

Ward: Hammersmith Broadway

Site Address:

Junction Of Sussex Place And Queen Caroline Street London W6 9QH



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For identification purposes only - do not scale.

Reg. No:
2019/00436/FR3

Case Officer:
Elliot Brown

Date Valid:
14.02.2019

Conservation Area:

Committee Date:
10.06.2019

Applicant:

Lynda Dunn
25 Bagleys Lane Fulham SW6 2QA

Description:

Use of part of the public highway for the placing of 1 market stall maximum size 2.5m x 3m x 2m from Monday to Sunday (on Apollo event days).
Drg Nos: 65010/10/2

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 stall, 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) The use of the stall shall not be permitted outside the hours of 08:00-20:00, Monday to Sunday.

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.

- 3) No servicing of the stall 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).

- 4) A maximum of one stall at any one time shall be erected only in the location shown on approved drawing no. 65010/13/2 and no stall shall be erected in any other area at any time. The stall 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).

- 5) Prior to the commencement of the development, a refuse strategy shall be submitted to, and approved in writing by, the Local Planning Authority. This should provide details on how the market stall operator will manage waste production.

To ensure that waste associated with the proposal will be appropriately managed, in accordance with Policy CC7 of the Local Plan (2018).

Justification for Approving the Application:

1. Land use: The proposal would achieve a sustainable development by contributing to the vibrancy of the Hammersmith 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 Hammersmith Town Centre. Therefore the principle of the development is considered to be in accordance with Local Plan Policies HRA, 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: 11th February 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: **Dated:**

Neighbour Comments:

Letters from: **Dated:**

18 College Court, Sussex Place Queen Caroline Street Hammersmith W6 9DY	
27.02.19	
29 College Court Queen Caroline Street London W6 9DZ	27.02.19

1.0 BACKGROUND

1.1 The application site comprises an area of public footway, located at the junction of Sussex Place and Queen Caroline Street, underneath the Hammersmith Flyover. It is located to the south of St Paul's Church, to the north-west of the Hammersmith Apollo, and to the north of College Court.

1.2 The application site does not lie within a Conservation Area, but is located within the Hammersmith Regeneration Area and a Town Centre.

1.3 The application seeks permission for the use of part of the public highway for the placing of one market stall (for the selling of either coffee or ice cream), operating from Monday-Sunday (8am-8pm).

2.0 PUBLICITY AND CONSULTATION RESPONSES

Neighbouring responses

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

2.2 Two letters of objection have been received, raising the following concerns:

-The proposal would result in increased levels of noise and odour, which would be detrimental to the amenity of surrounding residents.

-The proposal would increase the amount of litter within the surrounding area.

-Additional food services in close proximity to the Hammersmith Apollo would encourage people to congregate within the locality for longer, which could increase disruption on surrounding residents.

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

2.4 Hammersmith Disability Forum - there should be ample room on the footway for pedestrians to pass, and effective delineation for blind and visually impaired pedestrians.

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] (2018), 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 application site is located within the Hammersmith Regeneration Area (Local Plan Policy HRA). This policy states that the Council will seek to promote the expansion of Hammersmith's arts and leisure offer, capitalising on the existing facilities such as Hammersmith Apollo, Lyric Theatre, St Pauls Green, Lyric Square and the river front. It is considered that the proposal for a market stall selling coffee or ice cream would not conflict with the Council's aspirations of supporting the existing leisure facilities within the area. As such, no objections would be raised regarding Policy HRA.

4.2 The site falls within Hammersmith Town Centre and is therefore subject to Policy TLC2 of the Local Plan (2018). Due to its location and small scale, catering primarily to commuters, local workers/residents and attendees of Hammersmith Apollo event days, it is considered that the proposal would not harm the vitality or viability of Hammersmith Town Centre and would therefore not conflict with Policy TLC2 of the Local Plan.

4.3 There are no policies within the Local Plan (2018) that specifically mention new proposals for street food or market stalls, and accordingly, 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 Policy T1 of the Local Plan (2018) 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.

5.3 The A219: Butterwick/Queen Caroline Street (north of Talgarth Road) are London Distributor Roads. Policy T6 of the Local Plan (2018) states that development would not be permitted if it would prejudice the effectiveness of these roads to provide links to the strategic route network, provide access to and between town centres, and distribute traffic to and around local areas.

5.4 Highways officers have specified that there is a 'Loading only' bay in close proximity to the proposed market stall location, and accordingly it is considered that this would provide the stall trader with satisfactory arrangements for safe and convenient loading/unloading space and deliveries for the market stalls, without impacting upon the use of this London Distributor Road to provide links to the strategic road network, access to and between town centres and distribute traffic to and around local areas.

5.5 The location of the proposed market stall is on a part of the highway with a high level of footfall, especially on Hammersmith Apollo Event Days and peak times, with commuters travelling to the Hammersmith Underground Stations. This means that more than the minimum width of 3.5m clear and unobstructed footway will need to be provided as per Key Principles TR25 and TR29 of the Planning Guidance SPD (2018). The submitted site layout plan indicates that there would be a distance of 3.7m and 4m from the market stall to the kerb of the pavement on Sussex Place and Queen Caroline Street, respectively. Therefore, even with existing obstructions including Bicycle racks and lamp columns taken into consideration, there would still be enough space remaining to ensure the free flow of pedestrians.

6.0 NOISE AND NUISANCE

6.1 Policy CC11 of the Local Plan (2018) 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. 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 nearest properties would be the residential units contained with College Court, Queen Caroline Street; located to the south-west of the application site. Measurements demonstrate that there would be an approximate distance of 15m between the proposed market stall location and these residential units.

6.3 Officer's acknowledge that noise from the development could be generated from vehicles arriving, setting up, and 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 stall would generate additional noise beyond what has been established by the existing commercial activities in the area, the considerable pedestrian and heavy vehicular traffic on Queen Caroline Street, and outside the Broadway Centre at that time. About event days, concern has been raised that a market stall serving food and/or drink would encourage people to congregate within the locality for longer. Officers consider that people purchasing products from the stall would be those who are already within the locality awaiting access into the Hammersmith Apollo, and as such would not result in greater congregations of people than usual on an event day. For these reasons, it is considered that no objections would be raised to the 8am start time proposed.

6.4 Officers note that the market stall would sell either coffee or ice cream. Resultantly, hot food odours would not be associated with the proposal.

6.5 There have been issues in the past with unlicensed food traders under the Hammersmith Flyover. The provision of a designated stall would most likely assist with these issues.

6.6 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 stall is considered to be modest in terms of their footprint, bulk and mass. In order for the market stall to comply with street trading licencing regulations it would be designed to integrate with the surrounding urban environment without detracting from its character and appearance, and, given it is not a permanent feature, no objections are raised on the grounds of visual amenity. It is considered that the character and appearance of the Hammersmith Broadway 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.