

PLANNING APPLICATION: 10/00240/APP

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

The Proposal

- Application for change of use of car park to allow occasional outdoor market (to operate a maximum of 5 days a month and no more than 2 Saturdays a month) at Cluny Square, Buckie.

The Site

- The site comprises the south-eastern quadrant of Cluny Square, which is currently utilised as a public car park and lies within the Town Centre of Buckie as defined in the Moray Local Plan. It is also identified as public civic space (ENV7) in the Moray Local Plan.

Policy / Objections-Representations / Consultations - See Appendix

History

None.

Advertisement

The application has been advertised under Land Ownership Certificate and neighbour notification procedures, and for advertisement notification purposes, as development of a class specified in Schedule 3 (hot food shop) of the Development Management Regulations 2008.

Observations

Main determining issues:

Impact of proposal on locality

Moray Local Plan 2008 - Policies ENV7 Civic Space, R1 Retail and Commercial Development in Town Centre, R2 Town Centre Development, Buckie TC, IMP1 Development Requirements T5 Parking Standards and T2 Provision of Road Access.

The above mentioned policies favour retail proposals in the Town Centre subject to adequate servicing and infrastructure being provided and sensitive siting in relation to the amenity of the surrounding area. The proposed use of the south-eastern quadrant of Cluny Square as an occasional outdoor market would, notwithstanding the protective ENV designation of the Square, comply with the overall objectives of maintaining retail vitality in the centre; and being an occasional use and removable, would not undermine the principles of the ENV designation.

The temporary loss of the car park and access arrangements into the market areas have been assessed by the Transportation Engineer and have been confirmed as satisfactory, subject to conditions covering access, safety barriers, signage and restrictions on any obstructions to the surrounding footways.

In terms of amenity, the central location of the site, coupled with the transitory nature of the proposal would give rise to no significant impact. In relation to potential odours, a specific area has been identified for hot food stalls within the eastern corner of the site, which has been confirmed as acceptable by Environmental Health Officers.

Recommendation

In light of the above the application is considered to represent an acceptable proposal which accords with development plan policies and accordingly is recommended for approval.

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APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2008

IMP1: Development Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It must meet the following criteria:

- a. the scale, density and character must be appropriate to the surrounding area,
- b. the development must be integrated into the surrounding landscape,
- c. adequate roads, public transport, and cycling and footpath provision must be available, at a level appropriate to the development,
- d. adequate water, drainage and power provision must be made,
- e. sustainable urban drainage systems should be used where appropriate, in all new developments
- f. there must be adequate availability of social, educational, healthcare and community facilities,
- g. the development should, where appropriate, demonstrate how it will incorporate renewable energy systems and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria,
- h. provision for the long term maintenance of public landscape and amenity areas must be made,
- i. conservation of natural and built environment resources must be demonstrated,
- j. appropriate provision to deal with flood related issues must be made, including the possibility of coastal flooding from rising sea levels and coastal erosion,
- k. pollution, including ground water must be avoided,
- l. appropriate provision to deal with contamination issues must be made, and
- m. the development must not sterilise significant workable reserves of minerals, prime quality agricultural land, or preferred areas for forestry planting.
- n. where appropriate, arrangements for waste management should be provided.

R1: Retail and Commercial Development in Town Centres

Retail and commercial development within town centres will be approved if:

- a. sensitive design solutions are applied on sites within or adjacent to designated conservation areas, or on high visibility landmark sites on main routes, and
- b. adequate servicing and infrastructure is available including road capacity, public transport, pedestrian links and car and cycling parking provision, where appropriate through the provision of a Transport Assessment; sewerage links; provision for water run-off and sustainable urban drainage systems (SUDS); and, provision to deal with any flood implications.

Policy R2: Town Centre Development

Within town centres there will be a presumption to approve development where the following provisions are satisfied:

- a. Core retail commercial areas will be identified on settlement plans, and within these areas approval will not be given for non-retail uses at frontage on ground floor level unless it is for a financial, professional or other service (as defined by use Class 2 or 3 of the Use Classes Order) that can demonstrate a requirement to provide a frontage principally for visiting members of the public.
- b. Rear service access to existing shops and commercial activities will be preserved unless an adequate alternative can be provided.
- c. Lanes or closes off the main shopping streets will be preserved unless an adequate alternative can be provided.
- d. Improvements to the shopping and leisure environment, including pedestrianisation, will normally be permitted if there is no adverse impact on the overall commercial viability of the area. For the avoidance of doubt, proposals for new retail developments within defined town centres will not have to be accompanied by a retail impact statement in support of the application.
- e. The conversion of upper floors to residential use will be encouraged where there are no adverse impacts from surrounding uses, in terms of amenity or noise.

T5: Parking Standards

Proposals for development must conform with the Council's policy on parking standards.

Policy T2: Provision of Road Access

The Council will require that a suitable and safe road access from the public highway is provided to serve new development and where appropriate any necessary modifications to the existing road network to mitigate the impact of development traffic, and the provision of appropriate facilities for public transport, cycling, and pedestrians. Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

SPP17 details that there will be a presumption against new accesses onto a trunk road, and that the Scottish Executive will consider the case for such junctions where nationally significant economic growth or regeneration benefits can be demonstrated.

The retention of Buckie's shopping centre is of primary importance to the town. Within the area identified as Town Centre (TC), existing premises may be redeveloped for retail purposes, and within core areas, existing ground floor properties must remain as Class 1, 2 or 3 uses (policy R2).

There is concern about the impact that out of centre sites may have on the integrity of the retail centre of Buckie. Accordingly, new retail developments will require in the first instance to locate within the defined Town Centre (see policy R1), which now includes the northern part of Highland Yards. Proposals for retail uses outwith this area will be subject to policies R3 (which requires the sequential approach to be observed, and have no adverse impact on town centre vitality/viability) and R4, (neighbourhood shops).

The designation of the retail site at High Street South is made to accommodate proposals which comply with these policy criteria.

ENV7 Civic Space

Cluny Square (Environmental improvements have been carried out in Cluny Square, to enhance its role as a public civic space, and create a focal point in Buckie Town centre. To expand this role, no further parking/public transport developments will be permitted, and opportunities to reduce the impact of vehicular traffic will be taken whenever they arise.)

OBJECTIONS-REPRESENTATIONS

None.

CONSULTATIONS

Transportation Manager, Direct Services - No objection subject to conditions covering access, safety barriers, signage and footways.

Environmental Protection Manager, Direct Services - No comment received.

Environmental Health Manager, Development Services - No objection. Requests that informative advice be attached to planning decision regarding food hygiene and health and safety regs.

Contaminated Land, Development Services - No objection.

Estates, Central Services - No comment received.

Legal and Committee Services, Central Services - No comment received.