

Case Officer: Sarah Greenall

Applicant: EZ Charge Ltd

Proposal: Electricity kiosk and 6no charging stations for Electric Vehicle Charging

Ward: Banbury Cross and Neithrop

Councillors: Councillor Banfield, Councillor Hodgson and Councillor Perry

Reason for Referral: Application affects Council's own land

Expiry Date: 27 January 2022

Committee Date: 13 January 2022

**SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION
SUBJECT TO CONDITIONS FOLLOWING EXPIRY OF CONSULATION PERIOD**

1. APPLICATION SITE AND LOCALITY

1.1. The application site is located centrally within Banbury, to the south west of the main High Street and forming part of a public car park accessed from Calthorpe Street. The application site is a small part of the car park to the north east close to the access of Calthorpe Road forming 12 car parking spaces.

2. CONSTRAINTS

2.1. The site is within the Banbury Conservation Area and within close proximity to some Grade II listed buildings, as well as having some potential for archaeology. It is also within an area of elevated radon levels and situated on potentially contaminated land.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application seeks planning permission for the provision of an electrical kiosk to facilitate charging stations for electric vehicles. 6no charging posts are proposed (serving the 12 spaces that sit within the application red line area).

3.2. The electrical kiosk is proposed to be 2.25m high, 2.7m wide and 0.6m deep with a black finish. The charging posts are proposed to be 1.74m high by 0.65m by 0.44m. The units are a light colour with black detailing.

4. RELEVANT PLANNING HISTORY

4.1. There is no planning history directly relevant to the proposal.

5. PRE-APPLICATION DISCUSSIONS

5.1. No pre-application discussions have taken place with regard to this proposal.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to nearby residential properties. The final date for comment is **13 January 2022**.
- 6.2. No comments have been raised by third parties at the time of writing this report; however, it is noted that the consultation period is due to end after the committee date and any comments submitted up to this date will still be considered.
- 6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. BANBURY TOWN COUNCIL: **Fully support** the conversion of some Local Authority managed parking spaces to EV charging spaces and consider that this is a good location and does not cause undue harm to the character and appearance of the area.

OTHER CONSULTEES

- 7.3. OCC HIGHWAYS: **No objection**.
- 7.4. CDC CONSERVATION: No comments received at the time of writing this report
- 7.4. CDC ENVIRONMENTAL HEALTH: No comments received at the time of writing this report.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- SLE4 – Improved Transport and Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- ENV12 – Development on contaminated land

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell District Council's 2020 Climate Action Framework
- Connecting Oxfordshire: Local Transport Plan 2015-2031

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area including heritage impact
- Transport Impact
- Residential amenity

Principle of Development

- 9.2. The application relates to the provision of an electrical kiosk and EV charging points. The application documentation provides the background to this proposal describing that the Government has accelerated the transition to electric vehicles to 2030 and by 2025, it is estimated that there will be 25,000 battery electric vehicles driven on the roads of Oxfordshire. As part of Cherwell District Council's Climate Emergency declaration, it has prepared a Climate Action Framework which, amongst other measures shows support for electric and active travel as the new normal as a measure to contribute towards the District achieving net zero emissions by 2050.
- 9.3. Park and Charge Oxfordshire is a partnership project between Oxfordshire County Council, SSE, Zeta, Urban Integrated and the University of Oxford who are leading the way to help local District Council's across Oxfordshire provide electric charging hubs to accommodate this growth. The project is funded by Innovate UK and is proposed to provide hubs to meet demand as take-up grows. The locations of the initial car parks for the hubs have been chosen so that the charging points are close to residential areas with little off-street parking. The charging points are bookable overnight so they can be used by local residents who might otherwise have difficulties charging their electric vehicle and which are available to visitors otherwise.
- 9.4. This particular site is within Banbury Town Centre and located within the Banbury Policy 7 area identified in the CLP 2015. The Development Plan aims to strengthen town centres which is highlighted in Banbury Policy 7 stating *Shopping, Leisure and other 'Main Town Centre Uses' will be supported within the boundary of Banbury town centre.* The site is part of an existing car park and the plan is to set aside 12 parking spaces for EV use, with a kiosk to link to the charging points. The existing car park already supports the use of the town centre and it is considered that the provision of charging points will not only help to accommodate the growing use of electric vehicles, but also contribute to the regeneration of the town centre by providing infrastructure that allows local residents with little off-street parking to use more sustainable modes of transport when visiting the town centre.
- 9.5. Policy SLE4 of the CLP 2015 states that *All development where reasonable to do so, should facilitate the use of sustainable modes of transport and that encouragement will be given to solutions which support reductions in greenhouse gas emissions.* Policy ESD1 of the CLP 2015 also states that *measures will be*

taken to mitigate the impact of development within the district on climate change which would include delivering developments that encourages sustainable transport options. The proposals are considered to support the expected 25,000 battery electric vehicles that will be driven on the roads of Oxfordshire by 2025. The principle of providing EV charging points in existing car parks is therefore considered acceptable as it would facilitate infrastructure to support visitors and residents move to a more sustainable form of transport and this would contribute to mitigating the impacts of climate change, reducing air pollution and to help the Council achieve its targets for a net zero carbon District by 2050. The proposal therefore complies with Policies SLE4 and ESD1 of the CLP 2015.

Design and Impact upon the character of the area including heritage impacts

- 9.6. Policy ESD15 sets out the expectation that development should complement and enhance the character of its context and meet high design standards.
- 9.7. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 202 of the NPPF states that: *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.* Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.8. The kiosk would be positioned adjacent to existing car parking spaces which would be upgraded and advertised appropriately as being for EV use. The position of the EV charging points would be accessible centrally to the 12 spaces. The proposals would be visible within the context of an existing town centre car park and surrounding urban area. The infrastructure items proposed are modest in size and would therefore not appear prominent or out of keeping with its context.
- 9.9. The site is located within the Banbury Conservation Area, as well being within close proximity to a number of Grade II listed buildings. While the Conservation Officer has not provided comments at the time of writing this report, it is considered that given the context for the development the new proposed structure would represent a low level of less than substantial harm to the surrounding designated heritage assets. This harm would however be outweighed by the public benefits represented by the proposal that facilitates the provision of EV infrastructure.
- 9.10. On this basis, Officers consider that the proposal would be acceptable in design terms and therefore complies with Policy ESD15 of the CLP 2015.

Transport Impact

- 9.11. The proposal would remove 12 parking spaces from general use and dedicate them for EV vehicles. However, as ownership rates of EV vehicles increase, the demand for them will increase. The Local Highway Authority (LHA) advise that the conversion of some Local Authority managed parking spaces to EV charging spaces is fully supported by policies within the Oxfordshire Electric Vehicle Infrastructure Strategy (2021).
- 9.12. The LHA also advise that the proposals are unlikely to have any adverse impact upon the local highway network in traffic and safety terms, OCC therefore do not object to the granting of planning permission.

Residential amenity

- 9.13. Policy ESD15 sets out that development should consider the amenity of both existing and future development. In this case, there are residential properties to the north and west of the position of the infrastructure. It is understood that the kiosks and charging points do not create noise nuisance and the use of the parking spaces by electric vehicles is unlikely to be any more disruptive than their use by non-electric vehicles. The kiosk and charging points are also unlikely to cause impacts to residential amenity otherwise. As such, the proposal complies with Policy ESD15 in this respect.

Other matters

- 9.14. The site is in an area with the potential for archaeology and contaminated land; however, given the minor scale and urban environment of the development and the fact it is unlikely to be significantly intrusive, Officers do not consider that the proposed development would cause unacceptable impacts upon these constraints. A condition has been recommended to ensure a remediation strategy is submitted to and approved by the Local Planning Authority should any contamination found to be present on site.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO:

- i. THE EXPIRY OF THE PUBLIC CONSULTATION PERIOD, IF THERE ARE NO FURTHER COMMENTS RECEIVED WHICH RAISE NEW ISSUES NOT BEFORE THE COMMITTEE IN THEIR DECISION MAKING; AND**
- ii. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**

CONDITIONS

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with 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.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: drawing numbers OPAC-SSE-CM-XX-DR-E-0001 Rev 06, ACR-O-VOWH-LE-1400_01 D, ACR-O-VOWH-LE-1400_02 D, ACR-O-VOWH-LE-1400_03 D, ACR-O-VOWH-LE-1400_04 D and ACR-O-VOWH-LE-1400_05 D, and image showing the 'EZC-_CPC1_SYSTEM_SPECIFICATION'.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Contaminated Land

3. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

Informative Note

1. Oxfordshire County Council Highways Team have previously advised that you may wish to consider the inclusion of a Vehicular Restraint System to prevent accidental damage to the apparatus (kiosk and charging points) as they could be vulnerable to damage.