

COMMITTEE REPORT

Date: 19 October 2022 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 21/02295/GRG3
Application at: Union Terrace Car Park Clarence Street York
For: Installation of 'Ultra Rapid Charging Hub' for electric vehicles to comprise of 8no. charging units with solar photovoltaic canopy and 4no. 7kw charging pillars to existing parking bays. Erection of battery storage unit and substation with temporary construction compound.

By: Mr Stuart Andrews
Application Type: General Regulations (Reg3)
Target Date: 22 April 2022
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for 4 ultra-rapid and 4 rapid electric vehicle charging stations at Union Terrace car park. The stations would be grouped in a rectangular shape in the south-east corner of the site. The ultra-rapid stations would allow a suitable vehicle to be charged to cover a 100 mile range in less than 10 minutes. The rapid charging stations would require a charge time of less than an hour. They are proposed to be covered by a metal canopy that would be of a gull wing form. The canopy would be 4.4m at the highest point and have a surface area of approximately 13m x 14.6m. It would be supported on three pillars that would run through the centre. Solar panels would be located on top of it. To the north west of the charging area would be associated plant enclosed by fencing. The application is accompanied by an advertisement consent application for a totem sign to publicise/mark the facility. This is subject to a separate application (ref: 22/00426/ADV).

1.2 The site where the hub is proposed contains car parking spaces, including spaces allocated for blue badge holders. The blue badge spaces are indicated to be re-located to the north-east of the hub.

1.3 The boundary of the Central Historic Core Conservation Area runs along the south-western and north-eastern boundary of the car park. The car park itself is not in the Conservation Area.

2.0 POLICY CONTEXT

Publication Draft City of York Local Plan (2018)

SS1 Delivering sustainable growth for York
DP2 Sustainable Development
D1 Placemaking
CC1 Renewable and Low Carbon Energy Generation and Storage
ENV5 Sustainable Drainage
T1 Sustainable Access
D4 Conservation Areas

Development Control Local Plan incorporating 4th set of changes (2005)

GP1 Design
GP4a Sustainability
GP4b Air Quality
HE3 Conservation Areas

3.0 CONSULTATIONS

INTERNAL

Design, conservation and sustainable development (Conservation)

3.1 The Union Terrace carpark lies to the north of the Lord Mayor's Walk/Gillygate/Clarence Street junction. Although excluded from the Central Historic Core conservation area which abuts the carpark to the north, south and west, it is an area of significant visual amenity due to the verdant mature tree canopy and peripheral shrub and hedge planting. The siting of a Charging Hub in the southern corner would be congruent with the existing use. A preference would be to omit the canopy on the grounds of it being a superfluous and non-conforming structure which would have an intrusive effect in views of the surrounding built environment consisting of the rear of Claremont Terrace and the southern end of Clarence Street, which lie within and contribute positively to the character and appearance of the conservation area. Whilst I maintain this view, the canopy design is open and relatively minimal in structure, and it would be set back from the street, well behind the mature soft planting boundary. Consequently I would not object to the application as a whole on the grounds of the modest effect on the setting of the CA.

3.2 The close boarded fence enclosure to the plant compound would be a negative feature out of character with the openness and verdancy of the existing carpark. I would recommend that the boarding is stained black to appear visually recessive, and that a planting strip for native hedging or appropriate trees might be considered to front the compound.

Design, conservation and sustainable development (Archaeology)

3.3 Clarence St car park is within the Central Area of Archaeological Importance. The installation of the proposed charging station and foundations for other structures may disturb archaeological features and deposits known to exist in this car park relating to the medieval Horsefair and former Friary which occupied this site.

3.4 In the area of the proposed charging station deposits/features may survive in lesser disturbed pockets to the rear of the former housing plots. These may be at shallow enough depths to be impacted upon during installation, therefore, an archaeological watching brief should take place during ground disturbing works. Should it become clear that significant archaeological levels are not being disturbed the monitoring can stop.

Public Protection

3.5 No objections.

Flood Risk Management

3.6 The applicant has provided sufficient information to demonstrate there will be no additional hard paved areas therefore, the Flood Risk Management Team has no objections to the development in principle.

Highways Network Management

3.7 No objections subject to suitable replacement of disabled parking bays and cycle parking provision. Do not raise safety concerns, however, new pedestrian walkways leading to Clarence Street should be marked on the car park surface to take account of its re-organisation.

4.0 REPRESENTATIONS

Neighbour Notification and Publicity

4.1 Objections were initially received from 8 residents. All comments related to changes to parking provision for blue badge holders. The issues raised were:

- Object to the loss of blue badge parking in the car park – this is additional to losses elsewhere in the city centre.
- There is no provision for charging facilities for blue badge holders and details provided in respect to how the proposed facilities can be used by blue badge holders.
- The city should adopt a more inclusive approach.
- It is important that blue badge parking is located closest to the exit from the car park as distance matters. The site is too distant from the city centre for many blue badge holders though is convenient to York St John University and Gillygate.
- There is no Equalities Impact Assessment.

4.2 The application as original submitted did not indicate where blue badge spaces would be re-located. These details were submitted in June and those residents who had objected re-consulted. Three additional objections were received. The issues raised were:

- Distance matters. The re-located spaces will be less convenient for people travelling to the city centre.
- It is dangerous to locate the spaces so that they back on to the main vehicular route into and out of the car park.
- There will no longer be safe egress from the car park.

Claremont Terrace Residents Association

4.3 Support in broad terms but would like re-assurance that the existing wall adjacent to the alley which is leaning will be repaired prior to work commencing on the charging area.

5.0 APPRAISAL

5.1 Main Issues:

- Principle of development.
- Impact on the setting of the adjacent conservation area.
- Re-location of blue badge Spaces.
- Neighbour Amenity.
- Vehicular and Pedestrian Safety.

POLICY CONTEXT

National Planning Policy Framework

5.2 The revised National Planning Policy Framework 2021 (NPPF) sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material planning consideration in the determination of this application.

5.3 The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives.

5.4 Paragraph 11 states planning decisions should apply a presumption in favour of sustainable development and that for decision taking this means where there are no relevant development plan policies, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF take as a whole.

PUBLICATION DRAFT LOCAL PLAN (DLP 2018)

5.5 The DLP 2018 was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. Phase 2 of the hearings concluded in May 2022. Phase 3 of the hearings took place in July 2022 and Phase 4 of the hearings took place in September 2022. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation the greater the weight that may be given);
- 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 previous NPPF published in March 2012. (N.B: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

2005 Development Control Local Plan

5.6 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF albeit with very limited weight.

Public Sector Equality Duty

5.7 The Public sector equality duty came in to force in April 2011 (s.149 of the Equality Act 2010) and public authorities are required, in carrying out their functions, to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (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 protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Low Emission Strategy 2012

5.8 This strategy outlines the steps the Council intends to take to reduce the impact of emissions on public health and the wider environment.

5.9 There are six objectives outlined in the LES to deliver the LES vision and the main objective relevant to this application is iii) which states that

‘To minimise emissions to air from existing vehicles by encouraging eco-driving, optimising vehicle maintenance and performance (including that of abatement equipment) and providing businesses, residents and visitors with incentives and opportunities to use low emission vehicles and fuels.’

Principle of development

5.10 Allowing development that promotes more sustainable travel and improves air quality in the city is fully in compliance with national and local planning policy and advice. This includes general advice in regard to achieving sustainable development set out in paragraph 8c of the NPPF, as well as specific advice in paragraph 112e that states that development should ‘be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations’. Policy T1 (Sustainable Access) of the DCLP states that development will be supported that maximises more sustainable modes of transport. The provision of 8 centrally located rapid and ultra-rapid vehicle recharging points is in accordance with these goals. It is considered that subject to consideration of the impact of the proposal with regard to other material planning considerations the principle of the development is considered acceptable.

Impact on designated heritage assets (setting of listed buildings / character and appearance of the conservation area)

5.11 The approach to the assessment on Heritage Assets is set out in section 16 of the NPPF. Relevant to this case is the following approach:

- Identify and assess the particular significance of any heritage asset that may be affected by a proposal and take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (paragraph 195).
- When considering the impact on significance, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) (199).
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits (202).

Assessment of significance of heritage assets affected and impacts

5.12 The car park is adjacent to the Central Historic Core Conservation Area. The boundary of the area runs along the southern-western and north-eastern edge of the car park. There would be no harm to the setting of listed buildings.

5.13 The existing car park does not contribute positively to the character and appearance of the Conservation Area. The existence of the tree belt and shrubs along the eastern boundary does however help mitigate its impact when viewed from Clarence Street. The charging facilities and plant will have a relatively modest impact on the appearance of the area. The fence surrounding the area would be 2.4m high and the sub-station 3.2m high. The fence would be set around 30m back from Clarence Street. The canopy over the charging bay will be around 13m from Clarence Street at its closest point. The canopy is a modern gull wing type structure suspended on three columns running along its centre. It is intended to provide shelter for users of the facility as well as create a higher profile for the provision. It would also include solar panels on its roof.

5.14 It is considered that the charging area would cause less than substantial harm to the character and appearance of the adjacent conservation area. In assessing this some regard is given to the fact that apart from the canopy it is a relatively innocuous development within a car park. The canopy itself is an open structure. In assessing the overall impact, it is of significance that it is set back from the road. In addition, the impact will be softened by the trees that exist in the verge between the car park and Clarence Street. Some regard is also given to the fact that the nearest part of the

Conservation Area (the rear elevation of Claremont Terrace and the associated access lane) does not contribute significantly to the qualities of the Conservation area.

Assessment of public benefits

5.15 As less than substantial harm to the conservation area is identified, an assessment of any public benefits is required, to determine whether these outweigh the harm.

5.16 National planning guidance states “public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives, as described in NPPF paragraph 8”.

5.17 The scheme will deliver public benefits and help achieve environmental objectives in that the provision will provide high quality vehicle re-charging provision in a very accessible location. It will help support the transition to a low carbon economy. The provision of a canopy will help to better illustrate in the streetscene the fact that such facilities are available in central York to existing and prospective users of electric vehicles. Charging hubs are ideally located in existing car parks and as such there is limited flexibility in respect to their location. The siting in the south-east corner of the car park close to the entrance limits the distance vehicles must travel through the car park and also provides the opportunity to easily secure the facility separate to the car park if deemed necessary. It is considered that the public benefits from the proposal are sufficient to outweigh the modest harm to the setting of the Conservation Area that would be caused.

Re-location of blue badge Spaces.

5.18 The proposed charging hub area is sited where there are currently 7 spaces for blue badge holders. These are in close proximity to the pedestrian access leading to Gillygate. The application as originally submitted did not include details showing what replacement provision will be provided. Subsequently details have been submitted indicating 7 new spaces immediately to the west of the charging station. In addition, 2 blue badge spaces will be retained in front of the existing electric vehicle charging points located opposite the proposed site of the re-located blue badge spaces. The curb between the spaces and the charging point in this area will be levelled to enable easier access to the existing charger.

5.19 The charging hub area does not have designated blue badge spaces, however it is designed to be compatible with use by blue badge holders. Parking spaces accord with the required width of 2.4m with a 1.2m gap to the adjacent parking space.

5.20 The City Council has a duty under 149 of the Equality Act 2010 to have due regard to promoting equality and eliminating discrimination having regard to a number of individual characteristics including disability. In addition, the NPPF at paragraph 7b states that sustainable development includes having provision of accessible services and spaces that meet the communities health and social needs. Furthermore, paragraph 92 states that decisions should aim to achieve healthy, inclusive and safe places. Policy T1 (Sustainable Access) of the DCLP states that development will be supported that minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it, including those with impaired mobility.

5.21 If the charging hub is located in the south-east corner of the car park it will inevitably displace the existing blue badge parking. The justification for locating it here is that it allows the hub to be separate to the rest of the car park and to function independent to it. It is understood it also has advantages in respect to the relationship with existing electric cabling.

5.22 It is considered that the provision of recharging facilities in the car park will not disadvantage blue badge holders driving electric cars. The spaces in the hub are designed to be fully accessible. In addition, two spaces solely for blue badge holders will be retained in front of the existing dual charging facility within the site. The area in front of the charger will be modified to ensure level access. The blue badge spaces located in the north of the car park will not be impacted upon by the proposals.

5.23 The proposal will not lead to any loss in the number of blue badge spaces. As the overall number of car parking spaces in the Union Terrace car park will be reduced from the introduction of the hub the ratio of blue badge spaces to non-blue badge spaces will increase slightly. The change will, however, lead to the spaces being further from the exit of the car park towards Gillygate and Clarence Street. The increase in distance needed to travel if heading south towards Gillygate will typically be around 50 to 55 metres. This will clearly detract from the convenience of blue badge holders not using the electric charging hub. It is considered however, that the degree of harm caused would not be such to justify refusing the planning

application, in assessing this some regard would be given to the fact that the existing blue badge spaces would largely serve people visiting one or more facility in the city centre rather than a particular shop or service located immediately adjacent to the car park. Although not seeking to diminish the impact of the changes on the users of blue badge spaces, the additional distance that people will need to travel to and from their vehicle as a proportion of distance travelled will in most case be relatively small when judged as a percentage of the distance travelled on their visit to the city centre. To enable safe travel through the car park it will be necessary to mark out walkways from the blue badge parking spaces to the exit.

Vehicular and Pedestrian Safety

5.24 Paragraph 92 of the NPPF states that decisions should aim to achieve safe places. Policy T1 (Sustainable Access) of the DCLP states that development will be supported that provides safe and suitable access for all transport users to and within it, including those with impaired mobility. The layout supports the safe movement of vehicles and avoids unacceptable conflict with pedestrians. There is an existing pedestrian only access towards Gillygate from the south-east corner of the site. It is not intended to close this as it is considered it provides convenient pedestrian access for users of the charging area. It would be expected that other users of the car park would enter and exit from the existing access to Clarence Street around 30m to the north. Should people choose to walk across the charging area, it is not considered that it would create pedestrian safety issues that would be materially different to walking across other parts of the car park where vehicles are manoeuvring. In assessing the additional travel distances for blue badge holders walking towards Gillygate it was assumed that at present they would use the Gillygate pedestrian access but use the access to the north in the future.

5.25 The proposal will lead to the loss of several Sheffield type cycle stands located in the south-east corner of the car park. The applicant has agreed to re-locate this provision close to the existing toilet block.

Neighbour Amenity

5.26 The NPPF states at paragraph 130a that decisions should ensure that developments will function well and add to the quality of the area. This advice is mirrored in Policy D1 (Placemaking) of the DCLP. The proposed development would not have a significant impact on outlook or light. At the present time the car park is open 24 hours. It is not considered that there is any justification to limit the

operating times of the charging area. It is likely that noise impacts associated with the charging hub would be similar to those generated by the existing car park and it is noted that background noise levels from vehicles using Clarence Street are relatively high. It is suggested that details of illumination can be covered by condition.

6.0 CONCLUSION

6.1 The proposed charging hub would support initiatives to encourage the switch to more sustainable travel modes. The central location would be particularly beneficial to tourists, people using work vehicles and the occupiers of the many nearby terraced properties that currently do not have easy access to charging facilities. The position within a car park, outside the Central Historic Core conservation area is a logical location for the facility. The position in the south-east corner of the car park will minimise vehicle movements through the car park and also allow it to function separate to the car park if needed. It is considered that the less than substantial harm to the setting of the adjacent Conservation Area would be outweighed by the wider environmental benefits of the proposal.

6.2 The proposed position of the charging hub requires the re-location of the blue badge spaces that are currently located in the southeast corner of the car park. They will be re-located as close to the access to Gillygate/Clarence Street as possible, however, the changes will typically result in an additional travel distance of around 50m to and from people's parked vehicles. It is not considered that the level of harm caused to users of the spaces is such to justify the refusal of the application.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Proposed plan 90-01783-PO4-RE01 received 11 October 2021.

Compound details 90-01783-PO8-RE01 received 24 February 2022.

Hyper Hub plan 90-01783-PO5-RE01 received 11 October 2021.

Hyper Hub elevations 90-01783-PO6-RE01 received 11 October 2021.

Union Terrace Blue Badge Parking Option 3 received 30 May 2022.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 A minimum of 7 of the blue badge spaces shown on drawing 'Option 3' received by the Local Planning Authority on 30 May 2022 shall be provided prior to the commencement of development with a further two provided within 14 days of the commencement of the development.

Reason: To ensure that suitable blue badge parking spaces are provided on site.

4 Prior to the commencement of development details of pedestrian routes and relevant demarcation and surfacing for these routes between the car park and Clarence Street that shall be in place during and after construction works shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be installed during the timescales to be agreed in writing with the Local Planning Authority.

Reason: To ensure safe and convenient access to and from the car park.

5 Prior to the development commencing details of replacement cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The permission shall not be commenced until the cycle parking areas have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

6 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, details of the of the external materials to be used in respect to the following elements shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development.

Hyper Hub building.
Compound fencing.

The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

7 Any trees which within 10 metres of the development which in a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposal does not lead to the permanent loss of any tree cover within the vicinity of the development.

8 Notwithstanding the submitted details, prior to the operation of the facility details of any artificial lighting proposed on or to be erected at the charging hub shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and no artificial lighting other than that approved by this condition shall be erected or operational at the charging hub.

Reason: To protect neighbours living conditions and the setting of the Conservation Area.

9 A) No ground disturbing work shall commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no groundwork shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

B) The site investigation and post-investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 2 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction.

8.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Sought relocation of blue badge parking spaces.

2. For Information

The applicant should have regard to the comments from Claremont Terrace Residents Association regarding the condition of the brick wall that runs along the rear lane to the south-west of the application site.

Contact details:

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