
2017/0726

Applicant: Walsingham Planning

Description: Variation of conditions 2 & 7 of application 2015/0927 (Erection of A1 retail food store and associated works) to reduce the provision of electric vehicle charging points from 2 to 1

Site Address: Lidl Foodstore Mitchells Way, Wombwell Barnsley, S73 8D

The application is referred to Planning Regulatory Board because it is subject to a S106 Agreement.

Description

The foodstore is located off Mitchells Way in Wombwell, accessed via White Rose Roundabout. The discount foodstore has a gross floorspace of 2,470m² and a sales area of 1,424m². The store is set back in the site close to the woodland. There are 132 parking spaces including 5 disabled spaces in the car park which wraps around the west and south sides of the store. The store entrance is located on the west corner, facing the vehicular access off Bradberry Balk Lane.

Servicing is to the eastern end of the store.

The store is located at a lower level than Mitchells Way with a retaining wall running along the boundary between the road and car park, this graduates down from the roundabout to the south eastern corner of the site.

Site History

2015/0927 - Erection of an A1 retail foodstore and sub-station with associated car parking, access, landscaping, servicing and other associated works approved 18.2.2016. Condition 2 and 7 on this permission stated the following:

2. The development hereby approved shall be carried out strictly in accordance with the plans

1849 07A Site Location Plan

1849 10U Proposed Site Plan

1849 11F Site Levels

1849 12 Floor Plan

1849 13 Rev A Elevations

1849 14B Surface Treatments

1849 15B Boundary Treatments

1849 16 Roof Plan

R-1746-01 Landscape Details

000-01 Sub Station

T53-T23 installation onepager v1.8 (Electric Charging Point Specification Details)

Terra_53-23_Installation Guide_EN_1_0 (Electric Charging Point Specification Details)

and specifications as approved unless required by any other conditions in this permission.

7. Before the proposed building is brought into use the Electric Vehicle (EV) charging points indicated on Site Layout Plan (Rev. U) , shall be provided and thereafter retained.

Proposed Development

This application seeks to vary planning conditions 2, which lists the approved plans, and condition 7, which requires the applicant to install the two electric vehicle charging points as shown on the approved plans. The applicant is seeking to reduce the requirement for two Electric Vehicle Charging Points (EVCP) (capable of charging 4 cars) down to one (capable of charging two cars).

The applicant has installed a single charging point on the site, located near to the service entrance. This is a 7kw charging point with two plugs and was installed in May.

Planning Policy

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy and the saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

Saved UDP Policies

The site is within Urban Greenspace on the UDP.

Barnsley Core Strategy

CSP28, 'Reducing the Impact of Road Travel'
CSP40 'Pollution Control and Protection'
CSP42 'Infrastructure and Planning Obligations'

Local Plan

The emerging Local Plan allocates the site as a Green Space and the canal is a protected route.

Local Guidance Documents

Air Quality and Emissions Good Practice Planning Guidance (Sept 2014).

National

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Paragraphs of particular relevance to this application include:

Section 4, Promoting Sustainable Transport

Para 35 – plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to (amongst others) incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Other Material Considerations

Clean Growth Strategy (October 2017)

The government has issued its strategy for clean growth which sets out how carbon emission targets from The Climate Change Act (2008) and the United Nations Paris Agreement (2015) will be achieved whilst also growing the UK economy. The strategy identifies that transport is directly responsible for 24% of UK emissions and as such sets out a number of key policies and proposals to accelerate the shift to low carbon transport. This includes:

- ending the sale of new conventional petrol and diesel cars and vans by 2040;
- supporting the take up of ultra-low emission vehicles (ULEV), including helping consumers to overcome the upfront cost of an electric car; and
- developing one of the best electric vehicle charging networks in the world.

UK Plan for tackling roadside nitrogen dioxide concentrations (July 2017)

Recognising that air pollution poses an urgent health problem, the government has issued this Statutory Air Quality plan for nitrogen dioxide (NO₂), setting out how the UK will be reducing roadside nitrogen dioxide concentrations. The document sets out the comprehensive approach to meeting the statutory limits for nitrogen dioxide and the policy background. A key focus of the document is to encourage a switch to Ultra Low Emission Vehicles.

Consultations

Pollution, Air Quality – "I comment following the applicant's request to vary condition 7 of the original application (provision of 2 x electric vehicle charge points from 2 to 1), and subsequent negotiations. The subsequent negotiations between the local planning authority and the applicant have now secured a S106 agreement for the applicant to fund the installation 1 x electric vehicle charging point at Wombwell Library car park. This is

additional to the 1 x electric vehicle charging point already installed at the food store. Subsequent discussions with the Council's Facilities Management have confirmed that installation of the 1 x charging point at the Library car park is acceptable.

On this basis therefore, I have no objections to the variation on air quality grounds, on the basis that the above detailed agreement proceeds."

Representations

The application was advertised through site notices. No representations have been received.

Assessment

Principle

The principle of the establishment of an A1 retail store at this site has already been established with the granting of planning permission 2015/0927. This current application seeks to only amend conditions 2 and 7 in connection with the request to reduce the EVCP from 2 to 1. The reason for the inclusion of the two EVCP in the original application was in order to contribute towards a reduction in emissions in accordance with air quality objectives. Therefore the main issue is how the reduction would impact on those air quality objectives.

Air Quality

The applicant has sought to argue that the two conditions that require the implementation of two EVCP, fail three of the six tests for planning conditions, for the following reasons:

1. Unnecessary

The applicant has provided a detailed Air Quality Assessment with this application which assesses the impact of traffic associated with the Lidl store on Air Quality as negligible. The methodology for this assessment was agreed with the Council in advance.

2. Not relevant to the development permitted

National Planning Guidance advises that conditions must relate to planning objectives and be justified by the nature or impact of the development. The applicant argues that the conditions fail on the second part of this test in that the additional charging point is not justified by the impact of traffic associated with the Lidl on Air Quality.

3. Reasonable in all other aspects

The applicant asserts that the provision of a second charging point is unreasonable as it will place an unjustifiable and disproportionate burden on the applicant. This is largely related to the applicant's assertion that the current power available to the site is insufficient to accommodate the second EVPC.

The Air Quality Assessment provided does conclude that the impact of traffic directly associated with car trips to / from the Lidl on air quality at sensitive receptors is negligible. However, improving air quality and reducing UK emissions associated with vehicular transport has become a national issue with key targets set by the Government to move towards low emission vehicles. There is therefore a requirement for EVCP infrastructure to support meeting these targets.

Furthermore, as set out in the NPPF, electric vehicles are one of a number of sustainable travel solutions which play an important role in facilitating sustainable development. The Lidl store is a large food discounter, located outside of the defined district centre. The site is relatively well serviced by buses, with stops on Barnsley Road to the south, however, Wombwell train station is circa 1.5km away. Furthermore, shoppers undertaking larger weekly shops generally travel in private motor vehicles.

In this respect the requirement for two EVCP's is necessary to provide infrastructure supporting the switch to low emission vehicles and is directly related to the nature of the development and reasonable as the store generates vehicular traffic with limited other options for sustainable transport being available. It is worth noting that the EVCP that has been installed on site is being used regularly as was demonstrated when a site visit was carried out and a resident was charging their car, by complaints received by the Council following the store opening in January at which time no EVCP was provided, and through monitoring an App called Plugshare which allows users of EVCP's to share information about the current status of the EVCP.

Notwithstanding this, the applicant has advised that the electrical capacity of the site is now fully utilised and the installation of a second EVCP would trigger a requirement for a new Sub Station at a cost of circa £80k. This supports the applicant's case with regards to reasonableness as the overall cost of installing the EVCP would place a significant financial burden on the development.

In order to provide a suitable solution, the applicant has agreed to pay a contribution of £5,562 to cover the cost of an EVCP in one of the Council's car parks in Wombwell as an alternative to providing the second EVCP on site. This approach is considered to be a suitable compromise in that it ensures that there is sufficient investment in the local charging network without placing an unacceptable burden on the developer. The Council's Air Quality Officer is also agreeable to this approach and as such the application is recommended for approval subject to the signing of the relevant S106 agreement.

Recommendation Grant subject to conditions and S106 Agreement.

1 The development hereby approved shall be carried out strictly in accordance with the plans:

1849 07A Site Location Plan

1849 25 Proposed Site Plan

1849 11F Site Levels

1849 12 Floor Plan

1849 13 Rev A Elevations

1849 14B Surface Treatments

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and specifications as approved unless required by any other conditions in this permission..

Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 2 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 3 The Electric Vehicle (EV) charging point indicated on Site Layout Plan (1849 25) shall be provided and maintained for the lifetime of the development.
Reason: To contribute towards a reduction in emissions in accordance with air quality objectives in accordance with the Council's Core Strategy Policy 40, Pollution Control and Protection and to promote sustainable modes of transport in accordance with NPPF Section 4.
- 4 No building or other obstruction (including new tree planting) shall be located over or within 5.0 (five) metres either side of the centre line of the water main, which crosses the site.
Reason: In the interests of satisfactory drainage in accordance with CSP4.
- 5 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 6 Visibility splays, having the dimensions 2.4m x 70m, shall be safeguarded at the drive entrance/exit, such that there is no obstruction to visibility at a height exceeding 1.0m above the nearside above the nearside channel level of the adjacent highway.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 7 Within one month of the date of this decision a second condition survey of the highways shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.
- 8 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access
Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.
- 9 Within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved shall be fully implemented, in the interests of sustainable development
Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.

10 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

11 The approved external lighting scheme shall be provided and maintained for the lifetime of the development

Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

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