

REPORT SUMMARY

REFERENCE NO: 17/503704/FULL		
APPLICATION PROPOSAL: Use of land to allow a market on Jubilee Square up to 120 days per year.		
ADDRESS: Jubilee Square High Street Maidstone Kent		
RECOMMENDATION: Grant permission subject to conditions		
SUMMARY OF REASONS FOR APPROVAL: The use of this open space for extended market purposes would add to the vitality of the town centre and would have no significant adverse impact on amenity or the historic character of the locality.		
REASON FOR REFERRAL TO COMMITTEE: Maidstone Borough Council application (applicant is MBC Market Manager)		
WARD: High Street	PARISH COUNCIL: N/A	APPLICANT: Maidstone Borough Council AGENT: N/A
DECISION DUE DATE: 14/09/17	PUBLICITY EXPIRY DATE: 18/08/17	OFFICER SITE VISIT DATE:
RELEVANT PLANNING HISTORY (including adjoining sites): 14/503619/FULL - Change of use from pedestrian only walkway to pedestrian walkway/square to allow for markets and/or promotional activity – Permitted MA/10/0691 - Planning application for the provision various improvements including new ramps, steps and landing areas removal and replacement trees. Permitted		

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 The application site forms part of Jubilee Square that is located in the centre of the town, adjacent to the High Street. The square is the principle historic and civic open space within the town centre. The square is close to some of the principal heritage assets in the town centre, including a large number of listed buildings, some of which are Grade II* listed (The Town Hall and Muggleton Inn), as well as the Queen Victoria Monument. The site is within the Maidstone Centre Conservation Area.

2.0 PROPOSAL

2.1 Planning permission is sought to allow a market to take place on Jubilee Square for up to 120 days per year. Previous 14/503619/FULL permission is reproduced here as an appendix conditions allow markets for up to 60 days a year.

2.2 The reason for the current planning application can be summarised as follows: to allow greater flexibility in the general operation of the market; to expand the current

successful farmers market; and to allow the existing general market to relocate to the application site.

- 2.3 The Farmer's Market currently runs on the 4th Friday of each month on the application site. This market had been a success and the Market Manager would like the flexibility to expand this market to operate additionally on the 2nd Friday of each month.
- 2.4 The existing Maidstone Saturday General Market at Lockmeadow has been steadily declining and is now small enough to fit into the Jubilee Square space. Reports indicate that the Lockmeadow site is also not the right location and moving the market to Jubilee Square would encourage more use, increase viability and bring the facility closer to existing and potentially new customers. Relocating the market to a central location would also benefit the viability of other businesses and sustainability in relation to passing trade and linked trips. This market would operate from 8:00am to 6:00pm.
- 2.5 Finally, the number of days requested (120) would allow the Market Manager to operate other specialist markets when the circumstances allow, such as a Christmas Market. The proposed markets would have no permanent structures: all gazebos, structures, tables and ornamentation would be temporary structures that would be removed at the end of any market. The day to day operation of the market would continue to be regulated by separate legislation.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: R7.
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Final Draft Maidstone Local Plan 2017 SP1, SP4, DM16, DM31, DM32, DM33

3.01 Maidstone Borough Local Plan (2016) was submitted to the Secretary of State for examination on 20th May 2016. The Local Plan Inspector issued his Report on the Examination of the Maidstone Borough Local Plan on 27th July 2017. The Report is accompanied by an appendix containing the Main Modifications. The Inspector concludes that, with the incorporation of the Main Modifications, the submission Maidstone Borough Local Plan is sound. The adoption of the Local Plan will be considered at the next meeting of the Council on 27th September 2017 with a verbal update provided at the meeting considering this application.

3.02 In these circumstances, it is considered that approaching full weight should be afforded to the Maidstone Borough Local Plan incorporating the Main Modifications in the determination of planning applications.

4.0 LOCAL REPRESENTATIONS

4.01 The planning application has been advertised with individual letters sent to adjoining properties, a site notice and a press notice.

4.02 **Local Residents:** No representations received from local residents.

5.0 CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

- 5.01 **KCC Highways:** No objection in principle subject to detailed layouts of the stalls being provided to ensure adequate safe and permeable movement through and around the market. Apparatus in the highway requires separate license approval.
- 5.02 **MBC Conservation Officer:** Support for the application on the basis that this was one of the historic uses of this space.
- 5.03 **Mid Kent Environmental Health:** No objection

6.0 APPRAISAL Main Issues

- 6.01 The key issues for consideration are:
- Principle of development
 - Viability and vitality of the town centre,
 - Amenities of the area
 - Appearance and character of the conservation area.

Principle of development

- 6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 6.02 Existing and emerging policies seek to promote Maidstone town centre as a vibrant commercial centre and the vitality and viability of the area. A town centre market which would have been the historic use of the town square with a flexible operation is fully in tune with these aims embodied in policy and, in accord with the previous planning history of this site.

Impact on viability and vitality

- 6.03 The character of this space is very much a public transitional space offering a route between shopping areas and generally travelling through the town centre. This is also a functional space which offers seating, public transport links. With its large open area, the space is a fundamental part of the setting of the surrounding listed buildings and the character of the conservation area.
- 6.04 Most of the adjoining historic buildings face or overlook the application site in some way creating a vibrant public space. There are a mix of local uses including public houses, shops and banks adding to the vitality of this space. In my opinion, a market in this open area assists in supporting the vibrant and active character of this square as well as supporting pedestrian footfall for existing businesses and this use should be supported.
- 6.05 The current application has been submitted by the MBC Market Manager to allow greater use, and a more flexible use of this area for market purposes including allowing the market to operate for 120 days in a year. An extension of the market days to 120 days and a less restrictive approach would be fully in line with policy and would add to the vitality and viability of the town centre.

Amenities of the area

- 6.06 Jubilee Square was conceived as a busy public space suitable for a range of commercial and entertainment functions. The locality is a busy, noisy environment that is a fundamental part of Maidstone's day-time and night-time economy.

- 6.07 The market use in keeping with the existing character of the area and its operation does not present any significant threat to the amenities of local residents in terms of noise and disturbance. Any noise and disturbance from the market has to be seen in the context of the important local contribution to the night time economy with the unsocial hours of nearby night clubs, pubs, restaurants etc.
- 6.08 I regard the planning conditions that were previously imposed on the market use to be over-restrictive especially given other legislative control. The restrictions have resulted in a lack of flexibility that would have hindered the operation of the market. I am satisfied that the only condition on the use is a restriction on the overall number of market days to 120 days.

Character of the Maidstone Centre Conservation Area

- 6.09 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard should be had to the desirability of preserving listed buildings or their setting.
- 6.10 In my view, there would not be any detrimental visual impact as a result of this development. I consider the setting and character of the conservation area and listed buildings would not be affected by this proposal. The Conservation Officer supports the application on the basis that this was one of the historic uses of this space.

Highway Impacts

- 6.11 In terms of the impact upon the highway, the land itself is a part of the public highway. Permission has already been granted for a market on this space and an extension of that use would not, in my view, raise any significant highway safety issues.
- 6.12 The Highways Officer agrees with that assessment. There is clearly enough land here to accommodate a market without significantly blocking access: issues concerning the detail of the layout of stalls and equipment and any safety/access issues emerging from that are properly dealt with under separate highways and street traders licence legislation.

7.0 CONCLUSION

- 7.01 The application site is currently an important multi-functional space in the heart of the town centre and the current market contributes to the vibrancy of this location. A market in this area assists in supporting the active character of this square as well as attracting pedestrian footfall to the area that in turn assists in the viability of existing local businesses.
- 7.02 The proposed development, compiles with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and the emerging plan and there are no unacceptable impacts on the character, appearance and visual amenity of the locality generally. The development does not result in any unacceptable impact on the amenities of surrounding occupiers. The proposals do not raise any overriding parking or highway safety issues. The development is acceptable in relation to heritage considerations.
- 7.03 The proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other relevant material considerations. An extension to the market days on Jubilee Square and a more flexible planning regime would add to the vitality of the town centre and I recommend that permission be granted.

8.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The market hereby permitted shall only take place for a maximum of 120 days in any calendar year.

Reason: To reflect the development applied for and in the interests of the amenities of the area.

- (3) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plans at 1:2500 and 1:500.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

Case Officer Geoff Brown

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.