

Recommendation Report for Planning Permission

REF NO: A/26/19/PL

LOCATION: Quiet Waters
Roundstone Lane
Angmering
BN16 4AX

PROPOSAL: Application for variation of condition following grant of planning permission A/132/17/OUT relating to condition no. 20 - Electric Vehicle Charging Points

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The applicant is seeking to vary Condition 20 imposed on the outline planning permission (A/132/17/OUT) which currently says: "Every new home will have an electric vehicle charging point".
SITE AREA	Of note, amended plans have been submitted. 0.773 ha
TOPOGRAPHY	Predominantly flat, with raised banks around the edges of the site. There are stock-piles of subsoil within the entrance to the application site.
TREES	A large number of trees have been removed from the site frontage with Roundstone Lane and from within the site. Three trees on the site are protected by a Tree Preservation Order (TPO/A/1/17 2017).
BOUNDARY TREATMENT	The applicant has erected timber hoarding, painted blue, along the western boundary of the site fronting onto Roundstone Lane. There are trees and hedgerows along the northern, southern and eastern boundaries of the site.
SITE CHARACTERISTICS	The application site is a construction site for the erection of 30 dwellings. The site formerly comprised an agricultural workers detached 5 bedroom dwelling, with gardens to the front, rear and sides. The detached house has been demolished and the gardens have been grubbed out. L
CHARACTER OF LOCALITY	The application site is located on the eastern side of Angmering Village, to the east of Roundstone Lane and to the north of the A259. The site is located outside the built-up area boundary (BUAB) but the area is being transformed by new housing on the former West End Nursery site which lies immediately north of the application site which is currently being re-developed for 246 dwellings. To the north of West End Nursery there are a further three residential development sites (the Rugby Club, DW Land and Manor Nursery), which run as far as the High Street. To the east of the application site

is Haskins Garden Centre which contains a range of retail uses occupying large buildings, with associated car parks and storage areas. To the west of Roundstone Lane is Roundstone Van Centre and a second hand car dealership. To the south of the application site is an area of scrubland which is surrounded by metal fencing and beyond by a storage area for Haskins Garden Centre. The adjoining site is currently being redeveloped as an AUDI car showroom.

RELEVANT SITE HISTORY

A/81/18/RES	Approval of reserved matters following outline consent A/132/17/OUT for appearance, landscaping, layout & scale for demolition of existing dwelling & the erection of 30 No. dwellings. This application is a Departure from the Development Plan.	Approve Conditionally 13-11-18
A/132/17/OUT	Outline application with some matters reserved for the demolition of the existing single dwelling & construction of 30 No. dwellings (resubmission following A/39/17/OUT). This application is a Departure from the Development Plan.	App Cond with S106 19-01-18
A/82/18/DOC	Approval of details reserved by condition imposed under A/132/17/OUT relating to conditions 5-details of materials & finishes of buildings, surfaces for roads/footpaths, means of enclosure & parking of vehicles, 6-surface water drainage, 7-SuDS details, 10-landscape & layout, 11-refuse & recycling bins, 12-car, motorcycle & cycle parking, 13-location of fire hydrants, 14-decentralised & renewable or low carbon energy source, 16-covered & secured cycle parking & 27-noise levels.	DOC Approved 03-12-18

The site has been cleared and the reserved matters approval (A/81/18/RES) is currently being implemented for the construction of 30 dwellings on the application site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Initial Comments

Do not object.

Follow - Up comments (amended plans)

Do not object but are concerned that this could reduce the amount of parking available.

A local resident has objected to the proposed variation and asked the following questions:

- Whose responsibility is it to ensure that there is sufficient load capacity to accommodate the EVCP initiatives prior to planning approval?

- If there is found to be insufficient capacity, whose responsibility is it to ensure there is sufficient electrical capacity to meet the planning condition?

- Can the council request additional capacity to be installed by the network provider?

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

Angmering Parish Council do not object to the amended plans but are concerned that this could reduce the amount of parking available. Officers note that the applicant does not intend to alter the parking layout from that previously approved. While it is noted that charging points take up an amount of space (varies dependant on charger style and type), it is expected by the Local Planning Authority that no spaces would be rendered un-useable by the provision of the charging points. Should any parking spaces be rendered unusable then it is considered that the applicant would have not implemented the scheme according to the approved plan.

The question raised with regard to who's responsibility is it to ensure that there is sufficient load capacity to accommodate electric vehicle charging points has been raised. Officers note that it would be for the applicant to provide an assesment of the existing load capacity and how many charging points they would be able to provide. If the applicant detailed that e.g. they were only able to provide 2 charging points for 80 dwellings, it is likely that the Local Planning Authority/Council would find this unacceptable. Then discussion would need to be had between the applicant and the Local Planning Authority/Council to see if there is any other way to provide a greater number of charging points given the existing load Capacity e.g. a different type of charger. It may be that the number of charging points that are able to be provided is still a very low amount, given the existing load capacity. However, given the Governments mandate to move to electric vehicle sales only from 2040 in order to reduce air pollution, developments will have to provide a sufficient number of charging points and this may mean that the applicant has to provide the necessary load capacity e.g. in the form of an electricity substation.

CONSULTATIONS

Environmental Health

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

LOCAL HIGHWAY AUTHORITY: Do not object:

Based on the based on the information submitted there is insufficient infrastructure in place for all houses to have charger systems.

This is sufficient capacity for 2 charging points within the site.

Have no concerns with the proposed variation of condition based on information submitted.

ADC ENVIRONMENTAL HEALTH:

INITIAL COMMENTS: Object - recommend application is refused:

Do not consider the provision of only 2 EV charging points for the whole development of 30 homes to be adequate future provision.

Of the understanding that UK Power Networks are under obligation to provide a point of connection for all new customers but it is up to the developer to provide the infrastructure necessary to meet the requirements of the site.

FOLLOW-UP COMMENTS (Based on amended Plans): Don not object.

The Environmental Health Officer's comments, from an email sent to the agent on the 28 June 2019:

Thank you for your email confirming the plots and the updated plan showing all the EV charge points for the site (Drawing no. 1006 - Ang 102 Rev K).

I am very pleased that you have been able to come up with a scheme that provides additional EV charge points and can confirm that Environmental Health are happy to accept the scheme detailed in this plan.

Sufficient capacity to allow all future residents to charge EVs should be provided.

COMMENTS ON CONSULTATION RESPONSES:

Officers note that this application has been submitted in order to vary Condition 20 of preciously granted application ref: A/132/17/OUT, which states that "Every new home will have an electric vehicle charging point". The applicant's proposed variation to Condition 20 would read: "Electric Vehicle Charging Points shall be provided in accordance with the Electric Vehicle Charging Points Plan (Southmill - 1006-ANG002)"

Officers note both the aforementioned comments from Environmental Health and the Local Highway Authority. The Local highway authority do not object but Environmental Health, in their original comments consider that it is up to the developer to provide the infrastructure necessary to meet the requirements of the site.

The Environmental Health Officer has provided further comments, this time on the amended plan. Officers note that they comment that:

'I am very pleased that you have been able to come up with a scheme that provides additional EV charge points and can confirm that Environmental Health are happy to accept the scheme detailed in this plan.'

As such Officers consider that the amended scheme is deemed acceptable and therefore this application should be approved.

POLICY CONTEXT

Designation applicable to site:
Outside the Built up Area Boundary (the BUAB)

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

INFSP1	INF SP1 Infrastructure provision and implementation
ECCSP2	ECC SP2 Energy and climate change mitigation
QEDM3	QE DM3 Air Pollution

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan:

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton; Ford.

There are no relevant Angmering Neighbourhood Plan (ANP) policies.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality and it would have no adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

ARUN'S ELECTRIC INFRASTRUCTURE VEHICLE STUDY

A report was presented to the Local Plan Sub Committee on 20th November 2017, the purpose of which was to highlight the Arun DC's Electric Infrastructure Vehicle Study and explains how ADC plans to address the issue of electric vehicle charging.

Arun's Electric Infrastructure Vehicle Study report says: "Arun District Council is committed to supporting measures that will reduce emissions from vehicles". This study provides information and advice to officers and developers on the opportunities in both residential and commercial development, how the use of electronic vehicles can be maximised, particularly through the provision of necessary infrastructure in new development such as electric charging points. There are standards as to how many charge points are required per house or flat development on page 10 of the Electric Vehicle Infrastructure Study.

Local Authorities need to plan for an increase in demand for electric vehicle recharging infrastructure over the coming years. Planning policy and development management provide important delivery mechanisms and the Arun Local Plan includes a Development Management policy (Policy QE DM3) to achieve this.

ARUN LOCAL PLAN POLICY (AIR POLLUTION)

Policy QE DM3 (Air Pollution) of the Local Plan says:

"All major development proposals will be required to assess the likely impacts of the development on air quality and mitigate any negative impacts by:

- a. Ensuring the development is located within easy reach of established public transport services;
- b. Maximising provision for cycling and pedestrian facilities;
- c. Encouraging the use of cleaner transport fuels on site, through the inclusion of electric car charging points; and
- d. Contributing towards the improvement of the highway network where the development is predicted to result in increased congestion on the highway network.

Development proposed nearby any Air Quality Management Area (AQMA) declared within the District within the Plan period, will require an air quality assessment to identify likely impacts of development upon the designated area. Developers will be required to ensure delivery of the actions set out within any Air Quality Action Plan. Industrial development which is regulated by environmental permits (that creates or results in dust, smell, fumes, smoke, heat, radiation, gases, steam or other forms of pollution) must be located in such a position which ensures that the health, safety and amenity of users of the site or surrounding land is not put at risk and the quality of the environment would not be damaged or put at risk.

Developments shall also be consistent with all other Local Plan policies".

In order to promote a greater role for plug-in vehicles the District Council will support development proposals which seek to encourage the use of electric vehicles."

Where a development includes the delivery of parking spaces which are on-street (eg estate renewal schemes), EV charge points should be delivered to the same standard as those set out. In this case, a developer contribution through a section 106 agreement towards the delivery of spaces on street may be necessary, as it is likely that a bay would require a Traffic Regulation Order. For private developments the onus for the activation of passive charging points rests on the individual or company who manages or operates the car park.

These provisions apply to all spaces within a development and the delivery of charging points should not exclude parking spaces for Blue Badge holders. Monitoring of the uptake of EV charging points should

take place through the travel plan or car parking management plan. For those developments with a travel plan, the level of use of the active charging points should form part of the monitoring. An action should be to activate the passive charge points once the demand exceeds the supply of active infrastructure. Where the development does not have a travel plan, this should form part of a separate site management strategy.

DESIGN GUIDE SUPPLEMENTARY PLANNING DOCUMENT

Details for electric vehicle infrastructure will be further developed as part of the Arun District Council Design Guide which will be a Supplementary Planning Document.

PARKING STANDARDS

West Sussex County Council are currently reviewing their Parking Standards which will include information on electric charging infrastructure but a publication date for this is yet to be announced.

PROPOSED RE-WORDING OF ELECTRIC CHARGE POINT CONDITION:

Initially the applicants requested the variation of Condition number 20 of previously granted application ref: A/132/17/OUT to read:

"Electric Vehicle Charging Points shall be provided in accordance with the Electric Vehicle Charging Points Plan (Southmill - 1006-ANG002)"

Via this plan and the applicant's covering letter they originally proposed 2 (fast) charging points, based on current load capacity without having to construct an electric substation, as discussed with UK Power Networks. The 2 (fast) chargers were instead of the one per dwelling as set out in Condition 20 of previously granted application ref: A/132/17/OUT.

Having regard to the Environmental Health Comments as aforementioned, environmental Health state:

".....but it is up to the developer to provide the infrastructure necessary to meet the requirements of the site"

Therefore it is considered that if a substation is required to meet the requirements of the site then it should be provided. No justification has been provided to clarify why a substation should not be provided in order to meet the requirements of the site re: Electric Vehicle Charging Points.

Officers note that the provision of 2 charging points would in no way meet the requirements of the site.

As such, Officer do not consider the rewording of condition 20 of application ref: A/132/17/OUT as requested by the applicant is reasonable or appropriate.

Following discussions with the Environment Health Officer the Applicant has submitted an amended plan showing a significant increase in charging points over the 2 (fast) chargers initially proposed as part of this application. The Environmental Health Officer has commented and considers that:

'I am very pleased that you have been able to come up with a scheme that provides additional EV charge points and can confirm that Environmental Health are happy to accept the scheme detailed in this plan.'

As such Officers consider that the amended scheme is deemed acceptable and therefore this application should be approved.

LOCAL ELECTRICITY GRID:

In terms of the local electricity grid, normal domestic EV chargers are around 3.6kW (approximately equivalent to a kettle). Even an upgrade to fast would be 7kW - approximately 70% of a modern electric shower. Environmental Health consider there should be no problem fitting one to every house. Local grid issues could occur if every single house had one and switched them all on at the same time (a surge). If a point is reached where home chargers are commonplace then the likelihood is that there would be a demand in the evening rush hour / home coming time and the grid would monitor and react accordingly.

OTHER:

The applicant has provided specifications of the proposed charging points these are considered acceptable and will be conditioned.

SUMMARY

As such, Officers consider that the proposed variation of condition would lead to the provision of an appropriate amount of electric vehicle charging for the scheme approved under A/132/17/OUT and would therefore comply with Policies Q EDM3, INF SP1 and ECC SP2 of the Arun local plan. Therefore, it is considered that this variation of condition application should be approved.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report. Vehicle Charging Points.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 Condition 20 of application A/132/17/OUT to read:

Electric Vehicle Charging Points shall be provided in accordance with the Electric Vehicle Charging Points Plans 1006-ANG 002 Revision A and plan 1006-ANG 102 Revision K as annotated - received on the 26th June 2018 and the fast chargers shall be as detailed in the Quantum:EV Group Manager charger specification sheet submitted on the 04/09/2018, while the secure private chargers shall be enclosed in a secure locking waterproof metal box enclosure such as that by TLC Enclosures.

Reason: Petrol and diesel cars and vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with Policy D DM1 of the Arun District Local Plan.

- 2 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 3 INFORMATIVE:INFORMATIVE: This permission relates to the variation of condition 20 of planning permission A/132/17/OUT only. The applicant is advised and reminded that the planning conditions attached to the original planning permission number A/132/17/OUT remain in force and must be complied with. This decision only relates to the variation of Condition 20 of that planning permission.