



Appeal Decision

Site visit made on 13 January 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th February 2020

Appeal Ref: APP/N3020/W/19/3239843

91 Carlton Hill (Site of demolished dog house pub and Carlton Catholic Club), Carlton, Nottingham NG4 1FP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Father Joseph Wheat against the decision of Gedling Borough Council.
 - The application Ref 2019/0627, dated 20 June 2019, was approved on 27 September 2019 and planning permission was granted subject to conditions.
 - The development permitted was described as construction of a new build community centre and associated parking.
 - The condition in dispute is No 6 which states that: Prior to the occupation of the building hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority as to the position within the development of two (2) Electric Vehicle Recharging Points. The Electric Vehicle Recharging Points shall be in a prominent position on the site and shall be for the exclusive use of zero emission vehicles. The Electric Vehicle Recharging Points shall be installed prior to occupation of any part of the development and shall be thereafter maintained in the location as approved for the lifetime of the development
 - The reason given for the condition is: to ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, in accordance with LPD11 of the Local Planning Document 2018.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the condition requiring the provision of Electric Vehicle recharging points (EVRP) is necessary and reasonable in the interests of managing air quality.

Reasons

3. Paragraph 110 of the National Planning Policy Framework (the Framework) advises that development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
4. Policy LPD 11 of the Gedling Borough Local Planning Document Part 2 Local Plan July 2018 (Local Plan) seeks to mitigate the effects of development on air quality in accordance with the Borough's Air Quality and Emissions Mitigation Guidance (AQEMG). The AQEMG sets out the measures which will be taken across the Council area to mitigate the impacts of development on air quality including the provision of electric vehicle recharging infrastructure.

5. The appeal site is located on a main road and based on the Council's evidence and my site visit appears to have access to convenient, high quality public transport and good pedestrian accessibility. Nevertheless, the scheme includes a car park, which will accommodate a significant number of cars. Therefore, it is reasonable, and in accordance with national and local policy, that the development should promote sustainable transport by providing for the charging of ultra-low emission vehicles to maintain or improve air quality. As a result, I find that in principle the condition is reasonable and necessary.
6. I appreciate that there has previously been development on the appeal site. However, this does not mean that new or future development should not comply with up to date planning policy requirements for the development of land.
7. The Planning Practice Guidance (PPG) advises¹ that conditions which place unjustifiable and disproportionate financial burdens on an appellant will fail the test of reasonableness. I note that the development is being undertaken by a registered charity and that the appellant is concerned that the need to provide EVRP for public use would put the project at risk.
8. The conditions tests set out in the PPG² say that conditions can only be imposed where they are relevant to planning and relevant to the development to be permitted. I accept that it would not be reasonable to require the appellant to provide EVRPs for the wider public. However, this is not the case here as the Council have clarified that the EVRPs are required solely for the users of the development. As such, I am satisfied that the condition is relevant to planning and the development permitted.
9. Further, the Council confirm that to satisfy the requirements of the condition the appellant would need to provide outdoor 3 pin sockets (for two vehicles) on a dedicated 16A circuit. The Council's estimated costs, whilst not to be relied on as the actual cost of providing EVRP, indicate that the cost of EVRP provision would, as part of a new building community centre project, be minimal. The appellant appears to see the requirement as much more onerous but has not indicated on what basis it has been established that the provision of the charging points would make the scheme unviable.
10. Based on the evidence before me I am satisfied that the provision of EVRP for users of the site is reasonably related to the development and is necessary to mitigate the impact of development on air quality.
11. Consequently, I conclude that the disputed condition remains necessary and reasonable in the interests of managing air quality. Therefore, the proposal to remove the condition conflicts with Policy LPD11 of the Local Plan and the Framework.

Other Matters

12. I appreciate that the parent charity and Sacred Heart Church are committed to working sustainably and I note the very real efforts being made to encourage sustainable travel to the charity's sites. The proposed EVRP would be complimentary to these efforts and for the reasons set out above would not undermine the delivery of the proposed community centre.

¹ Paragraph: 005 Reference ID: 21a-005-20190723

² Paragraph: 003 Reference ID: 21a-003-20190723

Conclusion

13. I find that the requirement to provide EVRP is necessary and reasonable. The appeal is dismissed, and the condition is retained in its present form.

Diane Cragg

INSPECTOR