



City Hall Greens

**Sian Berry AM
City Hall
Kamal Chunchie Way
LONDON E16 1ZE**

The Mayor
City Hall
Kamal Chunchie Way
London E16 1ZE

(By email)

14 March 2024

Dear Sadiq,

Re: Stage 2 decision – GLA 2023/01093/FUL refurbishment works to Shepherd's Bush Market and redevelopment of Old Laundry Yard site and St Mungo's buildings

A number of very concerned constituents have contacted me and my fellow Assembly Members, Caroline Russell and Zack Polanski, regarding their objections relating to this application.

At the Plenary on Thursday 7 March, I presented a petition to the London Assembly addressed to you from the local residents' campaign group, Protect Shepherd's Bush Market, which I hope you will listen to.¹

While I appreciate that this latest proposal follows more engagement with local residents and traders than previous attempts, many of the issues they raise in their petition are ones that I am also worried about and include the following.

1. Negative impact on the 100-year-old Shepherd's Bush Market

Shepherd's Bush Market has been a core part of the local community for nearly 110 years and holds a special place in residents' lives and memories. Like so many of London's markets that have been lost, or are at risk, due to development, Shepherd's Bush Market is a cultural institution whose character is now under threat.

In 2016, the Court of Appeal upheld a challenge against the decision by the former communities secretary Eric Pickles, confirming a compulsory purchase order (CPO) in Shepherds Bush Market.² In his ruling, the Lord Chief Justice said: *"The livelihoods of the traders are put at risk by the proposed development. The Inspector has given her reasons on*

¹ Call on Sadiq Khan to protect Shepherd's Bush Market, 13 Apr 2023, <https://www.change.org/p/call-on-sadiq-khan-to-protect-shepherd-s-bush-market>

² Communities secretary gave insufficient reasoning in Shepherds Bush Market regeneration CPO, says court, 24 Mar 2016, <https://www.pinsentmasons.com/out-law/news/communities-secretary-gave-insufficient-reasoning-in-shepherds-bush-market-regeneration-cpo-says-court>

a matter of vital concern to the traders in a way that could readily be understood by them. The Secretary of State must explain his decision in the same readily understandable way.”³

While this could be considered a decision based on a technicality, it raises an important point about the requirement to protect the existing diversity and multi-ethnic culture of Shepherd's Bush Market. As you will recall, I have regularly pressed you to ensure that both your planning policies and planning decisions respect and preserve London's multicultural and emerging heritage. Rather than being the kind of architectural and historical heritage that conservation listings protect, this heritage is more likely to be found interwoven in the ecosystems of business and community life of an area, while being just as valuable.⁴ One similar example is the 'Hondo Tower' proposal in Brixton, which I urged you to reject in March 2021 and, thankfully, has since been withdrawn by the developers.⁵

I note that in the GLA Stage 1 Planning Report the developers have offered a package of measures to support the traders during the refurbishment work. I also note the wording: *“Proposals to protect and support market traders are strongly supported, and should be rigorously secured.”*⁶ Given my experience of similar developments where viability concerns have later been used by developers to renege on such promises, I trust that – should you approve this application – any such conditions will be locked in as tightly as possible.

2. Environmental planning considerations

I am also concerned both by the seeming lack of attention and detail by officers in the Stage 1 report regarding planning policies relating to environmental consideration. In the conclusion, it says: *“Climate change and environment: Further information is required on energy, whole life carbon, circular economy, green infrastructure, water, and air quality.”*⁷

2.1 Energy

In your Stage 1 report it says: *“The applicant should refine the energy strategy and submit further information. Detailed technical comments have been shared with the applicant and the Council. The proposals do not yet comply with London Plan Policies SI2, SI3 and SI4.”*

2.2 Whole life-cycle carbon

The lack of assessment of the developer's Whole Life-Cycle Carbon (WLC) Assessment in the Stage 1 report is concerning. These assessments – dated April 2023 – are available on the Hammersmith & Fulham Council planning application website, yet have not been considered in this report which is dated 19 June 2023.⁸ Given that this application proposes

³ Traders win Court of Appeal battle over Shepherd's Bush Market regeneration, 21 Mar 2016, <https://localgovernmentlawyer.co.uk/planning/401-planning-news/29311-traders-win-court-of-appeal-battle-over-shepherd-s-bush-market-regeneration>

⁴ Response to the draft London Plan, page 37. Sian Berry AM, Mar 2018 <https://www.london.gov.uk/what-we-do/publication-sian-berry-response-draft-london-plan>

⁵ Publication from Siân Berry: Letter to Mayor about call-in of Hondo Tower, Brixton, 2 Mar 2021, <https://www.london.gov.uk/programmes-strategies/publication-sian-berry-letter-mayor-about-call-hondo-tower-brixton-0>

⁶ GLA Shepherd's Bush Market Planning Application, Ref. 2023/01093/FUL, <https://planapps.london.gov.uk/planningapps/2023-01093-FUL>

⁷ Ibid.

⁸ London Borough of Hammersmith & Fulham planning application, Ref. 2023/01093/FUL, <https://public-access.lbhf.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RTQJEMBIOTR00>

to demolish two buildings, the assessment of the embodied carbon that would be released by this and mitigation measures offered requires meticulous evaluation.

2.3 Circular economy

As with WLC, the Stage 1 report contains less-than-detailed information on the developers' provision of information regarding circular economy proposals. The report states: *"Policy SI7 of the London Plan requires development applications that are referable to the Mayor to submit a Circular Economy (CE) Statement, and Policy D3 requires development proposals to integrate circular economy principles as part of the design process. The Mayor has published a Circular Economy Statements LPG. The applicant has submitted a CE Statement; however, further information is required. Detailed technical comments have been provided to the applicant and the Council. If permission is granted, post-construction monitoring should be secured through planning condition or legal agreement."*⁹

2.4 Green infrastructure

The application for this site does not meet London Plan policy G5 for Urban Greening Factor (UGF): *"the Mayor recommends [...] a target score of 0.3 for predominately commercial development."*¹⁰ As the Stage 1 report states: *"The UGF score is 0.15, which is below the target set by Policy G5. Whilst there are many positive design features embedded in the scheme, and noting the constraints of the site, the applicant should review the urban greening proposed, seeking to improve the quality or quantity, to increase the application's UGF."*¹¹

2.5 Water

In the Stage 1 report, it states that:

- the Flood Risk Assessment (FRA) submitted for this application does not yet meet with Policy SI12.
- The surface water drainage does not yet comply with Policy SI13, and
- The proposed development does not yet comply with Policy SI5 relating to water efficiency.

2.6 Air quality

According to the Stage 1 report, developers have provided information on air quality in accordance with London Plan Policy SI1. However, the report also states that: *"Conditions are recommended for on-site plant and machinery to comply with the London Non-Road Mobile Machinery Low Emission Zone standards; and measures to control emissions during construction relevant to a high risk site to be written into an Air Quality and Dust Management Plan, or form part of a Construction Environmental Management Plan."*¹²

While I appreciate these are standard terms for a planning application, securing them by condition is important given the built-up nature of the surrounding area. I previously have had cause to write to the Deputy Mayor for Planning, Regeneration and Skills about the lack

⁹ GLA Shepherd's Bush Market Planning Application, Ref. 2023/01093/FUL, <https://planapps.london.gov.uk/planningapps/2023-01093-FUL>

¹⁰ The London Plan 2021, https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf

¹¹ GLA Shepherd's Bush Market Planning Application, Ref. 2023/01093/FUL, <https://planapps.london.gov.uk/planningapps/2023-01093-FUL>

¹² Ibid.

of options for enforcement on developments where the GLA has approved a proposal and set conditions.¹³

3. Building massing and overshadowing

Other issues that residents have raised with me include concerns relating to the massing and size of the commercial building. They tell me that it is proposed to have a continuous facade length of approximately 100 m with a height of 36.75 m, for which there is no precedent in the local area for a single building of this scale. Residents contest the findings of the Stage 1 report, which states: *"The commercial building would have some prominence from adjacent properties on Pennard Road and would have daylight and sunlight impacts, ameliorated to a degree by the stepped massing and greening; however, the limited impacts are acceptable considering the dense urban context and highly accessible location."*¹⁴ They maintain that the proposed massing will seriously negatively impact the adjacent conservation and residential areas, specifically with regard to daylight, sunlight, and loss of openness.

I urge you to call in this application and to give due consideration to the issues both local residents have raised in their petition and the points I have made in this letter.

I look forward to hearing from you shortly.

Yours sincerely,



Siân Berry
Green Party Member of the London Assembly

¹³ Letter to Deputy Mayor Jules Pipe re lack of support for enforcement of GLA-set conditions for large-scale developments, 4 March 2021, <https://www.london.gov.uk/publications/letter-deputy-mayor-planning-condition-enforcement-and-construction-management>

¹⁴ GLA Shepherd's Bush Market Planning Application, Ref. 2023/01093/FUL, <https://planapps.london.gov.uk/planningapps/2023-01093-FUL>