

## Planning Committee: Addendum

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### London Thames Gateway Development Corporation

#### Agenda Item 5: Addendum

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<b>UDC CASE NUMBER:</b>	LTGDC-07-171-FUL	<b>DATE MADE VALID:</b>	01/10/2007
<b>APPLICATION NUMBER:</b>	07/01816/LTGDC/LBNM	<b>TARGET DATE:</b>	

<b>APPLICANT:</b>	Brett Aggregates Ltd, Colpy Ltd, Haworth Ltd
<b>AGENT:</b>	Davies Planning Ltd
<b>PROPOSAL:</b>	Tranship and distribute aggregates using sea-going vessels, utilising rear of the wharf for aggregate storage. loading and onward distribution and for cementitious powders import, storage and export. Construction and operation of a ready-mixed concrete batching plant and a dry silo mortar plant using aggregates and cementitious powders landed and handled. The bagging of aggregates.
<b>LOCATION:</b>	Peruvian Wharf (part), North Woolwich Road Silvertown London E16

#### 1. SUMMARY

1.1 This provides an update on representations received from local residents objecting to the application and statutory consultees. It is not considered that the representations received raise material planning considerations that justify changes to the recommendation, however additional conditions and an additional head of term in the S106 have been recommended.

1.2 As set out below, the Environment Agency have objected to the development on the basis of an inadequate Flood Risk Assessment. It is therefore recommended that the recommendation be amended to state that the application be approved subject to the resolution of the concerns expressed by the EA with regard to the Flood Risk Assessment in addition to the S106 agreement.

#### 2. DETAILS OF REPRESENTATIONS

2.1 Following preparation of the main report letters have been received from three local

residents and the Environment Agency, NATS, Natural England, National Grid, London City Airport and English Heritage.

2.2 The main points from local residents concern: noise, pollution, dust, traffic, too much heavy industry in the area; use incompatible with residential uses, isolation of residential community, landscaping and riverside walkway needed. Most of these points duplicate what is set out under section 7 “representation” of the main report and are responded to within Section 9.5 “impact on nearby properties” and 9.3 “traffic and access” of the main report. Regeneration of some areas for residential purposes might well seem to be at variance with the ‘heavier’ types of industries south of North Woolwich Road. However it has to be recognised that this is the result of different land use policies set out in Borough and GLA documents with the industrial aspects of safeguarded wharves being upheld by the Peruvian Wharf public inquiry decision. In these circumstances refusal of permission cannot be justified.

### 2.3 English Heritage

Archaeological priority area, redevelopment may affect arch remains, further field evaluation is required in line with ppg16. Recommending archaeological condition re

### 2.4 Environment Agency (EA)

The EA have objected to the development on the basis of an inadequate Flood Risk Assessment, and therefore, the EA are unable to undertake a full assessment of the development. They have advised that should a revised FRA be provided, their objection may be removed.

The FRA currently lacks:

- An adequate assessment of residual flood risk and any impacts on the flood defence wall.
- A workable solution for a drainage scheme that shows that an increased flood risk from surface water will be prevented.
- A flood warning and evacuation plan.

In the event that the application be approved, the EA have recommended conditions and informatives, however note that the conditions would not be substantive in themselves to justify such a development.

### 2.5 London City Airport (LCA)

LCA has requested that they are allowed more time in order to assess the application as LCA need to undertake their own consultation in terms of coming to an understanding as to whether the proposed development would constitute a hazard to air safety. LCA advise that the application should not proceed until the hazard assessment is completed. They further advise that proceeding with the determination of this application would be contrary to the advice of the LCA. It should be noted that with the previous aggregates application the LCA had no objection to the application except for comments on crane operation during construction, it is therefore recommended that relevant conditions are added regarding cranes.

### 2.6 Natural England

Natural England advise that the development would lend itself well to the provision of living roofs to replace Brownfield habitat. To emphasis on site biodiversity, Natural England advise that a biodiversity strategy be incorporated into the conditions of consent.

### 2.7 NATS (NERL Safeguarding)

The application does not conflict with NATS safeguarding criteria, with the possible exception of the wind turbines. NATS advise that this matter is being assessed separately and will be the subject of a further letter. Should NATS object to the inclusion of the wind turbines the S106 requires the details of an energy strategy to be submitted containing the details of the renewable energy and to ensure that at least 10% of the development's energy requirements are met through renewable energy. Other forms of renewable energy will therefore have to be explored at this stage.

### 2.8 National Grid

The risk of the proposed development on operation electricity and national gas transmission networks is negligible.

### 2.9 LBN Forward Planning

The site is safeguarded as a strategic industrial area and is fit for purpose. With regard to precedence and existing surrounding uses, the proposal is acceptable, subject to conditions and agreements that should be agreed with the London Thames Gateway Development Corporation.

### 2.10 LBN Environmental Health

At the time of writing the main report verbal comments only had been received, written comments have consequently been received regarding lorry movements and renewable energy. Revised conditions are recommended in light of these comments.

## **3. non regulation 19 information update**

3.1 At the time of writing the main report there was some discrepancy in the environmental statement and officers were awaiting written clarification on a number of points. Most of these had previously been verbally confirmed and are therefore taken into consideration in the main report:

- The applicant has now confirmed in writing the waste management proposals as outlined in section 2.4.1 of the main report.
- The applicant has also forwarded a copy of a contamination report for the site. Condition 11 is therefore carefully worded to ensure that the remediation strategy is carried out and the scheme must not compromise the existing remediation scheme.
- Written confirmation of the lorry movements required during the first two years of operation has now been received. Conditions 16 and 17 are therefore in place to ensure that these arrangements are time limited and not permanently in place.
- Hours of operation have been confirmed as being as being between 0700 and 1900 Monday to Friday and between 0700 and 1600 Saturday, with no operation on Sundays or public holidays.
- A parking plan has been submitted showing where lorry and car parking would be provided. LBN transportation officers have confirmed that these details appear acceptable however a condition is still proposed as further details regarding 'swept paths' is still required.
- Additional elevations for the office building have now been received and are considered acceptable.

## **4. ADDITIONAL CONDITION AND S106 HEAD OF TERM**

### **4.1 Proposed additional S106 item**

- An index linked financial contribution towards preparation/investigation and/or implementation of on street parking restriction or controlled parking zone in the local area including Dock Road.

## 4.2 Proposed additional/amended conditions

4.2 As the applicant has provided additional plans setting out the on site parking arrangements and physical appearance of the on site office, it is recommended that Condition 2 as set out within the agenda report is amended (see underlined text) as follows:

2. The development hereby approved shall only be undertaken in accordance with the Environmental Assessment dated September 2007, drawing numbers NLO7711/1.2, NLO7711/101, NLO7711/1.4A, NLO7711/1.4B, NLO7711/1.4C, NLO7711/1.4D, NLO7711/1.4E, NLO7711/10.1, Additional Plan 1 (LW/PW/25) and Additional Plan 2, and there shall be no departures from those details unless otherwise agreed by the Local Planning Authority in writing.

4.3 It is recommended that the following conditions be included in place of condition 18 as requested by the Council's Environmental Health Officer.

18. There shall be a maximum of 220 lorry movements per day (110 in and 110 out). The site shall keep a record of the lorry movements and make them available on request to the local planning authority.

Reason: to safeguard traffic conditions in the local area and to minimise the environmental impact of traffic generated by the development, in accordance with Policies T1, T2, and T3 of the London Borough of Newham Unitary Development Plan (adopted June 2001) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State.

4.4 It is recommended that Condition 15 (lorry movements hours of operation) be replaced with the following condition recommended by the Council's Pollution Control Officer:

20. No materials shall be delivered to or dispatched from the site except between the hours of 07:00 to 19:00 Monday to Friday and 07:00 to 16:00 Saturday and at no time on Sundays & public holidays unless otherwise agreed in writing by the LPA. This shall exclude the docking of vessels at the site provided that they are unloaded during the hours specified above.

4.5 It is recommended that the following conditions be included in place of condition 28 as requested by the LBN's Transportation Officer.

28. Prior to the commencement of work of any form, the developer shall submit to and seek approval in writing from the Local Planning Authority (in consultation with the Local Highway Authority), detailed designed drawings (including pedestrian and cycle facilities) and safety audits of the proposed access road to the application site as well as a detailed design of the internal layout of the development showing including details of parking provision.

Reason: To agree an acceptable vehicular access to the development to maintain pedestrian and vehicular safety in accordance with Policies T14, T19 of the London Borough of Newham Unitary Development Plan (adopted June 2001) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State, and London Plan Policy 3C.20

4.6 In accordance with advice provided by the Environment Agency, it is recommended that the following condition be reworded (as underlined).

33. Within 3 months of a substantive start being made on any development permitted herein, ~~Prior to commencement of any development within 16 metres of the river wall~~ a survey of the existing river wall to establish the landward extent, structural integrity and stability of the wall including needed intrusive investigation / testing and movement monitoring shall be submitted to and approved in writing by

the local planning authority. The scope and the details of the survey shall be agreed prior to its commencement.

4.7 In accordance with advice from the GLA and the Environment Agency, it is recommended that the following condition be added:

42. Notwithstanding the details shown on the submitted plans no approval is given to the landscaping of the site. Prior to implementation details shall be submitted to and approved in writing showing areas to be provided for brown habitats, areas allowed to revegetate and provision of habitat improvements on structures in the water. The approved details shall be implemented prior to occupation of the development and thereafter retained.

Reason: to ensure a satisfactory standard of external appearance of the development and to ensure that the surrounding landscape is satisfactory and of a high quality, in accordance with policies EQ15 and EQ21 of the London Borough of Newham Unitary Development Plan (adopted June 2001) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State, and Policy 4B.1 of the London Plan.

4.8 The following additional conditions have been requested by the EA and it is recommended that these be included:

44. Within 1 year of a substantive start being made on any development permitted herein a scheme of needed remedial works for the river wall will be submitted to and approved in writing by the local planning authority. The approved scheme will then be implemented in full before the site first comes into operation.

REASON: To ensure that the river wall construction is adequate for purpose and its life expectancy is, or is brought up to, the greater of 60-years or the lifetime of the development, in accordance with Policy EQ63 of the London Borough of Newham Unitary Development Plan (adopted June 2001) saved from the 27<sup>th</sup> September 2007 in accordance with the direction from the Secretary of State and Policy 4C.8 of the London Plan.

45. Before development commences details of a vehicular access route up to the flood defence river wall from the public highway for civil engineering plant will be provided.

REASON: To ensure adequate operational access to the tidal flood defences, to minimise flood risk, in accordance with Policy EQ63 of the London Borough of Newham Unitary Development Plan (adopted June 2001) saved from the 27<sup>th</sup> September 2007 in accordance with the direction from the Secretary of State and Policy 4C.8 of the London Plan.

47. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

REASON: Contaminated land has been identified on site and infiltration water would pose a risk to groundwater, in accordance with Policy EQ63 of the London Borough of Newham Unitary Development Plan (adopted June 2001) saved from the 27<sup>th</sup> September 2007 in accordance with the direction from the Secretary of State and Policy 4C.8 of the London Plan.

48. Piling or any other foundation designs using penetrative methods will not be

permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

REASON: Piling may act as pathway for contaminants into groundwater, in accordance with Policy EQ63 of the London Borough of Newham Unitary Development Plan (adopted June 2001) saved from the 27<sup>th</sup> September 2007 in accordance with the direction from the Secretary of State and Policy 4C.8 of the London Plan.

4.9 It is recommended that the following conditions be added as requested by the LBN's Transportation Officer.

49. Prior to commencement of construction of the development, the developer shall submit to and seek approval in writing from the Local Planning Authority (in consultation with the Local Highway Authority), finishes/specifications of all highway materials/surfaces.

Reason: To ensure that the access to and vehicle reticulation around the site is provided to a satisfactory standard in accordance with Policies T1 and T14 of the London Borough of Newham Unitary Development Plan (adopted June 2001) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State.

4.10 It is recommended that the following conditions be added in anticipation of comments from London City Airport:

50. prior to commencement of development, details of the method of construction, including details of the use, location and height of cranes and other plant and equipment or temporary structures, shall be submitted to and approved in writing by the local planning authority in consultation with the operator of London City Airport.

Reason: To ensure that the safeguarded areas for London City Airport are not infringed and do not impair the safety of aircraft operations.

#### **4.11 Proposed additional informatives**

4.12 It is recommended that the following informatives be included, at the request of the Council's Environmental Health Officer and the Environment Agency

18. The site should be accredited to ISO 14001 environmental management system within a period of six months from the plant becoming operational.

19. Under the terms of the Water Resources Act 1991 as amended by the Water Act 2003, an abstraction licence will normally be required from the Environment Agency for the abstraction (removal) of water (even temporarily) from any inland waters (rivers, streams, ditches, lakes, etc.) or underground strata (e.g. from a well, borehole or catchpit). The granting of a licence will be dependent on the availability of water resources locally and on the acceptability of any resulting impact on the environment and existing protected rights.

#### **EA ADVICE FOR APPLICANT Flood Defences**

As part of new development the EA seek to establish that the flood defences protecting the development are adequate for the lifetime of the development. A visual survey of the wall has been undertaken in recent years. However, this is not adequate to fully establish the condition of the structure. Some defects may require monitoring to see if ongoing movement is taking place.

**Dredging**

Prior to the commencement of any dredging works an assessment of the potential for the stability of the river walls to be affected must be submitted.

**Loading bays**

Vehicle loading or unloading bays and storage areas involving chemicals, refuse or other polluting matter should not discharge to the surface water system. Such areas should be surrounded by suitable liquid tight bunded compounds to prevent drainage from these areas discharging into the surface water system. Effluent from these areas should be discharged to the foul sewer if available subject to the approval of Thames Water Utilities or its sewerage agent. Areas involving oil storage should comply with the Oil Storage Regulations 2001.

**Large Underground Structures**

Large underground structures constructed below the water table may act as an obstruction to groundwater flows. Consequently, a building-up of groundwater levels may occur on the up-gradient side of such structures. Any drainage systems proposed for such structures should also be capable of allowing groundwater flows to bypass the structure without any unacceptable change in groundwater levels, or flow in groundwater-fed streams, ditches or springs.

**5. CONCLUSION**

5.1 The representations and comments have been considered with regard to the analysis in the report and in particular the relevant planning policies that relate to the site. On this basis, it is considered that the recommendation should be amended as outlined in paragraph 1.1 and that additional conditions and an additional S106 head of term should be added.

**CASE OFFICER:** Amanda Peck