

6 DCSW2005/0593/F - 10 EXTRA CAR-BOOT SALES, PER CALENDAR YEAR AT ASHFORD STABLES, STONEY STREET, MADLEY, HEREFORD. HR2 9NZ

For: Mr. & Mrs. D.T. Evans, 5 Dunoon Mead, Newton Farm, Hereford, HR2 7BL

**Date Received: 23rd February, 2005 Ward: Stoney Street Grid Ref: 42166, 37952
Adj. Valletts**

Expiry Date: 20th April, 2005

Local Members: Councillor D.C. Taylor and Councillor P.G. Turpin

1. Site Description and Proposal

- 1.1 The proposed site is on the north-western side of Stoney Street, an unclassified road (u/c 73209) just to the north east of Ashford House. The site is approximately 0.5 km from the junction of this unclassified road (Stoney Street) with the B4349 road adjacent to the Comet Inn.
- 1.2 Access is adjacent to Ashford House into the fields that have a roadside frontage of some 180 metres. The site is 120 metres at its deepest.
- 1.3 It is possible to use land for car boot sales for 14 days a year without the need for a planning application. The proposal is for 10 additional days which goes beyond that permitted in the General Development Order. This application seeks to renew a temporary planning permission for an additional 10 days that expires on 2nd August, 2005.

2. Policies

2.1 Planning Policy Guidance

2.2 South Herefordshire District Local Plan

Policy GD1	General Development Criteria
Policy T3	Highway Safety Requirements

3. Planning History

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|-----|---------------|---------------------------------|---|---|
| 3.1 | SH960973PO | Bungalow | - | Refused 27.11.96
(following a Sub-Committee
Viewing Panel Inspection) |
| | SH980114PO | Construction of new dwelling | - | Refused 11.03.98 |
| | SW2000/1311/F | Use for 10 extra car boot sales | - | Approved 02.08.00 |

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager states that following further investigation no evidence of vehicles parking on highway or verges queuing delays minimal, intervisibility at pinch point. No evidence of risk to highway safety and delays are not considered to be at a level justifying refusal. Emergency Services, excluding the Police whom have not yet responded, have no adverse comments.
- 4.3 The Head of Environmental Health & Trading Standards raises no objections.

5. Representations

- 5.1 In a letter that accompanied the application the applicants state that the area delineated in blue on the submitted location plan can be used for additional car parking if necessary.
- 5.2 The applicants have submitted five letters, which all relate to representations received. The main points raised being:
- narrow access referred to, however Stoney Street adequate for British Telecom, Gelpack, Chicken Factory, HGV Haulage Company, as a bus route and by other users every day of the week
 - reference made to previous applications and considerable objections, in fact 3 letters of objection and 9 letters of support
 - why have Madley Parish Council responded, given 3 letters of objection out of 13 nearby residents, 10 residents not objected, 5 have written in to support
 - well marshalled, never allowed cars to park on the road
 - problems have only arisen when objectors parked cars on road
 - complimented by police on numerous occasions, also Madley Church have required help for fund raising events
 - not clear where 1500 vehicles is arrived at, when another neighbour states there are between 200-300 cars, trucks and vans down this road on car boot days
 - variance in times stated traffic starts, i.e. 10.00, 11.00 and 11.30 to 16.00, 16.30 and 18.30
 - no excessive rubbish, as it is all picked up
 - claimed car boot will be larger, not correct as it is the same site
 - not exceeded 24 days, indeed has not been five years of car boots, as in 2001 due to Foot and Mouth there were no car boot sales
 - support all charities by not charging them for their pitch, only charge for parking for last two weeks (not compulsory) money going to local charities of their choice.

- 5.3 Madley Parish Council make the following observations:

“We object on the grounds of traffic congestion on the surrounding roads and causing a nuisance to neighbours and road users.”

- 5.4 Kingstone Parish Council make the following observations:

“The Parish Council objects to this application as residents in Stoney Street have concerns about the detrimental effect of high volumes of traffic using the narrow access routes to the site. We understand that previous applications to increase the number of Boot Sales on this site have raised considerable objections from Stoney

Street residents. If previous applications have been refused, we are not aware of any changes which would give any credit to this application.”

5.5 Four letters of objection have been received from:

MPD Ltd., PO Box 3, Ludlow, SY8 4WL
Mr. C. M. Wise, New House, Stoney Street, Madley, HR2 9NJ
Mrs. J. & Mr. P. Kury, Snowdrop Cottage, Stoney Street, Madley, HR2 9NJ
Mr. E. R. Worwood, Upper House, Stoney Street, Madley, HR2 9NJ

The following main points are raised:

- why is car boot not licensed as elsewhere?
- it is a commercial venture, given number of traders, business rates should be paid. Bouncy castle, hot dogs, food and plant sales
- poor traffic management
- traffic back to Comet Inn, narrows outside Upper House, traffic jams of 10 - 40 minutes duration
- fire in 1994 on Industrial Estate, made worse (hospitalisations, loss of jobs) by a mere 5 minute delay. Time is of the essence. Public safety paramount
- traffic blocks our driveway
- traffic arises between 10 to 11.30 leaving 16.00 - 18.30
- between 2-300 cars, vans and trucks visiting site
- 1500 vehicles visiting site
- rubbish thrown from vehicles
- noise of voices, vehicles, generator (bouncy castle)
- noise of high powered hand mower used on verges
- overlooking by public in our garden, property opposite site
- natural brook filled in, trees cut down, water on road instead of in ditches
- 24 days has been exceeded throughout the years, extra field used for extra sales
- may be minority but do not ignore our complaints
- car boot sales have resulted in longer journeys, loss of staff and contracts, abandonment of Sunday operations, i.e. maintenance.

5.6 Ten letters of support have been received, five letters of which are from residents in Stoney Street, in which the following main points are raised:

- enjoyable
- well run
- parking well managed; traffic well marshalled
- good atmosphere
- good way of recycling
- extra days allows for those days when boot sales not possible due to inclement weather
- good means of raising funds for charities
- welcome boost to our business at Comet Inn
- not in built-up area
- created no problems to normal business of Gelpack.

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main issues are considered to be traffic congestion and amenity.
- 6.2 It is evident that traffic does queue on Stoney Street, there are vehicles wanting to enter the site for 2.00pm the start of the car boot sale. The traders are already on site. There does not appear to be the same issue of congestion on vehicles leaving the site, this is no doubt due to marshals on Stoney Street controlling the flow of departing traffic. There have been no reported incidents of accidents, indeed it is probably due to low traffic speeds, particularly on Stoney Street. There is not an issue of road safety along the relatively straight Stoney Street, this is endorsed by the Traffic Manager.
- 6.3 The Traffic Manager has also stated that the emergency services, including the Police and Fire Brigade, do not raise objections to car boot sales taking place.
- 6.4 Whether or not there are traders on the site is a matter for the applicants, car boot sales as defined in the General Development Order does not specify what constitutes a car boot sale, only that it can only take place 14 days per calendar year.
- 6.5 The number of days for boot sales is normally 14, this has been increased to 24 with the benefit of planning permission granted in 2000. Better monitoring, should planning permission be granted, could be conditioned with the use of a log book detailing days for boot sales and whether or not they were abandoned before being opened up to the wider public due to inclement weather. The site is that identified with the application, any additional land does not constitute a site or indeed sites for further car boot sales. This additional land could be used in association with the 14 days allowed, but strictly speaking not for the proposed additional 10 days as the land falls outside the application site.
- 6.6 There is disturbance on Sundays and Bank Holidays for local residents in the vicinity of the site. This taking the form of parked cars waiting to be let into the site at 2.00 pm and for those residents closer to the site the grand hubbub of noise of voices, car doors slamming, generator noise and for smell of cooking foods. Visual intrusion could not be reasonably sustained as a ground of refusal. The issue revolves around whether or not the additional 10 days is acceptable in respect of the amenity that residents would reasonably expect to enjoy Stoney Street is an important thoroughfare serving a number of commercial premises including Gelpack and BT as well as residential properties, the disturbance from traffic cannot reasonably be sustained given time limited duration of queuing on Stoney Street in the context of the car boot day. The noise and disturbance generated by the public and vendors on site is something that given the frequency of the use and the duration, i.e. for 3-4 hours primarily is a matter that could not reasonably sustain an objection.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. This permission shall be for a temporary period only ending on 31st July 2008.**

Reason: In order to define the terms to which the application relates.

- 2. A log book/record of all car boot sales shall be kept and shall be available for inspection, a car boot sale having deemed to have begun when the gates have been opened for at least one hour, notwithstanding subsequent weather conditions.

Reason: In order to define the terms to which the application relates.

Informative:

- 1. N15 - Reason(s) for the Grant of Planning Permission

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.