

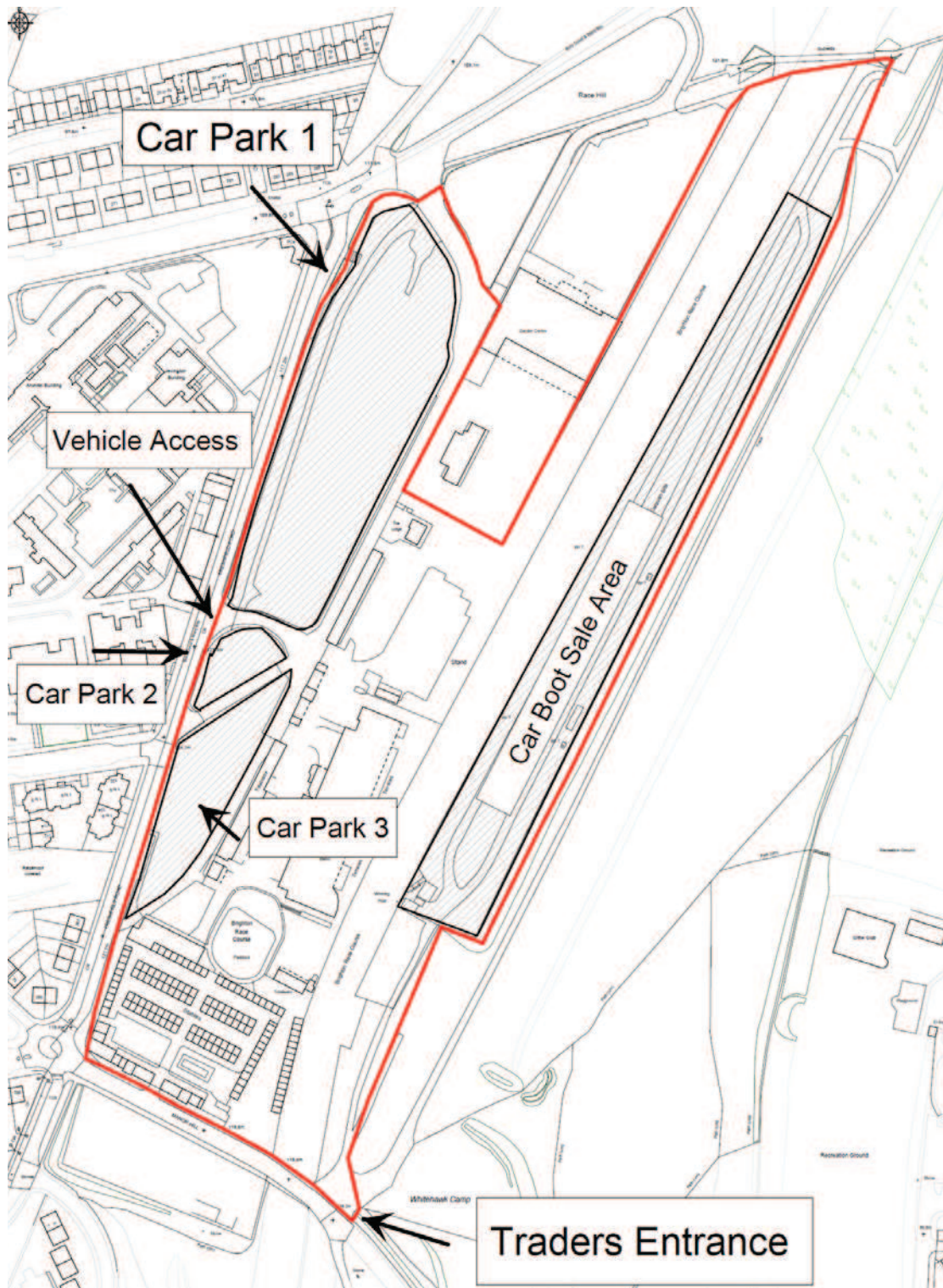
ITEM A

Brighton Racecourse, Race Hill, Brighton

**BH2013/02491
Full planning**

09 OCTOBER 2013

BH2013/02491, Brighton Racecourse, Race Hill, Brighton



<u>No:</u>	BH2013/02491	<u>Ward:</u>	EAST BRIGHTON
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Brighton Racecourse Race Hill Brighton		
<u>Proposal:</u>	Use of land at Brighton Racecourse for car boot sales on each Sunday throughout the year and additionally on Wednesdays during the months of April to October.		
<u>Officer:</u>	Jonathan Puplett Tel 292525	<u>Valid Date:</u>	24/07/2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	23 October 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis and Co Planning SE Ltd, 2 Port Hall Road Brighton		
<u>Applicant:</u>	Brighton Racecourse Ltd, Mr S Dorn c/o Lewis & Co Planning		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to the Brighton Racecourse site. The car boot sales take place on a strip of land opposite the main grandstand. Seller's vehicles access the site from Manor Hill to the southern end of the car boot sale area. Visitors to the car boot sales park in the main car parks of the racecourse which are accessed from Freshfield Road, visitors then walk over the racetrack to access the western side of the car boot sale area.
- 2.2 The Whitehawk Camp Scheduled Ancient Monument is situated to the south-east of the car boot sale area and the southern vehicular access to the car boot sale area crosses over the Scheduled Ancient Monument.

3 RELEVANT HISTORY

BH2013/01242: Permanent use of land for park and ride facilities for up to 700 cars in conjunction with outdoor events (no more than 50 per year) at the American Express Community Stadium Falmer. Approved 19/07/2013.

BH2011/03498: Change of use of land known as Market Site at Brighton Racecourse for car boot sales on each Sunday throughout the year and additionally on Wednesdays during the months of April to October each year, with additional car parking to South of Manor Hill. (Retrospective). Withdrawn 09/10/2012.

BH2011/01152: Proposed use of land for park and ride facilities for up to 700 cars in conjunction with outdoor events (no more than 50 per year) at the American Express Community Stadium Falmer. Temporary consent approved 08/07/2011.

BH2001/01021/FP: Use of land at east car park as a Sunday market / car boot sale between 0900 and 1800 hours, stall holders 0700 to 1900 hours. Withdrawn 10/12/2002.

BH1999/01849/FP: Renewal of BH1998/02436/FP to allow use of land as a Sunday market (for a period of 14 weeks, commencing 7.5.2000) Approved 08/12/1999.

BH1998/02436/FP: Use of land (between race course running track and "east car park") as a Sunday market and car boot sale. Market to open between 0900 and 1600 hours with stall holders on site between 0700 and 1900 hours. Approved 10/03/1999.

4 THE APPLICATION

- 4.1 Planning permission is sought for the use of the land for car boot sales on Sundays throughout the year and also on Wednesdays during the months of April to October.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Three (3) letters of representation have been received from 285 Freshfield Road, Flat 1 122 Pankhurst Avenue and 'Mark Bartholomew' (2 letters) objecting to the application for the following reasons:**
- When another event has occurred at the Racecourse at the same time as the car boot sale this results in parking being displaced on to surrounding streets. If it could be restricted so that only one event can occur at any one time there would be no problems with parking.
 - The clatter of signs being put on the roundabout at 05.30 disturbs local residents.
 - It will make parking unbearable in the area and the roads dangerous, there is already limited view to Freshfield Road from Pankhurst Avenue with large vehicles parked too close to the junction.
- 5.2 **Brighton & Hove Archaeological Society: Comment.** A considerable section of the Racecourse is a scheduled ancient monument and is protected by law. It is recommended that the County Archaeologist be consulted.
- 5.3 **County Archaeologist: Comment.** The proposal does not include any new ground disturbance, but there is a high potential for damage to the Scheduled Monument comprising rutting and compaction from vehicles. It is therefore important that vehicles stay on the existing access track and do not park on the grass areas within the Scheduled Monument. Conditions are recommended to this effect so that this can be monitored and enforced if necessary.
- 5.4 **English Heritage: Comment.** Whitehawk Camp is a nationally important heritage asset and designated as a scheduled monument. Provided that there is no parking on the scheduled monument and the traders cars accessing the site

are kept on the metalled access track and off the grass, this use shouldn't have an adverse affect on the heritage significance of the scheduled monument and therefore there is no objection to this application. However, it is recommended that conditions are attached to ensure that the provisions to protect the monument are complied with.

5.5 **Natural England:** No comment.

5.6 **Crime Prevention Design Adviser:** No objection.

5.7 **East Sussex Fire and Rescue:** No comment.

5.8 **CAG:** Support subject to a temporary consent of 3 years and conditions which secure that bollards be placed on either side of the access road and marshalled.

Internal:

5.9 **Planning Policy:** Comment. The applicant has not considered compliance with Local Plan Policy SR11 through the Planning Statement submitted to support the application. The proposed development meets the criteria for exceptions to Local Plan Policy NC6 and City Plan SA4.

5.10 **Ecology:** Comment. The proposed development is unlikely to have any significant impact on biodiversity.

5.11 **Environmental Health:** No comment.

5.12 **Heritage:** No comment.

5.13 **Sustainable Transport:** Support subject to conditions securing event management measures and cycle parking provision.

5.14 **Arboriculturalist:** Comment: Vehicles should not be parked directly alongside the Leylandii to the eastern boundary of the car boot sales area. Provided that these instructions are adhered to the Leylandii should not be adversely affected.

6 MATERIAL CONSIDERATIONS

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;

- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
SR11	Markets and car boot sales
SR22	Major Sporting Venues
QD27	Protection of amenity
NC6	Development in the countryside / downland
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Documents:

SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
SA4	Urban Fringe

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the proposed use, transport / highways, neighbouring amenity, and impact upon the Whitehawk Camp Scheduled Ancient Monument.

Principle of development

- 8.2 Planning permission for use of the application site for car boot sales / markets was last granted under permission ref. BH1999/01849/FP. This was a temporary consent which expired on 23 July 2000. It appears that since this time regular car boot sales have continued to operate without planning permission. Applications seeking consent for the continuation of such uses were submitted in 2001 and 2011 but were withdrawn. The current application seeks consent for the continued operation of car boot sales on Sundays throughout the year and also on Wednesdays during the months of April to October. It appears that events may also occur on Bank Holidays, no consent is however sought for such events under the current application.

- 8.3 Policy SR11 of the Brighton & Hove Local Plan states that:

Planning permission for new off-street or on-street markets, covered or open, will be granted where:

a. the proposal would not have an adverse effect on residential amenity or the immediate environment in terms of noise, nuisance or visual appearance; and

b. the proposal should not result in traffic congestion or danger, and should be readily accessible by public transport.

In addition:

c. the proposal should not adversely affect the viability of existing shops in the vicinity and should not result in an over concentration of markets in one particular area;

d. adequate car parking for stallholders should be provided;

e. adequate provision must be made for servicing and storage of stalls, as well as refuse storage. Provision of new litter bins may also be required;

f. all permanent barrows or stalls should be of a satisfactory appearance and well maintained, with the area being left clean and tidy after operation.

- 8.4 *Proposals for markets and car boot sales should be supported by a management plan indicating how they will operate including details of times, allocation of pitches and marshalling. A 'limited period only' permission may be given if the environmental consequences are either uncertain, especially in residential areas, or could be harmful in the longer term, in order to allow for monitoring of potential harm or nuisance. Similarly hours of operation may be limited where appropriate to avoid nuisance.*

- 8.5 Points (a) and (b) are addressed below and are considered acceptable subject to compliance with appropriate planning conditions. In regard to point (c) it is not considered that a weekly / twice weekly car boot sale will impact upon the viability of existing shops in the vicinity, and would not result in an over-concentration of market uses in one particular area. In regard to point (d), the layout of the site allows adequate space for the positioning of stallholders vehicles, and as the use is for car boot sales additional separate parking provision for stallholders is not required. In regard to point (e), as a car boot sale use servicing and storage of stalls is not of relevance, refuse storage is also not a significant concern as any refuse is likely to be taken away by traders in their vehicles. In regard to point (f) it is considered that the site should be left in a clean and tidy condition after the car boot sales take place which it appears is what has occurred to date.
- 8.6 In regard to whether a limited period of consent is appropriate, in this case the car boot sales have operated for a number of years and it is considered that the impact of the continuation of this use can be fully assessed at this time. It is therefore considered that a temporary consent would not be appropriate in this case.
- 8.7 In regard to hours of operation, the agent for the application has confirmed that traders vehicles enter the site from 08.30 and leave the site by 17.00. Visitors to the sales access the site between 10.30 and 16.00. These hours of operation are considered appropriate and can be secured by planning condition.
- 8.8 It is set out in Policy SR22 that Brighton Racecourse should be retained as a major sporting venue. The proposed car boot sale use would not threaten the main use of the racecourse site; a car boot sale could not occur at the same time as a race meeting as the car boot sale site is within the race course and requires access across the race track.
- 8.9 It must also be considered that the car boot sale site is outside of the built up area of the city as defined by the Local Plan Proposals Map and therefore Policy NC6 applies. Policy NC6 of the Local Plan states that development will not be permitted outside the built-up boundary of the city except where there will be no significant adverse impact on the countryside/downland and at least one of four criteria apply. It is considered appropriate to make an exception in this case as a car boot sale is clearly different to permanent 'built' structures, and the space required justifies the racecourse location.
- 8.10 Submission City Plan Policy SA4 relates to the urban fringe and is applicable to this application. This policy is considered to have less weight than Local Plan Policy NC6 as there are unresolved objections that need to be tested through the City Plan Examination process. Notwithstanding this, the policy states that development within the urban fringe will not be permitted except where any of five criteria are met. It is considered that the proposed scheme meet criteria (b) as the space required justifies the countryside location and criteria (d) as the adverse impacts can be minimised as this is not a permanent 'built' structure.

- 8.11 Overall, it is considered that the principle of the continued operation of car boot sales at the application site is acceptable. Detailed considerations are addressed below.

Transport / highways:

Parking

- 8.12 The car boot sales events which have taken place and are proposed involve significant number of vehicles entering and leaving the site. It is detailed that traders' vehicles enter the site from 08.30 and leave the site by 17.00. Four sales in April and May of 2013 were monitored and an average of 62 sellers attended these events. Traders enter the site through the southern access from Manor Hill. It is stated that visitors to the sales attend between 10.30 and 16.00; it may also be the case that some visitors arrive before 10.30 as some sellers may be on site from 08.30. The monitoring of car boot sale events between April and May 2013 established an average parking demand of 408 vehicles.
- 8.13 Representations received from residents in the area surrounding the site raise concerns regarding the demand for on-street parking which the car boot events can cause, particularly when there are other events occurring at the racecourse at the same time.
- 8.14 On street parking was surveyed at four times during the days when car boot sales took place on four days in April and May, and on a Saturday when a sale was not taking place for comparison. This data suggests that the operation of the car boot sales did not result in significantly increased demand for on-street parking, and that therefore most visitors are using the racecourse car parks.
- 8.15 The submitted statement details that there is space on site for at least 1500 vehicles to park, and if overspill parking within the site is utilised a maximum of 2000 spaces. In comparison to the average identified parking demand of 408 spaces it is clear that there is capacity within the site to provide parking for the vehicles of all visitors likely to attend the events. Based upon the comments on neighbouring occupiers it does appear that visitors to the sales in some cases choose to park on-street as presumably they consider this to be more convenient than parking in the racecourse car parks. It is considered that such on-street parking could be reduced by the use of directional signage and the stewarding of the car parks and the roads surrounding the site (which may be what occurs at present). The submitted Transport Statement provides basic details of such measures; a full parking management plan can be secured by planning condition.
- 8.16 A further issue raised by residents in the area surrounding the site is that on occasion other events have been running at the racecourse at the same time as the car boot sales, which has led to increased demand for on-street parking. Based upon the information submitted it appears that a small / medium scale event could occur at the same time as a car boot sale and that the car parks would still provide adequate capacity. Were a car boot sale to occur at the same time as a larger event (e.g. when the racecourse is used for park and ride facilities) this could cause a combined parking demand beyond the capacities of the site. Such issues could again be secured by planning condition.

- 8.17 It is noted that the planning permission relating to park and ride facilities associated with outdoor events at the American Express Community Stadium (ref. BH2013/01242) requires by condition 4 the submission of a schedule of days the racecourse is to be used for park and ride facilities and details of all other events proposed at the racecourse, and that this schedule must be agreed by the council. This control should ensure that inappropriate clashes of events do not occur. It is noted that no park and ride facilities on a Sunday are proposed during the 2013/2014 football season, and that daytime events / matches on Wednesdays are very unlikely.

Traffic Impact

- 8.18 The Sustainable Transport Officer has commented upon the application and considers that based upon the information submitted the proposed events would not cause an increased highway safety risk or congestion of surrounding roads.

Cycle parking

- 8.19 It is considered that cycle parking facilities should be provided for visitors to the site (a minimum of 5 covered and secure spaces). No details of existing cycle parking provision at the racecourse has been provided, it is considered that details of cycle storage provision can be secured by planning condition.

Neighbouring amenity:

- 8.20 As detailed above, traders vehicles enter the site from 08.30 and leave the site by 17.00. Visitors to the sales access the site between 10.30 and 16.00. The hours of operation are considered appropriate and can be secured by planning condition to ensure that disturbance to surrounding residents is not caused outside of these hours.
- 8.21 Other concerns raised by residents in the vicinity of the site relate to on-street parking associated with the site and signage being erected very early in the morning causing noise disturbance. As detailed above it is considered that management of parking and the erection of signage can be controlled through a planning condition requiring the submission of a management plan.

Potential impact upon the Whitehawk Camp Scheduled Ancient Monument:

- 8.22 The southern end of the site where traders' vehicles would access the site forms part of the Whitehawk Camp Scheduled Ancient Monument. Whitehawk Camp is of national importance and it is essential that any development for use does not cause harm to these features. There is a single lane metalled access track which runs from Manor Hill to the gated entrance of the car boot sale site. Provided vehicles use this metalled access track only and no vehicles access on park on the land to either side of the access track it is considered that the Scheduled Ancient Monument would not be harmed. To ensure this it is considered that temporary barriers should be erected to either side of the road and stewarding of the route be carried out to ensure that vehicles keep to the metalled access track. The submitted planning statement details that the route would be coned on both sides, it is however considered that fixed barriers such

as temporary fencing would be more appropriate as cones could be easily moved. Full details of such measures and their implementation on days which car boot sales take place can be secured by planning condition.

8.23 English Heritage have commented upon the application and raised no objection subject to the following conditions / requirements:

1. That traders' vehicles are kept to the metalled access track and off the grass to either side.
2. That permitted development rights for market uses within the scheduled ancient monument are removed and that a legal agreement is signed stating that there will be no parking on the scheduled ancient monument for any other events.
3. An earth bund formed previously is unauthorised and should be removed before the proposed use takes place.
4. The permission granted should be temporary to enable a review of whether conditions have been complied with before granting a renewal.

8.24 Point 1 can be addressed by planning condition as detailed above. It is considered beyond the remit of this application to secure points 2 and 3 as they seek to control events and issues which do not relate to the development proposed under this application. The issue of the bund which has been formed has been passed to the Planning Investigations Team as a separate matter. In regard to point 4, it is not considered reasonable to restrict to a temporary consent for the purposes of reviewing compliance with planning conditions. The Local Planning Authority can monitor compliance with conditions and take appropriate action should conditions not be complied with. In this case, it is considered that a full assessment of the impacts of the proposed use can be made and that a permanent consent would be appropriate.

Trees and ecology:

8.25 The County Ecologist has commented upon the application and considers that the proposed use would not have a significant impact upon biodiversity.

8.26 The Council's Arboriculturalist has commented upon the application and has recommended that a condition be applied to ensure that traders' vehicles do not park in close proximity to the Leylandii hedging along the eastern boundary of the application site. In practice it is considered that the detailed level of control of vehicle parking which the suggested condition would require would be difficult to steward, and that such a condition would require the submission of a full detailed parking layout for the site along with a survey of the extent of the hedging (to ensure that the desired spacing can actually be achieved in all cases). Given that the use of the site for car boot sales has taken place for a number of years and the hedging does not appear to have been unduly damaged to date, it is considered that the continuation of such a use is unlikely to cause significant harm. In this context, it is not considered reasonable or necessary to require the submission of further information and to condition the positioning of individual traders' vehicles. An informative is recommended advising that vehicles should be set away from the hedging wherever possible.

9 CONCLUSION

9.1 The continuation of the use of the land for regular car boot sales is considered to be acceptable in principle. Concerns regarding highways impacts / parking and potential impact upon the Whitehawk Camp Scheduled Ancient Monument can be addressed through the application of appropriate planning conditions. Conditional approval is therefore recommended.

10 EQUALITIES

10.1 No implications identified.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Site Location Plan and Layout	LCP/BR.01		23/07/2013
Planning Statement			23/07/2013
Transport Statement			23/07/2013

- 2) The car boot sale events hereby approved shall only operate on Sundays throughout the year and on Wednesdays during the months of April to October each year. Traders and visitors to the events shall only be on the site between the hours of 08.30 and 17.00.
Reason: To protect the amenity of residents in the surrounding area and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 3) Within three months of the date of this approval a detailed parking management plan shall be submitted to and approved in writing by the Local Planning Authority. Following this written approval the car boot sales shall be carried out in accordance with the approved management plan.
Reason: To ensure that the car boot sale use does not cause on-street parking demand which could lead to obstruction of the public highway and to comply with policies TR1, TR2, TR19 and QD27 of the Brighton & Hove Local Plan.
- 4) Within three months of the date of this approval details of measures to erect and steward temporary barriers along both sides of the southern access to the car boot sale site from Manor Hill shall be submitted to and approved in writing by the Local Planning Authority. Following this written approval the car boot sales shall be carried out in accordance with the approved details. The barriers shall be erected on the day of all car boot

sales prior to any vehicle entering this access and shall remain in situ until all vehicles have left the site. No vehicles shall travel over or park on the land to either side of the barriers; vehicles shall only travel along the metalled surface of the access track.

Reason: To ensure that vehicles do not travel over or park upon the Whitehawk Camp Scheduled Ancient Monument and to comply with policy HE12 of the Brighton & Hove Local Plan.

- 5) Within three months of the date of this approval details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Following this approval these facilities shall be made available for use prior to the commencement of each car boot sale event and shall remain available for the duration of each event.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

- 6) Within three months of the date of this approval and annually thereafter, a Schedule of Events, which shall include the dates and times of the days Brighton racecourse will be used as parking in connection with the car boot sales hereby approved, along with the full details of any other events which are to be held at the racecourse on these days (including a description of the event, times of the day of the event, the anticipated likely capacity of people attending such an event, and number of parking spaces available for such an event), shall be submitted to and approved in writing by the Local Planning Authority. The operator of the car boot sale will be in accordance with the agreed schedule unless otherwise agreed in writing with the Local Planning Authority 7 days prior to any change, the parking for the car boot sales shall only be permitted in accordance with the approved Schedule of Events.

Reason: To ensure that there is no clash of large scale events with the car boot sales hereby approved, which could cause disruption to the local highway network and to residents by reason of noise and disturbance and traffic pollution, and to comply with policies TR1, TR7, SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. This decision to grant Planning Permission has been taken:

PLANNING COMMITTEE LIST – 9th OCTOBER 2013

- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:(Please see section 7 of the report for the full list); and
- (ii) for the following reasons:-
 - The continuation of the use of the land for regular car boot sales is considered to be acceptable in principle. Concerns regarding highways impacts / parking and potential impact upon the Whitehawk Camp Scheduled Ancient Monument can be addressed through the application of appropriate planning conditions.
- 3. In regard to condition 3 above the applicant is advised that the required parking management plan should include full details of stewarding of parking and directional signage (including locations and timings of display and removal).
- 4. In regard to condition 4 above the applicant is advised that the required details should include a layout plan showing the location and extent of the barriers, the type of barrier proposed and details of stewarding of the barriers.
- 5. The applicant is advised that wherever possible vehicles should be parked away from the Leylandii hedging to the eastern boundary of the site to avoid damage being caused to the roots of this hedging.