

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

15 February, 2017

16/5130

SITE INFORMATION

RECEIVED: 29 November, 2016

WARD: Dudden Hill

PLANNING AREA: Brent Connects Willesden

LOCATION: Street Record, Neasden Lane, London

PROPOSAL: Temporary planning permission for erection of 44no temporary market stalls along the northern and southern pavements of Neasden Lane to provide a new street market operating between the hours of 0700 - 1800 every Wednesday and Saturday for a period of 3 years

APPLICANT: London Borough of Brent Property unit

CONTACT: Motion

PLAN NO'S: See condition 2

LINK TO DOCUMENTS ASSOCIATED TO THIS APPLICATION

When viewing this on an Electronic Device

Please click on the link below to view **ALL** document associated to case

https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_131410

When viewing this as an Hard Copy .

Please use the following steps

1. Please go to pa.brent.gov.uk
2. Select Planning and conduct a search tying "16/5130" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab

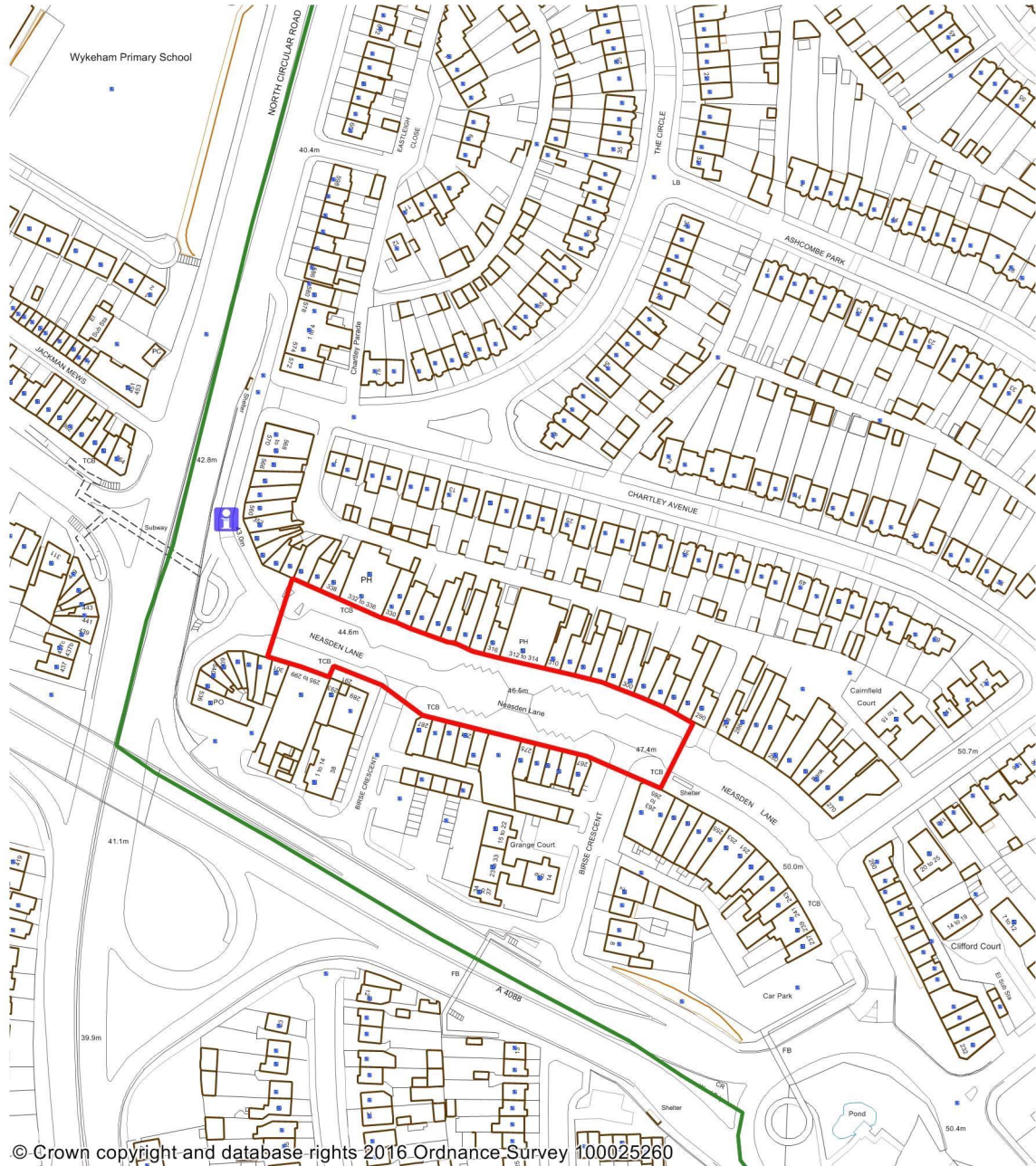
SITE MAP



Planning Committee Map

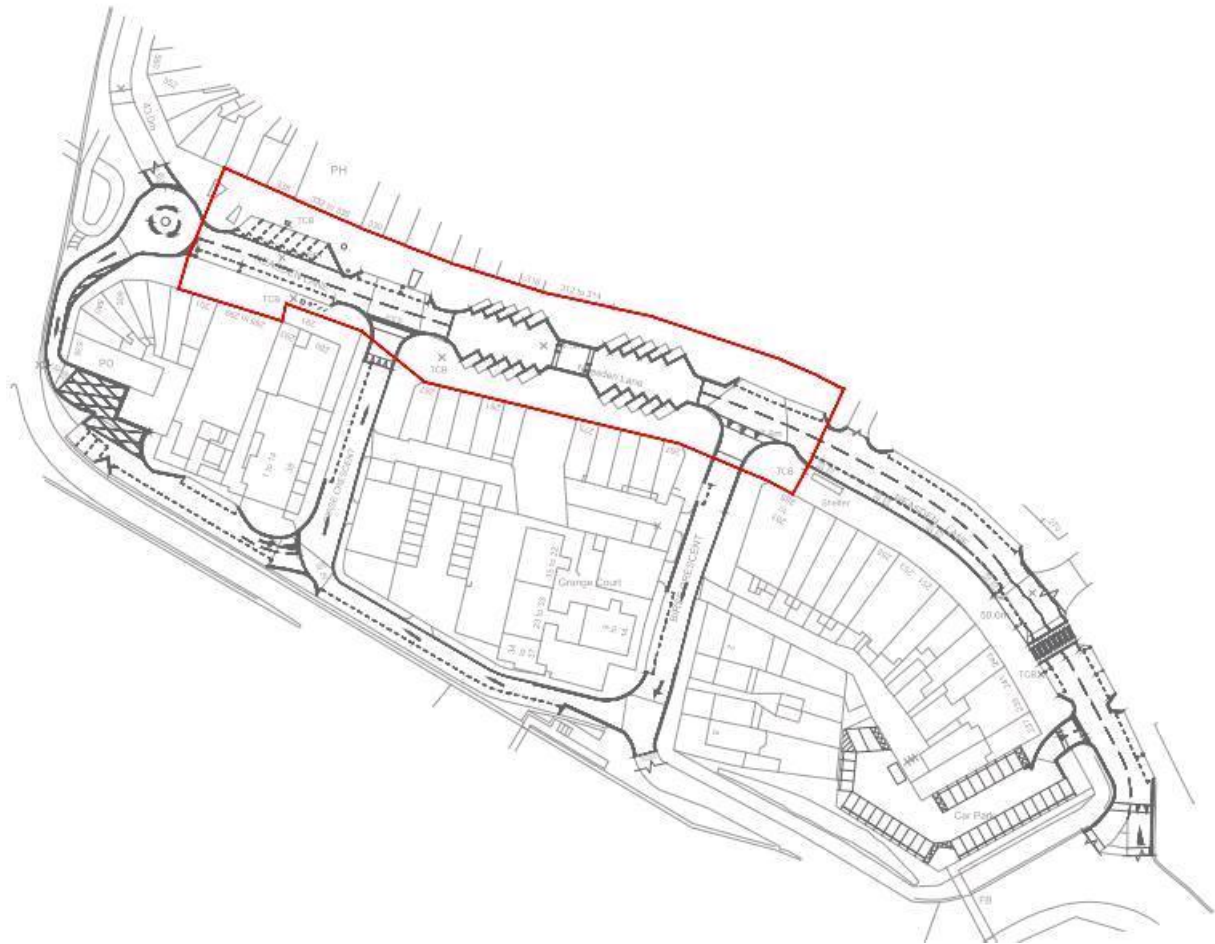
Site address: Street Record, Neasden Lane, London

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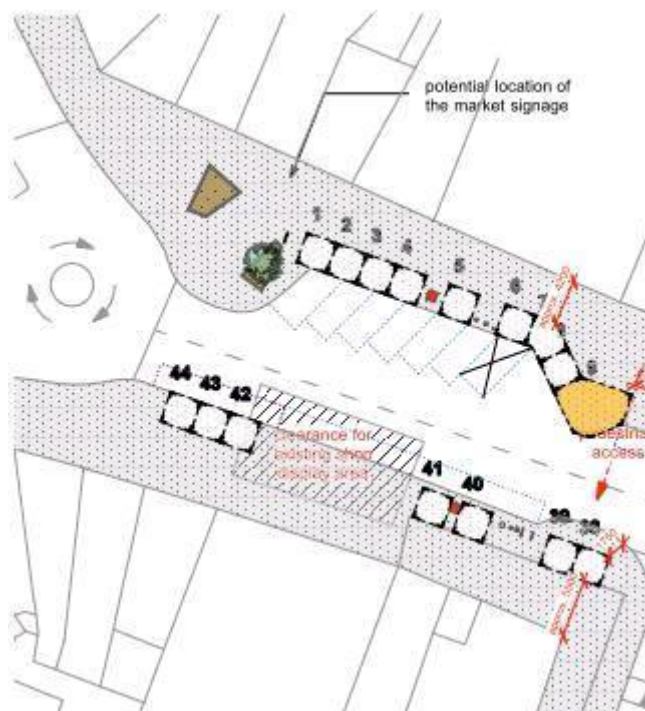
This map is indicative only.

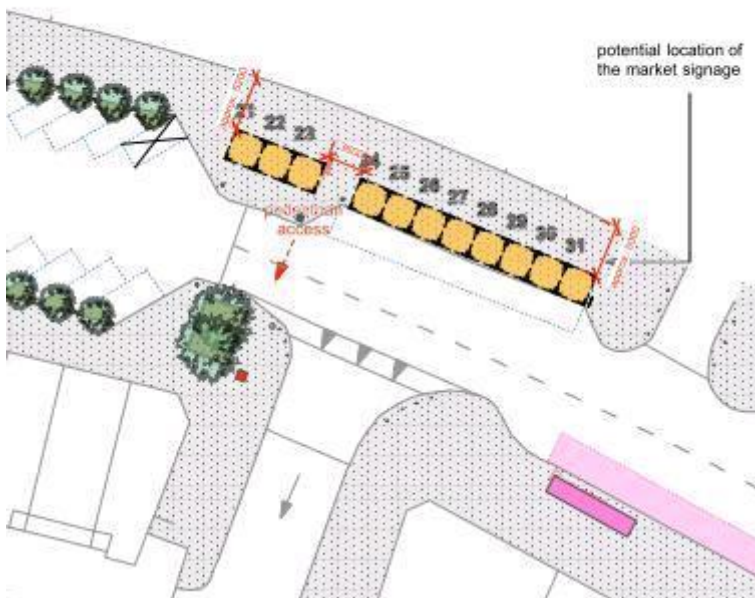
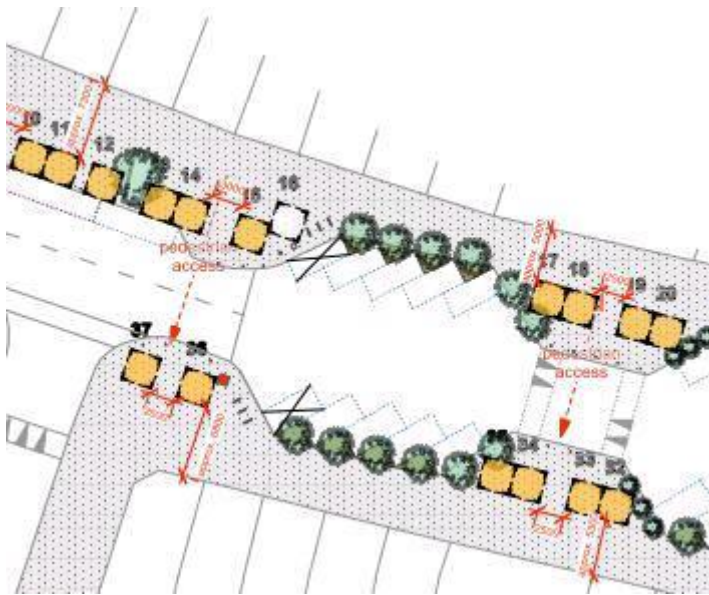
Site Location Plan



Market Base Layout

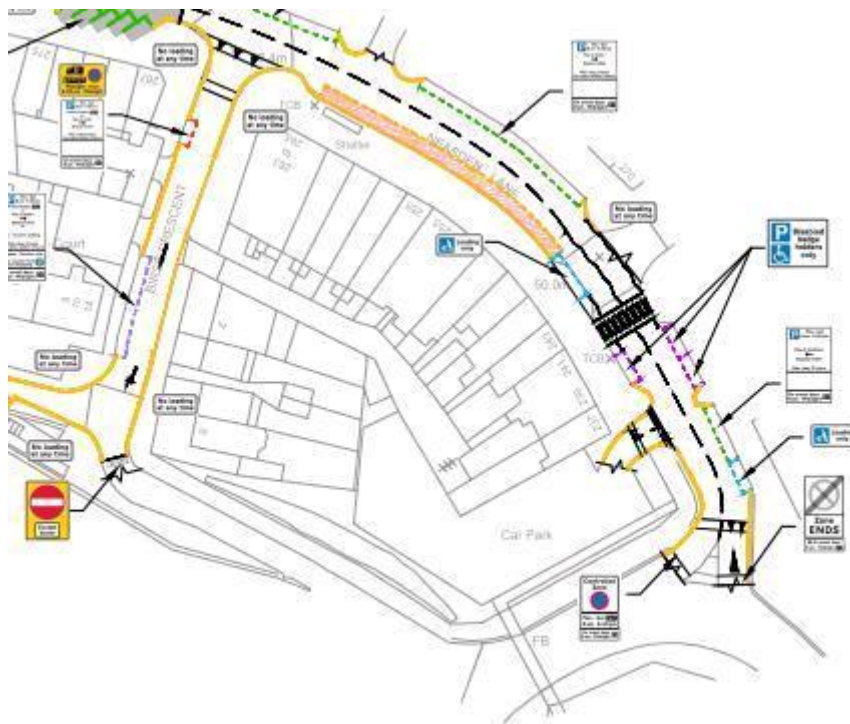
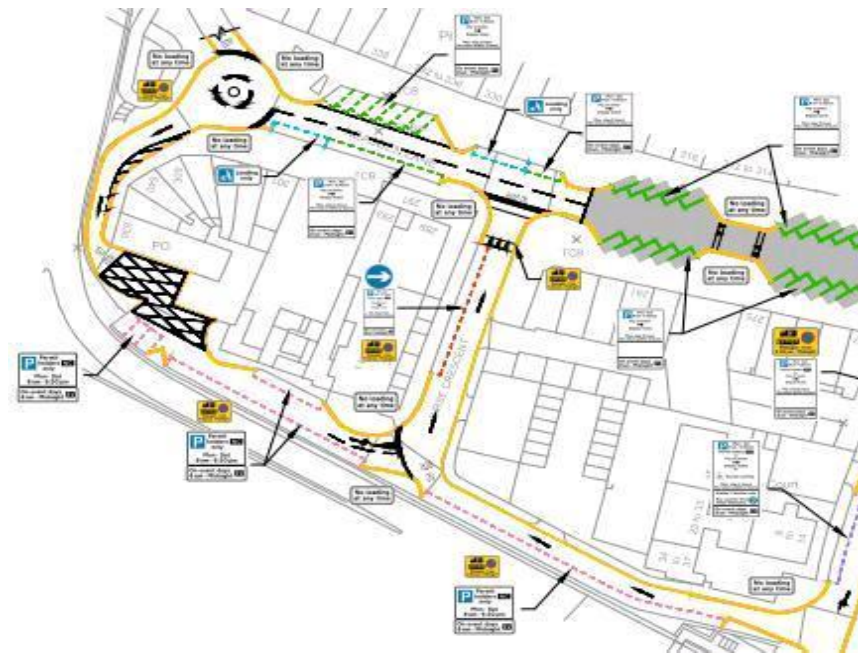
<p>Pitch size in ft: small 10 x 10 ft large 10 x 15 ft</p> <p>Pitch size in m: small 3 x 3 m large 3 x 4.6 m</p>	<p>KEY</p> <p> : Small pitch footprint</p> <p> : Potential large pitch footprint</p> <p> : New market signage</p> <p> : Short stay parking bays</p> <p> : Loading bays</p> <p> : Bus lane</p> <p> : Refuse collection point</p>
<p>small pitch no: 16 large pitch no: 28</p> <p>Total pitch no: 44</p>	





Existing Highway arrangement

Shared Use/W Voucher Parking Bays



RECOMMENDATIONS

Recommendation

That the Committee resolve to GRANT planning permission and that the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

1. Time limit (temporary period of 3 years)
2. Approved Plans
3. Management Plan
4. Hours of use
5. Parking bays
6. Any other planning conditions considered necessary by the Head of Planning

Informatives

1. Advertisements
2. Contact Waste and Recycling Department

And that the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

A) PROPOSAL

The application proposes the erection of 44 temporary market stalls along the northern and southern pavements of Neasden Lane to provide a new street market. The market is proposed to operate between the hours of 0700 - 1800 every Wednesday and Saturday for a period of 3 years, from spring 2017 to late 2020. The traders would commence setting up their stalls at 7:00 and be ready to trade at 8:00. Trading would continue until 16:00 with all stalls and traders gone by 18:00. The market stalls would be located in existing on street parking bays.

The market will provide a similar range of goods to those sold at the existing Church End market, including fresh produce and clothes and CDs etc.

Neasden Lane and all shops would remain open and the existing parking and loading bays would be available as usual, although the stall holders will use them during set up and dismantling. The stall holders vans would be parked in the car park at the eastern end of the High Street.

Street signs could be provided, however these would be subject to separate advertisement consent.

Dedicated refuse bins would be provided and the market would be run by a professional operator appointed by the Council and in accordance with a Management Strategy to be secured by condition.

B) EXISTING

The application concerns an area of Neasden Lane located east of the roundabout adjacent to the North Circular Road and west of the junction of Birse Crescent and Neasden Lane. The site takes up approximately 150 metres of space between these two points located on the northern and southern sides of Neasden Lane. The application site is located within Neasden Town Centre and consists of commercial properties with residential units located in the upper floors. The application site is not located within a conservation area nor does it contain any listed buildings.

C) AMENDMENTS SINCE SUBMISSION

Previously the hours of use of the market were Wednesday and Saturday 06:00 to 18:00 however in response to concerns from residents the time has been amended to 07:00 to 18:00.

D) SUMMARY OF KEY ISSUES

The key issues are as follows:

1. The principle of erecting market stalls on a temporary basis in Neasden town centre
2. Parking, access and refuse: the impact on traffic movement from activities associated with the market which might otherwise compromise patronage and/or servicing of existing retail premises to the detriment of the centre
3. The impact on neighbouring amenity with regard to the setting up of the market and the hours of use proposed.

RELEVANT SITE HISTORY

No significant planning history

CONSULTATIONS

372 properties were sent neighbour consultation letters on the 13/12/2016. To date four objections have been received that have raised the following concerns:

Objection	Response
Enough pound shops in the area already	The market is proposed to bring more footfall to the area to improve Neasden
Impact on parking	Parking surveys of the area have been carried out and have found that there is capacity in nearby streets to convert existing residential parking pays to support the market and to compensate for the loss of parking space in Neasden Lane.
Increased litter	The Market Management Plan and the use of four designated bins that would be collected after the market finishes each day would ensure that litter is kept to a minimum
Start time of 6am is too early	Due to concerns with the early start time of 6:00am the applicant has agreed to start setting up the market at 7:00am instead to reduce the impact on residential properties.
Increased noise	The set up times would be controlled and enforced by the market management plan. Although additional people may be present during the operation of the market noise levels

POLICY CONSIDERATIONS

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy, the 2016 Brent Development Management Policies Document and the 2016 London Plan (Consolidated with Alterations since 2011).

The following are also relevant material considerations:

- The National Planning Policy Framework (2012)

DETAILED CONSIDERATIONS

Officers hold the key considerations to be the following:

- Principle
- Parking, access and refuse: the impact on traffic movement from activities associated with the market which might otherwise compromise patronage and/or servicing of existing retail premises to the detriment of the centre
- Impact on neighbouring amenity: set up

1. Principle

1.1 The principle of a street market in this location is acceptable. Development Management Policy (DMP) DMP 5 Markets and Car Boot Sales criterion c) sets out that the Council will give favourable consideration to proposals for new markets in town centres which diversify provision. The application is part of a wider project of seeking to improve and enhance Neasden town centre and the scale of activity is not excessive and would not harm the continued viability of existing businesses.

1.2 Extensive consultation has been undertaken by the applicant, including a meeting in July 2016 and letters sent to nearby residents, and generally the local businesses appear to be supportive of the proposals. The proposal would see the erection of 44 market stalls on a temporary basis on Wednesdays and Saturdays and would replace the existing market in Church End. Church End is a priority area within the borough that requires regeneration due to significant levels of deprivation. The site that the market is located on in Church End is proposed to be brought forward for housing and as such the Neasden Lane site will provide a replacement whilst also benefitting the town centre of Neasden. The proposal seeks to erect the market on a temporary basis for a period of three years before it returns to Church End. Officers therefore consider that the principle of erecting a market on a temporary basis for three years is acceptable subject to detail on transport and amenity matters.

2. Parking, access and refuse

2.1 Parking and Access

2.1.1 The impact of the market on traffic movement is acceptable, subject to conditions to include the alteration of some nearby residents' bays in Birse Crescent to general short term pay and display. Neasden Lane would remain open throughout the market times. Stalls would be located on footway areas, meaning there is no loss of carriageway and visibility splays would be maintained. This would ensure that cars can still use the road and buses would not have to be rerouted. Pedestrian crossings would be retained with a gap of 2.5 metres between stalls. The stalls would be located 4.2 metres from the existing shop frontages at the narrowest point which would allow sufficient space for pedestrian movement.

2.1.2 A Transport Statement has been submitted in support of the application that includes a parking survey of the area. There are currently 45 pay and display bays, three disabled bays and three loading bays along the section of Neasden Lane that is proposed to contain the market. The survey was undertaken on a Wednesday and Saturday to establish the usage of the bays and to correspond with the proposed days the market would take place. The survey found that the bays were heavily occupied during the middle part of the day on Wednesday and Saturday. There is minimal spare on-street parking capacity in the area during the busiest middle part of the day to accommodate any additional customer parking by market shoppers. However there are residents' permit holder only bays located in Birse Crescent that were surveyed and have been found to be less than 50% occupied and never more than 70% occupied during the busy daytime period. Transport & Highways officers have proposed converting some of these bays to support the market and to compensate for the loss of parking space in Neasden Lane. Officers therefore recommend that the temporary conversion of these bays on Wednesdays and Saturdays is secured by condition.

2.1.3 The stall holders would use the pay and display bays to unload and load their stalls in the morning from 7.00am before the market starts and at the end of trading at 16:00 with all stalls cleared by 18:00. It is unlikely that the bays on Neasden Lane would be occupied by the time the majority of shops open at 9am; therefore the stall holders would be able to make use of the bays and loading bays without significantly affecting existing businesses. The surveys undertaken show that the bays are still heavily occupied in the evening at 6.30pm however the stall holders will have left the area by 18:00 which will allow people to use the bays if they are visiting shops along Neasden Lane such as restaurants and supermarkets that are open later. Officers therefore recommend that a Management Plan is secured by condition to ensure that there is minimal disruption to the area and also that the hours of use of the market, including set up and dismantling of the stalls strictly between the hours of 7:00 and 18:00 is secured by condition. With regard to servicing the applicant has consulted with local businesses and found that the majority utilise the rear of their premises for servicing which would ensure that the presence of the stalls does not cause disruption.

2.1.4 During the operation of the market the traders vans are proposed to be parked in the nearby pay and display car park adjacent to number 237 Neasden Lane: this is not currently fully utilised so could accommodate the traders vans. It is proposed that the 'transit' sized vans would be block parked (see drawing 160606-SK01 Rev A in the draft Development Management Plan prepared by Motion dated 21/11/2016) in order to retain the maximum number of car parking spaces for customers in the car park. Further details of the proposal to park the vans in this location would however form an essential part of the Management Plan in order to ensure that the storage of vans does not cause disruption to other vehicles.

2.2 Refuse

2.2.1 Refuse will be controlled via a Management Plan, to be secured by a condition. Concerns have been raised by a number of objectors about the potential for excess litter in the area. In response to this the applicant has stated that a full Management Plan would be prepared and would be implemented by the market operator once they have been fully appointed.

2.2.2 DMP5 states that Management Plans for the operation of markets should include adequate arrangements for the storage and/or collection of waste during sales, as well as its disposal afterwards. Four dedicated on-street refuse bins would be provided for the duration of market days. This is proposed to be implemented through the suspension of four on street parking spaces located at strategic points along the market thoroughfare. The refuse storage and collection would be controlled by market management and collected each day by the Council's refuse collectors (Veolia) at the end of each trading period, with the streets also being cleaned. It is proposed that refuse vehicles would stop on the highway to collect the waste. Officers therefore recommended that an informative is added advising the applicant to contact the Head of Waste and Recycling to ensure that this process is carried out properly. The measures to collect waste would be put in place to ensure that the streets are kept clean.

3. Impact on neighbouring amenity

3.1 The impact of the market on neighbouring amenity would be acceptable, subject to conditions. The market is now due to set up from 7am in response to some residents' concerns about the original 6am start. DMP 1 seeks to ensure new development, amongst other things, does not unacceptably increase exposure to noise, light and general disturbance whilst DMP 5 seeks to ensure access and parking arrangements for trading and customer vehicles would not cause noise disturbance to nearby residents at unsociable hours. Residential properties are located within the 150 metre stretch along Neasden Lane where the market is proposed to be erected. The properties are mostly contained in the upper floors of the retail/commercial units.

3.2 The applicant has provided clarification on the need to set up at this time of the morning. This is based on the traders need to set up their stall and unload their stock prior to people who may be shopping in the area using the designated parking bays. A later start such as between 8:00 and 9:00am would be problematic and have potential for greater conflict along the pavement as traders attempt to set up and move stock whilst navigating pedestrians and vehicles. A 7am set up is therefore considered to be an acceptable balance between the needs of the traders and local businesses and the needs of the local residents. The impact of additional noise from the operation of the market is not considered to result in material harm to the living conditions of neighbours, having regard to the current busy nature of this High Street.

3.3 This area of Neasden Lane is located within an air quality management area. Environmental Health officers have assessed the proposal with regard to the potential increase in people using vehicles to attend the market. Although people may travel to the area in vehicles this is expected to be low as this part of Neasden has good public transport accessibility (a PTAL rating of 4) with a regular bus service and Neasden underground station located 500 metres away. As such the impact on local air quality is expected to be low

and is unlikely to require mitigation. However in compliance with London Plan policy 7.14 – Improving Air, a condition requiring further investigation of the air quality impact of the proposal could be secured by condition, should Members deem it necessary.

4. Conclusion

4.1 The proposal would provide a replacement market for Church End within Neasden town centre for a temporary period. This would help to contribute to the Council's wider regeneration aims of Church End and Neasden. The proposal would increase footfall in Neasden town centre, contributing to the regeneration of the area. The market would be subject to a management plan and the set up time conditioned to ensure that disruption to local people is kept to a minimum. The application is recommended for approval.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

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Application No: 16/5130

To: Mr Tungatt
Motion
8 Duncannon Street
London
WC2N 4JF

I refer to your application dated 29/11/2016 proposing the following:
Temporary planning permission for erection of 44no temporary market stalls along the northern and southern pavements of Neasden Lane to provide a new street market operating between the hours of 0700 - 1800 every Wednesday and Saturday for a period of 3 years
and accompanied by plans or documents listed here:
See condition 2
at Street Record, Neasden Lane, London

The Council of the London Borough of Brent, the Local Planning Authority, hereby GRANT permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 03/02/2017

Signature:

Alice Lester
Head of Planning, Transport and Licensing

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with policies contained in the Development Plan and relevant material planning considerations.

- 1 This permission shall be for a limited period of three years only, expiring on 22nd February 2020 when (unless a further application has been submitted to and approved in writing by the Local Planning Authority) the use hereby approved shall be discontinued.

Reason: The proposed use is a temporary one to accommodate the requirements of the market in accordance with DMP5 of the Development Management Policies 2016

- 2 The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

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

- 3 The market shall not trade except between the hours of 8:00 and 16:00 hours on Wednesdays and Saturdays only and no stall set up or dismantling activities shall be carried out and no commercial vehicles may arrive, depart, be loaded or unloaded within the area except between the hours of 07:00 to 8:00 and 16:00 to 18:00.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- 4 No development shall take place until such a time a Market Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Market Management Plan shall contain details of the following:

- (i) Servicing of the existing shops and market stalls
- (ii) All agreed closures and suspensions of the car park and on street parking bays
- (iii) The method for parking the traders vans
- (iv) Refuse collection

The development shall be carried out in accordance with the approved details and maintained as such for the lifetime of the development.

Reason: in the interest of highway safety and residential amenity.

- 5 No development shall take place until such a time as the applicant has made appropriate arrangements in writing with the Local Highway Authority and Parking Service to review and implement a scheme for the use of the residential parking bays in Birse Crescent as overspill short-stay parking during the hours of 07:00 to 18:00 Wednesday and Saturday only. The approved scheme shall be implemented in full and maintained as such for the lifetime of the development.

Reason: in the interest of highway safety

INFORMATIVES

- 1 The applicant is advised that prior consent may be required under the Town and Country Planning (Control of Advertisements) Regulations 1990 for the erection or alteration of any advertisements or signage.
- 2 The applicant is advised to contact the Council's Waste and Recycling Department with regard to the refuse collection points and physical collection of refuse after each market takes place.

Any person wishing to inspect the above papers should contact Barry Henn, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5232