

**Case Officer:** Caroline Ford

**Applicant:** EZ Charge Ltd

**Proposal:** Electricity kiosk and 5 no. charging stations for Electric Vehicle Charging

**Ward:** Banbury Cross and Neithrop

**Councillors:** Councillor Banfield, Councillor Hodgson, Councillor Perry

**Reason for Referral:** Application affects Council's own land

**Expiry Date:** 27 May 2021

**Committee Date:** 20 May 2021

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## **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located centrally within Banbury, just to the south of the Town Centre and forms part of a public car park accessed from Upper Windsor Street. The application site is a small part of the car park to its eastern side closest to the road forming 10 car parking spaces and a landscaped area to the north.

## **2. CONSTRAINTS**

- 2.1. The application site is within proximity to the Oxford Canal Conservation Area (which is on the opposite side of Upper Windsor Street), the land is potentially contaminated, has some potential for archaeology and it sits within Flood Zone 2.

## **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 to be positioned on the landscaped area at the north of the 10 parking spaces. 5 no. charging posts are proposed (serving the 10 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.
- 3.3. The application submission indicates that planning permission is not required for the charging points themselves, however as those proposed exceed 1.6m above the level of the surface used for the parking of vehicles, it has been concluded that planning permission is required and the application description altered accordingly. The application documentation included an image of the charging points and their position is shown on the plans so Officers are satisfied that this change is for clarity and that no interested parties would be prejudiced by this change without a further period of consultation.

#### 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 and by advertisement in the local newspaper. The final date for comments was **07 May 2021**, although comments received after this date and before finalising this report have also been taken into account.

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: **Support** as BTC is pleased to see this needed facility coming forward.

##### CONSULTEES

7.3. OCC HIGHWAYS: **No objections** as the proposals are unlikely to have any adverse impact upon the local highway network from a traffic and safety point of view. Whilst the proposal will result in the net loss of 10 unrestricted parking bays, as ownership rates of EVs increase, the effect of this initial reduction in space will diminish over time and the proposal is to enable a rapid roll out of EV infrastructure that will be required to transition from combustion powered vehicles to EVs and plug in Hybrid vehicles. The LHA would advise 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.

#### 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 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 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 2031 Part 1)

- SLE4 – Improved Transport and Connections

- ESD1 – Mitigating and Adapting to Climate Change
- ESD6 – Sustainable Flood Risk Management
- ESD15 - The Character of the Built and Historic Environment
- Banbury 1 – Banbury Canalside
- Banbury 7 – Strengthening Banbury Town Centre

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

#### 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 conservation area setting
- Transport impact
- Residential amenity
- Flood risk

#### 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 location 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 on the policy maps for Policies Banbury 1 and 7 is shown as being within the Town Centre Commercial Area and an area for potential strategic mixed use. It is part of an existing car park and the plan is to set aside 10 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 to be 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 would therefore comply with Policies SLE4 and ESD1 of the Cherwell Local Plan Part 1 2011-2031.

#### Design and Impact upon the character of the area including conservation area setting

- 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. The kiosk is to 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 10 spaces. The proposal would result in the loss of a small area of landscaping and would be visible within the car park and surrounding area but this would be 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.
- 9.8. The site is opposite to the edge of the Oxford Canal Conservation area, however given the context for the development and the predominant character of the conservation area (i.e. in relation to the Canal), the proposal would conserve the character of the Conservation area.
- 9.9. On this basis, Officers consider that the proposal would be acceptable in design terms and would therefore comply with Policy ESD15 of the Cherwell Local Plan Part 1 2011-2031.

#### Transport Impact

- 9.10. The proposal would remove 10 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 Highway Authority do not consider that the proposal will have any adverse impact upon the local highway network from a traffic and safety point of view and raise no objection.
- 9.11. The Highway Authority offer some advice regarding a Vehicular Restraint System to protect the kiosk and charging points from accidental damage and a planning note is suggested 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

- 9.12. Policy ESD15 sets out that development should consider the amenity of both existing and future development. In this case, the planning history of the Blarney Stone public house to the north of the site shows that residential uses have been permitted above ground floor. 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 anymore disruptive than their use by non-electric vehicles. The kiosk or charging points are also unlikely to cause impacts to residential amenity otherwise. As such, the proposal complies with Policy ESD15 in this respect.

#### Flood Risk

- 9.13. The supporting statement provides a paragraph relating to flood risk and sets out that the site is within flood zone 2, that the footprint of the electrical unit is less than 1.7sqm and that the electrical points within the kiosk would be set higher than ground level to protect it should there be a flood event. The submitted information does not form a full FRA but, Officers are content with the information provided and are satisfied that the development itself would be resilient to flooding and that the development would not increase flood risk elsewhere. On this basis, Officers are comfortable that the proposal would be acceptable in flood risk terms and comply with Policy ESD6 which requires a sequential approach to development within flood zones and for proposals to remain safe and not increase flood risk elsewhere.

#### Other matters

- 9.14. The site is in an area with the potential for contamination and archaeology, however given the minor scale of the development and the fact it is unlikely to be significantly intrusive, Officers do not consider that the 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 number OPAC-SSE-WI-XX-DR-E-0002 titled 'Windsor Street Car Park EV Boundary' and images 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.

#### Planning Note

Oxfordshire County Council Highways Team have 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.

CASE OFFICER: Caroline Ford