

**LONDON THAMES GATEWAY DEVELOPMENT CORPORATION****PLANNING COMMITTEE MEETING: 8 February 2007****Planning Application for LTGDC's Determination****Report of the Director of Planning****CASE NUMBER:** LTGDC-06-085-PP                      **DATE MADE VALID:**                      **04/07/2006****APPLICATION NO:** 06/01231/LTGDC/LBNM   **TARGET DATE:**                      **03/10/2006****APPLICANT:**                      Tarmac Ltd.**AGENT:**                                      Tarmac Ltd.**PROPOSAL:**                      The erection of a combined concrete and mortar batching plant.**LOCATION:**                      Trad Scaffolding Co Ltd, Knights Road Silvertown London E16 2AT.**1. SUMMARY**

1.1 The application proposes redevelopment of the site to provide a combined concrete and mortar batching plant. The plant will be operated by Tarmac Ltd. and will replace and consolidate existing local operations at Pudding Mill Lane and Carpenters Road. The Pudding Mill Lane and Carpenters Road sites are located within the 2012 Olympic Games site.

1.2 The application site is located within a Strategic Employment Location (SEL) and a Principal Employment Zone as defined in the London Plan and London Borough of Newham Unitary Development Plan. The site is also located within the Thameside West sub area of the draft Lower Lea Valley Opportunity Area Planning Framework which identifies the area as appropriate for a combination of industrial land release and retention. The site is located within an established industrial belt located between North Woolwich Road and the River Thames and surrounded by existing established industrial uses. The site is currently occupied by a scaffolding firm.

1.3 The proposed development is considered to be in accordance with adopted and emerging policies seeking to promote the location of environmentally sensitive industrial uses within established strategic employment locations. The main issues for consideration relate to managing the noise, air quality and visual impact of the development and its traffic generation on surrounding existing and proposed development.

1.4 The application is recommended for approval subject to conditions and a legal agreement

and any direction from the Mayor of London. It is recommended that conditions are used to control the hours of operation of elements of the operation in order to limit the impact of the development on nearby dwellings on Bradfield Road and North Woolwich Road. A legal agreement is recommended to secure contributions towards air quality monitoring and highways works.

## **2. SITE AND PROPOSAL**

### **2.1 Description of Site & Surroundings**

2.1.1 The application site measures approximately 1 hectare and is bounded by Knights Road to the east, the Tate and Lyle (golden syrup) factory to the west and John Knight Ltd (animal rendering) to the south. North Woolwich Road and the Docklands Light Railway are located beyond a vacant development plot that forms part of the Peruvian Wharf development site to the north. The nearest dwelling on North Woolwich Road is located 140 metres from the north west corner of the site (see Appendix 1).

2.1.2 Peruvian Wharf is a large development site located beyond the Tate and Lyle factory to the east and north of the application site. The development site wraps around the Tate and Lyle and application site to the north. The site benefits from an extant outline planning permission for an office and hotel development. A seven storey 180 bedroom hotel was granted planning permission on 11 March 2005 on the land between the application site and the Docklands Light Railway viaduct. The planning permission included a condition requiring details of noise insulation to mitigate the noise generated by the adjoining industrial uses, traffic on North Woolwich Road and the Docklands Light Railway to be submitted to and approved by the Local Planning Authority

2.1.3 The site is accessed from Knights Road which forms part of a one-way system that provides access (Bradfield Road) and egress (Knights Road) with North Woolwich Road. It should be noted that 10 residential units are sited at the northern end of Bradfield Road with vehicles accessing the site having to pass these dwellings. These dwellings are located between 130 and 220 metres from the north east corner of the site. It is understood that these dwellings were constructed by Knights Ltd to accommodate their employees.

### **2.2 Description of Proposal**

2.2.1 The application proposes the erection of a combined mortar and concrete plant to produce ready mixed concrete and traditional wet mortars predominantly for the construction industry. The proposal constitutes a Schedule 2 development under the Town and Country Planning (Environmental Impact) Regulations 1999 by virtue of it comprising an "industrial estate development" on land having an in excess of over 0.5 hectares and/or "an installation for manufacture of cement" which may have an area of new floorspace in excess of 0.1 hectares. A request for a screening opinion as to whether the proposed development constitutes EIA development for which an Environmental Statement is required was submitted by the applicant on 25 May 2006. The Corporation issued a Screening Opinion on 30 November 2006 concluding that the proposed development does not constitute EIA development and does not require the submission of an Environmental Statement based on a judgement as to whether the proposed development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

2.2.2 The proposed activity involves on-site mixing of sand, gravel, cement, lime and water to manufacture concrete and mortar for distribution by road in rotating drum truck mixers or flat bed tipper lorries. The raw materials of ready mixed concrete are imported into the site by road from a wharf located in Greenwich which is used to land and process marine dredged aggregates. The constituent parts comprise (1) aggregates (sand and gravel imported in different sizes and stored in storage bays) (2) cement and lime imported in tankers and discharged into a silo and (3) liquid admixtures that improve its workability when fresh and its

resistance to freeze thaw action when hardened.

2.2.3 The concrete and mortar manufacturing process involves the transportation of aggregate from storage bays into a covered hopper by mechanical loading shovels, which is then fed by a covered conveyor into enclosed bins that contain different sized aggregate. In correct proportions, the aggregate is then fed into a mixer where it is mixed with cement, lime, water and admixtures before being discharged into the back of a drum truck mixer (see Appendix 2).

2.2.4 The site will use a dust suppression system to spray aggregate with water to ensure windblow emissions are minimised. Similarly, wheelborne dust in the aggregate discharge and handling area will be controlled by a water spray system and the use of a mechanical sweeper. Cement and lime is pneumatically pumped into storage silos that are sealed and fitted with reverse air jet filters to prevent any discharge to atmosphere.

2.2.5 The development will include ancillary facilities including a weighbridge, an office cabin and parking for staff (18 spaces) and lorries (14 spaces). A 5.0 metre acoustic wall is proposed along the north eastern boundary of the site. An existing 3.0 metre high frontage wall will be retained along Knights Road.

2.2.6 The activity will employ 10 people on-site who will be transferred from the existing production sites. The drivers of the drum truck mixers and tipper lorries are subcontracted to Tarmac.

### **3. MAIN ISSUES**

3.1 The main issues for consideration relate to:

1. The impact on the local environment in terms of air quality and noise;
2. The impact on the safe and efficient operation of the local road network;
3. The visual impact of the proposed plant and machinery.

### **4. RELEVANT SITE HISTORY**

4.1 The site has no planning history

### **5. CONSULTATIONS/NOTIFICATIONS**

#### Greater London Authority

5.1 The Mayor of London considers the application to be acceptable in principle subject to further assessment into the feasibility and inclusion of renewable energy technologies within the development and consideration of the potential to transport aggregates to the site by river via Manhattan Wharf. This site is not in the control of the applicants. This issue is dealt with at paragraph 9.4 of the report and recommended condition 15.

#### English Heritage

5.2 The site is located within an Archaeological Priority Area as defined in the Unitary Development Plan. It is advised that an archaeological investigation, in accordance with a written scheme of investigation, be undertaken in advance of any development works and secured by planning condition. This issue is dealt with by recommended condition 14.

#### Environment Agency

5.3 Object to the application on grounds that the application is not supported by a Flood Risk Assessment. This issue is dealt with at paragraph 9.20 of the report.

5.4 The application was considered at LBN's Development Control committee on 14 November 2006. The officer recommendation was to grant planning permission subject to conditions and a legal agreement. LB Environmental Health recommends that the hours of operation are limited to between 5am and 7pm and further restrictions limiting the use of the loading shovels until after 7am and Heavy Goods Vehicles (HGV) entering the site, including the delivery of aggregates, cement and lime, until after 7am. A £10,000 contribution is sought towards Air Quality Monitoring and £5,000 contribution towards local highway works.

5.5 The Development Control committee resolved to recommend that planning permission is refused on grounds that the proposed use is inappropriate for the location and that the quality of life of local residents would be adversely affected in terms of noise, dust, vibration and traffic.

## 6. APPLICATION PUBLICITY

**6.1 Site Notice Expiry:** 21/08/07

**6.2 Press Notice Expiry:** 30/08/07

### 6.3 Neighbour Notification:

6.3.1 All commercial and residential properties on surrounding streets were consulted.

## 7. REPRESENTATIONS

7.1 Three letters were received objecting to the application. Two were received on behalf of the owners of the Peruvian Wharf site and the most recent is appended at Appendix 4 at their request. The reasons for objecting the application are set out below.

### Comment

1. the application does not provide adequate assessment of the proposals against key relevant planning policies in the London Plan, emerging LBN LDF or regeneration policies in the adopted UDP.

### Response to comment

The application has been assessed against planning policies promoting regeneration in the area and use of the River Thames for transportation. In consideration of the application, appropriate weight has been given to adopted and emerging policies that promote regeneration through the retention and release of industrial land in the Thameside West area.

The proposed development cannot make direct use of the river to transport freight because the site does not benefit from riverside access. The applicant is, however, committed to exploring the use of local wharves to reduce the length of vehicle trips needed to transport raw material to site (currently from Greenwich). Tarmac Ltd. advises that they are actively seeking an interest in a local wharf

2. the application does not provide analysis of possible alternative river served sites or justify why river based transport is not proposed, despite the fact that this could result in significant savings

As the application site does not benefit from river access, the proposed plant is prevented from important raw material by river transport. Tarmac Ltd. advises that in its search for an appropriate site on which to relate, sites with river access

3. The impact of the two aggregate facilities (Tarmac and Peruvian Wharf occupier) operating in close proximity to one another has not been considered.

were discounted because of lack of availability or commercial reasons. Tarmac Ltd. advises that they are actively seeking an interest in a local wharf which would reduce the HGV mileage.

4. The traffic impact of the proposals as set out in the TA is underestimated as the assessment does not consider the impact of significant committed and consented schemes in the area or vehicles other than HGVs.

The application site is seeking to replace existing facilities at Bow and Pudding Mill Lane and will continue to serve Tarmac Ltd's existing market for concrete and mortar. It is considered that it is not for the planning system to determine the commercial acceptability of locating two aggregate handling facilities within close proximity of each other. Traffic generation is considered acceptable.

5. The noise impacts have been underestimated. The potential for night-time disturbance due to lorry movements in Bradfield Road has not been assessed. There has been no noise assessment of the impact of the consented or proposed development at Peruvian Wharf.

The Transport Assessment is considered to provide a robust assessment of the impact of the proposed development. It is considered that the increase in vehicle movements can be accommodated on the surrounding road network when assessed against existing baseline flows and forecast flows from consented and committed schemes within the area. The proposed development is not considered to have an adverse impact on the safe and efficient operation of the surrounding road network given the number and pattern of vehicle movements.

7. There has been no assessment of traffic emissions on dwellings in Bradfield Road and there are inconsistencies between the Air Quality Assessment and the traffic flows set out in the TA.

LBN Environmental Health advise that the applicant's assessment of noise impacts provides a robust assessment of the impact of the operation and vehicle movements on surrounding land uses. LBN Environmental Health advise that the impact can be mitigated through the imposition of conditions limiting the hours of use of the loading shovel and delivery of aggregates. In relation to night time disturbance for the occupiers of the housing in Bradfield Road, limiting the operation of the site outside restricted hours to 20 occasions per annum is considered to provide a realistic balance between limiting the noise impact and allowing the operation to meet the demand from evening, night time and weekend working. The consented scheme at Peruvian Wharf recognised its location in an industrial area and imposed conditions accordingly.

LBN Environmental Health advise that the applicant assessment of air quality impacts provides a robust assessment of the impact of the operation and vehicle movements on local air quality. The risk of dust emission to the atmosphere are adequately controlled by enclosing or sealing the storage bays, hoppers, storage bins, mixers and silos within the site. The impact in air quality of increased HGV movements is considered insignificant.

8. It is considered that the development will give rise to significant environmental impacts in terms of traffic, noise and air quality and that inadequate information has been provided in order to undertake an assessment of the impacts.

The Corporation issued its screening opinion on 30 November 2007 concluding that although the development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999, it is not considered likely to give rise to significant impact on the environment. While acknowledging the need to consider the increase in traffic, noise and emissions, their individual or cumulative impacts were not considered to have significant impacts on the environment.

The Traffic, Noise and Air Quality Assessment, and supplementary information, submitted by the applicant is considered sufficient to allow the Local Planning Authority to undertake a robust assessment of the impact of the development.

9. All commercial vehicles accessing the site should be fitted with 'smart reversing alarms' in the event that the site layout has not been amended to prevent the need for reversing movements.

The applicant has advised that the plant modification required to prevent HGV's from reversing within the site would increase the noise generated at the concrete and mortar load out point. LBN Environmental Health recommend the imposition of a planning condition requiring the submission of details of how 'smart reversing alarms' are to be provided prior to commencement of the development.

10. Insufficient consideration has been given to the suitability of alternative river based sites and, in particular, the potential to relocate to land at Thames Wharf. This will result in the opportunity to transport aggregates by river and avoid the need to rely on road transport. It is advised that no decision is made until the further information regarding the potential for the use to be located at Thames Wharf has been discussed further.

The rear of Thames Wharf is owned by the London Development Agency and plots have already been identified for relocating specific businesses being displaced by the Olympics. The active wharf at Thames Wharf is currently fully occupied by European Metals on a long lease. While it is accepted that relocating Tarmac Ltd. to a site with river access would be preferable, the application must be considered on its merits and the absence of river access is not grounds for refusal.

11. The LTGDC should consider deferring the application pending resolution of the emerging policy position.

The application is considered to be in accordance with both existing and emerging planning policy. The site is identified in the adopted UDP and London Plan as a Strategic Employment Location. The OAPF and draft LDF identify 19.1 and 22.3 hectares respectively of industrial land to be released for other uses with its location the subject of further work and agreement between the public sector bodies. A significant quantum of industrial land will however continue to be safeguarded by taking into account the existing geographical distribution of established use. As the application site is located within an existing and established industrial area it is considered appropriate for continued industrial use, especially given the decision on the Peruvian

Wharf public inquiry and the specific reference to Knights rendering plant which adjoins the site. Given the existing and emerging policy context it is considered unreasonable to defer the application pending resolution of emerging policy documents.

## **8. RELEVANT PLANNING POLICY**

### **8.1 Planning Policy Guidance**

PPG4 Industrial and Commercial Development and Small Firms  
 PPG13 Transport  
 PPG24 Planning and Noise

### **8.2 London Plan**

Policy 2A.7 Strategic Employment Areas  
 Policy 3B.5 Strategic Employment Locations  
 Policy 4A.6 Improving Air Quality  
 Policy 4A.7 Energy efficiency and renewable energy  
 Policy 4A.8 Energy assessment  
 Policy 4A.9 Providing for renewable energy  
 Policy 4A.13 Water and sewerage infrastructure  
 Policy 4A.14 Reducing noise  
 Policy 4B.1 Design principles for a compact city  
 Policy 4C.14 Freight uses are the Blue Ribbon Network

### **8.3 LB Newham UDP**

Policy EQ19 Urban design considerations  
 Policy EQ43 Archaeology  
 Policy EQ45 Pollution  
 Policy EQ46 Air Quality Management  
 Policy EQ59 Aggregates Extraction: Environmental Protection Criteria  
 Policy EQ62 Protection of Flood Plain and Urban Washlands  
 Policy EQ63 Surface Water Disposal  
 Policy EMP1 Employment Growth  
 Policy EMP4 Principal Employment Areas  
 Policy EMP6 Principal Employment Areas  
 Policy T1 Environmental Impact of Traffic Generated by New Development

### **8.4 Other Relevant Planning Policies**

8.4.1 The draft Lower Lea Valley Opportunity Area Planning Framework (OAPF) Thameside West sub region is identified for a combination of industrial land release and retention. The OAPF promotes the potential release of 22.3 ha of existing industrial land in the sub area subject to further work and agreement by the strategic and local authorities. In this scenario, it is expected that a significant quantum of employment activity should be retained to maintain a consistent geography of industrial land.

8.4.2 The draft LBN Royal Docks and Thameside West Area Action Plan promotes employment led regeneration through the release of 19.1 ha of existing industrial land.

## **9. ASSESSMENT OF MAIN ISSUES**

9.1 The application site is located within a Preferred Industrial Location (SEL) and Principal Employment Area as defined in the London Plan and the Unitary Development Plan. London Plan Policy 3B.5 supports the promotion and management of Strategic Employment Locations. UDP Policy EMP4 supports the retention and expansion of industrial uses within Principal Employment Areas. While it is acknowledged that the adopted UDP identifies an Arc of Opportunity for the Stratford to Thameside section of the Lower Lea Valley, the application site remains located with the Principal Employment designation "emp 6" and not within a Major Opportunity Zone promoting non-industrial uses.

9.2 The emerging planning policy context is set out in the Opportunity Area Planning Framework (OAPF) and draft Local Development Framework (LDF). The site is located within the Thameside West sub region which promotes the potential release of 22.3 hectares of existing industrial land. The draft LDF includes the Royal Docks and Thameside West Area Action Plan (AAP) and provides a consistent policy approach by identifying an extensive area of change within which 19.1 hectares is identified for release for non-industrial uses. The geographical distribution of industrial land release within both policy documents is the subject of further work and agreement between the strategic and local planning authorities. It is expected, however, that a significant quantum of industrial land will continue to be safeguarded that takes into account the existing geographical distribution of established use.

9.3 The application site is located within a long established industrial area. With the exception of the Peruvian Wharf development site, which is located north and west of the application site and benefits from an extant planning permission for a hotel and office development, the site is surrounded by existing industrial uses including Tate and Lyle and Knights Ltd.

9.4 London Plan policy 4C.14 encourages new development to increase the use of the Blue Ribbon Network to transport freight and goods as a more sustainable alternative to road transport. As the application site does not benefit from river access, the operation is prevented from importing raw material directly by river transport. The relocation of existing sites from Bow and Pudding Mill Lane will, however, result in a reduction in mileage incurred by transporting aggregate to the site by road from a wharf in Greenwich. The applicant has advised that in its search for a relocation site, those with river access have been discounted on availability or commercial grounds. While it is accepted that relocating Tarmac Ltd. to a river based site would be preferable, the absence of river access is not considered to be grounds for refusal. The applicant has advised that they are seeking an interest in a nearby wharf which would notably reduce the mileage currently incurred by transporting aggregate from Greenwich.

9.5 The principle of redeveloping the site with a concrete and mortar plant is therefore considered to be in accordance with strategic and local planning policy seeking the retention and growth of industry with the area and reflects the comments of the GLA.

#### Design

9.6 The proposed batching plant and machinery includes aggregate storage bays, covered feed hoppers, aggregate bins and cement and lime silos. The hoppers, aggregate bins, mixer units and silos are connected by covered conveyors. The cement silo is the tallest part of the plant at 26.0m and is comparable in height to the adjacent Tate and Lyle factory (see Appendix 3). The constituent parts of the plant are enclosed to improve their visual appearance and prevent dust and noise emissions.

9.7 The appearance of the plant is consistent with the character and appearance of surrounding industrial uses and given the distance and orientation between the site and the nearest residential occupiers it is not considered to harm their outlook or visual amenity.

#### Air quality

9.8 The application site is located within close proximity of a designated Air Quality Management Area. LBN is responsible for producing an Air Quality Management Plan to monitor, model and implement measures to improve air quality in the area.

9.9 The applicant has submitted an Air Quality Report and supplementary information that provides an assessment of the impact of on-site operations and vehicle movements on local air quality and recommends associated mitigation measures. LBN Environmental Health note that the nature of the activity has the potential to impact on an area of existing poor air quality but support the measures identified to mitigate any impact.

9.10 The proposed development has the potential to generate dust emissions from the on-site manufacturing process and traffic generation. The storage bays, hoppers, storage bins, mixers and silos are proposed to be enclosed or sealed to ensure that the exposure of raw materials to the atmosphere is minimised. The plant will also include a dust suppression system that will spray aggregate with water to prevent windblow emissions. Dust created by HGV movements within the aggregate discharge and handling area will be controlled by a suppression system and mechanised sweeper. The impact on air quality created by the increase in HGV movements is considered insignificant. The measures proposed are considered to limit the potential for dust emissions to an acceptable level in accordance with adopted planning policy.

9.11 It is recommended that the applicant contributes £10,000 towards the monitoring and modelling of air quality in the area in relation to emissions from industrial activity and traffic. This work will contribute to the implementation of an Air Quality Management Plan and assist LBN identify the cause of, and control, unacceptable emission levels.

### Noise

9.12 LBN Environmental Health has expressed concern about the impact of noise generated during the hours of operation by (1) on-site activity on the occupiers of dwellings located north of North Woolwich Road and Bradfield Road and proposed development on the Peruvian Wharf site and (2) HGV movements passing existing dwellings located on Bradfield Road.

9.13 The applicant has submitted a Noise Impact Report and supplementary information that provides an assessment of the impact of on-site operations and vehicle movements on the surrounding area. In response to the anticipated noise generation, the development proposes the erection of a 5.0m high acoustic wall along the north eastern boundary to mitigate impact on the nearest dwellings and proposed hotel to the north. The Tate and Lyle building, which abuts the site to the west, will also act as an effective noise barrier and screen the operation. The internal site layout has been designed to locate the noisiest components – aggregate and cement delivery and use of the loading shovel – to the south west of the site to distance them from the nearest existing dwellings. Furthermore, it is recommended that planning conditions are used to control the hours of operation of certain parts of the activity in order to limit the impact on surrounding land uses. The recommended conditions have been the subject of discussions with the applicant.

9.14 The Pervian Wharf development site, located beyond the Tate and Lyle site to the north and west of the application, benefits from an extant planning permission for an office and hotel development. The hotel component is proposed to be located directly north of the application site and a planning conditions requires the submission of a scheme of acoustic attenuation to protect future occupiers from noise generated by surrounding industrial uses. LBN Environmental Health advise that a combination of the required acoustic attenuation, the noise mitigation measures incorporated with the plant and planning conditions controlling use of the site will limit noise disturbance to an acceptable level.

9.15 The hours of operation of the site are proposed to be limited by planning condition to between 5am and 7pm on Mondays to Fridays and 5am and 1pm on Saturdays. Given the

noise levels associated with the loading shovel, its hours of use are recommended to be limited to between 7am and 7pm on Mondays to Fridays and 7am and 1pm on Saturdays. To facilitate the manufacture of concrete and mortar between 5am and 7pm aggregate will be loaded into storage bins at the end of the previous working day. To safeguard the amenity of residential occupiers on Bradfield Road from noise generated by increased HGV movements and on-site activity it is recommended that the delivery of aggregate, cement and lime is limited to between 7am and 7pm on Mondays to Fridays and 7am and 1pm on Saturdays. It is recommended that this restriction is relaxed to between 6am and 7pm on Mondays to Fridays and 6am and 1pm on Saturdays to enable contract hauliers, as opposed to the fleet of HGV already parked on site, to enter the site. It is forecast that this will comprise a maximum of 8 HGV movements.

9.16 The applicant identifies the need for the site to be operational outside the hours of restriction identified above in order to meet the demand for concrete and mortar during evening, nighttime and weekend construction projects typically relating to highway and other public utility works. It is recommended that the applicant be allowed to operate outside the restricted hours of operation on 20 occasions per annum subject to the Local Authority being given prior notice in writing. On these occasions the restriction to aggregates and cement delivery hours are recommended to remain.

#### Transport

9.17 The submitted Transport Assessment states that the operation will generate 28 additional two-way movements on Silvertown Way and 14 additional movements on Bradfield Road and Knights Road during the peak hour. It is considered that the number of vehicular trips generated by the development can be accommodated on the surrounding road network when assessed against existing baseline flows and forecast flows from consented and committed schemes within the area. The application is not considered to result in an adverse impact on the safe and efficient operation of strategic and local road network.

9.18 The Local Highway Authority recommends the implementation of parking restrictions to prevent conflicts between HGV movements and vehicles parking on 90 degree bends on Bradfield Road and Knights Road to be funded by the applicant. A £5,000 contribution is recommended to be secured through a legal agreement with the applicant.

9.19 The application proposes 18 off street car parking spaces and 14 lorry spaces. It is considered that a combination of the nature of the operation and number of people employed on site that it is not appropriate to require the applicant to submit and implement a Green Travel Plan.

#### Flood Risk

9.20 The application site is located within Flood Zone 3 which requires the submission of a Flood Risk Assessment (FRA). The applicant is expected to submit a FRA before the date of the committee meeting following discussions with the Environment Agency. It is considered that the proposals are not sensitive with regard to flood risk issues. A planning condition is recommended requiring the applicant to submit a FRA to the Local Planning Authority for approval and implement the flood mitigation measures set out in the FRA and agreed by the Environment Agency.

### **10. CONCLUSION AND REASONS FOR APPROVAL**

10.1 The proposed development is considered to be in accordance with planning policies designed to encourage industrial activities in established industrial and employment areas. The site is located within a Strategic Employment Location and Principle Employment Area as defined in the London Plan and Unitary Development Plan. Although the emerging policy context promotes significant industrial land release in Thameside West, it is not expected to

relate to the established industrial area within which the application site is located.

10.2 The number of vehicle movements generated by the development is not considered to have an adverse impact on the safe and efficient operation of surrounding roads in accordance with Policy T1 of the Unitary Development Plan. The noise impact of the operation is considered acceptable subject to the imposition of conditions limiting the hours of site operation, the timing of heavy good vehicle movements, including the delivery of aggregates, cement and lime, and the use of the loading shovel in accordance with Policy EQ45 of the Unitary Development Plan. The air quality impact of the use is considered acceptable subject to securing a financial contribution towards assisting LBN monitor, model and control local air quality in accordance with Policy EQ45 of the Unitary Development Plan. The appearance of the proposed plant and machinery is partially enclosed and considered acceptable for an industrial location. The development is not considered to have an adverse impact on the outlook of nearby residential occupiers in accordance with Policy EQ19 of the Unitary Development Plan.

## 11. RECOMMENDATION

11.1 The application is recommended for approval subject to a legal agreement that secures:

1. a £10,000 contribution towards monitoring and modelling local air quality;
2. a £5,000 contribution towards off-site highways works
3. a Local Labour commitment.

11.2 The committee is recommended to:

- a) agree the reason for approval;
- b) resolve to grant planning permission subject to a legal agreement, as set out in paragraph 11.1, and conditions detailed below, and subject to referral to the Mayor of London;
- c) subject to any direction by the Mayor of London, to delegate authority to the Director of Planning to complete the legal agreement and grant planning permission.

### Conditions & Reasons:

1. No development shall take place until a contaminated land study has been submitted to and approved by the Local Planning Authority. The study shall include an investigation into ground conditions and recommend proposals for any remediation. The concrete and mortar batching plant shall not be operated until a validation report has been submitted to and approved by the Local Planning Authority confirming the remediation works have been completed and carried out in accordance with the approved study.

Reason: To establish the nature and level of contamination and undertake the necessary remedial measures to safeguard human health and the environment in accordance with Policy EQ49 of the Unitary Development Plan.

2. No development shall take place until an Environmental Code has been submitted to and approved by the Local Planning Authority. The Environmental Code shall cover all aspects of site preparation, construction and operation and include details of demolition, clearance, ground works, remediation, refuse disposal, hours of operation, noise, dust, smoke, odour control, road cleaning and wheel washing. The development shall not be constructed and operated other than in accordance with the approved Environmental Code.

Reason: To ensure that the development does not adversely impact on the amenity of adjoining occupiers and the local environment in accordance with Policy EQ45 of the Unitary

3. The demolition and construction works required to implement the development must only be carried out between the hours of 0800 and 1800 on Monday to Fridays and 0800 to 1300 on Saturdays. No demolition and construction works shall occur on Sundays or Bank Holidays or outside these hours without prior approval from the Local Planning Authority.

Reason: To safeguard the amenity of the area in accordance with Policy EQ45 of the Unitary Development Plan.

4. The use hereby permitted shall not be operated outside the hours of 0500 and 1900 on Mondays to Fridays and 0500 to 1300 on Saturdays. The development shall not be operated on Sundays or Bank Holidays and no variation to the above hours shall be permitted without prior approval of the Local Planning Authority.

Reason: To safeguard the amenity of the area in accordance with Policy EQ45 of the Unitary Development Plan

5. The delivery of aggregates and cement to the site by heavy goods vehicle shall not take place except between the hours of 0700 and 1900 on Mondays to Fridays and 0700 and 1300 on Saturdays. All other heavy goods vehicles accessing the site shall not take place except between the hours of 0600 and 1900 on Mondays to Fridays and 0600 and 1300 on Saturdays. Heavy goods vehicle movements to and from the site shall not occur on Sundays or Bank Holidays and no variation to the above hours shall be permitted without prior approval of the Local Planning Authority.

Reason: To safeguard the amenity of the area in accordance with Policy EQ45 of the Unitary Development Plan.

6. The operation of the loading shovel shall not take place except between the hours of 0700 and 1900 on Mondays to Fridays and 0700 and 1300 on Saturdays. The loading shovel shall not be operated on Sundays or Bank Holidays and no variation to the above hours shall be permitted without prior approval of the Local Planning Authority.

Reason: To safeguard the amenity of the area in accordance with Policy EQ45 of the Unitary Development Plan.

7. The operation of the concrete and mortar batching plant outside the hours of 0500 and 1900 on Mondays to Fridays and 0500 and 1300 on Saturdays and not at all Sundays and Bank Holidays is limited to 20 occasions per annum. The restrictions on the use of the loading shovel and the delivery of aggregates and cement set out in conditions (5) and (6) shall apply on these occasions. The concrete and mortar batching plant shall not be operated outside these hours of operation without prior notification to the Local Planning Authority and the London Borough of Newham Planning and Environmental Health Departments.

Reason: To support the local economy and safeguard the amenity of the surrounding area in accordance with Policies EMP1 and EMP45 of the Unitary Development Plan.

8. Before commencement of the relevant part of the development hereby approved, details of all boundary treatment and their acoustic properties shall be submitted to and approved by the Local Planning Authority. The concrete and mortar batching plant shall not be operated until the approved details have been implemented. The approved details shall thereafter be retained.

Reason: To ensure a satisfactory standard of external appearance and noise attenuation in accordance with Policies EQ19 and EQ45 and the Unitary Development Plan.

9. Before commencement of the relevant part of the development hereby approved, details of external lighting shall be submitted to and approved by the Local Planning Authority. The concrete and mortar batching plant shall not be operated until the approved details have been implemented. The approved details shall thereafter be retained.

Reason: To ensure any external lighting installed does not adversely impact the amenity of adjoining occupiers in accordance with Policy EQ45 of the Unitary Development Plan.

10. The concrete and mortar batching plant shall not be operated until details of the provision of smart vehicle reversing alarms shall be submitted to and approved by the Local Planning Authority.

Reason: To safeguard the amenity of the surrounding area in accordance with Policy EQ45 of the Unitary Development Plan.

11. The concrete and mortar batching plant shall not be operated unless site sweeping facilities are made available for use during hours of operation and permanently retained.

Reason: To safeguard the amenity of the surrounding area in accordance with Policy EQ45 of the Unitary Development Plan.

12. The concrete and mortar batching plant shall not be operated unless an effective dust suppression system for the storage bays is installed and made available for use during hours of operations and permanently retained.

Reason: To safeguard the amenity of the surrounding area in accordance with Policy EQ45 of the Unitary Development Plan.

13. The concrete and mortar batching plant shall not be operated until details of enclosures to the silos have been submitted to and approved by the Local Planning Authority. The development shall not be operated until the approved details have been implemented. The approved details shall thereafter be retained.

Reason: To safeguard the amenity of the surrounding area in accordance with Policy EQ45 of the Unitary Development Plan.

14. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted to and approved by the Local Planning Authority. The development shall only take place in accordance with the approved scheme. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: Important archaeological remains may exist on this site. The Local Authority wishes to secure the provision of an archaeological investigation and the subsequent recording of the remains prior to development in accordance with Policy EQ43 of the Unitary Development Plan.

15. Before commencement of the relevant part of the development hereby approved, details of energy efficient and renewable energy technologies shall be submitted to and approved by the Local Planning Authority. The energy and efficient and renewable energy technologies shall be implemented in accordance with the approved details and shall be thereafter retained.

Reason: To promote the use of renewable energy within new development in accordance with Policies 4A.9 and 4A.9 of London Plan.

16. No development shall take place until a Flood Risk Assessment, detailing flood mitigation

measures, is submitted to and approved by the Local Planning Authority. The flood mitigation measures shall be implemented in accordance with the approved Flood Risk Assessment and shall be retained thereafter.

Reason: To prevent the increased risk of flooding in accordance with Policies EQ62 and EQ63 of the Unitary Development Plan.

17. The applicant shall not burn waste on the site without prior approval by the Local Planning Authority.

Reason: To safeguard the amenity of the surrounding area in accordance with Policy EQ45 of the Unitary Development Plan.

**Informatives:**

1. With regard to conditions (1), (2), (7), (8), (9) and (12) you should contact the London Borough of Newham Environmental Health Department, Alice Billings House, 2-12 West Ham Lane, Stratford E15 4SF.

2. With regard to condition (13) you should contact English Heritage, 1 Waterhouse Square, 139-142 Holborn, London EC1N 2ST.

**CASE OFFICER:** Will Steadman

**Appendix 1: Site Location Plan**

**Appendix 2: Proposed Site Layout Plan**

**Appendix 3: Proposed Elevations**

**Appendix 4: DP9 Letter dated 31.1.07**