

**LAND ADJACENT TO KEELE UNIVERSITY, UNIVERSITY AVENUE, KEELE UNIVERSITY
KEELE HOTEL DEVELOPMENTS LTD AND KEELE UNIVERSITY SCIENCE AND BUSINESS
PARK LTD** **19/00688/FUL**

The application seeks to vary condition 11 of planning permission 19/00203/REM which approved the reserved matters for the erection of a 150-bedroom hotel, car parking and associated infrastructure following the granting of an outline planning permission for buildings accommodating academic functions; staff and student residences; employment uses directly related to or complementary to the University's core activities; and Class B1 uses directly related to the University's functional activities but excluding manufacturing or storage of large tonnages or mass production of goods (Refs. 05/01146/OUT and 17/00934/OUT).

Condition 11 relates to the provision of electric vehicle charging points.

The site is part of that allocated on the Local Development Framework Proposals Map for employment/higher education-led development (Proposal E8). The site lies within an area which on the Local Development Framework Proposals Map is excluded from the Green Belt but lies within an Area of Landscape Maintenance. The site is covered by Policy area E8 (on development at Keele University and Keele Science Park). The site lies outside of the Grade II Registered Parkland and Garden of Special Historic Interest at Keele Hall.

The 13 week period for the determination of this application expires on the 29th November 2019.

RECOMMENDATION

PERMIT the variation of condition 11 of 19/00203/REM so that it reads as follows:

11. Prior to the first occupation of the development hereby approved, 10 parking spaces, and one of the disabled parking spaces, must be provided with a fully dedicated electric vehicle charging point and thereafter maintained unless otherwise agreed by the Local Planning Authority. Charge points shall be a minimum of 32Amp with Type 2 Mennekes connections, or equivalent, Mode 2 (on a dedicated circuit).

And subject to the imposition of all other conditions attached to reserved matters consent 19/00203/REM that remain relevant at this time.

Reason for Recommendation

The revised condition will ensure an adequate provision of spaces for charging plug-in vehicles in accordance with the aims and objectives of the National Planning Policy Framework 2019.

Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework and no amendments were considered necessary.

Key Issues

The application seeks to vary condition 11 of planning permission 19/00203/REM which approved the reserved matters for the erection of a 150-bedroom hotel, car parking and associated infrastructure.

Condition 11 as worded in the decision notice states as follows:

At least 40 parking spaces, including at least 2 of the disabled parking spaces, must be provided with a fully dedicated electric vehicle charging point. All other parking spaces shall be provided with passive wiring to allow future charging point connection. Charge points shall be a minimum of 32Amp with Type 2 Mennekes connections, or equivalent, Mode 2 (on a dedicated circuit).

The reason given for the condition within the decision notice was:

To ensure an adequate provision of spaces for charging plug-in vehicles and to sustain compliance with the adopted Newcastle-under-Lyme Borough Council Air Quality Action Plan 2019 to 2024 as per the objectives within paragraphs 105 and 181 of the National Planning Policy Framework 2019.

The applicant has requested that the wording is revised as follows:

Prior to the occupation of the development, 10 parking spaces, and one of the disabled parking spaces, must be provided with a fully dedicated electric vehicle charging point.

Their justification for the proposed variation can be summarised as follows:

- At no point during pre-application engagement did the LPA advise that a significant number of car charging points would be sought or that it would be seeking to essentially 'future proof' other matters.
- There are no policies in the adopted development Plan requiring a specific amount of car charging plug in points.
- The applicants were not made aware of the Council's Air Quality Action Plan which is not available on the Council's website.
- The Government has recently published two consultation documents – 'Electric Vehicle Charging in Residential and Non-Residential Buildings' (July 2019) and 'Electric Vehicle Smart Charging' (July 2019) – and it is understood that changes to the building regulations may take effect in the future.
- The applicant's Design & Access Statement clearly set out that it was proposed to deliver 10 car charging points and one additional charging point as a disabled space.
- As the applicants had put forward 11 electric car charging points, and at no point during the determination of the submission was this raised by officers, queried or discussed and neither was it raised by consultees or members of the planning committee, the imposition of condition 11 came as a significant shock.
- The applicants have learnt that it is the LPA's aspiration to apply a 25% electric car charging point requirement across all major schemes but this is not set out in any policy or supplementary planning document that has been independently assessed and scrutinised.
- The approach to the imposition of a mandatory but also arbitrary 25% requirement is untenable and to secure via planning condition and seek to utilise the development management system as the 'blanket' method of delivery to work towards improving carbon emissions and thus air quality is not considered acceptable or appropriate and even Government themselves in their latest consultation reports are suggesting it is a potential matter that may be dealt with through building regulations.
- The decision-making process is considered unbalanced, where significant weight as a material consideration has been given to a document (the Council's air quality assessment) that has not been independently ratified or scrutinised. The approach, it is considered, has led the LPA to issue a condition that does not meet the six tests a condition should and is therefore inherently flawed and should not have been imposed.

Their submission is supported by a detailed technical letter by the applicant's Infrastructure Consultant which sets out the practical and viability implications of Condition 11 as currently imposed. A summary is as follows:

- There is currently power secured to provide for the 11 car charging points, no off-site works are required for this - this is costed at £30,000;
- Increasing this unplanned for supply (as it derives from the University's supply), will decrease the demand they can draw from the network;
- The current local infrastructure does not allow the increase to 40 car charging points; off site works will be required at a cost of £400,000;
- An additional onsite cost of delivery of increasing to 40 car charging points is in the region of £100,000;
- The existing area's electrical distribution is limited;

- The closest location to bring extra power from is Knutton which will require 1.5KM off site excavation and road closures and cable laying over an 18 month period - this in turn could delay the delivery of this much needed hotel;
- To service all car parking spaces would require further cabling to be laid for Knutton which would cost a further £650,000;
- The electrical load required to lay wiring for all the car parking spaces equates to the same amount required to service the hotel;
- To service all car parking spaces would require on site infrastructure costs of £500,000;
- Future evolution of car chargers means that as the technology changes there is not going to be the same demand for overnight chargers.

Given these factors, the applicant concludes that the implementation of Condition 11 as is currently imposed would unreasonably impact on the deliverability of the development and the LPA is asked to approve this variation of the condition.

The Environmental Health Division accepts the argument advanced by the applicant and supports the application subject to a minor variation to wording to read as follows:

Prior to the occupation of the development, 10 parking spaces, and one of the disabled parking spaces, must be provided with a fully dedicated electric vehicle charging point. Charge points shall be a minimum of 32Amp with Type 2 Mennekes connections, or equivalent, Mode 2 (on a dedicated circuit).

The Council currently has no adopted policy relating to electric vehicle charging and since the determination of application 19/00203/REM, the Government has published its consultation document 'Electric Vehicle Charging in Residential and Non-Residential Buildings'. For new non-residential buildings with more than 10 parking spaces, it is proposed to introduce a requirement to have at least one chargepoint and cabling routes for one in five spaces. The document goes on to state that the demand for chargepoints and the type of chargepoints needed at non-residential buildings is mixed, and will depend on how the building is used and the wider provision of chargepoints in the local area. It highlights that the Government does not therefore consider it appropriate to set a more prescriptive standard for all non-residential buildings through Building Regulations. The consultation period ends in October.

Based on the recommendations of the Government's consultation document which refers to a chargepoint for one in five spaces, the development which provides a total of 180 car parking spaces, would require the provision of 36 spaces with an electric vehicle charging point. Whilst the 11 spaces proposed does not meet the Government's recommended requirement, it remains a consultation document and as detailed in the technical letter from the applicant's Infrastructure Consultant, the costs of such a provision would be significant and would impact on the deliverability of the development. As stated above the Environmental Health Division has no objections to the proposed variation to Condition 11 and your officer accepts that the provision of 11 spaces with an electric vehicle charging point is reasonable. The applicant has confirmed their agreement to the revised wording recommended by Environmental Health and such wording is considered to be acceptable subject to a minor amendment to tighten up the condition to ensure delivery and retention.

APPENDIX

Policies and proposals in the approved development plan relevant to this decision:-

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy CSP3: Sustainability and Climate Change

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

None

Other Material Considerations include:

[National Planning Policy](#)

[National Planning Policy Framework \(NPPF\) \(2019\)](#)

[Planning Practice Guidance \(March 2014\)](#)

[Government Consultation – Electric Vehicle Charging in Residential and Non-Residential Buildings](#)

Relevant Planning History

- 05/01146/OUT (A) Full planning permission for engineering operations including plateau formation, earthworks, layout of road network, cyclepaths and footpaths, drainage works and other ancillary works
(B) Outline planning permission for development for (a) academic function's; (b) staff and student residences; (c) employment uses directly related to or complementary to the University's core activities including conference, training, retail and leisure – for use of students, staff conference delegates and their visitors and in the case of leisure facilities for the wider community; (d) Class B1 uses directly related to the University's functional activities but excluding manufacturing or storage of large tonnages or mass production of goods - Approved
- 10/00631/REM The siting, design and external appearance of a conference, training, and leisure hotel (outline permission for which was granted under reference 05/01146/OUT), the means of access to its site from the road network and the internal landscaping of its site - Refused and subsequently allowed on appeal
- 17/00934/OUT Proposed development for (a) academic functions; (b) staff and student residences; (c) employment uses directly related to or complementary to the University's core activities including conference, training, retail and leisure - for the use of students, staffs, conference delegates and their visitors and in the case of leisure facilities for the wider community; (d) Class B1 uses directly related to the University's functional activities but excluding manufacturing or storage of large tonnages or mass production of goods – Approved
- 19/00203/REM Reserved matters (access arrangements within the site, appearance, landscaping, layout and scale) for the erection of a 150-bedroom hotel, car parking and associated infrastructure pursuant to outline consent 17/00934/OUT – Approved

Views of Consultees

The **Environmental Health Division** supports the application to vary the wording of Condition 11 subject to a minor variation to wording to read as follows:

Prior to the occupation of the development, 10 parking spaces, and one of the disabled parking spaces, must be provided with a fully dedicated electric vehicle charging point Charge points shall be a minimum of 32Amp with Type 2 Mennekes connections, or equivalent, Mode 2 (on a dedicated circuit).

Keele Parish Council makes no comments on the application.

Representations

None received.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Statement of Case
- Letter of technical evidence

All of these documents are available for inspection at the Guildhall and as associated documents to the application in the Planning Section of the Council's website via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00688/FUL>

Background papers

Planning files referred to

Planning Documents referred to

Date report prepared

23 September 2019