

**Application Number**

P/2014/0878

**Site Address**

Land To The North East Of A3022  
Brixham Road And West Of Elberry Lane  
Churston  
Devon

**Case Officer**

Mrs Helen Addison

**Ward**

Churston With Galmpton

**Description**

Variation of Condition 1 of previous planning permission (P/2012/0500) to continue use as a park and ride with temporary buildings

**Recommendation**

Following expiry of the re-advertisement period on 18th December providing no objections are received, planning permission be granted subject to the conditions that are listed at the end of this report. Final drafting and determination of appropriate planning conditions to be delegated to the Director of Place.

**Statutory Determination Period**

The eight week target date was 28th October. This has been exceeded due to administration requirements.

**Site Details**

The application relates to the existing park and ride site situated on the east side of Brixham Road. The site area is 0.59 ha. The site is accessed directly from Brixham Road at a traffic light controlled junction. There is a tarmac entrance to the site off Brixham Road. This leads to a gravelled/hard surfaced turning area which has a bus shelter. Parking for cars is on a field. There are posts and tape in the field to guide the parking layout. The vehicular access to the site also serves the Caymen Golf facility which is located to the north of the site.

Brixham Road is a classified Road, the A3022. In the Torbay Local Plan 1995-2011 the site is designated as Countryside Zone. The boundary of the Churston conservation area runs to the south east of the site along Elberry Lane.

The site is identified within the Heart of the South West Local Enterprise Partnership's (LEP) bid for funding under Growth Deal 2. In that bid the site is

described as a transport interchange which unlocks key sites in Brixham, particularly Oxen Cove (as one of the City Deal Strategic sites), where transport issues need to be resolved before comprehensive development can take place.

### **Detailed Proposals**

The application is to vary condition 1 of application reference P/2012/0500R3 to allow the use of the park and ride facility to continue after 21.10.14. The application was originally submitted for a further temporary period to be granted until 31st October 2019. Advice in Planning Practice Guidance is that it is rarely justifiable to grant further temporary consents after one temporary consent has been granted. In the light of this advice as it would be good practice for the application to be considered on the basis of a full consent for the park and ride facility the applicant has agreed to revise the application to this effect. This required the application to be re-advertised. The revised consultation period will expire on 18th December 2014.

The application site comprises an area of land 0.590 ha in size. It provides parking for up to 230 vehicles. There is a small building at the southern end of the site that is used as an information kiosk.

### **Summary Of Consultation Responses**

*Brixham Town Council*      Recommends approval

*Senior Transport Planner*      No objection

*Natural England*      No comment

### **Summary Of Representations**

None received

### **Relevant Planning History**

- |                |                                                                                                                                                                                              |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| P/2012/0500    | Change of use to temporary park & ride facility for 230 vehicles, with temporary buildings to run until 31st October 2014, temporary consent granted 21.6.12 to run until 31st October 2014. |
| P/2010/0444/R3 | Change of use to temporary park and ride facility for 300 vehicles with temporary buildings to run until 30 June 2012, approved 18 May 2010.                                                 |
| P/2006/0129/R3 | Change of use to temporary park and ride facility for 300 vehicles for 4 years from 1st April 2006, with temporary buildings. Application approved on 3rd April 2006 to run until            |

31st March 2010.

P/2005/0240/R3 Change of use to temporary park and ride facility with parking for 400 – 450 cars for a period of 12 months commencing April/May 2005, with temporary buildings. Application approved for a limited period until 31st March 2006.

### **Key Issues/Material Considerations**

The main issues are the principle of the continued use of the park and ride facility, highways, impact on visual amenity, ecology and the way in which the site could help unlock redevelopment (for marine related employment) Oxen Cove.

In the Torbay Local Plan 1995-2011 the site is designated as Countryside Zone. Dartmouth Road is shown as being part of the major road network. Policy L4 is applicable to development within the Countryside Zone. This Policy states that development will not be permitted where it would lead to the loss of open countryside and creation of urban sprawl. A number of forms of development that would be appropriate in the countryside zone are identified. There isn't a specific category that would be applicable to the use of the site for park and ride although it could be argued that it would fall within category (7) 'facilities for the well being of the community at large'.

The proposal would be largely consistent with the objectives of Policy L4 in that it does have a minimal impact on the open countryside. The majority of the site has remained as a grass field which minimises its visual impact and retains the semi rural character of the area. There is a small building on the site and a hard surfaced access. This scale of development is considered to be appropriate in this location and does not adversely affect the mainly undeveloped character of the area. Furthermore in the event that the park and ride facility was to cease operating the small building and hard surfaced turning area could be removed and the land returned to its original form.

Policy T11 in the Torbay Local Plan 1995-2011 relates to the provision of park and ride facilities. This identifies four objectives that park and ride schemes have to meet to be acceptable. They are as follows;

- (a) Contribute to the objectives of developing a sustainable transportation strategy, improving accessibility and reducing town centre congestion and pollution
- (b) Located on the edge of or close to the built up area, in order to maximise accessibility from the surrounding catchment area

(c) Do not have an adverse impact on landscape, nature conservation, and countryside policies

(d) Have a satisfactory vehicular access and do not create conditions of danger to road users.

The site is identified as a Transport Hub within the emerging Local Plan (Policy SS6.8), as it is in a sustainable location with good links to existing and planned residential areas, town centres and other retail centres, healthcare facilities and radial or orbital routes. The policy supports improvements to the strategic transport network, which includes transport hubs and states that the Council will seek to facilitate delivery of strategic transport schemes through the safeguarding of land and/or contributions from development. As the new Local Plan has only recently been subject to examination by the Planning Inspectorate this policy carries very little weight in the determination of this application.

The park and ride facility is consistent with the objectives of Policy T11 above. It was originally provided to meet the shortfall of parking spaces in the centre of Brixham when the multi storey car park was demolished. As the Brixham town centre multi storey car park has not been replaced it clearly meets objective (a) above. The site is located close to the edge of Brixham and does meet the objectives of improving accessibility and reducing town centre congestion. As referred to above it is consistent with the form of development that is identified as being acceptable within the countryside zone. Finally there is a traffic light controlled access that provides a safe form of access for users of the facility. The Senior Transport Planner has not raised any issues in respect of highway safety.

The site is within the sustenance zone as identified in the South Hams Special Area of Conservation (SAC). Natural England has been consulted on the proposal and has no comments to make. As the site has been in use as a park and ride facility for nine years it is considered that a continuation of the use would not have any greater effect on Greater Horseshoe Bats than currently exists.

The application site area exceeds the threshold of 0.5 hectares for Environmental Impact Assessment screening. The proposal has been screened in accordance with the 2011 Town and Country Planning EIA regulations and it has been determined that it does not constitute EIA development.

Advice on granting temporary planning consent is contained in the Planning Practice Guidance. This states that “it will rarely be justifiable to grant a second temporary permission- further permissions should normally be granted permanently or refused if there is a clear justification for doing so”. In this case as temporary consent for the park and ride facility has been granted under several applications for several years. To grant a further temporary consent would be contrary to the advice in the Planning Practice Guidance and therefore

it would be good practice to determine this application on the basis of a full application. As stated above the application has been revised to an application for full planning permission.

In October 2014, the LEP submitted its Growth Deal bid to Government. The submission promotes use of Oxen Cove for marine related employment to support innovative and growing marine industries, which is a core component of the Plymouth and SW Peninsula City Deal. The bid asks for funding of £5M to help deliver a number of sites and projects, under the project title of MIPC Marine Sites package. There is strong interest in Oxen Cove from marine related industries and ongoing discussion about development of the site. It is evident that a key component of successful development is the relocation of existing parking spaces on the site. As such, the LEP Growth Deal submission also supports delivery of the Park and Ride facility at Churston (the 'Brixham Transport Hub'), as one of a number of connectivity projects across the LEP area, and asks for funding of £650,000 to facilitate delivery of the transport hub. This application is, as such, in line with the Council's and LEP's support for a transport hub to serve Brixham and in line with the ambition to unlock Oxen Cove for marine related employment development.

#### **S106/CIL -**

Not applicable in this case as the proposal would contribute to the delivery of sustainable a transport route into Brixham Town Centre, and would reduce congestion in the town centre.

#### **Conclusions**

In conclusion, the proposed development constitutes an acceptable form of development in this location that is consistent with the objectives of Policies contained in the Torbay Local Plan 1995-2011. The park and ride facility contributes to the delivery of sustainable transport in the area and has a public benefit as it reduces congestion in Brixham Town Centre. It is therefore appropriate to grant planning permission for this use of the site.

#### **Condition(s)/Reason(s)**

01. In the event that the use of the site for park and ride ceases the building on the site shall be removed and the land made good.

#### **Relevant Policies**

- L4 Countryside Zones
- NCS Nature conservation strategy
- NCS Nature conservation strategy
- TS Land use transportation strategy
- T11 Park and Ride
- T26 Access from development onto the highway