

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	20 July 2021
<b>Site Location:</b>	Cleeve School Two Hedges Road Bishops Cleeve Cheltenham Gloucestershire GL52 8AE
<b>Application No:</b>	21/00507/FUL
<b>Ward:</b>	Cleeve Grange
<b>Parish:</b>	Bishops Cleeve
<b>Proposal:</b>	Removal of condition 5 (electric vehicle charging spaces) of planning application 20/00826/FUL
<b>Report by:</b>	Dawn Lloyd
<b>Appendices:</b>	Site location plan Proposed block plan
<b>Recommendation:</b>	Permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site covers an area of approximately 55,800 square metres and comprises Cleeve School, a large secondary school. The front (northern) elevation of the school faces onto Two Hedges Road. The school buildings are predominantly located towards the northern side of the application site, with the school playing fields located towards the southern side and backing onto Ellenborough Road to the south.
- 1.2 Planning permission was permitted for application 20/00826/FUL to demolition of some existing classrooms at Bishops Cleeve School and for the erection of a single storey extension to provide five classrooms, an office, WC, associated storage and plant. As part of the proposal the existing multi use games area (MUGA) was reduced slightly and alterations to on site parking. Condition 5 of the permission required a minimum of 4 electric vehicle charging spaces to be provided in the parking area.
- 1.3 Condition 5 of the permission states:

*The development hereby approved shall not be brought into use until a minimum of 4 electric vehicle charging spaces have been provided in accordance with details submitted and approved in writing by the Local Planning Authority and thereafter such car parking spaces shall be kept available and maintained for the use of electric vehicles as approved.*

*Reason: To encourage sustainable travel and healthy communities*

- 1.4 The current proposal seeks to remove condition 5. Grant funding from the Department of Education for the extension was received prior to receiving planning permission. The grant did not provide additional funds for electric charging bays. Condition 5 prevents the use of the classroom extension until electric vehicle charging spaces have been provided.

## **2.0 RELEVANT PLANNING HISTORY**

There is extensive planning history on this site but relevant to the current proposal are the following:

20/00826/FUL – Provision of new classrooms to meet current area guidelines as a replacement for existing non-compliant classrooms. Permit 04.12.2020

21/00038/NMA -Non material amendment for planning application 20/00826/FUL to remove external louvers and ventilation units to internal ventilation units and louvers in the facade and reduce height of the building. GRANT 16.03.2021

21/00365/NMA -Non material amendment for planning application 20/00826/FUL to allow for changes to the drainage design. GRANT23.04.2021

## **3.0 RELEVANT POLICY**

The following planning guidance and policies are relevant to the consideration of this application:

### **National guidance**

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

### **Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017**

Policy SD4 (Design Requirements)

Policy SD6 (Landscape)

Policy SD14 (Health and Environmental Quality)

Policy INF1 (Transport)

Policy INF 2 (Flood Risk Management)

Policy INF 4 (Social and Community Infrastructure)

### **Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP)**

Policy RCN1 Outdoor playing space

### **Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019)**

Policy RCN1 Public Outdoor Space, Sports Pitch and Sports Facility Provision)

Policy TRAC9 Parking Provision

Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)

The First Protocol, Article 1 (Protection of Property)

## 4.0 CONSULTATIONS

### Bishops Cleeve Parish Council- Objection

This condition should not be removed as both the Parish council and Tewkesbury Borough council have declared a climate emergency and removing electric charging points does not fit with this. The removal of the condition would also be against promoting sustainable transport, having a healthy community and protecting the environment.

Highway Authority - No objection, there would not be an unacceptable impact on the Highway safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>

## 5.0 PUBLICITY AND REPRESENTATIONS

The application has been publicised through the posting of a site notice for a period of 21 days and no public representations have been received.

Full copies of all the representations responses are available online at Insert text <https://publicaccess.tewkesbury.gov.uk/online-applications/>

## 6.0 POLICY CONTEXT

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3 The Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Examination in Public was held in February/March 2021 and the Inspector's post hearings Main Modifications letter was received on 16th June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'.
- 6.4 Those policies in the Pre-submission version of the TBP which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which do in the Inspector's view require main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies will still be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.5 The relevant policies are set out in the appropriate sections of this report.

## **7.0 ANALYSIS**

- 7.1 The Parish Council object to the removal of the condition for electric vehicle charging points to be provided as it would be contrary to the Climate Emergency objectives of the Parish and Tewkesbury Borough Council.
- 7.2 Tewkesbury Borough Council has produced a 10 year action plan to become carbon neutral by 2030. The action plan reviews the council's energy consumption across the entire portfolio of public buildings owned by Tewkesbury Borough Council. The council through their actions hope to influence others by example.
- 7.3 Planning Policy Guidance on Climate Change considers that local planning can identify appropriate mitigation measures through plan making and authorities will have opportunities to reduce carbon emissions from new development such as homes, businesses, energy, transport and agricultural related development. The mitigation measures are considered within the policies of Joint Core Strategy, saved local plan policies and going forward the Pre-Submission Tewkesbury Borough Plan.
- 7.4 Policy INF1 'Transport Network' states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 7.5 Policy TRAC9 Parking Provision of the Pre-submission Tewkesbury Borough Plan has not yet been adopted and therefore can be attributed significant weight. TRAC9 requires that new development should incorporate facilities to enable the charging of plug-in or ultra-low emission vehicles. This includes the provision of communal facilities at employment, retail and community development.
- 7.6 The Parish object to the removal of the condition as it would be contrary to the aims declared in the Climate Emergency by both Councils. However, whilst there is clearly guidance and Development Plan Policy that encourages sustainable development, there is not currently adopted policy that requires electric vehicle charging points.
- 7.7 It is also relevant that Gloucestershire Manual for Streets July 2020 does not require electric vehicle charging points for Education Facilities (although they are recommended for other non-residential developments.)
- 7.8 The current application to remove the requirement for electric vehicle charging points is therefore a matter of planning balance.
- 7.9 It is the case that the original proposal for the provision of new classrooms (20/00826/FUL) did not actually involve an increase in student or staff numbers or increase the amount of parking provision on the site. The proposal simply re-arranged the parking provision. No new parking spaces were proposed as part of that proposal. In addition, the development did not increase the demand for parking provision, there is no increase in staff or pupils generating more vehicle trips. In order to address the impacts on climate change, the extension sought to reduce carbon emissions through design, energy efficiency measures and equipment.
- 7.10 Therefore, whilst there is some sympathy with the Parish Council's stance, given the financial constraints relating to the grant funding, the lack of adopted planning policy requiring EV charging points, and the fact that original proposal did not increase the demand for parking provision and there would be no increase in staff or pupils generating more vehicle trips, on balance, the proposal is considered acceptable.

## 8.0 CONCLUSION AND RECOMMENDATION

- 8.1 The school extension is important for the education, health and safety of the pupils. There are no additional funds available to implement the electrical vehicle charging points. The school would have to finance this from other sources which would in turn impact funds for education purposes. The development accords with the policies of the development plan, reduces carbon emissions through design and would not generate more vehicular trips. Not implementing the electrical vehicle charging points would only slightly impact carbon emissions from the site when the whole of the development is considered. Therefore, given the specific circumstances the removal of condition 5 is acceptable and would not be considered of substantial harm. Recommendation is therefore to Permit.

### CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of five years from 4<sup>th</sup> December 2020 the date of permission 20/00826/FUL

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to ensure the timely commencement of this development.

2. The development hereby permitted shall be carried out in accordance with the following approved documents:
- Location Plan Drawing Number 6196-P-001 REV P1
  - Proposed Block Plan Drawing Number 6196-P-010 REV P1
  - Proposed Site Plan Drawing Number 6196-P-120 REV P1
  - Demolition Ground Floor Plan Drawing Number 6196-P-210 REV P1
  - Proposed Ground Floor Plan Drawing Number 6196-P-220 REV P1
  - Proposed Section A-A Plan Drawing Number 6196- P-600 REV P1
  - Proposed Elevations (1 of 2) Drawing Number 6196-P-720 REV 3
  - Proposed Elevations (Sheet 2 of 2) Drawing Number 6196-P-721 REV 3
  - Drainage Layout Sheet 1 of 3 Drawing Number C-13972-HYD-00-XX-DR-C-7000 rev C05
  - Drainage Layout Sheet 2 of 3 Drawing Number C-13972-HYD-00-XX-DR-C-7001 rev C05
  - Drainage Layout Sheet 3 of 3 Drawing Number C-13972-HYD-00-XX-DR-C-7002 rev C05
  - Design and Access Statement by Quattro Design Architects
- except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. The external walls to be brick and buff in colour, door and windows PPC aluminium; the materials used in the construction of the external surfaces of the proposed development shall match those used in the existing school building.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and in the interests of visual amenity.

4. Throughout the construction period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:
- i. parking of vehicles of site operatives and visitors;
  - ii. loading and unloading of plant and materials;
  - iii. storage of plant and materials used in constructing the development;
  - iv. provide for wheel washing facilities.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods.

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Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods.

7. The demolition of the existing building shall be in accordance Worcestershire Regulatory Services (WRS) Code of Best Practice for Demolition and Construction Sites 2nd Edition.

Reason: In the interest of the amenity of neighbouring residents.

8. The drainage scheme hereby approved (Drawing Numbers C-13972-HYD-00-XX-DR-C-7000 rev C05, C-13972-HYD-00-XX-DR-C-7001 rev C05 and C-13972-HYD-00-XX-DR-C-7002 rev C05, shall be fully implemented prior to beneficial use of the building and maintained as such thereafter.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

#### **INFORMATIVES:**

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.