

Application Number	15/1652/FUL	Agenda Item	
Date Received	10th September 2015	Officer	Lisa Lamb
Target Date	5th November 2015		
Ward	Trumpington		
Site	Trumpington Park And Ride Site Hauxton Road Cambridge		
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.
- 1.2 The site is not within a Conservation Area. There are no listed Building or Buildings of Local Interest within, or affected by the proposals. There are no tree preservation orders on the 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 application is a renewal of 13/0722/FUL.
- 2.3 The application is accompanied by the following supporting information:
1. Plans
 2. Planning Statement
- 2.4 Since the application was originally submitted, the applicants have provided further information relating to their enquiries to the Highway Authority concerning the possibility of re-locating the car boot fair to another location either within the Trumpington park and ride site or further afield.

3.0 SITE HISTORY

Reference	Description	Outcome
Reference 13/0722/FUL	Description 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	Outcome A/C
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	W/D

a 150 car boot fair (second hand goods only) on Sundays on existing car park between the hours of 7:00am to 12.30pm.

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/TELDET	15 metre mobile telecommunications tower, 3 no. antennae within a GRP shroud, equipment cabinet, electricity cabinet and development ancillary thereto.	A/C
C/00/0315/FUL	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 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1,3/4, 3/11, 3/7, 8/2

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
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5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan that should be taken into account.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 No objection to the renewal of the temporary permission

Environmental Health

6.2 No objection subject to conditions.

6.3 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 The owners/occupiers of the following addresses have made representations:
34 Foster Road

7.2 The representations can be summarised as follows:

- No objection to the car boot fair in principle but planning permission should only be given if it is not to the detriment of other users of the site.
- In its present location the car boot fair blocks, sometimes wholly and sometimes partially the pedestrian and cycle route to the southern part of the site.
- The blocking of this route means that users with buggies, wheelchairs or bulky luggage (which is not uncommon given that the park and ride site is served by many long distance routes) are inconvenienced.
- This route is the recommended 'safe route to school' for Trumpington Meadows Primary School and whilst the school is not open at the weekend, the community facilities are.
- Safety is important every day of the week and because this affects Sunday's only, it should not be overlooked.
- A revised plan which excludes all public paths should be provided.

7.3 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 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

- 8.2 The previous permission (reference 13/0722/FUL) was granted on a temporary basis to allow time 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)'

- 8.3 The applicants have confirmed during the consideration of the application that the Highway Authority has been approached to assess whether there are any more suitable locations for the car boot sale either within the Trumpington Park and Ride site, or further afield.
- 8.4 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.
- 8.5 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. I consider that 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.
- 8.6 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).

Highway Safety

- 8.7 The previous permission (13/0722/FUL) was granted on a temporary 3 year basis to allow the consideration of other sites. The Highway Authority has not raised any objections to the proposals on highway safety grounds.
- 8.8 The car boot fair has been in operation in excess of 6 years now, and the Highway Authority has 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, and have expressed concerns about moving the car boot fair either within the Trumpington Park and Ride site or further afield it is considered that the proposals would be acceptable in highway safety terms. It is also considered that conditions relating to highways matters and parking would not be required.
- 8.9 I have also noted the Highway Officers comments dated 15 October 2015, which expand upon the 'no objection' response received on the 13 October 2015. From this correspondence it is clear that some dialogue has taken place between the applicants and the Highway Authority concerning the re-location of the car boot fair within the park and ride site (as set out in the previous reason for the temporary permission). The Highway Authority have made it clear that a relocation of the car boot fair would not be acceptable in terms of access to parking or in highway safety terms. Given the advice of the Highway Authority I am of the opinion that re-siting of the car boot fair is not possible within the Trumpington Park and Ride site due to highway Safety concerns.
- 8.10 The comments from the Highway Authority dated 15 October 2015 also acknowledge that there has been one reported issue with a footpath being blocked by the car boot fair. The Highway Authority also indicate that the issue was rectified speedily by the operators. The accessibility of the footpath to the south of the site, which also affords access to the Trumpington Meadows Primary School has been raised in the third party representation. Footpaths and their accessibility fall within the

remit of the Highway Authority to regularize and enforce against (if necessary) and given that the site also requires a license from the Highway Authority I am satisfied that this issue is adequately covered by other legislation and as such, it would not be appropriate to impose conditions relating to this.

8.11 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Third Party Representations

Issue	Response or relevant paragraph in report
No objection to the principle of a car boot sale	Noted
The use of the car boot should not be to the detriment of others.	All conditions imposed seek to protect the amenities of the surrounding residents.
The car boot fair sometimes partially or wholly blocks the pedestrian footpath to the south of the site.	8.10
A revised plan excluding all footpaths should be provided.	It is not possible to require this under the planning legislation.
The route is a 'safe route' to school for Trumpington Meadows Primary School.	8.10
The community facilities at the school operate at weekends.	8.10

9.0 CONCLUSION

9.1 In the light of the preceding discussion it is concluded that the proposals would comply with the provisions of the relevant Development Plan and that the operation of the use can be adequately controlled via conditions to ensure that the amenity of the surrounding residents is protected.

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 accord with the terms of the application submitted and to allow the impacts on the surrounding residents to be re-assessed. (Cambridge Local Plan 2006 policies 3/4, 3/11)

2. 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.

3. 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)

4. 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)

5. 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).