

CLYST VALLEY
(Bishops Clyst)

03/P1699

Target Date: 26.08.03

Applicant: Friends Provident Management Services Ltd
Location: Winslade Park, Clyst St Mary
Proposal: Retention of car park (73 spaces) and cycle shelter

CONSULTATIONS

County Highway Authority

Comments submitted for application 07/1507 (Retention of existing temporary car park and proposed car park extension) and affecting the same area stated:

There appears to be no justification of this proposal. The Local Planning Authority will be aware of the Development Plan Policies and government advice to private car usage and encourage the use of more sustainable modes of transport and of the policies that seek to restrict parking provision through restraint measures at key points of destination such as employment sites. The development proposal would conflict with these aims and objectives.

I would ask whether or not the applicant has formulated a Travel Plan for this site. The introduction of a series of measures and initiatives within a Travel Plan to reduce car travel to and from the site may negate the need for additional on site parking.

As the application stands I am minded to recommend refusal unless further information is submitted such as the drafting of a Travel Plan and/or justification for the development and confirmation that the scale of the proposal falls within the maximum parking standards for this class of use as set out in the EDDC Local Plan Policy TA9.

Environment Agency

2008 Comments

Site is located within 20m of a watercourse and is zoned as both Flood Zone 2 and 3 resulting in a high risk classification. Without a suitable Flood Risk Assessment the standing advice results in the recommendation of refusal.

Original Comments

No objections in principle - however it is requested that the council require the applicant to submit a suitable scheme for disposal of surface waters.

PARISH COUNCIL

2008 (Enforcement) Comments

Following a site inspection by our Councillors it was agreed that this Council recommends that enforcement action not to be carried out.

The Council does not see the need for a flood risk assessment to be carried out and if there is a legal requirement for such an assessment then we feel that permission should not be withheld as the area has not flooded for many years. More importantly the site provides essential car parking for Clyst House which if not available will lead to major parking problems within the Winslade

Park Estate. The Police will confirm the problems encountered as in the past whereby dangerous and illegal parking was an everyday occurrence on the Estate.

In summary, this car park alleviate major problems for Winslade Park Estate and as such planning permission should be granted.

Original Comments

Councillors feel more information is required regarding the need for car parking spaces. A green travel plan is also required. Security lights are not shown

WARD MEMBER(S)

The initial comments of the Ward Member(s) are -

“Councillor R Peachey

I agree with the comments from the Parish Council and I am sure the Police Authority would also be concerned as without this space their workload would increase, in fairness to all people living in this area I suggest things are left as they are.

In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against”.

REPRESENTATIONS

Objections

No letters have been received:

Support

No letters have been received

RELEVANT PLANNING HISTORY

App.No:	Proposal	Decision	Date
07/1507	Retention of existing temporary car park and proposed car park extension	Withdrawn	17.01.2008

PLANNING POLICIES

Government Guidance

PPS1 – Delivering Sustainable development

Devon Country Structure Plan (2001-2016)

Policy ST1 (Sustainable development)
Policy ST5 (Development Strategy)
Policy TR1 (Devon Travel Strategy)
Policy TR4 (Parking Strategy, Standards and Proposals)
Policy TR5 (Hierarchy of modes)
Policy TR7 (Walking and Cycling)

Policy TR10 (Strategic Road Network)
Policy CO13 (Protecting Water Resources and Flood Defence)

East Devon Local Plan (1995-2011)

Policy S5 (Countryside Protection)
Policy E3 (Safeguarding employment land and premises)
Policy TA3 (Transport Assessments/Travel Plans)
Policy TA9 (Parking provision in new development)
Policy EN26 (River and Coastal Flooding)

SITE LOCATION AND DESCRIPTION

Winslade House is a large employment complex on the edge of the village of Clyst St Mary. The complex houses two large employers on site and is situated within a landscaped environment including sports and recreation facilities. The site includes a number of large car parks which are located around the edge of the building complex.

PROPOSED DEVELOPMENT

To cope with the emergency of Foot and Mouth and the additional staff which the crisis caused, a temporary car park was created to the north of the main complex served off the existing internal road network. This provided a further 73 spaces and was undertaken in the full knowledge of the District Council who recognised the need for the temporary arrangement.

After the Foot and Mouth crisis however, the car park was retained and an application submitted in 2003 seeking its retention on a permanent basis. At that time staff levels were still high and additional information was sought on a number of occasions to give the applicant the best chance of demonstrating the continuing need for the additional spaces. This information was not forthcoming.

The car park surface and marked spaces still remain and are in active and regular use. This application remains undetermined and must be resolved.

CONSIDERATIONS AND ASSESSMENT

The main issues with the application concern the principle of permitting such development in an area which is characterised as open countryside (albeit in close proximity to a built up area boundary and an office complex), the appropriateness of providing additional parking at the office facility and the impact on the flood potential in the area.

Principle

National Planning guidance seeks to reduce car dependency in an attempt to reduce emissions and congestion. As part of this there is a requirement to work to maximum parking standards and only permit additional parking where there is an exceptional requirement. Not only is the site that is currently under consideration subject to these pressures, it is also located within the open countryside where planning and development is strictly controlled.

Having considered the development and its impact, it is recognised that although the site is in the open countryside, its visual impact is extremely limited by virtue of the extensive screening that exists around the site. Further the land is slightly lower than much of the surrounding area and this helps to reduce its impact. By association and position, the land is also immediately adjacent and accessed from internal driveways within the office complex. These aspects result in a recognition that while development is tightly controlled, it would be difficult to resist it on the impact to the countryside.

Notwithstanding the policy approach to the car park within a countryside setting, the application does seek the retention of a car park comprising 73 spaces. These were initially created at a time of unique stresses upon the applicant and it is understood why such measures were implemented. However it has not been demonstrated that the increased workforce required during Foot and Mouth has since been retained or that these additional spaces are still required. It has been recognised that they are regularly used, but this does not consider the capacity of the remaining car parks or demonstrate that these are full. On this basis the application is considered contrary to planning policy and guidance

Highway Access and Parking

As part of the consideration into whether additional parking should be provided, policy encourages the use of alternative means of transport and Green Travel Plans. Both of these approaches are a further attempt to limit car dependency. Despite frequent requests a Green Travel Plan was only submitted in June 2008 and this is currently under consideration by the Local Highway Authority. Notwithstanding this submission the level of parking proposed is still not substantiated and still appears to conflict with policy. It is noted that local support for the car park has arisen and is recognised within the application process in terms of Ward Member and Parish Council Support. This support results from apparent congestion and inconsiderate parking that a lack of spaces at the office complex has in the past resulted in on the adjoining estate. While there is no policy support recognising these problems, it is nevertheless accepted as a material consideration in the determination of this planning application.

Flood Risk

A further complexity to the consideration of this development concerns the flood risk issue. The area where the development has occurred is within 20m of a river and the land is zoned as being at High Risk of flooding. In this regard the applicants are expected to provide a flood risk assessment which recognises the risks and provides mitigation for them to demonstrate that the proposed use is acceptable. In this instance the applicant has advised this Authority, that they will not be submitting an Assessment as it is unlikely that they can meet the tests contained within National Guidance. Without a Flood risk Assessment the application is therefore contrary to policy.

Cycle Shelter

The proposed cycle shelter is small scale development that encourages sustainable transport. It is well located in terms of access and character of area. No objections are raised to the retention of this aspect of the application.

CONCLUSIONS

Based on the above assessment, the application is considered contrary to policies that manage both the parking provision, which aim for reduced car dependency and congestion, and those controlling development within high risk flood areas. However it is noted that in the past, the car park appears to have ameliorated potential parking problems on the neighbouring housing estate. Therefore, to ensure that (in the event that the planning application is refused) the sudden closing of the car park does not cause nuisance and significant inconvenience to neighbouring residents it is recommended that a long compliance period is adopted. This would enable the site operators time to make suitable alternative provision.

RECOMMENDATION

REFUSE for the following reasons

1. The application fails to adequately demonstrate the need for additional parking spaces for the business that they would serve. In addition, the application fails to demonstrate that the additional spaces would comply with maximum parking standards which seek to promote the delivery of sustainable transport. The application is therefore considered contrary to National Planning Guidance, Policies ST1 (Sustainable development), TR1 (Devon Travel Strategy), and TR4 (Parking Strategy, Standards and Proposals) of the Devon Structure Plan 2001 to 2016 and Policies TA3 (Transport Assessments/Travel Plans) and TA9 (Parking provision in new development) of the East Devon Local Plan
2. The application lacks an appropriate Flood Risk Assessment which demonstrates and considers the potential flood risk and any mitigations measures necessary to ensure that there would not be an increased flood risk to both users of the site and occupiers and uses of adjoining land. The application is therefore contrary to PPS 25 – Development and Flood Risk, Policy CO13 (Protecting Water Resources and Flood Defence) of the Devon Structure Plan 2001 to 2016 and Policy EN26 (River and Coastal Flooding) of the East Devon Local Plan.

FURTHER RECOMMENDATION

That the Head of Legal, Licensing and Democratic Services be authorised to undertake such legal action as is required to ensure that the car park use ceases and the consolidated hard core surface of the car park is removed. The use and associated hard standing represent development which is not justified and which is located within a High Risk Flood Zone without any necessary mitigation or justification to demonstrate that there is an acceptable flood risk.

Compliance period

31 December 2009

List of Background Papers

Application file, consultations and policy documents referred to in the report.