

The information, recommendations and advice contained in this report are correct as at the date of preparation, which is more than two weeks in advance of the Committee meeting. Because of these time constraints some reports may have been prepared in advance of the final date given for consultee responses or neighbour comment. Any changes or necessary updates to the report will be made orally at the Committee meeting.

Case Officer David Stevens

Application No. 25/00204/FUL

Date Valid 8th April 2025

Expiry date of
consultations 7th May 2025

Proposal Change of use of further highway land at Queensmead to extend the operational area for Farnborough Market as permitted by planning permission 16/00841/FUL dated 8 December 2016 as amended by 21/00680/REV dated 16 September 2021 to incorporate the new Town Square area. The Market overall to continue to operate with a maximum of 38 stalls on Tuesdays and Fridays weekly; but with Craft Fayres now held on the 1st Saturday of each month (instead of the currently permitted 3rd Saturday of each month), and, as existing, also use of the market area on 12 further occasions through the calendar year

Address **Farnborough Market Site Queensmead Farnborough**

Ward Empress

Applicant Rushmoor Borough Council

Agent RBC Regeneration & Property

Recommendation **Grant**

Description & Relevant Planning History

The site is in Farnborough town centre. It mostly comprises the pedestrianised highway of Queensmead, running south to north from Kingsmead to the west of Eastmead. With the exception of Dukes Court, which is a four-storey building, and 56 Queensmead/1-4 The Mead, which is a substantial part two- and three-storey building, the pedestrianised highway is bounded by three storey flat roofed terraced maisonettes built in the 1960s with retail/commercial/medical accommodation at ground floor level and residential or ancillary commercial space on the floors above.

In 2014 planning permission, 14/00958/FULPP, was granted for the use of pedestrianised public highway as a market on Tuesdays and Sundays and on 12 other occasions through a calendar year with associated works. This permission was implemented. The market approved by this permission permitted up to 28 stalls, with each single stall potentially having

a maximum frontage and depth of 3 metres, although some stalls could be combined to give a wider frontage. The majority of the stalls were to be sited in the centre of Queensmead with a small number of stalls located between 71 and 73 Queensmead. For those stall holders requiring chiller units, such as a butcher, provision is made to the side of 93 Queensmead. A minimum aisle width of 3.5 m was approved between the stalls and the canopies of the existing buildings when the market is in operation. The market stalls are lightweight alloy fold out gazebos. As these are temporary structures they did/do not require specific planning permission.

Planning permission was then granted in December 2016, 16/00841/FUL, for an amendment to the 2014 permission following feedback from the general public and market traders in respect of the Sunday market. Permission was granted for the use of pedestrianised public highway as a market on Tuesdays and Fridays, also to include a craft fayre on the third Saturday of each month and on 12 other occasions through a calendar year. Additionally, the maximum number of stalls was increased to 38 stalls. On no more than 6 occasions annually the markets were also permitted to trade to 8.00pm on Tuesdays/Fridays. The parking and refuse arrangements remained as previously existing, with the Kings Moat car park being the recommended car park; and the market bin store is located on the south side of the Pinehurst North car park.

In September 2021 planning permission, 21/00680/REV, was then granted for a relaxation of Condition No.2 of planning permission 16/00841/FUL to allow stall set-up to commence from 7.00am, 30 minutes earlier than is currently permitted. The supporting statement submitted with that application explained that this proposal arose following requests from current and prospective market traders for an earlier start so as not to miss trade from people heading to work for the day. There is no restriction on the time at which market trading can commence as long as the setting-up of market stalls does not commence before 7.00am, although there are limits on when market trading should cease at the end of the day.

The current application has been submitted following the commencement of works at the north end of Queensmead to form the new Town Square. It is proposed that the Market as already permitted simply be allowed to use space within the new Town Square street area in addition to its current approved area within the Queensmead street itself. In this respect it is proposed that the Market overall would still continue to operate with a maximum of 38 stalls on Tuesdays and Fridays weekly; but with Craft Fayres now held on the 1st Saturday of each month (instead of the currently permitted 3rd Saturday of each month), and, as existing, also use of the market area as now proposed to be enlarged on 12 further occasions through the calendar year.

Consultee Responses

HCC Highways No highway objections.
Development Planning

Environmental Health No Environmental Health objection.

Neighbours notified

In addition to posting a site notice and press advertisement, 99 individual letters of notification were sent to properties in Queensmead (including all flats in Dukes Court), The Mead, Westmead and Eastmead adjacent or in proximity to the proposed enlarged Market site area.

Neighbour comments

At the time of writing this report no comments have been received as a result of neighbour notification and other usual planning application publicity, including the posting of a site notice in the Town Square.

Policy and determining issues

The site is located within Farnborough town centre. Policies SS2, SP2 and DE10 (Pollution) of the adopted Rushmoor Local Plan (2014-2032) are relevant to the current proposal. Also relevant are the Farnborough Town Centre SPD (2007) and accompanying Prospectus (2012); and the advice contained in the National Planning Policy Framework/Planning Practice Guidance.

The Government variously defines 'night-time' and 'day-time' hours, with 'night-time hours' being between 11.00pm and 7.00am, for the purposes of considering amenity impacts. Within 'night-time' hours it is considered that most people would have an expectation of being asleep and, as such, more likely to be adversely affected by any undue noise and disturbance because this is likely to wake them up and/or deprive them of sleep. 'Night-time' hours are, in effect, those hours within which noise nuisance impacts would be likely to have enhanced effects that the Government envisages should be considered less favourably than would be the case for 'daytime hours'; i.e. between 7.00am and 11.00pm.

The Aldershot street market held in Union Street and Wellington Street in Aldershot town centre was also approved in 2016 and is subject to a stall set-up time of between 7.00am and 9.00am; 16/00843/FUL.

In this context the sole determining issue is whether or not the proposed extended area of street within which the market could operate, together with a switch in the day in the month for the Craft Fair, would result in any material adverse impacts upon the amenities of occupiers of adjoining and nearby residential properties.

Commentary

The Queensmead street market was introduced in 2014 seeking to introduce increased vibrancy and footfall into the retail area of Farnborough Town Centre, indeed, the market has been promoted and run by the Council in order to boost the vitality and viability of the town centre. These are long-standing objectives of the Council that are supported by adopted Local Plan policies and current Government Planning Policy and Guidance. In this respect the operation of the market has resulted in some different patterns of activity within the Town Centre on the days when markets are held. Nevertheless, it must be remembered that the market is held in a location where a significant amount of noise, disturbance and activity already takes place irrespective of the existence of the Market. Indeed, there are no controls over the day-to-day timing of service deliveries, refuse collections, opening hours, customer habits etc of the permanent commercial premises operating within Queensmead.

The closest residents to the market are located adjacent, above the retail premises in Queensmead and Dukes Court. Accordingly, from the outset, the market has been operated subject to planning conditions. This includes control of the hours of setting up to, currently, between 7.00 to 9.00am; that the market is vacated by specified times with a limited small number of later evening markets to be held annually; that no amplified music or other sound be used; and that no markets take place on Sundays. The imposition of planning conditions is

enhanced by the Council itself having direct control and responsibility for the management of the Markets rather than this being done by a separate private operator; and, as such, the Council has been able to respond quickly to address any issues that arise that may be raised by residents; and that, generally, an appropriate noise environment can be maintained for existing residents.

It is not considered that allowing the Market to be set-up within an expanded area also using space within the new Town Square area would give rise to any additional and harmful impacts upon the amenities of residential neighbours. Markets would continue to operate with the same frequency and under the same conditions as existing. Furthermore, it is considered that switching the monthly Craft Fair from the third Saturday of each month to the first Saturday is equally acceptable in Planning terms. The Council's Environmental Health Team has been consulted on this application and raise no objections as a result

It is considered that the current proposals are most unlikely to give rise to any undue and materially harmful additional impact upon the amenities of occupiers of residential properties in the vicinity.

Full Recommendation

It is recommended that **SUBJECT** to no new and substantial objections to the proposal being received on or before 8 May 2025 the Executive Head of Property and Growth, in consultation with the Chairman, be authorised to **GRANT** planning permission subject to the following conditions and informatives:-

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

Reason - As required by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Access to the market site (including, for the avoidance of any doubt, the bin storage area) for the purposes of setting up shall only take place between the hours of 7.00am and 9am.

Reason - To safeguard the amenities of adjoining occupiers.

- 3 No more than 3 of the Tuesday or 3 of the Friday markets shall finish after 8pm in any calendar year with the market site being fully vacated by 9pm on such days.

Reason - To safeguard the amenities of adjoining residents.

- 4 With the exception of the Tuesday/Friday markets as set out in condition 3 above, the market shall be fully vacated by 6pm.

Reason - To safeguard the amenities of adjoining residents.

- 5 No sound reproduction equipment including the use of amplified sound shall be used by stall holders.

Reason - To safeguard the amenities of adjoining residents.

- 6 No markets shall take place on Sundays.

Reason - To safeguard the amenities of adjoining residents.

- 7 The permission hereby granted shall be carried out in accordance with the following approved drawings and documents – Farnborough Markets Site Location Plan dated 4/1/2025 and Design Statement submitted with the current application; and Drawing No.20.6.13-2/101 and Applicants' Supporting Statement approved with application 21/00680/REV approved 16th September 2021; and Drawing No.20.6.13-2/102 approved with planning permission 16/00841/FUL dated 8th December 2016.

Reason - To ensure the development is implemented in accordance with the permission granted.

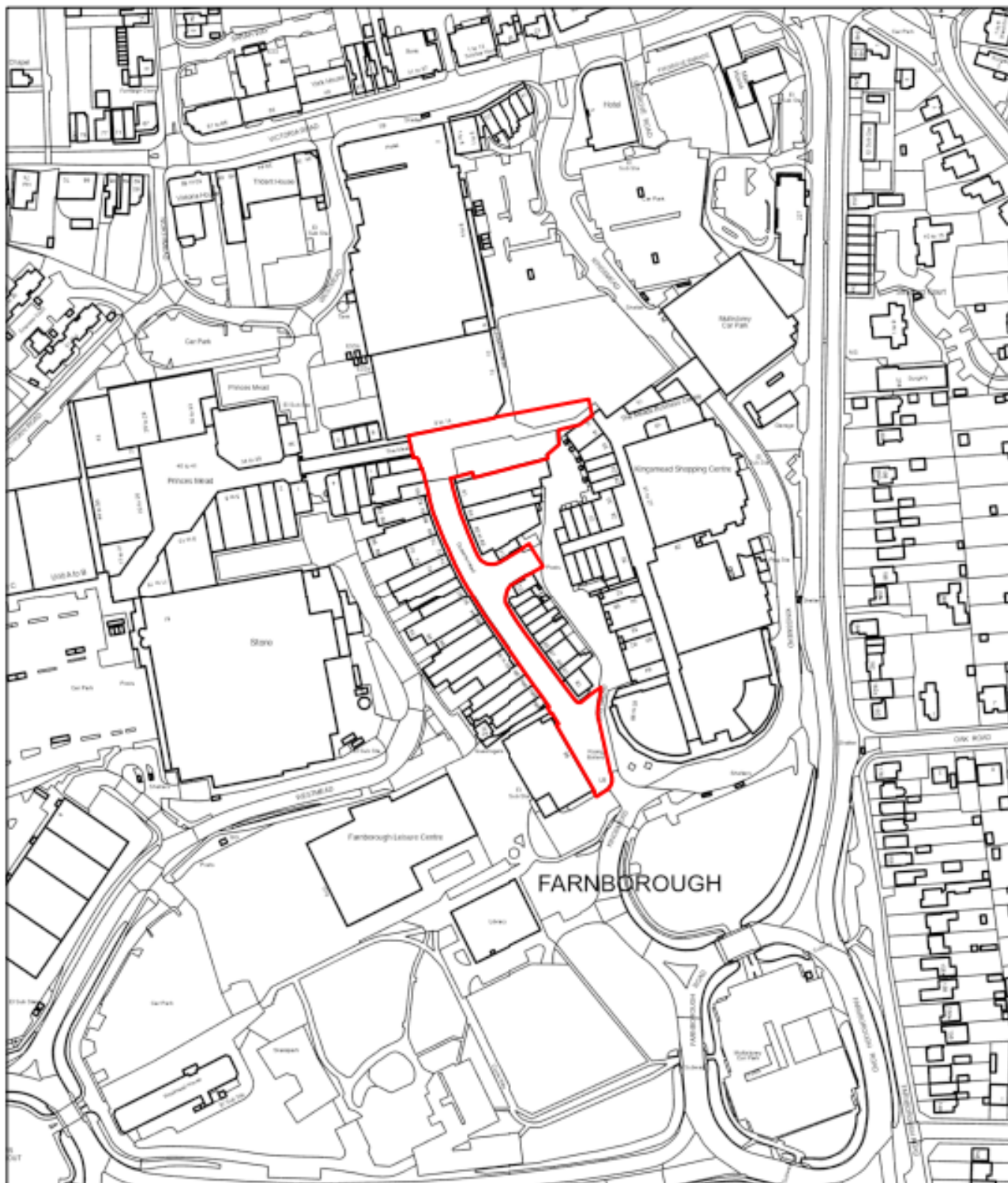
INFORMATIVES

- 1 **INFORMATIVE - REASONS FOR APPROVAL-** The Council has granted permission because:-

It is considered that the proposed increase in the extent of street space to accommodate the Market and a change in the Saturday in the month on which the monthly craft fair takes place are not considered likely to give rise to any undue and materially harmful additional impact upon the amenities of occupiers of residential property in the vicinity. The proposal is thereby acceptable having regard to the requirements of Policies SS2, SP2 and DE10 of the adopted Rushmoor Local Plan (2014-2032).

It is therefore considered that subject to compliance with the attached conditions, and taking into account all other material planning considerations, including the provisions of the development plan, the proposal would be acceptable. This also includes a consideration of whether the decision to grant permission is compatible with the Human Rights Act 1998.

- 2 **INFORMATIVE –** The Local Planning Authority's commitment to working with the applicants in a positive and proactive way is demonstrated by its offer of pre-application discussion to all, and assistance in the validation and determination of applications through the provision of clear guidance regarding necessary supporting information or amendments both before and after submission, in line with the National Planning Policy Framework.



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Planning Application

Building

- Buildings
- <all other values>

