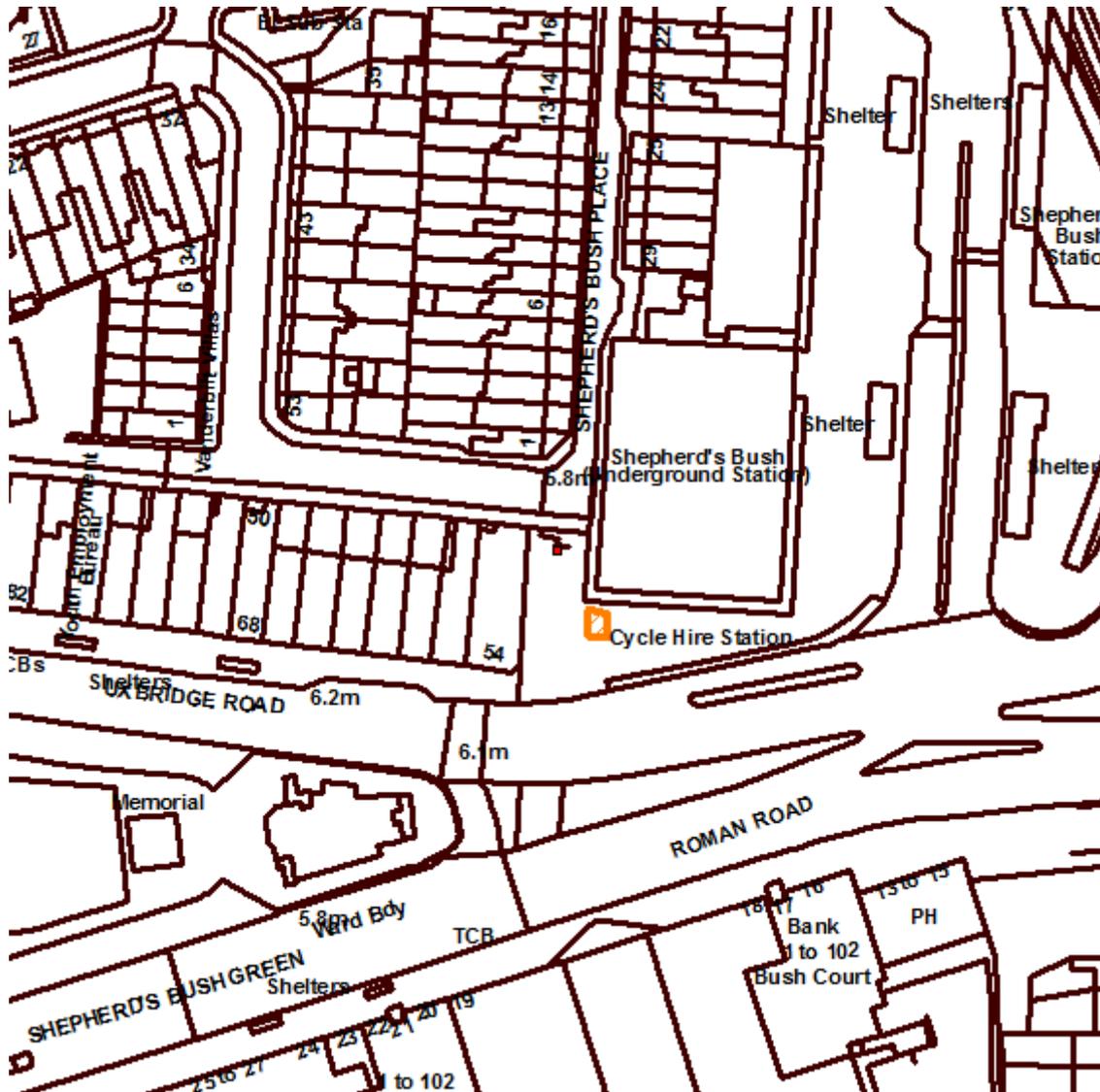


Ward: Shepherd's Bush Green

Site Address:

Shepherd's Bush Station Plimley Place London



© Crown Copyright. All Rights Reserved. London Borough Hammersmith and Fulham LA100019223 (2013).

For identification purposes only - do not scale.

Reg. No:
2019/03240/FR3

Case Officer:
Ian Opolot

Date Valid:
08.11.2019

Conservation Area:
Constraint Name: Shepherds Bush Conservation
Area - Number 21

Committee Date:
13.10.2020

Applicant:

Miss Lynda Dunn
LBHF

Description:

Use of part of the public highway for the placing of 3no market stalls outside of Shepherd's Bush Station entrance.

Drg Nos: 65010/14/1, 65010/14/2, Service and Delivery Plan.

Application Type:

Full Regulation 3 - LBHF is Developer

Officer Recommendation:

That the Chief Planning Officer be authorised to determine the application and grant permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the condition(s) listed below:

That the Chief Planning Officer after consultation with the Head of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement or conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

- 1) The placement of any stall on the application site, or the carrying on of any trading on any part of the application site, shall not continue beyond 24 months from the date of this decision notice.

So that the operation of the market stalls, most particularly with regards to Highways impacts and noise and disturbance to neighbouring properties, may be monitored by the Council over the course of the permission to ensure that no adverse impacts are occurring, in accordance with Policies T1, T6, CC11 and CC13 of the Local Plan (2018).

- 2) A maximum of three stalls at any one time shall be erected only in the locations shown on approved drawing no. 65010/14/2 and no stall shall be erected in any other area at any time. The market stalls shall be dismantled and removed when not trading.

To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies DC1, T1 and T6 of the Local Plan (2018), and Key Principles TR22 and TR29 of the Planning Guidance Supplementary Planning Document (SPD) (2018).

- 3) The use of the premises shall not be permitted outside the hours of 08:00-20:00, Monday to Sunday, and at no time on Bank Holidays.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from activities or people at the site, in accordance with Local Plan (2018) Policies CC11 and CC13.

- 4) The stalls shall be serviced in line with the submitted Delivery and Servicing plan which details the loading and unloading, vehicle movements, and quiet loading/unloading measures. The details within the agreed Delivery and Servicing Plan shall be implemented prior to the stalls being used and thereafter be permanently retained.

To ensure that the amenity of occupiers of the surrounding premises and the development are not adversely affected by noise and that servicing activities do not adversely impact on the highway, in accordance with Policy 6.11 of the London Plan and Policies T2, T4, T5, CC11 and CC13 of the Local Plan 2018.

- 5) No servicing of the stall/s shall occur from the public footway adjacent to, or part of the site.

To avoid vehicles using the public footway for servicing and causing an obstruction on the footway, in accordance with Policies T1 and T6 of the Local Plan (2018) and Key Principle TR25 of the Planning Guidance Supplementary Planning Document (2018).

- 6) Mobile electrical fuel based generators e.g. diesel, petrol shall not be used for heating, lighting and energy supplies for the market stalls.

To ensure that the amenity of occupiers surrounding the premises is not adversely affected by NOx and Particulate (PM10, PM2.5) emission from fuel based electrical generators ancillary to activities at the site, in accordance with Local Plan (2018) Policies CC10 and CC13.

Justification for Approving the Application:

- 1) 1. Land use: The proposal would achieve a sustainable development by contributing to the vibrancy of the White City Regeneration Area, and would not conflict in any way with the Council's aims for the regeneration of that area. It would also not affect the viability of Shepherd's Bush Town Centre. Therefore the principle of the development is considered to be in accordance with Local Plan Policies WCRA, and TLC2 of the Local Plan (2018).
2. Highways matters: It is considered that the scheme would not have a significant further impact on the highway network or local parking conditions and is thus considered to be acceptable. Satisfactory provision would be made for the loading/unloading and deliveries and an acceptable width of footway would remain unobstructed for pedestrians. The development thereby accords with Local Plan (2018) Policies T1 and T6 of the Local Plan (2018) as well as London Plan (2016) Policies 6.1, 6.3, 6.10, 6.11 and 6.13.
3. Residential Amenity: The impact of the proposed development upon neighbouring residential occupiers is considered acceptable. The proposal would not have an unacceptably harmful impact on neighbouring residential amenity in terms of noise disturbance or other nuisance, such as hot food smells. In this

regard, the development would respect the principles of good neighbourliness, and would therefore be acceptable in accordance with Policies CC11 and CC13 of the Local Plan (2018).

4. Appearance: The development is considered to comply with Local Plan (2018) Policies DC1 and DC8 which require a high standard of design in all new build developments and extensions and alterations to existing buildings, compatible with the scale and character of existing development and its setting. The stalls are not a permanent fixture, of a neat and tidy appearance and do not feature any large, obtrusive or garish signage or advertisement. The character and appearance of the conservation area would be preserved.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All Background Papers held by Andrew Marshall (Ext: 4841):

Application form received: 30th October 2019

Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2019
The London Plan 2016
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:

Transport For London - Land Use Planning Team
London Underground Limited

Dated:

28.11.19
29.11.19

Neighbour Comments:

Letters from:

53 Sterne st London W128ab
2 Sterne Street London W12 8AD
3 Bodington Court Sterne Street London W128AD
3 Bodington Court Sterne Street London W12 8AD
2 Shepherds Bush Place London W128LX
2 Shepherds Bush Place London W128LX
1 Shepherds Bush Place London W12 8LX
8A Sterne Street London W12 8AD
1 Shepherds Bush Place London W12 8LX

Dated:

09.11.19
19.11.19
11.11.19
11.11.19
21.11.19
30.01.20
11.11.19
26.11.19
26.07.20

OFFICER'S REPORT

1.0 BACKGROUND

1.1 The application site comprises an area of public footway in front of Shepherd's Bush Station. It is located to the south of Shepherds Bush Underground Station entrance, adjacent to Plimley Place and No. 54 Uxbridge Road (Londis) is situated to the west of the site. Uxbridge Road is to the south, and Shepherds Bush Place to the north. The site is located within Shepherd's Bush Town Centre and the Shepherd's Bush Conservation Area and White City Regeneration Area.

1.2 The application seeks permission for the use of part of the public highway for the placing of three market stalls operating from Monday to Sunday (including Bank Holidays/Public Holidays) 7am - 6pm. The stalls would provide flowers/plants as well as fruit. This application is for the relocation of the existing stalls by Plimley Place (approved under application 2018/03343/FR3), and is not for additional stalls.

2.0 PUBLICITY AND CONSULTATION RESPONSES

2.1 The application was advertised by way of site and press notices. Individual notification letters were also sent to neighbouring properties.

2.2 Objections were received from 6 properties which raised the following concerns:

- Noise as a result of loading and waste collection
- Illegal parking of collection vehicles/lorries
- Obstruction of Highway by collection vehicles/lorries
- Market stalls will lead to increased litter, noise and disturbance/antisocial behaviour.
- Not in keeping with conservation area and will detract from setting of nearby listed buildings.
- Plimley Place is an area for pedestrian use, and there is insufficient room for the current stalls let alone additional stalls.
- The Council is unable to monitor the existing stalls let alone additional stalls
- Stalls are a highway hazard; creates danger and obstruction to road users and for people driving and turning into Sterne Street. The stalls are also a hazard for disabled people.

2 letters of support were also received, stating It is a valuable amenity in the area, adding to our security and much needed facilities. Both the flower and fruit stalls an asset to the area and have made the local vicinity a far safer and pleasant place to pass through

2.3 Officer response: The material issues raised are addressed in the report below.

2.4 Transport for London: were consulted on the proposal and they responded to say no objection in principle, as long as they do not obstruct tube station access or flow of passengers, and subject to discussions on precise location.

3. RELEVANT PLANNING HISTORY

3.1 2018/03343/FR3 - Use of part of the public highway for the placing of 3no market stalls outside of Shepherd's Bush Station entrance (adjacent to 54 Uxbridge Road) - Approved 13.02.2019

4.0 PLANNING CONSIDERATIONS

3.1 The relevant considerations in this case, to be assessed against the policies in the National Planning Policy Framework (NPPF), The London Plan (as amended March 2016) and the Hammersmith and Fulham Local Plan (2018) and the Planning Guidance Supplementary Planning Document (SPD, 2018) are:

- The principle of the development
- Highways matters, most particularly servicing and deliveries
- Noise and disturbance to neighbouring residential properties
- Visual amenity and street clutter

5.0 PRINCIPLE

5.1 The site is located within White City Regeneration Area (Local Plan Policy WCRA). This policy states that the Council will seek to sustain regeneration in the White City Regeneration Area by locating retail activities within the town centre. It is considered that the proposal for a new street food market would not conflict with the Council's aspirations for regeneration of the area, but may in fact contribute to the vitality and vibrancy of the area. As such, no objections would be raised in terms of Policy WCRA.

5.2 The site falls within Shepherd's Bush Town Centre and is therefore subject to Local Plan Policy TLC2 (Town Centres). It is acknowledged that three market stalls were approved adjacent to the application site under 2018/03343/FR3. The proposal was approved under condition that it is only temporary consent, and the stalls are to be removed 24 months from the date of permission (13th February 2021). This application is to relocate the previously approved stalls. Due to its location and small scale, catering primarily to commuters and local workers/residents, it is considered that the proposal would not harm the vitality or viability of Shepherd's Bush Town Centre but would add to the local facilities and would therefore not conflict with Policy TLC2 of the Local Plan.

5.3 There are no other policies within the Local Plan that specifically mention new proposals for street food or market stalls and therefore, Officers recommend that no objections be raised to the principle of the development. The key issues to be assessed are the highways impact of the scheme, noise and disturbance for neighbours, and the impact of the scheme on visual amenity and the character and appearance of the conservation area.

6.0 HIGHWAYS

6.1 The main Highways issues in respect of the development are (a) ensuring satisfactory arrangements for safe and convenient loading/unloading and deliveries for the market stalls and (b) ensuring that there is still space on the pavement for the safe and convenient passage of pedestrians, including those with mobility impairments.

6.2 Local Plan Policy T1 states that the Council will seek to ensure that traffic generated by new development is minimised so that it does not add to parking pressures on local streets. Uxbridge Road is a London Distributor Road, and Policy T6 states that development will not be permitted if it would prejudice the effectiveness of these roads to provide links to the strategic route network and access to and between town centres.

6.3 The part of the carriageway in front of the proposed market stalls is a "No loading at any time" zone, which means that the traders would be required to load and unload their equipment away from the proposed location of the stalls. A Delivery and Servicing Plan has been submitted and reviewed by Highways Officers.

6.4 Servicing would have to take place from Sterne Street, which is already used by other commercial premises in the area. The document provides detail regarding loading and deliveries times, permitted location of lorries during loading/unloading. The plan states that each trader must park their vehicle legally in paid for parking bays, or park off site, they can then unload and load their vehicles. Loading and unloading is allowed for up to 20 minutes in parking bays and on yellow lines, only if it is safe to do so. Vehicles must be seen to be in continuous use for loading and unloading and must not be left unattended. These details are also included in the trading licences issued by the markets team.

6.5 The location of the market stalls is on a part of footway with a high level of footfall, especially at peak times with commuters moving between White City and Shepherd's Bush underground station and nearby offices. This means that more than the minimum width of 3.5m clear and unobstructed footway will need to be provided as per Key Principle TR25. The distance from the stalls, which are to be in line, to the kerb of Uxbridge Road is approximately 19 metres. Therefore, even when existing obstructions including lighting columns, bollards and traffic lights are taken into consideration, there would still be enough space remaining to ensure the free flow of pedestrians. The market stalls would be located west of the Shepherd's Bush Underground Station on public land, all TfL owned land in front of the station entrance would remain unobstructed.

7.0 NOISE AND NUISANCE

7.1 Local Plan Policy CC11 (Noise) states that noise-generating development will not be permitted if it would be liable to materially increase the noise experienced by the occupants of existing noise-sensitive uses in the vicinity, in this case, the nearest residential properties on Shepherd's Bush Place, north of Plimley Place. Policy CC13 (Control of Potentially Polluting Uses) states that the Council will, where appropriate, require mitigation measures if a nuisance (such as smoke, smell, or noise) would be likely to occur. With specific reference to outdoor uses, Key Principle NN5 states that outdoor uses need to be assessed with regard to frequency and times of use, and the noise level likely to be emitted from activities.

7.2 The residential properties on the southern end of Shepherd's Bush Place, the nearest being No.1, is approximately 35 metres away from the market stalls. Noise from the development could be generated from vehicles arriving, setting up, voices etc. The application proposes a start time of 8am for trading, with set up commencing prior to that time. Concerns have been raised by residents about noise nuisance from the existing stalls; the proposed location of the stalls for this application would further move

the stalls away from residential properties with the station building in between the stalls and the residential properties. Following review from the Council's Public Protection Team, a condition has been recommended to ensure that the use of the premises shall not be permitted outside the hours of 08:00-20:00, Monday to Sunday, and at no time on Bank Holidays. If this recommended condition is complied with, it is not considered that the proposed market stalls would generate additional noise beyond what has been established by the existing commercial activities in the area, the considerable pedestrian and vehicular traffic on Uxbridge Road and outside the underground station at that time. The stalls would not be involved in the preparation and sale of hot food, as such no detrimental impacts from cooking/preparing food would be generated. The stalls allowed to operate would be under the management/control of the councils Market team.

8.0 APPEARANCE/ VISUAL CLUTTER

8.1 The proposed market stalls are considered to be modest in terms of their footprint, bulk and mass. In order for the market stalls to comply with street trading licencing regulations they would be designed to integrate with the surrounding urban environment without detracting from its character and appearance, and, given they are not a permanent feature, no objections are raised on the grounds of visual amenity. It is considered that the character and appearance of the conservation area would be preserved. The plans are indicative of the location, as the precise distance from the LUL building will be agreed by the markets team/LUL. As mentioned above there is significant pavement width in this location, so it will not hamper pedestrian movement.

9.0 CONCLUSIONS AND RECOMMENDATIONS

9.1 Officers consider that the proposed development would be acceptable in terms of its highways implications and noise and disturbance for neighbours, as well as appearance and the impact on the character and appearance of the conservation area.

9.2 It is recommended that a temporary planning permission for 2 years be granted, subject to conditions.