

Application Number

P/2012/0500

Site Address

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

Case Officer

Mr John Burton

Ward**Description**

Change of use to temporary park & ride facility for 230 vehicles, with temporary buildings to run until 31st October 2014.

Executive Summary/Key Outcomes

This application seeks to renew a consent that was first granted in 2006. Whilst it is not ideal to keep renewing temporary permissions with further temporary permissions, neither the landlord nor the tenant (in this case the Council) is prepared to commit to a permanent approval for this facility. It is considered that the use of the area on a temporary basis does meet the tests of the relevant policy considerations. Further landscaping measures are not considered necessary. The site operates safely and fairly in Highways terms now that traffic lights have been installed to control traffic through the junction.

Recommendation

In view of the loss of the central multi-storey car park in Brixham, and a lack of suitable alternative provision, it is clear that there is a need for such a facility as this. The principal of using this field as a park and ride site has already been established in the past by previous permissions that have been granted by the Development Management Committee. The proposal is supported by the Highways Authority. For all of these reasons it is felt appropriate to recommend approval. However, the consultation period will not expire until 21st June 2012, and so Members are asked to give delegated authority to the Executive Head of Spatial Planning to deal with any representations that might be received after the date of the Committee.

Site Details

An area of land approximately 7 acres in size lying immediately to the south east of the go kart track and to the immediate west of Elberry Lane off Brixham Road. The site has been in use as a park and ride facility primarily for Brixham town centre since the first approval granted in 2005.

Detailed Proposals

Permission is sought to extend the length of time applicable for use of the site as a temporary park and ride facility. The land has been granted temporary permission three times before. The period required for occupancy is now up to the 30th June 2012. The number of vehicles to be parked on the field is the same as that previously granted, which is 300. The use of this field as a temporary park and ride facility has already been established via previous approvals and therefore, this permission merely seeks approval for the increase in time.

Relevant Planning History

- 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.
- 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/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.

Relevant Planning Policy

National Planning Policy Framework
Section 4 - promoting sustainable transport

Saved Devon Structure Plan 2001-2016 (adopted October 2004)

- ST1 Sustainable Development
- TR1 Devon Travel Strategy
- TR3 Managing Travel Demand
- TR4 Parking Strategy, Standards and Proposals

Saved Adopted Torbay Local Plan 1995-2011

- L5 Landscape Strategy
- L4 Countryside Zone
- L10 Major Development and Landscaping
- NCS Nature Conservation Strategy
- TS (1 - 9 inclusive) Land Use Transportation Strategy
- T11 Park and Ride
- T26 Access from Development and onto the Highway

Summary of Consultation Responses

Highways Authority and Strategic Transportation Team: Raise no objections.

Representations

None received at the time of compiling this report, but the consultation period will not expire until 21st June 2012. Any representations received before the date of Committee will be reproduced or reported to Members. Members are asked to give delegated authority to the Executive Head of Spatial Planning to deal with any representations that might be received after Committee.

Key Issues/Material Considerations

The land has been relatively unaltered from its original state despite the park and ride facility now having been operated for many years. A new traffic light controlled entrance has been created with a turning circle for buses. Other than this, the land is still an open field without the parking spaces and bays having been marked or laid out.

The existing facility has been operating now for a number of years without known difficulties or problems, and it is recognised that the facility is desperately required until a longer term solution can be found to the requirement for parking for Brixham Town Centre. In this instance, an extension of time to allow the facility to operate for a further 2 years and 4 months does not seem excessive.

Paragraph 112 of Circular 11/95 on 'the use of conditions in planning permissions' states that a second temporary permission should not normally be granted. The Circular justifies this by stating that a trial period should be set that is sufficiently long for it to be clear by the end of the first permission whether permanent permission or refusal is the right answer. In this instance, the current proposal would be the fourth renewal. However, the Circular does state that renewal of a temporary permission will be justified where highway or redevelopment proposals have been postponed. In fact, this applies to the provision of replacement parking facilities to serve Brixham. In any event, it is the applicant who seeks the permission on a temporary basis and this is not being unduly imposed by the Local Planning Authority. In these circumstances, it is considered that a further temporary permission would not be contrary to the advice given in the Circular.

The current application being for a further 2 years and 4 months does not make this facility a longer term project and therefore its effect upon the landscape can be mitigated. In any event, it is known that the farmer who owns the land does not want any further planting, bearing in mind the temporary use of the site. The Council will in any event, be responsible for putting the land back to an acceptable state once the use ceases. For these reasons, it is not considered that the proposal should be subject to any further landscaping works.

A note from the Council's Drainage and Structures Engineer, submitted during the course of a previous application, concludes that there is no reason why use of this land as a temporary park and ride scheme would increase the risk of

flooding, and therefore, it is not felt necessary to insist upon a flood risk assessment for this use.

S106/CIL -

This scheme provides a sustainable solution to the parking requirements of Brixham. Clearly it is sustainable to support a park and ride scheme to try and encourage greater use of public transport rather than private and personal transport. On this basis, a sustainable transportation contribution is not required. No contributions towards other matters are considered appropriate.

Conclusions

It is considered appropriate to approve this application for a further temporary period as it provides a much needed and sustainable solution to the travel and parking needs of locals, visitors and holiday-makers visiting Brixham. It is clear that there is a need for such a facility as this, although in the longer term a more permanent solution will need to be found. The principal of using this field as a park and ride site has already been established in the past by previous permissions that were granted on temporary basis.

Condition(s)/Reason(s)

01. Within 2 months from the date of this permission, or at such other time as may be agreed in writing with the Local Planning Authority, the applicant shall agree the condition of the site with the Local Planning Authority. The use hereby permitted shall be discontinued and the land restored to the agreed former condition on or before the 31st October 2014.

Reason - The application is only for a temporary period and The Local Planning Authority would wish to ensure that once the use ceases, the land is put back to a reasonable and agreed state such that there would be no long term impact upon the landscape character and qualities of this area.

Relevant Policies

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