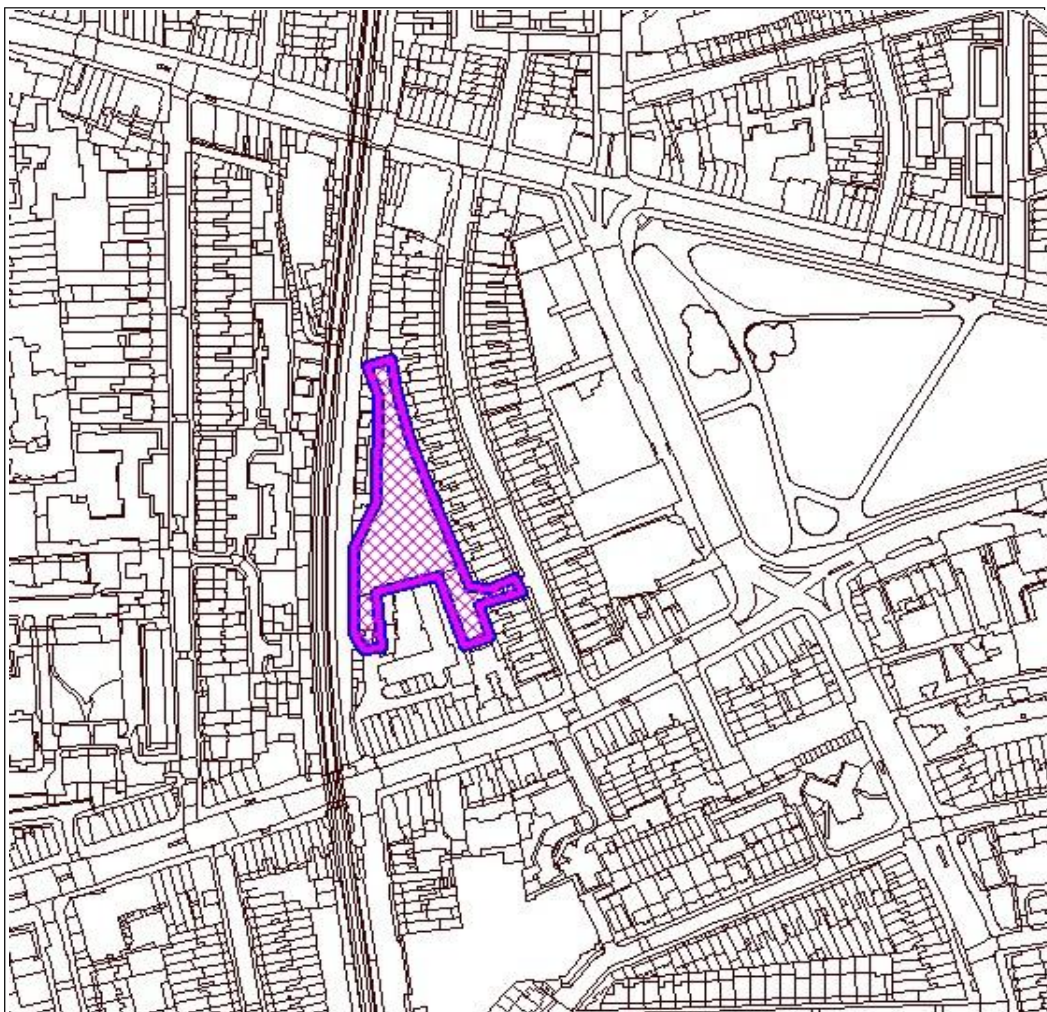


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**Ward:** Shepherd's Bush Green

**Site Address:**

Former Laundry Site, Rear of Nos. 9 - 61 Pennard Road, W12



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For identification purposes only - do not scale.

**Reg. No:**

2025/01351/FUL

**Case Officer:**

Jesenka Oezdalga

**Date Valid:**

05.06.2025

**Conservation Area:**

Shepherds Bush

**Committee Date:**

30.07.2025

**Applicant:**

YC Shepherd's Bush Limited  
C/O Agent

**Description:**

Retention of the existing shipping containers for a temporary period, for use as creative and affordable workspace units and ancillary storage (Class E).

Drg. Nos: See Condition No.2 below

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

1. That the Director of Planning and Property be authorised to grant planning permission subject to the conditions listed below.
2. That the Director of Planning and Property, after consultation with the Assistant Director of Legal Services 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.

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**CONDITIONS**

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**1. Time Limit**

The temporary use hereby approved shall be for a limited period only, up to the 31 July 2026 (excluding of de-installation/removal). All shipping containers, structure or associated equipment carried out under this permission shall be removed from the site by no later than the 31 October 2026 and the site shall be restored to its former condition.

In granting this permission, the Council has had regard to the wider regeneration of the site and to allow the Council to control the impact of the operation of the use on the amenities of neighbouring residents and occupiers, in accordance with policies WCRA, WCRA3, DC1, DC4, DC8 and DC9 of the Local Plan (2018).

**2. Approved Drawings**

The development shall be carried out in accordance with the following approved drawings and documents:

- 19139\_M\_(SK)\_0259
- 19139\_M\_(SK)\_0424
- Cover Letter dated 14 May 2025
- Transport Summary prepared by Momentum
- Operational Management Plan prepared by Gerald Eve

To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans and supporting documents, in accordance with policies WCRA, WCRA3, DC1, DC4, DC8, E1, CF1, CF2, CF3, T2, T3, T5, CC3, CC4, CC7, CC8, CC9, CC11, CC12, and CC13 of the Local Plan (2018), and Key principles of the Planning Guidance SPG (2018).

### **3. Hours of Operation**

The continued temporary use of the site and shipping containers hereby approved shall only be permitted during the hours:

- 08.00 to 20.00 Monday - Sunday including Bank Holidays (with all staff off-site by 20.30).

To ensure that the amenity of occupiers of the surrounding premises is not adversely affected by noise from activities or people at or leaving the site, in accordance with Policies CC11, CC12, and CC13 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

### **4. Refuse Storage Enclosures**

Refuse storage enclosures, on approved drawing 19139\_M\_(SK)\_0259 shall be permanently retained thereafter in accordance with the approved details for the duration of the permission.

To protect the environment and to ensure that satisfactory provision is made for refuse/recycling storage and collection, in accordance with Policies CC6 and CC7 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

### **5. Deliveries**

No deliveries nor collections/loading nor unloading shall occur at the development hereby approved other than between the hours of 07:30 to 20:00.

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 the Local Plan (2018).

### **6. External Lighting**

External artificial lighting at the development hereby approved shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals in the 'Guidance Note 01/21: Guidance Notes for the Reduction of Obtrusive Light'. External lighting should be minimized, and glare and sky glow should be prevented by correctly using, locating, aiming, and shielding luminaires, in accordance with the Guidance Notes.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting, in accordance with Policies DC2, CC12 and CC13 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD 2018.

### **7. Internal Container Lighting**

A scheme for the control and operation of the lighting within the container buildings, during periods of limited or non-occupation, shall be submitted to and approved in writing by the Local Planning Authority. Details shall be implemented prior to the occupation of the relevant Phase and operated only in accordance with the approved details.

To ensure that the building does not cause excessive light pollution and to conserve energy when they are not occupied, in accordance with Policy CC12 of the Local Plan (2018).

#### **8. Noise from Uses and Activities**

Noise from uses and activities within the development site shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive/ habitable rooms and private external amenity spaces.

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

#### **9. Amplified Noise**

No amplified sound or music shall be audible on the boundaries of the site.

To protect the amenities of adjoining occupiers and the surrounding area in accordance with Policies CC11 and CC13 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

#### **10. Operational Management Plan (OMP)**

The development hereby permitted shall be carried out in accordance with the Operational Management Plan prepared by Gerald Eve and thereafter be permanently retained for the temporary period permitted.

To safeguard the amenities of surrounding properties and to ensure that all appropriate measures are undertaken to minimise impact, in accordance with Policies CC7, CC11, CC12, CC13 and T2 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

#### **11. Cycle Parking**

A minimum of 26 cycle parking spaces (16 long-stay, and 10 short-stay spaces) shall be retained for the duration of the permission in accordance with the approved details.

To ensure adequate cycle parking is available on site and to promote sustainable modes of transport in accordance with Policies T2 and T3 of the Local Plan 2018.

#### **12. Use Restrictions - Containers**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the use of the containers hereby approved shall be used only for uses falling within Class E(g), and for no other purpose (including any other separate purpose in Class E of the Town and Country (Use Classes) Order 1987 (or any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification). The containers shall not change use by any means under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking and re-enacting those orders with or without modification).

To ensure that the pavilions provide uses that are appropriate to the nature of the site and to ensure that other uses are not introduced without further assessment in accordance with policies E2 and CC11 of the Local Plan (2018).

### **13. No External Alterations**

No external alterations shall be carried out to the external appearance of the shipping containers, including the installation of air-conditioning units, ventilation fans or extraction equipment flues or other plant equipment and associated external pipework or ducting.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC4, DC8, CC11 and CC13 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

### **14. Pennard Road**

The Pennard Road entrance to the site labelled as 'Emergency & servicing entrance/exit' on plan 19139\_M\_(SK)\_0259 shall only be used in emergencies and not for any other purpose associated with the development hereby approved.

To ensure that vehicle movements to and from the do not caused to the amenities of neighbouring properties, by reason of traffic generation, noise and disturbance, in accordance with Policies CC11, CC12, TLC1, TLC2 and TLC5, and CF3 of the Local Plan (2018), and Key Principles LC6, SDC1, TR1, WM9 of the Planning Guidance SPG (2018).

### **15. Shepherds Bush Market Access**

The entrance to the development site labelled as 'Emergency entrance/exit' on the plan 19139\_M\_(SK)\_0259 adjacent to Shepherds Bush Market shall only be used in emergencies and not by customers or staff using the development hereby approved.

To ensure that the proposal does not have a detrimental impact on the footfall of the adjacent Shepherds Bush Market and respects the local context and character of the local townscape in accordance with Policies, CC11, CC13, and T2 of the Local Plan (2018), and Key Principles of the Planning Guidance SPG (2018).

### **16. Main Entrance**

The main entrance to the development site on Market Lane (from Goldhawk Road) as shown on plan 19139\_M\_(SK)\_0259 shall be the primary access (ingress/egress) route for the development hereby approved.

To ensure that the proposal does not have a detrimental impact on the footfall of the adjacent Shepherds Bush Market and respects the local context and character of the local townscape in accordance with WCRA, WCRA3, DC1, DC4, DC8, DC9, E1, CF1, CF2, CF3, T1, T2, T3, T5, CC3, CC4, CC6, CC7, CC8, CC9, CC11, CC12, CC13, and OS5 of the Local Plan (2018), and Key principles of the Planning Guidance SPG (2018).

### **Justification for approving the application**

(1) Land Use: The proposed continued temporary use is considered acceptable in land use terms in terms of the use of vacant land for meanwhile / temporary uses and would contribute to promoting and regenerating this part of the White City Regeneration Area. The development would generate employment and deliver wider benefits through the employment and cultural uses, and job opportunities for residents and businesses. The proposed development is therefore, on balance, a considered acceptable in accordance with policies WCRA, WCRA3, E1, CF1 and CF2 of the Local Plan (2018),

(2) Design: The use of proposed shipping containers is considered acceptable visual appearance and would not harm the setting of the adjacent conservation area and is consistent with the Council's wider regeneration objectives. It is not considered that the development would negatively impact surrounding heritage assets including the Shepherds Bush Conservation Area. The proposal is therefore considered acceptable, in accordance with Policies DC1, DC2, DC4, DC8 and DC9 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

(3) Transport: Impact on traffic generation in terms of congestion of the road network or local parking conditions is considered acceptable. Conditions secured relating to on-site cycle parking provision, storage and collection of refuse and recyclables would be provided and access arrangements. The accessibility level of the site is excellent and is well served by public transport. The proposed development therefore accords with Policies CC6, CC7, T2, T3 and T7 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

(4) Impact on Neighbouring Properties: On balance, the impact of the proposed development upon neighbouring occupiers is considered short term and acceptable with regards to noise/disturbance and impacts on overlooking and light pollution. In this regard, the development would respect the principles of good neighbourliness. The proposed development therefore accords with Policies DC1, DC2, DC4, DC8, CC9, CC10, CC11, CC12 and CC13 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

(5) Safety and Access: The development would provide level access and satisfactory provision is therefore made for users with mobility needs, in accordance with Policies DC1 and DC2 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

#### **Informatives:**

(1) The footway and carriageway on the A402 Goldhawk Road and the A4020 Uxbridge Road should not be blocked during any additional or new works to the proposal. Temporary obstructions during the works as part of this permission should be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on the A402 Goldhawk Road and the A4020 Uxbridge Road. All vehicles should only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.

(2) All Non-Road, Mobile Machinery (NRMM) should meet as minimum the Stage IIIB emission criteria of Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NO<sub>x</sub> and PM. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.

(3) The premises may have been and may be required to comply with the Health and Safety at Work Etc Act. For further details please contact the Council's Health & Safety team on tel. 020 87531081, email [commercialservices@lbhf.gov.uk](mailto:commercialservices@lbhf.gov.uk) and/or the Health and Safety Executive on Tel 0845 345 0055, [www.hse.gov.uk](http://www.hse.gov.uk).

(4) Potentially contaminative land uses (past or present) have been identified at, and or, near to this site. Although I would not expect any significant problems, the applicant is advised to contact the Council should any unexpected materials or malodours are encountered during excavations.

Application form received: 14th May 2025

**Policy documents:** National Planning Policy Framework (NPPF) 2024  
The London Plan 2021  
LBHF Local Plan 2018  
LBHF Planning Guidance Supplementary Planning Document 2018

**Dated:**  
03.07.25

## Letters from:

20B Goodwin Road London W12	21.06.25
37 Pennard Road Shepherds Bush W12	26.06.25
37 Pennard Road Shepherds Bush W12	26.06.25
37 Pennard Road Shepherds Bush W12	26.06.25
9 Ethelden Road London W12	04.07.25
79 Bentworth Road London W12	04.07.25
25C Askew Road London W12	04.07.25
120 Lowbrook Road Ilford IG1	04.07.25
No Address Given	04.07.25
Friends of Shepherd's Bush Market	05.07.25
49 Pennard Road London W12	05.07.25
43 Goldhawk Road London W12	05.07.25
26 Wornington Road London W10	05.07.25
3 Warfield Road Brent NW10	05.07.25
3 Warfield Road Brent NW10	05.07.25
3 Warfield Road Brent NW10	05.07.25
85 Longley Hallway Longley Hallway Sheffield	05.07.25
19 Pennard Road London W12	06.07.25
Canada Way London W12	06.07.25
92 Studland Road W7	06.07.25
Flat 330 Bromyard House Bromyard Avenue W3	06.07.25
No Address London TW3	06.07.25
Flat 3 1 Caerau Crescent Newport Wales NP20	06.07.25
30 Havilland Mews London W12	06.07.25
100 Bentworth Road W12	06.07.25
67 Uxbridge Road W12	06.07.25
67 Uxbridge Road W12	06.07.25

19 Latham Court 94 West Cromwell Road London SW5	06.07.25
Flat 2G Portman Mansions, Chiltern Street, Marylebone W1	06.07.25
199 Bentworth Road W12	06.07.25
67A Uxbridge Road W12	06.07.25
Flat 41 Brentford, TW8	06.07.25
Goldhawk Road W6	06.07.25
52 Dewhurst Road W14	06.07.25
52 Dewhurst Road W14	06.07.25
Flat 4 12 - 26 North Street Isleworth TW7	06.07.25
Flat 15 Goldhawk Road London W12	06.07.25
87 Ormiston Grove London W12	06.07.25
106 Ashley Crescent London SW11	06.07.25
54 Kings Road Harrow HA2	06.07.25
119A Ifield Road London SW10	06.07.25
23 Claremont Grove London W4	06.07.25
Percy Road London W12	06.07.25
33 Scotts Road London W12	06.07.25
27A Windsor Road Ealing Broadway, London W5	06.07.25
93 Brent Lea Brentford TW8	06.07.25
48 Coolhurst Road London N8	06.07.25
154 Flora Gardens London W6	06.07.25
155 Flora Gardens London W6	06.07.25
2, 24 Augusta Road Ramsgate CT11	06.07.25
Addison Gardens W14	06.07.25
Castlebar Road London W5	06.07.25
2 Lime Grove London W12	06.07.25
9 Lime Grove London W12	06.07.25
5 Victoria Road Worthing BN11	06.07.25
Flat B 174 Holland Road London W14	06.07.25
97 Downhills Way London N17	06.07.25
2 The Avenue London W13	06.07.25
74 Robin Hood Way SW15	06.07.25
140 Wulfstan Street London W12	06.07.25
163 Bromyard House London W3	06.07.25
109 Brixham Crescent Ruislip Manor Ruislip HA4	06.07.25
100 Park Village East London NW1	06.07.25
3 Stronsa Road London W12	06.07.25
3 Stronsa Road London W12	06.07.25
13 Elgin Court Elgin Avenue London W9	06.07.25
Bentworth Road London W12	06.07.25
4 Cromwell Grove London W6	06.07.25
4 Cromwell Grove London W6	06.07.25
4 Cromwell Grove London W6	06.07.25
14 The Maplws Hitchin SG4	06.07.25
15 St. Anns Road London W11	06.07.25
15 Warwick Road London SW5	06.07.25
C702 Woodward Buildings 1 Victoria Road North Acton W3	06.07.25
Davisville Road W12	06.07.25
32 Coverdale Road London W12	06.07.25
41 Thorpebank Road W12	06.07.25
21 Bolton Road W4	06.07.25
12 Macfarlane Road W12	06.07.25



39 Mossford Street Tower Hamlets London E3	06.07.25
48 Stamford Brook Road London W6	06.07.25
7 Sulgrave Road London W6	06.07.25
Flat 22, Blaxland House, London W12	06.07.25
The Artists Flat, The Pavilion, Market Drive London, W4	06.07.25
4 Craig Yr Henffordd Penegoes Machynlleth Wales SY20	06.07.25
1410 Old Dixie Hwy 36 Titusville Florida (USA)	06.07.25
9 Lime Grove London W12	07.07.25
9 Lime Grove London W12	07.07.25
Flat 10 42 Lime Grove London W12	07.07.25
W12 8EA 4 Alma Place Kensal Green NW10	07.07.25
Flat 2, 16, Coverdale Road London W12	07.07.25
Flat 5, Wellington House, 30 Eton Road, London NW3	07.07.25
Flat 6 21 Bolton Road London W4	07.07.25
33 Scott's Road London W12 8HP	07.07.25
Margravine Road London W6	07.07.25
Sinclair Road London, W14	07.07.25
94 Loftus Road London W12	08.07.25
96 Loftus Road London W12	08.07.25
96 Loftus Road London W12	08.07.25
41 Pennard Road London W12	08.07.25
9 Lime Grove London W12	08.07.25
60 Goldhawk Road London W12	08.07.25
14 Durban House, White City Estate London W12	08.07.25
39 Beech Gardens, South Ealing London W5	08.07.25
29 Thorpebank Road London W12	08.07.25
22 Gwendolen Avenue London SW15	08.07.25
63 Rydal Crescent Perivale UB6	08.07.25
16 Shalfleet Drive London W10	08.07.25
113 Cheesemans Terrace, London W14	08.07.25
33 The Grampians Shepherd's Bush Road London W6	08.07.25
13 Coopers Lodge 45 Acre Road London KT2	08.07.25
No Address Given	08.07.25
27 Arminger Road London W12	09.07.25
27 Arminger Road London, W12	09.07.25
Flat 5 Sopwith House, Cave Road Richmond, TW10	10.07.25
19 Becklow Gardens, London, W12	11.07.25
75c Lime Grove, London W12	12.07.25

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## OFFICER REPORT

### 1.0 SITE AND SURROUNDINGS

- 1.1 The application site ('the site') is a triangular shape and covers an area of approximately 0.42 hectares. With exception to 15 Pennard Road, the site is landlocked. The site is bounded by Shepherd's Bush Market (SBM) to the west, residential dwellings on Pennard Road to the east, and commercial/residential uses on Goldhawk Road to the south. The site adjoins a series of buildings, formerly occupied by St Mungo's Broadway Centre Hostel (sheltered accommodation for the homeless). The buildings were last used as artist and creative studios with educational space and cycle parking, operated by Kindred Studios. An elevated railway viaduct serves the Circle and Hammersmith & City Line and connects two stations (Shepherd's Bush Market and Goldhawk underground stations), together with market arches and residential dwellings beyond on Lime Grove are located further to the west.
- 1.2 The site is commonly known as the 'Old Laundry Yard' ('OLY'). The site is used for meanwhile uses in shipping containers for creative, affordable workspace and ancillary storage uses. The site previously comprised the Spring Grove Laundry which ceased operations in 2009, and the building was demolished shortly after. The OLY has an existing vehicular access point via 15 Pennard Road. No formal car parking provision is available on-site.



Aerial View (2020)

- 1.3 The site adjoins Shepherds Bush Market, established in 1914. The market occupies a narrow strip of land from Goldhawk Road (south) to Uxbridge Road (north) comprising a mixture of stalls, shops and railway arches retailing fruit and vegetables, fresh food, fabrics and a range of other goods and services. There is an entrance at each to the market (Uxbridge Road and Goldhawk Road). The market trades 6 days a week (Monday to Saturday) from 9.30am to 6pm. Outside of trading hours and on Sundays, the market is locked by gates at both entrances and controlled by on-site management.

#### **Designations**

- 1.4 The site is located within the White City Opportunity Area (WCOA) in the London Plan (2021) and in the White City Regeneration Area (WCRA) in the Local Plan (2018). The site falls within a designated Strategic Site (WCRA3) relating to

Shepherd's Bush Market and adjacent land. The site is situated within Shepherd's Bush Town Centre, designated as a metropolitan centre in the London Plan. The town centre comprises three main retail 'anchors' which are the Westfield Shopping Centre, W12 Shopping Centre, and Shepherd's Bush Market.

- 1.5 The properties along Pennard Road including no.15 within the site form part of the Shepherds Bush Conservation Area and those along Lime Grove form part of the Coningham and Lime Grove Conservation Area. The site does not contain any statutory or locally listed buildings. Pennard Road Mansions and the former Shepherds Bush Library are both identified on the Council's Register of Buildings of Merit.
- 1.6 The site is within Flood Risk Zones 2 and 3 and has a public transport accessibility level (PTAL) of 6b (excellent). The site is within a short walking distance of several bus routes. The closest tube stations are Goldhawk Road and Shepherd's Bush Market on the Hammersmith and City Line. A short walk to the east is the Shepherd's Bush underground station, which serves Central Line, and Overground and mainline rail services.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 The site lies within the wider proposed Shepherds Bush Market redevelopment and has extensive historic planning history. The shipping containers and associated temporary land uses have existed on the site for over 8 years.
- 2.2 In March 2012, outline planning permission (ref. 2011/02930/OUT) was granted for the redevelopment of the Shepherds Bush Market, St Mungo's, Nos. 1-14 Market Lane, land adjoining the former Shepherds Bush Library, Nos. 30-52 Goldhawk Road, and the OLY site. Permission was granted for "Demolition of existing buildings, the refurbishment and enhancement of the market, and the construction of new buildings ranging from 2-9 storeys in height (plus basement) to provide up to 212 residential units (including 194 flats, 13 mews-style houses and 5 live/work units) (up to 27,977sqm); and up to 14,052sq.m of non-residential floorspace comprising up to 6,000sqm of market/retail floorspace (Class A1), up to 4,000sqm floorspace of Food and Drink Uses (Classes A3/A5), and up to 4,052sq.m of associated servicing facilities and ancillary uses; including provision of landscaping and amenity/public space; access and parking (up to 85 vehicular spaces), up to 457 cycle parking spaces and associated works." A reserved matters approval (for appearance and landscaping) was granted in December 2013 (Ref. 2013/05493/RES).
- 2.3 The outline planning permission was the subject of a Judicial Review. A High Court ruling in August 2015 upheld the Secretary of State's decision, allowing the necessary Compulsory Purchase Order (CPO) to proceed. In March 2016, the Court of Appeal found the CPO unlawful. Therefore, the 2012 scheme did not come forward following the failure to secure the CPO.
- 2.4 The site was resurfaced, and at the outset 74 shipping containers were installed before the CPO related to the outline planning permission was quashed. The containers on the OLY were initially only intended to operate in conjunction with a temporary market use, associated with the 2012 permission, where the existing Shepherds Bush Market traders would have moved to whilst works to the existing market land were carried out.

- 2.5 In May 2017, an application (ref: 2017/01887/FUL) was submitted for a temporary mixed-use development (for 2 years), to use the shipping containers for an alternative use, comprising co-working (office) and community use units on two levels, along with a food and beverage court, arranged around a square with communal seating and a raised terrace at first floor. The application was refused permission (by the committee) in September 2017, on grounds of increase activity, visual and residential amenity, traffic and parking pressure, lack of cycle spaces and inaccessibility to first floor areas.
- 2.6 On 8 November 2017, a revised application (ref: 2017/03851/FUL) was granted permission for the temporary use of the site and existing shipping containers for a period of up to 2 years, in the form of a mix of Class B1 creative affordable workspace centre (46 containers), ancillary Class A3/A4/A5 food and beverage area (8 containers), outdoor events space, Class D1 community use (7 containers), associated storage space (7 containers), bicycle storage (4 containers), toilets (2 units) and a fridge unit (1 unit), together with hard and soft landscaping; and a new pedestrian access route from Goldhawk Road. This revised application included the removal of the first floor of containers and provision of additional cycle spaces. Permission was granted by committee for a temporary period of two years (expired 8 November 2019).
- 2.7 Several discharge of condition applications related to first temporary permission (ref: 2017/03851/FUL) followed and were determined by the Council. These relate to:
- 2018/03107/DET | Details of noise monitoring report, in compliance with condition 8 of planning permission 2017/03851/FUL - Approved.
  - 2018/01983/DET | Details of contamination remediation method, in compliance with condition 26; details of verification report, in compliance with condition 27 and details of long-term monitoring, in compliance with condition 28 of planning permission 2017/03851/FUL - Approved.
  - 2018/00997/DET | Details of external noise from machinery, in compliance with condition 15 of planning permission 2017/03851/FUL - Approved.
  - 2018/00678/DET | Details of secured by design, in compliance with condition 19; details of SUDS, in compliance of condition 22 of planning permission (Ref.2017/03851/FUL) - Approved.
  - 2018/00385/DET | Details of contamination quantitative risk assessment report, in compliance with condition 25 of planning permission (Ref.2017/03851/FUL) - Approved.
  - 2018/00333/DET | Details of operational management plan (Condition 17), CCTV (Condition 20), and Cycle Parking (Condition 21) of planning permission (Ref.2017/03851/FUL) - Approved.
  - 2018/00248/DET | Details of 1:50 plans of the containers; in compliance with Condition 32 of planning permission (ref. 2017/03851/FUL) - Approved.
  - 2018/00013/DET | Details of contamination - site investigation scheme, in compliance with condition 24 of planning permission (Ref.2017/03851/FUL) Approved.
  - 2017/04525/DET | Details of desktop study, in relation to phase 1, in compliance with condition 23 of planning permission (Ref.2017/03851/FUL) - Approved.

- 2.8 On 25 February 2021, application (ref: 2020/01580/FUL) was granted for the continued use of the site and existing shipping containers for a further temporary period (expiring 30 November 2021), for use as a creative affordable workspace centre (Class B1 use) (46 containers), ancillary Class A3/A4/A5 food and beverage area (7 containers) with outdoor events space, Class D1 community use (7 containers), associated storage space (7 containers), bicycle storage (4 containers), and toilets (2 units) including hard and soft landscaping; and pedestrian access route from Goldhawk Road. The operation of this permission was impacted by COVID-19.
- 2.9 On 24 March 2023 the continued temporary use of the site and existing shipping containers was extended up to 31 December 2024 (ref: 2022/02776/FUL). In comparison with the previous 2021 permission, the proposal operated from 71 shipping containers, as creative and affordable workspace units. The food and beverage units, outdoors event space and community use were no longer proposed.
- 2.10 On 12 December 2024 application (ref: 2024/03044/FUL) was registered for the continued use of the site and existing shipping containers for a temporary period as creative and affordable workspace units and ancillary storage. The application was withdrawn on 5 June 2025 following the submission of an updated application (ref: 2025/01351/FUL), the subject of this report.
- 2.11 On 7 August 2024, planning permission was granted (ref. 2023/01093/FUL) for the wider redevelopment scheme inclusive of Shepherd's Bush Market and the OLY.

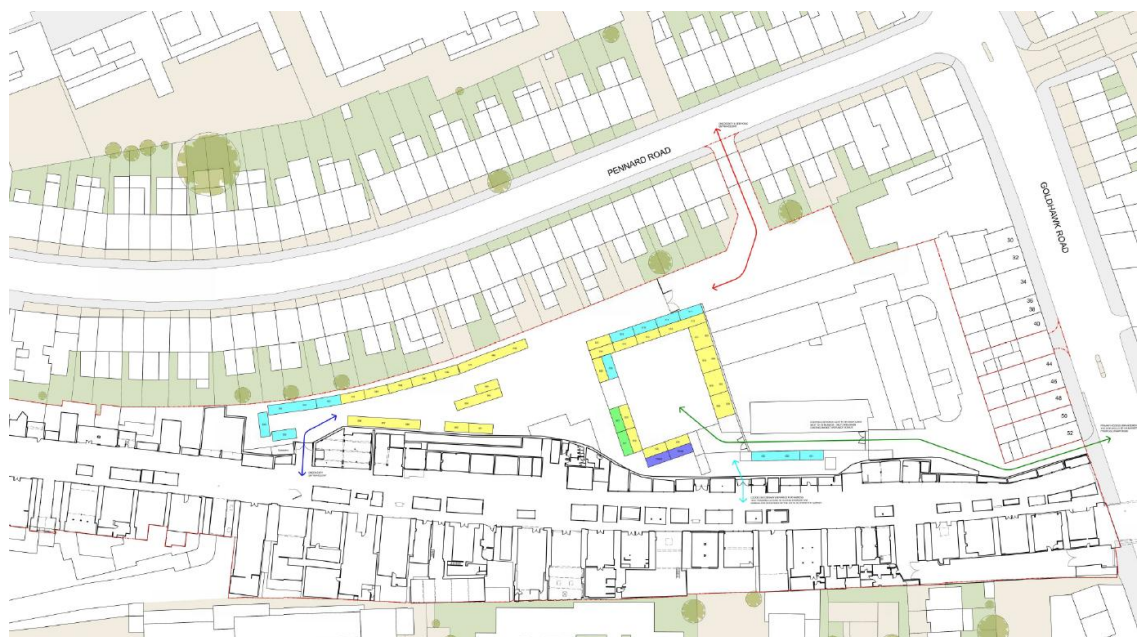
### **3.0 THE PROPOSAL**

- 3.1 Planning permission is sought for the continued temporary use of the existing shipping containers on the site, until the wider comprehensive re-development (including refurbishment of Shepherd's Bush Market) granted permission on 7 August 2024 (ref. 2023/01093/FUL) comes forward. The proposals would activate this space, support local businesses and contribute to the local economy (albeit on a temporary basis).
- 3.2 In contrast to the last 2023 temporary permission, the current proposal now seeks the retention of a reduced number of shipping containers. Since the 2023 permission, a total of 18 container units has been removed off the site. This has included containers which were located along the back gardens of residential properties fronting Pennard Road.
- 3.3 There are 52 container units now on site. The containers are used/available for storage purposes by market traders or local charities, others for creative studios (wood works) and/or office use. The Applicant confirms that 15 (28.8%) of the container units are currently let, 3 let to <https://www.flowhappy.org/> and 3 to the Bush Theatre, free of charge.
- 3.4 The proposal seeks the retention of the shipping containers units for a further temporary period of 12 months, for use as creative and affordable workspace units and ancillary storage units [Class E]. The use provides ancillary storage space for existing market traders at Shepherds Bush Market, ancillary workspace to new and existing traders of the market and workspace to businesses from the creative industries. The proposed use is less intense than the previous temporary



permissions on the site which comprised of up to 70 containers and incorporated F&B uses.

- 3.5 The 52 container units are proposed to be split into 35 creative and affordable workspace units, 13 for storage purposes: two for public toilets and recycling and waste management and two for cycle parking. The shipping container units have a total GEA of 966 m<sup>2</sup>. The site remains car-free, with no car parking spaces provided on-site. It is proposed that 26 cycle spaces be provided on site (16 long-stay and 10 short-stay spaces). No changes are proposed to the delivery, servicing, and waste collection and storage arrangements. Delivery and servicing activities are carried out between 07:30-20:00. Waste generated by the site is stored and collected from Shepherd's Bush Market itself.
- 3.6 Access arrangements to the site remain unchanged. The main access is via Market Lane (adjacent to Shepherds Bush Market) from Goldhawk Road. Locked secondary entrances are located on the Shepherds Bush Market boundary for ingress, so that traders can use the site to access storage facilities and egress for occupiers of the units to enter the market. The public cannot freely flow between the Shepherds Bush Market site and the OLY site. The Pennard Road entrance is used for emergency purposes only and access is controlled by site security.



Existing Layout/Access Arrangements

- 3.7 An Operational Management Plan (OMP) is submitted which sets out management arrangements for the site. It provides support to the new businesses who could occupy the site whilst considering the existing market traders/amenity of residents. The OMP is submitted in conjunction with a Transport Note. The use would be operational daily. The proposed operating hours have been revised and would be: 08:00 – 20:00 (Monday-Sunday and bank holidays). The provision of food and drink uses has been removed from the site. The existing management team operating the market and their related sub-contractors would be responsible for the management, security, and service of use. Fitted gates would be securely shut once the site closes in the evenings and opened first thing in the morning to allow access and deliveries, managed by the on-site manager. Additionally, there is monitored CCTV presence surrounding the site which will be linked to the manager's office.

3.8 The retention of the containers is linked to the provision of a continued meanwhile use on this underutilised site, related to the long-term refurbishment / redevelopment works associated with Shepherd's Bush Market (SBM) and redevelopment of the application site, the Old Laundry Yard (OLY), secured under planning permission (ref: 2023/01093/FUL) dated 7 August 2024. The Applicant initially applied in December 2024 to extend the temporary period for 18 months. This period has been reduced in agreement with the Applicant to a period of 12 months (up to 31 July 2026).

3.9 The following supporting documents are submitted with the application:

- 19139\_M\_(SK)\_0259
- 19139\_M\_(SK)\_0424
- Cover Letter dated 14 May 2025
- Transport Summary prepared by Momentum
- Operational Management Plan prepared by Gerald Eve

#### **4.0 PUBLICITY AND CONSULTATION**

4.1 The application has been publicised by way of statutory site notices and 900 individual notification letters (dated 9 June 2025), sent to surrounding occupiers, including residential properties / market traders / and businesses in nearby buildings or streets.

4.2 The Council has received 116 objections including representations from the former Chair of the Shepherd's Bush Market Traders Association (SBMTA) and "Friends of Shepherd's Bush Market" and residents in Pennard Road/Lime Grove and one letter of support.

4.3 In summary the objections received are summarised below.

- Containers are unsightly and in a poor state of maintenance.
- The proposed operational hours are inconsistent with Shepherd's Bush Market opening hours 06:30–19:00 (Monday to Saturday), with no trading permitted on Sundays, out of character for the neighbourhood and inconsiderate of both residents and traders.
- Use of the OLY during evening hours gives rise to light pollution and impacts on the neighbouring residential amenities of properties along Pennard Road. Absence of measures to control light spillage, limit luminance levels, or controls after standard operational hours.
- Concerns about crime and anti-social behavior, both linked to the site's operation and accessibility, and to the ongoing problem in and around Shepherds Bush Town Centre.
- Submitted noise survey data (cited in recent 2024 and 2017 permission) relates to the refused dual-level cargo container configuration. Subsequent single-level arrangements are less enclosed, and noise levels are more likely to travel.
- Proposals dependent on emergency access and circulation via Shepherd's Bush Market. The current scheme does not provide for independent emergency egress. Emergency evacuation through the locked and inactive Shepherd's Bush Market premises would pose serious safety and security risks to the property of the market tenants and site users.

- The proposals conflict with Policy CC3 (Local Environmental Impacts) and Policy D1 of the London Plan (Form, Function and Layout).
- Mismanagement of site finances and service charge accountability associated with infrastructure and services funded by Shepherd's Bush Market tenants.
- Concerns expressed about the levels of land contamination and risk to public health on the site. No clear evidence has been published to confirm that the site has undergone adequate contamination assessment or remediation. The site poses an unacceptable risk to residents and the local ecosystem until such assessments are conducted and publicly disclosed.
- The site may be exposed to hazardous substances without adequate warning or health monitoring. The Council should confirm what steps, if any, have been taken to assess or monitor public health impacts since 2014.
- A marked decline in local biodiversity over recent years, including reductions in bird, bee, and hedgehog populations.
- Reference to Environmental Impact Scoping Assessment Ref: 2022/03574/SCOEIA, which remains "Pending Consideration" on Planning system.
- Uncertainty about Imperial College, named in planning application Ref: 2023/01093/FUL, may no longer be involved in the proposed development. Confirmation sought whether Imperial College remains committed to the scheme.
- The site lies within a designated flood risk area and is heavily dependent on outdated Victorian drainage infrastructure. Reports acknowledged the inadequacy of these drains. No investment in drainage improvements despite commitments since 2011. The risk of flooding is particularly concerning and places unacceptable strain on the wider system and heightens risks for surrounding properties.
- The OLY site is effectively landlocked and functionally constrained. Rely heavily on neighbouring land, particularly Shepherd's Bush Market and Pennard Road, for access, services, and operational support. Site could have been repurposed into valuable green space or a community asset that improves air quality, supports biodiversity, and enhances local wellbeing.
- The extended operating hours on the OLY site will add to parking pressure on Pennard Road during evenings and weekends.
- Despite the expiration of relevant planning permissions, no enforcement action has been taken by the Council to remove the unlawful structures or address the site's deterioration.
- Reference to GLA Stage 2 Decision – Planning Application 2023/01093/FUL and reference to site being underutilized. Consider the actions of the developer have contributed to the present state of decline, undermining the vitality and character of the area.
- Reference to the erosion of ethnic and cultural diversity in Shepherd's Bush Market, by various planning proposals associated with the OLY site have accelerated this decline, cited displacement, and discouraged tenancy renewal and undermining the cultural heritage.
- Reference to mismanagement of the OLY site. Refers to neglect, underperformance, and lack of community benefit, representation of the market traders.
- Impact on residential property values.
- In support, the retention of creative and artist's space is important. Wonderful addition to the community and the neighbourhood.



#### Officer's Response

- 4.4 The material planning concerns relating to the use, design, scale, conservation area, impact on the amenity of neighbours, traffic (including safety) and parking, contamination, flood risk, noise and ecology are considered in the relevant section of this report. It is noted that some of the objections received discussed issues that are not material planning considerations and as such have not been responded to in the report.
- 4.5 Theatre Trust: No objections.

### **5.0 POLICY CONTEXT**

#### **Planning 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), the Local Plan (2018) and the Planning Guidance Supplementary Planning Document - 2018 (hereafter referred to as Planning Guidance SPD).

#### **The London Plan**

- 5.4 The London Plan (2021) was published in March 2021 and is the Spatial Development Strategy for Greater London. The Plan provides the strategic planning policies for London, setting out an integrated economic, environmental, transport and social framework for growth over the next 20-25 years.

#### **The Local Plan**

- 5.5 The Council Local Plan was adopted 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. This provides supplementary detail to the policies and is organised around key principles.

### **6.0 PLANNING CONSIDERATIONS**

- 6.1 The proposal relates to the continuation of the site for a temporary mix of uses operating from shipping containers. This includes a range of creative and affordable workspace units. The key issues relate to the acceptability of using the site for a further temporary use, the impact of the shipping containers on the townscape, the character and appearance of the surrounding conservation areas and the amenity of residents in terms of noise and disturbance and light pollution and highway and environmental considerations.

### Land Use

- 6.2 The application site forms part of the wider White City Regeneration Area and more specifically, the Earl's Court and West Kensington Opportunity Area (Strategic Site Policy FRA 1). Policy FRA 1 supports a phased mixed use, residential led redevelopment of the Earl's Court and West Kensington Opportunity Area, including the provision of housing, employment, hotels, leisure, retail, and cultural facilities. as designated in the London Plan which includes land within H&F and RBKC.
- 6.3 The NPPF promotes economic growth, create jobs and vitality in town centres. In the Local Plan the site falls within the White City Regeneration Area. The London Plan 2021 continues to designate the area as an Opportunity Area. Both the London and Local Plan seek to secure new homes and jobs, as well as a comprehensive regeneration of the area.
- 6.4 Local Plan Policy CF3 support the enhancement of arts, culture, entertainment, leisure, recreation, and sport uses in the borough including supporting the temporary use of vacant buildings for community uses, including performance and creative work. Policy E1 references the requirement for "flexible and affordable workspace suitable for small and medium enterprises."
- 6.5 The containers would be retained for local pop-up uses including storage facilities for the market traders, start-up businesses and charities, boosting the local economy in line with Policy E1 of the Local Plan. The temporary use is a complimentary use to the adjoining market use and would not directly compete with the retail offer of Shepherd's Bush Market. Retention of the proposed temporary use will contribute to the regeneration of the White City Regeneration Area, facilitating an active use on the site for small and creative businesses. The temporary nature of the use is such that its impact would be limited and would not undermine the long-term objectives to regenerate the area, in accordance with both London Plan and Local Plan policies. A condition is attached to ensure that all structures associated with the application will be removed within the time limit period and the site reinstated once the temporary use ceases.
- 6.6 Officers consider a continued use of the site for an extended temporary period of 12 months until the consented wider development scheme comes forward would provide an acceptable use in the town centre, alongside the existing market traders and traders in Goldhawk Road. The interim use is considered to be appropriate in the context of the site's historical past. The continuation of the development would aid the objectives of the local plan in respect to Strategic Policy WCRA3, creating an attractive destination, and by bringing and maintaining active uses to what was a redundant site prior to the 2017 permission.
- 6.7 In considering the issues above, an extension of the temporary use of the containers for a further period is considered to be acceptable in land use terms and the proposal therefore complies with the relevant national, regional and Local Plan policies WCRA3, DC1, CF3, and E1.

### Design and Heritage

- 6.8 Policies DC1 and DC4 of the Local Plan require high standards of design, compatible with the scale and character of existing surrounding development and which is inclusive and integrates to help regenerate places. DC1 and DC4 look to ensure developments integrate well with their surroundings. The proposal is for the continued temporary uses on a former vacant site and were assessed previously under an older planning policy framework. Policy DC8 (Heritage and Conservation) 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.
- 6.9 The proposal relates to the retention of a temporary use including the retention of 52 containers set out in a single storey configuration. The remaining units on the site are laid out in a similar arrangement to the 2023 permission. The containers are arranged in linear form around the edge of the site, and in small, enclosed cluster spaces, creating a secure boundary and acoustic barrier against noise, particularly with respect to surrounding residential properties in Pennard Road. The single storey layout does not adversely impact the amenities of surrounding occupiers and is subservient in terms of height, bulk, scale, and mass. No subsequent changes are proposed to the design of the containers. Officers consider that the temporary proposals complement the adjoining market. Officers consider the proposal to be acceptable in design terms in accordance with policies DC1 and DC4 of the Local Plan.
- 6.10 With exception to the Pennard Road access point, the rest of the site is not located within in a conservation area. The site is however located adjacent to the Shepherds Bush conservation area. The site is a predominantly back land site, located to the rear of the Pennard Road and Goldhawk Road properties and market. Given the scale, appearance and temporary nature of the proposals, the development has a degree of inter-visibility with residential properties within the conservation area. However, this would not detract from the character, appearance or significance of these assets overall, given the back land nature of the site. As such the development is not considered to result in any harm to the setting of these heritage assets. Therefore, the proposed development is considered acceptable with due regards to s66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in accordance with the NPPF (2024), London Plan (2021) and Local Plan (2018) Policies DC1, DC4 and DC8.

### Amenity Considerations

- 6.11 Policies DC1, DC4, CC11, CC13 and HO11 of the Local Plan require all proposals to be formulated to respect the principles of good neighbourliness. This is measured in terms of potential impacts in relation to outlook and privacy, noise and disturbance, lighting and impacts during operational works. The 'Planning Guidance' SPD Housing Key Principles HS6 and HS7 seek to protect the existing amenities of neighbouring residential properties in terms of outlook, light, privacy, noise, and disturbance. Policies CC11 (Noise), CC12 (Light Pollution) and CC13 (Control of Potentially Polluting Uses) also deal with environmental nuisance and requires all developments to ensure that there is no undue detriment to the general amenities at present enjoyed by existing surrounding occupiers of their properties.

- 6.12 The application site is bounded on three sides with residential properties in Pennard Road to the east. As noted in the above sections, the proposals are comparable to the previous temporary permission allowed on the site. In comparison with the last permission, the layout and location of some of the containers has been revised because of the overall reduction in the number retained on the site, including the removal of some containers alongside the boundary fence with Pennard Road properties. All the remaining containers will continue to be of a single storey height, intended to reduce any sense of enclosure from the rear of neighbouring gardens/houses. The proposal would not adversely impact on the outlook for neighbouring properties or result in any overlooking or daylight/sunlight issues. On this basis, the proposal conforms with Policies DC1, DC4, CC11, CC12 and CC13 of the Local Plan.

#### Noise

- 6.13 Policy CC11 of the Local Plan advises that noise and vibration impacts will be controlled by locating noise sensitive development in appropriate locations and protected against existing and proposed sources of noise through design, layout, and materials. Noise generating development will not be permitted if it would materially increase the noise experienced by occupants/users of existing or proposed noise sensitive areas in the vicinity. Policy CC13 seeks to control pollution, including noise, and requires proposed developments to show that there will be 'no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties'.
- 6.14 The original 2017 permission was accompanied by a Noise Impact Assessment report which detailed the likely noise levels generated across the site. The noise surveys gathered included an assessment of the impact on the residential properties on Pennard Road and highlighted noise levels are relatively steady between 7am and 11pm, before dropping noticeable overnight. The current proposal does not include food, and beverage uses and is now for a reduce intensive use. Potential impacts in terms of noise and disturbance generated using the site have been taken into consideration in the Operational Management Plan. It is not considered necessary to update the assessment given the less intense nature of the current use and because there is no external plant or ventilation equipment proposed with this application. As such the proposals comply with policy CC11 of the Local Plan.

#### Hours of Operation

- 6.15 The proposed opening hours for the last 2023 permission and originally for the current proposal were:
- 08.00-20.00 Monday, Tuesday, Wednesday, Sunday, and Bank Holidays; and
  - 08.00-22.00 Thursday, Friday, and Saturday.
- 6.16 In response to comments received, the Applicant has reviewed the operational times and agreed to amend the proposed opening hours to:
- 08.00-20.00 Monday-Sunday (including Bank Holidays).
- 6.17 Outside the proposed operational times, the site would be closed to the public with the access points being secured and protected by adequate security systems. CCTV is in operation across the entire site. The opening hours shall be secured by condition.

### Lighting

- 6.18 Policy CC12 of the Local Plan seeks to control the adverse impacts of lighting arrangements including that from signage and other sources of illumination.
- 6.19 External lighting is currently installed on site designed to add security whilst not detrimental to the amenity of adjoining occupiers. Details were provided under the original 2017 permission and were considered acceptable. No change is planned to the lighting details, and these are therefore considered acceptable. The lighting is therefore in accordance with policy CC12 of the Local Plan. A condition will require all lighting to comply with the Institution of Lighting Professionals Guidance to ensure that the lux levels are appropriate and do not impact the amenity of adjoining occupiers. A further condition would be applied to secure all internal lighting within the containers is switched off when units are vacated including times outside the permitted operational hours.
- 6.20 An Operational Management Plan (OMP) is submitted. The OMP covers the operational period of the temporary use and includes details on operating hours, lettings, service charge, rent and marketing. The plan demonstrates the general site management procedures and access arrangements, including management of the entrances and emergency exits. The plan also covers waste, maintenance, security, event management, lighting, and landscaping maintenance. Officers consider that the OMP is acceptable in terms of the impact of the use on occupiers of the development site, market site and surrounding properties. This would be secured through a condition.
- 6.21 Overall, the proposed development would respect the principles of good neighbourliness and maintain an acceptable relationship with the neighbouring residential properties. Given the modest scale of the proposed changes to the consented development, it is not considered there would be any undue noise nuisance beyond the current level. Subject to conditions, the proposed scheme would not have an unacceptably harmful impact on neighbouring residential amenity in terms of daylight/sunlight, outlook, and privacy. In this regard, the proposed development complies with Policies DC1, DC4, HO11, CC11, CC12 and CC13 of the Local Plan and relevant housing and amenity Key Principles of the 'Planning Guidance' SPD

### **Transport and Highways**

- 6.22 Local Plan Policies T3, T4, T5 and T7 relate to opportunities for cycling and walking, vehicle parking standards, blue badge holders parking and construction logistics. The above policies are supported by Transport Key Principles of the 'Planning Guidance' SPD. Local Plan Policy CC7 sets out the requirements for all new developments to provide suitable facilities for the management of waste.
- 6.23 It is considered that the development would not result in an intensification of the use of site to warrant additional waste collection arrangements or highway measures such as additional cycle parking. The proposal seeks a continued use of the OLY containers for Class E creative workspace and ancillary storage uses. In comparison with the previous temporary permission permitted, the proposal is anticipated to be less intensive and generate no additional trips to or from the site compared with the former uses which operated on the site.

### Access

- 6.24 The primary access arrangement to the site would continue via Market Lane from Goldhawk Road. Two locked secondary entrances are located along the western boundary with Shepherds Bush Market site for ingress, so market traders can use to access storage and egress for occupiers of the units to enter the market. The public are not permitted to freely flow between Shepherds Bush Market site and the OLY site. Pennard Road would continue to be used for emergency purposes only and access will be controlled by site security. All access to the site would be level or have a gradient not beyond 1:12 for wheelchair access. The layout of the site is planned so all the uses are located on a single level. The containers in the public square have an internal perimeter ramped and raised decking that allows level access to each of these units. The current proposal is not requiring any changes to access arrangements permitted under the previous permissions. Conditions are recommended to ensure the access arrangements are suitably controlled in the same manner.

### **Parking**

- 6.25 In highway and transport terms, the previous temporary uses on the site were considered acceptable. There is limited material change proposed under the current application with less containers now on site. No objections have been raised from the highway authority to the new application for the continued use of the site for a temporary period, subject to the previous conditions continuing relating to access and cycle parking being retained.
- 6.26 In terms of vehicle parking, the site would continue to remain car-free with no car parking provided on-site. The site has excellent public transport accessibility, and it is expected that most trips associated with the proposal would be undertaken by sustainable modes of transport. As a result, no impact on the highway or public transport network is expected. Blue Badge holders are permitted to park in any shared use bay for pay and display free and without time limit. Due to the access constraints of the site, this arrangement is acceptable, in compliance with Policy T5.
- 6.27 Staff and visitor cycle parking would be provided on-site. A total of 16 long-stay, and 10 short-stay spaces would be retained. The spaces are more than the London Plan (2021) requirement (13 long stay and 2 short-stay spaces). Long stay cycle parking is provided within two containers, located near to the entrance to the site. The cycle parking encourages visitors to cycle to the site rather than drive, and beneficial effect in relieving pressure for on-street parking within the CPZ. The previous 2017 permission required detailed of the cycle parking to be approved. At the time, the associated condition (no. 21) was discharged (ref: 2018/00333/DET). The current proposed arrangement is considered acceptable in accordance with T3 of the Local Plan.

### **Delivery/Servicing/Waste**

- 6.28 Policies CC6 and CC7 of the Local Plan seeks to ensure that the Council pursue waste management facilities within new development, notably through means of ensuring that all developments proposed suitable waste and recycling storage facilities.

- 6.29 No change is proposed to the delivery, servicing, and waste collection and storage arrangements. Currently, delivery and servicing vehicles access the site via Goldhawk Road and the road routing adjacent to Shepherd's Bush Market. A loading area is provided at the entrance to the site. Delivery and servicing activities are carried out between 07:30-20:00, and outside of the hours of operation of Shepherd's Bush Market. Waste generated by the site is currently stored and collected from Shepherd's Bush Market itself.
- 6.30 The Pennard Road entrance is not used at any time except for emergency access, as per the previous applications, and the emergency access arrangement will be secured through a similar condition as the previous permissions. The current proposal would not result in a material effect on the highway network, local to the site in accordance with Policy T2 of the Local Plan.

#### Environmental Considerations

- 6.31 Local Plan Policy CC3 requires that new development reduce the use of water and be designed to take account of increasing risks of flooding. Policy CC4 states that new development would be expected to manage surface water run off by implementing a range of measures, such as sustainable drainage systems (SuDs) where feasible and the use of water efficient fittings and appliances.
- 6.32 The site is within the Environment Agency's Flood Zone 2/3 indicating a medium to high risk of flooding from the Thames. A condition was attached to the 2017 permission which required the submission of further details on the drainage strategy. This was approved under application (ref: 2018/00678/DET). The Council's Environmental Policy Team have been considered the latest proposals and concluded that the temporary proposal would not create any additional issues that need re-assessing for flood risks and sustainable drainage (SuDs).
- 6.33 Policy CC9 of the Local Plan states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place. Policy CC13 (Control of Potentially Polluting Uses) states that the council will, where appropriate, require precautionary and/or remedial action if a nuisance or other polluting emissions would occur.
- 6.34 The 2017 temporary permission attached standard contamination conditions. These conditions were subsequently discharged and approved by the Council under the following applications:
- 2017/04525/DET - condition 23
  - 2018/00013/DET - condition 24
  - 2018/00385/DET - condition 25
  - 2018/01983/DET - condition 26, 27 and 28
- 6.35 Although potentially contaminative land uses (past) are understood to occur at, or near to, this site, the proposed development would not break ground. There is no meaningful change in the proposed uses or what is being proposed, and given the previous conditions were discharged in 2017/2018, the proposed continuation of the use is acceptable in accordance with Policies CC9 and CC13 of the Local Plan.

## **7.0 RECOMMENDATION**

- 7.1 The proposed structures and use represent an acceptable temporary use for this site in this instance. The proposal is consistent with the Council's policies for the regeneration area. Officers consider the continued activation of the site will be beneficial to the wider regeneration area generally. It is considered that the proposed use would contribute to the overall area until the regeneration of WCRA3 "Shepherd's Bush Market and adjoining land" comes forward under the existing extant permission.
- 7.2 Regard has been to the objections received. It is considered that any temporary minor impacts associated with the proposal are considered to be outweighed by the social and economic public benefits that the proposal would deliver. Accordingly, it is recommended that the temporary retrospective permission be granted, subject to the conditions listed above.