

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 30 October 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Churchill	
<b>Subject of Report</b>	<b>Orange Square Farmers Market, Pimlico Road, London, SW1W 8NB,</b>		
<b>Proposal</b>	Use of open space between Ebury Street and Pimlico Road as weekly Saturday farmers' market with servicing hours from 7am - 3pm and trading hours from 9am - 2:05pm.		
<b>Agent</b>	Mr Mark Handley		
<b>On behalf of</b>	London Farmers' Markets		
<b>Registered Number</b>	18/06344/FULL	<b>Date amended/ completed</b>	27 July 2018
<b>Date Application Received</b>	27 July 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Belgravia		

## 1. RECOMMENDATION

Refuse permission - impact on amenity.

## 2. SUMMARY

Orange Square is an area of public open space located at a prominent junction between Ebury Street and Pimlico Road. The site lies within the Belgravia Conservation Area and is adjacent to the Pimlico Road Local Shopping Centre.

In 2001, temporary planning permission was originally granted for the use of Orange Square as a weekly Saturday farmers' market with servicing hours from 7am - 3pm and trading hours from 9am - 1pm.

Previously on 29 August 2017, the farmer's market was considered by committee for renewal and members resolved that conditional permission be granted for one year only, subject to an amendment to the start time for setting up to 7.45am because of objections by local residents on grounds of noise and disturbance.

This latest application seeks permission to operate the Saturday farmers' market for a further five years with extended servicing hours from 7am - 3pm and trading hours from 9am - 2.05pm.

The principle of using the square as a weekly farmer's market has been previously accepted by the City Council.

The key issue in this case is:

\* The impact of reverting to a 7am start time for setting up on the amenity of neighbouring residents.

Following consultation, 70 letters and a petition in support have been received. Supporters consider the market is a great asset to the neighbourhood serving the local community and attracting visitors to the area and makes good use of Orange Square, which brings revenue to other businesses around the area.

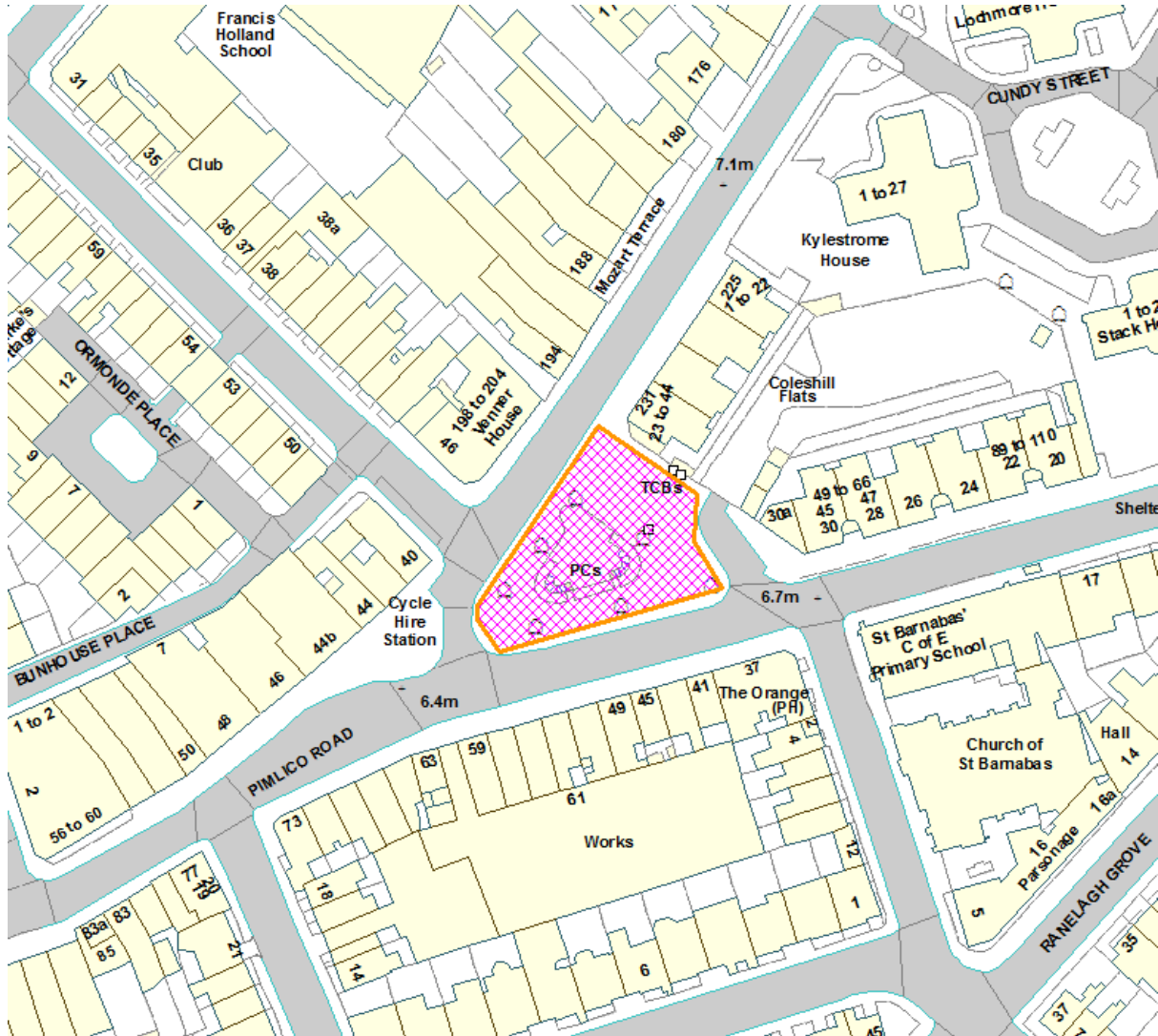
There has also been 3 objections received from local residents which principally object to the 7am start time for setting up on the grounds residents experience noise and disturbance.

The applicant states that a start time of 7am is required because stallholders need to unload prior to the operation of parking restrictions at 8.30am. A later start time they argue would mean a reduced servicing window resulting in more vehicles competing for limited road space. The applicant advises that moving the start time any later than 7am will put the market under threat because of the potential traffic management problems.

There has been a reduction in number of objections compared to the previous years' application for renewal, which received 10 objections based on resident experience of a 7am start time for setting up. The change to the start time for setting up to 7.45am is considered to have had a positive impact on the experience of local residents who live adjacent to where the loading and unloading takes place in the morning, which has subsequently led to fewer objections.

Whilst the principle of the farmers' market is supported, it is recommended to refuse permission on amenity grounds because reverting to a 7am start time for setting up would have an unacceptable impact on the amenity of people in neighbouring properties in terms of noise, disturbance and nuisance. This would not meet S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Orange Square - view from Ebury Street



Typical picture of the market

## 5. CONSULTATIONS

### BELGRAVIA RESIDENTS ASSOCIATION

Any response received will be verbally reported.

### THE BELGRAVIA SOCIETY

Any response received will be verbally reported.

### BELGRAVIA NEIGHBOURHOOD FORUM

Any response received will be verbally reported.

### DESIGNING OUT CRIME

Any response received will be verbally reported.

### ENVIRONMENTAL HEALTH

No objection. The applicant has worked with Environmental health to identify, address and monitor noise issues. There has been a reduction in the number of complaints received by the council concerning noise.

### HIGHWAYS PLANNING MANAGER

No objection on the basis that the use of public highway is for a temporary period.

### CLEANSING MANAGER:

No objection- subject to details of waste storage being conditioned.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 65

Total No. of replies: 73

No. of objections: 3

No. in support: 70

A petition with 65 pro forma letters.

The letters of objection principally raise the following amenity concerns:

- object to reverting to the 7.00am start up time in a residential area.
- noise and disturbance from the set-up of the market.
- an 8.00am start up time is more acceptable.

The letters of support make the following points:

- the market is a great asset to the neighbourhood serving local community and attracting visitors to the area.
- would be a great addition more than one day a week
- more enjoyable to visit the area; gives a sense of community.
- a good use of Orange Square which brings revenue to other businesses around the area.
- the area is left clean after the market.

The petition has 140 pro forma letters stating support for the planning application for the weekly farmers' market to continue trading on Saturdays under the previously approved arrangements with a set up time of 7am and later trading times.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

Orange Square is an area of public open space located at a prominent junction between Ebury Street and Pimlico Road. The site lies within the Belgravia Conservation Area and is adjacent to the Pimlico Road Local Shopping Centre.

### 6.2 Recent Relevant History

#### 17/05148/FULL

Use of open space between Ebury Street and Pimlico Road as weekly Saturday farmers' market.

Application Permitted                      8 September 2017

#### 12/08541/FULL

Use of open space between Ebury Street and Pimlico Road as weekly Saturday farmers' market.

Application Permitted                      15 November 2012

#### 09/04818/FULL

Use of open space between Ebury Street and Pimlico Road as weekly Saturday farmers' market.

Application Permitted                      18 August 2009

#### 06/03420/FULL

Use of open space as weekly Saturday farmers' market.

Application Permitted                      29 June 2006

#### 02/08533/FULL

Use of open space as a weekly Saturday farmers' market.

Application Permitted                      20 March 2003

## 7. THE PROPOSAL

The applicant is London Farmers Markets who operate 23 markets across London. Permission is again sought to operate a farmers' market on Orange Square for a five-year period. It is proposed to extend the servicing hours from 7am - 3pm and trading hours from 9am - 2.05pm.

This is an increase in the trading hours by 1 hour and reverts to the previously approved 7am start time for setting up, which was changed by committee to 7.45am under the previous 2017 permission (RN: 17/05148/FULL)

This application does not proposed to increase the size of the market which varies from approximately 26 stalls up to a maximum of 31 (the highest recorded number of stalls).

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

UDP Policy SS13 states that proposals for new street markets will be considered with reference to amenity, parking, servicing, highways, cleansing, refuse storage/ recycling and licensing considerations and the effect on existing street markets and local shopping facilities.

Policy S18 of the City Plan directs new commercial development to the Core CAZ and designated shopping centres, amongst other specific locations, but states that proposals for new commercial uses must be appropriate in terms of the scale and intensity of land uses and their impact on the character and function of the area. Policy S21 directs new retail uses (floorspace) to the designated shopping centres, amongst other specified locations.

Given the temporary nature of the market, and its scale, it is not considered that it would have an adverse impact on local shopping in the area, but could be seen to supplement it. Given the proximity of the site to the CAZ, and the nature of the proposals, it is not considered that the market could reasonably be resisted on the grounds that it would have an adverse impact upon the character of the area. In these circumstances, the market is considered acceptable in principle in land use terms.

### **8.2 Townscape and Design**

Policy DES12 states that development will not be permitted on or under parks, landscaped spaces and public or private gardens where the open spaces form an important element in the townscape, part of a planned estate or street layout; are characteristic features of conservation areas; provide the setting of a listed building or are of significant ecological value.

Under Policy S35, all open spaces and their quality, heritage and ecological value, tranquillity and amenity will be protected.

The demountable market stalls will be removed at the end of the day. Therefore, the proposal will have limited impact on the townscape of this area.

### **8.3 Residential Amenity**

Policies ENV6 and ENV13 of the UDP and S29 and S32 of the City Plan seek to protect residential amenity and contain noise from development proposals.



As demonstrated by the letters of support and petition, the market is clearly valued by many people in the neighbourhood and has been running successfully since 2001. The Council has received 70 letters of support including from addresses within the vicinity of the site. There appear to be no objections to the extension of trading hours from 9am – 2.05pm, in fact there seem to be some calls for this period to be extended further until 3.00pm. It is not considered that the general level of activity associated with the market and extended trading hours would have a significant adverse impact upon the amenities of local residents.

Environment Health has raised no objection to the management of the market and has stated that the applicant has worked with Environmental Health to identify, address and monitor noise issues.

However, concerns have been expressed from a small number of local residents about noise and disturbance from the stallholders setting up the market early in the morning at 7am.

Previously on 29 August 2017, the farmer's market was considered by committee for renewal and members resolved that conditional permission be granted for one year only, subject to an amendment to the start time for setting up to 7.45am. The reason for the later start time for setting up is to protect the amenity of those local residents who live adjacent to where the loading and unloading takes place in the morning.

The applicant states that a start time of 7am is required because stallholders need to unload prior to the operation of parking restrictions at 8.30am. A later start time they argue would mean a reduced servicing window resulting in more vehicles competing for limited road space. The applicant advises that moving the start time any later than 7am will put the market under threat because of the potential traffic management problems.

In response to the concerns of residents, the applicant has reiterated that they have operational procedures designed to keep noise and disturbance to noise sensitive properties down to a minimum. These procedures are set out in the following documents submitted with the application (and provided as background papers): Farmers Market Noise and nuisance management plan, waste management plan and the London Farmers Market Method Statement for set up and break down. Based on the submission documents the operators of the market appear to have robust procedures in place to keep noise and disturbance from the market to a minimum.

However, the recent change to the start time for setting up to 7.45am is considered to have had a positive impact on the experience of local residents who live adjacent to where the loading and unloading takes place in the morning. This latest application has had fewer objections compared to the previous year, which received more objections based on resident experience of a 7am start time for setting up.

Whilst the principle of the farmers' market is supported, it is recommended to refuse permission on amenity grounds because reverting to a 7am start time for setting up would have an unacceptable impact on the amenity of people in neighbouring properties in terms of noise and disturbance. This would not meet S29 and S32 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

#### **8.4 Transportation/Parking**

There are no highway issues given that the market can be serviced from the street and the proposal is for a temporary rather than a permanent use.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

This application raises no issues and the market will be accessible to those with physical disabilities.

#### **8.7 London Plan**

This application raises no strategic issues.

#### **8.8 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered consistent with the NPPF unless stated otherwise.

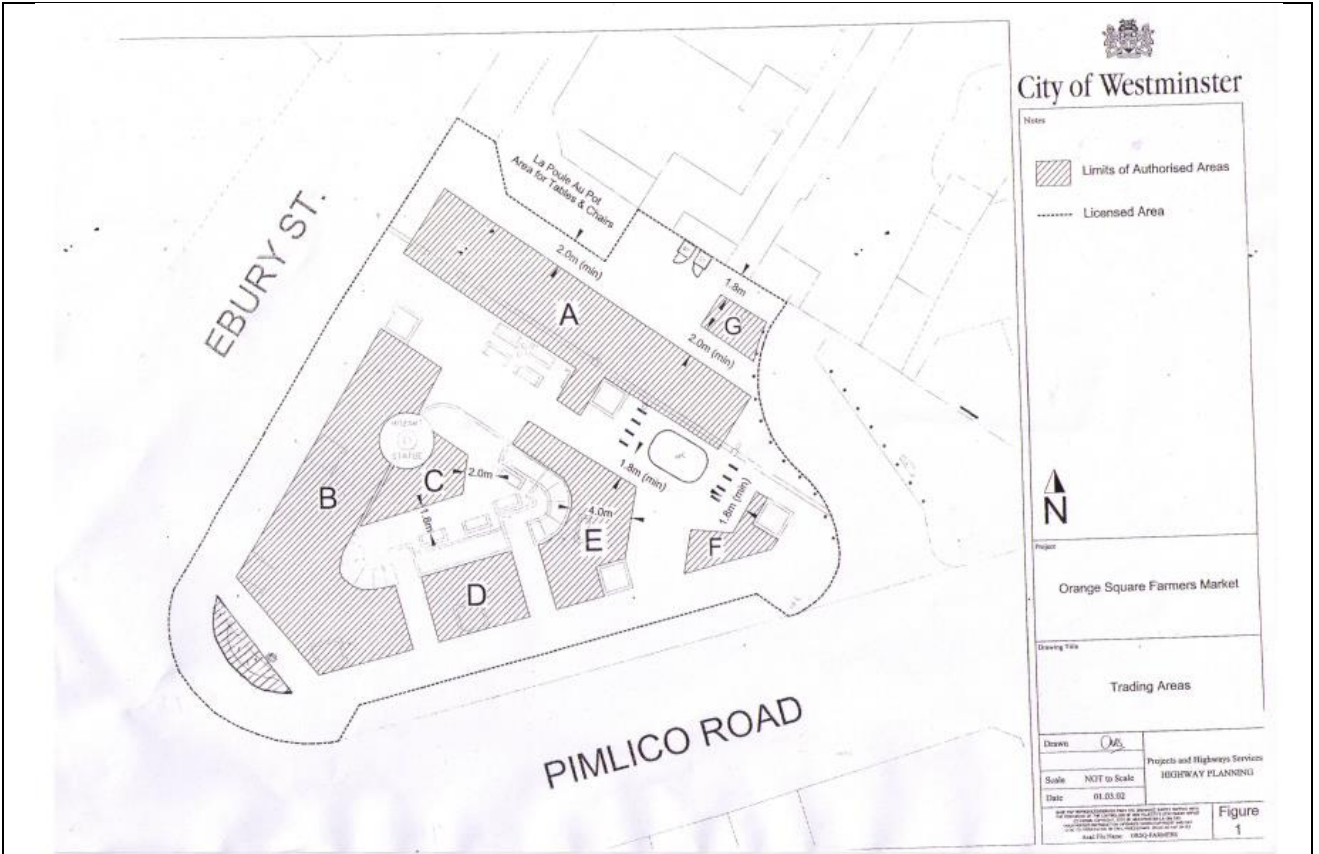
#### **8.9 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT [ddorward@westminster.gov.uk](mailto:ddorward@westminster.gov.uk).

9. KEY DRAWINGS



Trading Area

**DRAFT DECISION LETTER**

- Address:** Orange Square Farmers Market, Pimlico Road, London, SW1W 8NB,
- Proposal:** Use of open space between Ebury Street and Pimlico Road as weekly Saturday farmers' market with servicing hours from 7am - 3pm and trading hours from 9am - 2:05pm.
- Reference:** 18/06344/FULL
- Plan Nos:** Site plan, Pimlico Noise and Nuisance management, LFM Method Statement December 2017, 2018 Waste management plan, LFM rules for producers; Trading Areas Plan, Letter dated 26th July 2018.

**Case Officer:** Seana McCaffrey

**Direct Tel. No.** 020 7641 1091

**Recommended Condition(s) and Reason(s)****Reason:**

The proposed start time for setting up at 7am would lead to noise, disturbance and nuisance to nearby residential occupiers. This would be harmful to residential amenity and contrary to S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

1. In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered to the applicant by the case officer to the applicant during the processing of the application to address those elements of the scheme considered unacceptable. However, the necessary amendments to make the application acceptable are substantial and would materially change the development proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

Required amendments: a 7.45am set up time is considered appropriate.

Item No.
<b>2</b>

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.