

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 8 January 2018	<b>Classification</b> For General Release	
<b>Report of</b> Executive Director Growth Planning and Housing		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>Market Pitches, Strutton Ground, London, SW1P 2HY</b>		
<b>Proposal</b>	Relocation of market stalls to Old Pye Street and north part of Strutton Ground adjacent Victoria Street for a temporary period of 6 months during resurfacing works. Phase 1 (works at the Great Peter Street/ Greycoat Place end of Strutton Ground): 5 x market stalls relocated towards junction with Victoria Street, 6 x market stalls relocated on Old Pye Street, and 8 x market stalls on Strutton Ground. Phase 2 (works at the Victoria Street end of Strutton Ground): 4 x market stalls relocated on Old Pye Street and 15 x market stalls on Strutton Ground.		
<b>Agent</b>	Westminster City Council		
<b>On behalf of</b>	Westminster City Council		
<b>Registered Number</b>	18/08309/FULL	<b>Date amended/ completed</b>	2 October 2018
<b>Date Application Received</b>	28 September 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Broadway And Christchurch Gardens		

## 1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992 for a temporary 6 month period.

## 2. SUMMARY

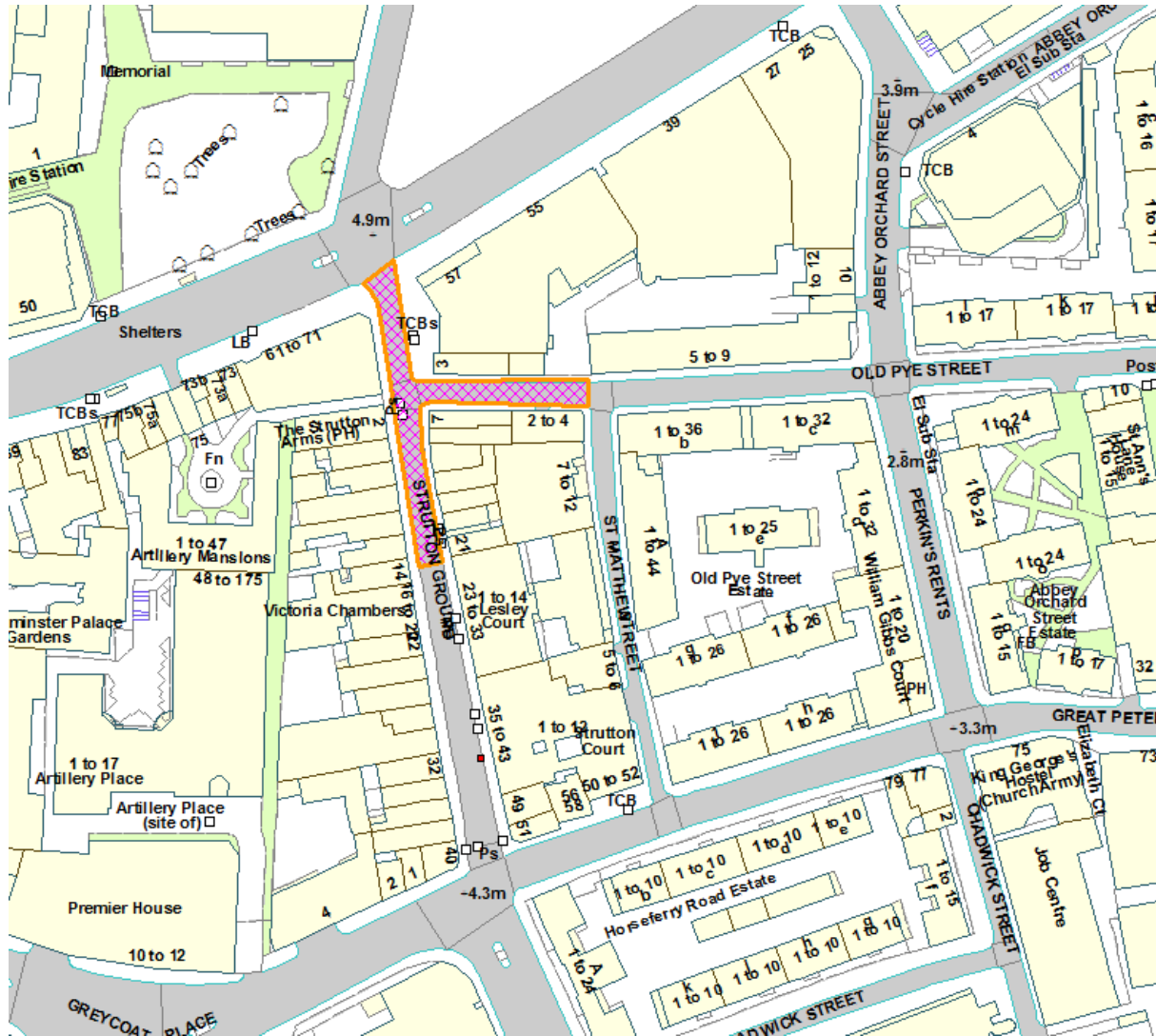
Westminster City Council is seeking to temporarily relocate Strutton Ground Market Stalls to the west part of Old Pye Street and the north part of Strutton Ground. The temporary relocation of the market stalls is required to facilitate public realm works/ resurfacing on Strutton Ground, which are estimated to take 6 months from start to finish.

The key issues are:

- The impact on the amenity of neighbouring residents;
- The impact on the surrounding highway network.

The proposed relocation of market stalls is considered acceptable on a temporary basis whilst works take place to improve the Strutton Ground public realm.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

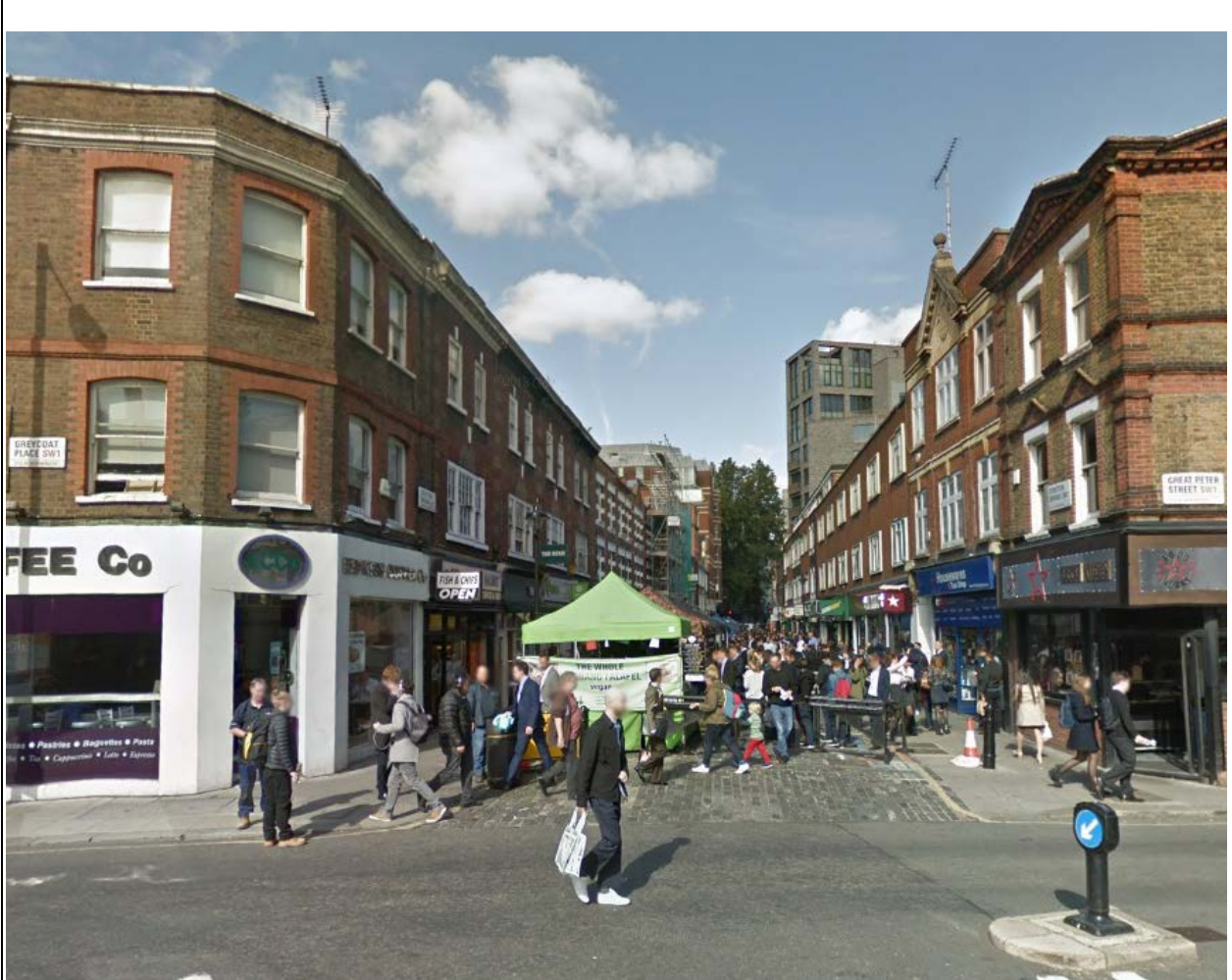


**Strutton Ground (junction with Victoria Street)**





**Old Pye Street (looking towards junction with Strutton Ground)**



**Strutton Ground (Junction with Greycoat Place and Great Peter Street)**

## 5. CONSULTATIONS

### THORNEY ISLAND SOCIETY:

No objection. This seems a sensible solution to keeping the market running while the resurfacing work is done.

### VICTORIA NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

### HIGHWAYS PLANNING MANAGER:

No objection. Highways licensing will make the necessary arrangements to suspend parking places and to make temporary traffic orders to change the direction of traffic flow.

### WASTE PROJECTS OFFICER:

Objection - the drawings do not indicate waste storage for the proposed temporary market, no waste management strategy was submitted, and the proposed market will obstruct collection of waste for some properties on Old Pye Street.

### ENVIRONMENTAL HEALTH:

No objection. The stalls are also required to contact Environmental Health direct to register food businesses and to make sure that all ventilation and other equipment meet standards.

### ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS:

No. Consulted: 245

Total No. of replies: 3

No. of objections: 2

No. in support: 1

### Objections

One objection from a neighbour on the following grounds:

- Increase in rubbish and noise along Old Pye Street;
- People sitting on entrance steps of buildings along Old Pye Street to eat.

One objection on behalf of the street traders of Strutton Ground on following grounds:

#### Water

- Traders need clarification on whether they would have access to water.

#### Stall Arrangements

- The 4 isolated pitches in Old Pye Street are an issue as this will have an effect on the livelihoods of the traders
- Footfall will be reduced for those in Old Pye Street (particularly during Phase 2 of the works)
- Traders are being asked to relocate on a weekly basis for a 12 week period
- Works should be carried out at a faster rate to allow these pitches to return to Strutton Ground quicker within 2 – 3 weeks

Vehicle Access

- Traders will continue to need access to Strutton Ground to unload during works
- Any restricted access could cause highway issues in surrounding streets

Support

One letter of support on following grounds:

- The proposal will have the most minimal effect on people's livelihoods.

PRESS ADVERTISEMENT/ SITE NOTICE:

Yes

**6. BACKGROUND INFORMATION**

**6.1 The Application Site**

This application relates to land on both Strutton Ground and Old Pye Street. Strutton Ground is a narrow cobbled street between Victoria Street and Great Peter Street/ Greycoat Place. Old Pye Street connects to Strutton Ground at its northern end near the junction with Victoria Street.

The site lies within the Broadway and Christchurch Gardens Conservation Area and the Pimlico Central Activities Zone.

Strutton Ground is host to Strutton Ground Market, which is a small street market held on the stretch of Strutton Ground between its junction with Old Pye Street and Great Peter Street/ Greycoat Place. The Market is open weekdays and mainly caters for local residents and the office population in the local area, selling food, groceries, books, and clothing. The market is organised and regulated by Westminster City Council.

The Market is flanked either side by three storey terrace buildings which comprise of mostly Class A retail uses at ground floor level and a mix of commercial and residential uses on the upper floors.

**6.2 Recent Relevant History**

None relevant.

**7. THE PROPOSAL**

The proposal seeks to temporarily relocate Strutton Ground Market Stalls to the west part of Old Pye Street and the north part of Strutton Ground. The temporary relocation of the market stalls is required to facilitate public realm works/ resurfacing on Strutton Ground, which are estimated to take 6 months from start to finish.

The public realm works are to be undertaken in two phases leaving half of Strutton Ground vacant during each phase.

Phase one of the public realm works will start at the southern end of Strutton Ground towards Great Peter Street/ Greycoat Place. During phase one the market stalls are to be arranged as follows:

- 5 x market stalls relocated towards the northern end of Strutton Ground;
- 6 x market stalls relocated towards the western end of Old Pye Street; and
- 8 x market stalls to remain in their original locations on Strutton Ground.

Phase two will be at the northern end of Strutton Ground towards Victoria Street. During phase two the market stalls are to be arranged as follows:

- 4 x market stalls relocated towards the western end of Old Pye Street; and
- 15 x market stalls to remain in their original locations on Strutton Ground.

There are normally 22 market stalls on Strutton Ground however in order to make the proposal work, the four traders who currently occupy double pitches will reduce to a single pitch, to accommodate 19 stalls in total.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The proposal is to temporarily relocate existing Strutton Ground Market Stalls. Given the temporary nature of the relocated stalls, their scale, and proximity to their original locations, the proposals are not considered to have an adverse impact on the character of the area.

### **8.2 Townscape and Design**

The proposal does not raise any design issues.

### **8.3 Residential Amenity**

The Market is intended to operate in the same manner. The majority of stalls arrive around 9am to set up set up and then start to pack away from 2pm.

An objection has been received from a resident in Old Pye Street who is concerned that the proposals will lead to an increase in rubbish, noise, and people sitting in entrance steps of buildings along Old Pye Street to eat.

Whilst there are residential properties near the relocated Old Pye Street stalls, the majority of residential occupiers live towards the other end of the street, on the other side of its junction with St. Matthew Street. Although there may be some additional disturbance for residents, the proposals are considered acceptable given the stalls temporary nature and proximity to their original locations. The stalls would only be in place on weekdays and are normally removed by 3pm. A condition is recommended requiring that all relocated stalls are removed and no servicing takes place after 5pm.

### **8.4 Transportation/Parking**



The Highways Planning Manager has no objection to market stalls being temporarily relocated into a combination of Old Pye Street and Strutton Ground.

At this stage, it is unclear what is proposed in terms of diverting the traffic that currently uses the west end of Old Pye Street and north end of Strutton Ground. Highways licensing will decide on matters and make the necessary arrangements to suspend parking places and to make temporary traffic orders to change the direction of traffic flow.

### **8.5 Economic Considerations**

The proposals seek to keep the relocated stalls close to their original location, which aims to minimise the impact that this temporary disruption may have on the livelihoods of stall holders.

Concerns have been raised that the livelihood of traders located on Old Pye Street may be adversely affected, particularly during phase two of the public realm works when 4 stalls would be isolated. Whilst the concerns from the street traders are understood, this is not considered a material reason for refusal. The applicant is encouraged to ensure that all public realm works are complete as quick as possible in order that disruption to traders is kept to a minimum.

### **8.6 Access**

Access to all properties and businesses will be maintained throughout the works.

### **8.7 Other UDP/Westminster Policy Considerations**

#### **Refuse/ Recycling**

The Waste Project Officer raises concern on the grounds the proposals do not indicate waste storage for the proposed temporary market, no waste management strategy was submitted, and the proposed market will obstruct collection of waste for some properties on Old Pye Street.

Due to space confinements it is not possible to provide waste storage on street. The existing market does not have any waste storage and it is intended that waste is managed in a similar manner to how it is at present. Market waste is to remain on the stall with the collection taking place at the end of the market hours direct from the stall.

### **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and will close on Friday 21 December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF,

the policies of the emerging draft City Plan are given little to no weight at the present time.

### **8.9 London Plan**

This application raises no strategic issues.

### **8.10 National Policy/Guidance Considerations**

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

### **8.11 Planning Obligations**

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

### **8.12 Other Issues**

#### **Emergency Access**

The applicant has briefed London Fire Brigade on the proposals and they have not raised any comments in respect of emergency access.

#### **Water**

Market traders have raised concerns as to whether they will have access to water. The applicant advises that current trial holes have shown that water is not possible at this stage however further investigation is taking place and this might be possible when the footway is under construction at the later stage of the Public Realm works.

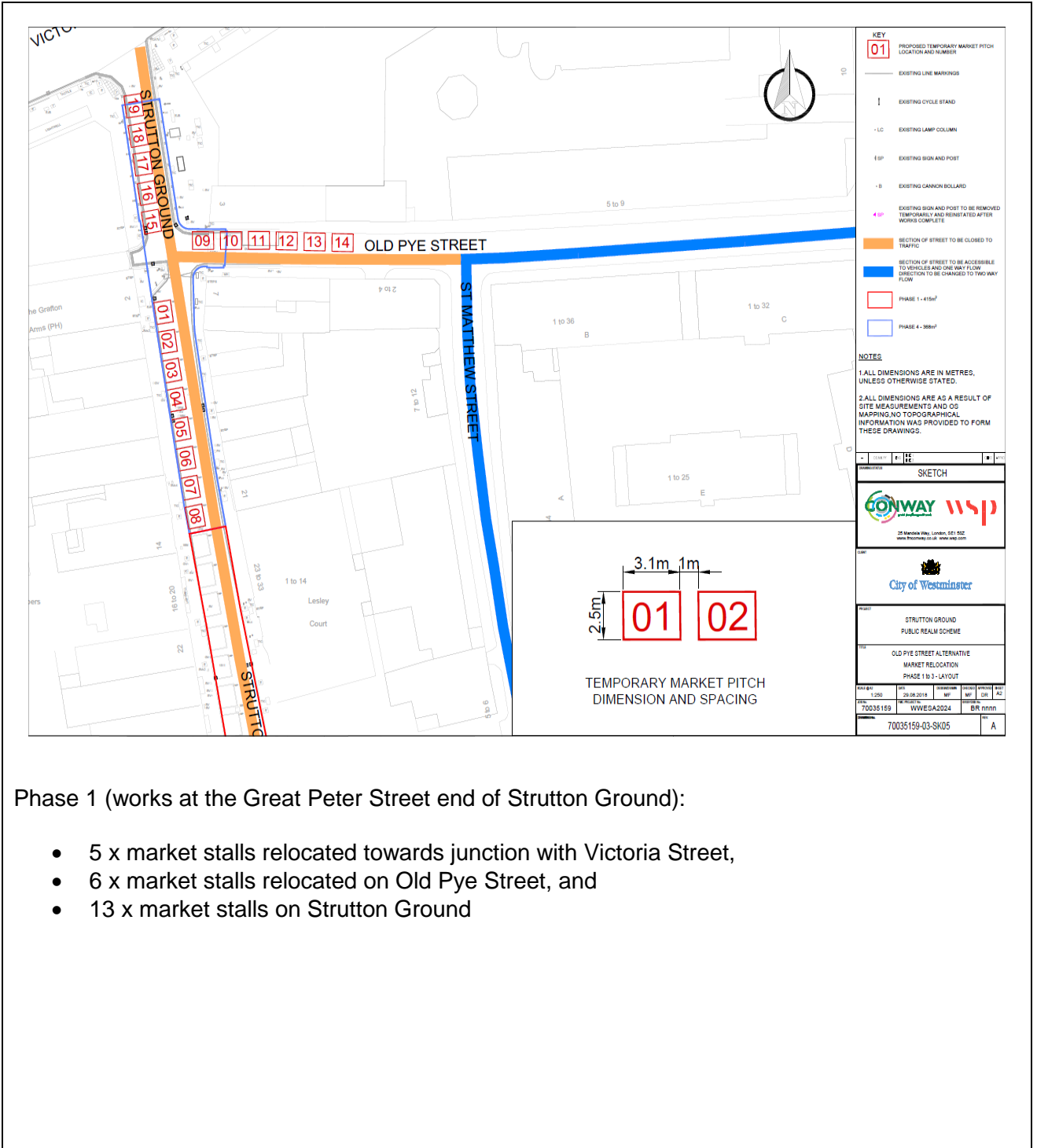
#### **Highways Licensing**

The relocated market stalls must have a street trading licence.

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

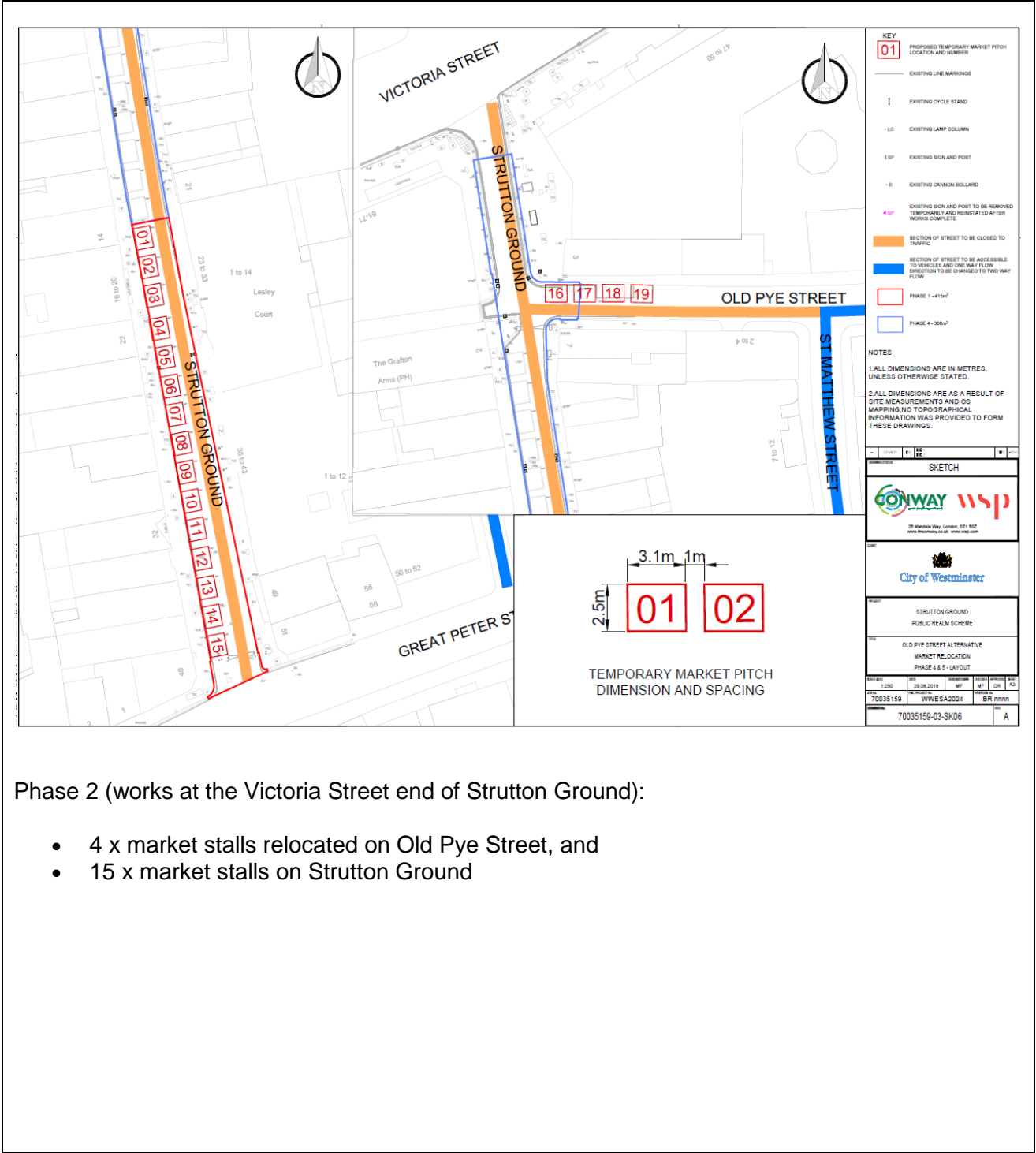
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS BY EMAIL AT LFRANCIS@WESTMINSTER.GOV.UK

### 9. KEY DRAWINGS



Phase 1 (works at the Great Peter Street end of Strutton Ground):

- 5 x market stalls relocated towards junction with Victoria Street,
- 6 x market stalls relocated on Old Pye Street, and
- 13 x market stalls on Strutton Ground



Phase 2 (works at the Victoria Street end of Strutton Ground):

- 4 x market stalls relocated on Old Pye Street, and
- 15 x market stalls on Strutton Ground

**DRAFT DECISION LETTER**

**Address:** Market Pitches Strutton Ground , Strutton Ground, London, SW1P 2HY

**Proposal:** Relocation of market stalls to Old Pye Street and north part of Strutton Ground adjacent Victoria Street for a temporary period of 6 months during resurfacing works. Phase 1 (works at the Great Peter Street/ Greycoat Place end of Strutton Ground): 5 x market stalls relocated towards junction with Victoria Street, 6 x market stalls relocated on Old Pye Street, and 8 x market stalls on Strutton Ground. Phase 2 (works at the Victoria Street end of Strutton Ground): 4 x market stalls relocated on Old Pye Street and 15 x market stalls on Strutton Ground.

**Reference:** 18/08309/FULL

**Plan Nos:** Location Plan; Market Relocation Layout Plans

**Case Officer:** David Dorward

**Direct Tel. No.** 020 7641 2408

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

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 The relocated market stalls on Old Pye Street and Strutton Ground allowed by this permission can continue for a period of 6 months starting from the date that they are relocated. After that the land must return to its previous condition and use.

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S29 of Westminster's City Plan: Strategic Policies which we adopted in July 2016 and ENV 6 and ENV 13 of the Unitary Development Plan, adopted January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 3 You can use the relocated market stalls on Strutton Ground and Old Pye Street between 0900 and 1700 Mondays to Fridays and not at any other times. Outside these hours these areas of Strutton Ground and Old Pye Street shall be clear of all materials, produce, waste, spillages and equipment connected with the market.



**Reason:**

In order to reserve details of the days/ times for the operation of the market with the chosen market operator in order to safeguard the amenities of nearby residents as set out in S29 and S32 of Westminster's City Plan: Strategic Policies which we adopted in July 2016 and ENV6 and ENV13 of our Unitary Development Plan that we adopted in January 2007.,

- 4 No deliveries or loading and unloading of items associated with the market stalls shall be made between the hours of 1700 hours and 0900 hours Monday to Friday.

**Reason:**

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 5 No live or recorded music shall be played in the Market Stalls.

**Reason:**

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 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. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), 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 applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards.

Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)

- 3 You cannot relocate market stalls unless you have a street trading licence., , If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the market stalls, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter., , Please remember that once you have a licence you must keep the market stalls within the agreed area at all times.

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.