

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 18 AUGUST 2000**

**00/0364/FL: PROPOSED ESTABLISHMENT OF A MONTHLY FARMERS'  
MARKET AT FOREGATE SQUARE, KILMARNOCK  
BY JOHN SCOTT**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.2 It is proposed to hold a series of markets following initial pilot markets held in October 1999 at The Cross and July 2000 at Foregate Square. The applicant has submitted that there will be approximately 16 stalls selling fresh Ayrshire produce including meat, honey, cheese, eggs etc. It is proposed that the market will take place on the third Saturday of each month.

**2. RECOMMENDATION**

**2.1 It is recommended that this application be approved subject to the conditions on the attached sheet.**

**3. SUMMARY OF ANALYSIS**

3.1 The proposed development is considered to be accord with the Finalised East Ayrshire Local Plan. The site at the Foregate Square is located within the Kilmarnock Core Shopping Area. The establishment of the farmers' market is considered to be a development which would be a significant boost to the vitality and viability of the town centre in terms of the number of visitors being attracted to Kilmarnock on the day of the market. The market is to use high quality stalls which will not detract from the amenity of the area. None of the consultees raised any adverse comments and no objections were received as a result of the neighbour notification and statutory consultation process.

**Alan Neish  
Head of Planning and Building Control**

**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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**Report by Head of Planning and Building Control**

**1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation because it is a larger application which accords with the Development Plan and is of area significance.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The application site comprises the Foregate Square in the town centre of Kilmarnock. The site extends to some 0.09 acres and comprises an area of Foregate Square used by pedestrians adjacent to the turning area and taxi rank outside the bus station.

2.2 **Proposed Development:** It is proposed to hold a series of markets following initial pilot markets held in October 1999 at The Cross and July 2000 at Foregate Square. The applicant has submitted that there will be approximately 16 stalls selling fresh Ayrshire produce including meat, honey, cheese, eggs etc. It is proposed that the market will take place on the third Saturday of each month.

**3. CONSULTATION AND ISSUES RAISED**

3.1 The Roads Division have advised that there are no objections subject to the location of the market being restricted to the area shown as being the application site.

***Noted.***

3.2 Scottish Power have forwarded copies of their relevant record plan and draw the applicant's attention to the plan regarding underground cable location and liability for damage.

***Noted and should Members choose to grant consent, an appropriate advisory note can be attached bringing Scottish Power's comments***

***to the attention of the applicant. The record plan can also be forwarded.***

3.3 Transco have forwarded a copy of their Ordnance Survey plans and have advised that the applicant contact their Glasgow Operations Office prior to commencing works on site.

***Noted and should Members choose to grant consent, an appropriate advisory note can be attached, advising the applicant of Transco's comments and the requirement to contact them prior to works commencing on site.***

3.4 The Coal Authority have not identified any instability issues relative to the determination of this application.

***Noted.***

3.5 Legal Services have advised that whilst the proposed development will take place on Council owned property, given the existing retail use of the site, it is unlikely to encounter any title condition problems.

***Noted.***

3.6 Protective Services have no comment or objections other than to point out that the Community Services Department received no comments following the market held in Foregate Square on 15 July 2000.

***Noted.***

3.7 The Piersland Bentinck Community Council have not responded to their consultation at the time of writing this report.

***Noted.***

3.8 Strathclyde Fire Brigade have advised that the applicant should be informed that the market should be sited in such a manner that it does not:-

- (a) Obstruct access for fire fighting appliances to any of the surrounding buildings; and
- (b) Obstruct access to any fire hydrant in the area.

***Noted, and if Members resolve to grant consent it is recommended that a note be attached to the consent advising the applicant of the Fire Brigades' comments.***

3.9 Strathclyde Police have advised that there is some concern regarding the possible misuse of parking bays near to the site. Distributors would have to be informed with regards to loading/unloading, parking restrictions in that area. (ie turning circle, taxi rank and disabled parking). The Police will obviously monitor the situation on a monthly basis and act if concerns are raised.

***Noted, however the Council's Roads and Transportation Division have not raised any objections and should Members choose to grant consent, an appropriate advisory note can be attached.***

3.10 Economic Development have advised that the Farmers' Market has been operating on a monthly basis and very successfully in Ayr since Summer 1999. The aim of the organisers is to extend the operation of the market with both North Ayrshire and East Ayrshire and to that end, a pilot market was held in October 1999 at The Cross and this proved to be an extremely successful event. This success was not only in the trade which the stallholders did, but also in the marked increase in numbers of people who come into the town centre on that day. Pedestrian footfall numbers in the Burns Mall are recorded and on the day of the market, there was an increase of 2000 over the normally anticipated numbers. In addition, other retailers reported an increase in turnover which they achieved on that day. There was only one complaint about the presence of the market lodged by a retailer while in fact, other retailers have commented about how they positively welcomed the event.

***Noted. The positive effects of the market as detailed by Economic Development are of particular relevance. There have been no objections to this planning application..***

3.11 Kilmarnock Town Centre Management Initiative have advised that the initial farmers' market was held in October last year and was a tremendous success. It was strongly supported by the local community and representatives of the Council, the MP and MSP. Kilmarnock Town Centre Management Initiative fully appreciate and support the concept of a farmers' market in Kilmarnock which is aimed at promoting the local economy and providing extra incentive for shoppers who visit Kilmarnock. The attraction for visitors is not only can they buy local produce, but they can also enjoy the ambience and vibrancy that the market creates. It is noted that the success in attracting more people into the town centre on that date was notable from other retailers in the town with Burns Mall reporting an increase of over 2000 on comparable days.

***The support from Kilmarnock Town Centre Management Initiative is noted and of particular relevance in the consideration of the application. These comments reinforce the response received from the Economic Development Section.***

3.12 Kilmarnock Retail Traders Association has not responded to their consultation at the time of writing this report.

*Noted.*

#### **4. REPRESENTATIONS**

4.1 No objections have been received, however, a letter from the applicant highlights the success of two pilot markets, one in the Cross and one in the Foregate, points out that they were responsibly and tidily run and positively benefited local shopkeepers.

*Noted.*

#### **5. DEVELOPMENT PLAN STATUS**

5.1 The up-to-date development plan is the Finalised East Ayrshire Local Plan against which the Council has resolved to base its day-to-day decisions. Open air stalls or other street trading units can be assessed against Policy RTC13 which identifies the following criteria:-

- (i) impact on the vitality and viability of existing retail and catering provision within the settlements concerned;
- (ii) impact on the visual quality and amenity of the environment and adjacent properties by reason of noise, litter, odour or any other disturbance;
- (iii) servicing and car parking provisions;
- (iv) site specific locational need; and
- (v) compatibility with surrounding land uses.

In this instance it is considered that the proposed market complies with all the relevant criteria. Based on the experience of the pilot market and those markets undertaken at Ayr, it is considered that the market will not impact adversely on the vitality and viability of the town centre. In fact it is considered that based on the numbers attracted to previous events, the proposed market would be an asset to the town centre. With regards to the second and third criteria, both Roads and Protective Services have been consulted and have made no objections and in addition the stalls to be used are visually attractive and appear to be in a good state of repair. Finally the town centre is an obvious location for the market and such a retail use, will be compatible with surrounding uses which are all retail and lie within the Core Shopping Area. The proposal can therefore be considered to comply with the Finalised Local Plan.

5.2 The Kilmarnock Adopted Local Plan is also of relevance as it is the current Adopted Local Plan. This document is however considered to be out-of-date and does also not contain any policies relating to the establishment of street markets. It is particularly relevant therefore to consider this planning application against the Finalised East Ayrshire Local Plan.

## **6. OTHER PLANNING CONSIDERATIONS**

6.1 There are no other planning considerations relevant in the consideration of this application.

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

7.1 There are no financial or legal implications for the Council in determining this application.

## **8. CONCLUSION**

8.1 The proposed development is considered to accord to the Finalised East Ayrshire Local Plan. The site at the Foregate Square is located within the Kilmarnock Core Shopping Area. The establishment of a regular farmers' market is considered to be a development which would be a significant boost to the vitality and viability of the town centre in terms of the number of visitors being attracted to Kilmarnock on the day of the market. The market is to use high quality stalls which will not detract from the amenity of the area. None of the consultees raised any adverse comments and no objections were received as a result of the neighbour notification and public advertisement process.

## **9. RECOMMENDATION**

**9.1 It is recommended that this application be approved subject to the conditions on the attached sheet.**

**Alan Neish**  
**Head of Planning and Building Control**

19 July 2000  
(DVM/FMF/MMM)

## LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices/certificates.
3. Public advertisement.
4. Consultation replies.
5. Finalised East Ayrshire Local Plan.

Anyone wishing to inspect the above papers please contact Fiona Finlay on 01563 576768.

***Implementation Officer: Dave Morris***

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EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

00/0364/FL

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Site of Proposal: Foregate Square  
KILMARNOCK

Nature of Proposal: Proposed Establishment of a Monthly Farmers' Market

Name & Address of Applicant: Mr John Scott  
Vallekissock  
BALLANTRAE  
KA26 0LP

Name & Address of Agent:

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DPOs Reference: FF/SA

The above FULL application should be granted. Subject to the following conditions.

1. The farmers market hereby approved shall operate one Saturday per calendar month unless otherwise with the prior written agreement of the Planning Authority.

REASON

In order to retain effective planning control.

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

REASON

In order to retain effective planning control in the interests of public and road safety.

3. The farmers market shall operate at all times using stalls of a design and type shown as approved on the submitted plans unless with the prior written agreement of the Planning Authority.

REASON

In the interests of visual amenity.

## NOTES

1. The developer is referred to Scottish Power's (as enclosed) and attention is drawn to the plan regarding underground cable location and liability for damage. Early contact with Scottish Power is strongly encouraged.
2. Transco have advised that the developer contact their Glasgow operations office prior to commencing works on site. A copy of Transco's plans are attached. Early contact with Scottish Power is strongly encouraged.
3. Strathclyde Fire Brigade have advised that the applicant should be made aware that the market should be sited in such a manner that it does not:-
  - (a) obstruct access for fire fighting appliances to any of the surrounding buildings and
  - (b) obstruct access to any fire hydrant in the area.
4. Strathclyde Police have advised of some concern regarding the possible misuse of parking near to the site. Distributors and traders shall be informed with regards to loading/unloading parking restrictions in that area (ie turning circle, taxi rank and disabled parking area). They have further advised that they will monitor the situation.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**

**AGENDA**