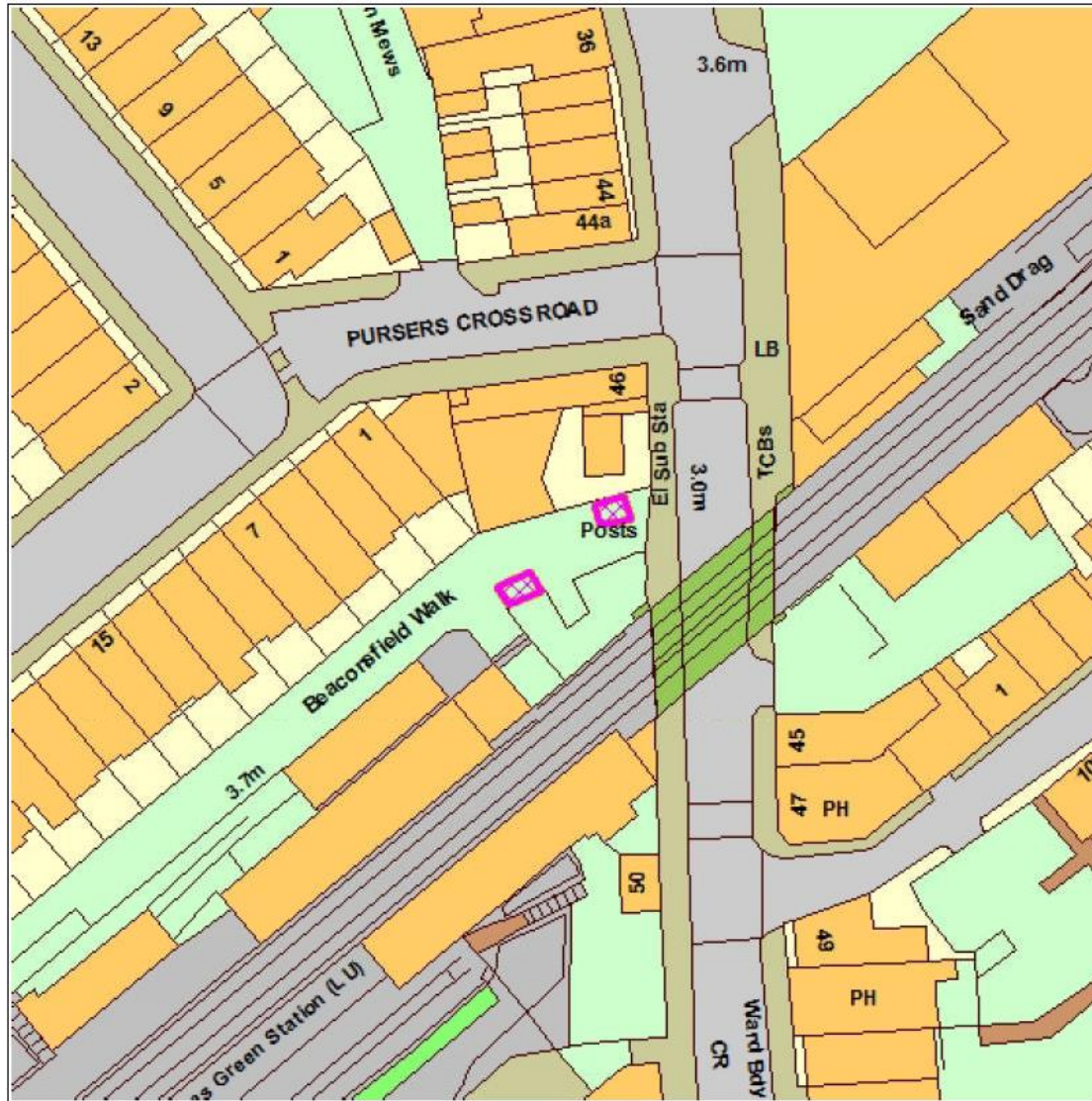


Ward: Town

Expiry Date: 9th October 2027

Site Address:

Beaconsfield Walk Junction Parsons Green Lane London SW6 4DA



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For identification purposes only - do not scale.

Reg. No:

2023/00005/FR3

Date valid:

04.01.2023

Recommendation Date:

08.10.2024

Committee Date:

08.10.2024

Case Officer:

Christopher May

Conservation Area:

Constraint Name: Parson's Green
Conservation Area - Number 10

Applicant:

Kristina Ashenden
25 Bagleys Lane
Markets & Street Trading 1st Floor

Description:

Use of part of the public highway for the placing of 2no. traders' market stalls, measuring 3m in length and 3m in width.

Drg. Nos: 65010/26/2 Rev. B.

Application type:

Full Regulation 3 - LBHF is Developer

Officer Recommendation:

That the application be approved pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the condition(s) set out below

- 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 premises shall not be permitted during the hours of 19:00-07:00 hrs Mondays to Saturday, not during the hours of 16:00-10:00 on Sundays, nor at any time on Public/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.

- 3) Prior to commencement of the development, a Servicing Management Plan shall be submitted to and approved in writing by the Council. Details shall include times and frequency of loading and unloading, vehicle movements, and quiet loading/unloading measures. The details within the agreed Servicing Management Plan shall be implemented prior to the stalls being used and thereafter be permanently retained.

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

- 4) No deliveries nor collections / loading nor unloading shall occur at the development hereby approved other than between the hours of 07:00 to 19:30 on Monday to Saturday, 10:00 and 16:30 time on Sundays and at no time on Public/Bank Holidays.

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.

- 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 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).

- 6) A maximum of two stalls at any one time shall be erected only in the locations shown on the approved drawings and no stalls shall be erected in any other area at any time.

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).

- 7) The development hereby permitted shall not commence until the following (in consultation with TfL Infrastructure Protection), have been submitted to and approved in writing by the local planning authority:

1. No loading/unloading activities to be taken place on Beaconsfield Walk until any agreements have been agreed and signed with TfL Engineering, TfL Property or TfL Legal.
2. Demonstrate how littering can be prevented, and the daily waste can be disposed properly off the site outside LU assets.
3. The placement of stalls will be subject to written legal agreement with London Underground
4. The station entrance together with flow of passengers should not be obstructed at any time.

The details as agreed shall be permanently implemented.

To ensure that operational and servicing activities do not adversely impact on London Underground railway infrastructure, in accordance with Policy T1 of the London Plan (2021) and Policies T2, T4, T5, CC11 and CC13 of the Local Plan 2018.

- 8) Mobile electrical fuel-based generators e.g. diesel, petrol shall not be used.

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.

- 9) The approved market stalls must only be used for the purpose of selling flowers.

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).

- 11) A minimum clear footway of 2m shall be maintained at all times whilst between the market stalls and all street furniture.

To ensure that the accessibility of the public highway is not adversely affected by the development, in accordance with Policy T6 of the Local Plan (2018).

Justification for approving application:

- 1) Land use: The proposals 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. As such, the proposals would be consistent with Policy DC1 of the Local Plan (2018).
- 2) Highways: 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 proposals 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.

That the applicant be informed as follows:

- 1) In determining this application, the local planning authority has worked in a pro-active and positive manner with the applicant to foster the delivery of sustainable development, in accordance with the requirements of paragraph 38 of the National Planning Policy Framework (2023).
- 2) It is illegal to trade anywhere on either the highway, or the footway in the borough without first obtaining a Street Trading Licence. Standard Conditions for Street Trading, based on the London Local Authorities Act 1990, is currently in force and traders are strongly advised to take note of the regulations.

Officer Report

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

All Background Papers held by case officer named above:

Application form received: 11th February 2019
Drawing Nos: see above

Policy Documents: National Planning Policy Framework (NPPF) 2023
The London Plan 2021
LBHF - Local Plan 2018
LBHF - Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:

Dated:

Neighbour Comments:

Letters from:

Dated:

1.0 BACKGROUND AND SITE HISTORY

- 1.1 The application sites are located on the northern and southern sides of Beaconsfield Walk, an area of public footway connecting Parsons Green Lane and St Maur Road. The site is in close to the second entrance serving Parson's Green Tube Station and the junction with Parson's Green Lane.
- 1.2 The application site is located within the Parsons Green Conservation Area, is designated as within the Environment Agency's Flood Zone 2 and is located approximately 45 metres to the north of the Parson's Green Lane Neighbourhood retail parade.
- 1.3 This site was the subject of a previous temporary 24-month permission (ref: 2019/00431/FR3) approved by the Committee in December 2019 for the use of part of the public highway for two temporary traders' market stalls; one for commodity flowers Monday to Sunday from 7am to 8pm; one for Trading Coffee Monday to Friday from 7am to 5pm. This temporary approval provided an opportunity to for officers to monitor the operation of the stalls to ensure that no adverse impacts occurred, particularly with regards to Highways impacts and noise and disturbance to neighbouring properties.
- 1.4 This application seeks permission for the use of part of the public highway for two temporary traders' market stalls; comprising two commodity flowers stall with opening hours of Monday to Saturday from 7am to 8pm and Sundays from 10am to 4pm.

2.0 PUBLICITY AND CONSULTATION RESPONSES

Public Consultation

- 2.1 The application was advertised by way of site and press notices, and individual letters were sent to residents of 36 neighbouring properties. No letters of representation were received.

External Consultation

- 2.2 Crossrail: No objection.
- 2.3 Metropolitan Police (Crime Prevention): No objection.
- 2.4 Transport for London: No objections, subject to condition.

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] (2023), 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 OF DEVELOPMENT

4.1 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 Parson's Green Lane is a Local Access Road. 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 safe and convenient access to individual properties or result in their use by through-traffic.

5.4 Highways Officers have reviewed the proposals and have noted that the area of the carriageway nearest the location of the proposed market stalls is a no stopping area. Accordingly, conditions will be attached to ensure that a delivery and service management plan and a waste management plan, clearly detailing where and how the market stalls will be serviced and how waste collection will occur without illegally parking along the carriageway or on designated driveway of other establishments.

5.5 The proposed market stalls are located in an area of the highway with a high level of footfall in proximity to the northern entrance of Parson's Green Station. Key Principle TR29 states: 'A minimum width of 1.8m clear and unobstructed footway will usually be required outside Town Centres... where there is a high level of footfall, even over short bursts, a greater width of clear and unobstructed footway than specified may be required'.

5.6 Highways Officers have advised that due to the site's location outside a busy tube station where it is expected to have high footfall at peak hours, there is a requirement for a buffer of 500mm from the stall edges in line with Pedestrian Comfort Guidance for London Version 2 (2019). As such, a condition will be attached requiring the submission and approval of details demonstrating that there is a minimum clear footway of 2m at all times whilst accommodating the proposed stalls, aforementioned buffer zones, cycles and all street furniture.

- 5.7 In this instance, the proposed layout plan indicates that an unobstructed footway width of 2.7 metres would be provided around the market stalls. As such, even with existing obstructions including bicycle racks and lamp columns taken into consideration, there would sufficient space remaining to ensure the free flow of pedestrians.
- 5.8 Subject to these conditions, it is considered that the proposals would have an acceptable impact on Parson's Green Lane and would not prejudice the effectiveness of Parson's Green Lane in providing safe and convenient access to individual properties or result in increased use of Parson's Green Lane by through-traffic.
- 5.9 Subject to conditions, the proposals accord with Policies T1 and T6 of the Local Plan.

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 residential properties are located on the southern side of Purser's Cross Road and at the upper floor of No 46 Parson's Green Lane. Measurements demonstrate that there would be an approximate distance of 9-15 metres between the proposed market stall location and these residential properties.
- 6.3 Officers acknowledge that noise from the development could be generated from vehicles arriving, servicing and voices etc. The application proposes a start time of 7am for trading, with set up commencing prior to that time. Whilst the start time could be considered early to some, it is not considered that the market stalls would generate additional noise beyond what has been established by the existing commercial activities in the area and nearby Parsons Green Lane neighbourhood Parade, by London Underground tubes travelling past Parsons Green Station or the pedestrian footfall outside this station at that time.
- 6.4 Ambient noise is also generated by vehicular noise along Parsons Green Lane and a high pedestrian footfall in Beaconsfield Walk associated with the proximity of the site to Parson's Green Station. For these reasons, it is considered that no objections would be raised to the 7am start time proposed from Monday to Saturday or the 10am start time on Sundays. It is considered appropriate to attach a condition to ensure that the traders' vehicle(s) do not arrive on site prior to the start time.
- 6.5 The application proposes that the existing flower stall would continue to sell fresh flowers and proposes that the coffee stall will instead sell flowers as well. As such, hot food odours would not be associated with the proposal and a condition prohibiting the provision of hot food is attached accordingly.

- 6.6 As there do not appear to have been any noise or odour complaints made with regards to the existing temporary coffee and flower market stalls (planning ref: 2019/00431/FR3), it is recommended that the proposal for two markets stalls comprising 2 x flower stalls is granted.
- 6.7 Consistent with recent approvals for similar market stalls in public locations, a condition is recommended 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), as 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 prohibiting amplified music by the stallholder in order to reduce potential noise and disturbance.
- 6.8 Overall, subject to conditions the proposals would accord with CC11 and CC13 of the Local Plan and SPD Key Principle NN5.

7.0 APPEARANCE/VISUAL CLUTTER

- 7.1 Policy DC1 of the Local Plan states that all development within the borough, should create a high quality urban environment that respects and enhances its townscape context and heritage assets. Amongst other things development should have a good design, respect the quality public realm and heritage assets.
- 7.2 Policy DC8 of the Local Plan states that the council will conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets. These assets include: listed buildings, conservation areas historic parks and gardens, the scheduled monument of Fulham Palace Moated site, unscheduled archaeological remains and buildings and features of local interest.
- 7.3 The application site is situated in the Parson's Green Conservation Area. The proposal proposes two market stalls within the pedestrianised area in front of Parson's Green Station.
- 7.4 The existing flower market stall is considered to be modest in terms of its footprint, bulk and mass, which is comprised of a metal structure on wheels with a gazebo-type roof.
- 7.5 While no drawings have been provided for the proposed flower stalls, officers note that the stalls are tantamount to mobile structures that are not permanent. In order for the market stalls to comply with street trading licencing regulations, they must be designed to integrate with the surrounding urban environment without detracting from its character and appearance. As such, no objections are raised on the grounds of visual amenity, and it is therefore considered that the character and appearance of the Parsons Green Conservation Area would be preserved.
- 7.6 Overall, the proposals accord with the Policies DC1 and DC8 of the Local Plan.

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.