

## COMMITTEE REPORT

**Date:** 14 November 2019      **Ward:** Rural West York  
**Team:** West Area                      **Parish:** Upper Poppleton Parish Council

**Reference:** 19/01754/GRG3  
**Application at:** Poppleton Bar Park And Ride Northfield Lane Upper Poppleton York YO26 6QF  
**For:** Erection of canopy shelter for the installation of 8no. ultra rapid charging hubs and 5no. fast dual charging units for electric vehicles, solar photovoltaic (PV) modules mounted on canopies (maximum height 5.1m) over existing parking bays and charging units, battery storage unit with associated transformer and control unit, a 2.4 metre high security fence.  
**By:** City Of York Council  
**Application Type:** General Regulations (Reg3)  
**Target Date:** 29 October 2019  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 Poppleton Bar Park and Ride is an existing facility that currently provides 600 car parking spaces. Park and Ride sites were a part of a series of measures to tackle the city's traffic problems and to promote environmentally friendly modes of travel. There are 5 other park and ride sites across the city.

1.2 As part of supporting the Council's commitment to tackle climate change and reduce the City's carbon footprint by 2030 the Council have engaged with the Office for Low Emission Vehicles (OLEV) and the Go Ultra Low funding programmes in order to seek the infrastructure to provide rapid charging points or 'hyper hub' in strategic locations across the city, to accelerate the change and adoption of Electric Vehicles (EV). The hyper hubs will support the next generation charging infrastructure that will support fleets, residents, through traffic and visitors to have the confidence to use electric vehicles.

1.3 Poppleton Bar Park and ride is one of two chosen sites for the 'hyper hubs', the other being Monks Cross Park and Ride, as these are locations that are considered to be easily to reach by residents, and strategically located for serving through traffic and businesses.

1.4 The development to provide the 'hyper hub' at Poppleton Bar Park and Ride will comprise of an ultra rapid charging station; a fast charging station; solar

PV panels mounted on canopies over existing parking spaces; a battery storage unit and associated transformer/control unit; associated electrical cabling; and temporary construction compound.

1.5 In summary the individual elements will comprise of:

- erection of canopy shelter to provide weather protection over 8no. ultra rapid charging hubs, with four charging bays on either side of an island. The chargers would measure 0.6m x 0.3m and be 2.4m in height and connect to a small electrical cabinet measuring 1.3m x 0.8 x 1.2m.
- a galvanised steel canopy structure would be erected to cover 109 existing car parking spaces with solar photo voltaic's attached to the roof (covering 1,450 sqm). There are two types of canopy proposed; a single width and double width which is dependent upon the type of parking bay to be covered. The detailed design of the canopies have not been determined at this stage, however they shall have a maximum height of 5.1m and the height of the lowest edge of the canopies would be 2.5m to allow safe access for parking.
- 5no. fast dual charging units measuring 0.4m x 0.4m x 1.4m for electric vehicles located in a row serving 10 parking bays with a canopy installed above the chargers.
- battery storage unit (measuring 12m x 2.5m x 3m) with associated transformer and control unit (measuring 3m x 2.5m x 3m) will be constructed from steel with a dark green powder coated finish and mounted on a concrete or brick plinths. They would both be enclosed by a 2.4m high palisade fence with gate to allow for maintenance access.
- a contractor compound will be established for temporary cabins whilst the works are being undertaken.

1.6 It is noted that the installation of 'electric vehicle charging points and any associated infrastructure' provided by local Authorities benefit from permitted development under Part 12A, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

1.7 There would be some internal rearrangement within the existing park and ride layout with the camper van parking relocated to a new site accessed from the existing road in which buses use to access the park and ride terminal.

### Planning History

09/02294/FULM Construction of park and ride facility with up to 1250 parking spaces, associated access, passenger terminal building, wind turbine and landscaped bund: Application Approved 30 March 2010 (part implemented).

## **2.0 POLICY CONTEXT**

### **2.1 PUBLICATION DRAFT LOCAL PLAN 2018**

DP2	Sustainable Development
D1	Placemaking
GB1	Development in the Green Belt
CC1	Renewable and Low Carbon Energy Generation and Storage
ENV5	Sustainable Drainage
T1	Sustainable Access
T2	Strategic Public Transport Improvements

### **2.2 DRAFT 2005 DEVELOPMENT CONTROL LOCAL PLAN (DCLP)**

GP1	Design
GP4a	Sustainability
GP4b	Air Quality
GB1	Development in the Green Belt
T6	Park and Ride

## **3.0 CONSULTATIONS**

### Public Protection Unit (PPU)

3.1 We are aware of the project but this does not raise any noise, contaminated land, lighting implications or air quality implications. We are supportive of new electric vehicle infrastructure provision.

### Upper Poppleton Parish Council

3.2 No objections

### Ainsty (2008) Internal Drainage Board

3.3 The application sits within the Drainage Board's district and has assets in the wider area in the form of various watercourses.

3.4 In respect to surface water, we are not clear what the existing surface water drainage system is. Soakaways should be first considered in accordance with the Planning Practice Guidance hierarchy. We recommend a condition seeking the provision of surface water drainage scheme.

## 4.0 REPRESENTATIONS

4.1 The application was advertised by site notice. No letters of representation have been received.

## 5.0 APPRAISAL

5.1 Key Issues:

- Principle of development
- Upper and Nether Poppleton Neighbourhood Plan
- Impact upon existing park and ride facilities
- Design and visual impact
- Environmental Impacts
- Drainage/flood risk
- Other Considerations
- Very special circumstances

## PLANNING LEGISLATION

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise. In this area, the development plan comprises the Green Belt retained policies in the Yorkshire and Humber regional Spatial Strategy (RSS), saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013 and the policies within the Upper and Nether Poppleton Neighbourhood Plan which was formally made on 19 October 2017.

## POLICY CONTEXT

### National Planning Policy Framework (NPPF) 2019

5.3 The revised NPPF (2019) sets out the government's planning policies for England and how these are expected to be applied.

5.4 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. Paragraph 14 advises that at the heart of the Framework there is a presumption in favour of sustainable development.

5.5 In the absence of a formally adopted Local Plan the most up-to date representation of key relevant policy issues is the NPPF and it is against this policy Framework that the proposal should principally be addressed. The NPPF sets out the presumption in favour of sustainable development.

5.6 Section 9 is focused on promoting sustainable transport with paragraph 110 (e) setting out that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

5.7 Section 12 sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

5.8 Section 13 sets out the fundamental aim of Green Belt policy, stating that the government attaches great importance to Green Belts.

5.9 Section 14 focuses on meeting the challenge of climate change, flooding and coastal change. The planning system should support the transition to a low carbon future in a changing climate (para. 148). Paragraphs 149 – 154 discuss how to plan for climate change.

#### Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013

5.10 Policies, YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, in so far as it illustrates the general extent of the Green Belt. The policies state that the detailed inner and rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

#### Publication Draft Local Plan (2018)

5.11 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. 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. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

#### Development Control Local Plan (2005)

5.12 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 and can be afforded very little weight in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

### Low Emission Strategy 2012

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

### Air Quality Action Plan (AQAP3) (2015-2020)

5.14 The 3<sup>rd</sup> AQAP is the delivery mechanism for the LES. This sets out 14 direct actions ‘measures’ that can be taken now to reduce emission from vehicles frequently entering the Air Quality Management Areas (AQMAs) and reduce the incidence of vehicle idling. Measure no. 8 ‘Planning and delivery of strategic EV charging network’ is considered to be of direct relevance to this application.

## ASSESSMENT

### Application Site

5.15 The park and ride site at Poppleton Bar is located to the south of the A59 Roman Road, accessed from Northfield Lane and lies to the west of the A1237 ring road. The site is served by battery powered electric buses. There is a park and ride terminal within the site. There are existing commercial and retail uses to the east of Northfield Lane with the main built up area of Poppleton to the north, from Station Road.

## PRINCIPLE OF DEVELOPMENT- ASSESSMENT OF HARM TO GREEN BELT

### WHETHER THE DEVELOPMENT IS INAPPROPRIATE DEVELOPMENT

5.16 The application site lies within the general extent of the York Green Belt as shown on the Key Diagram of the saved RSS Green Belt policies and therefore Section 13 (Protecting Green Belt Land) of the NPPF is applicable. Paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban

sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence.

5.17 Paragraph 144 of the NPPF establishes that substantial weight should be given to any harm to the Green Belt. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Paragraph 145 states that the construction of new buildings in the Green Belt should be regarded as inappropriate unless they fall within certain specified exceptions. The proposal is not considered to fall within any of the exceptions.

5.18 Para.146 of the NPPF details further forms of development which are also not inappropriate in the Green Belt providing they preserve openness and do not conflict with the purposes of including land within it. These include mineral extraction; engineering operations; local transport infrastructure; re-use of buildings; material changes of use of land; and development brought forward under a community right to build order. Likewise the proposal is not considered within any of these exceptions.

5.19 However paragraph 147 of the Framework goes on to state that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. It continues to state that in such cases developers will need to demonstrate very special circumstances if projects are to proceed.

5.20 The proposed development is therefore inappropriate development in the Green Belt by definition and, in accordance with para 143 of the NPPF can only be approved in very special circumstances.

## IMPACT ON OPENNESS

5.21 The NPPF advises that the essential characteristics of Green belts are their openness and permanence. There is no definition of 'openness' in the NPPF, but it is commonly taken to mean the state of being free from development, the absence of buildings, and relates to the quantum and extent of development and its physical effect on the site.

5.22 Policy GB1 of the 2018 Draft Plan states that permission will only be granted for development where:

- i. The scale, location and design of development would not detract from the openness of the green Belt;
- ii. It would not conflict with the purposes of including land within the Green Belt; and

- iii. It would not prejudice or harm those elements which contribute to the special character and setting of York.

5.23 There are unresolved objections to Policy GB1 that will be considered through the examination in public of the Local Plan and therefore it should only be afforded limited weight in the decision making process for the purposes of this application.

5.24 The proposal relates to a 'hyper hub' which will provide next generation charging infrastructure for electric vehicles including ultra rapid and fast charging stations along with ancillary battery storage and transformer units. Additionally, opportunities are undertaken in this application to increase the amount of electricity that is generated from renewable sources with the installation of solar photovoltaic on the proposed canopies, covering 109 existing car parking spaces which is 18% of the total car parking spaces. It is noted that permission has been granted for 650 additional car parking spaces and could be implemented under extant consent (see planning history section).

5.25 The existing site is relatively flat with the main terminal building being of low rise and located centrally within the wider Park and Ride site. The development that forms the basis of this application would all be situated to the eastern part of the existing site, nearest to Northfield Lane. The ultra rapid charging hubs and canopy and associated infrastructure would be positioned on the existing camper van parking area. There is significant mature landscaping along the southern and western boundaries of the site alongside with planting along the A59 road side boundary. The site is developed already however there will be an impact as a result of the introduction of structures in an area that is currently free from other development features, other than the terminal building and lighting columns. The main terminal building is 4.9m (approx) in height and the applicant state that the canopies would be no higher than 5.1m, they would be relatively in line with the scale of existing development. Although there is significant landscaping to main boundaries, it is considered that the scale and extent of the canopies and other charging infrastructure would result in a significant visual impact on openness.

## IMPACT ON THE GREEN BELT PURPOSES

5.26 The proposed development would be inappropriate development in the Green Belt. It would lead to harm to the openness of the Green Belt. Paragraph 134 of the NPPF goes on to state that the Green belt serves five purposes. These are:

- a) to check the unrestricted urban sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.



5.27 The primary purpose of the York Green belt is to safeguard the special character and setting of the historic city as referred to in Policy YH9C of the RSS and Policy SS2 of the 2018 Draft Plan, although limited weight can only be attached to the latter. The proposed hyper hub infrastructure would be located within the curtilage of the existing park and ride site, and encourage the take up of electric vehicles. The infrastructure is of an appropriate design for park and ride site and in this rural setting. Due to the above, the proposal is not considered to conflict with the purposes of the Green Belt.

5.28 The NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations. The applicant has put forward a number of other considerations which they consider would justify the proposal and these are set out and assessed in paragraphs 5.42-5.45 below.

#### Upper and Nether Poppleton Neighbourhood Plan

5.29 Policy PNP1 Green belt policy for the Neighbourhood Plan follows national guidance, stating that inappropriate development will not be supported except in very special circumstances. Policy PNP11 supports energy conservation and the use of renewable energy technology.

5.30 Subject to a full assessment of national green belt policy in light of very special circumstance, the proposal is considered to accord with the Upper and Nether Poppleton Neighbourhood Plan (2017).

#### IMPACT UPON EXISTING PARK AND RIDE FACILITIES

5.31 Overall, there would be no loss of existing park and ride facilities; whilst the campervan parking facilities would be moved to provide a suitable location for the ultra fast chargers, the camper van parking would be re-provided. There may be small scale changes to the internal access arrangements, however these can occur without the need for planning permission.

5.32 The 'hyper hub' facilities would be positioned nearest to the eastern entrance of the park and ride and is considered to be strategically placed to enable fleets, visitors, residents to access the hyper hub facilities without accessing the main park and ride facility.

#### DESIGN AND VISUAL IMPACT

5.33 The canopies, by nature of their positioning and functionality (with solar voltaic attached to the roof to generate solar energy) would cover a relatively large area,

however they are generally an open design and would retain views through them. The application details that the final configuration could be altered following a tendering process, however the height would not exceed 5.1m in total. Consideration has been given to the functionality of the canopies and their design is important in order to maximise solar gain. Their design is considered to be acceptable in to visual amenity.

5.34 The charging units/hub take the form of large cabinets and would be similar to other transport infrastructure and would not therefore be out of place in a park and ride site.

5.35 The battery storage unit and associated transformer and control unit has little architectural merit as a storage container, however it is a functional and has an important role to play in ensuring the hyper hub provide energy when required. It is unfortunate that it could not be relocated to a less visible part of the site, but it is acknowledged that the proximity to the ultra fast charging hub is a necessity. Moreover, the site is a functioning park and ride site where its users are unlikely to spend long time in the area of the storage unit. Any views from passing vehicles would be fleeting.

## ENVIRONMENTAL IMPACTS

5.36 It is likely that the hyper hub facilities would increase the usage of the site, however users would be in electric vehicles rather than conventional vehicles. One of the principle reasons the park and ride sites were allocated in their current locations is due to their proximity to the York outer ring road and other major radial routes in order to provide effective operation. Any increase in visits to the site could be accommodated within the existing local highway network and would therefore not increase noise or other adverse environmental impacts in this regards. It is noted that an assessment has been made as to the impact of the local highway network to accommodate an additional 650 car parking spaces under the extant permission.

5.37 The site is already developed with hard standing and any issues of land contamination would have been dealt with under the extant permission. It is not considered that the small level of excavations to secure the individual canopies, charging units and other ancillary equipment would give rise to any additional land contamination, however a condition can cover is any unexpected contamination arises.

### Air Quality

5.38 The site is not located within a current AQMA, which are generally more located within the city centre and urban areas. However given the next generation charging infrastructure the hyper hubs are seeking, this will help to accelerate the change to and adoption of Electric Vehicles being used by business, visitors and

residents. It is anticipated that this infrastructure could help to improve the overall air quality situation in York and in the locality.

## DRAINAGE/FLOOD RISK

5.39 The application site is located within Flood Zone 1, where there is a low probability of flooding. The site is already covered by an existing impermeable surface. The proposal does not involve any extension of impermeable surfacing within this part of the site. The canopies are designed with downpipes and guttering. The applicant has stated that surface water drainage would remain as present with channels connecting to existing soakaway drains. Whilst the concerns of the Ainsty Internal Drainage Board are noted, as the development is minor and there is no increase in impermeable surfacing, the existing drainage system is likely to accommodate any additional surface water and it is not considered that the development would give rise to any flooding issues.

## OTHER CONSIDERATIONS

5.40 The applicant advise that the final scheme configuration has not been finalised and they are seeking a request for 2.0m micro allowances around each element of the proposal, with exception of the solar canopies. They advise that this is due to unforeseen ground conditions or to accommodate minor revisions. The proposals have been assessed as per the submitted plans; as this site is located within a sensitive area (the green belt), any material changes to the siting of any of any of the structures (other than the canopies), will need to be assessed by the submission of a formal application. The applicant is advised that there are formal mechanisms for minor and non-material changes to applications and shall be informed by way of informative.

## VERY SPECIAL CIRCUMSTANCES

5.41 The proposal has been identified as representing inappropriate development in the Green Belt by definition. As such the development can only be approved in very special circumstances. The very special circumstance that have been put forward:

- Renewable Energy Generation

5.42 The UK has committed via the Climate Change Act 2008 to achieve an 80% reduction in UK carbon emissions by 2050 (compared to 1990 levels). The development would increase the amount of electricity generated from renewable sources, making a contribution towards meeting UK renewable energy targets and to reducing greenhouse gas emissions.

5.43 The proposed solar canopies would have a generating capacity of up to 200kW and would be expected to generate up to 190,000 Kilowatt hours of electricity per

annum. During each year of operation the solar canopies would be expected to prevent the release of approximately 67,000 kg or CO<sub>2</sub> compared to using electricity supplied by the National Grid (Carbon release estimated using <http://www.carbon-calculator.org.uk> assuming a generating capacity of 200kW and an annual output of 190,000kWh of electricity).

5.44 The anticipated 190,000 kWh of solar power produced would be equivalent to 950,000 miles of EV travel or a potential additional carbon reduction of up to 193,000 kg CO<sub>2</sub>(e) compared to petrol vehicles.

- Facilitate the uptake of ULEVs and other electric vehicles reducing emissions of harmful air pollutants.

5.45 NPPF paragraph 110 (e) sets out that development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations as well as paragraph 148 that supports the transition to a low carbon future in a changing climate, supporting renewable and low carbon energy and associated infrastructure. Furthermore, the support for the proposal is found within Policy DP2 sustainable development of the emerging Local Plan. This requires that sustainable design techniques are incorporated in new developments and that development maximises the generation and use of low carbon/ renewable energy resources. Policy CC1 'Renewable and low carbon energy generation and storage' supports proposals for low carbon energy storage and notes that they should be sited a suitable distance from major residential areas. Additionally, the development is supported by the Office for Low Emission Vehicles (OLEV) and the Go Ultra Low funding programmes as well seeking to achieve the aims of the Council's Low Emission Strategy.

## **6.0 CONCLUSION**

6.1 The proposed hyper hub comprise of an ultra rapid charging station; a fast charging station; solar PV panels mounted on canopies over existing parking spaces; a battery storage unit and associated transformer/control unit at an existing Park and Ride facility is considered inappropriate development in the Green Belt by definition. Substantial weight is to be given to any harm to the Green Belt. In accordance with the NPPF, inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. There is harm on the openness of the Green Belt and limited harm to the green belt purposes.

6.2 Very special circumstances relating the need to support next generation charging infrastructure and the barriers to this in York and its role in reducing emissions as part of a local and UK wide strategy of the proposal have been put forward. Support is outlined in paragraphs 110(e) and 148 of the NPPF for the

scheme as well as policies DP2 and CC1 of the emerging Local Plan. The very special circumstances are considered cumulatively to be afforded significant weight in the decision making process.

6.3 The proposal is considered to be acceptable on the other relevant matters including design, drainage, environmental impacts, lack of conflict with the operation of the existing park and ride and compliance with the Upper and Nether Poppleton Neighbourhood Plan. Moderate weight is considered to be applied to these matters.

6.4 Weighing up the planning balance, it is considered that with regard to this proposal, the very special circumstances are sufficient to clearly outweigh the harm through inappropriateness and identified further harm and the proposal is recommended for approval subject to relevant planning conditions.

## **COMMITTEE TO VISIT**

### **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:-

3245-DR-P-0002A Proposed Site plan

3245-DR-P-0003A Battery Container

3245-DR-P-0004A Transformer/Control Container

3245-DR-P-0006A T Canopy Detail

3245-DR-P-0007A Y Canopy Detail

3245-DR-P-0008A Palisade Fence Detail

3245-DR-P-0011A rev 0 Ultra Rapid and Fast Charging units Elevations and Plans

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

3 LC4 Land contamination - unexpected contamination

### **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) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

2. The applicant is advised that permission is granted as per the submitted plans outlined in condition 2; any material revisions or modifications to the siting of any part of the structures (other than the canopies) beyond what is shown on the approved drawings may require the submission of a formal application.

### **Contact details:**

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