

**Keith And Cullen WARD 02\_07**

**10/00239/APP  
18th February 2010**

**Allow occasional outdoor market (to operate a maximum of 5 days a month and no more than 2 Saturdays a month) at Reidhaven Square, Keith, Moray for The Moray Council**

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**Comments:**

- MEMBERS WILL HAVE VISITED THE SITE
- Application subject to advertisement under Land Ownership Certificate procedures, where the applicant has taken all reasonable steps to ascertain the names and addresses of all of the other owners of the site but has been unable to do so.
- Development subject to advertisement notice as development of a class specified in Schedule 3 of the Development Management Regulations 2008.
- The application is being reported to Committee because the Council is the applicant.

**Procedure:**

- None.

**Recommendation:      **Permit - Subject To The Following: -****

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.
3. Prior to work commencing on site the applicant shall complete the attached notification of initiation of development and submit it to the local planning authority.
4. Upon completion of the development or as soon as practicable after doing so the attached notification of completion of development shall be completed and submitted to the local planning authority.
5. The market hereby approved shall only operate for a maximum of 5 days per calendar month with no more than 2 of the days being on a Saturday. A register containing the dates the markets are held shall be maintained by the applicant and made available for inspection by the local planning authority upon request.
6. At least 48 hours prior to the market commencing, two signs shall be erected within the Cluny Square Car Park stating the date the market will take place, the period of duration and that parking for the public will not be available to members of the public during the operation of the market.
7. The market shall be located within Area 1 as identified in the approved site plan, with Area 2 only being used if there are additional stalls which cannot be located within Area 1.

8. Temporary pedestrian safety barriers shall be erected along Chapel Street for the duration of the setting up of the market, trading period and the taking down of the market. The barriers shall be located to provide two points of access into Area 1 and two points of access into Area 2.
9. Vehicles are not permitted within the market area during the market trading period.
10. No stall or activity associated with a stall shall obstruct the footways around Reidhaven Square.

**Reasons:**

1. The time limit condition is imposed in order to comply with the requirements of Section 58(i) of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
2. In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.
3. To ensure that the planning authority is aware that development is about to commence and any suspensive conditions can be followed up.
4. To ensure that the planning authority is aware that the development is complete and is able to follow up any conditions.
5. To ensure a satisfactory form of development and the retention of the car parking areas.
6. In the interests of road safety.
7. In the interests of road safety.
8. In the interests of road safety.
9. In the interests of road safety.
10. In the interests of road safety.

**List of Informatives:**

THE ENVIRONMENTAL HEALTH MANAGER, DEVELOPMENT SERVICES, has commented that: -

The premises will require to comply with the Food Hygiene (Scotland) Regulations 2006.

The proprietor will require to register the premises in terms of the Food Hygiene (Scotland) Regulations 2006.

The premises will require to comply with the Health and Safety at Work etc Act 1974 and the Workplace (Health, Safety and Welfare) Regulations 1992.

THE TRANSPORTATION MANAGER, DIRECT SERVICES, ACADEMY STREET, ELGIN has commented that: -

At least two weeks prior to the first market commencing (unless otherwise agreed with the local planning authority in consultation with the Transportation Manager) a letter shall be sent to properties surrounding the car park (s) informing of the intended market dates for the following year and the closure of the car park and requesting that all vehicles are removed. A letter shall also be sent to the local Councillors and Community council members informing of the market dates and the closure of the car park.

A notice advertising the market dates and the closure of the car park (s) shall be placed in the local newspaper and the same notice placed in the window of the local Moray Access Point.