



## North Devon Council

Report Date: Strategy & Resources on 6<sup>th</sup> March 2023

Topic: Approval of North Devon Council (Off Street Parking Places) Order and subsequent proposed amendment to account for change to long stay car park at Seven Brethren

Report by: Head of Place, Property and Regeneration

### 1. INTRODUCTION

- 1.1. The Council has entered into a conditional contract with Tarka Living Limited to deliver up to 180 dwellings on Seven Brethren, Barnstaple. This includes a set of enabling works; namely, the demolition of the empty Barnstaple leisure centre, delivery of flood defences along the Taw and the relocation of the existing long stay car park.
- 1.2. A hybrid planning permission was granted in November 2022 and included full planning permission for the relocation of the long stay car park.
- 1.3. The enabling works, to include works to the car park are due to start at the end of March 2023.
- 1.4. The Off Street Parking Places Order (OSPO) needs to be amended to reflect the new location of the Seven Brethren car park and due process followed.
- 1.5. The current Off Street Parking Places Order (OSPO) was made on the 7<sup>th</sup> February 2023 and will come into force on the 15<sup>th</sup> March 2023 and is annexed to this report for final approval.
- 1.6. There are no planned changes to charging or use classes from that of the existing car park at Seven Brethren, the amendment is just the location detail.

### 2. RECOMMENDATIONS

- 2.1. That the North Devon (Off Street Parking Places) Order 2023 is approved ahead of coming into force on 15<sup>th</sup> March 2023
- 2.2. That delegated authority is given to the Head of Place, Property & Regeneration, in consultation with the Leader and the Senior Solicitor and Monitoring Officer, to amend the Off Street Parking Order to reflect the new position of the Seven Brethren car park (once work has completed), following the conclusion of the consultation period required.

### 3. REASONS FOR RECOMMENDATIONS

- 3.1 To allow the North Devon (Off Street Parking Places) Order 2023, as attached at Appendix A, to be enforced for car parks across North Devon.
- 3.2 To ensure that the Off Street Parking Places Order (OSPO) recognises the new position of the long stay car park as identified and approved by planning application number 73606 (and outlined in red on the plan at **Appendix b**).

#### 4. REPORT

- 4.1. On 5 December 2022 Strategy and Resources Committee approved entering into the North Devon (Off Street Parking Places) Order 2023.
- 4.2. In accordance with this the Council consulted with statutory consultees and the Council published all relevant notices including issuing a notice in the North Devon Gazette on 11 January 2023.
- 4.3. Subsequent to this the Council received a significant number of objections to the proposal to allow motorhomes in Croyde Car Park and so in response to this the proposal was removed from the OSPO.
- 4.4. The Council also received a letter from the National Trust in relation to the proposal to allow motorhomes at the Council's Morteheo car park which is leased from the National Trust. The National Trust considered that this was a breach of the Council's lease of that car park and therefore, in light of this, the proposal was removed from the OSPO for here as well.
- 4.5. The above objections were not considered controversial and the Council served the Notice of Making for the OSPO on 7 February 2023 with the OSPO due to come into force on 15 March 2023. The OSPO is attached at **Appendix A**.
- 4.6. Proposals for the development of a new leisure centre on Seven Brethren provided the Council with the opportunity to regenerate the site of the existing centre and adjacent areas and deliver a high quality residential scheme on this prominent riverside site, close to the town centre.
- 4.7. The Land Release Fund (LRF) is a government initiative managed by the Local Government Association to assist in unlocking sites and accelerating the delivery of housing. In November 2017 North Devon Council were awarded £2.2 million of LRF to help bring forward residential development on the site at Seven Brethren.
- 4.8. A hybrid planning permission for up to 180 dwellings (part outline/part full planning application) on the site the subject of the LRF grant funding was granted in November 2022. The housing site includes the remainder of the events area not occupied by the new leisure centre, the long and short stay car parks (by the old leisure centre), the site of the old leisure centre and the existing toleration site for gypsy and travellers. The application also included land adjacent to the new Artificial Grass Pitch (AGP) to provide a

replacement long stay car park and replacement temporary gypsy and travellers toleration site.

- 4.9. The planning permission is for the replacement of the long stay car park (including number of spaces) on a like for like basis. The proposed long stay car park and events area (temporary toleration site) has been designed to accommodate the loading requirements of the Fair, and to ensure no unnecessary obstacles that would further hamper its use.
- 4.10. On the 7<sup>th</sup> December 2022, the Council entered into a conditional contract with Tarka Living Limited to deliver this scheme; to include the car park and the residential development.
- 4.11. The contract with Tarka Living Limited is programmed to go unconditional on the 28<sup>th</sup> February 2023 with the enabling works commencing on the 28<sup>th</sup> March 2023.
- 4.12. The enabling works include the provision of the new long stay car park and this is programmed to be ready for operational use on the 1<sup>st</sup> July 2023. The Development Agreement does not allow work to commence on the current long stay car park until the new car park is in place (to ensure continuous provision) and requires the existing car park to be available for the 2023 Fair should the new car park not be ready.
- 4.13. Alongside the provision of the relocated car park, it is necessary to amend the Off Street Parking Places Order to acknowledge the new location of the Seven Brethren car park. The location of both the existing car park and its new location are identified on a Plan at **Appendix b**. The new location for the car park is outlined in red.
- 4.14. Under s32 of the Road Traffic Regulation Act 1984, a District Council has the power to provide off street parking places where doing so is for the purpose of relieving or preventing congestion. The existing car park is well used and serves an essential role in providing parking spaces to those visiting and working in Barnstaple. It is therefore considered that the replacement car park is still required for the statutory purpose.
- 4.15. This report requests that Strategy & Resources Committee accept and adopt within the North Devon (Off Street Parking Places) Order the amended location of the Seven Brethren car park and provide delegated powers to Head of Place Property & Regeneration, in consultation with the Leader and the Senior Solicitor and Monitoring Officer to do so following the conclusions of the required consultation periods. This would enable the Off Street

Parking Order to be amended (subject to consultation) alongside the relocation of the car park and ready for its opening. A draft order is attached to this report at **Appendix c**.

4.16. The Order will be amended by simply replacing the existing car park location with the new location and so the terms and conditions of use of the existing car park will apply to the new facility.

## 5. RESOURCE IMPLICATIONS

5.1 There are no significant resource implications which would result from the amendment to the OSPO; the cost of signs in the car park are already budgeted for in the car park's relocation.

## 6. EQUALITIES ASSESSMENT

6.1. An Equalities Assessment was completed for the Seven Brethren project and this considers the impact of the re-located car park. This report does not amend that assessment or affect its conclusions.

## 7. ENVIRONMENTAL ASSESSMENT

7.1. This is not needed for this report.

## 8. CORPORATE PRIORITIES

8.1. What impact, positive or negative, does the subject of this report have on:

8.1.1. The commercialisation agenda:

8.1.1.1. This OSPO demonstrates that North Devon District Council is complying with its duties under the Legislative and Regulatory Reform Act 2006.

8.1.2. Improving customer focus and/or

8.1.2.1. A Framework to support expectations for compliance and enforcement from the Council

8.1.3. Regeneration or economic development

8.1.3.1. This supports the wider Seven Brethren project to regenerate this part of Barnstaple and deliver up to 180 homes.

## 9. CONSTITUTIONAL CONTEXT

9.1. Part 3 Annex 1 paragraph: 1(f)

9.2. Referred or delegated power?

Delegated



## 10. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 11. BACKGROUND PAPERS

The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the author of the report).

- All papers associated with the Seven Brethren project: Land Release Fund

## 12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers:

Simon Fuller – Senior Solicitor and Monitoring Officer

Ken Miles – Chief Executive

Jon Triggs – Head of Resources and Deputy Chief Executive