

2023/0507

Tesla Motors Ltd

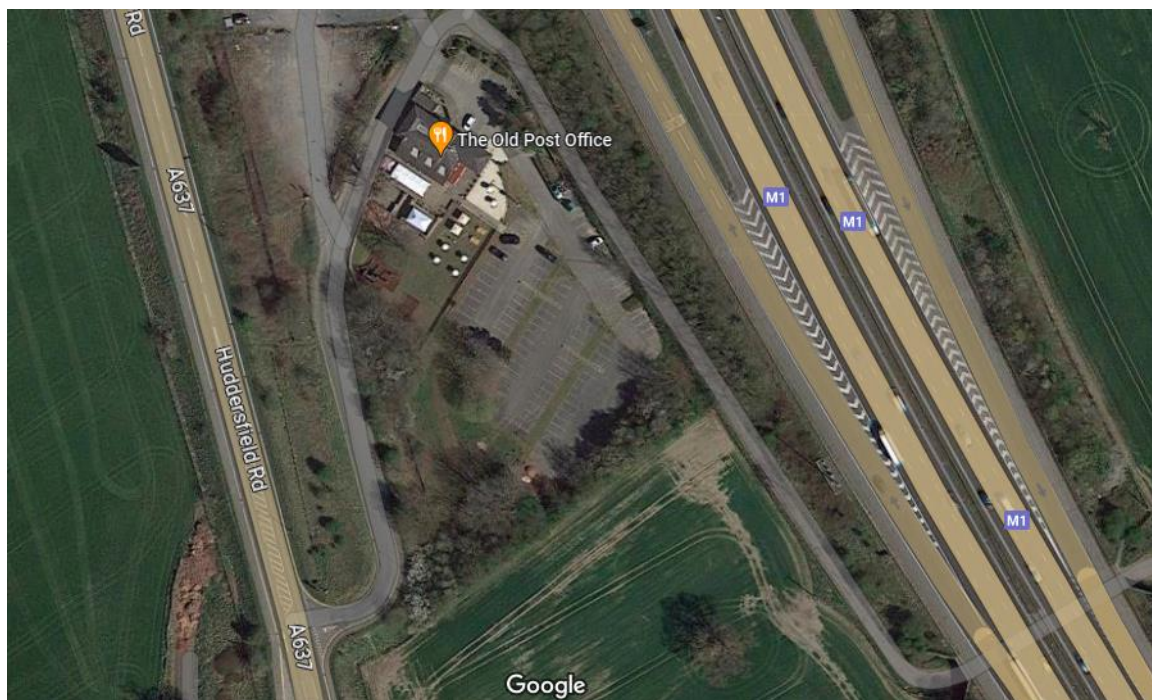
Development of 12no. electric vehicle charging points, ancillary equipment cabinets, substation infrastructure, fencing and associated landscaping

The Old Post Office, 600 Huddersfield Road, Haigh, Barnsley, S75 4DE

Description

The Old Post Office is a two storey Public House with a large car park and beer garden area which extends to the south. The site is set between the M1 motorway to the east and the A637 to the west which connects to Junction 38 of the M1 to the north. The site is set within the Green Belt as allocated within the Local Plan. The site of the proposal is set to the south of the existing car parking and screened by trees along the boundaries. The land to the north of the Old Post Office which does not form part of the red-line boundary has been previously used for the unauthorised storage of building materials.

The wider area is open Green Belt, largely used for agricultural purposes.



Proposed Development

The proposal involves the development of 12no. electric vehicle charging points, ancillary equipment cabinets, substation infrastructure, fencing and associated landscaping. The proposed charging points would be located to the south of the existing car parking at the Old Post Office Public House.

The following equipment is located within the red line boundary:

- 12no. Tesla Supercharger Stands
- 3no. Equipment Cabinets
- 1no. DNO Substation

The proposed EV charging stands will be positioned within existing car parking spaces. The equipment cabinets and substation will be positioned on an area of vacant hardstanding within the car park. The Tesla V3 charging stands measure a height of 1.68m. The proposed Tesla equipment cabinets measure a height of 2.15m.

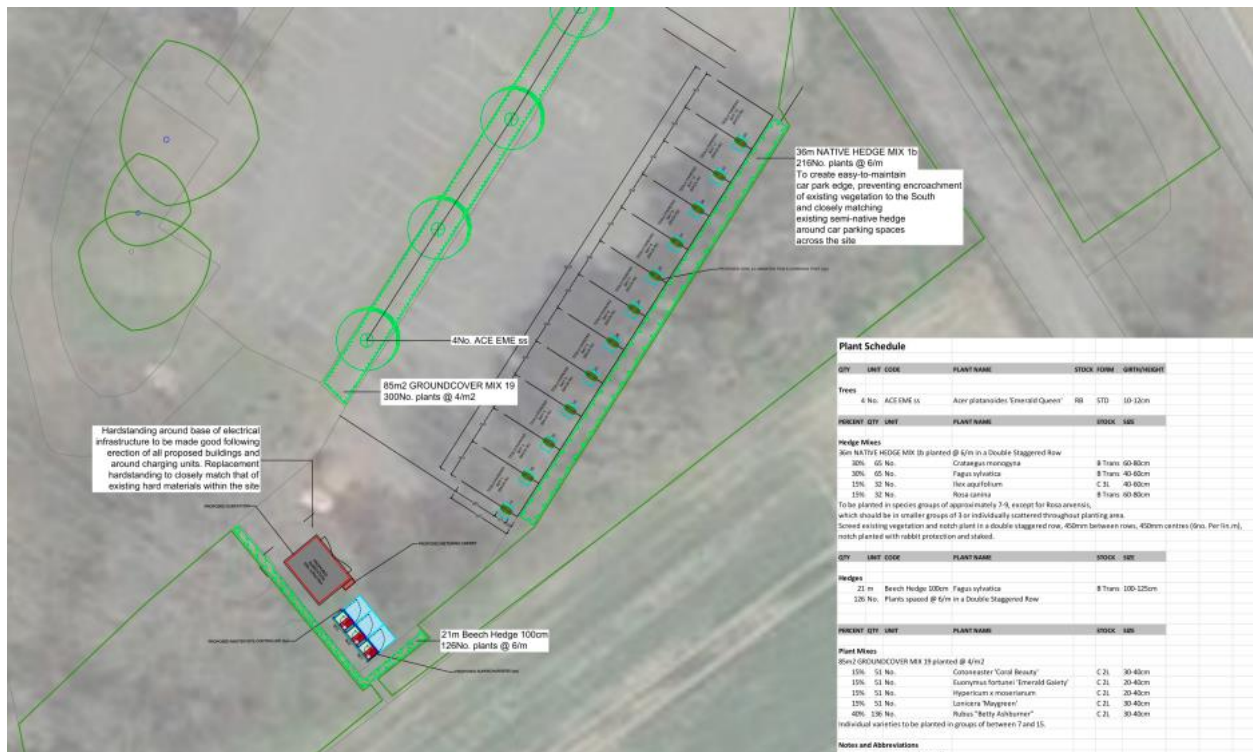
In support of the application, the applicant has submitted the following:-

- Tree Survey
- Arboricultural Impact Assessment and Method Statement
- Biodiversity Net Gain Assessment
- Ecological Impact Assessment
- Geo environmental Phase One Assessment
- Noise Impact Assessment
- Planning Statement
- Landscaping Plan



Example of similar Tesla Charging points





Planning History

No Planning History of relevance.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022.

The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

Local Plan

The site is located within the Green Belt as shown on the Local Plan Proposals Map, therefore policy GB1, Protection of the Green Belt applies, protecting the Green Belt from inappropriate development in accordance with National Planning Policy.

In addition the following policies apply:

Policy SD1, Presumption in favour of Sustainable Development;
GD1, General Development;

T4, New Development and Highway Improvement
D1, Design
BI01, Biodiversity and Geodiversity
LC1, Landscaper Character
CC1, Climate change and Sustainable Construction
RE1, Low Carbon and Renewable Energy

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

In respect of this application, relevant policies include:

Para 8 – 3 dimensions to sustainable development

Para 11 – Presumption in favour of sustainable development

Section 13 – Protecting Green Belt Land:

Para 137 -*"The Government attaches great importance to Green Belts. 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 their permanence"*

Para 147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Para 148. When considering any planning application, 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 resulting from the proposal, is clearly outweighed by other considerations.

Para 149. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Para 150. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Para 151. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources

Para 112 indicates 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.

Supplementary Planning Documents (SPD):

SPD Parking – gives guidance on parking standards and indicates that the Council encourages the provision of electric vehicle charging infrastructure.

Consultations

Highways DC – No objections subject to conditions

Ecology – No objection subject to condition

Drainage – No objections – details to be checked by Building Control

Pollution – No objections

SYMAS – No objection subject to standing advice

Yorkshire Water – No objections

Representations

2 letters of representation have been received which state the following:-

2 letters of support:- 'The 2 superchargers at Tankersley are no longer sufficient. There is often a queue and they are the older, slower v2 generation. This new location is ideal, being right next to the motorway junction and with the pub on site to provide food and services. It's

also an improving an existing car park rather than adding a new one from scratch. Completely makes sense and would like to see more of this kind of development.'

'I support the application I would like to see it open to all Ev cars not just Tesla cars this should be possible as Tesla have opened up some of their network to non Tesla cars and it could be made part of the planning.'

Assessment

Principle of development

The site is located within the Green Belt as shown on the Local Plan Proposals Map, therefore policy GB1, Protection of the Green Belt applies, protecting the Green Belt from inappropriate development in accordance with National Planning Policy.

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 of the NPPF states that, in terms of the decision-making process, this means approving development proposals that accord with an up-to-date development plan without delay, and, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: (i) the application of policies in this Framework 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 in this Framework taken as a whole.

The application proposes the development of 12no. electric vehicle charging points, ancillary equipment cabinets, substation infrastructure, fencing and associated landscaping within the existing car park to the Old Post Office Public House. The agent has submitted the following justification as part of the proposal:-

'We are progressing with multiple other Tesla sites, some of which are in Green Belt locations. Other local planning authorities and the Planning Inspectorate have confirmed to us that EV charging constitutes 'local transport infrastructure' pertinent to paragraph 150 of the NPPF. As long as proposals protect GB openness and the five purposes, which the proposals at The Old Post Office do, then very special circumstances aren't required to justify an appropriate form of development. The proposed development would be available to all electric vehicle owners (the Tesla chargers use a European standard socket – compatible with all EVs with the same European standard socket, which in reality is the vast majority of the market, not just exclusive to Tesla users). It would therefore form part of the local transport infrastructure as set out in para 150 of the NPPF (2023).

We received planning approval for 18no. EV chargers at Trentham Shopping Village, Stone Road, Stoke on Trent. This was a Green Belt location. Similarly, we received approval for EV chargers at Denbies Wine Estate. The proposals would support the local transport network through the provision of universally useable ultra-rapid EV chargers positioned strategically to support major highway traffic as well as being situated within an existing car park. We believe the proposals therefore fall under para 150 of the NPPF (not inappropriate) as proposals have a clear location justification and do not compromise the openness or purposes of the GB at this location.'

Paragraph 112 of the NPPF advocates for developments to 'be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. The Old Post Office is an existing public house with a large car park and located off junction 38 of the M1 as such the site is considered to meet the requirements of the above policy in terms of location.

Paragraph 152 states that 'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.' The proposed development will strengthen the existing infrastructure to support the development of electric charging points. EV charging points will help the transition to ultra-low emission vehicles and securing the Government's net zero carbon targets.

Paragraph 148 states that 'When considering any planning application, 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 resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 deals with the categories of development which are considered to be appropriate forms of development within the Green Belt. Based on this, the proposal would be classed as inappropriate development as it does not fall within the categories allowed under Paragraph 149 of the NPPF.

However, Paragraph 150, lists 'local transport infrastructure which can demonstrate a requirement for a Green Belt location' as a form of development which would not be inappropriate in the Green Belt provided the proposal preserves its openness and do not conflict with the purposes of including land within it.

In addition, Paragraph 151 deals with renewable energy projects within the Green Belt which would be classed as inappropriate development, however developers are able to demonstrate very special circumstances if projects are to proceed. 'Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable resources.'

It is considered that the proposal would fall under the category of Paragraph 150 and 151 and there exists '*very special circumstances*' in this case given that the proposal would encourage more sustainable modes of travel and the effect on the openness of the Green Belt would be limited. There are no other EVCP's in the area. As previously mentioned, The Old Post Office is situated in a convenient and well connected location adjacent to junction 38 of the M1, and the installation of electrical charging points is not considered to conflict with this and would provide environmental benefits. The harm to the Green Belt, from the proposed development, is caused by the visual impact of the EVCP's units and associated infrastructure on the landscape and from the increased highway movements associated with the proposed.

The proposal would be located in an existing car park and would therefore not be out of place with the immediate area or encroach onto existing undeveloped land. Soft landscaping is proposed to provide screening of the proposal which would further mitigate the impact of the proposal as well as providing some benefits to biodiversity through the enhancement of habitat. The topography and surrounding screening trees are as such that the site is not highly visible from surrounding areas. The proposed EVCP units and associated cabinets are set within the context of the existing public house and car park development and represents an intensification of the existing urban form rather than a standalone feature. In this respect the harm to the Green Belt is reduced.

Local Plan Policies CC1, Climate change and Sustainable Construction and RE1, Low Carbon and Renewable Energy set out the Council's aspirations with regards climate change and

renewable energy and the proposal is considered to comply with these policies. The SPD Parking also indicates that the Council encourages the provision of electric vehicle charging infrastructure. Overall, it is considered that the proposal would fall under categories outlined in paragraphs 150 and 151 of the NPPF, supported by very special circumstances, as it would meet policy requirements in respect of local transport infrastructure (provision of EVCP's) and renewable energy without impeding significantly to the openness of the Green Belt. Therefore, in principle, the proposal is supported.

Visual Amenity

Given the rural nature of the landscape, the proposed will impact on visual amenity being an urban form of development. Its location within the confines of the existing public house car park reduces the impact by virtue of it being contained within an existing urban form which undoubtedly has a more significant impact on the environment. The proposal includes 12 Tesla EVCP's which would be located in parking bays, side by side. The proposal provides for soft landscaping which would screen the substation and charging points from view, while also providing ecological mitigation.

Visibility of the proposal would be restricted to views from within the site. The proposal would not be visible from the M1 or Huddersfield Road. Given the scale of the proposed chargers and the associated landscape screening, the proposal is not considered to be out of place in the immediate surrounding of the site. It is therefore considered that the effects on the openness and visual amenity of the Green Belt would be limited in accordance with Local Plan Policy GS1.

Residential Amenity

The closest residential properties separate to the site are a significant distance away and the Pollution Control Officer has not raised any concerns. The neighboring residents should not be significantly impacted by way of noise and increased disturbance in accordance with Local Plan Policy POLL1.

Highway Safety

The Highways Officer has no objection the proposal. The public house benefits from a substantial car park serving over 100 vehicles. Previous applications on the site suggest the floor space of the Old Post Office is 275m².

In Barnsley MBC's Parking SPD, the parking requirements are described as 1 space per 4 m² gross floor area for customers. Where there are fixed seating areas for diners 1 space per 3 diners can be considered. Plus 1 space per residential staff and 1 space per 3 non-residential staff on duty at the busiest time.

The Highways Officer states that 'It is therefore apparent that the car park is of sufficient size to serve the public house even if these spaces were entirely lost to the business. As it stands, the proposal would see these spaces remain available for all, including pub customers, so whilst no longer exclusively for the use of the Old Post Office, they are not being entirely lost to customers either. Furthermore, the provision of electric charge points is of benefit to the wider area. No specific conditions are deemed necessary.'

The proposal is therefore acceptable when assessed against Local Plan Policy T4.

Ecology

An Ecology Report has been submitted with the application. The Ecology Officer has been consulted and states the following:-

'I am content with the biodiversity enhancement plan and the location of the bat and bird boxes and hibernaculum. The development shall be completed in line with the recommendations in the Ecological Impact Assessment, the Biodiversity Enhancement Plan and the conditions of the planning permission. All the recommendations shall be implemented in full according to the timescales laid out, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently maintained for the stated purposes of biodiversity conservation.'

The proposals are therefore acceptable subject to the imposition of a condition requested above, in accordance with Local Plan Policy BIO1.

Trees

No significant trees are to be lost as part of the proposal and the proposal includes a landscaping scheme which should be conditioned to be complied with as part of any planning approval.

Conclusion

The proposal would make a contribution towards the reduction of carbon and provide a facility for the growing number of electric vehicles within a highly accessible location off Junction 38 of the M1, an objective which is supported by the NPPF. It is concluded that the proposal, would not detract from the appearance of the locality or cause substantial harm to the Green Belt, with very special circumstances allowing for the location of the proposal within the Green Belt. The proposal would not adversely affect the amenities of neighbouring properties, highway safety or ecology. The proposal would have a limited impact upon visual amenity and the openness of the Green Belt, therefore the application is recommended for approval subject to conditions.

Recommendation

Grant planning permission subject to conditions