

Report for Resolution

Report to Planning Applications Committee
Date 16 September 2010
Report of Head of Planning Services
Subject 10/01307/NF3 Farmers Market Gentleman's Walk Norwich

Item
6(2)

SUMMARY

Description:	Change of use for the siting of 12 stalls for Sunday Farmers' Market.
Reason for consideration at Committee:	Objection
Recommendation:	Approve subject to conditions
Ward:	Mancroft
Contact Officer:	Mr Mark Brown Senior Planner 01603 212505
Valid date:	9th July 2010
Applicant:	Norwich City Council
Agent:	Norwich City Council

INTRODUCTION

This application was referred to the meeting on 26th August, 2010 and was deferred for further information. Background information is now appended to the end of this report

The Site

Location and Context

1. The application relates to a section of Gentleman's Walk in front 16-25 Gentleman's Walk and the Market Place. The site is located within the City Centre Conservation Area.

Planning History

2. Permission was approved in July 2008 under reference 08/00263/NF3 for the temporary siting of 12 stalls in the same location on the first and third Sunday of every month, the temporary consent was granted for a two year period.

The Proposal

3. The proposal is for use of the land for a Sunday farmers' market for up to 12 stalls.

Representations Received

4. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing.
5. A petition has been received from the Norwich Market Traders Association with 108

Issues Raised	Response
Head to head clash with existing market traders would suffer as a result as would other trades especially in the lead up to Christmas.	See paragraph 10.
There have never been 12 stalls at the farmers market since it was set up.	See paragraph 8.
Concern that hot food would be sold and that this is already provided for in the market on a Sunday.	See paragraph 11.

signatures raising the objections as detailed in the table below:

Consultation Responses

6. Norfolk Police (Architectural Liaison) – Security for the site will be provided by staff working on the stalls and by footfall of customers, in the proposed location CCTV cameras provide additional supervision. If not already planned, consideration should be given to the removal of the stalls upon completion of the event so that they do not become gathering points for inappropriate behavior.
7. Norfolk Fire & Rescue Service – No objection. We require at least 3m of clearance to allow for a fire appliance in an emergency.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

Relevant National Planning Policies

PPS4 – Planning for Sustainable Economic Growth

PPS5 – Planning for the Historic Environment

PPG17 – Planning for Open Space, Sport and Recreation.

Relevant Local Plan Policies

City of Norwich Replacement Local Plan 2004

HBE8 – Development within a Conservation Area

EP22 – Amenity

SHO3 – Locational conditions for new retail development

SHO20 – Additional Small Scale Markets

AEC1 – City Centre Leisure Area

TRA8 – Servicing

Principle of Development

8. The market has now been operating for a number of years and whilst consent has been in place for up to 12 stalls in the past, there is rarely this number of stalls at the farmers' market.
9. The site is located within the City Centre Primary Retail Area where such retail uses are appropriate. Policy SHO20 specifically deals with markets and details that small scale markets selling speciality goods will be permitted within the City Centre, particularly where this would encourage the retention and development of local craft skills, including the sale

of local farmers' produce and where they are appropriately sited for pedestrian safety, without creating congestion. The principle of the proposal is considered to be acceptable under policy SHO20.

10. Concern has been raised over the impact on existing traders. In this location additional small scale market stalls are in accordance with PPS4 and the development plan. The scale of the development is limited and PPS4 generally seeks to promote competition and consumer choice particularly in town centres.
11. Concern has also been raised over the sale of hot food and it is understood that the applicant does not intend to allow hot food sales due to potential competition with the existing market. However, in planning terms there is not considered to be any material or policy grounds to restrict hot food sales and the comments above in relation to the promotion of competition are relevant.

Pedestrian Safety and Congestion

12. The change of use relates to land in the centre of Gentleman's Walk with at least 7m space either side of the stalls. Although if proposed on weekdays and Saturdays the stalls could cause some pedestrian congestion, due to the limited footfall on Sundays it is not considered that this would be a significant problem even later in the year closer to Christmas. It has operated fortnightly for two years without significant problem.
13. Gentleman's Walk is a pedestrian zone. Vehicular access is denied with the exception of loading/un-loading early in the morning and late in the evening and emergency vehicles. The siting of the proposed stalls on Gentleman's Walk has been thought about carefully so as to allow for easy pedestrian movement around the stalls whilst still allowing for emergency vehicle access if required. Loading and un-loading is at a minimum on a Sunday.

Appearance

14. The stalls themselves are temporary structures such as gazebos and subject to the change of use of the land being in place, the stalls do not require consent in themselves. As the use is temporary, limited to Sundays, it is not considered that the use would have a negative impact on the character of the conservation area. Indeed the use is likely to enhance the vitality of this part of the City on Sundays.

Amenity

15. Having considered possible amenity considerations of the proposals, it is not considered that the proposals would have any significant detrimental impact on the amenities of nearby properties.

Conclusions

16. The proposed temporary stalls are consistent with the retail offer of the City Centre and will offer the public a range of local produce and bring vitality to the primary retail area. It is not considered that the proposals would have any detrimental impact on the City Centre Conservation Area or on the amenity of any nearby property.

RECOMMENDATIONS

To approve Application No (10/01307/NF3 Farmers Market Gentlemans Walk Norwich) and grant planning permission, subject to the following conditions:-

1. The use hereby permitted shall only be operated on Sundays.

(Reasons for approval: The decision has been made with particular regard to saved policies HBE8, EP22, SHO3, SHO20, AEC1 and TRA8 of the adopted City of Norwich Replacement Local Plan and the objectives of PPS4, PPS5 and PPG17. The proposed temporary stalls are consistent with the retail offer of the City Centre and will offer the public a range of local produce and bring vitality to the primary retail area. It is not considered that the proposals would have any detrimental impact on the City Centre Conservation Area or on the amenity of any nearby property.)

ADDITIONAL BACKGROUND INFORMATION

The Norwich City Council is the markets authority under charter for the area within a 6 2/3 radius of City Hall. Markets within this area need the approval of the council. This is however not a relevant planning consideration as it purely relates to private law matters

The intended placing on the public highway of these stalls will be an unlawful obstruction unless authorised, so stallholders will need to obtain street trading consent separately to planning permission.

This Application is for planning permission only. There is a separate consent procedure for licensing markets and street trading.

A licence has already been granted by the Council. This applied to the first and third Sunday and it expired on 10th July, 2010. It applied from 0800 to 1700. Details of the type of stall, the timing of the stalls erection and removal, insurance etc are controlled via this process. The controls imposed by the licence require products to be local in origin and cannot be cooked on site.

A further licence would be necessary for future operations.

Typical traders are small producers of goods who sell direct to the public. They may also sell to the trade and via other farmers markets or farm shops. The type of operation precludes them taking a permanent stall and it would be impractical and not cost effective for the Council to hire the odd vacant stall dotted around the market for Sunday use only.

Matters of food hygiene etc are not the responsibility of this Committee.

Queries were raised about the existing market and how it trades on Sunday. A survey was undertaken on Sunday 5th September, 2010 at 2.45pm. At that time only 4 traders were operating, and only one of which was on the Gentleman's Walk frontage. These were:

Units 67-68 – Bags

Units 164/165/172 Orient Express

Units 100/101 Reggie's Teas

Unit 120 George's Spuds.



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Planning Application No - 10/01307/NF3
 Site Address - Farmers Market Gentlemans Walk



NORWICH
 City Council

PLANNING SERVICES

