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| <u>Location:</u>  | <b>Morrisons Superstore<br/>Broadway<br/>Letchworth Garden City<br/>Hertfordshire<br/>SG6 3TS</b>                                        |
| <u>Applicant:</u> |                                                                                                                                          |
| <u>Proposal:</u>  | <b>Installation of EV charging zones, including the erection of sub-station enclosure, LV panel, meter cabinet and associated works.</b> |
| <u>Ref. No:</u>   | 25/00466/FP                                                                                                                              |
| <u>Officer:</u>   | <b>Henry Thomas</b>                                                                                                                      |

**Date of expiry of statutory period:** 29/04/2025

**Extension of statutory period:** TBC

**Reason for Delay:** Awaiting an available committee meeting.

**Reason for Referral to Committee:** The application has been called in by Cllr Claire Winchester for the following reasons:

*“The nearby residents have made it clear that they wish this to be called in on the grounds that they will face a significant impact on their living conditions (privacy, noise, headlights etc.). Ground levels either side of the boundary are in some cases quite different, leading to particular concerns You mentioned in your previous email about limited hours of operation, but it isn’t clear how that would be enforced at an EV charge facility in an open carpark*

*The residents also feel strongly that the application as it stands represents a detrimental impact on the character and appearance of the area. Other facilities operated by the same provider have large areas of garish backboards, signage and other structures around the charging posts themselves.*

*And finally, residents feel that there may be an equalities issue regarding siting an EV charge facility at the far end of the car park from the store, in that users with a disability will be discriminated against. A preferred option would be to site the chargers nearer to existing disabled parking bays, giving a shorter distance to travel to the store.”*

## 1.0 **Site History**

- 1.1 24/01035/FP - Installation of EV charging zones, including the erection of sub-station enclosure, LV panel, meter cabinet and associated works (amended plans received 17.06.2024).  
**Refused.**
- 1.2 24/00736/FP - Installation of EV charging zones, including the erection of sub-station enclosure, LV panel, meter cabinet and associated works.  
**Withdrawn.**
- 1.3 19/00227/FP - Glazed screens and sliding doors to existing open lobby and replacing existing carpark trolley corrals with enclosed trolley shelters.  
**Conditional Permission.**
- 1.4 18/03180/FP - Installation of glazed screens in lieu of existing open metal panels to existing garden centre.  
**Conditional Permission.**
- 1.5 18/02047/FP - Change of use of 9 parking spaces to hand car wash and valeting operation including the installation of a cabin and erection of a canopy.  
**Refused.**
- 1.6 17/00601/1 - Retention of all equipment and signage related to the implementation of a car park management system (as amplified by drawing C-15448-002B received 27/04/2017).  
**Unconditional Permission.**
- 1.7 06/00719/1 - Replacement of existing trolley bays with trolley shelters in supermarket car park  
**Conditional Permission.**

## 2.0 **Policies**

### 2.1 **North Hertfordshire District Local Plan 2011 – 2031**

#### Spatial Strategy and Strategic Policies

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP6: Sustainable transport

Policy SP9: Design and sustainability

Policy SP10: Healthy communities

Policy SP11: Natural resources and sustainability

Policy SP12: Green infrastructure, biodiversity and landscape

Policy SP13: Historic Environment

#### Development Management Policies

Policy ETC3: New retail, leisure and other main town centre uses

Policy T1: Assessment of transport matters

Policy T2: Parking

Policy D1: Sustainable design

Policy D3: Protecting living conditions

Policy D4: Air quality

Policy HE1: Designated heritage assets

## 2.2 **Supplementary Planning Documents**

Design SPD

Sustainability SPD

## 2.3 **National Planning Policy Framework (2023)**

Section 2: Achieving sustainable development

Section 7: Ensuring the vitality of town centres

Section 9: Promoting sustainable transport

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 16: Conserving and enhancing the historic environment

## 3.0 **Representations**

### 3.1 **Site Notice and Neighbour Notification** – 6 representations have been received in objection. Their comments are summarised as:

- Light pollution / harm to neighbour amenity.
- Harm to street scene
- Lack of risk assessment – recent fire at Heathrow's substation
- Noise impact.
- Lack of disabled spaces
- Speculation it may be used to facilitate a future petrol station
- Would disadvantage petrol stations within the area.
- Morrisons already has EV charging points
- Any built structure would harm neighbouring amenity.
- Concerns with the noise report.
- Devaluation of neighbouring homes.
- Breach of deeds
- Concerns whether EV chargers would be in operation 24 hours.
- Located too close to neighbouring houses.
- Located too far from the store.
- Electromagnetic Field Radiation emission, contrary to National Grid 75m recommendation.
- Traffic and parking impact.
- Harm to the conservation area.

In addition to this, neighbours have also referred to a few documents -

- House of Lords Library - European Convention of Human Rights Article Eight & UK Interpretation
- Office for Zero Emissions Vehicles – Minimum Requirements for physical ChargePoint Design

3.2 **Environmental Health (Noise and Other Nuisances)** – no objection subject to recommended condition for restricted hours of operation.

3.3 **Letchworth Garden City Heritage Foundation** – None received.

#### 4.0 **Planning Considerations**

##### 4.1 **Site and Surroundings**

4.1.1 Morrisons Superstore is a large supermarket and car park located between Station Way and Broadway within Letchworth town centre. The site has vehicle access onto both roads and is within the Letchworth Conservation Area.

4.1.2 The proposed development would be sited to the northwest corner of the supermarket site and is adjacent to Station Way. The site is currently in use as an existing commercial car park for the Morrisons superstore. The car park is separated by a footpath from residential dwellings to the west. The closest of which sits approximately 5.8m away.

##### 4.2 **Proposal**

4.2.1 Planning permission is sought for the installation of 4 EV charging points serving 8 EV charging bays, an enclosed substation, meter cabinet, LV Panel.

4.2.2 The proposal is a resubmission of 24/01035/FP which was refused for the following reason:

*“The proposed acoustic fence which would be required to mitigate the noise impact of the EV chargers for the neighbouring dwellings, would result in an overbearing and overshadowing impact on the public footpath and would fail to enhance the character and appearance of the surrounding area contrary to Policy D1 of the NHLP 2011-2031 and Section 12 of the NPPF 2024.”*

4.2.3 The applicant has undertaken a new noise assessment which supports the omission of the acoustic fence.

4.2.4 Although it was raised following the previous refusal whether the proposed development would benefit from being relocated further into the site where it may sit adjacent to the Morrison’s building itself and further from the neighbouring dwellings. The applicant has declined and seeks determination in this location.

4.2.5 The dimensions are approximately:

- Meter Cabinet: 1.273m tall, 1.065m wide and 0.54m deep.
- LV Panel unit: 2.45m tall, 3m wide and 2.6m deep. Finished in a light grey colour.
- Substation: 2.57m tall, 2.8m wide and 2.8m deep with an antenna reaching 2.71m tall. Finished in a light grey colour.
- EV charging posts: 2.236m tall, 0.732m wide and 0.854m deep.

### 4.3 Key Issues

4.3.1 The key issues for consideration are as follows:

- The principle of the proposed development.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact on the living conditions of neighbouring properties.
- The impact on car parking provision in the area.
- The impact on the environment.
- The impact on the character and appearance of the Conservation Area.

#### Principle of the Proposed Development / sustainability:

4.3.2 The NPPF sets out in paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 confirms that there are three overarching objectives to sustainable development: economic, social, and environmental, which are interdependent and need to be pursued in mutually supportive ways. Paragraph 117 of the NPPF states that development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible, and convenient locations.

4.3.3 Policy SP11 supports proposals for renewable and low carbon energy development in appropriate locations, stating that *“to assist in securing radical reductions in greenhouse gas emissions, the Council is required to help increase the use and supply of renewable and low carbon energy. Proposals for renewable and low carbon energy will be favourably considered subject to consideration of the impacts.”*

4.3.4 Policy SP6 supports development that promotes the use of sustainable transport modes stating that we will *“seek the earliest reasonable opportunity to implement sustainable travel infrastructure on Strategic Housing Sites and other development sites in order to influence the behaviour of occupiers or users”*

4.3.5 The application site is a car park for a supermarket (Morrisons) within the town centre of Letchworth Garden City. There are other EV charging stations within the southern area of the car park which set a precedent for this form of development. The proposed development would support the growth of the existing business on site. As such, it is considered that the principle of development within this location within Letchworth town centre would be acceptable.

4.3.6 The proposal therefore complies with policies SP6, SP11 and D6 of the Local Plan and sections 2 and 9 of the NPPF.

#### Design and Appearance:

4.3.7 Section 12 of the National Planning Policy Framework (NPPF) aims to achieve well designed places through good design. Paragraph 130 of the NPPF sets out that planning decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, and are

sympathetic to local character and history. These principles are reflected within Policy D1 of the North Hertfordshire Local Plan 2011-2031.

- 4.3.8 The proposed charging units and substations would be conventional for such development. The substation, PV Panel Unit, meter cabinets and charging points would be of a size that would be visible within the immediate area. However, in the context of the wider car park and services site, the proposed EV charging area would not be out of character as such facilities exist in the car park and are now commonplace in general. The height and size of the charging points and substations are small in comparison to the buildings around the site.
- 4.3.9 The units would have some screening in the form of a low wall and trees to the northern boundary which would reduce their visibility from Station Road. In the circumstances, I consider that the proposed infrastructure would not appear out of place or be visually harmful
- 4.3.10 The proposal complies with Policies D1 and NE2 of the Local Plan, and Section 12 of the NPPF.

Impact on Neighbouring Amenity:

- 4.3.11 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy D3 of the Local Plan.
- 4.3.12 The application site is neighboured by No. 49 Station Way to the west of the site who has raised an objection to the proposed development. The dwelling is set at a lower ground level, sits approximately 5.3m from the car park and is separated by a footpath. In my view, the charging posts are modest in scale and would be set back sufficiently from the development to be considered overbearing or contribute to any loss of light. The proposed substation and LV Panel would be set further away from this neighbour and therefore would not have a significant visual impact.
- 4.3.13 The application is accompanied by a Noise Impact Assessment which includes details of an ambient noise survey undertaken to measure the existing noise climate around the site; and a prediction of noise impacts at the most affected noise sensitive receptors based upon the possible operation of the plant between 7am and 10pm every day. The Council's Environmental Health (Noise) have not raised any objections to the proposed noise output of the substation and chargers based on the noise assessment. The noise assessment indicates that there would not be any significantly harmful noise impact upon the neighbouring dwellings and no lighting has been proposed. Whilst Officers consider that a different location for the proposals would be preferable, to minimise impact upon neighbours, nevertheless, the proposed development would not have a significantly harmful impact upon the living conditions of occupiers of neighbouring dwellings to justify refusal of planning permission subject to the condition recommended by Environmental Health to limit hours of operation from 7am – 10pm on any given day.
- 4.3.14 In conclusion on this matter, the proposed development would, on balance, not result in any unacceptable overbearing impact, loss of light or privacy to other nearby neighbouring occupiers or lead to an unacceptable noise environment that would cause significant harm to the living conditions of occupiers of nearby residential properties.

#### Impact on Parking and Highways:

- 4.3.15 The proposed development would result in the net loss of nine car parking spaces and one trolley bay in total when including the proposed EV spaces within the calculation. Officers consider that given the large size of the car park and the benefits that would arise from providing additional EV charging, this loss would be acceptable.
- 4.3.16 The site and proposal are outside of the public highway network and would not affect highway safety or the capacity of the local highway network. The Highway Authority has not objected to the proposed development. The proposal will not obstruct vehicle circulation in the car park. Therefore, it is concluded on this matter that there would not be an adverse impact upon car parking or highway safety and therefore the proposal complies with Policies T1 and T2 of the Local Plan, and Section 9 of the NPPF.

#### Environmental Matters

- 4.3.17 The proposal seeks to retain the trees along the boundary. The proposed development, by virtue of its limited scale in general terms together with the sustainable location would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 14 of the NPPF.

#### Biodiversity Net Gain

- 4.3.18 The existing site is a car park with limited existing habitat space, as such the proposed development is 'de minimis' and would not exceed the threshold of 25 sqm of on-site habitat, or /and less than 5 meters of linear habitats. This application is therefore exempt from BNG legislation defined under article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

#### Impact upon the character and appearance of the conservation area

- 4.2.19 The site lies within Letchworth Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character of that area. The NPPF identified Conservation Areas as designated heritage assets. Local Plan Policy SP13 addresses the historic environment and confirms that the Council will balance the need for growth with the proper protection and enhancement of the historic environment. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset's conservation and the management of its setting. In addition, Local Plan Policy HE1 considers designated heritage assets, such as conservation areas and listed buildings, and confirms that planning permission will be granted for development proposals affecting designated heritage assets subject to criteria including that where a development would lead to less than substantial harm to the significance of the designated heritage asset, this harm is outweighed by the public benefits of the development, including securing the asset's optimum use.

- 4.2.20 The proposed development would be within a supermarket car park. The supermarket building is well-designed and whilst the supermarket and associated car park does not significantly detract from the heritage significance of the conservation area, it does not make a material positive contribution, nor would the proposed development. As indicated earlier in this report the proposed development would not appear incongruous within its context, and as such it is considered that the character and appearance of the conservation area would be unharmed by the proposal.
- 4.2.21 Therefore, it is considered that the character and appearance of the conservation area would be preserved, and that the proposal would not conflict with Local Plan Policies SP13 and HE1.

#### Other Matters

- 4.3.22 With regard to the additional documents submitted. Planning decisions can significantly impact human rights, particularly the right to respect for private and family life. However, these rights must be balanced against other material considerations, and this will be a planning judgement. Whilst concerns raised relating to them have been considered in the planning balance it is considered the human rights of nearby residents would not be significantly affected by the proposed development to the extent that planning permission should be withheld. The 75m National Grid recommendation applies to large scale substations and is therefore not applicable in this case.

#### 4.4 **Conclusion**

- 4.4.1 The proposed development would comply with the Local Plan and the National Planning Policy Framework. Therefore, planning permission should be granted subject to conditions.

#### 4.5 **Alternative Options**

- 4.5.1 N/A

#### 4.6 **Pre-Commencement Conditions**

- 4.6.1 N/A

#### 5.0 **Recommendation**

- 5.1 That planning permission be **Granted** subject to the following:

#### **BNG Statement**

This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions 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. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. The use hereby permitted (EV Chargers) shall not be open to customers outside the following times:  
07.00hrs to 22.00hrs on any given day.

Reason: To protect the amenity of existing residents and in accordance with Policy D3 of the North Hertfordshire Local Plan 2011-2031.

### **Proactive Statement**

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.