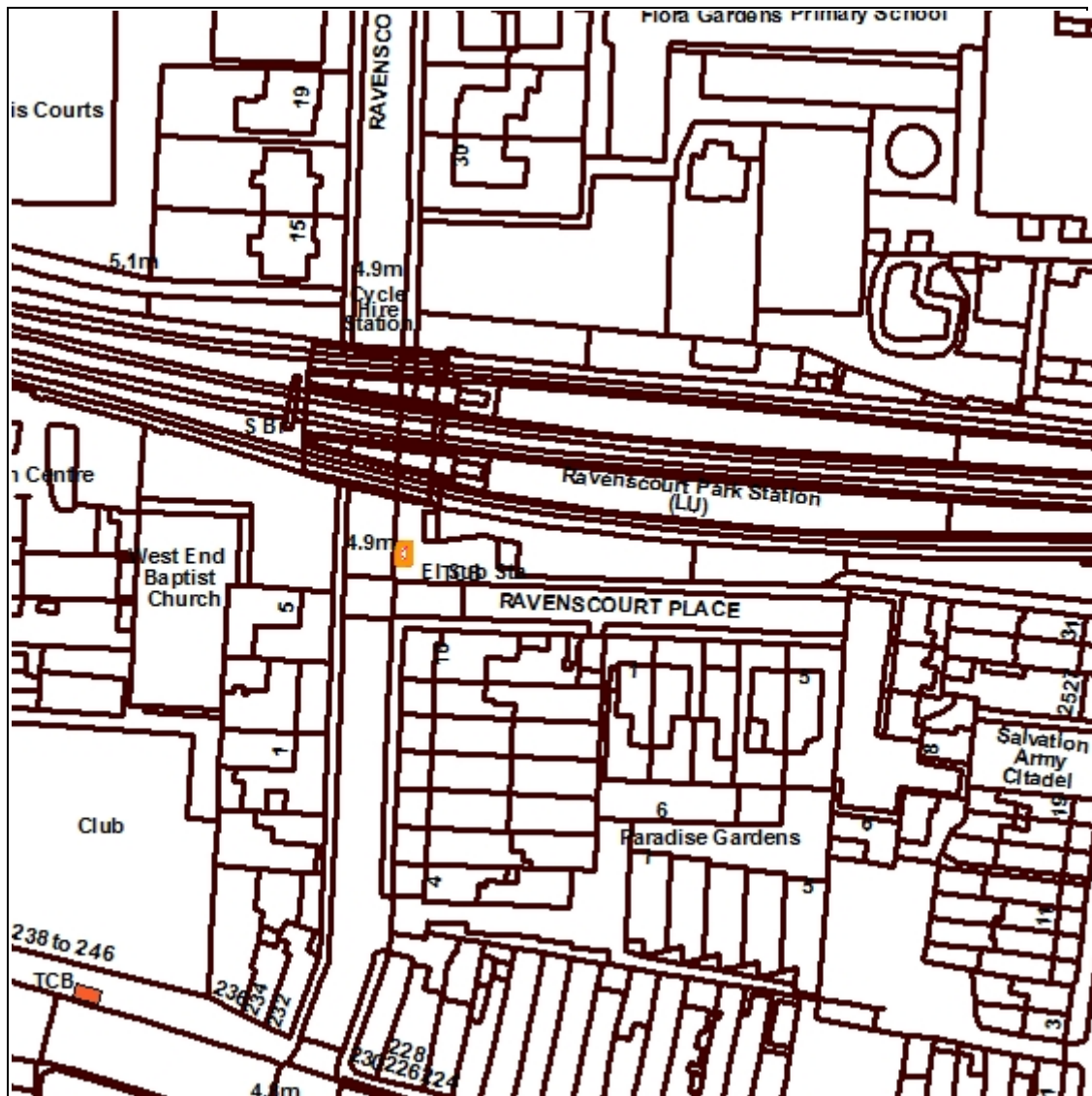


Ward: Ravenscourt Park

Site Address:

Outside Ravenscourt Park Underground Station Ravenscourt Road London W6 0UG



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For identification purposes only - do not scale.

Reg. No:
2021/00908/FR3

Case Officer:
Elliot Brown

Date Valid:
07.04.2021

Conservation Area:
Constraint Name: Ravenscourt And Starch Green
Conservation Area - Number 8

Committee Date:
08.06.2021

Applicant:

Miss Lynda Dunn
Fulham Road 25 Bagley's Lane Fulham SW6

Description:

Use of part of the public highway for the placing of 1no. traders' market stall, measuring 2.5m high, 3m in length and 1.5m in width, from Monday to Friday from 07:30 to 16:00, on Saturday from 08:00 to 16:00, and on Sundays from 08:30 to 16:00.

Drg Nos: 65010/12/2; Service Delivery Plan.

Application Type:

Full Regulation 3 - LBHF is Developer

Officer Recommendation:

- 1) That the Committee resolve that the Chief Planning Officer be authorised to grant planning permission subject to the conditions listed below;
- 2) That the Committee resolve 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 conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Conditions:

- 1) The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of this planning permission.

Condition required to be imposed by section 91(1)(a) of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

- 2) The use of the stall shall not be permitted outside the hours of 07:30 - 16:00 (Monday - Friday), 08:00 - 16:00 (Saturday) and 08:30 - 16:00 (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) The traders vehicle shall not arrive before 07:30 (Monday - Friday), 08:00 (Saturdays) and 08:30 (Sundays) and the stall shall only be set up between the hours of 07:30 to 09:00 (Monday to Friday) and between 08:00 to 09:30 (Saturdays) and 08:30 and 09:30 (Sundays), and the traders vehicle shall arrive no earlier than 16:00 hours for pack down.

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

- 4) The stall shall be set up/taken down and serviced in line with the submitted Delivery and Servicing arrangements (received March 2021) which details these arrangements. The details as agreed shall be permanently implemented.

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 T1 of the London Plan (2021) and Policies T2, T4, T5, CC11 and CC13 of the Local Plan 2018.

- 5) The market stall trader shall ensure that refuse shall be collected from the market stall location as depicted on the approved drawing No. 65010/12/2 at the end of each trading day.

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

- 6) No servicing of the stall hereby approved 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).

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

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.

- 8) No hot food shall be prepared and sold from the approved market stall.

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

- 9) The approved market stall must only be used for the purpose of selling coffee and other hot drinks.

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

- 10) No music shall be played as part of the operation of the market stall.

To ensure that the amenity of occupiers of the development site/surrounding premises is not adversely affected by noise, in accordance with Policies CC11 and CC13 of the Local Plan (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 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 as well as London Plan (2021) Policies T1, T6 and T7.

3. Residential Amenity: Subject to the proposed conditions 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 stall is not a permanent fixture, is of a neat and tidy appearance and does not feature any large, obtrusive or garish signage or advertisement. The proposal complies with national guidance in the NPPF, Policy HC1 of the London Plan and Policies DC1, DC4, and DC8 of the Local Plan (2018).

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 19th March 2021

Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2019
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:

Crime Prevention Design Advisor - Hammersmith
Crime Prevention Design Advisor - Hammersmith

Dated:

27.04.21
06.05.21

Neighbour Comments:

Letters from:

41 Ravenscourt Road London W6 0UJ	04.05.21
3 ravenscourt road london W6 0UH	03.05.21
2 RAVENSCOURT PLACE LONDON W6 0UN	05.05.21
4 Ravenscourt Road Hammersmith London W6 0UG W6 0UG	05.05.21
2 Ravenscourt Place London W6 0UN	04.05.21
5 Ravenscourt Place London W6 0UN	07.05.21
6 Ravenscourt Road London W6 0UG	05.05.21
1 Ravenscourt Road London W6 0UH	10.05.21
5 RAVENSCOURT ROAD LONDON W6 0UH	04.05.21
14 Ravenscourt road London W6 0UG	03.05.21
5 Ravenscourt Road London W6 0UH	04.05.21
4 Ravenscourt Place London W6 0UN	21.04.21

Dated:

OFFICER'S REPORT

1.0 BACKGROUND AND SITE HISTORY

- 1.1 The application site comprises an area of public footway outside of Ravenscourt Park London Underground Station; by the junction of Ravenscourt Road and Ravenscourt Place.
- 1.2 The application site lies within the Ravenscourt and Starch Green Conservation Area.
- 1.3 The application seeks permission for the use of part of the public highway for the placing of one market stall, operating from Monday to Friday (07:30 - 16:00), on Saturday (08:00 to 16:00) and on Sundays (08:30 to 16:00).
- 1.4 The previous planning application Ref. 2019/00435/FR3 is considered to be the most relevant planning history associated with this part of the public highway. Officers note that for Ref. 2019/00435/FR3, a 24-month temporary planning permission was granted by the planning committee on the 11th July 2019 for the use of part of the public highway for the placement of one market stall, to operate between the hours of 8am - 8pm (Monday - Sunday). At the time of this original application, it was indicated that the stall would serve either flowers or coffee. The proposal was considered to be acceptable with regard to land use, highway matters, residential amenity and visual appearance.
- 1.5 It is highlighted that the proposed hours of operation have been amended since the original submission of the current application, to have a later start time on Sundays.

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 Eight (8) letters of objection have been received, which raise the following concerns:
 - The proposal would expose surrounding occupants to harmful levels of noise and disturbance (especially from generators and the proposed hours of use);
 - There is insufficient detail within the submitted Service Delivery Plan;
 - The proposal would cause commercial competition/loss of trade for existing coffee shops within the surrounding area.
- 2.3 Officer response: The material issues raised are addressed in the report below. Officers note that commercial competition is not a material planning consideration.

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] (2019), The London Plan (2021) 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 lies outside of a Town Centre, Local Centre, Neighbourhood Parade or a Satellite Parade. As such, there are no specific policies within the Local Plan (2018) that mention/discuss new proposals for market stall/s. Officers consider that the coffee stall has already contributed to and would continue to contribute to the vitality and vibrancy of the area, providing a service for local residents, commuters and visitors to the local area. Accordingly, officers do not raise any specific objections 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 heritage assets.

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 Ravenscourt Road and Ravenscourt Place are both Local Distributor Roads, and Policy T6 of the Local Plan (2018) states that 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 Under the previous application (Ref. 2019/00435/FR3), the Council's Highways team specified that although the surrounding roads are not strategic roads, and that servicing/loading/unloading could be permitted on a single or double yellow line, it would be appropriate to provide a Servicing Management Plan, given the proximity of the underground. A Service Delivery Plan has been submitted as part of this current planning application, which details where and how the stall would be set up without illegally parking along the carriageway. The Council's Highways officers have reviewed this document and are satisfied with the arrangements. Subject to a condition being attached to ensure that the Servicing Delivery Plan is complied with, it is considered that the stall trader would be able to operate without impacting negatively upon the use of these 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 location of the proposed stall is on a part of footway with a high level of footfall, especially at peak times with commuters utilising the Ravenscourt Park London Underground Station. Officer's therefore recommend that a minimum width of 3.5m clear and unobstructed footway would be necessary between the proposal and Ravenscourt Park London Underground Station, 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 property to the west and south of the application site would be No.5 Ravenscourt Road and No.16 Ravenscourt Road, respectively. Measurements demonstrate that there would be an approximate distance of 15m and 10m between the proposal and these properties, respectively.
- 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 07:30 for trading (Monday - Friday), 08:00 (Saturdays) and 08:30 (Sunday). It is considered appropriate to attach a condition to ensure that the trader's vehicle

does not arrive on site prior to the start time. Whilst the start time could be regarded as early, it is not considered that subject to the proposed conditions, the proposed market stall would generate significant additional noise beyond that which has been established by London Underground tubes travelling past Ravenscourt Park Station or the pedestrian footfall outside this station at that time.

- 6.4 It is recognised that some disturbance has been caused by the previously approved market stall as a result of their use of an electrical petrol or gas powered generator, and as such it is proposed that a condition be attached to prevent the use of Mobile electrical fuel based generators (e.g. diesel, petrol shall not be used for heating, lighting and energy supplies for the traders market stalls). It is considered that power can be provided by a form of mobile battery pack. This will reduce noise and fumes from less acceptable power generators. Subject to this condition, officers consider that no objections would be raised on these grounds. It is also considered appropriate that a condition is attached that no music is played by the stallholder in order to reduce potential noise and disturbance further.
- 6.5 The application indicates that proposed market stall would sell coffee and other hot drinks. It is not indicated that hot food would be served, and as such hot food odours are unlikely to be associated with the proposal. A condition has been attached to ensure that hot food is not provided.

7.0 DESIGN AND HERITAGE

- 7.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas. It is key to the assessment of these applications that the decision making process is based on the understanding of specific duties in relation to listed buildings and Conservation Areas required by the relevant legislation, particularly the s.72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in the NPPF. s72 of the above Act states in relation to Conservation Areas that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 7.2 Paragraph 184 of the NPPF states: Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 190 of the NPPF states: Local Planning Authorities should identify and assess the significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 7.3 Paragraph 193 of the NPPF states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight

should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 197 of the NPPF states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 7.4 Case law indicates that following the approach set out in the NPPF will normally be enough to satisfy the statutory tests. However, when carrying out the balancing exercise in paragraphs 195 and 197, it is important to recognise that the statutory provisions require the decision maker to give great weight to the desirability of preserving designated heritage assets and/or their setting. Local Plan policy DC1 requires all development within the borough to create a high quality urban environment that respects and enhances its townscape context and heritage assets. Local Plan policy DC8 states that the council will conserve the significance of the Borough's historic environment by protecting, restoring, or enhancing its heritage assets, including the borough's conservation areas.
- 7.5 Officers have carried out an assessment of the impact of the proposal on visual amenity and of the potential impact on the character and appearance of the Ravenscourt and Starch Green Conservation Area. and the potential impact on the setting of the adjacent local listed, building of merit 1-5 Ravenscourt Road. The application site is situated in the Ravenscourt and Starch Green Conservation Area. The proposal looks to install 1 market stall within the pedestrianised area in front of Ravenscourt Park station. Given the scale and location of the unit, the proposal would not result in any harm to the character and appearance of the Conservation Area.
- 7.6 In terms of other heritage assets, the proposal site is situated close to 1-5 Ravenscourt Road, a group of locally listed, Buildings of Merit. Given the location, scale and appearance of the proposal, the development would not have any impact upon the appreciation of the architectural and special character/significance of these heritage assets. Officers have assessed the impact of the proposal on the heritage assets and consider that it is compliant with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also in line with national guidance in the NPPF, Policy HC1 of the London Plan and Policies DC1, DC4, and DC8 of the Local Plan (2018).

8.0 MONITORING AND ENFORCEMENT

- 8.1 Monitoring of the operation of the market stall will be carried out by the Council's market team, and it is understood that this will take place around three times per week to ensure compliance with the planning permission and conditions attached to the decision notice. Any breaches of these conditions can be enforced by the Council's marketing team, with the following enforcement action steps likely to be taken:

- One verbal warning
- One written warning

- A fixed penalty notice
- Persistent breaches of the conditions will result in the street traders' licences being revoked.

8.2 Furthermore, Officers highlight that the market team will ensure that traders will sign updated terms and conditions bespoke for the application site.

9.0 CONCLUSIONS AND RECOMMENDATIONS

9.1 Officers consider that the proposed development subject to the attached conditions would be acceptable in terms of its highways implications and its likely impact on the amenities of existing residential occupiers, as well as the impact on the character and appearance of the conservation area.

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