

# COMMITTEE REPORT

Planning Committee on

21 April, 2015

Item No

Case Number

**14/3427**

## SITE INFORMATION

**RECEIVED:** 26 January, 2015

**WARD:** Queen's Park

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** Salusbury Primary School, Salusbury Road, London, NW6 6RG

**PROPOSAL:** Retrospective application for use of the school's playground area to run a weekly (every Saturday) community car boot sale

**APPLICANT:** Ms Carol Karpellus

**CONTACT:**

**PLAN NO'S:** See Condition 2.

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# SITE MAP



## Planning Committee Map

Site address: Salusbury Primary School, Salusbury Road, London, NW6 6RG

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This map is indicative only.

# SELECTED SITE PLANS

## REFERENCE DOCUMENTS:

Proposed Site Plan



## RECOMMENDATIONS

Grant planning permission, subject to the conditions set out in the Draft Decision Notice.

### A) PROPOSAL

This is a retrospective application for use of the school's playground area to run a weekly (every Saturday) community car boot sale operating between 10am and 3pm.

### B) EXISTING

The proposal relates to the playground of Salusbury Primary School which is located on Salusbury Road and on the corner with Lonsdale Road. The playground is positioned between the school building and Salusbury Road. The site is served by pedestrian and vehicular access points on Salusbury Road with vehicular access to the site located on Lonsdale Road. The surrounding area has a mixed commercial and residential character with the various shops and cafes/restaurants located to the south. The rear of the site adjoins the Paddington Cemetary Conservation Area.

### C) SUMMARY OF KEY ISSUES

**Principle of Development:** The principle of the proposed car boot sale is considered acceptable subject to the impact on neighbours and transportation impacts of the proposal

**Transportation Impact:** The transportation impact of the proposal is considered acceptable due to the scale and nature of the proposed car boot sale, the accessible nature of the site and bearing in mind that a monthly car boot sale of a similar scale was previously considered acceptable.

**Impact on Neighbours:** The impact on neighbours is considered acceptable considering the scale and nature of the car boot sale along with the existing character of the area

## RELEVANT SITE HISTORY

| Reference No | Proposal   | Decision       |
|--------------|--|----------------|
| 13/1111      | Use of the school's playground area to run a monthly (Saturday) community sale   | <b>Granted</b> |
| 11/0688      | Renewal of temporary planning permission to continue holding a weekly Sunday farmers' market in the school playground  | <b>Granted</b> |
| 09/0356      | Renewal of planning permission to continue holding a weekly Sunday farmers' market in the school playground            | <b>Granted</b> |
| 07/0160      | Renewal of planning permission to continue holding a weekly Sunday farmers' market in the school playground            | <b>Granted</b> |
| 05/2772      | Use of playground area of school for weekly (Sunday) farmers market accompanied by London Farmers' Market report (LFM) | <b>Granted</b> |

## CONSULTATIONS

Statutory neighbour consultation period (21 days) started on 10/02/2015, in total 131 properties were consulted. To date 9 neighbour representations have been received raising objection to the development, including one from the Queens Park Residents' Association. One letter of support has also been received. The grounds for objection are summarised below:-

| Objection raised   | Response  |
|--|---|
| The surrounding roads are already heavily parked and congested and cannot cope with the increase in traffic and demand for parking. The Farmer's Market already generates a lot of traffic   | see paragraphs 5-8  |
| The CPZ does not operate on weekends meaning residents have trouble finding parking spaces. The CPZ should be extended to include weekends   | see paragraphs 5-8  |
| The increase in activity would lead to noise disturbance for residents   | see paragraphs 9-10   |
| The proposal could lead to litter and rubbish could be left behind by stallholders   | See paragraph 10  |
| One representation was received from the applicant of the most recent application (13/111) stating that a weekly car boot sale should not be approved as the Council previously advised that only a monthly car boot sale would be acceptable. | It is not clear what discussions took place and the previous application proposed a monthly sale which was approved for a temporary period of one year. All applications are treated on their own merits and material planning considerations relating to the proposed weekly car boot sale are detailed in this report |

A Conservation Area Site Notice displayed on 11/02/2015 due to the proximity to the Conservation Area.

#### STATUTORY CONSULTTEES

*Brent Transportation;- 'There are no objections on transportation grounds to this proposal, subject to a condition limiting permission to a temporary period to allow the impact to be monitored and reviewed.'*

*Regulatory Services;- 'Regulatory Services have no concerns to raise regarding the use of the playground for a weekly carboot sale.'*

## POLICY CONSIDERATIONS

### National Planning Policy Framework 2012 (NPPF)

The NPPF was published on 27 March 2012 and replaced Planning Policy Guidance and Planning Policy Statements with immediate effect. It seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. It includes a presumption in favour of sustainable development in both plan making and decision making. The NPPF is intended to provide a framework within which local people and Councils can produce their own distinctive Local and Neighbourhood Plans. It aims to strengthen local decision making and reinforce the importance of keeping plans up to date.

### Brent's Adopted Unitary Development Plan (2004)

SH27 - New Retails Markets

SH28 - Car-Boot Sales

TRN3 - Environmental Impact of Traffic

## DETAILED CONSIDERATIONS

### Background & context;-

The proposal seeks permission to hold a weekly car boot sale on Saturdays operating between 10am and 3pm. Permission has previously been granted for a monthly car boot sale under 13/1111 on Saturdays. Temporary permission has been granted and renewed several times for a weekly farmer's market operating on Sundays. These permissions have been limited to one, two and five year periods. The proposal is retrospective and the car boot sale is understood to have been taking place since August 2014.

### Principle of Development;-

*Document Imaged*

The proposal relates to the playground of Salusbury Primary School which is predominately hardstanding. The proposed use of the playground for a car boot sale on Saturdays would not result in the loss of playground facilities due to the temporary nature of the proposed use and the proposed operation of the sale on weekends and therefore outside of school times.

Due to the scale and nature of the proposed car boot sale, it is not considered to impact unduly on the viability of the nearby Primary Shopping Frontage along Salusbury Road. The proposed would attract visitors to the area which is considered to compliment the existing range of services offered by the shopping frontage.

The principle of the use of the playground for a car boot sale can therefore be considered acceptable subject to the detailed material planning considerations discussed below.

### ***Transportation Impacts;-***

The proposed site layout shows 25 allotted pitches and an area for sellers arriving on foot. This is similar in scale to the monthly Sunday market approved under 13/1111 however the proposal is for a weekly sale opposed to a monthly one. Ten parking spaces for visitors are shown on the proposed layout plan accessed from the Lonsdale Road entrance, two of which are identified as being for disabled parking. As with the previous application (13/111) the applicant has indicated that stewards would be used to stagger arrivals at the Salusbury Road entrance and manage visitor parking inside the site.

It is acknowledged that the proposal would generate additional visitors to the site, the transportation impact of which must be considered. On-street parking bays existing along the Salusbury Road frontage of the site and in surrounding streets although the CPZ does not operate on weekends. This part of Salusbury Road does have good public transport accessibility (PTAL rating 4) and it is considered that the nature and relatively modest scale of the proposed sale would mean visitors are likely to be local and arrive on foot or via public transport.

This approach was taken with the previously approved application 13/1111 which was considered acceptable in terms of transportation impacts. The Council's Transportation Department has been consulted and raises no objection on the basis. The previous proposal was considered acceptable on a monthly basis and the resulting transport impact of a weekly sale is considered similar albeit more regular in nature.

As with previous applications it is considered appropriate to approve the application for a temporary period of one year which would allow the situation to be reviewed in a year's time.

### ***Impact on Neighbours;-***

There are no residential neighbours adjoining the boundaries of the site but there are residential roads nearby. The scale of the proposed car boot sale along with the proposed opening hours is not considered to generate a level of activity on the site which would be unduly detrimental on residential amenities. It is also borne in mind that this section of Salusbury Road is a relatively busy road with the character of a high street and a car boot sale is not considered to be out of character with the nature of the area. The operating times of the sale are stated as being 10am to 3pm; condition can be attached to ensure that the car boot sale does not operate outside of these hours. It is acknowledged that the proposal would result in an increase in activity and activity on both days of the weekend, however considering the points discussed above this is, on balance, considered to be acceptable and would not lead to an unacceptably detrimental impact on the locality in terms of amenity and transportation impacts.

Concerns have been raised regarding rubbish and litter being left behind as part of the sale. The applicant has indicated in their Site Management Plan that vendors would be encouraged to dispose of their waste responsibly at the end of the day and that the school ground will be left tidy. This would be in the interests of the school and is not considered sufficient grounds to resist the application. Again, a temporary permission would allow the situation to be reviewed.

### ***Conclusion;-***

Considering the points discussed above, the proposal is considered to have an acceptable impact in terms of transportation and the amenities of neighbours. The proposal therefore accords with saved Brent Unitary Development Plan (2004) policies SH27, SH28 and TRN3 and is recommended for approval. The proposal can be permitted for a temporary period of one year to allow the situation to be reviewed.

## **S106 / CIL**

### **CIL DETAILS**

This application would not be liable to pay the Community Infrastructure Levy (CIL).

**DRAFT DECISION NOTICE**



**Brent**

**DRAFT NOTICE**

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

**DECISION NOTICE – APPROVAL**

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Application No: 14/3427

To: Ms Carol Karpellus  
108 Northumberland Road  
New Barnet  
Herts  
Herefordshire, County of  
EN5 1EE

I refer to your application dated 29/08/2014 proposing the following:  
Retrospective application for use of the school's playground area to run a weekly (every Saturday) community car boot sale  
and accompanied by plans or documents listed here:  
See Condition 2.  
at Salusbury Primary School, Salusbury Road, London, NW6 6RG

The Council of the London Borough of Brent, the Local Planning Authority, hereby GRANT permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date:

Signature:

Head of Planning, Planning and Regeneration

**Notes**

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG



**SUMMARY OF REASONS FOR APPROVAL**

1 The proposal is considered to have an acceptable impact in terms of transportation and the amenities of neighbours. The proposal therefore accords with saved Brent Unitary Development Plan (2004) policies SH27, SH28 and TRN3

1 This permission shall be for a limited period of one year only, expiring one year from the date of this permission when (unless a further planning application has been submitted to and approved in writing by the Local Planning Authority) the use hereby approved shall be discontinued.

Reason: To enable the Local Planning Authority to review the position in the light of the impact of this use during a limited period.

2 The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

Unnumbered plan showing a proposed site plan  
Document named 'Site Management Plan'

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

3 No goods shall be sold to customers before 10:00hrs or after 15:00hrs and the car boot sale shall not be open to customers before 09:30hrs or after 15:30hrs unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbouring amenity.

**INFORMATIVES**

1 The applicant is advised that this permission is for a temporary period of one year only, after which a further planning application would be required to continue the car boot sale. If transportation or neighbouring amenity issues become evident during the one year period then further permission may not be granted.

## **APPENDICES**

Any person wishing to inspect the above papers should contact David Raper, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 020 8937 5368