

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2011/0110
FULL APPLICATION DESCRIPTION	OUTDOOR MARKET AND CAR BOOT FAIR - SUNDAYS BETWEEN 12 NOON AND 5.00 PM FROM LAST SUNDAY IN MARCH TO THIRD SUNDAY IN OCTOBER EACH YEAR (VARIATION OF OPERATING DATES APPROVED UNDER PLANNING APPLICATION REFERENCE PLAN/2008/0086)
NAME OF APPLICANT	NOBLES PROMOTIONS LTD
SITE ADDRESS	LAND AT SEAHAM HALL FARM, SEAHAM
ELECTORAL DIVISION	SEAHAM
CASE OFFICER	Barry Gavillet 0191 5274305 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 The site is located north of Seaham Hall, outside of the settlement boundary of Seaham and in the countryside. It comprises open areas of grassland lying to the east and west of the B1287 Coast Road, which links Seaham with Ryhope and Sunderland to the north. The site is within a designated Green Belt and Area of High Landscape Value.

Proposal:

- 2 Planning permission was granted in 2008 for the use of the site for an outdoor market and car boot fair on Sunday afternoons between 12 noon and 5pm from the beginning of March to the end of September each year. This application seeks to change the times of operation to allow the outdoor market and car boot fair to run from the last Sunday in March to the third Sunday in October each year. The application is exactly the same as that which was approved in 2008, however the time of year over which the outdoor market and car boot fair would operate would shift forwards by three weeks. This would mean that the operating hours and the number of days a year the outdoor market and car boot fair would operate each year would remain the same.

PLANNING HISTORY

00/239 – Sunday Market and car boot sale refused planning permission in July 2000, on grounds of inappropriate commercial development in the countryside detracting from the character and appearance of the coast, Area of High Landscape Value and Green Belt. A subsequent appeal against this decision was dismissed. The planning inspector who dealt with the appeal considered that the proposal would represent inappropriate development in the Green Belt and would result in substantial harm to the Green Belt and the character and appearance of the countryside.

04/475 – Sunday Market and car boot sale was refused planning permission in July 2004, on grounds of inappropriate commercial development in the countryside detracting from the character and appearance of the coast, Area of High Landscape Value and Green Belt.

2006/0529 – Outdoor market and car boot fair refused on grounds of inappropriate commercial development in the countryside which would detract from Area of High Landscape Value and Green Belt.

PLAN/2008/0086 - use of the site for an outdoor market and car boot fair on Sunday afternoons between 12 noon and 5pm from the beginning of March to the end of September each year. Approved.

PLANNING POLICY

3 NATIONAL POLICY:

Planning Policy Statement 1 (PPS1) Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.

Planning Policy Guidance 2 (PPG2) outlines the history and extent of Green Belts and explains their purposes. It describes how Green Belts are designated and their land safeguarded. Green Belt land-use objectives are outlined and the presumption against inappropriate development is set out.

Planning Policy Statement 4 (PPS4) Planning for Sustainable Economic Development proposes a responsive and flexible approach to planning which provides sufficient employment land and makes better use of market information. The PPS is designed to establish a national planning policy framework for economic development at regional, sub-regional and local levels for both urban and rural areas.

Planning Policy Statement 7 (PPS7) sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

4 REGIONAL PLANNING POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004

to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. Of particular relevance are the following policies:

Policy 1 - Strategies, plans and programmes should support a renaissance throughout the North East

Policy 2 - Seeks to embed sustainable criteria through out the development process and influence the way in which people take about where to live and work; how to travel; how to dispose of waste; and how to use energy and other natural resources efficiently.

Policy 8 - Seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law, and it is a matter for each Planning Authority to decide how much weight can now be attached to this intention.

5 LOCAL PLAN POLICY:

District of Easington Local Plan

Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.

Policy 3 - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other polices.

Policy 4 - This defines the extent of the Tyne and Wear Green Belt that lies within County Durham.

Policy 7 - Development which adversely affects the character, quality or appearance of Areas of High Landscape Value (AHLV) will only be allowed if the need outweighs the value of the landscape and there is no alternative location within the County.

Policy 9 - Development within the defined coastal zone will only be allowed if the requirement for the project cannot be met outside of it and the need for or benefit from the scheme outweighs any adverse impact.

Policy 16 - Development which adversely affects a designated Site of Nature Conservation Importance/Local Nature Reserve/ancient woodland will only be approved where there is no alternative solution and it is in the national interest.

Policy 19 - Areas of nature conservation interest, particularly those of national importance will be protected and enhanced.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>

CONSULTATION AND PUBLICITY RESPONSES

6 STATUTORY RESPONSES:

Environment Agency – no objections

Northumbrian Water – no objections

Natural England – no objections, however would have concerns regarding the impact on birds if extended further into the winter period

Sunderland City Council – no comments

7 INTERNAL CONSULTEE RESPONSES:

Environmental Health – no objections

Planning Policy – no objections

Highways Officer – no objections. Conditions recommended

Design Officer – concerns regarding impact on landscape

8 PUBLIC RESPONSES:

The application has been advertised by way of a press notice, site notices and individual letters to residents.

Six letters of objection to the application have been received. A summary of the main concerns is as follows:

- A petition was submitted against the development in 2007
- An increase in traffic congestion
- The site is in greenbelt
- Increase in anti-social behaviour
- Increase in litter
- The number of car boot sale events will increase

9 APPLICANTS STATEMENT:

I would like to confirm that I would like to change the opening dates of the car boot fair and market at Seaham Hall Farm from the 1st Sunday in March to the last Sunday in September.

I would like to change to the 3rd Sunday in March to the 3rd Sunday in October. The reason for this is mainly due to weather conditions in early March.

This does not mean a change to the number of days we are open it is just a shift in the dates.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=113193>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

The main planning considerations relating to this application are the relevant development plan policies and planning history of the site and highways issues.

10 Development Plan Policies and Planning History

In policy terms, the site lies within an area designated in the District of Easington Local Plan as the Northern Area of High Landscape Value, the North Durham Green Belt and the Coastal Zone. Other relevant development plan policies relate to the protection of the countryside and the location of markets.

In 2008, the planning application for the use of the site for an outdoor market and car boot fair was recommended for refusal by officers as the proposal was considered contrary to Local Plan policies 3, 4, 7, 9, 113 and Planning Policy Guidance Note 2.

However, members overturned that recommendation and granted planning permission as it was considered that the proposal would be acceptable due to the economic benefits that the development brought to Seaham, that the site was well managed, road improvements in the area had improved traffic flows for site traffic and that the development contributed to tourism by attracting visitors to the area.

On the basis of the above, it is clear that the applicants have a fallback position which allows the outdoor market and car boot fair to operate for the same number of Sundays each year as this application proposes, albeit this would begin and end three weeks earlier. Due to the responses from consultees, and that planning policy has not significantly changed since the approval in 2008, it is not considered that starting the outdoor market and car boot fair three weeks later and finishing three weeks later raises any new issues that would lead to refusal of this permission.

With regard to the objections from residents, again it is not considered that the change in the time of year which the event would occur will lead to any further increase in traffic, litter or anti-social behaviour and again it is emphasised that the numbers of events held each year would remain the same.

11 Highways issues

As stated previously, highways officers have recommended conditions relating to the widening of an access and improved pedestrian links. However, the original planning approval did not include these conditions and therefore it is considered unreasonable to introduce new conditions at this stage, particularly as there is no record of any problems occurring as a result of any failure to undertake the relevant works.

On advice of the highways officer, the applicant will be advised to contact Network Rail to enquire whether a yellow box junction on the Lord Byrons Walk level crossing is required.

CONCLUSION

- 12 Given that permission already exists for the same number of events during a slightly different time of year, it is not considered that this application raises any new material planning considerations that would warrant refusal of planning permission. Objections from residents do not raise any issues that do not already exist due to the previous planning approval.
- 13 It should be noted that a Section 106 legal agreement would be required to ensure that the outdoor market and car boot fair could not be held during the times of year specified in the previous application as well as that in the current proposal.

RECOMMENDATION

- 14 That the application be **APPROVED** subject to a Section 106 Agreement and to the following conditions;

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The use of the land for an outdoor market and car boot sale shall be restricted to Sundays between the hours of 1200 to 1700, from the last Sunday in March to the third Sunday in October each year.
Reason: In the interests of preserving the amenity of residents in accordance with saved policies 1 and 35 of the District of Easington Local Plan.

REASONS FOR THE RECOMMENDATION

1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN
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REGIONAL SPATIAL STRATEGY
REGIONAL SPATIAL STRATEGY
REGIONAL SPATIAL STRATEGY
PLANNING POLICY STATEMENT/GUIDANCE
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PLANNING POLICY STATEMENT/GUIDANCE

ENV03 - Protection of the Countryside
ENV04 - Greenbelt Extension in County Durham
ENV07 - Protection of Areas of High Landscape Value (AHLV)
ENV09 - Protection of the Coastal Environment
Env16 - Protection of sites of Nature Conservation Importance.
Local Nature Reserves and Ancient Woodlands
ENV19 - Management of Areas of Nature Conservation Interest
GEN01 - General Principles of Development
RSS1 - Renaissance
RSS2 – Sustainable Development
RSS8 – High Quality Design
PPS1 - Delivering Sustainable Development
PPG2 - Greenbelts
PPS4 - Planning for Sustainable Economic Growth
PPS7 - Sustainable Development in Rural Areas

2. In particular the development was considered acceptable having regard to consideration of the fallback position, which entitles the car boot sale to operate for the same period of time, albeit at a different time of year.

3. Objections received were not influential in leading to refusal due to the previous planning approval.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance
- Consultation Responses

