

Application Report

Planning, Housing and Health
North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG

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|---|---|
| Application No: | 76690 |
| Application Type: | Full Application |
| Application Expiry: | 13 April 2023 |
| Extension of Time Expiry: | |
| Publicity Expiry: | 24 March 2023 |
| Parish/Ward: | BARNSTAPLE CENTRAL |
| Location: | Queen Street Car Park Osprey Charging Network Development Queen Street Barnstaple Devon EX32 8HG |
| Proposal: | Erection of a substation, six ultra-rapid electric vehicle charge points and associated electrical infrastructure |
| Agent: | Osprey Charging Network |
| Applicant: | Osprey Charging Network |
| Planning Case Officer: | Mr K. Webster |
| Departure: | N |
| EIA Development: | |
| EIA Conclusion: | Development is outside the scope of the Regulations. |
| Decision Level/Reason for Report to Committee (If Applicable): | Planning Committee – The land the subject of the planning application is owned by North Devon District Council |

Site Description

Queen Street Car Park is between Queen Street, Bear Street and Alexandra Road, serving the town centre of Barnstaple. Plans for its redevelopment are currently ongoing, with planting, resurfacing and reorganising the layout taking place. With the growth of EV car ownership and use, provision for charging stations would be beneficial to the town centre.

The site is currently covered with tarmac and is part of the original car park.

The location is part of the historic fabric of Barnstaple and has had many previous buildings/structures and functions around the site through time. Archaeological works have been made as part of the wider redevelopment and resurfacing of the site. The equipment would have a maximum depth of 0.45 metres.

Recommendation

Approved

Legal Agreement Required: No

Planning History

| Reference Number | Proposal | Decision | Decision Date |
|------------------|--|------------------------|------------------|
| NA/1048 | Proposed car park at Garden Court, Barnstaple, Devon | Full Planning Approval | 28 November 1956 |
| 11046 | T. & C.P. Gen Regs 1976 Proposed demolition of building & formation of temporary car park at car park & land adj., Queen Street, Barnstaple, EX32 7DA | Full Planning Approval | 8 March 1990 |
| 16786 | Application under Regulation 3 of the T & C P Gen Regs 1992 In respect of continued use of temporary car park (Renewal of 11046) at car park & land adj., Queen Street, Barnstaple, EX32 7DA | Full Planning Approval | 30 March 1993 |
| 22032 | Application under Regulation 3 of the T & C P General Regs 1992 In respect of formation of temporary car park (Renewal of Plan Per 13302) at car park & land adjoining, Queen Street, Barnstaple, EX32 7DA | Full Planning Approval | 11 June 1996 |

Constraints/Planning Policy

| Constraint / Local Plan Policy | Distance (Metres) |
|---|-------------------|
| Advert Control Area: Barnstaple | Within constraint |
| Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 45 metres in height | Within constraint |
| Chivenor Safeguard Zone Consultation Structure or works exceeding 91.4m | Within constraint |
| Land is potentially contaminated with: Potential Tanks | 15.39 |
| Landscape Character is: 7 Main Cities and Towns | Within constraint |
| Within: Adopted Development Boundary: Barnstaple North Development Boundary (ST06) | Within constraint |
| Within: Adopted District Centre: Barnstaple Town Centre | Within constraint |
| Within: Adopted Town Centre Expansion: BAR11 Queen Street/Bear Street | Within constraint |
| Within: Adopted Unesco Biosphere Transition (ST14) | Within constraint |
| Within: Braunton Burrows Zone of Influence | Within constraint |
| Within: SSSI 5KM Buffer in North Devon, consider need for AQIA if proposal is for anaerobic digester without combustion plant | Within constraint |
| Within: Braunton Burrows, SAC 10KM Buffer if agricultural development consider need for AQIA | Within constraint |
| BAR11 - Queen Street / Bear Street DM01 - Amenity Considerations | |

| Constraint / Local Plan Policy | Distance (Metres) |
|--|--------------------------|
| DM04 - Design Principles DM05 - Highways DM06 - Parking Provision ST02 - Mitigating Climate Change ST04 - Improving the Quality of Development ST06 - Spatial Development Strategy for Northern Devon's Strategic and Main Centres ST10 - Transport Strategy ST12 - Town and District Centres ST16 - Delivering Renewable Energy and Heat ST22 - Community Services and Facilities ST23 - Infrastructure | |

Consultees

| Name | Comment |
|---|--------------------------------------|
| Barnstaple Town Council Reply Received 17 March 2023 | <i>RECOMMENDATION: Approval (NC)</i> |
| Councillor R Mack | No comments received. |
| Sustainability Officer | No comments received. |

Neighbours / Interested Parties

| Comments | No Objection | Object | Petition | No. Signatures |
|-----------------|---------------------|---------------|-----------------|-----------------------|
| 1 | 0.00 | 0.00 | 0.00 | 0.00 |

The representative from the public noted that there was an ancient burial ground in the area. This was noted, however with the shallow depth of the development, it is unlikely that these would be disturbed. Archaeologists have already been consulted as part of the wider development of the car park.

Proposal Description

This application seeks detailed planning permission for the installation of 6no electric vehicle (EV) charging stations, 1no electrical sub-station and other associated units with Queen Street Car Park. There would be 6no accessible parking bays associated with the charging stations for ease of use and for users with disabilities.

The proposal would be part of a wider development in the area, with planting, resurfacing and reorganising the layout taking place in the car park among other developments on Bear Street and Boutport Street that would make Barnstaple easier and more pleasant to access.

The proposed location for the charging stations, sub-station and associated equipment is fairly central, directly ahead of anyone entering the site from Queens Street. One of the

walk ways will pass through the site, with one side having the sub-station and units, the other side having the 6no charging points paired so it would look like 3no stations.

Planning Considerations Summary

- The Principle of Development
- Parking and Infrastructure
- Design Principles
- Amenity Considerations

Planning Considerations

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan. The relevant Policies are detailed above.

The National Planning Policy Framework (NPPF) is a material consideration.

The Principle of Development

Policy ST02 (Mitigating Climate Change) of the Local Plan states development will be expected to make a positive contribution towards the social, economic and environmental sustainability of northern Devon and its communities while minimising its environmental footprint by (amongst other matters) promoting opportunities for renewable and low-carbon energy generation whilst conserving and enhancing the natural and built environment.

Policy ST16 (Delivering Renewable Energy and Heat) also states that on-site proposals for renewable or low-carbon technologies will be supported and encouraged where appropriate.

The Local Plan policies thus have a general objective to reduce greenhouse gas emissions through the sustainable location, and through high standards of design which include proposals such as provision of renewable or low-carbon energy as envisaged here.

Parking and Infrastructure

Policies DM05 (Highways) and DM06 (Parking Provision) of the Local Plan. They support development that ensures safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users.

Given the location of the charging point it would have no implications to operational highways safety. The NPPF seeks to promote sustainable travel modes which reduce greenhouse gas emissions. There is now a strong emphasis on electric vehicle infrastructure, therefore sites such as car parks are a logical environment for such infrastructure. There will be no unacceptable impact on vehicles using the car park, as such the proposals would accord with DM05 and DM06.

The provision of EV charging stations would also accord with Local Plan policies ST22 (Community Services and Facilities), ST23 (Infrastructure), ST10 (Transport Strategy),

ST12 (Town and District Centres), ST06 (Spatial Development Strategy for North Devon's Strategic and Main Centres) and BAR11 (Queen Street / Bear Street).

Design Principles

Policy ST04 (Improving the Quality of Development) of the Local Plan states that development will achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Design will be based on a clear process that analyses and responds to the characteristics of the site, its wider context and the surrounding area taking full account of the principles of design found in policy DM04.

Policy DM04 (Design Principles) of the Local Plan requires development to be appropriate and sympathetic to setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood.

The charging points and associated equipment would be located within a major car park and would therefore not result in any overt changes to the immediate environment which would detract from the overall character of the setting. Due to the relatively small scale of the development, this proposal is considered to accord with policies ST04 and DM04. However, it would be recommended that the sub-stations and other units to the west of the walkway are sited within a planted area (not just on tarmac). This would help screen the units and visually separate it from the walkway and parking areas.

Amenity Considerations

Policy DM01 (Amenity Considerations) of the Local Plan states development will be supported where it would not significantly harm the amenities of any neighbouring occupiers or uses; and the intended occupants of the proposed development would not be harmed as a result of existing or allocated uses.

The charging point would be near the centre of the car park. Given the established site, the provision of a charging point is not considered to result in any adverse impacts on the occupiers of neighbouring commercial properties therefore is in accordance with policy DM01.

Conclusion

The application is considered to accord with the adopted development plan. Approval of the application is therefore recommended subject to the imposition of planning conditions.

Human Rights Act 1998

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b)

advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Recommendation

Approved

Legal Agreement Required: No

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason:

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans/details:

Plan 1 Location Plan received on the 13/02/23

Plan 1 Site Plan received on the 13/02/23

NDC001 Substation Detail Drawing received on the 13/02/23

NDC002 Elevation Plan received on the 13/02/23

('the approved plans').

Reason:

To ensure the development is carried out in accordance with the approved plans in the interests of proper planning.

3. No part of the development hereby permitted shall be used until all roads, footpaths and parking areas for vehicles have been completed in accordance with the approved plans.

Reason:

In the interests of highway safety in accordance with Policies DM04, DM05 and DM06 of the North Devon and Torridge Local Plan.

Informatives

1. The submitted drawings have been numbered as set out in condition *. Please refer to the planning application tracker on the District Council's website to view the drawings and their allocated numbers, <http://planning.northdevon.gov.uk/search.asp>
2. Statement of Engagement
In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission. This has included The Principle of Development, Parking and Infrastructure, Design Principles and Amenity Considerations.

