

Application Number	13/0722/FUL	Agenda Item	
Date Received	2nd July 2013	Officer	Lisa Lamb
Target Date	27th August 2013		
Ward	Trumpington		
Site	Trumpington Park And Ride Site Hauxton Road Cambridge Cambridgeshire		
Proposal	Change of use (sui generis) for a 150 vehicle car boot fair (second hand goods only) on Sundays on existing car park between 7.00am - 1.00pm		
Applicant	Sherman And Waterman Associates 1A Tavistock Court The Piazza Covent Garden London WC2 E8BD		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>There will be no significant harm to the amenities of neighbours.</p> <p>There are no highway safety or parking issues arising.</p> <p>The proposed use of the park and ride site as a boot fair would not have a detrimental visual impact.</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 Trumpington Park and Ride site is on the southern fringe of the city immediately west of Hauxton Road. The proposal site is located to the far north-eastern corner of the Park and Ride site occupying 150 car parking spaces of the 1,350 spaces provided across the wider site.

2.0 THE PROPOSAL

- 2.1 This application seeks temporary permission for a change to a sui generis use at the site to allow for a 150 car boot fair (for second hand goods only) on Sundays between the hours of

7:00am and 1:00pm.

- 2.2 The proposals were originally submitted as a renewal of 09/0772/FUL however, this was a temporary 3 year permission granted in March 2009 which expired in March 2012. The description of the development has been updated to reflect the fact that this is not a renewal.
- 2.3 The application is accompanied by the following supporting information:
1. Transport Statement
- 2.4 Since the submission of the original application additional information relating to the waste disposal arrangements have been provided.

3.0 SITE HISTORY

Reference	Description	Outcome
09/0889/FUL	Change of use (sui generis) for a 150 car boot fair (second hand goods only) on Sundays on existing car park between the hours of 7:00am and 1:00pm.	A/C
09/1094/FUL	Change of use for mobile car valeting service covering existing park and ride site.	A/C
09/0303/FUL	Change of use (sui generis) for a 150 car boot fair (second hand goods only) on Sundays on existing car park between the hours of 7:00am to 12.30pm.	W/D
06/0857/FUL	Re-site a mobile mammography unit presently based at Tesco, Fulbourn to Trumpington Park & Ride site at request of Addenbrooke's NHS Trust.	A/C
05/0804/TELD ET	15 metre mobile telecommunications tower, 3 no. antennae within a GRP shroud, equipment cabinet, electricity	A/C

	cabinet and development ancillary thereto.	
C/00/0315/FU L	1500 space Park and Ride car park, erection of a one storey amenity building creation of 2 new vehicular accesses and a bus only access.	A/C

4.0 PUBLICITY

4.1	Advertisement:	No
	Adjoining Owners:	Yes
	Site Notice Displayed:	No

5.0 POLICY

5.1 Central Government Advice

National Planning Policy Framework (March 2012) – sets out the Government’s economic, environmental and social planning policies for England. These policies articulate the Government’s vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

Circular 11/95 – The Use of Conditions in Planning Permissions: Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

5.2 Cambridge Local Plan 2006

3/1 Sustainable development
 3/4 Responding to context
 3/7 Creating successful places
 8/2 Transport Impacts

6.0 CONSULTATIONS

6.1 **Cambridgeshire County Council (Transport)** – No Objection: Do not wish to comment on the application. Officers have sought clarification from the Highway’s team concerning the imposition of conditions and have been advised that the site is subject to a license agreement with Highway’s. As such, controls over the advent period of trading can be controlled via

the highways licence and it is not therefore, appropriate to impose any conditions relating to the advent operation.

6.2 **Refuse and Environment** – No Objection: Advise that provision should be made for recycling collection at the site and that further details should be provided. It is considered that this can be adequately controlled by way of a suitably worded condition.

6.3 **Environmental Health** – No Objection: Advise that the use of public address systems and/or amplified music should be prohibited at the site. Comment that 7am is early and that an 8am start would be more reasonable for a Sunday.

6.4 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

7.1 Councillor Blackhurst commented raising the following issues:

- Local residents have concerns relating to the conduct rather than the principle of the event.
- The footpath to the eastern edge of the site being obstructed which means that people have to walk on the road.
- The footpath being blocked is part of the 'safe route' to the new Trumpington Meadows primary school, and while the school is closed on a Sunday, the rooms therein will be in use throughout the week.

7.2 The owners/occupiers of the following addresses have made representations objecting to the proposals:

2 Spring Drive
58 Spring Drive.

One anonymous representation was also received from 'Trumpington Meadows'.

7.3 The representations can be summarised as follows:

- The location of the car boot fair was ideal prior to the new housing development

- The Car boot fair will cause noise and disturbance on a Sunday when people could expect a noise free day,
- Invasion of privacy to the dwellings as many of the flats face onto the car boot sale and have large glazed areas/sliding doors on the elevation fronting the boot fair.
- There is no mention of the new development in the application submission.
- The boot fair should be on the other side of the park and ride site and would be equally accessible.
- People using the park and ride site to catch a bus is a different use to people ambling around the site on a Sunday morning and gives rise to invasion of privacy.
- The setting up of the boot fair is an issue 30m from the new dwellings.

7.4 The owners/occupiers of the following addresses have made representations in support of the proposal: 8 Billberry End and 3 Audit Hall Road, Empingham, LE15 8PH raising the following points:

- The car boot fair has been going for many years.
- The boot fair is very popular and is very well managed.
- The boot fair is one of the best and busiest regular Sunday attractions in Cambridgeshire.
- The sale/purchase of recycled goods should be available.
- The recycling of goods saves tonnes of landfill.
- The current economic climate means that this helps hard up families who can buy and sell at the fair.
- A large number of the visitors to the boot fair also use the park and ride to go into town after looking around the boot fair so this is important usage and revenue for the park and ride service.

7.5 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 ASSESSMENT

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Context of the site, design and external spaces.
2. Impact on amenity.
3. Highway Safety.
4. Refuse arrangements.
5. Third Party Representations.

Context of the site, design and external spaces.

- 8.2 Visually the proposed use will not result in a visual impact outside of the site that is uncharacteristic or significantly different to that of its primary and permanent use as a car park. Therefore, in my opinion, the proposal is compliant with the Cambridge Local Plan (2006) policies 3/4 and 3/7.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.3 The previous permission (reference 09/0889/FUL) was granted on a temporary basis following concerns relating to parking provisions and also to allow time to '*assess what if any implications it has for residents of the surrounding area*'. The boot fair has operated since 2009 and Environmental Health have advised that there have been no noise complaints received in relation to the operation of the car boot fair during that period.
- 8.4 The neighbor objections received raise concern in relation to noise and disturbance and also loss of privacy/overlooking.
- 8.5 With regard to noise and disturbance, it is accepted that the Trumpington Meadows development to the north of the site is in close proximity. However, it is considered that the unpacking of vehicles and setting up of stalls would not give rise to an unacceptable level of noise in addition to the usual vehicle movements. Conditions restricting the use of public address systems can be imposed to ensure that the residents of the new housing development to the north of the site, particularly Spring Drive, do not experience amplified noise.
- 8.6 The comments from the City Council's Environmental Health Team are also noted in respect of the 7am start time, with the suggestion that 8am would be more reasonable. However, the

boot fair has been in operation for a substantial period of time with no complaints received in respect of noise and so it is considered that the operation is possible in this location without causing a noise nuisance to local residents. It is also a feature of Boot Fairs that they set up early and run for the morning period only. Given the nature of the boot fair and that the operation has occurred at the site for such a substantial period, to seek to reduce the hours of operation in the absence of any harmful impacts on the local residents would not be reasonable.

- 8.7 With regard to overlooking and loss of privacy, it is considered that there is sufficient distance between the park and ride site and the houses. The exit road to the park and ride site and the parking areas serving Spring Drive sit between the dwellings and the boot fair site. Whilst the comments relating to the different users of the site are noted, there would not be people in closer proximity to the dwellings than would be the case with the normal use of the park and ride site. It is not considered therefore, that there would be undue overlooking or loss of privacy should the boot fair be granted. That said, the comments relating to the re-siting of the boot fair are also noted and it is considered that in the longer term it would be preferable alternative locations within the park and ride site for the boot fair to be explored. It is concluded that a temporary permission would allow the boot fair to continue to operate whilst alternative sitings are explored by the operators.
- 8.8 In my opinion the impacts of the development are acceptable and would comply with Policies 3/1, 3/4, and 3/7 of the Cambridge Local Plan (2063).

Refuse Arrangements

- 8.9 The previous application (09/0889/FUL) had a condition attached (condition number 2) which required the submission of details relating to waste disposal at the site. These details were never formally discharged. Details relating to waste have been provided with the current submission and indicate that eight commercial bins (110 litre) are stored to the east of the site and are collected under contract with Veolia Environmental Services. Further details have been submitted relating to the sorting of recycling.

- 8.10 Cambridge City Council's Waste Services Team have advised that the site has adequate space for refuse and recycling storage and also that the details submitted relating to the recycling element are acceptable as a matter of principle, there would however need to be sight of a contract to implement the recycling at the site to fully satisfy the requirements.
- 8.11 In the light of the advice from the Council's Waste Services Team it is considered that the additional information required could be controlled by way of a suitably worded condition.
- 8.12 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.13 The previous permission (09/0889/FUL) was granted on a temporary 3 year basis to *'to allow the local planning authority to assess the impact of the Car Boot Fair use and its implications for the provision of parking at this Park and Ride site, to ensure that it does not prejudice the wider parking needs of the City during a period of economic change'*.
- 8.14 The car boot fair has been in operation in excess of 4 years now, and the Highway Authority have not expressed any concern relating to parking provision in the wider area. Since the original application was granted, a license arrangement is now in place with the Highway Authority and this means that peak periods such as Christmas can be controlled via the terms of the license agreement. It is not considered that there are any highway safety or parking issues in respect of the boot fair. Given that the Highway Authority are licensing the site it is also considered that conditions relating to highways matters and parking would not be required.
- 8.15 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Third Party Representations

- 8.16 The comments received from third parties are covered in the 'representations' section of the report above.

9.0 CONCLUSION

- 9.1 There have been no complaints in relation to parking or neighbour amenity since the boot fair has been in operation. That said, the new Trumpington Meadows development is a recent material change since the previous permission was determined and relatively new neighbours to the use live in close proximity. A further temporary consent would be appropriate to allow the site operators the opportunity to explore the re-siting of the boot fair within the park and ride site for the longer term, given that this will eventually wrap around a lot of the park and ride site.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. The sui generis Car Boot Fair use hereby approved is for a temporary period of 2 years from the date of this permission, following which time the use shall cease.

Reason: To allow the Car Boot Fair operators time to explore alternative sitings within the park and ride site for a permanent boot fair which would not be in such close proximity to residential uses. (Cambridge Local Plan 2006 policies 3/4, 3/11)

2. The sui generis use hereby permitted shall only operate between the hours of 0700hours and 1300 hours on Sundays, with the site returned to its use as a car park by no later than 1400 hours on each Sunday that the car boot fair functions.

Reason: To control its impact in terms of transport movements, noise and disturbance, and residential amenity. (Cambridge Local Plan 2006 policies 3/7 and 8/2)

3. The sui generis use of part of the Park and Ride site shall be used for a second-hand car boot fair only and for no other purpose (including any other purpose in sui generis use class of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: For the avoidance of doubt, and because use of the use of the site for any other purpose would require re-examination of its impact in terms of transport movements, noise and disturbance, and residential amenity. (Cambridge Local Plan 2006 policies 3/7 and 8/2)

4. The use and operation of a Public Address System and/or Amplified music within the site is prohibited.

Reason: In the interests of preserving the amenities of the surrounding residents in accordance with Policy 3/4 and 3/7 of the Cambridge Local Plan (2006).

5. Within three months of the date of this permission details of the waste for recycling contractor shall be submitted to the Local Planning Authority. Once the contractor is approved the facilities shall be set up and provided in accordance with the details received from the applicants agent by letter on 5 August 2013 and as updated by their e-mail of 28 August 2013 and shall be thereafter retained.

Reason - As no details of recycling facilities have been provided with the application, in order to protect the amenities of nearby residents/occupiers and in the interests of visual amenity in accordance with Cambridge Local Plan (2006) Policies 3/4 and 3/7.

6. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.