

London Thames Gateway Development Corporation

PLANNING COMMITTEE MEETING: 13 September 2007

Planning Application for Determination by the LTGDC

Report of the Director of Planning

UDC CASE NUMBER:	LTGDC-07-137-FUL	DATE MADE VALID:	06/06/2007
APPLICATION NUMBER:	07/00754/LTGDC/LBNM	TARGET DATE:	05/09/2007

APPLICANT:	Tarmac Ltd
AGENT:	Tarmac Ltd
PROPOSAL:	Erection and operation of a combined concrete and mortar batching plant without complying with Condition 20 pursuant to planning permission ref: 06/01231/LTGDC.
LOCATION:	Trad Scaffolding Co. Ltd, Knights Road, Silvertown, E16 2AT

1. SUMMARY

1.1 The application seeks the removal of a condition restricting the use of the site for a concrete and mortar batching plant for a 10 year period until 11 April 2017. The condition was imposed by the Planning Committee on 8 February 2007 when it resolved to grant planning permission for use of the site for a concrete and mortar batching plant.

1.2 The Corporation's reason for granting a time limited planning permission was that the permanent use of the site would prejudice the regeneration objectives of the area as promoted in the Mayor of London Lower Lea Valley Opportunity Area Planning Framework (LLV OAPF) and the Borough's Royal Docks and Thameside West Area Action Plan Draft Preferred Options.

1.3 The site is being operated by Tarmac Ltd. and has replaced and consolidated already vacated 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 and the subject of compulsory purchase by the London Development Agency.

1.4 The application site is located within a Strategic Employment Location (SEL) and Principal Employment Location as defined in the London Plan and Unitary Development Plan. The London Plan also locates the area within the Lower Lea Valley Opportunity Area because of its potential to accommodate large scale development to provide a substantial amount of new employment and housing. To achieve this potential, the London Plan states that the location and extent of SELs within the Lower Lea Valley will need to be defined through a planning framework for this area to optimise the utility of the industrial offer and release surplus land for mixed use development.

1.5 The LLV OAPF locates the site within the Thameside West sub area. While the entire sub area is designated a SEL, the LLV OAPF distinguishes between the area of retained SEL and the area with potential for industrial land release. It is acknowledged that the latter will be the subject of further work and agreement between the strategic and local authorities. The London Development Agency (LDA) will shortly commission a brief, to be agreed with the Corporation, to prepare a masterplan for Thameside West. A strand of this work will be to agree the precise boundary of retained SEL as it applies to the land identified in the LLV OAPF.

1.6 When the Planning Committee resolved to grant a time limited planning permission the Corporation had not received the adopted LLV OAPF Thameside West sub area site plan. The sub area site plan identifies the area of retained SEL, the potential release of existing SEL and the area where the precise boundary of the retained SEL is to be defined. Therefore, the Planning Committee's decision was informed by the draft LLV OAPF sub area site plan (see appendix 2), which did not include a geographical interpretation of industrial land release and retention, and identified the entire sub area as having the potential for industrial land release.

1.7 The LLV OAPF identifies the land east of Lyle Park as appropriate for mixed use development and the majority of the land west of Lyle Park, focussed on and around the existing safeguarded wharves and established industries, to continue to be safeguarded as a SEL. The land in between these two areas is indicatively shown as the area within which the precise SEL boundary needs to be defined (see appendix 3). The application site is located outside this area of uncertainty and is flanked to the west by Tate and Lyle (golden syrup) and to the south by John Knight Ltd (animal rendering). The land to the west and south of Knights Road would provide a logical boundary to a retained SEL given that it accommodates, or is within close proximity of, established industrial uses and safeguarded wharves.

1.8 A planning permission that establishes the permanent use of the site for a concrete and mortar batching plant is not contrary to the Unitary Development Plan, London Plan or LLV OAPF land use designations and is unlikely to prejudice the outcome of the Thameside West masterplan. The application site is anticipated to remain within the SEL designation given its location west of Knights Road and proximity to established industrial uses and existing safeguarded wharves.

1.9 The guidance set out in Circular 11/95 states that it will rarely be necessary to give a temporary permission to an applicant who wishes to carry out development which conforms with the development plan. It is considered that this guidance, coupled with the land use designations adopted in the relevant policy documents, do not now justify the Corporation's decision to time limit the grant of planning permission.

1.10 The application is recommended for approval.

2. SITE AND PROPOSAL

2.1 Description of Site & Surroundings

2.1.1 The application site measures approximately 1.0 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 (see Appendix 1).

2.1.2 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.

2.1.3 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 factory and the application site to the north. The site has been the subject of a number of planning applications.

2.1.4 Peruvian Wharf 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.

2.1.5 A planning application to redevelop Peruvian Wharf with a mixed use development comprising an aggregate/cement facility, residential, retail, leisure and hotel uses and a river pier was considered at a public inquiry between February and July 2006. The Secretary of State dismissed both appeals on grounds that they would be contrary to planning policies seeking the use of safeguarded wharves for cargo handling activities and protecting designated industrial areas for industrial and employment generating uses. The Secretary of State also ruled that the proposals to provide new housing on the site would, given its location adjacent to existing industrial activities, result in poor living conditions in terms of noise and air quality.

2.16 On 21 June 2007 the Corporation resolved to grant planning permission subject to a s106 agreement for redevelopment of the western half of the area designated a safeguarded wharf for the importation and handling of aggregate, cement and powdered products to include the construction of a jetty and mooring dolphins, an aggregate processing plant and storage bays, a concrete batching plant, silos, an office and associated car parking and means of access.

2.17 On 13 August 2007 the Corporation refused planning permission for redevelopment of eastern half of the area designated a safeguarded wharf for a materials recycling facility (MRF) and container handling facility on grounds that the application would (1) be premature pending the preparation of the Joint Waste DPD for East London and prejudice its outcome, (2) result in an undue concentration in waste facilities in LB Newham, (3) represent an unnecessary interim stage in the recycling process involving significant lorry movements and (4) adversely affect the amenity of residents of the surrounding area by virtue of noise and disturbance from lorry movements.

2.2 Description of Proposal

2.2.1 The application seeks the removal of a condition restricting the use of the site for a concrete and mortar batching plant for a 10 year period until 11 April 2017. The condition was imposed by the Planning Committee on 8 February 2007 when it resolved to grant planning permission for use of the site for a concrete and mortar batching plant.

2.2.2 The 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 includes 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 is 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.

2.2.7 The proposed development is not considered to constitute 'EIA development' in accordance with Schedule 2, Paragraph 13 of the Town and Country Planning (Environmental Impact) Regulations 1999.

3. MAIN ISSUES

3.1 The main issue relates to the acceptability of the permanent use of the site as a concrete and mortar batching plant within recent planning decisions, the context of the wider planning policy and regeneration objectives emerging for the area and the guidance set out in Government Circular 11/95: Use of conditions in planning permission.

4. RELEVANT SITE HISTORY

11.4.07 Planning permission granted for the erection and operation of a combined concrete and mortar batching plant subject to conditions and a s106 agreement. The conditions included:

(20) The development hereby permitted shall be limited to a period of 10 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 continued use of the site as a concrete and mortar batching plant from prejudicing the regeneration objectives of the area in accordance with the 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.

5. CONSULTATIONS/NOTIFICATIONS

Greater London Authority (GLA)

5.1 The Mayor of London has not issued a Stage I report. It should be noted that following the Corporation's resolution to grant a temporary planning permission the Mayor of London issued a Stage II report expressed the view that the condition was unreasonable and without planning merit.

London Borough of Newham (LBN)

5.2 LBN objects to the application on grounds that it will compromise the Council's long term future regeneration aspirations for the area. LBN does not envisage a concrete and mortar batching plant as fulfilling the Council's long term regeneration objectives for this area.

6. APPLICATION PUBLICITY

6.1 Site Notice Expiry: n/a

6.2 Press Notice Expiry: 4/7/07

6.3 Neighbour Notification:

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

7. REPRESENTATIONS

7.1 One letter of objection has been received from the West Silvertown Village Community Foundation.

7.2 The owner of Peruvian Wharf has advised that they will submit representations in advance of the committee meeting. The representations will be considered in an addendum report.

Individual Comment

Response to Comment

1. Approval would undermine the regeneration of the site and the wider area.

Please refer to paragraphs 9.1 – 9.10

2. The use of the site without the time limit would have a detrimental effect on the evolution of planning policy for the area and its regeneration.

Please refer to paragraphs 9.1 – 9.10

8. RELEVANT PLANNING POLICY

8.1 Planning Policy Guidance

Circular 11/95: Use of conditions in planning permission
PPG4 Industrial and Commercial Development and Small Firms
PPS12 Local Development Frameworks

8.2 London Plan (February 2004)

Policy 2A.7 Strategic Employment Areas
Policy 3B.5 Strategic Employment Locations
Policy 5C.2 Opportunity Areas in East London

8.3 LBN Unitary Development Plan (June 2001)

Policy EMP1 Employment Growth
Policy EMP4 Principal Employment Areas
Policy EMP6 Principal Employment Areas

8.4 Other Relevant Planning Policies

Mayor of London Lower Lea Valley Opportunity Area Planning Framework (LLV OAPF) (January 2007)

8.4.1 The LLV OAPF was published by the Mayor of London in January 2007 after extensive consultation with the relevant London Boroughs and the Corporation. Although it does not form part of the Development Plan it represents the Mayor's strategic policy guidance for the Lower Lea Valley which he adopted pursuant to the Greater London Authority Act 1999, and, as such, is a document which should attract significant weight.

8.4.2 The Lower Lea Valley Opportunity Area Planning Framework (LLV OAPF) Thameside West sub region is identified for a combination of industrial land release and retention. The OAPF promotes the potential release of existing industrial land in the sub area subject to further work and agreement by the strategic and local authorities.

8.4.3 The draft LLV OAPF, which informed the Corporation's decision to grant a time limited planning permission, provided no indication as to the distribution of industrial land release and retention. The adopted LLV OAPF identifies the geographical extent of potential industrial land release and retention, and the area where the precise SEL

boundary is to be defined. The application site is located within the area identified as SEL.

London Borough of Newham Royal Docks and Thameside West Area Action Plan Draft Preferred Options (February 2006)

8.4.4 The draft LBN Royal Docks and Thameside West Area Action Plan identifies Thameside West as an 'Area of Change' and promotes housing growth and employment led regeneration through the release of 19.1 ha of existing industrial land.

8.4.5 The Corporation is advised by LBN that the Development Plan Documents forming part of its Local Development Framework will be withdrawn and revised. As such only limited weight can be attached to these documents.

9. ASSESSMENT OF MAIN ISSUES

Land Use

9.1 The application site is located within a Strategic Industrial Location (SEL) and Principal Employment Area as defined in the London Plan and the Unitary Development Plan, which together form the development plan. London Plan Policy 3B.5 supports the promotion and management of SELs. UDP Policy EMP4 supports the retention and expansion of industrial uses within Principal Employment Areas. Whilst the UDP identifies an Arc of Opportunity for the Stratford to Thameside section of the Lower Lea Valley to acknowledge regeneration potential of the area, 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 Policy 5C.2 of the London Plan identifies the Lower Lea Valley as an Opportunity Area and commits the Mayor to preparing planning frameworks for the area to inform UDP reviews and broader regeneration and community strategies and initiatives. The policy sub text states that the exact boundaries of the SELs in the Lower Lea Valley will need to be defined through the planning framework for this area to optimise the utility of the industrial offer and release surplus land for mixed-use development.

9.3 The Mayor of London Lower Lea Valley Opportunity Area Planning Framework (LLV OAPF) and LBN Royal Docks and Thameside West Area Action Plan Draft Preferred Options (RD & TW AAP) signal the emerging planning policy context. The LLV OAPF has been adopted pursuant to the London Plan and is a material consideration in the determination of the application. The RD & TW AAP is likely to be withdrawn and revised.

9.4 The site is located within the LLV OAPF Thameside West sub region which promotes a combination of industrial land retention and release. While the entire sub area is designated a SEL, the LLV OAPF indicates an area for potential industrial land release and an area where the precise SEL boundary is to be defined. The remainder of the sub area remains designated SEL. It is acknowledged that defining precise boundaries will require further work and agreement between the local and strategic authorities.

9.5 The LLV OAPF indicates that the land east of Lyle Park has the potential for release to mixed use development and that the SEL will be focussed around the existing safeguarded wharves and established industrial uses to the west. As a result the area between the two is identified as a zone where the precise SEL boundary is to

be defined. The application site is located outside this area and within the area identified as a SEL.

9.6 While the RD & TW AAP is afforded less weight, it is in general conformity with LLV OAPF as it identifies Thameside West as an 'Area of Change' with 19.1 hectares as suitable for release to non-industrial uses. The RD & TW AAP provides no indication as to the disposition of land uses within the 'Area of Change'.

9.7 The Secretary of State's decision following the Peruvian Wharf public inquiry, and recent planning decisions made by the Corporation, indicate the weight being attached to both development plan policies and those contained within emerging policy documents as they they apply to the area. The Secretary of State ruled that no policy documents are sufficiently advanced in respect of the site to counter the industrial designations adopted by the UDP and London Plan policy. Since then, the LLV OAPF has been adopted by the Mayor of London to provide a stronger indication of the approach to industrial land release and retention within Thameside West.

9.8 The Corporation's recent decision to grant planning permission for the redevelopment of the western half of Peruvian Wharf to provide a river served concrete and mortar plant is considered to be consistent with the Secretary of State's decision, and the approach advocated in the LLV OAPF, that such uses should be accommodated on safeguarded wharves and located primarily within the western part of Thameside West.

9.9 The Corporation's decision to refuse planning permission for redevelopment of the eastern half of the Peruvian Wharf to provide a materials recycling facility (MRF) and container handling facility was not on grounds that it could prejudice the outcome of further work to agree the precise SEL boundary. It was agreed that the principle of an industrial use in this location was in conformity with development plan.

9.10 Whilst some land within Thameside West is identified as requiring further work and agreement between the strategic and local planning authorities to establish precise SEL boundaries, the application site is located within an area where the policy position is considered largely defined. The application to establish a permanent industrial use of the site is not considered to be prejudicial to the regeneration objectives of the area.

Circular 11/95: Use of Planning Conditions in Planning Permission (1995)

9.11 There are six tests to be applied when considering the imposition of a planning condition. The Secretary of State takes the view that conditions should not be imposed unless they are both necessary and effective, and do not place unjustifiable burdens on applicants. Conditions should only be applied where they satisfy the following tests:

- i. necessary;
- ii. relevant to planning;
- iii. relevant to the development permitted;
- iv. enforceable;
- v. precise; and
- vi. reasonable in all other respects.

9.12 When considering the imposition of a condition granting a temporary permission Circular 11/95 requires the need for the following three factors to be taken into account:

1. it will rarely be necessary to give a temporary permission to an applicant who wishes to carry out development which conforms with the development plan.

2. it is undesirable to impose a condition requiring the demolition after a stated period of a building that is clearly intended to be permanent.
3. The material considerations to which regard must be had in granting any permission are not limited or made different by a decision to make the permission a temporary one.

9.13 The Circular states that these requirements will mean that a temporary condition will normally only be appropriate either where the applicant proposes temporary development, or when a trial run is needed in order to assess the effect of the development on the area. The applicant has not proposed a temporary permission and the effects of the development were considered acceptable by the decision to grant planning permission for the initial application.

In relation to short term term building or uses Circular 11/95 states that a temporary permission can be justified where planning circumstances are expected to change and that an application for a permanent use would normally be refused. As the application site is located outside the area identified in the LLV OAPF where the precise SEL boundary is to be defined, the planning circumstances as they apply to the site are not expected to change.

9.14 The use of the site for a concrete and mortar batching plant is in direct conformity with the development plan by virtue of the London Plan and Unitary Development Plan land use designations. The use is also in conformity with the distribution of land use being promoted in the LLV OAPF. The LLV OAPF, which forms part of and is in general conformity with the London Plan, and the TW AAP, both promote the principle of releasing industrial land to alternative uses in Thameside West. While the former makes explicit reference to the need for further work to take place to agree SEL boundaries, this does not apply to the area within which the application site is located.

9.16 The material considerations to which regard was had in granting planning permission were not limited or made different by the decision to grant a temporary permission. The noise and air quality impact of the development on the surrounding area are satisfactorily mitigated through the imposition of conditions and a s106 agreement.

9.17 The condition imposed limiting the use of the site for a concrete and mortar batching plant for 10 years from the grant of planning permission is not considered to meet the tests of Circular 11/95. On this basis, it is recommended that a refusal of planning permission cannot be justified.

10. CONCLUSION

10.1 The application seeks the removal of a condition imposed by the Corporation limiting the use of the site for a combined concrete and mortar batching plant for 10 years. The reason for imposing the condition was to allow the Corporation to consider the acceptability of a concrete and mortar batching plant on this site against the emerging planning and regeneration objectives for the area. This decision was informed by the draft Lower Lea Valley Opportunity Area Planning Framework (LLV OAPF) which located the application site within a broad area identified as having the potential for industrial land release.

10.2 The Unitary Development Plan and London Plan, which together comprise the development plan, locate the site within an area to be safeguarded for industrial land uses. The recently adopted LLV OAPF and draft Royal Docks and Thameside West

Area Action Plan promote a combination of industrial land retention and release.

10.3 The adopted LLV OAPF locates the application site within an area to be retained as SEL given the location of safeguarded wharves. The application site is located within an area of established industrial uses and within close proximity of the safeguarded wharves. On this basis the permanent use of the site for an industrial activity is considered to be in accordance with the emerging planning policy context.

10.4 The guidance set out in Circular 11/95 suggests that it will rarely be necessary to give a temporary permission to an applicant who wishes to carry out development which conforms with the development plan. The application is in accordance with the development plan and the LLV OAPF.

11. REASON FOR APPROVAL

The LTGDC's decision to grant planning permission was based on careful consideration of the relevant policies of the adopted London Plan, the London Borough of Newham Unitary Development Plan and other material considerations. In deciding to approve the application, the LTGDC did not find sufficient harm to outweigh its assessment of the London Plan, Unitary Development Plan and other material considerations in favour of the application.

The application to establish a permanent industrial use of the site is considered to be in accordance with Policy 3B.5 of the London Plan and Policy EMP4 of the Unitary Development Plan.

The use of the site for industrial activity is considered to be in accordance with the land use designation adopted in the Lower Lea Valley Opportunity Area Planning Framework, which locates the site within an area of retained SEL. The application site is surrounded by established industrial uses and within close proximity of safeguarded wharves.

12. RECOMMENDATION

12.1 The application is recommended for approval subject to the conditions set out below and the heads of terms of the s106 agreement pursuant to planning permission ref: 06/01231/LTGDC.

12.2 The committee is recommended that the application be delegated to the Director of Planning to approve for the reason set out in section 11 of the committee report subject to:

- a) any direction from the Mayor of London;
- b) a legal agreement securing the heads of terms of the s106 agreement pursuant to planning permission ref: 06/01231/LTGDC;
- c) the conditions set out below.

Conditions and Reasons

1. The development to which this permission relates must be commenced not later than the expiration of THREE YEARS from the date of this permission.

Reasons: To comply with the requirements of Section 91 of the Town and

Country Planning Act 1990.

2. All works are to be completed in accordance with drawing numbers SLV/501/A, SLV/502A and SLV/504C prepared by Tarmac and dated 23.5.06 and 19.1.07. No further drawings apply, unless otherwise approved in writing by the Local Planning Authority.

Reasons: To ensure that the development is undertaken in accordance with the approved drawing(s) and to protect the local amenity with regard to Policy EQ19 of the Unitary Development Plan and Policy 4B.1 of the London Plan.

3. 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.

4. 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 Development Plan.

5. 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.

6. 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

7. The delivery of aggregates, cement and lime 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. The concrete and mortar batching plant shall not be operated unless site sweeping facilities are made available and used as necessary 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.

14. The concrete and mortar batching plant shall not be operated unless an effective dust suppression system for the storage bays is installed and used as necessary 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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 (3), (5), (9), (10), (11) and (14) 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 (15) 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: Figure 4.15 of the draft Lower Lea Valley Opportunity Area Planning Framework

Appendix 3: Figure 4.15 of the adopted Lower Lea Valley Opportunity Area Planning Framework