

REPORT FOR WESTERN AREA PLANNING COMMITTEES**Report No. 2**

Date of Meeting	11 January 2017
Application Number	16/06057/FUL
Site Address	Land NW of Crossways Farm Ashton Common
Proposal	Use of the site for car boot sales for 6 additional days over and above the 14 days allowed under permitted development rights
Applicant	Mr Peter Townsend
Town/Parish Council	STEEPLE ASHTON
Electoral Division	SUMMERHAM AND SEEND – Councillor Seed
Grid Ref	388842 158232
Type of application	Full Planning
Case Officer	Steven Sims

Reason for the application being considered by Committee

Councillor Seed has requested that the application be called-in and considered by the Planning Committee if officers are minded to support it and for the elected members to consider the following key matters:

- Highway Access Impacts
- Visual Impacts
- Noise Impacts

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

The main issues to consider are:

- Principle of Development.
- Impact on Highway Safety
- Impact on the Living Conditions of Neighbouring Residents
- Impact on the Character of the Area
- Impact on the Vitality and Viability of Trowbridge Town Centre

3. Site Description

The site is an agricultural field approximately 4.2 ha in size located at Stoney Gutter off Ashton Road and just north of Crossways Farm. Access to the field is via 2 gated entrances off Ashton Road. The field is bordered by well-established hedges and trees and surrounded by agricultural land. The nearest residential dwelling is Crossways Farm located approximately 25 metres from the southern edge of the site and on the opposite side of the road. The agricultural land is classed as grade 4 which is considered poor quality agricultural land.

A traffic controlled junction with the A350 (a primary route network) is located to the southeast approximately 75 metres from the site exit.

4. Planning History

W/08/01550/FUL Use of field for car boot sales up to 40 days per year - Refused

The refusal reason is reproduced below:

'The proposal is contrary to Structure Plan Policy T8 since the proposed development derives access in close proximity to a junction with a National Primary Route outside a built up area where no overriding national or local need for the development has been substantiated.'

5. The Proposal

This application seeks use of the 4.2ha field for 6 additional days per calendar year for car boot sales over and above the 14 days allowed under permitted development rights (Schedule 2, Part 4 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015) for 'the holding of a market'. The car boot sales are held on Sunday mornings. Opening times are 6am to 1pm. Stallholders arrive between 6am and 8am. No buyers are admitted after 12am. The event attracts up to 400 vehicles including stallholders and buyers on most sale days. Entrance to the site is via the western gate while vehicles exit the site from the eastern gate.

6. Local Planning Policy

Wiltshire Core Strategy (WCS) - Core Policy 28 – Spatial Strategy: Trowbridge Community Area; Core Policy 38 – Retail and leisure; Core Policy 51– Landscape; Core Policy 57 – Ensuring High Quality Design and Place Shaping; Core Policy 60 – Sustainable Transport; and Core Policy 61 – Transport and New Development

National Planning Policy Framework (NPPF) especially sections 3. Supporting a prosperous rural economy; and 11. Conserving and enhancing the natural environment

Planning Practice Guidance (PPG) and Noise Policy Statement for England (NPSE)

Supplementary Planning Guidance Wiltshire Local Transport Plan 2011- 2026

7. Summary of Consultation Responses

Steeple Ashton Parish Council: Objects not only to this application on the basis of traffic chaos, but also to the existing 14 days car boot sales take place. The Parish Council would like to point out that if the proposed development along Ashton Road goes ahead then together with the car boot sale traffic, the current phased Stoney Gutter traffic light system will only lead to even more chaos. The short time the lights stay on green does not allow enough time for traffic to navigate the crossroads when leaving Ashton Road. This is especially true when there is one or more right turning vehicles. The main issues are:

1. Right turners needing to wait for oncoming traffic to clear before they can proceed means that sometimes only that vehicle can navigate the junction on green when leaving Ashton Road;
2. This leads to frustration from vehicles behind, leading to them navigating the junction on amber or even red.
3. Drivers not familiar with the junction do not adhere to the signs telling Right turners to wait for oncoming traffic. Residents with local knowledge are aware that people regularly ignore this instruction, so proceed with utmost caution, otherwise there would be more accidents there.

Wiltshire Highway Authority: No objection

Wiltshire Environmental Health: No objection

8. Publicity

The application was publicised via site notices and individual letters sent to neighbouring properties within close proximity of the site. Following the publicity exercises, no third party representations have been received.

9. Planning Considerations

9.1 Principle of Development - Paragraph 28 of the NPPF supports the development and diversification of agricultural and other land-based rural businesses. The site is located outside the defined limits of development in the open countryside where development is strictly controlled. However under class B of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015) the land can be and currently is used for 'the holding of a market' for up to 14 days per calendar year. This application seeks to extend this period by an additional 6 days to up to a total of 20 days per calendar year.

Permitted development rights allow the site to be used for up to 14 days per calendar year for car boot sales and therefore there can be no objection to the use of the site for such activities during any given 14 days per annum. The key determining issue is whether the proposed extension in the number of days the car boot sale takes place (from 14 to 20 days per calendar year) is acceptable in planning terms. The following sections deal with highway safety, impact on neighbour amenity and character of the area respectively.

9.2 Impact on Highway Safety - Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. At a local policy context, Core Policy 61 titled 'Transport and New Development' requires new development to be served by a safe access to the highway.

The car boot sales are held on Sunday mornings and can attract up to 400 cars per event including stallholders and visitors. Separate gateways are used for vehicles entering and exiting the site to avoid traffic movement conflicts. The entrance lane along the western edge of the site allows for a long queuing area within the site (approximately 100 metres in length) before vehicles have to stop and pay to avoid traffic queuing along the public highway. On sale days there are also up to 5 traffic site marshals to direct traffic. The Council's highways officer has raised no objection to the proposed development and accident records provided by the Council's highway team indicate that within the last three years, there have been 2 serious accidents in the local area and 6 slight accidents. Of these recorded accidents, there was only one on a Sunday morning and there is no evidence to indicate that the accident was associated with use of the site for car boot sales.

As far as highway safety and the flow of traffic along public highways are concerned, the Council's highways officer reports no objection. There have been no recorded highway accidents directly connected or resulting from the use of the site for car boot sales whilst it has operated for 14 days per calendar year over the past three years and the proposed 6 additional day events does not trigger a highway based objection.

Should members be minded to grant permission, and to further assist with the proper on site marshalling of traffic, it is recommended that a planning informative be imposed recommending that a marshal be placed at the site exit where traffic joins the public highway.

The events are held on Sunday morning when vehicle traffic levels are generally lower than other days and after due consideration of the site operations, the access arrangements, the proposed limited extension of 6 additional days per year, it is duly submitted that there would be no severe cumulative impacts on highway safety grounds, and consequently, the application is supported by officers.

9.3 Impact on the Living Conditions of Neighbouring Residents - Planning Policy Guidance advises that noise it is a material planning consideration. The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those

affected. This level of noise impact will depend on how various factors combine in any particular situation. These factors include, amongst others, the level of any continuous or non-continuous sources of noise, the number of noise events, and the frequency and pattern of noise occurrences. The Council's public protection team have been consulted and have confirmed no objection.

WCS Core Policy 57 titled 'Ensuring High Quality Design and Place Shaping' requires that new development proposals have regard to the compatibility of adjoining buildings and uses including the consideration of pollution such as noise.

Permitted development rights allow the site to be used for up to 14 days per calendar year for events such as car boot sales without requiring planning permission. This application seeks to increase the number events per calendar year by 6 additional days. Although it is recognised that the number of events would increase, the use of the site for 6 additional days / car boot sale events per year would not result in a substantive harmful impact on the living conditions of neighbouring residents, in terms of increased noise pollution or increased frequency of noise pollution that would otherwise justify a planning refusal.

9.4 Impact on the Character of the Area – Core Policy 51 titled 'Landscape' states that development should protect, conserve and where possible enhance landscape character and avoid harmful impacts upon landscape character with any negative impacts mitigated through sensible design and landscape measures. In particular development proposals must demonstrate that the local distinctive character of settlements and their landscape settings have been conserved and where possible enhanced.

The use of the site for car boot sales for a maximum of 20 days throughout the year would not result in a permanent change or detrimental impact to the appearance of the area or significantly harm the use of the field for agricultural purposes.

9.5 Impact on the Vitality and Viability of Trowbridge Town Centre – WCS Core Policy 38 titled 'Retail and leisure' directs retail development to town centre locations in order to support the vitality of town centres. The restricted and limited use of the site for 6 additional car boot sale events per year would have no substantive impact on the vitality and viability of Trowbridge town centre and as such the development would not be contrary to Core Policy 38.

10. Conclusion (The Planning Balance)

Permitted development rights allow the use of the site as a car boot sale market for up to 14 days per calendar year. This application seeks the Council's permission to use of the site for an additional 6 days per year. The cumulative impact of this on highway safety would not be severe and the scheme would not result in a significant increase in noise pollution or demonstrable harm to adjacent residents or character of the area. Whilst the concerns of the Parish Council have been carefully considered, the scheme is considered to be in accordance with both national and local planning policy and is recommended for approval.

RECOMMENDATION: APPROVE, subject to the following conditions and informative

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan scale 1:2500, Site plan

REASON: For the avoidance of doubt and in the interests of proper planning.

3. The development hereby approved shall be limited to a maximum of 20 car boot sales in any calendar year.

REASON: In the interests of the character, appearance and amenities of the area.

INFORMATIVE TO APPLICANT:

In order to assist vehicles leaving the site in a safe manner, at least one traffic marshal should be available and positioned at the exit point.