

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Housing, Environmental and Economic Development

Planning Committee: 5 September 2012

DC11/263 Operation of open air market on Fridays at Three Queens Square, Clydebank by P&W Markets

1. REASON FOR REPORT

- 1.1** This application relates to land over which the Council has an ownership interest. Under the terms of the approved scheme of delegation it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1** **Grant** full planning permission subject to conditions set out in Section 9.

3. DEVELOPMENT DETAILS

- 3.1** The application site is the public square located within Clydebank town centre which is located on the south side of the Forth and Clyde Canal adjacent to Sylvania Way South. The site covers an area of approximately 1200m² which has recently undergone public realm improvement works, including the installation of new hard and soft landscaping. Directly to the south and west of the site is the Clyde Shopping Centre, to the east public space and a church. Vehicular access to the site is taken from Abbotsford car park.
- 3.2** An open air market is already operated on the site on Wednesdays and Saturdays, and this has been the subject of successive temporary permissions, which currently run until 2017. Planning permission is now sought for the operation of an open air market on Fridays from 10am to 4pm. It is anticipated that when the market operates, it would provide accommodation for up to 62 stalls, which would be removed from site when the market is not operating. The market operator has indicated that the intention is that the Friday market would replace the previous Saturday market, although a market may still take place on Saturdays occasionally (such as in the run up to Christmas).
- 3.3** A previous similar application (DC11/128) was refused by the Planning Committee in September 2011. The applicant has resubmitted the proposal in order to clarify the relationship between the proposed Friday market and the existing Wednesday/Saturday markets. Determination of this application has been delayed pending the submission of an appropriate risk assessment to the Estates Service, in order to address issues with the operation of the

existing market. This risk assessment has now been received and is addressed in Section 7.4 below.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Environmental Health Service has no objection subject to a condition requiring the submission of details of the measures that will be taken to deal with refuse.
- 4.2** West Dunbartonshire Council Estates has no objection to the proposal and indicated that they would allow use of the square on a Friday should the proposal be given planning consent.

5. REPRESENTATIONS

- 5.1** Four letters of objection have been received in relation to the application. Three letters are from existing traders in the adjacent 'In-Shops' indoor market, one of whom indicates that they are objecting on behalf of all the traders therein. A letter has also been received from the In-Shops manager. Their concerns are as follows:-
- Safety issues from vehicles being parked on Three Queens Square in terms of being a fire hazard, risk to pedestrians from vehicle movement and concern from parking of vehicles on the square.
 - Damage caused to windows bordering the market stalls.
 - Location of stalls close to the fire exit of the existing snooker/pool club.
 - The market traders are not local and the market does not help the local economy or provide jobs for local people.
 - The commercial impact of the market on the permanent indoor market traders.
 - Market traders have been selling goods within the covered walkway area of the shopping centre.
 - Market stalls positioned outside the In-Shops unit impact upon lighting of the existing nail bar, which requires natural light to carry out its service.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan 2010

- 6.1** Three Queens Square is identified as being within the town centre and Policy RET1 seeks to ensure that the town centre remains the focus for retailing by ensuring that retail development is directed towards the town centre. This central location is the most appropriate location for a market in the town, and it is considered that the operation of a Friday market would accord with the local plan retail policies.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

Scottish Planning Policy

- 7.1** This supports the provision of a mixture of uses and activities within town centres, to be achieved by encouraging retail and other commercial uses in

town centre locations. Town centre locations should be the focus for a mix of uses including retail, leisure, entertainment, recreation, cultural and community facilities, as well as homes and businesses. Such uses will add to the vitality and viability of the centre. The provision of a market within a town centre can add to the long term sustainability of an area, create additional footfall and contribute to improving the local economy. The addition of a Friday market can contribute to a successful and vibrant location and the proposed use is therefore considered to be consistent with the principles of the SPP.

Issues Raised by Objectors

- 7.2** The principal issue raised by objectors is the impact of the market on other traders within the town, specifically those operating from the existing In-Shops indoor market. The market has operated on Wednesday and Saturday successfully for some years and is considered to complement the existing retail provision in the town centre and contribute to the vitality and viability of the town centre. The market increases the range and choice of Clydebank's retail offer, and is therefore likely to attract shoppers to the town who might otherwise have shopped elsewhere. This benefits other retailers in the town, although it is not possible to quantify the extent to which this benefit offsets the impact of the competition for any given trader. Ultimately, whilst it is clearly important that the shops remain viable, it is not the role of the planning system to protect businesses from competition. It is considered that the impact of a market on a Friday instead of a Saturday would have negligible impact on the permanent traders, and in the event that it did attract more business than the existing Saturday market this would extend the appeal of the town centre as a shopping destination and attract additional visitors to the town centre to its overall benefit.

- 7.3** The representations also raise several other concerns about the proposal. Parking arrangements for vehicles would not differ significantly from those of the existing market, and complaints about inconsiderate parking, the obstruction of fire exits, damage to property or stallholders operating outwith the approved area can be pursued by the Estates Service as landlord. The nail bar unit which indicates that it is affected by loss of natural light is north facing and largely within a covered shopping area so it will receive limited natural daylight, and it is not considered that the market stalls will significantly reduce the amount of daylight received provided that they are not installed hard against the building. The Operator's Agreement between the applicant and the Estates Section prohibits the siting of stalls or vehicles hard against this wall, and this can be reinforced by a planning condition.

Issues with Operation of Existing Market

- 7.4** In response to complaints about vehicular access to and use of the square litter and damage to surfacing, the applicant has submitted a risk assessment document to the Estates Service detailing the measures to be put in place to address these problems. Specific times are agreed for vehicles being on the square to unload (7am-9.55am) and to load (3.30pm-7pm) and vehicles should not be on the square outwith these time periods, with the exception of not more than 4 refrigerated vehicles where these are required by specific

vendors. The risk assessment also takes into consideration the need to avoid obstructing movement through the square, and requires that adequate pedestrian and disabled access is maintained. Other matters covered by the risk assessment include the agreement of fire points and an agreed scheme of litter control and spillage clean up after the market. The measures contained in the agreed risk assessment are considered to be satisfactory and provided that they are complied with they should ensure that there is no continuation of the previous problems.

Duration of Consent

- 7.5** It has been the Council's normal practice to grant permission for nonpermanent uses such as markets for a temporary period only. This allows the operation to be reviewed periodically and affords some flexibility (by making it easier to control changes such as altering the days of the week when the markets operate). A market has been in operation at this location since a temporary consent for the operation of a Wednesday market was granted in 1997. Whilst the consent initially related solely to the operation of a market on Wednesdays, a further consent was granted for the operation of a market on Saturdays. The relevant planning consents have been renewed periodically, with the most recent planning consents (DC06/339 and DC08/046) both due to expire on 7 February 2017. It would be logical to grant permission for the Friday market until the same date so that all of the market permissions can be reconsidered by way of a single application at that time.

8. CONCLUSION

- 8.1** The existing open air market has taken place on the site for some years and is considered to enhance the overall attractiveness of the town centre as a retail destination without having generated any significant adverse effects. It is therefore considered that the proposed Friday market would enhance the vitality and viability of the town centre and is therefore supported by local planning policies.

9. CONDITIONS

- 01. The planning permission hereby granted shall be for a temporary period until 7th February 2017 unless a further permission granted.**
- 02. The developer shall submit to the Planning Authority in writing upon the forms specified for the purpose and attached to this decision notice:**
 - a) A Notice of Commencement of Development as soon as practicable once it is decided to commence the development hereby approved (which shall be prior to the development commencing);**
 - b) A Notice of Completion of Development as soon as practicable once the development has been completed.**
- 03. The market shall trade only on Fridays within the area outlined in red on Drawing No. 1 and is not permitted to operate on any other**

day of the week without the prior written approval of the Planning Authority, with the exception of a Wednesday and Saturday previously granted under permission nos. (DC06/339 and DC08/046).

04. No stalls, goods, refuse or parked vehicles shall be positioned such as to prevent or otherwise impede pedestrian access through the site, or within 2m of the northern elevation of the Clydebank Indoor Market unit.

Elaine Melrose
Executive Director of Housing, Environmental
and Economic Development
Date: 21 August 2012

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Appendix: None

Background Papers:

1. Application Forms
2. West Dunbartonshire Local Plan 2010
3. Consultation responses
4. Letters of representation
5. Scottish Planning Policy

Wards affected: Ward 6 (Clydebank Waterfront)