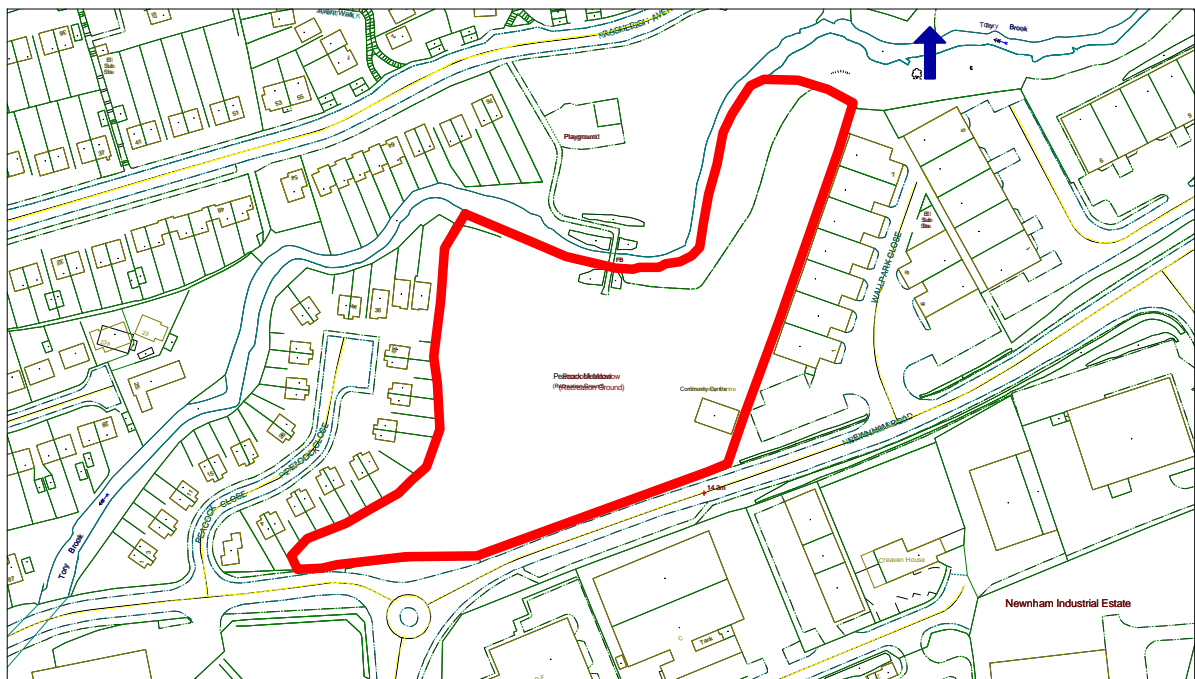


**ITEM: 06**

<b>Application Number:</b>	08/00857/FUL
<b>Applicant:</b>	Colebrook Community Association
<b>Description of Application:</b>	Use of land to hold 28 car boot sales per year (increase from current 14 sale per year)
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	PEACOCK MEADOW, NEWNHAM ROAD PLYMPTON
<b>Ward:</b>	Plympton St Mary
<b>Valid Date of Application:</b>	20/06/2008
<b>8/13 Week Date:</b>	<b>19/09/2008</b>
<b>Decision Category:</b>	Major Application
<b>Case Officer :</b>	Carly Francis
<b>Recommendation:</b>	Grant Conditionally
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



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## OFFICERS REPORT

### Site Description

This site is located at Peacock Meadow in Plympton and is located to the north east of the junction of Newnham Road and Strode Road. Industrial estates lie to the east and south, housing is located to the west and open land to the north. The tree-lined Tory Brook runs along the northern boundary. The site is public open space and used as a playing field. This level area of grass has a tree belt along the western, northern and part of the eastern boundaries and a small hedgebank on the southern boundary. There is a single storey brick community building and small parking area in the southeastern corner. The semi detached residential estate of Peacock Close lies beyond the western boundary.

### Proposal Description

Use of land to hold 28 car boot sales per year (increase from current permitted development 14 sales per year).

### Relevant Planning History

04/00860 (FULL) Continue use of land for car boot sales- WITHDRAWN.

### Consultation Responses

**Environment Agency-** no objections.

**Access Officer-** no objections.

**Public Protection Service-** no comments received.

**Parks Services-** recommend refusal.

**Asset Management-** no comments received.

### Representations

42 Letters of Representation

34 in support

8 objecting

Plus petitions for and against the proposal.

Support application on the basis that:

- Provides funding to keep community centre open, which offers many benefits to local residents.

Object on the grounds of:

- Increased traffic to the site.
- Noise and disturbance to surrounding properties.

## **Analysis**

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

The main considerations for this application are whether there would be an adverse impact upon the public open space, to the natural characteristics of the area, local amenities and on the highway. The main policies relevant to this application are CS18, CS19, CS22, CS28 and CS34 of the adopted Core Strategy.

Car boot sales already take place at this site; it can be used in this way for 14 days in a calendar year under permitted development rights. This application is to allow a further 14 car boot sales.

The Parks Department have raised concerns about the impact on the land; they are not supportive of the car boot sales due to the potential harm that could be caused to the playing field. Despite these concerns it is not deemed that 14 more car boot sales a year would cause significant harm to the field and it is not deemed that the playing field would suffer excessive use. It is also noted that as the land is in Plymouth City Council ownership, the Parks Department could seek that car boot sales cease, as they have ownership rights. Any conflict of use between the primary function of the site as a playing field and the car boot sale use should be resolved by management of the site by the Parks Department. Likewise any damage that may be caused to the field as a result of the car boot sales should be managed by the Parks Department who are responsible for the sites maintenance.

The Transport Officer does not wish to raise any objections to the principal of increasing the regularity of car boot sales occurring on a Sunday providing that they are properly controlled and managed. In this respect the Transport Officer requests that further information be provided and that the use should be restricted in order to control and manage the likely risks, hazards, and inconvenience associated with the increased use of the highway.

He states that further details submitted for approval should include; a generic site layout indicating areas and numbers of car-boot sale pitches and car parking spaces, along with associated aspects of the site. He also requests a Site Management Plan in relation to the car-boot sale events, and a Risk Assessment, both of which shall include all relevant and associated details. Details should include average numbers of persons on site, sellers, buyers, organizers/staff and their functions; marshalling and how marshals are deployed; vehicular and pedestrian management and segregation; arrangements for liaison with the police and issues of off-site car parking; etc. A condition shall therefore be attached to secure that these further details are

submitted for approval. Subject to the management details being approved the proposal is deemed to adhere to policy CS28.

Many letters of representation were received, the majority of which were in support of the proposal due to the fact that the car boot sales are enjoyed and the funding raised from them allows the Community Centre to continue operating. The Colebrook Community Centre is a self funding charity and without the funding from the car boot sales they state that that the Community Centre may be forced to close. The Community Centre provides a local facility for many residents and therefore the loss of the centre would result in a loss of amenity to the local community.

The letters of objection received are concerned mainly with the impact on the surrounding highway and noise/ disturbance created by traffic and activity at the site. The highway concerns have been addressed by the Transport Officer. It is not considered that there would be considerable noise or disturbance caused by the car boot sales. The hours that the car boot sales normally run are 9am to 1pm on Sundays. A condition shall be attached to restrict the operation of the car boot sales to these times so that extended hours do not cause an unacceptable degree of disturbance. It is also important that these times are adhered to as the impact on the highway has been assessed on a Sunday morning when traffic movements are low. The running of car boot sales in the given time period is considered to adhere to policies CS22 and CS34.

The applicants were required to submit an Emergency Flood Plan with the planning application because the site is located within what are defined as Flood Zones 2 and 3 by the Environment Agency. Flood zones 2 and 3 are identified as being at medium and high risk of flooding from the Tory Brook. The Environment Agency are satisfied that the document provides a structured approach for site evacuation and that the proposed measures would reduce the risk of damage to property and ensure the safety of people attending the car boot sales. The proposal therefore accords with policy CS21.

### **Conclusions**

It is not considered that the increase of car boot sales would cause demonstrable harm to the site or surrounding residents and therefore it is recommended that this application be recommended for approval.

### **Recommendation**

In respect of the application dated **20/06/2008** and the submitted drawings, **Site plan, Emergency Flood Plan**, it is recommended to: **Grant Conditionally**

### **Conditions**

**DEVELOPMENT TO COMMENCE WITHIN 3 YEARS**

(1)The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

#### FURTHER DETAILS

(2) No work shall commence on site until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz:- generic layout plan, traffic management plan and risk assessment. The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policy CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### HOURS OF OPERATION

(3) The permitted car boot sales must only take place on Sundays and must commence no earlier than 9am and finish no later than 1pm.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### **Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations, which in this case are considered to be: the impact upon the public open space, to the natural characteristics of the area, local amenities and highway safety, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Planning Guidance (SPG) Notes, Government Policy Statements and Government Circulars, as follows:

CS28 - Local Transport Consideration

CS34 - Planning Application Consideration

CS22 - Pollution

CS18 - Plymouth's Green Space

CS19 - Wildlife

CS21 - Flood Risk