

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 28 May 2014

**DC14/068: Operation of occasional market at High Street, Dumbarton
by Ms Angela Scott**

1. REASON FOR REPORT

- 1.1** This application relates to a proposed development that is considered to raise issues of local significance, and under 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 relates to a strip of the pedestrian footway along the north side of Dumbarton High Street, across the frontage of the Artizan Centre. In this location the footway is up to 11m wide, with the footway being divided between an unobstructed “walking zone” along the shop frontages (partially covered by shop canopies), and a distinct “street-furniture zone” along the edge of the carriageway, containing a bus stop, street trees, benches and litter bins, etc. The market stalls would occupy this part of the footway, on either side of the pedestrian crossing between College Way and Quay Street.
- 3.2** It is proposed to operate an occasional “continental market”, with approximately 20 stalls selling a variety of international products such as Spanish paella, French crepes, African wooden crafts, Peruvian clothing, Thai arts and crafts etc. The stalls would be set up the night before or early in the morning of the first market day, and would be dismantled at night on the last day of the market. The stalls would be left in place for the duration of each market with security provided by the market operator to watch the stalls at night. The market would trade from 9am to 7pm.
- 3.3** The proposed occasional market would run for five days at a time, on up to four occasions per year, and the applicant has provided details of the dates on which they propose to hold the market up to November 2016. The first two occasions would be 4-8 June and 13-17 August 2014.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Environmental Health Service has no objection to the proposal subject to a condition restricting the erection and dismantling of the stalls to between the hours of 6am and 9pm.
- 4.2** West Dunbartonshire Council Licensing Service has no objection to the proposal. On 30 April 2014 the Council's Licensing Committee determined that it would grant a Market Operator's License for this proposal, subject to planning permission being obtained.
- 4.3** West Dunbartonshire Council Regeneration Service supports the application on the grounds that it would bring more life and vitality into the town centre.
- 4.4** Comments from the Council's Roads and Estates Services were awaited at the time of writing as their consultation periods had not expired, but it was not envisaged that any of these Services would raise objections. Comments from these Services and any additional conditions requested will be reported to the Committee orally.

5. REPRESENTATIONS

- 5.1** No representations have been received.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan 2010

- 6.1** The application site 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 would be an appropriate location for a market, and it is considered that the operation of an occasional market would accord with the retail policies.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

Scottish Planning Policy

- 7.1** Scottish Planning Policy 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 market, even on an occasional basis, can contribute to a successful and vibrant location and the proposed use is therefore considered to be consistent with the principles of the SPP.

West Dunbartonshire Local Development Plan, Proposed Plan

- 7.2** The proposed development is within the core retail area of Dumbarton town centre. The Network of Centres Retail Strategy, supported by Policy SC1, supports all retail proposals in town centres. “Our Changing Places” strategy for Dumbarton town centre supports an attractive retail core, which a well-operated market would contribute to by increasing the retail offer and footfall. Town centres are the preferred location for new retail activity, so the operation of a market in the town centre is supported in principle.

Dumbarton Town Centre Masterplan (draft)

- 7.3** An updated masterplan for Dumbarton Town Centre is currently being prepared, and the Regeneration Service advises that it is intended that the draft masterplan will be presented to the Infrastructure, Regeneration and Economic Development Committee within the next few months. During consultation for the revised masterplan some local residents commented on the need to get more activity and people into the town centre, the desire to have more interesting retail offer, and to have events which would draw people into the town centre. An approach taken in the draft masterplan is to try to create an intensity of activity which is missing from the town centre at present. A number of interrelated themes have been developed to assist in achieving this, one of which is to implement a number of small projects including outdoor markets which would increase footfall, offer new activities and experiences which would attract local residents and visitors into the town centre and boost its profile as place to visit. The proposal is therefore consistent with the strategy which is proposed in the draft masterplan.

Operation of market

- 7.4** The operation of markets can sometimes be contentious due to concerns that they abstract trade from the permanent shops, although in this case no objections have been received. The proposal would be an occasional market, which would operate in the town on only a few occasions throughout the year, and it is likely that when it does operate it would attract additional footfall to the High Street, which would hopefully be to the benefit of all of the traders. Although it is difficult to control precisely what goods the market would sell, the intention is to specialise on a variety of different international goods, which are less likely to be available elsewhere within the town centre and therefore not giving rise to direct competition with the existing shops. Dumbarton High Street has experienced a decline in the number and range of retailers in recent years, and any development which would help to make it more attractive as a retail destination is to be welcomed. It is considered that the proposed market would contribute positively to the vitality and viability of the town centre.
- 7.5** The stalls would be positioned within the “street furniture zone” section of the footway, running along the edge of the carriageway. Pedestrian access along the High Street and into the existing shops would not be obstructed, and a condition could be attached to ensure that the stalls did not encroach onto other parts of the footpath, the bus stop or the pedestrian crossing. As the market will be located within the town centre it will be well served by public transport and an adequate supply of public car parking is available nearby. It is therefore considered that the market would be unlikely to raise any road

safety issues. As the market would be operated on the adopted road there are other controls in place concerning maintenance, cleaning and liability for damage to the public realm.

- 7.6** The market would operate between 9am and 7pm, which is slightly later than many of the existing shops trade, but earlier than many of the food and drink operations in the High Street close. The stalls would be set up either the night before or early on the morning of the first market day. While this may generate some noise in the evening or morning, it would occur on a small number of occasions and would be unlikely to be prolonged as the stalls can be assembled and disassembled relatively quickly. The Environmental Health Service has requested a condition be attached to ensure that the stalls are not erected or dismantled before 6am or after 9pm. Overall, it is considered that the market would be unlikely to significantly affect the amenity of any nearby residential properties during its operation.
- 7.7** Due to the nature of markets it is normal to grant permission for a temporary period in order to allow any issues which arise to be considered in the future if the operator wishes to renew the permission. Accordingly, it is recommended that permission be granted for a temporary period of 2½ years to coincide with the period of the Market Operators' license.

8. CONCLUSION

- 8.1** It is considered that the proposed market would compliment the existing retailers on the High Street and would enhance the overall attractiveness of the town centre as a retail destination. It is therefore considered that the market would contribute to the vitality and viability of the town centre and is supported by local plan policies.

9. CONDITIONS

- 1. The planning permission hereby granted shall be for a temporary period until 13 November 2016 and the market shall only operate for a maximum of 5 consecutive days up to a maximum of 4 times per calendar year.**
- 2. The market shall only trade within the area outlined in red on Drawing no.01. No stalls, goods, vehicles, signs or other market items shall be positioned outwith these areas or in such a way as would obstruct any other part of the footway, the pedestrian crossing, carriageway or bus stop.**
- 3. The erection and dismantling of stalls shall not take place prior to 6am in the morning or after 9pm at night.**

Richard Cairns
Executive Director of Infrastructure and Regeneration
Date: 14 May 2014

Person to Contact: Pamela Clifford, Planning & Building Standards Manager,
Housing, Environmental and Economic Development,
Council Offices, Clydebank. G81 1TG.
01389 738656
email: Pamela.Clifford@west-dunbarton.gov.uk

Appendix: None

Background Papers:

1. Application documents and plans
2. West Dunbartonshire Local Plan 2010
3. West Dunbartonshire LDP - Proposed Plan
4. consultation responses

Wards affected: Ward 3 (Dumbarton)