

London Thames Gateway Development Corporation

Planning Committee Meeting: 13 September 2007

**Addendum Report Re: Agenda Item 3 – Trad Scaffolding Co. Ltd.,
Knights Road, Silvertown.**

Further to paragraph 7.2 of the main report, the Corporation has received correspondence dated 10 September 2007 from the owners of Peruvian Wharf objecting to the removal of the condition to time limit the use of the site as a concrete and mortar batching plant for a period of 10 years. A copy of the objection letter dated 10 September is attached to this report.

The following provides a summary of the points raised and the officer response:

1. The site is located within an area that is identified for significant regeneration and land use change.

It is acknowledged that Thameside West is identified for significant regeneration and land use change. The London Plan and Unitary Development Plan, which together form the development plan, locate the site within the Lower Lea Valley Opportunity Area and 'Arc of Opportunity', but also on land where industrial and employment generating land uses are to be protected and encouraged. The London Borough of Newham draft Royal Docks and Thameside West Area Action Plan establishes the principle of industrial-land release but provides no explanation as to how this will be implemented spatially. The Lower Lea Valley Opportunity Area Planning Framework (LLV OAPF), which was adopted by the Mayor of London in January 2007, and forms part of the Corporation's Lower Lea Valley Regeneration Strategy, is the only policy document to provide an explanation of the spatial distribution of industrial land release and retention. Nevertheless, the LLV OAPF is a policy document that should be afforded significant weight in the determination of planning applications within Thameside West. The LLV OAPF does not identify the site within the area identified, with certainty, for industrial land release or within the area where the precise SEL boundary is still to be defined. While the site is located within close proximity to the latter, it remains located within the area of retained SEL. Furthermore, it is considered that there is logic to the designation given (1) the site's location west of Knights Road, which could form an eastern boundary to the SEL, and (2) the site's proximity to established industrial uses and existing safeguarded wharves.

2. The documentation submitted in support of the planning application fails to make reference to significant policies within the development plan

which encourage regeneration in the area, including the Unitary Development Plan 'Arc of Opportunity' designation and London Plan priorities for East London.

The main committee report considers the weight to be attached to, and content of, the regeneration objectives established in the Unitary Development Plan Stratford to Thameside 'Arc of Opportunity' and the London Plan priorities for East London and, more relevantly, the Lower Lea Valley.

3. The documentation submitted in support of the planning application does not fully take into account the Inspector's decision on the Peruvian Wharf inquiry in relation to land use change in the area.

The main committee report acknowledges the Inspector's decision on the Peruvian Wharf inquiry, which concluded that while the redevelopment of the site for residential uses would result in poor living conditions in terms of noise and air quality, the sole use of the site for environmentally challenging industries could not be justified given the extant office and hotel use permissions and unless and until an objective basis of the need for such uses had been carried out. The LLV OAPF is considered to provide an objective basis for the spatial distribution of land use change in Thameside West. It is noted that site accommodating the extant hotel permission is located within the area where the precise boundary of retained SEL is to be defined.

4. The removal of condition 20 would fetter the LTGDC's ability to properly and comprehensively consider the future redevelopment of Thameside West.

The application to remove condition 20 has to be considered in relation to the development plan and any other material considerations. It is set out in the main report and above why the application is considered to be in accordance with the London Plan, Unitary Development Plan and Lower Lea Valley Opportunity Area Planning Framework. It is considered that the removal of condition 20 would not fetter the Corporation's ability to properly and comprehensively consider the future redevelopment of Thameside given that it has adopted, as its regeneration framework, a land use approach that locates the site within an area of retained SEL.

5. The committee report misinterprets the Lower Lea Valley Opportunity Area Planning Framework figure 4.15 when read in conjunction with paragraph 4.248.

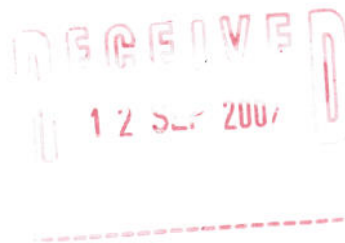
The recommendation set out in the report is based on an assessment of figure 4.15 when read in conjunction with paragraph 4.248. It is considered that because the application site is (1) located outside the areas of potential SEL release and where the precise boundary of

retained SEL is to be defined, (2) located adjacent to the established industrial activities of Tate and Lyle and John Knights Ltd. and (3) located west of Knights Road which could feasibly form an eastern boundary to, and division between, industrial activity to the west and alternative land uses to the east of Thameside West, the Corporation could not justify a refusal of planning permission.

6. The committee report makes no reference at to the extant planning permissions for non-industrial uses that exist on the northern part of the Peruvian Wharf site.

The impact of the concrete and mortar batching plant on the extant permission to redevelop the part of Peruvian Wharf located north of the application site with a hotel was considered by the Planning Committee on 8 February 2007. Following the advice received from the London Borough of Newham Environmental Health officers it was agreed that the impact of the concrete and mortar batching plant could be mitigated through the scheme design and the use of conditions.

Case Officer: Will Steadman



DP1041/MRPG/RW

10 September 2007

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BY EMAIL AND POST

Dear Mr Steadman,

PLANNING APPLICATION (REF.NO. 07/00754/LTGDC/LBN) SUBMITTED BY TARMAC LTD. FOR THE ERECTION OF A COMBINED CONCRETE AND MORTAR BATCHING PLANT AT KNIGHTS ROAD, SILVERTOWN, E16 WITHOUT COMPLYING WITH CONDITION 20 OF PLANNING PERMISSION REF.NO. 06/01231/LTGDC

We write on behalf of our clients, Colpy Limited and Haworth Limited, c/o Capital & Provident Management Limited regarding the above application to remove condition 20 of the planning permission for the erection of a combined concrete and mortar batching plant at 24 Knights Road, E16.

As you will be aware, our client is the owner of Peruvian Wharf and therefore has a significant commercial interest in the area of land adjacent to the site. Indeed, our client submitted objections to the application for planning permission (ref.no. 06/01231/LTGDC) for this use on the grounds of noise impact, particularly on the consented hotel and also in relation to the fact that there are more suitable, river served sites available.

The application seeks to implement the planning permission for a combined concrete and mortar batching plant without complying with Condition 20 of the permission. This condition imposes a ten year time limit on the development, as follows;

'The development hereby permitted shall be limited to a period of ten years from the date of this planning permission. The use of the development shall then be discontinued and the site restored to its former condition and all buildings, structures, plant and equipment shall be removed from the site.'

Reason: To prevent the continued use of the site as a concrete and mortar batching plant from prejudicing the regeneration objectives of the area in accordance with emerging planning policy context set out in the Mayor of London's Lower Lea Valley Opportunity Area Planning Framework and the London Borough of Newham's draft Local Development Framework'

The use has not become operational and we are not aware of any significant changes since this decision was taken in February of this year that would justify the removal of this condition. Our client therefore



objects to the removal of this condition on the grounds that the site is located within an area that is identified for significant regeneration and land use change, as set out within the reason for the condition.

The potential impact of the proposed development on the regeneration of the area was recognised by the LTGDC Planning Committee when they determined the application on 9th February 2007. The Minutes of the meeting record that the Committee noted the extent and likelihood of impacts on surrounding land uses, including residents and stated that whilst this was an industrial area, the policies in the UDP were out of date. They further noted the development was likely to operate for a period of 25 years, but felt that the operation of the development for this length of time could have a detrimental effect on the evolution of planning policy in the area. As a result, the Committee specifically chose to impose a 10 year time limit on the consent.

The site is located in an area that is clearly identified within the Development Plan for regeneration. The Newham UDP identifies the site within the Arc of Opportunity, where there is significant potential for regeneration. Furthermore, the London Plan/East London SRDF recognise that the site is located within an Opportunity Area, with potential for land use change. In addition, the potential for regeneration and land use change is recognised within a number of emerging planning policy documents, including the Draft Royal Docks and Thameside West AAP which identifies potential for the release of 40% of employment land within the area for other uses such as residential. As a result, KCAP has been commissioned on behalf LB Newham, LTGDC, GLA and LDA to produce an analysis of the Thameside West area, in order that a detailed vision can be provided for the future planning of the area.

The use of the site as a combined concrete and mortar batching plant in the long term could significantly restrict the potential for the regeneration of the area for a genuinely mixed use community. The Development Control committee at LB Newham resolved to recommend that planning permission be 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.

Comments on Planning Application Documentation

A summary of planning policy is set out as part of the planning application seeking removal of condition 20. This summary fails to make reference to significant policies within the Development Plan which encourage regeneration within the area, or that the site lies within the 'Arc of Opportunity' as designated in the Newham UDP. The London Plan also prioritises the need for regeneration within East London.

At paragraph 6.14, the written statement submitted as part of the application makes reference to the recent Public Inquiry for the Peruvian Wharf site and states that '...the Inquiry Inspector made it clear that residential development near to the area in which Tarmac is seeking to relocate is unsuitable...'. It should be noted that the Inspector's report did not specifically state that the area of Peruvian Wharf adjacent to the Tarmac site is not suitable for residential type uses. This is demonstrated by the fact that there is an extant permission for hotel use within this part of the site. Indeed, Paragraph 12.89 of the Inspector's report recognises that the extant planning permissions on the northern part of Peruvian Wharf set a precedent and inevitably set parameters for future development within the area, as follows;

'...Over half of the site has gone potentially to a use that is not part of the coherent geography of the wider area...Despite the planning approvals, there is doubt that the immediate context of the appeal site is overwhelmingly an industrial one. Whilst there is housing to the north, it is



clearly separated from the site by the North Woolwich Road/Slivertown Road corridor and the bulky presence of the elevated DLR. Were it not for the office use permissions, it would seem entirely reasonable to take the view that the site should continue to accommodate uses such as those on either side, unless and until an objective basis of the need for sites for environmentally challenging industrial activities has been carried out. Following those permissions, a dogmatic insistence on the protection of the site to accommodate what was referred to by Mr Burgess as a “suitable range of dirty uses” cannot be justified’

The area in which the application site is located will undergo significant change in the medium to long term. This will involve the release of some sites which have historically been used for industrial purposes. By removing Condition 20, which seeks to retain the significant potential of this area for regeneration, the LTGDC will fetter its ability to properly and comprehensively consider the future redevelopment of the Thameside West area in general.

Comments on the Committee Report

Paragraphs 1.7-1.8 and 9.4-9.5 of the Committee Report provide a summary and analysis of the guidance for the area that is set out within the Lower Lea Valley OAPF.

The Committee Report is correct in stating that the site is not located within the area where the ‘Precise boundary of the Strategic Employment Location is yet to be defined as defined in Figure 4.15. It is important to note, however that the figure also refers to paragraph 4.248 of the document and should be read in conjunction with this supporting text. Paragraph 4.248 makes it clear that the **whole area** between Lyle Park and the Safeguarded Wharves to the west will be reviewed in more detail in order that the SEL boundary may be revised, as follows;

‘The LLV OAPF has assumed that to 2016 any industrial land release is concentrated on the area to the east of the sub area. This release should provide new open space and social infrastructure facilities and any new residential uses would be expected to make appropriate contributions to this provision. Fig 4.15 shows how the Mayor believes this might be best achieved, where a smaller SEL is focussed on and around the safeguarded wharves, an area to the east of Lyle Park is released for mixed use development, and the area between the two zones is looked at in more detail to agree a definitive and coherent SEL boundary. Any scenario should retain a significant quantum of industrial space and associated employment activity focussed on the Safeguarded Wharves. The precise geography of any SEL release will need to be agreed by the strategic and local authorities in light of statutory planning policies, the implications of the Public Inquiry decision for Peruvian Wharf and the LDA’s Wharf reactivation initiative.’

In addition, we note that the Committee Report makes no reference at all to the extant planning permissions for non industrial uses that exist on the northern part of the Peruvian Wharf site, as set out above.

We note that LB Newham has assessed the planning application and also objects on the grounds that a concrete and mortar batching plant will compromise the future regeneration aspirations for the area. As set out above, it is a key aim of existing and emerging planning policy to regenerate the Thameside West area. If the LTGDC grant the application to remove Condition 20, it will allow a concrete and mortar batching plant to operate on the site in perpetuity and thereby fetter its ability to properly and comprehensively consider the future redevelopment of the Thameside West area.



Should you wish to discuss this matter, please contact either Ruth Waistell or Matthew Gibbs of this office.

Yours faithfully

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cc. Victoria Geoghegan/Joanne Pacey - LB Newham