

Ward: Shepherd's Bush Green

Site Address:

Next To Londis Plimley Place London W12 8LP



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For identification purposes only - do not scale.

Reg. No:

2018/03343/FR3

Case Officer:

Nathaniel Young

Date Valid:

08.11.2018

Conservation Area:

Constraint Name: Shepherds Bush Conservation Area - Number 21

Committee Date:

12.02.2019

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 (adjacent to 54 Uxbridge Road).

Drg Nos: 65010/14/1 _ 65010/14/2

Application Type:

Full Regulation 3 - LBHF is Developer

Officer Recommendation:

That the Committee resolve that the Strategic Director, Growth and Place, 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:

To authorise the Strategic Director, Growth and Place, after consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make any minor changes to the proposed conditions which may include the variation, addition or deletion of the 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 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) Prior to commencement of the development, a Servicing Management Plan shall be submitted to and approved in writing by the Council. Details shall include times and frequency of loading and unloading, vehicle movements, and quiet loading/unloading measures. The details within the agreed Servicing Management Plan shall be implemented prior to the stalls being used and thereafter be permanently retained.

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

- 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).

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: 10th October 2018
Drawing Nos: see above

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

Consultation Comments:

Comments from:	Dated:
Transport For London - Land Use Planning Team	03.12.18

Neighbour Comments:

Letters from:	Dated:
2 Shepherds Bush Place London W128LX	11.12.18
22 Aldine Street Shepherds Bush Shepherds Bush W12 8AN	23.11.18
1 Shepherds Bush Place London London W12 8LX	11.12.18
6 Shepherd's Bush Place London W12 8LX	13.12.18

OFFICER'S REPORT

1.0 BACKGROUND

1.1 The application site comprises an area of public footway known as Plimley Place. It is located west of Shepherds Bush Underground Station entrance with No. 54 Uxbridge Road (Londis) to the west of the site, Uxbridge Road to the south, and Shepherds Bush Place to the north. The site is located within Shepherd's Bush Town Centre, 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 8am - 8pm.

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 Four letters of objection were received which raised the following concerns:

- It was indicated to residents that Plimley Place would be solely used for pedestrian access to the tube station and Westfield. It is understood a condition was placed upon Westfield approval,
- Market stalls will lead to increased litter, noise and disturbance/antisocial behaviour.
- Residents note a history of loud deliveries at unsociable hours on Shepherd's Bush Place. Market stalls will lead to further lorries, scooters and idling cars waiting on Shepherd's Bush Place. Creating noise and parking problems.
- 8am and 8pm unreasonable opening hours - will result in deliveries in the early morning, before 8 am.
- Market stalls would obstruct pedestrian access to tube station.
- Not in keeping with conservation area and will detract from setting of nearby listed buildings.

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.

3.0 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

4.0 PRINCIPLE

4.1 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.

4.2 The site falls within Shepherd's Bush Town Centre and is therefore subject to Local Plan Policy TLC2 (Town Centres). 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 and would therefore not conflict with Policy TLC2 of the Local Plan.

4.3 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.

5.0 HIGHWAYS

5.1 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.

5.2 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.

5.3 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. The Street Markets Team are in discussion with Highways officers in relation to a Servicing Management Plan, which will detail all the information regarding where and how the stalls would be set up without illegally parking along the carriageway. A condition has been attached to ensure the plan is submitted for approval.

5.4 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 southernmost market stall to the kerb of the pavement on Uxbridge Road is approximately 6.5 metres and the distance from the northernmost market stall to kerb of the pavement on Shepherd's Bush Place is approximately 16 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.

6.0 NOISE AND NUISANCE

6.1 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.

6.2 The residential properties on the southern end of Shepherd's Bush Place, the nearest being No.1, is approximately 26 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. Whilst the start time could be early, 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. For these reasons, it is considered that no objections would be raised to the 8am start time for the stalls.

6.3 It is intended at this time that one stall would cook and serve hot food and therefore there is likely to be some hot food odours near the site from an early time. However, due to the open nature of the site, the distance from residential properties and the fact the odours would not be channelled or vented in any particular direction, Officers consider that hot food odours would not be likely to cause any undue nuisance to those residential properties nearby. The indications are that the remaining two stalls would sell flowers and ice cream.

6.4 It is recommended that the proposal is granted a temporary permission for 24 months, to allow both Highways and Noise and Nuisance Officers to monitor the impact of the developments and record any complaints received during that time. If the stalls were found to be operating without any detrimental issues, the applicant could then re-apply for a longer-term permission.

7.0 APPEARANCE/ VISUAL CLUTTER

7.1 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.

8.0 CONCLUSIONS AND RECOMMENDATIONS

8.1 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.

8.2 It is recommended that planning permission be granted, subject to conditions.