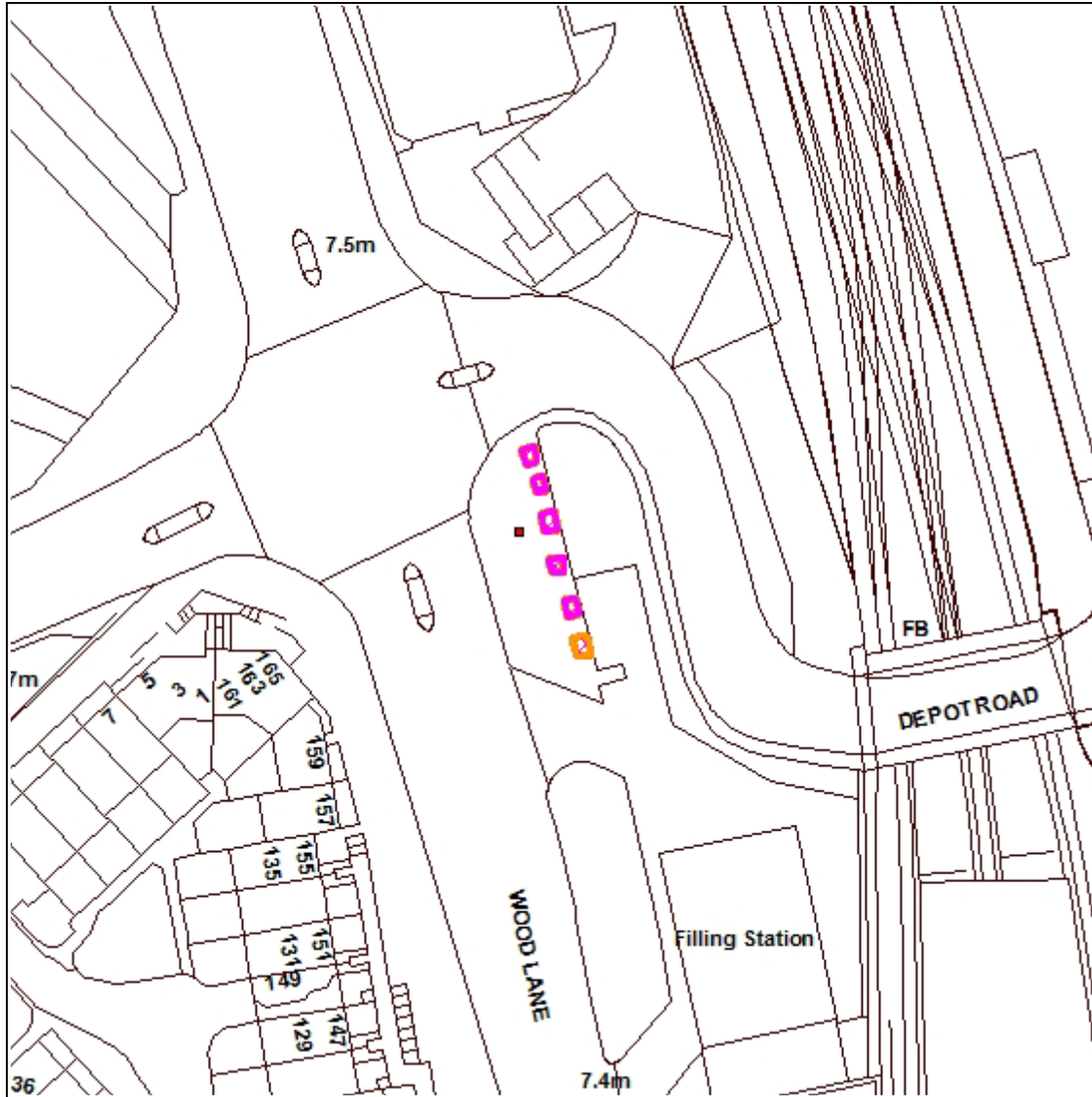


Ward: College Park And Old Oak

Site Address:

Footpath Wood Lane Junction With South Africa Road Next To Refurbished Garage



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For identification purposes only - do not scale.

Reg. No:
2021/00843/FR3

Case Officer:
Sian Brown

Date Valid:
07.04.2021

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

Committee Date:
06.07.2021

Applicant:

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

Description:

Use of part of the public highway for the placing of 6no. traders' market stalls, measuring 3m x 3m in size, from Monday to Saturday from 8am to 3pm, and on Sunday and Bank Holidays from 9am to 3pm.

Drg Nos: 81098/147/1; 80198/147/2; Supporting Statement; Proposal for Unloading and Loading of our Traders Equipment

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 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 Environmental Nuisance 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 shall 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, DC8, CC11, CC13, T1 and T6 of the Local Plan (2018), and Key Principles of the Planning Guidance Supplementary Planning Document (SPD) (2018).

- 3) The use of the premises shall not be permitted outside of the hours 8am to 3pm (Monday to Saturday), and 9am to 3pm (Sunday and 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 Policies CC11 and CC13 of the Local Plan (2018).

- 4) No stall(s) shall be erected on the site at any time on those weekend days and public holidays when football matches are taking place at Queens Park Rangers F.C stadium.

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).

- 5) The stall(s) shall be serviced in line with the approved "Proposal for Unloading and Loading of our Traders Equipment" plan which details the loading and unloading, vehicle movements, and quiet loading/unloading measures. The details within the agreed Plan 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 Policies T1, T6, CC11 and CC13 of the Local Plan (2018) and Key Principles of the Planning Guidance Supplementary Planning Document (2018).

- 6) 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).

- 7) The market stall trader shall ensure that refuse shall be collected from the market stall location as depicted on the approved drawing No. 80198/147/2 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).

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

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 Policies CC10 and CC13 of the Local Plan (2018).

- 9) 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 contribute to the existing range of facilities on offer in the White City East Regeneration Area and add to the vitality and vibrancy of the immediate area, and would not affect the viability of any designated shopping area. The principle of the development is therefore considered to be in accordance with Policy E9 of the London Plan (2021) and Policies WCRA, WCRA1 and TLC1 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 of the stalls and an acceptable width of footway would remain unobstructed for pedestrians, including those with mobility impairments. Subject to conditions, the development accords with the NPPF (2019), Policies T1 and T7 of the London Plan (2021), Policies T1 and T6 of the Local Plan (2018) and Key Principles of the Planning Guidance Supplementary Planning Document (2018).
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 the NPPF (2019), Policy D14 of the London Plan (2021), Policies TLC5, CC11 and CC13 of the Local Plan (2018) and Key Principles of the Planning Guidance Supplementary Planning Document (2018).
4. Appearance: The proposal is acceptable in terms of visual amenity. 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. Furthermore, it is not considered the proposals would detract from the character and appearance of the Wood Lane Conservation Area or the setting of the White City Underground Station (locally listed Building of Merit). The proposal complies with the NPPF (2019), Policies DC1 and HC1 of the London Plan (2021), Policies DC1 and DC8 of the Local Plan (2018) and Key Principles of the Planning Guidance Supplementary Planning Document (2018).
5. Air Quality: Subject to a condition preventing the use of mobile electrical fuel-based generators the proposal would not have a significant effect on local air quality. The proposed development therefore accords with the NPPF (2019), Policy SI1 of the London Plan (2021), Policy CC10 of the Local Plan (2018) and Key Principles of the Planning Guidance Supplementary Planning Document (2018).

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

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

Application form received: 15th 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:	Dated:
Crime Prevention Design Advisor - Hammersmith	27.04.21
Crime Prevention Design Advisor - Hammersmith	16.04.21

Neighbour Comments:

Letters from:	Dated:
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1.0 SITE CONTEXT AND CONSTRAINTS

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 and London Plan Opportunity Area. The site is around 100 metres north of the entrance to White City Station on the eastern side of Wood Lane, which is locally listed as a building of merit. Immediately to the south of the site is the entrance to the former Esso petrol station, which has recently been used as 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.

2.0 RELEVANT PLANNING HISTORY

2.1 In February 2019 planning permission was granted for the use of part of the public highway for the placing of 6 no. traders' market stalls from Monday to Friday from 7am to 3pm (2018/03483/FR3)

Planning permission was granted for a temporary period for 24 months 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.

The planning permission has now expired.

3.0 PROPOSAL

- 3.1 This application seeks planning permission for the continued use of this part of the public highway for the placing of the six hot street food market stalls, 3m x 3m in size.
- 3.2 The siting and number of stalls remain as previously approved, however it is proposed to alter the hours and increase the days the stalls are in use.
- 3.3 It is proposed that the stalls would be erected Monday to Saturday from 8am to 3pm, and also on Sunday and Bank Holidays from 9am to 3pm.
- 3.4 Condition 3 of the previous permission prevented the stalls being erected at any time on those days when football matches are taking place at Queens Park Rangers F.C stadium. The current application proposes to allow the stalls to be erected when there is a match during the week (Monday - Friday), with traders leaving the site at 3pm before the match starts. There would be no trading on a weekend or on a public holiday when there is a match scheduled.
- 3.5 This planning application has been made by the Council's Street Markets Team, who intend to operate the site and license the traders.

4.0 PUBLICITY AND CONSULTATION RESPONSES

+ Statutory Consultation

- 4.1 A Site and press notice were published to advertise this application and notification letters were sent to the occupants of 26 surrounding properties.
- 4.2 No representations have been received.

+ Technical Consultations

- 4.3 Metropolitan Police Service Designing Out Crime Officer confirms he has no comments to make.
- 4.4 London Underground were consulted on the planning application and have not made any comments.

5.0 POLICY FRAMEWORK

- 5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.
- 5.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).

5.3 In this instance the statutory development plan comprises the London Plan (2021) and the Local Plan (2018). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

+ National Planning Policy Framework (February 2019)

5.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was revised in 2019 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.

5.5 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

+ London Plan

5.6 The London Plan was published in March 2021. It forms the Spatial Development Strategy for Greater London and sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth. It forms part of the development plan for Hammersmith and Fulham.

+ Local Plan

5.7 The Council adopted the new Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles.

6.0 PLANNING ASSESSMENT

6.1 The main considerations material to the assessment of this application have been summarised as follows:

- The principle of the development
- Highways matters, most particularly servicing and deliveries, and obstruction to pedestrians
- Noise and disturbance to neighbouring residential properties
- Visual amenity and heritage assets

+ PRINCIPLE

6.2 The site is within the White City East sub-area of the White City Regeneration Area (WCRA1), as identified in the Borough's Local Plan. Local Plan Strategic Policies WCRA and WCRA1 recognise the need to focus regeneration and growth within the White City Opportunity Area by promoting a range of uses. The WCRA is also designated as an Opportunity Area in the London Plan, where necessary social and other infrastructure to sustain growth is encouraged including where

appropriate, containing a mix of uses.

- 6.3 The London Plan recognises street markets in London can play a valuable economic, social and cultural role helping to meet Londoners' varied dietary requirements, extend choice and access to a range of goods, contribute to the vitality and viability of town centres and the character of high streets, and provide opportunities for new businesses to start-up. On this basis London Plan Policy E9 states Council's should support London's markets in their full variety, including street markets, covered markets, specialist and farmers' markets.
- 6.4 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. However, Local Plan Policy TLC1 seeks to support and protect local markets and clusters of specialist shopping.
- 6.5 In view of the above, the location remains appropriate in its context of the Opportunity Area and White City Regeneration Area. The market stalls have already contributed to and would continue to add to the existing range of facilities on offer in White City and to the vitality and vibrancy of the immediate area, providing a service for local residents, commuters and visitors, as well as economic benefits and opportunities for the market stall traders. Furthermore, due to its location and small scale, the proposals would not harm the vitality or viability of the Shepherds Bush Town Centre, or any other designated shopping area.
- 6.6 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, environmental nuisance for neighbours, and the impact of the scheme on visual amenity and heritage assets.

+ HIGHWAYS

- 6.7 The main highways issues in respect of the development are (a) ensuring satisfactory arrangements for safe and convenient loading/unloading 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.
- 6.8 NPPF Paragraph 109 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe.
- 6.9 London Plan Policy T1 requires all development to make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. London Plan Policy T7 states Delivery and Servicing Plans will be required and should be developed in accordance with Transport for London guidance and in a way which reflects the scale and complexities of developments.
- 6.10 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. Planning Guidance SPD Key Principle TR27 relates to servicing. Key Principles TR25 and TR29 provide guidance on the minimum width of clear and unobstructed footway required when street furniture is proposed on a public footway.

+ Servicing

6.11 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 applicant has submitted a plan which sets out the methodology for the loading and unloading of traders' equipment. As per the previous permission traders will continue to park their vans at the Wood Lane Community Centre on White City Close in their reserved parking spaces, and wheel their equipment to the market site, before returning and moving their vans to a pay-and-display car park space during the day. When the market finishes, traders would pack down their equipment, leave it on site and repeat the process. Unloading and loading will be done in designated intervals with each trader given an allocated slot between 08:00 am to 8:30am to unload and 3:10pm to 3:40pm to load. Loading and unloading will take 10 to 15 minutes per trader at a maximum. The traders buy waste sacks from the market team and the waste is collected at the end of every trading day by Serco. During the time the stalls have operated the Council's Highways Team and Licencing Team have not received any complaints relating to the setting up, dismantling and servicing of the stalls. Subject to a condition being attached to ensure that the submitted Plan is complied with, it is considered that the stall traders would be able to continue to operate without impacting negatively upon the highway network.

+ Obstruction to footway

6.12 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 Principles TR25 and TR29. 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, including those with mobility impairments. The issue of large queues forming has been considered by Officers, however stalls have been operating for 2 years, 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.

6.13 Condition 3 of the previous planning permission prevented the stalls being erected at any time on days when football matches are taking place at Queens Park Rangers F.C stadium. This was to ensure the stalls do not cause 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. It is proposed to allow the stalls to be erected when there is a match at Queens Park Rangers F.C stadium during the week (Monday - Friday), however traders will leave the site at 3pm well before the match starts. There would be no trading on a weekend or on a

public holiday when there is a match scheduled. The Highways Team and the Metropolitan Police do not object to this, however officers recommend permission is granted for a further temporary period of 24 months to allow Highways Officers and the Metropolitan Police to monitor the impact of the development 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.

- 6.14 On this basis, and subject to the inclusion of conditions, officers consider the proposals would not have a significant impact on the highway network or on pedestrian safety, in accordance with the above stated policies.

ENVIRONMENTAL NUISANCE

- 6.15 NPPF Paragraph 180 states that new development should be appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and the quality of life.
- 6.16 London Plan Policy D14 states in order to reduce, manage and mitigate noise to improve health and quality of life, development proposals should manage noise by avoiding significant adverse noise impacts on health and quality of life.
- 6.17 Local Plan Policy CC11 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 states that the Council will, where appropriate require mitigation measures if a nuisance (such as smoke, smell, or noise) would be likely to occur. This is supported by Planning Guidance SPD Key Principle NN7. 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. Local Plan Policy TLC5 states that except within predominantly commercial areas, such as parts of town centres, food and drink establishments shall not be open to customers later than the hour of 23:00.
- 6.18 In this case, the nearest residential properties on Exhibition Close on the western 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.
- 6.19 At present the stalls are permitted to be erected between 7am to 3pm Monday to Friday only (condition 4). Whilst condition 3 prevents the stalls being erected at any time on days when football matches are taking place at Loftus Road this is solely to avoid the stalls causing an obstruction on the footway during those times when the area experiences exceptionally high levels of footfall, and not in the interests of environmental nuisance. The market stalls are required to be dismantled and removed when not trading (condition 2).
- 6.20 It is proposed that the stalls would be erected Monday to Saturday from 8am to 3pm and on Sunday and Bank Holidays from 9am to 3pm, with the exception of weekends and public holidays when there is a match scheduled in the interests of highway safety as discussed above.

- 6.21 The stalls would have a later start time than currently allowed on Monday to Friday. Whilst the stalls would now operate on weekends and Bank Holidays this would only be for limited hours during the day. As stated earlier the servicing plan confirms that unloading and loading will be done in designated intervals with each trader given an allocated slot between 08:00 am to 8:30am to unload and 3:10pm to 3:40pm to load. Loading and unloading will take 10 to 15 minutes per trader at a maximum. This managed approach is considered acceptable. During the time the stalls have operated the Council's Environmental Protection Team and Licencing Team have not received any complaints relating to noise. In addition, the stalls are located in an already busy and activated space throughout the year, adjacent to the Wood Lane as well as White City Station which produce high levels of background noise. On this basis there is no objection to the proposal in terms of noise and disturbance. The hours of operation and the unloading and loading plan will be secured by conditions.
- 6.22 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. Again, the Council's Environmental Protection Team have not received any complaints relating to odours.
- 6.23 Whilst the development has demonstrated over the last 2 years that it can operate without causing environmental nuisance, given the current proposals would include increased trading hours officers consider it to be reasonable to grant permission for a further temporary period of 24 months to allow Environmental Protection Officers to monitor the impact of the development 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.
- 6.24 On this basis, and subject to the inclusion of conditions officers consider the proposals would not cause undue detriment to the general amenities at present enjoyed by existing surrounding residents in terms of noise and vibration and odours, in accordance with the above stated policies.

DESIGN AND HERITAGE

- 6.25 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.'

- 6.26 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.
- 6.27 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.
- 6.28 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.
- 6.29 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 Wood Lane Conservation Area. and the potential impact on the setting of the adjacent local listed, building of merit, White City Station, Wood Lane. The application site is situated in the Wood Lane Conservation Area. The proposal looks to install 6 market stalls within the Footpath on Wood Lane by the junction opposite South Africa Road. Given the scale and location of these removeable units, the proposal would not result in any harm to the character and appearance of the Conservation Area.
- 6.30 In terms of other heritage assets, the proposal site is situated close to White City Station, Wood Lane, a locally listed, Building 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).

AIR QUALITY

- 6.31 LBHF was designated as an Air Quality Management Area (AQMA) in 2000 for two pollutants - Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀).
- 6.32 London Plan Policy SI1 states that development proposals should not lead to deterioration of existing poor air quality, create any new areas that exceed air quality limits or create unacceptable risk of high levels of exposure to poor air quality.
- 6.33 Local Plan Policies CC1 and CC10 seek to reduce potential adverse air quality impacts arising from new developments and sets out several requirements. These are supported by Planning Guidance SPD Key Principles AQ1 to AQ5.
- 6.34 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.
- 6.35 The Council's Environmental Quality officer has considered the proposal and has recommended a condition preventing the use of mobile electrical fuel-based generators e.g. diesel and petrol, for heating, lighting and energy supplies for the market stalls.
- 6.36 On this basis officers consider that the proposed development would not detrimentally impact on Air Quality and would be in accordance with the policies stated above.

7.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

+ Mayoral and Local CIL

- 7.1 The Mayor's CIL (Community Infrastructure Levy) came into effect in April 2012 and new fee rates came into effect in April 2019. This would contribute towards the funding of Crossrail. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy DF1.
- 7.2 The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development in the area. The CIL Charging Schedule was presented to Council and approved 20 May and has formally taken effect since the 1st September 2015.
- 7.3 The proposals are not liable for either the Mayor's or Council's Community Infrastructure Levy.

8.0 CONCLUSION

- 8.1 In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 8.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance.
- 8.3 In summary, the proposal would be acceptable in principle. The continued use of the footpath for the placing of the market stalls will contribute to the existing range of facilities on offer in the White City East Regeneration Area and add to the vitality and vibrancy of the immediate area, and would not affect the viability of any designated shopping area. Highways Officers and Environmental Protection Officers are satisfied that the stalls which have been place for some 2 years, due to their location and management by the traders do not impact on the public highway or cause environmental nuisance. Subject to conditions the continuation and intensification of the development in terms of increased hours of operation would be acceptable in terms of its highways implications and noise and disturbance for neighbours. The proposals would also be acceptable on visual grounds and would not result in harm the character and appearance of the conservation area, or nearby heritage assets. In these respects, the proposals comply with the relevant policies of the NPPF (2019), the London Plan (2021), the Local Plan (2018) and the relevant Key Principles within the Planning Guidance Supplementary Planning Document (2018).

9.0 RECOMMENDATION

- 9.1 That planning permission be granted for the above scheme subject to the attached conditions.