

Location **Land At Victoria Park Ballards Lane London N3 2PN**

Reference: **20/0510/FUL** Received: 31st January 2020
Accepted: 31st January 2020

Ward: West Finchley Expiry 27th March 2020

Applicant: Mr Michael Norledge

Use of land for weekly food market on Sundays

Proposal:

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

E101 - Market Proposed Layout
Planning Statement
Market Management Plan

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved Delivery Service Plan.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 4 The trading hours of the use hereby permitted shall be 10:00 to 15:00 on Sundays and on no other day.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 5 Prior to the implementation of the market hereby approved starts a Market Management Plan shall be submitted to and agreed by the Local Planning Authority. The Plan shall include, but not be limited to, details of:
- Set up and take down operations;
 - Noise management;
 - Refuse collection;
 - Servicing and deliveries (including frequency and swept paths for vehicles entering the site);
 - A community liaison point of contact.
- The market use shall be operated in accordance with the approved Market Management Plan.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 6 No motor vehicle engines should be left idling for the purposes of storing, cooling or heating foods relating to the market. Any plant / generators must be sited at the front - Ballards Lane side for the site and at least 50m away from residential properties.

Reason: To ensure that the amenities of occupiers are protected from noise and poor air quality in the vicinity.

- 7 At least two traffic marshalls must be present during loading and unloading of the market stalls hereby approved, and to manage arrival/departures of vendors and control vehicle movements.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 8 The market set up s shown on Drawing No. E101; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The applicant is advised that no furniture such as temporary signs for example 'A boards' or any stock items shall be placed on public footway to avoid obstruction to pedestrian movement. A minimum clearance of 2 metres for pedestrians access should be maintained at all times. Location of any existing street furniture in the vicinity of the site must be taken into consideration to ensure that the minimum clearance required for pedestrians is not compromised.
- 3 No vehicles connected to the market use shall park on yellow or zig zag lines surrounding the application site. Measures to prevent this shall be included in the Delivery and Servicing Plan required by condition 3.

Officer's Assessment

1. Site Description

The application site is located on the south eastern side of Ballards Lane adjacent to the Finchley Church End Town Centre and within West Finchley ward. The application site is not located within a Conservation Area and there are no designated buildings in the immediate vicinity.

The application site comprises of the entrance to Victoria Park adjacent to Ballards Lane, before the entrance to the bowling green, and continues along one side of the main path accessed from Ballards Lane.

To the south west of the application site the rear gardens of properties along The Ridgeway are sited, in particular Nos. 1a, 1 and 3 abut the position of the proposed market.

To the north east of the site the rear gardens of properties along Seymour Road are sited, in particular Nos. 2 and 4, however, these properties are separated from the market position by an existing Electricity Sub-Station and Public Convenience.

Opposite the park flatted developments are sited.

2. Site History

Reference: 17/1030/FUL

Address: Victoria Park, Ballards Lane, London,

Decision: Approved subject to conditions

Decision Date: 12 July 2017

Description: Use of land for weekly food market on Sundays

Reference: F/02468/09

Address: Victoria Park Cafe, Ballards Lane, London,

Decision: Approved subject to conditions

Decision Date: 18 September 2009

Description: Erection of single storey cafe building following demolition of existing cafe.

3. Proposal

This application seeks consent for the use of park land on the Ballards Lane side for a weekly food market on Sundays. The market would run between 10am and 3pm.

A similar application for a Sunday market gained temporary consent under reference 17/1030/FUL dated 12th July 2017, for the period of one year. This application seeks consent for similar development, although permanent, with additional market stalls to that approved previously, continuing along the main path accessed from Ballards Lane.

The proposed market would take up 180 metres of space outside the bowling green adjacent to the road, 45 metres of space at the entrance to the park and 67.5 metres of land inside of the park. Approximately sixty vendors will operate at the site trading from 3x3 metre temporary demountable structures. Approximately forty will operate from the area of land in

front of the bowling club, five will operate from in front of the Ballards Lane entrance to Victoria Park and fifteen will operate from inside of the park.

4. Public Consultation

322 consultation letters were sent to neighbouring properties.

33 responses have been received, comprising of 3 representations, 18 letters of support and 12 letters of objection.

The supporters can be summarised as follows

- Wonderful addition
- Market in 2018 was great, shame it did not continue
- In favour- East Finchley market regular and a success
- Endorse as long as everything cleaned up after
- Comments about inappropriate use of park seems unwarranted as it is public space outside of main park
- Park is not just for dog walkers
- Markets bring people together
- Victoria park is the flattest and least interesting park for adults; great to have something of interest that is not dog walking
- Previous market too small
- Wonderful way to spend a Sunday
- Welcome market but outside Tesco
- So good for families

The objectors can be summarised as follows

- Entrance to park and area along Ballards Lane should be clear for public safety
- Park should be place of relaxation
- Market should be provided in more urban area
- Inappropriate use of public space for personal commercial gain
- Increased pollution
- Increases noise
- Little parking in area
- Increased litter
- Cooking smell unpleasant during previous market
- Unclear how the market provides "local" produce
- No benefit to existing shops
- Loss of quiet area to walk dogs away from main park
- Previous market overpriced
- Damage to natural environment
- Security issue - concerns about travellers
- Not true that market has approached Bowling Club to discuss parking arrangements
- Park meant to be a place of peace and calm especially on a Sunday
- Proposals would dominate front and entrance to park
- Previous markets were not successful this should not go ahead
- False that area is currently "unused"
- Concerns about noise disturbance
- Congestion

Internal / other consultations:

Environmental Health: No objection subject to suggested conditions

Highways: No objection subject to suggested conditions

Town Team: No objection subject to suggested conditions

The Finchley Society: The Society does not oppose the principle of a market of the type proposed, but presses the Council to ensure that the arrangements for parking stallholders' vehicles are satisfactory, that the grass in front of Victoria Park will not be damaged seriously, and that the market operators will clean up adequately after the market closes in the evening.

Finchley Victoria Bowling and Croquet Club:

The Club Committee discussed the proposal today. It is not right that the applicant had been in touch with the Club about parking though since the application was made he has spoken with the Club President. In recent years the Club has pioneered the playing of croquet in Barnet and used the greens on Sunday afternoons for croquet as well as bowls. Membership has doubled and in 2020 we propose to use the greens on Sunday mornings as well to meet demand for playing time. The market may interfere with the access to the club from Ballards Lane and cause conflict between club and market users. We ask that the application be amended to remove from the plan those stalls closest to the access to the club and that, in the interests of public safety, the market management plan shall provide for a clear physical separation between market users and the access to the club during the times of market operation and where that access crosses the open space of the park outside the park railings.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was updated in 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2018

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of

the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM04, DM17.

Supplementary Planning Documents

Sustainable Design and Construction SPD (2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The Impact on the appearance and character of the area
- The functioning of the town centre
- The impact on the amenities of neighbouring occupiers

5.3 Assessment of proposals

This application seeks consent to use Victoria Park on Ballards Lane, Finchley Central as weekly food market to be held every Sunday between the hours of 10am and 3pm. The application follows temporary consent for a similar, albeit smaller scheme given in 2017, details above. Therefore the principle of having a food market in this location has previously been considered under the same policy context.

The applicant's statement says that The Spread Food LTD are experienced food market operators and have operated over six hundred individual market days since they commenced business in 2015. The company has operated from various different locations including Primrose Hill, Southbank, Hampstead and London Fields.

The agent has arranged to lease the park land from the Council's Greenspaces department who have commented that they support the proposals.

The main considerations in this case are therefore the acceptability of the proposals to the site in the context of the vitality and viability of the Finchley Church End Town Centre and the amenities of the occupiers of adjoining residential properties.

Impact on Finchley Church End Town Centre

As with the previous application, the proposed development is not considered to result in any loss of amenity to existing businesses in the locality, given that the market is only proposed to be held once a week. There is the potential that the proposed market would bring an increased footfall to the high street with visitors to the market taking the opportunity to visit local shops. The Business, Employment and Skills department have reviewed the submitted information and do not consider that the potential increased footfall would be detrimental or result in any direct competition with the High Street. The nature, timing and frequency of the market and its location on the edge of a town centre are such that it is not considered that a sequential test is required.

In addition, it could be considered that the provision of new Sunday market results in a positive addition to the local community.

Impact on Character of the Area

As with the previous scheme, given its temporary nature (5 hours per week maximum), the proposed development is not considered to have any demonstrable detrimental impact on the character and appearance of the application site, this part of Ballards Lane or the park. Stalls will be removed at the end of the trading period and this is secured by way of planning conditions.

A Management Plan Condition is suggested to ensure that the proposed development does not result in any detrimental impact to the area. The Plan will include the requirement for further details relating to;

- Set up and take down operations;
- Noise management;
- Refuse collection;
- Servicing and deliveries (including frequency and swept paths for vehicles entering the site);
- A community liaison point of contact.

It should be noted that the applicant successfully discharged this condition as it related to the previous application and therefore officers are confident that an acceptable Management Plan can be agreed.

Impact on Residential amenity

It is noted that concerns have been raised by residents that the proposals would result in additional noise and disturbance due to increased footfall and vehicle movements. However, the site lies in very close proximity to an established town centre, which already experiences high levels of background noise and general movement during the day and it is not considered that the introduction of a Sunday market will result in unacceptable disturbance to neighbouring occupiers. Environmental Health officers have not objected to the proposals.

Whilst it is recognised that additional market stalls are proposed under this application, beyond that which was approved previously; however, the location of the additional stalls, continuing along one side of the main path accessed from Ballards Lane is considered to be sited away from neighbouring properties and subject to the suggested conditions it is considered this will not be harmful to neighbouring residential amenity.

Overall, it is considered that the proposed use would not result in a detrimental impact on the amenities of neighbouring residents by way of noise and disturbance, and subject to a condition restricting hours of use it is considered that it would be appropriate for the use of the entrance of the park to be used as a market between the hours of 10am and 3pm on Sundays. This restriction is considered to strike an appropriate balance between the amenities of neighbouring residents and the function of the proposed market use and its contribution to the wider area and community.

Furthermore a condition restricting the use of generators has been applied to the permission on the advice of the Environmental Health department to further restrict potential noise disturbance to the locality, as was the case with the previous scheme.

In regards to potential additional litter caused by the proposed market use, the agent has confirmed that additional refuse bins will be utilised on the market day to prevent unnecessary littering and a team of cleaners will be on hand after the event to ensure that the site is cleaner than when it started. This should help to reduce the existing vermin problem that the park is suffering from. A Management Plan Condition is suggested to provide additional details of how the organisers of the market will ensure that it does not result in detrimental harm to amenities of neighbouring occupiers.

Impact on function of the Open Space

It is noted that the size of the proposed market has increased since the previous consent with additional stalls proposed continuing along one side of the main path accessed from Ballards Lane. However, a large proportion of the park will remain unaffected by the proposals and the additional stalls are not considered to detract from the existing park use, as such it is not considered that the weekly market will have any demonstrable detrimental impact on the function of the park which will be easily available for users who are not interested in the market use.

As the proposed market is separated from the main park by the bowling green, any users of the park who enter from the rear, for example along Park View Road would not experience any disturbance to their enjoyment of the park from the market.

Traffic and Highways matters

There are no parking restrictions in the area on Sunday's and it is envisioned that the market will be mainly utilised by local people walking to the market. It should be noted that the Council's Highways department have raised no objection to the proposals subject to the imposition of a full Delivery and Servicing Plan condition and informative which restricts any obstruction to the public footpaths.

5.4 Response to Public Consultation

The concerns raised by objectors are noted.

Issues relating to noise disturbance, litter and vermin have been addressed in the above report and a Management Plan Condition is suggested to address these issues.

A condition restricting the hours of use has been applied to the permission in order to ensure proposals have limited impact on neighbouring amenity.

It is not considered that the market will take away custom from local food shops and the park café since it proposes limited hours of operation.

The proposed market is not considered to have a detrimental impact on existing wildlife, especially as it is of limited size and restricted to a limited location.

It is not considered that the use of the front of the park site will take away from residents using the park for quiet refuge for relaxation and exercise. It will be for a limited number of hours a week and will not prejudice wider enjoyment of the park to a degree that would warrant refusing the planning application.

It is not considered that the proposals will ruin park for commercial gain as the majority of the park site will be retained for usual park use.

The concerns raised that the proposed land is not un-used is noted. However, this part of the park does not have a specific use compared to the Bowling Green or children's play areas for example.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and support the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, the proposed development is not considered to detrimentally impact on the qualities of the application site, protects the character and appearance of the area and would not result in any demonstrable loss of amenity neighbouring occupiers. Approval is recommended.



