

Application No: 09/00749/CDC	Ward: Kidlington North	Date Valid: 04/06/09
Applicant:	Cherwell District Council	
Site Address:	Land Watts Way to the rear and north of 25 High Street High Street Kidlington	

Proposal: Change of use of land at Watts Way to allow Market Trading

1. Site Description and Proposal

- 1.1 The application site is an area of public space located between the rear of the 27-35 Kidlington High Street and a car park that serves the shopping area. The space (approximately 750 square metres) has recently undergone a number of improvements which involved being repaved and having replacement street furniture installed, planning permission 06/00528/CDC refers.
- 1.2 A change of use is being sought to allow this area to be used for market trading. A temporary consent (2 years) for this activity was originally granted in 2003 (03/00279/F). Members will no doubt recall that an application for a permanent change of use was approved last year (08/00915/CDC). This current application seeks to extend the market area slightly to include the space immediately to the north of the rear of 27-35 Kidlington High Street. This area would have been included in the previous application had the Council been able to establish their ownership of the land at this time.

2. Application Publicity

- 2.1 The application has been advertised by way of site notice/press notice/neighbour letter. The final date for comment was the 17th July 2009. As of the 10th July 2009, no correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 Kidlington Parish Council has raised no objections.
- 3.2 Oxfordshire County Council (Highways) referred to their comments made in respect of the 2008 application. They observed that the market on Watts Way has been running for some time without any known adverse affect. The number of stalls will be limited due to the need to preserve circulation space and accommodate the various seats and other street furniture. As before, provided the development is adequately conditioned the Highways Authority offers no objections.
- 3.3 Oxfordshire County Council (Archaeology) has raised no objections.

3.4 Natural England has raised no objections.

3.5 Ecology Officer has raised no objections.

4. Relevant Planning Policies

4.1 BE1 and T1 of the South East Plan 2009

4.2 ENV1 of the adopted Cherwell Local Plan

5. Appraisal

5.1 The issues relating to this application are very similar to those appraised in respect of the 2008 application. The report for planning permission 08/00915/CDC reads as follows:

“Planning permission is sought for a change of use of land at Watts Way to allow for market trading on Fridays and Saturdays. The site is owned by Cherwell District Council, hence the need for this proposal to be considered at Committee.

This application follows on from a temporary (two years) consent granted in 2003, 03/00279/F. A short-term permission allowed the Council and highway authority to monitor the impact of the stalls on the local environment. Following the recent completion of a scheme to resurface the car park and repave the pedestrian area in Watts Way (06/00528/CDC) it was discovered that this earlier consent hadn't been renewed.

The original relocation of the market was necessitated by the redevelopment of the markets former site on the corner of High Street and Sterling Road. Aside from an area on Watts Way the market traders currently operate from pedestrianised parts of the High Street.

As for the principle of having market stalls in Watts Way, the reservations originally expressed by the Council and the Highways Authority proved to be largely unfounded during and after the period of the temporary consent. This is acknowledged in the response submitted by the Highways Authority and also following discussions with the Council's Anti Social Behaviour Manager.

The site proposed is, however, much larger than that considered in respect of the previous application. It is therefore perhaps unsurprising that as the site will now abut the frontages of some of the shops and business units in the Kidlington Centre that reservations have been expressed both verbally and in writing. It is however understood that the number of traders operating from Watts Way is unlikely to change and the increase in the site area wouldn't necessarily result in a fundamental repositioning of the stalls. In order to protect the amenity of the neighbouring businesses a condition is recommended requiring prior approval of the layout of the market stalls.

The HDC & MD therefore concludes that this development complies with Policies S23, ENV1 and C31 of the adopted Cherwell Local Plan and therefore recommends that this application be approved subject to the conditions set out above.”

- 5.2 Since planning permission was granted for the 2008 proposal, the Council's Anti-Social Behaviour Manager has confirmed that he is not aware of any complaints raised by the neighbouring businesses in respect of the market stalls. In the HDC & MD's opinion that the proposed extension to the market area is appropriate and will have a negligible impact on the surrounding businesses. To ensure that any adverse affects are minimised, as with the previous permission, it is recommended that prior approval of the market layout is sought.
- 5.3 Based on the above, the HDC & MD concludes that this proposal complies with Policies BE1 and T1 of the South East Plan and Policy ENV1 of the adopted Cherwell Local Plan and that this application therefore be approved subject to the conditions set out below.

6. Recommendation

Approval; subject to the end of the 21 day consultation period, and the following conditions:

- 1. SC 1.4A (RC2) [Full permission: Duration limit (3 years)]**
- 2. That details of the position and number of market stalls shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.**

Reason: In order to safeguard the amenities of the area and to comply with Policy BE1 of the South East Plan 2009 and Policy ENV1 of the adopted Cherwell Local Plan.

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal does not harm the visual amenities of the locality or highway safety. As such the proposal is in accordance with Policies BE1 and T1 of the South East Plan 2009 and Policy ENV1 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

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