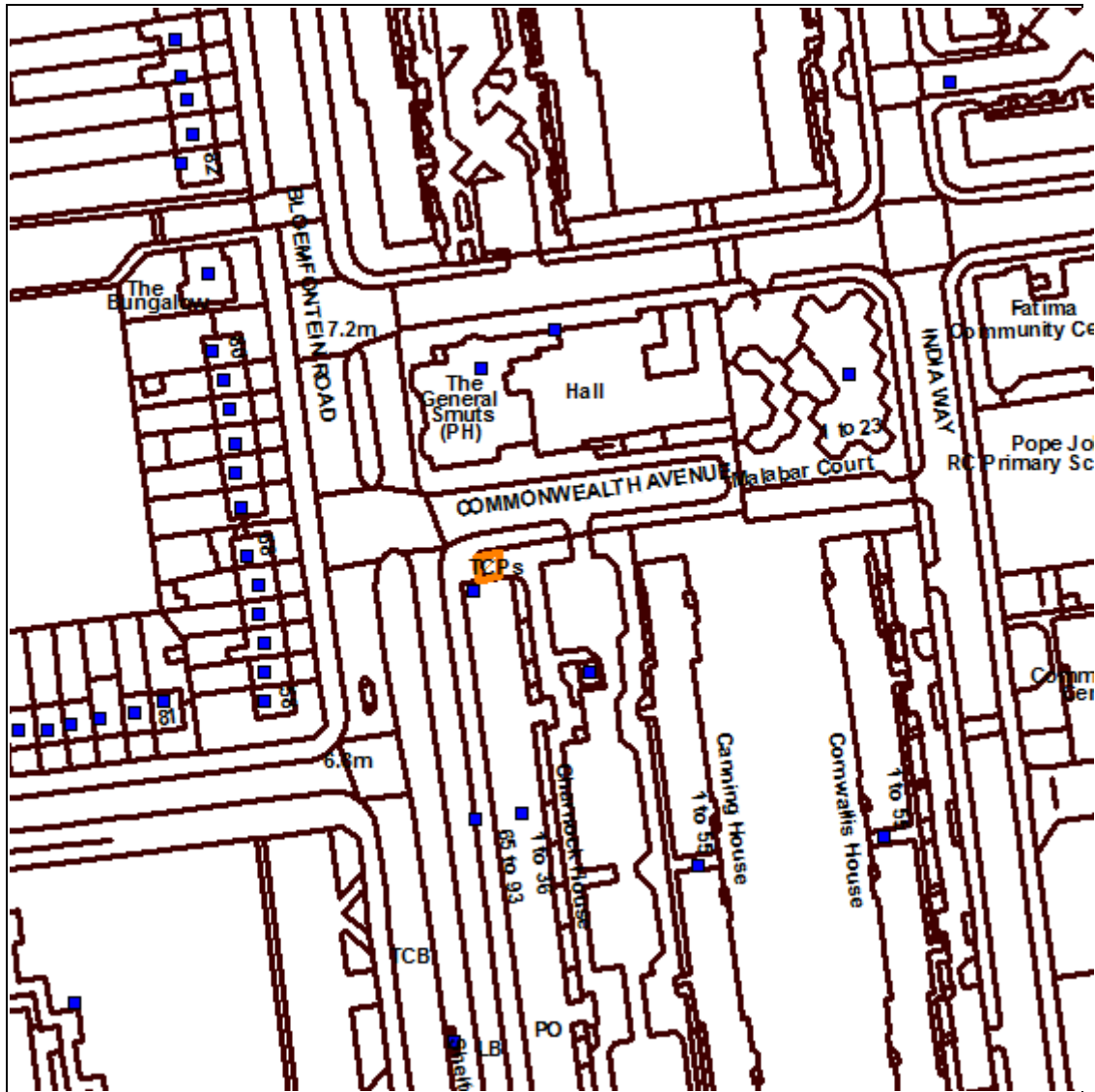


Ward: Wormholt And White City

Site Address:

Junction Of Commonwealth Avenue And Bloemfontein Road
London W12



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For identification purposes only - do not scale.

Reg. No:
2019/00889/FR3

Case Officer:
Elliot Brown

Date Valid:
21.03.2019

Conservation Area:

Committee Date:
03.09.2019

Applicant:

Miss Lynda Dunn
25 Bagleys Lane London SW6 2QA

Description:

Use of part of the public highway for the placing of 1 market stall from Monday to Sunday from 8am to 6pm.

Drg Nos: 65010/21/1 (scale 1:1250) & 65010/21/2 (scale 1:100)

Application Type:

Full Regulation 3 - LBHF is Developer

Officer Recommendation:

That the Committee resolve that the Strategic Director, The Economy, 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, The Economy, 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 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 08:00-18:00, 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) A maximum of one stall at any one time shall be erected only in the location shown on approved drawing Nos.65010/21/1 & 2 (scale 1:100 and 1:1250) and no stall shall be erected in any other area at any time. The stall shall be a maximum size of 3.0m x 3.0m, and 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).

- 4) 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 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).

- 5) Prior to the commencement of the development, a servicing plan shall be submitted to, and approved in writing by, the Local Planning Authority. This should provide details on how the stall operator will manage servicing and deliveries to the application 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 surrounding locality, and would not conflict in any way with the Council's aims for this area. Resultantly, the proposal would be considered consistent with Policy DC1 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. Design and Heritage: The development is considered to comply with Local Plan (2018) Policies DC1 and DC4 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 stall is not a permanent fixture in the streetscene and would be taken down and removed from the site outside of trading hours. The character and appearance of the surrounding area and the setting of the adjacent Old Oak and Wormholt Conservation Area would be preserved in accordance with Policy DC8 of the Local Plan (2018) and Planning Guidance SPD (2018) Key Principles AH1 and AH2.

**LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS**

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

Application form received: 20th March 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:

95 Bloemfontein Road London W12 7DA

Dated:

04.04.19

1.0 BACKGROUND

1.1 The application site comprises an area of public footway, located on the corner junction of Bloemfontein Road and Commonwealth Avenue and to the north elevation of Charnock House.

1.2 The application site is not situated within a Conservation Area, nor does it contain a Listed Building or a locally listed Building of Merit. The application site is adjacent to the Old Oak and Wormholt Conservation Area, which includes the western side of Bloemfontein Road opposite the site.

1.3 The application seeks permission for the use of part of the public footway for the placing of one market stall selling fruit and vegetables, operating from Monday to Sunday (8am - 6pm).

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 One representation has been received. This objects to the proposal on the following grounds:

-It is not clear as to the nature or permanency of the proposed market stall.

-The market stall would be in close proximity to residential properties, which could result in detrimental harm to neighbouring amenity, especially with regard to noise and traffic.

2.3 Officer response:

-The proposed market stall would sell fruit and vegetables, and would be in operation from 8am - 6pm (Monday - Sunday). A condition would be attached stating that the market stall shall be removed when not trading.

-The material planning issues raised are addressed in the report below.

Consultee responses

2.4 Metropolitan Police Crime Prevention Design Advisor - No objection.

3.0 PLANNING CONSIDERATIONS

3.1 The relevant considerations in this case, to be assessed against the policies in the National Planning Policy Framework (2019, as amended), 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, street clutter, design and impact on heritage assets.

4.0 PRINCIPLE

4.1 The application site lies outside of a Town Centre, Local Centre, Neighbourhood Parade or a Satellite Parade. As such, there are no policies within the Local Plan (2018) that specifically relate to new proposals for street food or market stalls in non-designated areas. Nevertheless, Officers consider that the proposal would make a positive contribution to the surrounding area, by enhancing the vibrancy of the existing commercial facilities nearby. Officers therefore recommend that no objections be raised to the principle of the development.

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 stall 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 Bloemfontein Road is a Local Distributor Road, whilst Commonwealth Avenue is a Local Access Road. Policy T6 of the Local Plan (2018) states that development will not be permitted if it would prejudice the effectiveness of Local Distributor Roads to distribute traffic to land and property within any local area bounded by the strategic route network. With regard to Local Access Roads, development will not be permitted if it would prejudice the effectiveness of these roads to provide safe and convenient access to individual properties or result in their use by through-traffic.

5.4 The Council's Highways team have requested that a pre-commencement condition be attached for a refuse strategy, and they confirm that within this document deliveries/servicing plans would also be covered/secured. Accordingly, Officers consider that delivery/servicing arrangements could be secured which would be considered to mitigate against detrimental harm to these Local Distributor and Local Access Roads.

5.5 Key Principles TR25 and TR29 of the Planning Guidance SPD (2018) provide guidance on the minimum width of clear and unobstructed footway required when street furniture is proposed on a public footway. The application site lies outside of a Town Centre, and accordingly, the proposed market stall is considered to be located on a part of footway with a low level of footfall. As such, Officers recommend that a minimum width of 1.8m clear and unobstructed footway would be necessary between the proposal and the pavement edge, which is met. As such, the proposal would not be considered detrimental to the 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 to the east, south and west of the site would be Charnock House, Canning House and Nos.66-68 Bloemfontein Road, and there would be an approximate distance of 25m, 0.2m and 30m to these properties respectively.

6.3 Officers 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 considered that the proposed market stall would not generate additional noise beyond that which has been established by the existing row of shops which occupy Nos.65-93 Bloemfontein Road and are in close proximity to the application site. For these reasons it is considered that no objections would be raised to the 8am start time for the stall.

6.4 The indications are that the proposed market stall would sell fruit and vegetables. It is not indicated that hot food would be served, and as such hot food odours are unlikely to be associated with the proposal.

6.5 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 development and record any complaints received during that time. If the stall was found to be operating without any detrimental issues, the Applicant could then re-apply for a longer-term permission.

7.0 APPEARANCE/VISUAL CLUTTER/DESIGN AND IMPACT ON HERITAGE ASSETS

7.1 The proposed market stall is considered to be modest in terms of its 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 that 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 surrounding area would be preserved. The setting of the adjacent Old Oak and Wormholt Conservation Area would not be harmed.

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 its appearance and the impact on the character and appearance of the surrounding area. The proposal would preserve the setting of the adjacent conservation area.

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