

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 30 JUNE 2011

**11/0230/PP: PROPOSED ESTABLISHMENT OF A MONTHLY FARMERS
MARKET**

AT THE SQUARE, CUMNOCK

**BY MS KATHRYN HOWELL, CUMNOCK TOWN CENTRE MANAGER,
NEIGHBOURHOOD SERVICES, EAST AYRSHIRE COUNCIL**

Report by Head of Planning and Economic Development

Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/caseFile.do?category=application&caseNo=11/0230/PP>

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposed monthly farmers market is located within the area known as The Square and will operate on the fourth Friday of each month. The market incorporates approximately 15 stalls selling a variety of produce such as meat, jams, vegetables, fish and home baking.

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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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 Southern 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 The Square in the town centre of Cumnock. The Square is approximately 910 square metres in area with the market proposed to be located in a central position occupying an area of approximately 215 square metres. The site incorporates the A listed Mercat Cross within the application site and is surrounded on all sides by shops and the Old Cumnock Old Church.

2.2 **Proposed Development:** The proposed monthly farmers market is located within the area known as The Square and will operate on the fourth Friday of each month. The market incorporates approximately 15 stalls selling a variety of produce such as meat, jams, vegetables, fish and home baking.

3. CONSULTATIONS RECEIVED

3.1 Cumnock Community Council has not responded at the time of writing this report.

3.2 East Ayrshire Council Legal Services has no comment to make on the application.

3.3 East Ayrshire Business Development Unit and Estates Management have not responded at the time of writing this report.

3.4 East Ayrshire Council Roads and Transportation Service has no objections to the proposal subject to conditions including the submission of a

detailed stall layout plan showing stalls a minimum of 2.5 metres from the building line and allowing unimpeded pedestrian access through The Square. Furthermore an access for emergency vehicles must be maintained through the Square and vehicles serving the market should enter and leave at a low speed to minimise conflict with pedestrians.

The layout plan of the stalls and demonstration of an emergency access can be addressed by condition. If consent is granted, the speed of vehicles through The Square should be controlled through Roads legislation and Police powers rather than through planning condition to comply with the requirements set out in Circular 4/1998: The Use of Conditions in Planning Permissions.

3.5 Cumnock and Doon Valley Access Panel has advised that they are happy to see a farmers market being planned for the local economy of the town and further districts but have queried how a funeral/wedding will be accommodated on the same day as the market.

The Council's Roads and Transportation Service has raised no objections to the development on access grounds and given the infrequent meetings of the market combined with the large size of The Square it is considered that little or no conflict will occur between the two uses.

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 (2010).

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 Cumnock. 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 consultation responses and the impact on the amenity of the area.

Consultation Responses

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

Impact on the amenity of the area

6.3 The proposal will not adversely affect the amenity of the surrounding area as it is located in the identified town centre of Cumnock where such uses would logically be located.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council relative to this application.

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

DW/FMF

20 June 2011
FV/HM

LIST OF BACKGROUND PAPERS

1. Application forms and plans
2. Statutory Notices and Certificates
3. Adopted East Ayrshire Local Plan
4. Consultation responses

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

Implementation Officer: Hugh Melvin

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 11/0230/PP

Location	The Square, Cumnock
Nature of Proposal:	Proposed establishment of a monthly farmer's market
Name and Address of Applicant:	Ms Kathryn Howell Cumnock Town Centre Manager Planning and Economic Development Cumnock Town Centre Regeneration Office Unit 14 Glaisnock Shopping Centre Townhead Street Cumnock KA18 1LE
Name and Address of Agent	N/A

Officer's Ref: David Wilson
01563 576779

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

1. Within 28 days of the date of this consent, a site layout plan showing the detailed stall layout, separation distances to properties and provision for emergency vehicle and pedestrian access through The Square shall be submitted for the written approval of the Planning Authority in consultation with the Council's Roads and Transportation Service and shall thereafter be implemented on site as approved during the operation of the market.

Reason: In the interests of pedestrian and road safety.

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

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

3. The farmers market hereby approved shall operate at all times entirely within the area identified for stalls on the approved site plan unless otherwise agreed in writing by the Planning Authority.

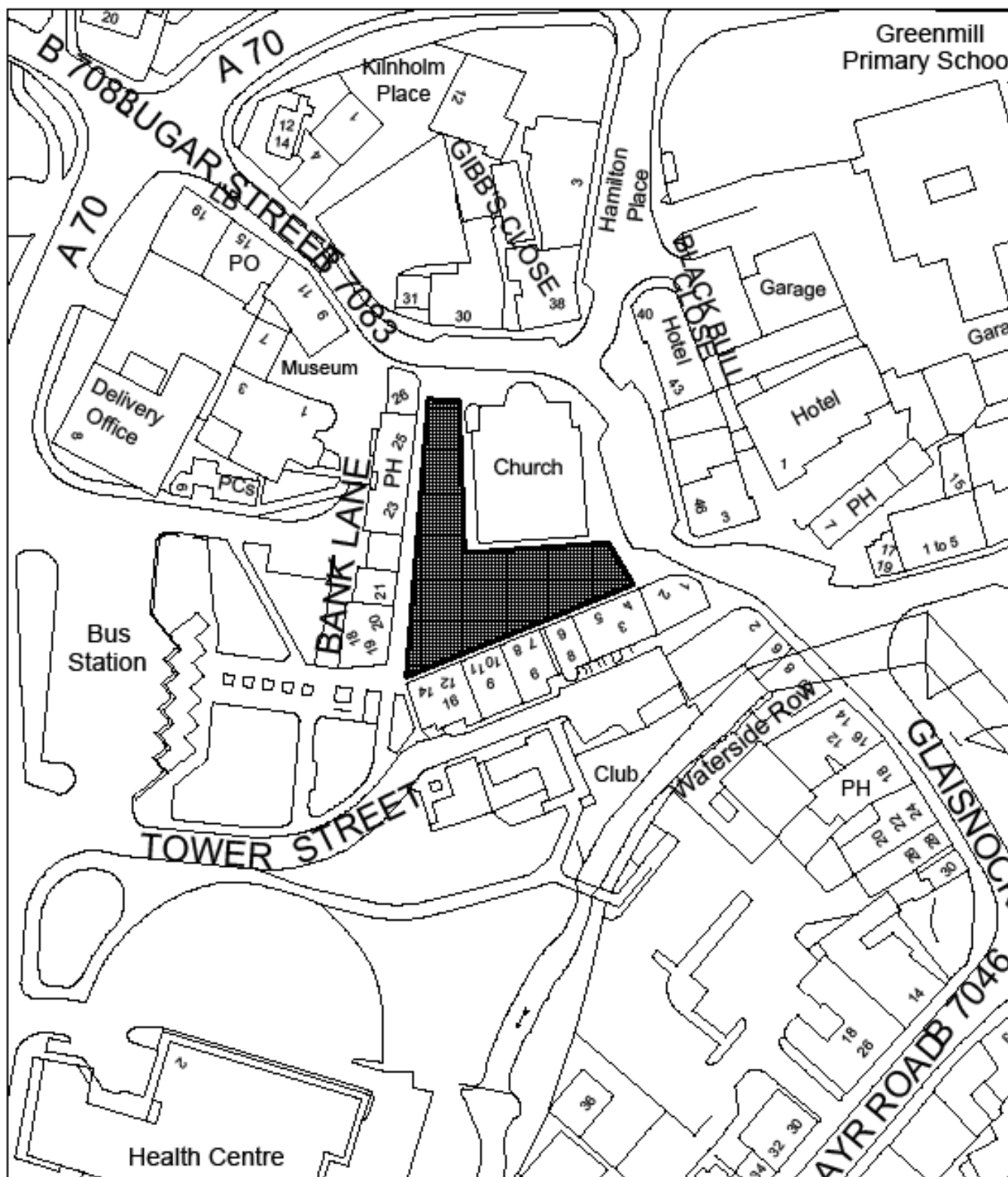
Reason: To ensure that clear access is maintained at all times for emergency vehicles and pedestrians, in the interests of road safety.



4. On completion of each day's trading, the site shall be cleared of all litter, debris and extraneous materials related to the operation of the market, to the satisfaction of the Planning Authority.

Reason: In the interests of amenity and public health.

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>Title/Location The Square</p> <p> Cumnock</p> <p> Application No. 11/0230/PP</p>	<p>East Ayrshire Council</p> <p>Department of Neighbourhood Services Planning & Economic Development Service The Johnnie Walker Bond 15 Strand Street Kilmarnock KA1 1HU Tel: (01563) 576790 Fax: (01563) 554592 E-Mail : Planning@east-ayrshire.gov.uk Com Date: 30/06/2011</p> <div style="text-align: right;">  </div>
<p>Key</p> <div style="display: flex; align-items: center;">  <p>Application Site</p> </div>	

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ORDNANCE SURVEY
Planning & Environmental Services
15 APR 2011



Site Plan scale 1:500