

## **EAST AYRSHIRE COUNCIL**

**SPECIAL NORTHERN LOCAL PLANNING COMMITTEE: 24 JUNE 2010**

**10/0435/PP: PROPOSED ESTABLISHMENT OF A MONTHLY FARMERS  
MARKET  
AT THE CROSS, KILMARNOCK  
BY MR HOWARD WILKINSON**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 The proposed monthly farmers market is relocating from its current location at The Foregate and will continue on the third Saturday of each month. The market incorporates approximately 10-14 stalls selling a variety of produce such as meat, fruit and vegetables, seafood and plants.

#### **2. RECOMMENDATION**

2.1 **It is recommended that the application be approved subject to conditions.**

#### **3. CONCLUSIONS**

3.1 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

3.2 As detailed previously in this report the proposal is considered to be in compliance with the applicable policy in the Development Plan and the material considerations are generally supportive of the proposal.

#### **CONTRARY DECISION NOTE**

Should the Committee agree that this application be refused contrary to the recommendation of the Head of Planning and Economic Development then the application will not require to be referred to Council as it would not be a significant departure from Council Policy.

**Alan Neish**  
**Head of Planning and Economic Development**

**Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.**

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10/0435/PP: PROPOSED ESTABLISHMENT OF A MONTHLY FARMERS  
MARKET  
AT THE CROSS, KILMARNOCK  
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### Report by Head of Planning and Economic Development

#### 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for planning permission which is to be considered by the Northern Local Planning Committee under the scheme of delegation as the Council has an ownership interest in the land to which the application relates.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises an area of The Cross in the town centre of Kilmarnock. The site is approximately 280 square metres in area and comprises two areas separated by a pedestrian access running through in a south west to north east direction.

2.2 **Proposed Development:** The proposed monthly farmers market is relocating from its current location at The Foregate and will continue on the third Saturday of each month. The market incorporates approximately 10-14 stalls selling a variety of produce such as meat, fruit and vegetables, seafood and plants.

#### 3. CONSULTATIONS RECEIVED

3.1 Bonnyton Community Council have not responded at the time of writing this report.

***Noted***

3.2 Piersland Bentinck Community Council have not responded at the time of writing this report.

***Noted***

3.3 East Ayrshire Council Legal Services have not responded at the time of writing this report.

***Noted***

3.4 East Ayrshire Council Licensing have not responded at the time of writing this report.

***Noted***

3.5 Scottish Power have no objections.

***Noted***

3.6 Scotland Gas Networks have no objections.

***Noted***

3.7 East Ayrshire Council Estates Management has not responded to their consultation at the time of writing.

***Noted***

3.8 East Ayrshire Council Environmental Health has no objections to the development.

***Noted***

3.9 East Ayrshire Council Roads and Transportation Service has no objections to the proposal subject to access for emergency vehicles being kept clear in all directions and pedestrian access/movement being unobstructed in any direction.

***Noted***

3.10 East Ayrshire Access Panel have no comment to make.

***Noted***

#### **4. REPRESENTATIONS**

4.1 No letters of objection have been received in connection with this application.

## 5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 For the purposes of this application the Development Plan comprises the Adopted East Ayrshire Local Plan (EALP) (2003).

5.2 Policy RTC 14 relates to the provision of open air stalls and other street trading units within settlement boundaries and these are assessed against five criteria. These criteria include the impact on the vitality and viability of existing retail and catering within the settlement and the impact on visual quality and amenity of the environment and adjacent property by reason of noise, litter, odour or other disturbance. The criteria also include servicing and car parking, site specific locational need and compatibility with surrounding land use.

***The use is proposed within the identified town centre of Kilmarnock in close proximity to its current permitted location. Given that the use is only once a month, impact on existing town centre retail and catering will be minimal at best and would be likely to attract greater footfall into the town centre, to the benefit of the town as a whole. The proposal will not have a negative impact on the environment or adjacent property and is acceptable to the Roads Service. Town centre parking will adequately cater for the development and the applicant has indicated that the stall holders will take all rubbish away from the site.***

## 6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principle material considerations relevant to the determination of this application are the Alteration to the East Ayrshire Local Plan, consultation responses, the impact on the amenity of the area and planning history.

### Alteration to the East Ayrshire Local Plan

6.2 Policy RTC 14 relates to the provision of open air stalls and other street trading units within settlement boundaries which will be considered acceptable to the Council subject to five criteria. These criteria include the impact on the vitality and viability of existing retail and catering within the settlement and the impact on visual quality and amenity of the environment and adjacent property by reason of noise, litter, odour or other disturbance. The criteria also include servicing and car parking, site specific locational need and compatibility with surrounding land use.

***The use is proposed within the identified town centre of Kilmarnock in close proximity to its current location. Given that the use is only once a month, impact on permitted existing town centre retail and catering will be minimal and it would be likely to attract greater footfall into the town centre, to the benefit of the town as a whole. The proposal will not have a negative impact on the environment or adjacent property and is acceptable to the***

***Roads Service. Town centre parking will adequately cater for the development and the applicant has indicated that the stall holders will take all rubbish away from the site.***

### Consultation Responses

6.3 No issues have been raised in the consultation process which warrant refusal of the application.

### Impact on the amenity of the area

6.4 The proposal will not adversely affect the amenity of the surrounding area as it is located in the identified town centre of Kilmarnock where such uses would logically be located and involves a small relocation from its existing location nearby.

### Planning History

6.5 Planning Application No: 00/0364/FL for the 'Proposed Establishment of a Monthly Farmers' Market' at The Foregate Square, Kilmarnock was approved subject to conditions by the then Central Local Planning Committee on 18 August 2000.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial implications for the Council relative to this application. In terms of legal implications, whilst the Council has a ground ownership interest, there is no requirement to refer this application to the Scottish Government under Circular 3/2009 "Notification of Planning Applications", should Members choose to grant consent.

## **8. CONCLUSIONS**

8.1 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.2 As detailed previously in this report the proposal is considered to be in compliance with the applicable policy in the Development Plan and the material considerations are generally supportive of the proposal.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to conditions.**

## **CONTRARY DECISION NOTE**

Should the Committee agree that this application be refused contrary to the recommendation of the Head of Planning and Economic Development then the application will not require to be referred to Council as it would not be a significant departure from Council Policy.

**Alan Neish**  
**Head of Planning and Economic Development**

14 June 2010

DW/RH

FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application forms and plans
2. Statutory Notices and Certificates
3. Adopted East Ayrshire Local Plan
4. Alteration to the East Ayrshire Local Plan with Modifications
5. Consultation responses
6. Planning Application No: 00/0364/FL

Anyone wishing to inspect the above papers should contact David Wilson, Acting Senior Planning Officer on 01563 576779.

***Implementation Officer: Dave Morris***

**East Ayrshire Council**

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

**Application No: 10/0435/PP**

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Location	The Cross Kilmarnock KA1 1LR
Nature of Proposal:	Proposed establishment of a monthly farmer's market
Name and Address of Applicant:	Mr Howard Wilkinson Townend Of Gree Clunch Road Fenwick Kilmarnock East Ayrshire KA3 6BA
Name and Address of Agent	Fiona Nicolson Town Centre Manager Kilmarnock Regeneration 34 John Finnie Street Kilmarnock East Ayrshire KA1 1DD

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Officer's Ref: David Wilson  
01563 576779

The above Planning Permission application should be approved subject to the following conditions:

1. The farmers market hereby approved shall operate one Saturday per calendar month unless otherwise agreed in writing by the Planning Authority.

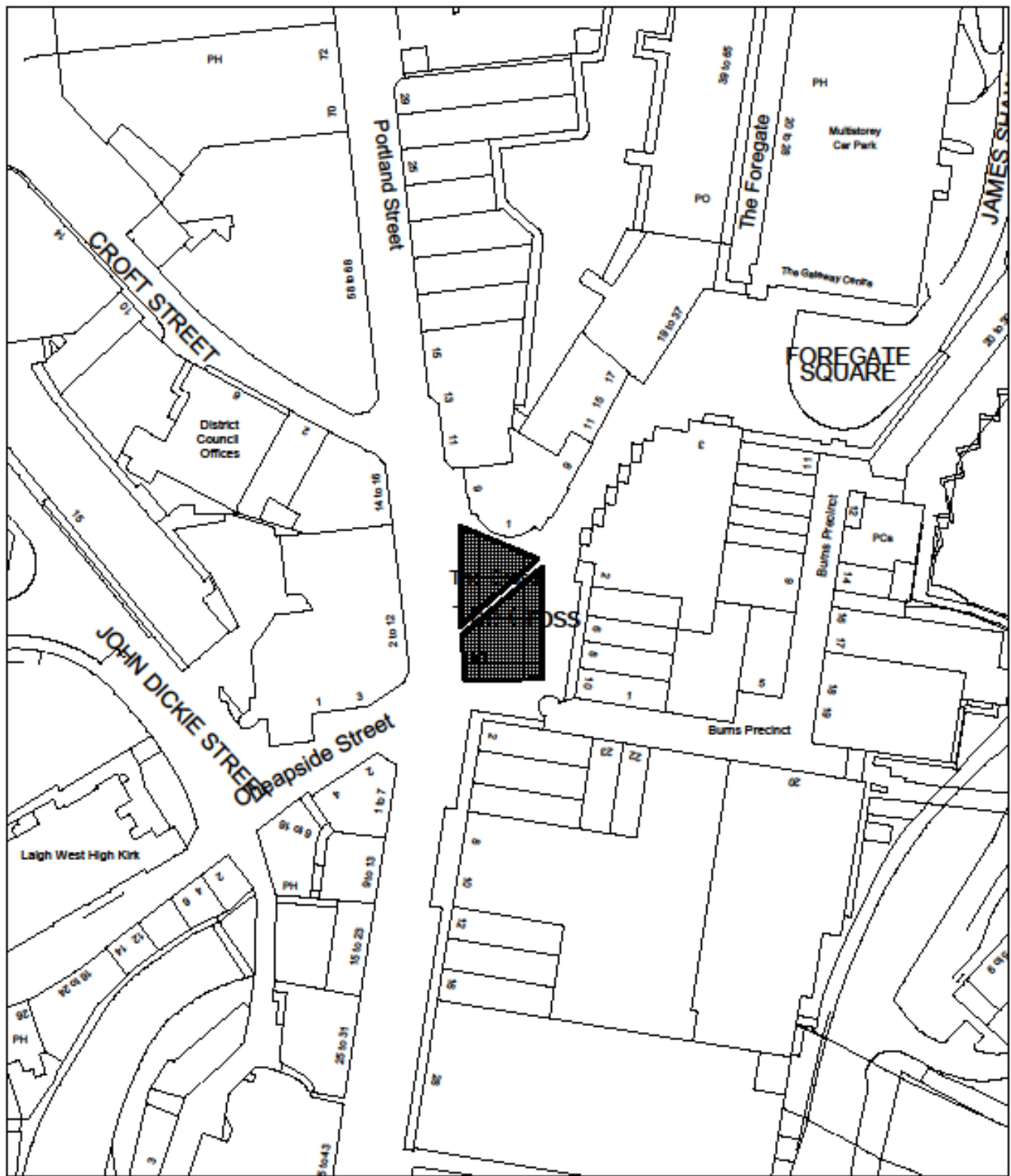
Reason: In order to retain effective control over the development.



2. The farmers market hereby approved shall operate at all times entirely within the application site as detailed on the approved plans.

Reason: To ensure that clear access is maintained at all times for emergency vehicles and pedestrians, in the interests of road safety.

Reason for the Decision

The proposed development is compliant with the Development Plan and there are no material considerations that would indicate that the application should be refused.



<p><b>Title/Location</b></p> <p><b>The Cross</b></p> <p><b>Kilmarnock</b></p> <p><b>Application No. 10/0435/PP</b></p>	<p><b>East Ayrshire Council</b></p> <p>Department of Neighbourhood Services          Planning &amp; Economic Development Service.          6 Croft Street          Kilmarnock KA1 1JB</p> <p>Tel: (01563) 576790 Fax: (01563) 576774          E-Mail : <a href="mailto:Planning@east-ayrshire.gov.uk">Planning@east-ayrshire.gov.uk</a></p> <p>Com Date: 24/06/2010</p>
<p><b>Key</b></p> <p> <b>Application Site</b></p>	<p style="text-align: right;"></p>

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