
Site Address:	6 Spinner Drive, Havant, PO9 4BQ		
Proposal:	Installation of electrical vehicle charging point, accessing under a public highway		
Application Type:	Full Planning Permission		
Application No:	APP/22/00943	Expiry Date:	09/02/2023
Applicant:	Mr Adrian Tolley		
Agent:	Mr Walker Parkers Design	Case Officer:	Graham Speller
Ward:	Barncroft		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The site comprises two dedicated parking spaces in connection with No. 6 Spinner Drive, a two storey dwellinghouse which is sited adjacent with an intervening footpath.
- 1.2 The surrounding area is residential in character.

2 Planning History

APP/12/00907 - Removal of Condition 16 of Planning Permission 08/61332/004 relating to removal of play equipment., PERM,28/11/2012

3 Proposal

- 3.1 Installation of electrical vehicle charging point, accessing under a public highway.

4 Policy Considerations

National Planning Policy Framework 2021
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011
CS16 (High Quality Design)

Havant Borough Local Plan (Allocations) July 2014
AL1 (Presumption in Favour of Sustainable Development)
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Pamela Crellin - Barncroft

No comments received.

Councillor Yvonne Weeks - Barncroft

No comments received.

Developer Services, Southern Water

Southern Water has no objection to above proposal.

Hampshire Highways

Thank you for your consultation on the above planning application. The Highway Authority wish to make the following comments.

The Highway Authority are unclear as what part of this planning application requires planning consent. The applicant has already been in contact with the Highway Authority regarding provision of an EV charging point where a response was provided on the 23rd November 2022 which stated:

Your enquiry seems to suggest that you intend to locate a private electrical cable across public highway which separates your parking bays from your home. While there are mechanisms and licences which can allow for this sort of arrangement, they are usually applicable only to larger scale utility providers and other public service providers such as the Borough Council etc. A Highways Act Section 50 licence (for example) currently attracts a fee of £454 and requires the 'owner' of the cable to have £10 million Public Liability Insurance in place for so long as the cable is in use. This would also need to be recorded on the property deeds to ensure that any future owners could make the same arrangements in due course. Regardless of those costs and requirements, it is highly unlikely that the Highway Authority would support a licence application for such works at this time.

The Highway Authority do not currently permit private apparatus to be provided on or under the highway for residents.

It is recommended as an alternative solution that the applicant install an EV charging point directly on their property and run the cable over the highway using a cable protector to charge their vehicle. This should be carried out in accordance with the design guidance which can be found at the following link:

<https://www.hants.gov.uk/transport/electric-vehicles/ev-charging-guidance>

Having regard to the above, the Highway Authority object to this planning application.

Southern Gas Network

No comments received.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 16

Number of site notices: At least one site notice exists

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Highway implications

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development management criteria. The provision of electric charging points to enable low carbon transport and use of electric vehicles is supported by Government and to be encouraged.

(ii) Impact upon the character and appearance of the area

7.3 The electric charging point would be sited within dedicated parking bays associated with the dwellinghouse. The charging point would not be fixed to any fence but would be free standing. Ordinarily, such installations are enabled by 'Permitted Development', however, one of the criteria is that they are not within 2 metres of a highway.

7.4 The proposal is utilitarian and functional in appearance and more such proposals will come forward in the immediate future. As such, the design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Impact upon residential amenity

7.5 It is considered that the proposal will not adversely impact on any properties immediately adjacent to the application site, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is noted no letters of objection were received with respect to the scheme.

(iv) Highway implications

- 7.6 The applicant has provided a plan that illustrates that the electrical vehicle charging point would be accessed under a public highway and has completed a certificate of ownership serving notice on Hampshire County Council.
- 7.7 The management conveyance plan for the original development identified what is now known as 'Lamb Walk' as a public highway. The County Highway Authority has also confirmed that Lamb Walk is highway and adopted.
- 7.8 As noted above, the Highway Authority object to the proposed development, however, such an objection is not based on highway safety grounds but relates to development under a public footpath. As such, ownership is not a determining factor in consideration of the planning merits of the application.

8 Conclusion

- 8.1 It is concluded that there would be no adverse impact on the character of the area or residential amenities of nearby properties as a result of the development. As noted above, ownership of the footpath is not a determining factor to be considered in terms of the planning merits of the proposal. As such, planning permission cannot be unreasonably withheld on an ownership issue. It is recommended that an informative be added to any planning permission bringing this matter to the attention of the applicant although the agent acting on behalf of the applicant has been informed of the position. It may be that the highway authority position changes during the lifetime of any planning permission which would then enable implementation.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00943 subject to the following conditions;

- 1 The development must be begun not later than three years beginning with the date of this permission.

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.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

A100 - SITE LOCATION PLAN AND BLOCK PLAN

A101 - PROPOSED SITE PLAN 1-100

A102 - PROPOSED ELEVATIONS

A103 - CGI

Reason: To ensure provision of a satisfactory development.

