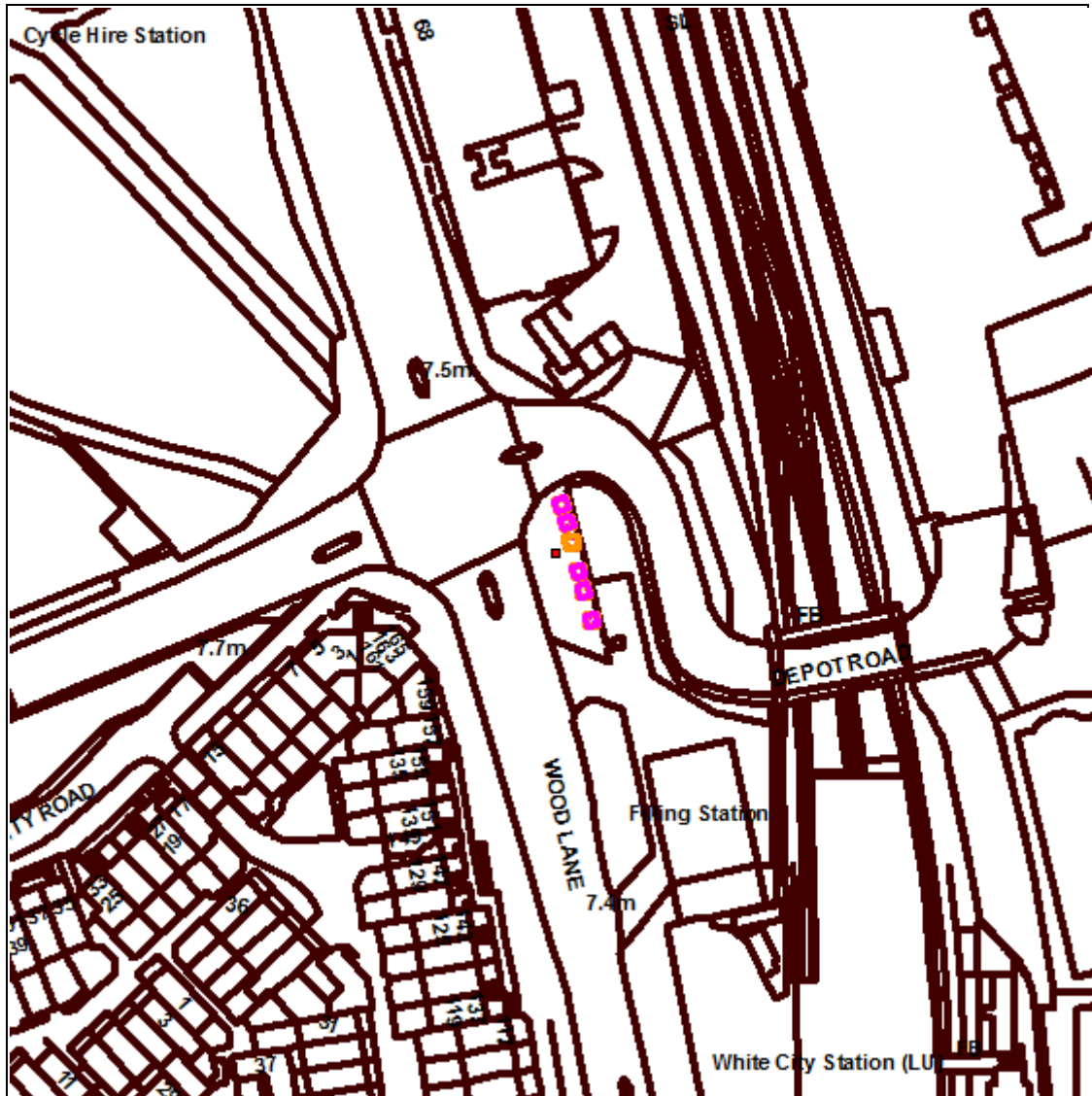


Ward: College Park And Old Oak

Site Address:

Footpath Wood Lane Jn W South Africa Road Next To Refurbished Garage



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For identification purposes only - do not scale.

Reg. No:
2018/03483/FR3

Case Officer:
Grace Harrison

Date Valid:
26.10.2018

Conservation Area:
Constraint Name: Wood Lane Conservation Area -
Number 42

Committee Date:
12.02.2019

Applicant:

Lynda Dunn

Markets Team Housing And Regeneration 37 Pembroke Road London W8 6PW

Description:

Use of part of the public highway for the placing of 6 no. traders' market stalls from Monday to Friday from 7am to 3pm.

Drg Nos: 80198/147/2

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 six stalls at any one time shall be erected only in the locations shown on approved drawing no. 80198/147/2 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) No stall(s) shall not be erected on the site at any time on those days when football matches are taking place at Loftus Road.

To avoid the stalls causing an obstruction on the footway during those times when the area experiences exceptionally high levels of footfall due to football supporters being in the area, in accordance with Policies T1 and T6 of the Local Plan (2018)

and Key Principle TR25 of the Planning Guidance Supplementary Planning Document (2018).

- 4) The use of the premises shall not be permitted during the hours of 15:00 to 07:00 Mondays to Fridays and at no time on weekends or 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.

- 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 East 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 any designated shopping area. Therefore the principle of the development is considered to be in accordance with Local Plan Policies WCRA1, and TLC1 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 as part of the licence 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, are 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: 23rd 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:

Neighbour Comments:

Letters from:

Dated:

Yoox Net-A-Porter, Unit 6 MediaWorks, 91 Wood Lane W12	02.11.18
4 Sharplands Grendon Northampton NN7 1JL	02.11.18
16 Sherwood Road Luton LU4 8LG	02.11.18
Building 6, Media Works, Wood Lane White City Place W12	05.11.18
16 Pavilion Terrace Wood Lane London W12 0HT	02.11.18
29C Woodside London SW19 7AW	02.11.18

OFFICER'S REPORT

1.0 BACKGROUND

1.1 The application site comprises an area of public footway on the eastern side of Wood Lane, on the corner with Wood Lane and Depot Road, opposite the junction with South Africa Road. It is within the Wood Lane Conservation Area and is also within the White City Regeneration Area. The site is around 100 metres north of the entrance White City Station on the eastern side of Wood Lane, just south of the junction with Depot Road. Immediately to the south of the site is the entrance to the former Esso petrol station, which is now a temporary art gallery space ("Elephant West") with ancillary office and retail floorspace and restaurant. The White City Place office development is diagonally opposite the site, on the north-west side of the junction with South Africa Road. On the south-west corner of the junction, there are residential properties at Exhibition Close.

1.2 This application seeks planning permission for the continued use of part of the public highway for the placing of six hot street food market stalls, 3m x 3m in size, from Monday to Friday from 7am to 3pm.

1.3 The market stalls have been operating without the benefit of planning permission since around May 2017. They were operated privately and the stallholders are all private concerns. This planning application has been made by the Council's Street Markets Team, who intend to operate the site and license the traders.

1.4 A previous application for the same development (2017/04101/FR3) was withdrawn in October 2018.

2.0 PUBLICITY AND CONSULTATION RESPONSES

2.1 A Site and press notice were published to advertise this application and notification letters were sent to the occupants of 20 surrounding properties.

2.2 Support comments have been received from one local resident (16 Pavilion Terrace) and five local workers who live further afield. The comments are summarised as follows:

- The stalls make a positive contribution to the area;
- It's good to have less commercial lunch options, the food is good and the traders are friendly;
- The stalls provide variety and choice;
- They make working in the area much more interesting.

2.3 The comments made in support of the application are noted.

2.4 In addition, the Metropolitan Police's Crime Prevention Design Advisor was also consulted but did not respond.

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

+ PRINCIPLE

3.2 The site is located within White City Regeneration Area (Local Plan Policy WCRA1). This policy states that the Council will seek regeneration in White City East for a mixed-use urban quarter within a high-quality environment. It is considered that the proposal for a new street food market would not conflict with the Council's aspirations for the 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 WCRA1.

3.3 The site does not fall within any area designated as a protected shopping area in the Local Plan, and is around 500m north of Westfield Shopping Centre with Shepherd's Bush Town Centre beyond. Due to its location and small scale, the stalls cater primarily to morning commuters and local office workers at lunchtime, it is considered that the proposal would not harm the vitality or viability of any designated centre and would therefore not conflict with Policy TLC1 of the Local Plan.

3.4 There are no other policies within the Local Plan that specifically mention new proposals for street food or market stalls and therefore, Officers consider that no objections can 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 Wood Lane Conservation Area.

+ HIGHWAYS

3.5 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.

3.6 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. Wood Lane 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.

3.7 The Council has been made aware that some traders had been parking in the entryway to the former petrol station to load/unload the stalls and products, which is illegal and may be subject to ticketing. In addition, concern has been raised by the landowner of this site in relation to the fact that access has to be maintained for the new art gallery. This was raised with the street trading team, who state that action has been taken and that traders are made aware that they are not permitted to park in the art gallery crossover or on the public footway. This will be included as part of their licenses.

3.8 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 further away from the proposed location of the stalls. The proposed solution would see the traders park their vans at the Wood Lane Community Centre on White City Close, and wheel their equipment to the market site, before returning and moving their vans to the Westfield London pay-and-display car park during the day. They would then return and repeat the process at night. Whilst the traders' compliance with this servicing plan could not be enforced through the planning process, it would be dealt with under the terms of the street trading license.

3.9 The market stalls' location is on a part of footway with a high level of footfall, especially at peak times with commuters moving between White City and Wood Lane Stations 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 kerb edge to the rear of the pavement is approximately 9.5 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 issue of large queues forming has been considered by Officers, however stalls have been operating for around a year, and there is no evidence to suggest that queues have led to obstruction of the highway during that time, with customers usually spread out between the stalls.

NOISE AND NUISANCE

3.10 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 Exhibition Close on the western side of Wood Lane. 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.

3.11 The residential properties on the opposite side of Exhibition Close, on the opposite side of Wood Lane, are approximately 25 metres away from the market stalls. Noise from the development is most likely to be generated from vehicles arriving, setting up, voices etc. The application proposes a start time of 7am for trading, with set up commencing prior to that time. Whilst the start time is early, the stalls have already been in operation for over a year and during that time, the Council's Noise and Nuisance Team has not received any complaints relating to the stalls. In addition, Officers note that there would be a significant amount of pedestrian and vehicular traffic on Wood Lane at that time. For these reasons, it is judged that no objections could be raised to the proposed 7am start time for the stalls.

3.12 The stalls cook and serve hot food and therefore there is likely to be 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 result in any undue nuisance to those residential properties opposite.

3.13 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 issues, the applicant could then re-apply for a longer-term permission.

APPEARANCE/ VISUAL CLUTTER

3.14 Concern was raised on behalf of the operators of the temporary art gallery created adjacent to the site that the new stalls would cause visual clutter and would reduce the visual prominence of the gallery. However, the stalls are in a neat and tidy condition and, given they are not a permanent feature, no objections are recommended to be raised on grounds of visual amenity. The character and appearance of the conservation area would be preserved. With regards to the visibility of the future art gallery development, it is considered that the stalls are not large enough to reduce visibility of the new art gallery.

OTHER CONSIDERATIONS

3.15 It must be noted that the site is in an area of very poor air quality, within the borough-wide Air Quality Management Area (AQMA) due to the road traffic emissions from Wood Lane and Depot Road. The development proposal will introduce new receptors (in the form of the traders and customers at the stalls) into an area of poor air quality. However, no objections are recommended to be raised in terms of Local Plan (2018) Policy CC10, because of the small number of stalls proposed and the transient nature by which most customers would use the stalls.

4.0 CONCLUSIONS AND RECOMMENDATIONS

4.1 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.

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