

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
8th June 2021

REFERENCE: HW/FUL/20/00215

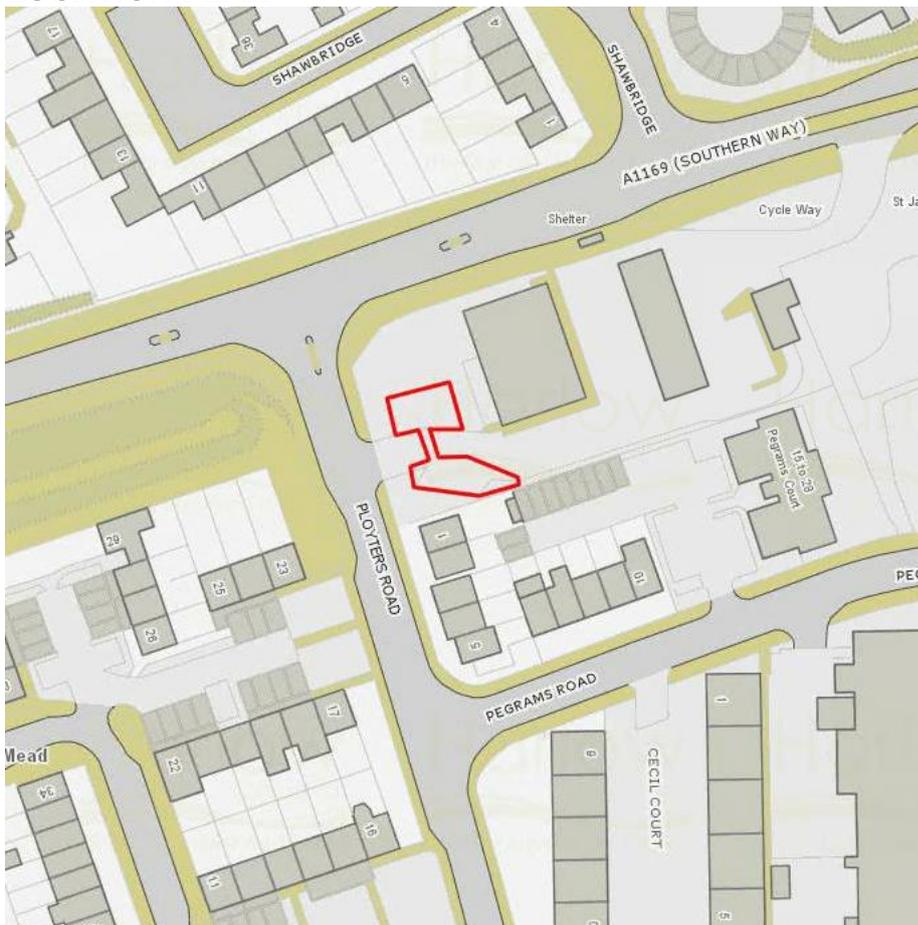
OFFICER: Nicholas Fu

APPLICANT:

LOCATION: Installation of EV Charging Bays
Staple Tye Petrol Service Station
Southern Way
Harlow
Essex

PROPOSAL: Replacing 4 x existing parking spaces by 2 x electric vehicle (EV) charging bays. Installation of associated electrical cabinets, substation, and metering & switched gear enclosure (amended description)

LOCATION PLAN



REASON BROUGHT TO COMMITTEE

More than two objections have been received which are contrary to the officer recommendation

Application Site and Surroundings

The application relates to the Staple Tye Petrol Service Station, which is located to the south of Southern Way and east of Ployters Road. This section of Southern Way falls within the Green Finger as identified on the Harlow Local Development Plan (HLDP) Policies Map 2020. To the immediate south of the service station are the residential properties on Pegrams Road.

The service station consists of a car wash, a petrol station, and a shop. The site operates with a one-way system with entrance on westbound Southern Way and exit onto Ployters Road. There is a landscape area between the shop and Ployters Road. Opposite the landscape area and adjacent to the houses on Ployters Road / Pegrams Road are 4 existing parking spaces.

Details of the Proposal

This application seeks planning permission to replace 4x existing parking spaces opposite the landscaping area with 2x electric vehicle charging bays, one of which would be disabled space. An associated electrical cabinet would be installed adjacent to the bays. A new paved area, with a 0.5m retaining structure to the rear, would be created within the existing landscaping. This area will host the substation enclosure and the metering & switch gear associated with the proposed charging points. These two enclosures have a dimension of 3.1m x 2.8m and 3.112m x 2.264m respectively. Both would have a pitched roof with eaves at 2.4m and the ridge at 2.75m tall.

Two trees within the existing landscape area, and one tree adjacent to the parking area fronting Ployters Road would be removed to facilitate the development. These trees are not protected by any Tree Preservation Orders.

RELEVANT PLANNING HISTORY:

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/PL/03/00476	Variation of Condition 2 of Planning Permission HW/ST/98/00307 to allow the store to trade & accept deliveries on a 24 hour basis	Refused	02.03.2004
98/00307	Demolition of the existing buildings and construction of a new forecourt with canopy, car wash and shop	Granted	06.01.1999
90/00400	Removal of condition 1 to planning permission reference HLW/90/0102	Granted	14.12.1990
90/00102	Variation of condition 3 of HLW/373/89 to allow sales Building to open for access by the public between 6.00 am and 11.00 pm daily	Granted	22.05.1990
90/00101	Removal of condition 3 to planning permission reference no. HLW/373/89	Refused	22.05.1990
HW/PL/89/00373	Enlarge Forecourt Canopy, Reposition Car Wash, Provide Larger Shop/Kiosk Building, Provide Additional Underground Petrol Tanks, Modified Canopy and Improved Site Circulation (As Revised by Letter and Plans Dated 30th October 1990)	Granted	09.01.1990

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CONSULTATIONS

Internal and external Consultees

HDC – Consulting Arboricultural Officer

No Objections following the submission of the revised Arboricultural Impact Assessment and Arboricultural Method Statement.

There are three prominent trees within the existing landscape area, alongside other smaller trees and vegetation. One of the main trees (T9) is proposed to be removed to facilitate the development, but it is the smaller of the three willows (T9, T12, & T15). The retained T15 and T12 should provide enough amenity to lessen the effect of other tree removals. Other removals of trees on site, are considered a limiting factor as their overall amenity value to the character of the site is low.

A condition is recommended to ensure the development is carried out in accordance with the approved arboricultural details.

HDC - Environmental Health Officer

No Objections following the submission of the site-specific environmental noise report.

The report shows that the worst case scenario would produce a sound level from the charging units to be below that of background levels.

Essex County Council – Highways

No Objections – There are no highway issues associated with the application.

Neighbours and Additional Publicity

Number of Letters Sent: 17

Total Number of Representations Received: 2

Date Site Notice Expired: 24 July 2020

Date Press Notice Expired: N/A

Summary of Representations Received

Two objection letters have been received. They object to the proposal for the following reasons:

- The electric charging facility would cause noise pollution, particularly from the low frequency sound emitted by the charger. This is especially problematic at summer times when the windows are opened.
- The proposal would encourage anti-social behaviour by ways of providing spaces for gathering, which would in turn affect the living condition of neighbouring residents
- The continual flow of electric vehicles using the charging facility would cause nuisances, including noises from operating the charger and light pollution from headlights.
- Loss of trees

A neighbour is concerned about the existing noise and light pollution and staff/customers behaviour issues in relation to the operation of the existing shop and petrol station. These are however not relevant to the current proposal and cannot be taken into the consideration of this application.

There are also comments on an alternative site. The recommended location is to the rear of the petrol station, where the current car wash is located. However, an application must be considered on its own merits. An alternative site is usually not a reason to refuse an application, unless it is suggested otherwise by other material considerations, such as local development plan policies.

PLANNING POLICY

The following policies of the Harlow Local Development Plan (2020) are relevant to this application:

- PL1: Design Principles for Development
- PL2: Amenity Principles for Development
- PL3: Sustainable Design, Construction and Energy Usage
- IN1: Development and Sustainable Modes of Travel
- IN3: Parking Standards
- PL5: Green Wedges and Green Fingers
- PL7: Trees and Hedgerows
- PL8: Green Infrastructure and Landscaping

PLANNING STANDARDS

National Planning Policy Framework (NPPF) (2019) - sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. These policies will provide local communities with the tools they need to energise their local economies, meet housing needs, plan for a low-carbon future and protect the environmental and cultural landscapes that they value. It seeks to free communities from unnecessarily prescriptive central government policies, empowering local councils to deliver innovative solutions that work for their local area.

Supplementary Planning Documents/Current Planning Guidance

- The Essex Design Guide (2005)
- The Harlow Design Guide SPD (2011)
- The Harlow and Gilston Garden Town Design Guide (2018)
- The Essex Parking Standards: Design and Good Practice (2009)
- Essex County Council's Adopted Development Management Policies (2011)
- Planning Practice Guidance (PPG)

PLANNING ASSESSMENT

The main considerations of this application are the principle of development, the impacts on the character and appearance of the surroundings area including the Green Finger, trees and landscaping, neighbour amenity, and parking and highway safety.

Principle of development

The application relates to the installation of new electric vehicle charging facility.

At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development. This is reflected on Policy SD1 of the Harlow Local Development Plan (HLDP) 2020, which seeks to ensure that proposals improve the environmental, economic and social opportunities of Harlow.

In late 2020, the Government announced the end of the sale of new petrol and diesel cars in the UK by 2030. This sets a tone in the phasing out of fossil fuel cars as a nation and accelerates the transition to electric vehicles and would encourage the development of electric vehicle charging infrastructure.

At the local level, Policy IN1 promotes sustainable modes of transport and encourages the shift to electric cars through the provision of new charging locations and the development of an electric vehicle charging network within the district.

The transition to electric vehicle aimed at the reduction of on-street CO2 emission which contributes to climate change. The district currently has limited electric vehicle charging facilities. The proposal to install new electric vehicle charging points at a new location is considered to be a public benefit.

It is therefore considered that the proposal would contribute to sustainable development, in accordance with the overarching principles of national and local policies. The principle of the proposed development is therefore considered acceptable.

Character and appearance

Policy PL1 of the HLDP and the Harlow Design Guide SPD state that development should respond positively to the character and appearance of the surrounding area, including the patterns of development, urban form and landscape character, Green Infrastructure including trees and landscaping, building typology and the historic environment.

The proposal would replace the existing 4 parking spaces by 2 electric vehicle charging bays. The proposed layout plan shows that electric vehicle parking bays would be clearly marked on the ground using line painting.

A charging post would be erected in front of each charging bay which would be visible from various locations outside the site. Two trees are proposed to be retained between the proposed bays and the highway Ployters Road, which would provide some degree of screening. Moreover, given the wider site includes a petrol station, a shop and a carwash, it is considered that two charging posts would be in keeping with the wider character of the site.

The proposed new electric substation, power and control enclosure would be located on the other side of the access road. They would have a shed-like appearance and would be located to the rear of the existing shop. Whilst the proposed enclosures would be visible from outside the site, they would appear as subservient to the larger shop building. Moreover, these are essential infrastructures to allow the installation of electric vehicle charging points.

It is therefore on balance considered that the proposed development would have an acceptable impact on the character and appearance of the surrounding area.

Impacts on the Green Finger and landscaping

Policies PL7 and PL8 seek to protect existing green infrastructure and landscaping. The applicant should be expected to submit an Arboricultural Impact Assessment and Arboricultural Method Statement to assist the assessment of an application where it might affect existing trees and landscaping.

Policy PL5 seeks to protect the Green Finger from inappropriate developments. Small-scale developments which would not adversely affect the wider landscaping and green infrastructure would be accepted.

The substation and enclosures would be located within the existing landscaping area. This area sits at the rear of the existing shop and backs onto Southern Way. Southern Way falls within the Green Finger forming part of the district-wide green infrastructure. Although this landscape area is not located within the Green Finger, it is an important green feature on Southern Way providing high visual amenity quality.

Following on the initial comments from the Council's Arboricultural Officer, the applicant provided a revised arboricultural impact assessment (AIA) and arboricultural method statement (AMS). The submitted arboricultural details shows that two trees within the existing landscape area would be removed. However, and more importantly, the two larger willow trees (T12 and T15) would be retained, which are considered as collectively important to the sites amenity and character. The retention of these two trees, alongside other trees and vegetation, would provide a reasonable screening effect such as the visual amenity quality of Southern Way (and the Green Finger) would not be compromised.

The submitted AMS indicates protective fencing would be installed and a construction exclusion zone would be drawn up at the construction stage to protect the existing trees. The Council's Arboricultural Officer is satisfied with the submitted arboricultural details which are considered of suitable quality. A condition is recommended to ensure the development would be carried out with the approved AIA and AMS.

It is therefore considered that the proposed development would comply with Policies PL5, PL7 and PL8.

Neighbour amenity

Policy PL2 of the HLDP and the Harlow Design Guide aim to ensure that developments do not adversely affect adjacent residents.

The southern boundary of the application site is the shared boundary line with a residential property no.1 Pegrams Road. There is an existing boundary fence, which is more than 2m tall, separating the residential property and the application site. This dwelling has the side elevation facing the application site. The proposal (the charging post) would be less than 3m away from the dwellinghouse. While the proposal would not result in any demonstrable overbearing or overshadowing issue by virtue of its scale and location, there are concerns that the noise emitted by the charging station would impact the living quality of the neighbours.

The applicant provided a Noise Assessment. The assessment included a survey of the existing background noise, which suggests that the existing background noise level received by the closest resident is between 52 and 50 dB. Due to the road providing the access from the site and the activity from the existing shop and parking areas including the spaces next to their property, the existing background noise is dominated by road traffic and activity at the existing petrol filling station.

The noise assessment also includes a survey of the level of noise emitted by a similar installation at another location. The charging post would have an initial burst of sound at 70dB when the charging is first connected, and then a steady noise averaging at 62dB throughout the charging period. The power cabinet would have a noise level at 65dB and 59dB when measuring directly in front of the grill of vent on the power unit and rear of the power unit respectively.

To assess the impact on the adjacent neighbour, the noise report considered two receptor locations – at mid-point within the garden and the nearest first floor window. The mid-point of garden is approximately 10m away from the charging point and 3m from the power cabinet; and the first floor window is 6m and 5m away from these noise sources respectively. Due to the distance from the noise source, the perceived noise level would be significantly reduced when compared to the measurement directly in front of the noise source. The report suggests that the perceived noise level would be 42dB at the mid-point of garden and 50dB at the first floor window, which would not exceed the existing background noise level, although at the first floor window the received noise level is almost identical to background noise at 50dB.

The submitted noise report suggests that the proposal installation and the use of the proposed EV charging points would not generate any significant noise to the detriment of the nearby residents. The Environmental Health Officer was consulted and has no objection to the information submitted.

Nevertheless, the noise level could be particularly prominent at night where road traffic and activities at the petrol station is reduced. It is also noted that there is a condition on the planning permission 98/00307 restricting the operation of the petrol station, the shop and the car wash from 6:30am to 11pm. To protect neighbour amenity, it is considered that a condition should be attached to restrict operation hours in line with other existing facilities on site. The photographs submitted by the applicant includes there are lightings on the charging posts, and these lightings should also be subject to the same operating hour restrictions.

It seems reasonable that the EV charging points would have the same time restriction for neighbour amenity purpose.

A neighbour raised concern on crime rate. It is noted that the application site relates to 4 existing parking spaces and the proposal would reduce this to 2 spaces. It is therefore considered that the proposal would not likely to contribute to any increase in crime rate.

Parking

The proposal would remove the existing 4 spaces and replace it by 2 electric vehicle charging bays.

The existing spaces are shown on the approved drawings of 98/00307 to be used by the customers to the shop. The shop is also served by 10 other spaces, including 8 in front of the shop and 2 to the side. The spaces in front of the shop were not shown on the approved drawings of 98/00307. In other words, the currently available of parking spaces available were higher than the provision originally approved for shop.

The Essex Parking Standards requires Petrol Filling Station to have 1 parking space per 20 sqm of retail spaces. Measuring from the submitted drawings, the existing shop has a retail floor space of approximately 200sqm, which equates to 10 spaces required. Despite the current proposal would result in the loss of spaces, there are still sufficient parking on site to meet the Parking Standards requirement. Moreover, the entire petrol service station is an off-road facilitate. Therefore, even in the event of insufficient spaces, it is unlikely that extra parking would in overspill onto the highway.

The provision of electric vehicle charging facility is also considered to have provided public benefits that would outweigh the possible impact of loss 4 existing spaces in this location.

It is therefore considered that the proposal would not warrant a refusal on parking grounds.

Highway

The existing petrol station operates with a one-way system with vehicles entering the site from Southern Way and exiting onto Ploysters Road. The proposed charging spaces are located near the exist point and would not interrupt the one-way system. It should also be noted that the proposal is replacing the 4 spaces with 2 bays. In any event, the reduced number of spaces is unlikely to reduce in any adverse highway issue. The Essex Highway Officer was consulted and has no objection to the proposal.

There are two 'No Entry' traffic signs have been erected on either side of the Ployters Road to enforce the exist route. An informative clause should be added to remind the applicant that these signs should be retained.

CONCLUSIONS

The proposal to provide new electric vehicle charging location would contribute to the transition to electric vehicles and reduction of CO2 emission. This is considered to be a public benefit that weight in favour of the proposal.

The proposal would result in a loss of some landscape area in this location. Nevertheless, the trees which are key to the overall amenity quality would be retained. The remaining trees and vegetation would also provide sufficient screening to protect the visual amenity quality of the green finger (Southern Way).

The applicant provided a Noise Assessment which suggests the proposed electric charging facilities would not result in noise exceeding the existing background noise level in this location. A condition ensuring no operation outside 6:30am to 11pm would protect the neighbour amenity.

Although the proposal would result in the loss of parking spaces, it is considered that the loss would not result in adverse impact on highway safety. The benefit of providing new electric vehicle charging locations within an underserved part of the district is also considered to outweigh the harm.

On balance, it is considered that the proposed development would be acceptable in this instance and it is recommended for approval subject to conditions.

RECOMMENDATION

That Committee resolve to **GRANT PLANNING PERMISSION** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The proposed development, hereby permitted, shall be completed in full accordance with the submitted Arboricultural Impact Assessment (prepared by Ground Control Limited, dated November 2020, reference J200631- GC- A- RP- 3- 003) and Arboricultural Method Statement (prepared by Ground Control Limited, dated December 2020, reference J200631). Any alterations to the agreed details must be first approved by the Local Planning Authority in writing.

Reason: To ensure that damage to vegetation identified for retention is avoided and to comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 and Policy PL7 of the Harlow Local Development Plan, December 2020.

- 3 No electric vehicle charging should be allowed to take place at the electric vehicle charging spaces, hereby permitted, outside 0630hrs to 1100hrs. Any lightings and noise emitting machinery in relation to the development hereby permitted shall be switched off outside the aforementioned operating hours.

REASON: In the interest of neighbour amenity and to accord with Policy PL2 of the Harlow Local Development Plan, December 2020.

- 4 The development hereby permitted shall be carried out in accordance with the approved plans as shown listed in the table below.

REASON: For the avoidance of doubt and in the interests of proper planning.

Plan Reference	Version No.	Plan Type	Date Received
10559 - EVC - 22	REV G	Proposed Layout	25 Nov 2020
10559 - EVC - 23	REV D	Proposed Elevations	25 Nov 2020
10559 - EVC - 24		Proposed Equipment Elevations	25 Nov 2020

INFORMATIVE CLAUSES

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. There shall be no entrance to the site from Ployters Road. The existing 'no-entry' sign facing Ployters Road shall be retained.