

Case Officer: Sarah Greenall

Applicant: EZ Charge Ltd

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

Ward: Banbury Cross and Neithrop

Councillors: Cllr Banfield, Cllr Hodgson and Cllr Dr Okeke

Reason for Referral: Application affects Council's own land

Expiry Date: 27 January 2022

Committee Date: 11 August 2022

SUMMARY OF RECOMMENDATION: GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

UPDATE

This application was considered by the Planning Committee at the meeting held on the 13 January 2022. At this time the Committee resolved to delegate powers to the Assistant Director for Planning and Development to grant permission subject to the expiry of the public consultation period, if there were no further comments received that raised new issues not before the Committee at the time of their consideration of the application.

There have been no third party responses to the application.

Following the January Planning Committee, a site meeting was conducted between the Conservation Officer and the applicant. This resulted in amendments to the Conservation officer's assessment of the scheme. The application is therefore being returned to Planning Committee for reconsideration in light of the material change in the factors to be taken into account since the Committee's previous consideration of the proposal.

In summary: The Committee's January resolution included a condition requiring a mitigation scheme to protect the character of the conservation area. However, following meetings with the Conservation Officer it was concluded by officers that providing further mitigation has the potential to make the application more prominent. As such the condition is no longer considered necessary or to meet the government's tests for conditions.

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 was the **13 January 2022**.
- 6.2. No comments have been raised by third parties.

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: **Supports** the provision of EV charging spaces.

OTHER CONSULTEES

- 7.3. OCC HIGHWAYS: **No objections**.
- 7.4. CDC CONSERVATION: **No objection** following further meetings on site.
- 7.4. CDC ENVIRONMENTAL HEALTH: **No comments** to make with regards to this application.

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

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; the Development Plan aims to strengthen the town centre by supporting shopping, leisure and main town centre

uses. 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.

- 9.5. The principle of providing EV charging points in existing car parks is 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 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* 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.
- 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. The Conservation Officer highlighted previously that the electrical kiosk would be quite large and situated within a prominent location within the conservation area, and it was suggested that a mitigation scheme to help limit the impact on the designated heritage assets would be beneficial.
- 9.10. The planning committee resolved to grant planning permission subject to conditions including a mitigation scheme.
- 9.11. Since the January Planning Committee meeting a site meeting was conducted between the Conservation Officer and the applicant, following which the Conservation Officer advised that given the location of the unit a mitigation scheme could potentially result in the unit being more prominent than it would have been previously. They advise that that it would be difficult to try to screen the cabinet and make it look better, so happy to accept it as an honest piece of street furniture.
- 9.12. Given the context for the development within an existing car park, it is therefore considered that very limited harm would be caused to the significance of the surrounding heritage assets. Further to this, the public benefit is considered to outweigh any potential limited harm that could be caused.
- 9.13. 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

- 9.14. 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 Highways Authority have raised no objection to the proposals, and it is noted that it is unlikely they would result in any adverse impact upon the local highway network from a traffic and safety point of view.
- 9.15. The Local Highway Authority has offered advice on similar applications regarding a Vehicular Restraint System to protect the kiosk and charging points from accidental damage, and a planning note is therefore suggested again in this respect as it is unlikely that such a system would require planning permission and this may be a matter considered unnecessary by the applicant.

Residential amenity

- 9.16. 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

- 9.17. 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.

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 –GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW

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.

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.