considered to be unacceptable in the setting and would not be louder than the existing noise levels coming from the existing built environment.
- 10.15. Due to the location of the proposal being set back from the highway of Northern Road, there is very minimal potential for glint and glare to have an adverse effect on residential amenity. The location means that any glint and glare that is created would only possibly affect the JCS Hi-Torque Ltd buildings and the existing unit would screen most of the proposal from other neighbouring units and therefore minimise any concerns raised. There would be no impact to the safety of road users as the proposal is a sufficient distance from the nearest highway or turning areas and therefore would not affect the user's safety.
- 10.16. BMSDC's Noise/odour/light/smoke Officer has raised no objection to this application. Overall, there are not considered to be any unacceptable impact in respect residential amenity such as would warrant refusal of the application.

11.0 Parish Council Comments

- 11.1 The majority of matters raised by Chilton Parish Council have been considered in the above report, but the following issues have also been raised:
- Potential for CCTV to look outside of the site. The CCTV is located within the site, approximately 5 metres at the nearest point to Church Field Road, The CCTV is required to protect the solar panels and would, therefore, be positioned to provide surveillance of the panels rather than the

road. Given the commercial nature of the surroundings there are already numerous other CCTV cameras within the vicinity.

PART FOUR – CONCLUSION

12.0 Planning Balance and Conclusion

- 12.1. The proposed solar park has been designed by JCS Hi-Torque Ltd. to allow the business to be nearly self-sufficient in energy production, protecting the business from high energy costs and fluctuations of electricity prices. This would significantly improve the long-term prospects of the business and help protect 88 skilled jobs. It would also significantly lower the carbon footprint of the business and allow the staff to have the benefit of electric car charging which, coupled with an electric car leasing scheme, would help employees lower their commuting costs.
- 13.2 The disbenefit of the scheme is that the land has been allocated for employment-related development and in itself the solar park would not produce jobs. However, the site has been allocated since 2006 and has not come forward for employment-related development, the solar park is directly related to JCS Hi-Torque Ltd and therefore is considered to be acceptable under Policy EM02.

RECOMMENDATION

That planning permission is approved to include the following conditions:

- Standard time limit
- In accordance with the approved plans
- Construction Management Scheme
- Ecological appraisal recommendations
- Biodiversity enhancement strategy
- Landscaping scheme including details of boundaries landscaping and land between solar panels.