

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1st July 2009

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0666/09/F – OAKINGTON & WESTWICK

Retrospective Change of Use of Pasture Land to Land to be Used for Public Car Boot Sales and Associated Parking on Saturdays and Bank Holidays between 7am and 2pm at Land to the South of, Oakington Business Park, (Formally Phypers Farm, Dry Drayton Road) for Bedford Markets

Recommendation: Approval

Date for Determination: 10th July 2009

Notes:

This Application has been reported to the Planning Committee for determination because of the recommendation of refusal by Oakington and Westwick Parish Council differs to that of officers.

Site and Proposal

1. The application site consists of a series of paddocks of grade II agricultural pastureland upon Phypers Farm, a former working farm, which now makes up the surrounding landscape southwest of the Oakington Business Park (an established employment site).
2. The site of an area of 4 hectares is located outside of the Oakington Development Framework within the open countryside. The site is accessed via the Dry Drayton road, with a hard surfaced approach road leading to the business park. Large sections of the site are within flood zones 2 and 3.
3. This land is currently being used as a Saturday car boot market in a sporadic fashion outside of 14 days per calendar year. The proposal seeks permanent consent for the use of this land upon Saturdays and Bank Holidays from 7am to 2pm for the purpose of carrying out public car boot sales and associated car parking.
4. In use the site can accommodate parking of up to 600 vehicles (including traders) and provides two port-a-loos on site for the duration of the market. There is no provision for further landscaping or refuse collection as traders are expected to take their own waste home.
5. A design and access statement, flood risk assessment, highway junction assessment report, traffic assessment report and an event management plan accompany the application.

Planning History

6. Planning Application **S/1900/08/F** for the change of use of pasture land to land to be used for public car boot sales and associated parking on Saturdays and Bank Holidays between 7am and 2pm (Retrospective) was withdrawn.

7. Planning Application **S/1218/08/F** for the change of use of pasture land to land to be used for public car boot sales and associated parking on Saturdays and Bank Holidays between 7am and 2pm (Retrospective) was withdrawn.
8. Planning Application **S/1252/07/F** for the change of use of pasture land to land to be used for public car boot sales and associated parking on Saturdays and Bank Holidays between 7am and 2pm (Retrospective) was withdrawn.

Planning Policy

East of England Plan 2008:

SS1 Achieving Sustainable Development

South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted January 2007:

DP/1 Sustainable Development

DP/2 Design of New development

DP/3 Development Criteria

DP/7 Development Frameworks

NE/11 Flood Risk

NE/17 Protecting High Quality Agricultural Land

TR/1 Planning for More Sustainable Travel

TR/2 Car and Cycle Parking Standards

Consultation

9. **Oakington & Westwick Parish Council** – Recommends refusal on the following grounds:
 - (a) The traffic assessments submitted ignore the significant points raised by the Parish Council upon the previous planning applications;
 - (b) The road is frequently used both formally and informally as a diversionary route when there are accidents or road works on the A14. This not only produces much higher numbers of vehicles, but significantly it includes large numbers of heavy goods vehicles;
 - (c) This situation is compounded by the fact that many diverted drivers are foreign driving left hand drive vehicles who are not familiar with the local highway network;
 - (d) Future major construction works to the upgrade of the A14 will most definitely increase the use of this diversionary route on a daily basis, throughout the day and night;
 - (e) It would be prudent to delay approval of this application until such highway improvements are made;
 - (f) The construction of the new road to Northstowe will also greatly increase the use of the Dry Drayton road and therefore it is a factor that should be considered within the transport assessment submitted with this application;
 - (g) It is understood that there are badgers in the adjoining brook and we ask that officers provide a ruling with justification on this matter.
10. **Environment Agency** - The proposed development would only be acceptable if the measures detailed within the submitted Flood Risk Assessment (GCB/Hodson dated December 2008) are implemented and secured by way of a planning condition. The Agency considers that flood/bad weather contingency plans should be incorporated into the event management plan.

11. **Local Highway Authority** – The Highway Authority seek that event signage is to be of a standard font and height of 65mm to be black upon yellow as per The Traffic Signs Regulations and General Directions Act 2002 and should be approved by the Local Highway Authority.
12. **Corporate Manager (Health and Environmental Services)** – There are no objections to this application from the pollution section of the council's health and environmental service as I understand this activity has been taking place for some time and I am not aware of any complaints in respect of this matter.
13. **Landscape Design** – No objections in principle. The following suggestions are made:
 - a) The Hedge planting within the site is bulked up where necessary to ensure only the desired entrances and exits are used.
 - b) Where necessary the planting at entrances and exits has some protection to avoid compaction or damage by vehicles.
 - c) Consideration is given to some protection/reinforcement to prevent damage particularly heavily used areas of the ground in wet conditions.
14. **Ecology Officer** – Previous comments stand, I have previously visited the site and have found no evidence of badgers within the vicinity of the application site.

Representations

15. 2 Letters of objection have been received, from companies located at the Oakington Business Park; their reasons are:
 - (a) Security is a worry as there is no barrier or means to deter market users accessing the business park and many units have been burgled recently;
 - (b) Some staff do work at the site upon weekends and they are unable to enjoy, easy, unfettered and safe access to our offices due to the volume of traffic entering and exiting the site;
 - (c) There is often unauthorised car parking of vehicles within the business park;
 - (d) Litter is mostly removed from the site, however, some does get blown onto the business park during the course of the day;
 - (e) The application forms and transport assessment of the amount of vehicle parking within the site differ greatly;
 - (f) The assessment of potential retailers present changes throughout the report from 90 expected at peak times to 137 as actually recorded on the day the assessment was taken;
 - (g) Health and safety is also of concern where the market organisers clearly struggle to cope at peak times with stationary vehicles, pedestrian movements and vehicle movements within a confined space with no hard standing;
 - (h) Congestion at the junction of the Business Park and the Dry Drayton Road will increase the propensity of road accidents.
16. One letter from another business on the Business Park has no objections. During the course of the markets past operations the company has not experienced any negative impact. The operation seems to be well organised, no difficulties have been experienced entering and leaving the site on event days and the estate is left clean and tidy after the event.

17. The site notice is due to expire on June 19th and therefore it is expected that further letters of representation are to be received. These shall be added as an update to the committee report at a later date.

Planning Comments – Key Issues

18. The key considerations in the determination of this planning application are the impact that the change of use of land would have upon the character of the surrounding countryside, flood risk, highway safety and ecology.

Countryside

19. The proposed use would constitute at most 61 days a year where the site would be occupied for the purposes of car boot sales. Therefore the site would remain as agricultural land 84% of the time throughout the year. This would represent a minor change of use of the land and as no permanent construction or development would take place as a consequence of the use, I am of the opinion that the proposal would not harm the appearance and character of the countryside, particularly as a belt of tree planting some 120m wide has been implemented between the site and the Dry Drayton Road.

Highway Safety

20. The application is accompanied by a junction assessment and traffic report. Both have been undertaken with the advice of the Local Highway Authority. The peak capacity analysis carried out on the junction with the Dry Drayton Road suggests that the level of likely traffic using the site would not exceed that which is normally acceptable for a right turn lane. Furthermore the capacity flows for the peak flow of the site would not warrant any junction improvement. Accident records show only one accident upon the Dry Drayton Road over the past 5 years. The Local Highway Authority concurs, that this information is correct and that the likely accident rate is low and within the usual parameters for a rural straight through road.
21. The traffic assessment has taken into consideration not only the sites junction with the Dry Drayton Road, but also the crossroads junction within the centre of Oakington and the A14 interchange junction. The access road is considered more than adequate with a 7.3m wide access point with 15m kerb radii, the access roads narrows to 6.5m in width 40m into the site. This road is hard surfaced and the sites frontage benefits from a bridleway linking the site to the public footpath into the village of Oakington located on the opposite side of the road. The Dry Drayton Road is a single carriageway road of national speed limit restriction. The peak activity for the market is identified as being 10.30am and the surveys undertaken were carried out between 9am and 1pm.
22. The intensity of the car boot sales is dependant on the weather and time of the year with an average of 90 retailers in good conditions to 70 in fair to bad conditions. At the time of the survey the weather was good with dry, warm and sunny conditions upon the back of a long spell of poor weather. This saw the activity of retailers boom to 137 with 331 parked customer vehicles by 8.45am. By 12:45 numbers reduced to 53 customer vehicles and 100 retailers in situ.
23. A survey of the usual peak midweek two-way flow along the Dry Drayton Road past the site concluded 1076 vehicle movements per hour. The same study upon a Saturday during a market day concluded results 30% lower in both directions. This would suggest that the use of the site upon Saturdays would not be as intense as the usual midweek traffic flows.

24. Whilst the Local Highway Authority concurs with the findings of the traffic assessments submitted it has requested revisions to the proposed event signage so that they meet the required standards for highway signage. This detail has been requested from the agent and shall be included within an update to this report. It is acknowledged that the application forms state a differing number of vehicles parked within the site to that of the traffic assessment. Nevertheless, the Local Highway Authority has based its opinion on the data within the traffic assessments.

Ecology

25. The Ecology officer upon previous planning applications has visited the site and found no evidence of badgers or any other protected species. The proposal would not consist of any built development or ground disturbance that would affect such a species and therefore the proposal is not considered to conflict with local biodiversity.

Flood Risk

26. Large proportions of the site are within medium and high risk flood zones two and three with a designated main river, Oakington Brook, flowing along the southeast boundary of the application site. Due to the proposal not comprising of any built development or ground disturbance the proposal would not increase flood risk for the area. However, due to the large amounts of people occupying the site during markets there is a risk upon public safety. The Flood Risk Assessment identifies the need to submit a flood risk contingency plan along with onsite signage to address this issue. In addition the sites owners will be required to register with the Environment Agencies flood line service in order to receive flood warnings. In conclusion the detail within the submitted FRA is deemed acceptable by the Environment Agency on the grounds that a contingency plan incorporated within the event management plan is submitted prior to occupation of the site.

Public Health & Environmental Pollution

27. Although full comments are awaited from the Environmental Health, it is apparent that Environmental Health has not received any complaints over the last year in relation to the use of this for car boot sales. Further comments will be made available via an update to this report.

Security

28. Issues have been raised over the security of the adjacent business park, as the control gate located at the bridge over the brook would be permanently open on market days. However, this gate to my knowledge is not closed on weekdays and as employees do on the odd occasion work on Saturdays I am of the opinion that the gate may also be open then. Notwithstanding this issue the car boot sales upon Saturdays would allow large amounts of people to have access to the Business Park. This in my opinion is a matter for the landowners to dispute in relation to rights of access and adequate security measures.

Recommendation

30. Approval

Conditions

1. The use, hereby permitted, shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of any one of the following requirements not being met:

- (i) Within 3 months of the date of this decision there shall have been submitted for the written approval of the Local Planning Authority an event management scheme including the provision of flood risk contingency and landscape protection methods. The said schemes shall include a timetable for their implementation.
 - (ii) Within 11 months of the date of this decision, the event management scheme including the provision of flood risk contingency and landscape protection methods schemes shall have been approved by the Local Planning Authority or, if the Local Planning Authority fail to approve such schemes, or fail to give a decision within the prescribed period, an appeal shall have been lodged and accepted by the Secretary of State;
 - (iii) In the event of an appeal being made in pursuance of requirement (ii) above, that appeal shall have been finally determined and the submitted event management scheme including the provision of flood risk contingency and landscape protection methods schemes shall have been approved by the Secretary of State.
 - iv) All works comprised in the event management scheme including the provision of flood risk contingency and landscape protection methods schemes as approved shall have been implemented, and completed within the timetable set out in the approved schemes.
(Reason - To ensure that a scheme of flood risk contingency is implemented in accordance with Policy DP/1 and NE/11 of the adopted Local Development Framework 2007.)
2. The use hereby permitted, shall not take place other than between the hours 07.00 and 14.00 hours on Saturdays and Bank Holidays nor at any other time Sunday to Friday inclusive. (Reason - To safeguard the character and openness of the area in accordance with Policies DP/3 and DP/7 of the adopted Local Development Framework 2007.)
 3. No materials or equipment shall be stored on the site following the close of each market. (Reason - In the interests of visual amenity in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
 4. No external lighting shall be provided or installed within the site. (Reason - To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)
 5. The development hereby permitted shall not be carried out other than in accordance with the approved Flood Risk Assessment "GCB/Hodson dated December 2008" and the following flood risk mitigation measures referenced within section 10.1. (Reason – To ensure safe use of the site during extreme circumstances and to ensure the floodplain regime is not compromised at this location in accordance with Policy NE/11 of the adopted Local Development Control Framework 2007.)
 6. No works, structures, fencing or ground works including the deposition of materials such as hardcore, shall take place within the flood plain unless otherwise agreed in writing by the Local Planning Authority; (Reason - To prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)

Informatives

1. The applicant should be aware of his responsibly to ensure that the port-a-loos are discharged to the public foul water sewer and that the contents are not allowed to enter surface or ground waters. The port-a-loos shall not be sited within 10m of any watercourse or ditch, or 50m of any well or borehole.
2. Under the terms of the Water Resources Act 1991 and Land Drainage Byelaws, the prior written Consent of the Environment Agency is required for any proposed works or structures in, under over or within 9 metres of the top of the bank of the designated main river, the Oakington Brook.
3. Any culverting or works affecting the flow of the watercourse requires the prior written Consent of the Environment Agency under the terms of the Land Drainage Act 1991/Water Resources Act 1991. The Environment Agency seeks to avoid culverting, and its consent will not normally be granted except as a means of access.
4. The granting of planning approval must not be taken to imply that consent has been given in respect of the above.
5. The applicants attention is drawn to DETR Circular 03/99 which requires an applicant to demonstrate that a connection to the public foul sewer is not available. In the eventuality of a connection to the public foul sewer not being available, the suitability of any non-mains sewerage systems, particularly those incorporating septic tanks, must be effectively demonstrated by the applicant to the satisfaction of the Local Planning Authority.

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- East of England Plan 2008
- Planning Application Files Reference: S/0666/09/F, S/1218/08/F and S/1252/07/F

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