

11/01740/FUL: USE OF CAR PARK FOR CAR BOOT MARKET AT RAILWORLD EXHIBITION CENTRE CAR PARK AT LAND NORTH OF CUBITT WAY, WOODSTON, PETERBOROUGH

VALID: 16 NOVEMBER 2011

APPLICANT: RAILWORLD

AGENT: BIDWELLS

REFERRED BY: HEAD OF PLANNING, TRANSPORT & ENGINEERING SERVICES

REASON: IN VIEW OF NEIGHBOURS CONCERNS

DEPARTURE: NO

CASE OFFICER: AMANDA MCSHERRY

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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The impact on neighbouring sites
- Access to the site and highway issues
- Impact on the Public Right of Way

The Head Planning, Transport and Engineering Services recommends that the application is **APPROVED**.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

The relevant policies are listed below with the key policies highlighted.

Peterborough Core Strategy DPD (2011)

CS14 Transport: New development in Peterborough will be required to ensure that appropriate provision is made and does not result in a danger to highways safety.

Peterborough Local Plan (First Replacement) 2005

Policy T2 Development affecting footpaths and public rights of way: Planning permission will only be granted for development that affects a footpath or public right of way if the route is satisfactorily incorporated into the development or diverted.

Material Planning Considerations

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

National Planning Policies

National Planning Policy Framework (NPPF) Consultation Draft (2011)

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development (2005)

Supplement to Planning Policy Statement 1 (PPS1): Planning and Climate Change (2007)

Planning Policy Guidance 13 (PPG13): Transport (2011)

3 DESCRIPTION OF PROPOSAL

This application originally sought full planning permission for the use of the Railworld exhibition car parks (Land north of Cubitt Way, approximately 1.998ha/4.94 acres) for car boot sales on Thursdays 5pm – 9pm (April to September) and Sundays and Bank Holidays 6am – 4pm (all year round).

However, following consultation feedback the proposal has been amended. The amendments proposed are:-

- The revised opening hours are 7.30am – 4pm Sundays and Bank Holidays, with opening to public at 9am (all year round), and Thursdays 4pm – 9pm, with opening to public at 5pm (April to September)
- The means of access to the site from Oundle Road via the Railway arches only, apart from high sided trading vehicles which are unable to pass under the railway arches.
- The introduction of buffer zones within the site where no activities will take place on the southern and western boundaries, which are adjacent to residential sites
- The marking out of the Public Right of Way route on site, to ensure it remains unobstructed and available for use when markets are being held
- No pedestrian access to the site from Cubitt Way when markets are taking place.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site is accessed from Oundle Road through the adjacent public car park and under the railway viaduct. It comprises a large piece of open land, West Fair Meadow, which is a fair ground and car park, and also the smaller car park area adjacent to the railworld exhibition centre. The site is located to the east of the Pleasure Fair Meadow public car park and the Railway viaduct. It is positioned to the north of the residential apartments in Cubitt Way. There is a public right of way that runs east to west through the site. There is also an access on the southern boundary of the site which gives access on to Cubitt Way.

5 PLANNING HISTORY

No recent relevant planning history.

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Transport and Engineering – No objection – The principle of car boot sales on this site is acceptable provided vehicles connected with the car boot sale do not enter or leave the site via Cubitt Way. All vehicles must use the existing access to Pleasure Fair car park.

Rights of Way Officer - No objection – The public right of way must remain open and free of obstruction at all times. The proposal to provide a 2m wide corridor of cones at 25m intervals across the site is acceptable.

Conservation Officer - No objection – The proposal does not directly affect the Railway viaduct heritage asset. Each of the arches currently used has steel barriers to restrict access by high sided vehicles thereby eliminating the risk of collision.

EXTERNAL

Police Architectural Liaison Officer – No objection – This may even be considered a benefit to the site to attract people to an isolated site, which due to its remote location has historically suffered with

problems of anti-social behaviour. There appears to be sufficient car parking, however if this site and the POSH ground were to hold car boot sales at the same time there may be a conflict.

NEIGHBOURS

A petition has been received with 30 signatures raising objection on the grounds of:-

- Dirt and litter left behind
- Smell and litter from mobile food operators
- Noise
- If planning permission is granted this could lead to further activities
- Hundreds of cars will come in and out of Cubitt Way, which will restrict access for residents, as it does on match days.
- Parking will be restricted for our visitors

21 Letters of objection have been received from local residents raising the following issues:

- Noise and disturbance for adjacent residents unacceptable particularly early in the morning
- Litter
- There is a lack of refuse bins on the site, and regular cleaning/maintenance of the area
- The site is already populated by rats, this will make it worse
- Crime and security problems
- Youths congregate
- Smells nuisance from food outlets
- Loss of privacy for windows facing the site. Residents will be prevented from sitting out and enjoying their balcony spaces when the car boot is taking place
- Cubitt Way is not a suitable vehicular access for this type of use, particularly as resident's park along it narrowing the carriageway, making it difficult for two vehicles to pass. There is only one car parking space per flat in the development, so those with two cars have to park on the road.
- Parking problems on Cubitt Way
- People may park on residential streets to avoid car parking charges
- Dangerous junction
- Extra Traffic
- Turning problems
- Unacceptable size/scale
- Inadequate consultation
- Intensified use
- Opening hours
- Residents already suffer from problems with access and parking when the car park is used in association with football matches
- Reduce property values
- Emergency services access inhibited for residents of Cubitt Way if this is the main access to car boot development
- Fire hazard
- Needs a health and safety risk assessment
- The site is currently a natural habitat for rabbits, the noise, litter and dirt will change this
- No details of layout of stalls
- The management of traffic flows to and from the car park when it is used on match days is extremely poor causing residents to be stuck for 30mins while trying to access or leave their properties by car.
- Contrary to Core Strategy and other policies
- The site is unsuitable for this use
- There is a covenant on Cubitt Way that allows access only for residents and vehicular access to the adjacent land in connection with the Pleasure Fair only. Therefore Cubitt Way should not be being used for football match traffic or car boot sales.

A petition of support has been received from the applicant with 90 signatures from traders and shoppers of the existing car boot.

COUNCILLORS

No comments received

7 REASONING

a) Introduction

The purpose of this planning application is to enable the continuity of the long standing car boot sale which is held in the grounds of the Peterborough United football stadium every Sunday morning. It will need to relocate from this site on commencement of the redevelopment and replacement of the Moy's End football Stand. The car boot at the football stadium currently has a temporary planning consent until 31st Dec 2012, or until commencement of the new football stand whichever is the earliest.

b) The impact on neighbouring sites

The application site covers a large area of ground and is bounded to the south and west by residential apartments. The occupiers of these residential properties have raised concerns particularly in respect of the impact of early morning noise and disturbance and the impact of traffic using Cubitt Way on their residential amenity.

Cubitt Way is not to be used by vehicles, other than trading vehicles which would be too tall to pass under the railway arches, and the pedestrian access route will be closed during the car boot markets. This is recommended to be a condition of any given planning consent, therefore the concerns about disturbance from vehicles/pedestrians using this route have been overcome.

The applicant has, similar to the planning permission at the football ground, agreed to impose a buffer zone of 10m on the southern boundary of the site and 20m on the western boundary of the site in which no activities will take place to minimise the impact of activity on adjacent residents.

The early morning set up times and opening to the public and the potential to generate noise and disturbance for the amenity of residents was recognised. It is therefore suggested that to overcome these concerns that the proposed hours be amended from those originally applied for to the set up time for traders from 7.30am on Sundays/Bank Holidays with the public arriving from 9am. The proposed hours on Thursdays of 5pm to 9pm April to September are considered acceptable.

It is considered that the prevention of use of Cubitt Way and the reduced opening hours would address Officers concerns about the potential harmful impact on the amenity of adjacent residents to that of an acceptable level.

In terms of noise and smells, our Pollution Control Officers do not consider the relationship between the proposed car boot sales and the neighbouring residential property to be unacceptable in these respects. The applicant has indicated that the layout of stalls on site will be arranged to minimise as far as possible the impact on neighbours, with the northern part of the site being utilised in the main, moving progressively southwards as required. It is therefore proposed that any hot food outlets would be positioned in the car park area beside the exhibition centre building, therefore not adversely impacting on residents.

The affect on property values is not a material planning consideration that can be taken into consideration in the determination of this planning application.

It is therefore considered that the proposed development could co-exist with the adjacent residential properties without unacceptably impacting upon their residential amenity.

c) Access to the site and highway issues

The main vehicular access to the site will be through the railway viaduct between Pleasure Fair Meadow and West Far Meadow. The Local Highway Authority raises no objections provided the vehicle access for all vehicles is through the viaduct from the adjacent public car park and not through Cubitt Way, other than high sided trading vehicles which due to their height are unable to pass through the railway arches.

The main pedestrian access to the site will be through the railway viaduct between Pleasure Fair Meadow and West Far Meadow. The informal pedestrian access over Railworld's private land between Cubitt Way and Railworld Walk will be closed during the hours of the car boot.

It is considered that there would be sufficient car parking provision for visitors to the site in the adjacent 360 space Pleasure Fair Meadow car park. This car park is conveniently located directly adjacent to the car boot entrance therefore it is anticipated the majority of visitors will choose to park in this car park rather than try to park in surrounding residential areas.

It is therefore considered that the use of the Railworld car parks for car boot sales on Sunday/Bank Holidays and Thursday evenings April to September would not result in any highway safety issues or car parking problems. The proposal is considered to be in accordance with Policy CS14 of the Core Strategy.

d) Impact on the Public Right of Way

There is a public right of way that crosses the application site following an east to west direction. The applicant has agreed that on each market day to mark out the line of the right of way with a 2m corridor, by placing pairs of cones 2m apart at 25m intervals including the nodes marking the changes in direction of the right of way. This will allow anyone wishing to use the right of way to cross over the site to do so without been inhibited by stalls or vehicles. This is considered to be acceptable solution to allow the right of way to remain open free of obstruction for those who wish to pass and re-pass, in accordance with Policy T2 of the Local Plan (First Replacement) 2005.

8 CONCLUSIONS

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

- It is considered that the use of the site for car boot sales would not unacceptably impact on the amenity of neighbouring properties, provided the hours of operation are restricted, a buffer zone is provided and access is taken through the railway arches and not Cubitt Way.
- It is not considered that there would be any highway safety or car parking issues associated with the proposal. This is in accordance with Policy CS14 of the Core Strategy DPD 2011.
- Subject to the public right of way being unobstructed and marked out with cones during markets, the proposal is considered to be in accordance with Policy T2 of the Peterborough Local Plan (First Replacement) 2005.

9 RECOMMENDATION

The Head Planning, Transport and Engineering Services recommends that this application is APPROVED subject to the following conditions:

C1 The use hereby permitted shall be discontinued on or before 7th August 2013.

Reason: In order to reinstate the original use of the land or site, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

C2 Vehicle access to the site shall be from Oundle Road via the adjacent public car park and under the railway viaduct. Only high sided trading vehicles that are unable to pass under the railway arches may be permitted to enter and leave the site by the vehicle access from

Cubitt Way. The vehicle access to Cubitt Way shall thereafter be closed and secured to vehicular traffic when the markets are in operation.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

- C3 The open air market hereby approved shall not operate outside the hours of 07:30 and 16:00 on Sundays and Bank Holiday Mondays when it shall not be open to the public before 09:00 am; and the hours of 16:00 and 21:00 when it shall not be open to the public before 17:00 on Thursdays during the months of April to September only. The market shall not operate on any other days.**

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

- C4 No refrigerated lorries shall be allowed on site on the days that the market will be operating.**

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

- C5 No amplified or other music shall be played on the site on market days.**

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

- C6 A plan showing a 20m Buffer Zone on the western boundary and 10m buffer zone on the southern boundary shall be submitted to and agreed in writing with the Local Planning Authority. This buffer zone shall be marked out and set up each week before the market begins. Nothing shall be kept, stored or parked within the buffer zone during the period of market operation. Details of the buffer boundary treatment shall be agreed in writing with the Local Planning Authority within one month of the date of this permission.**

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Saved Policy DA2 of the Adopted Peterborough Local Plan (First Replacement).

- C7 On each market day the Public Right of Way that crosses the site shall be marked out by a 2m wide corridor, by placing pairs of cones 2m apart at maximum 25m intervals including the nodes marking the changes in direction of the right of way.**

Reason: In order to maintain the public right of way in accordance with Saved Policy T2 of the Adopted Peterborough Local Plan (First Replacement).

Copy to Councillors Benton, Lee, Serluca