

Perth and Kinross Council
Development Control Committee – 07 July 2010
Report of Handling by Development Quality Manager

**Extension for further period for monthly farmers market at the bus park at
The Community School of Auchterarder, New School Lane
Auchterarder PH3 IBL**

Ref. No: 10/00716/FLL
Ward No: N7 - Strathallan

Summary

This report recommends approval of the application for the extension of further period for a monthly farmers market at the bus park at The Community School Of Auchterarder as the development is considered to comply with the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 This application is for the operation of a monthly open air farmers Market at the Bus Park beside the Community School of Auchterarder, New School Lane, Auchterarder. It should be noted that a temporary consent has already been granted previously under application 09/01674/FLL for a period of 6 months expiring on 31 May 2010, for 1 market per month. This proposal is to extend the time period associated with the operation of the farmers market.

NATIONAL POLICY AND GUIDANCE

- 2 None

DEVELOPMENT PLAN

- 3 The Development Plan for the area consists of the Approved Perth and Kinross Structure Plan 2003 and the Adopted Starathern Area Local Plan 2001.

Perth and Kinross Structure Plan 2003

- 4 The principle policies of relevance are:

Sustainable Economy Policy 9

- 5 Local Plans will encourage the sustainable development of the tourist industry in Perth and Kinross and support proposals which:
 - extend the tourist season and develop new markets.
 - improve the quality of the facilities.
 - offer the potential for providing local employment and income.
 - are suitable for resident as well as visitor use.
 - promote 'green' tourism in terms of practice and facilities.
 - maximise the use of public transport.
 - do not significantly damage the natural or built heritage.

Strathearn Area Local Plan 2001

- 6 Under the Local Plan the site lies within the settlement boundary for Auchterarder where residential and compatible uses are identified.

Policy 29: Tourism and Recreation

- 7 New tourist related development will be supported where it can be demonstrated that it:
- (a) Meets a new market or extends the season.
 - (b) Will not adversely affect landscape or nature conservation interests.
 - (c) Will only generate traffic appropriate to its location.
 - (d) Offers the opportunity to generate additional employment opportunities.
 - (e) Makes good use of the public transport network.
- 8 Encouragement will be given to development that improves the quality of existing tourist facilities providing it is consistent with other Local Plan policies.

Policy 39: Transport Standards

- 9 Adequate provision for parking, servicing and where appropriate public transport must be made in all new developments in accordance with the Council's standards.

Policy 58: Auchterarder General Housing

- 10 Inset Map 2 identifies areas of residential and compatible uses where the existing residential amenity will be retained and where possible improved. Where sites become available for development, housing will be the most obvious alternative use. Some scope may exist for infill development but only where this will not have a significant adverse effect on the density, character or amenity of the area concerned and where a suitable access can be obtained. Hotels, guest houses and bed and breakfast accommodation will generally be acceptable uses for these areas provided the existing residential amenity can be protected. Important trees and hedges will be protected from development and small areas of private open space will be retained where they are of recreational or amenity value.

OTHER POLICIES

- 11 None.

SITE HISTORY

- 12 Planning application 09/01674/FLL for the Change of use to a monthly farmers market at the bus park, New School Lane, Auchterarder was approved on the 26 November 2009 for a temporary period.

CONSULTATIONS

13 **Environmental Health** – No objection subject to conditions.

14 **Transport Planning** – No objection.

REPRESENTATIONS

15 None.

ADDITIONAL STATEMENTS

16

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None
Report on Impact or Potential Impact	None submitted.

APPRAISAL

17 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 requires that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The adopted development plans that are applicable to this area are the Perth and Kinross Structure Plan 2003 and the Strathearn Area Local Plan 2001.

18 This application is for the operation of a monthly open air farmers Market at the Bus Park beside the Community School of Auchterarder, New School Lane, Auchterarder which will have a total of 25 stalls. The determining issues in this case are whether: - the proposal complies with development plan policy; the proposal complies with supplementary planning guidance; or if there are any other material considerations which justify a departure from policy.

Traffic

19 In this case Transport Planning has been consulted on the application and they have offered no objection. Taking account of this factor the proposal is considered to comply with policy 39 of the adopted Local Plan.

Residential Amenity

20 The operation of the farmers market has the potential to affect occupants of nearby residential properties. The previous application was approved on a temporary basis to ascertain if the market would impact on the residential properties within the vicinity. The consultation response from Environmental Health confirms that they are not in receipt of any complaints. However they

have requested that the assembly and dismantling of the stalls be limited to 7.00am until 7.00pm.

- 21 Taking this into account I consider the continual operation of the market is acceptable and can be approved for a longer period of time. In this instance I consider that this should be for a period of five years.

Planning Authority with an Interest in the Land

- 22 The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 advises on the procedure for notification of planning applications to the Scottish Ministers for developments in which planning authorities have an interest in. The Direction states that notification to the Ministers is only required where the proposal involves a significant departure from the authority's own Development Plan. As the recommendation of approval is not a significant departure from the Development Plan, a notification to the Ministers is not required.

LEGAL AGREEMENTS

- 23 None required

DIRECTION BY SCOTTISH MINISTERS

- 24 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 25 In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, it is considered the proposal complies with the adopted Strathearn Area Local Plan 2001, in particular policy 29, 39 and 58. There are no material considerations that would justify refusing the application. On that basis the application is recommend for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to conditions and the following reasons:

- 1 Consent is hereby granted to operate the farmers market for a limited period of five years from the date of this decision notice, with only one farmers market occurring/operating in any one given month on a Saturday only.
- 2 The hours of operation associated with the farmers market, including the assembly and dismantling of stalls will be limited to 7am until 7pm unless otherwise agreed in writing with the Planning Authority.

- 3 The stalls shall be limited to a maximum of 25 and will be located within the site boundary.

REASONS:

- 1 In view of the nature of the proposed development and to enable the Planning Authority to review the circumstances pertaining to the proposal within a reasonable period of time, to ensure the Planning Authority has reasonable control and certify the operation of the market will not compromise the operation of the School.
- 2 In order to safeguard the residential amenity of the area and to ensure the Planning Authority has appropriate control over the development.
- 3 To ensure the development does not impact on the free flow of traffic and to ensure numbers are limited thus minimising the potential impact additional stalls could have on the residential amenity of the area and/or potential impacts on traffic safety.

B JUSTIFICATION

- 1 It is considered the proposal complies with the adopted Strathearn Area Local Plan 2001, in particular policy 29, 39 and 58. There are no material considerations that would justify refusing the application. On that basis the application is recommend for approval subject to conditions.

C PROCEDURAL NOTES

None.

D INFORMATIVES

None.

Background Papers: None

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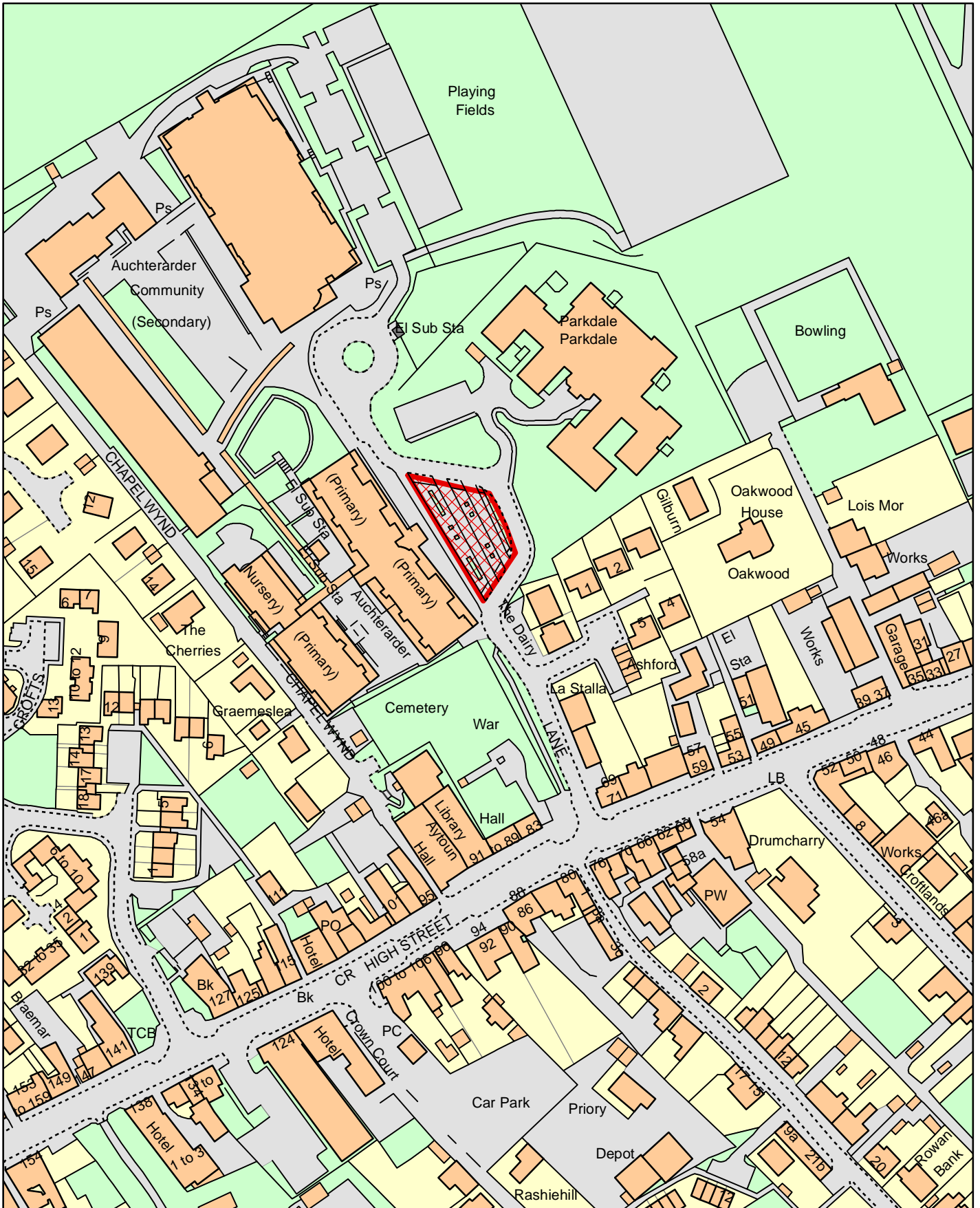
Date: 04 June 2010

Nick Brian
Development Quality Manager

Perth & Kinross Council

Development Control Committee: 7th July 2010

10/00716/FLL Auchterarder Community School



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