

Committee: Development Committee	Date: 30 th November 2005	Classification: Unrestricted	Report Number: DC029/056	Agenda Item Number: 5.3
Report of: Director of Development and Renewal Case Officer: Karen Page		Title: Town Planning Application Location: BILLINGSGATE MARKET, TRAFALGAR WAY, LONDON, E14 5ST Ward: Blackwall and Cubitt Town		

1. SUMMARY

- 1.1 The following report was deferred by the committee at its meeting of 9th November 2005 for a site visit. At the meeting officers advised that two additional letters had been received from neighbours objecting on similar grounds to those reported at paragraph 5.3 below.
- 1.2 The site visit took place at 12.30pm on Thursday 17th November. Members and officers inspected the site, and had the opportunity to observe two Corporation of London refuse vehicles in situ.

FOR DECISION

**LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT**

Brief Description of background paper:
Application case file, plans, UDP, PPG's.

Tick if copy supplied for register

Name and telephone no. of holder
Development Control 020 7364 5201

Committee: Development Committee	Date:	Classification: Unrestricted	Report Number:	Agenda Item Number: Appendix
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1. SUMMARY

1.1 Registration Details

Reference No: PA/05/01362

Date Received: 10/08/2005

Last Amended Date: 17/08/2005

Drawing Numbers for Decision

4-C-7470 and 7455

1.2 Application Details

Existing Use:

Car park ancillary to market

Proposal:

Temporary use of part of market on-site parking area for the parking of non-market related Corporation of London owned cleansing vehicles for a period of 24 months.

Applicant:

Corporation of London

Ownership:

Corporation of London

Historic Building:

No

Conservation Area:

No

2. RECOMMENDATION:

2.1 That the Local Planning Authority **grant** planning permission subject to the conditions outlined below:

1. Temporary planning permission for 24 months.
2. No washing and servicing of cleansing vehicles to be carried out within the Billingsgate Market site.

3. BACKGROUND

Site description

3.1 The proposal relates to a triangular piece of land of 0.2 ha located within the Billingsgate Market site. Billingsgate Market is a large site comprising a number of buildings and associated vehicle parking and loading bays, the site also houses a grade II listed Accumulator Tower. The application site is located on the eastern side of the market to the west of Trafalgar Way and is currently used as part of the market's ancillary parking space. Although much of the site is surrounded by the market itself, there are residential properties to the east on Broadwalk Place which are divided from the site by Trafalgar Way, a busy distributor road leading to Canary Wharf from Aspen Way a strategic road. The application site is accessed from the roundabout on Trafalgar Way adjoining McDonalds.

Proposal

3.2 The application proposes to use the site as a parking area for non-market related cleansing vehicles owned by the Corporation of London, for a temporary period of 24 months. The Corporation of London wishes to utilise the site while construction works are carried out to its Walbrook Wharf Waste Transfer Station in the City where the vehicles are currently parked and serviced. The Corporation has undertaken a wide search for alternative sites but has been unable to find an alternative site that is suitable both operationally and within reasonable distance of the City.

- 3.3 The proposed cleansing vehicle fleet would comprise 30 refuse collection vehicles, 23 street cleaning vehicles and 8 small support vehicles. The fleet's main functions will be to collect refuse (mainly office based) and street cleaning in the City. The majority of the vehicles would leave the site at 5.30 am and return at approximately 3 pm.

Relevant planning history

- 3.3 A condition was placed on the original planning permission for Billingsgate Market that restricted parking on the site to vehicles used ancillary to the market only. It is for this reason that the Corporation of London requires planning consent to park its vehicles within the market site.
- 3.4 There is no other planning history relevant to this application.

4. PLANNING POLICY FRAMEWORK

Comments from the Council's Chief Legal Officer

- 4.1 The relevant policy framework against which the Committee is required to consider planning applications includes the adopted London Plan 2004, the Council's Community Plan, the adopted Unitary Development Plan (UDP) 1998, the Draft UDP and Interim Planning Guidance Notes.
- 4.2 Decisions must be taken in accordance with sections 54A and 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 is particularly relevant, as it requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations.
- 4.3 Whilst the adopted UDP 1998 is the statutory development plan for the Borough, it will be replaced by a more up to date set of plan documents, which will make up the Local Development Framework (LDF). The emerging policies in the Draft UDP and the Interim Planning Guidance will inform the LDF and, as the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 4.4 The report takes account not only of the policies in statutory UDP 1998 but also the emerging plan, which reflect more closely current Council and London-wide policy and guidance.
- 4.5 In accordance with Article 22 of the General Development Order 1995 members are invited to agree the recommendations set out above which have been made on the basis of the analysis of the scheme set out in this report. This analysis has been undertaken on the balance of the policies set out above and any other material considerations set out in the report.
- 4.6 The following Unitary Development Plan **proposals** are applicable to this application:
1. Central Area Zones
 2. East West Crossrail
 3. Flood Protection Areas
 4. Sites of Nature Conservation Importance
- 4.2 The following Unitary Development Plan **policies** are applicable to this application:
1. DEV1 Design and Environment
 2. DEV2 Impact on Adjoining Buildings
 3. DEV50 Noise
 4. T16 Traffic Impact

5. CONSULTATION

5.1 The following were consulted regarding this application:

(1) **Head of Highways Development**

Advises that there will be no significant affect on the local road network.

(2) **Environmental Health**

No objections. Is satisfied that the Corporation of London has proposed sufficient measures to minimise noise and odour nuisance. Should there be any complaints, the provisions under the Environmental Protection Act 1990 will enable remedial action.

(3) **Transport for London (TfL) - Street Management**

TfL have no objection regarding impact on the strategic highway network.

5.2 Responses from neighbours were as follows: 10 letters and a petition received

No. Responses: 0 In Favour: 0 Against: 10 Petition: 29 signatures

5.3 The reasons for objection are as follows:

- The cleansing/refuse vehicles will produce foul smells, which is of particular concern given their close proximity to the residential accommodation in Broadwalk Place.
- The parking of the refuse vehicles will have a significant impact on what is currently a pleasant living environment.
- The proposed vehicles will be leaving the site very early in morning, which will cause undue noise disturbance and light disturbance to neighbouring residents.
- If the Corporation of London cannot find a new site during the temporary duration of the planning consent, it is highly likely they will be able to apply for planning consent to park the vehicles on site for longer, or even on a permanent basis.
- The proposal will exacerbate further the odour nuisance caused by the fish market.
- The refuse trucks will exacerbate further the existing rodent problems in the area.
- Trafalgar Way experiences a high volume of traffic and the slow movement of cleansing vehicles are likely to have a detrimental impact on traffic flow.
- The parking of the proposed vehicles will have a detrimental impact on the visual appearance of the area, and the setting of a number of listed buildings.
- The proposed vehicles could create an environmental hazard with waste, cleaning and fuel substances escaping into the nearby dock affecting local wildlife.

6. **ANALYSIS**

6.1 It is considered that the main issues arising from this application are land use, amenity and highway considerations.

Land use considerations and principle of development

6.2 There is adequate provision remaining on site to meet the parking needs of the Fish Market and the temporary loss of parking space is not considered to be an issue. In addition, the Billingsgate Market trustees have not objected to the proposal.

Amenity considerations

Noise

6.3 Concerns have been raised by local residents, particularly those living on Broadwalk Place to the east about the amount of noise disturbance that would be generated by vehicles entering and leaving the site at unsociable hours, particularly early in the morning.

6.4 The vehicles will enter and leave the site from Aspen Way via the eastern end of Trafalgar Way. Aspen Way is a major thoroughfare, constantly busy and generates noise levels in

excess of those anticipated from the proposed cleansing vehicles. Given the number of cleansing vehicles, it is not considered that they would be perceptible over and above the existing traffic noise on Aspen Way.

- 6.5 In addition, large articulated container lorries make deliveries to the Fish Market throughout the evening and night on a daily basis using the same route. Such vehicles generate far higher noise levels than the proposed smaller (engined) cleansing vehicles, and it is again considered that they will be imperceptible from noise generated by these much larger vehicles.
- 6.6 Whilst parked in the Market, the Corporation has proposed measures to minimise noise generated by the proposed cleansing vehicles. These include:
- Not leaving the vehicle engines running when they are stationary
 - Parking the vehicles as far as possible on a drive-in/drive out pattern to avoid reversing on site thus minimising the operation of vehicle reversing beepers
 - Moving the cleansing vehicles only twice daily, once to go off site, and once to return to park.
- 6.7 In addition, the area of the market site chosen for the temporary parking abuts a boundary wall, which raises from 2.5m to 4m where it meets Trafalgar Way adjoining. This will act as a buffer and dampen the majority of noise from the parking area and reducing any disturbance to properties along Broadwalk Place.
- 6.8 As mentioned, the Council's Environmental Health Department is satisfied that the cleansing vehicles will not raise the noise level in the area above the current background noise level and the proposal would not cause undue noise disturbance to those living in the residential properties to the east of Trafalgar Way.

Odours

- 6.9 The second main concern raised by local residents related to the potential odour nuisance. The cleansing vehicles would continue to undertake their current functions within the City, and all refuse will continue to be handled at the Corporation's Walbrook Wharf Waste Transfer Station. The vehicles would be serviced at the Transfer Station and their interiors washed thoroughly on a daily basis before returning to Billingsgate Market to park. No such activity will take place at the Billingsgate Market site at any time.
- 6.10 It should also be noted that the majority of City waste is office-based paper and is therefore less odorous than refuse collected from more residential areas. With these factors in mind it is not considered that the cleansing vehicles would produce any significant odours when parked at Billingsgate Market. Therefore no odour nuisance to local residents is foreseen.

Highway considerations

- 6.11 Billingsgate Market operates 24 hours a day with approximately 250 delivery vehicle movements onto/off-site daily. Vehicles begin arriving from 6pm and continue throughout the night until departing by 5.00am when trading starts.
- 6.12 The majority of the cleansing vehicles would depart from the site at 5.30 am (after the container lorries have left) so as not to conflict with buyers entering the market, and return at approximately 3.00 pm (after market trading has ceased and before the container lorries begin arriving). Only the smaller pavement cleansing vehicles propose to depart and arrive at different hours, but given their low number (eight) these would not impede the movement of trading vehicles arriving and departing the Market.
- 6.13 The Market was constructed to cater for heavy traffic volumes and it is not considered that the parking of the proposed cleansing vehicles would disrupt its operation given the proposed arrival and departure times.

Other considerations

Impact on local environment

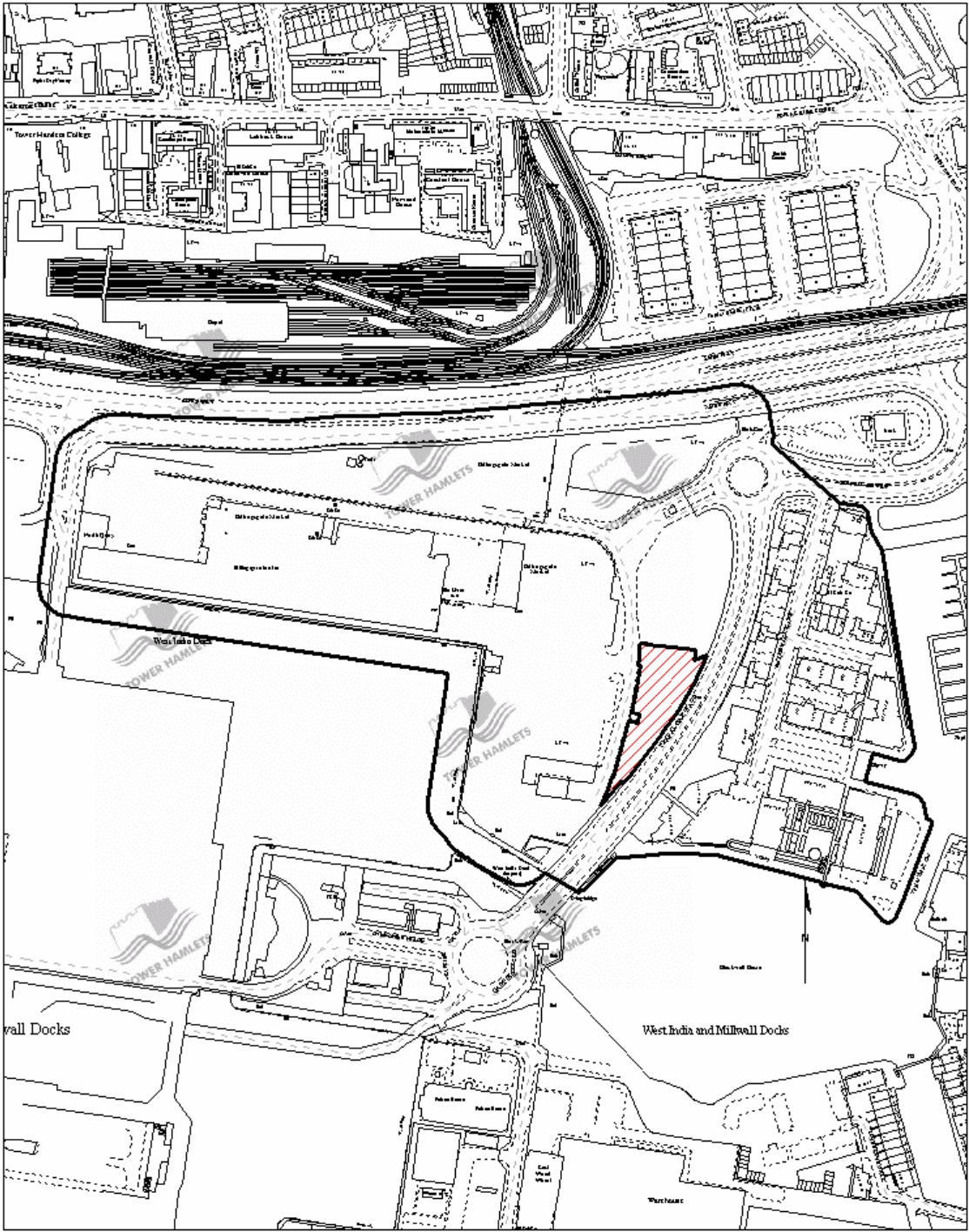
- 6.14 As the cleansing vehicles propose to be cleaned thoroughly off-site on a daily basis, it is not considered likely that the proposal would pollute the local environment or harm wildlife.



Visual implications

- 6.15 As large vehicles are already parked on the site, the proposal would make little difference to the visual appearance of the market site and the setting of the listed Accumulator Tower. In addition, the site is partially obscured from Trafalgar Way by a relatively high wall. It is not considered that the proposal would have any detrimental impact on the visual appearance of the surrounding area compared to use by market trading vehicles.

7. SUMMARY

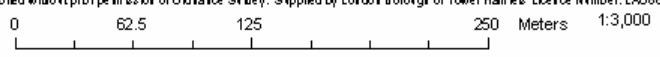
- 7.1 It is not considered that the proposed temporary use of part of Billingsgate Market for the parking of street cleansing vehicles would harm the amenity of those living in the residential properties in the surrounding area, or have a negative impact on traffic flow along Trafalgar Way or Aspen Way. The proposal is considered acceptable for a limited period.



- Legend**
-  Planning Application
 -  Consultation Area

Billingsgate Market, Trafalgar Way, Site Location Map

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