Purpose of Report / Proposal

The purpose of this report is to set out the Officer recommendations to Strategic Development Committee regarding an application for planning permission relating to the following proposal.

Section 73 application to vary Condition 1 (Time Limited Consent) - to extend the use until 31st July 2024 attached to planning consent 17/02618/FUL dated 11/10/2017 which granted permission for:

Planning permission for time limited consent for the continued use of the site for waste recycling and material transfer and processing.

Recommendations

The Strategic Development Committee is asked to resolve to:

1. agree the reasons for approval as set out in this report; and

2. grant planning permission based on the Conditions listed in Appendix 1 and summarised below.
Conditions – Summary

A summary of the proposed condition is set out below. Please refer to Appendix 1 for the proposed conditions in full.

1. Time limited consent until 31st July 2024
2. Work to be completed in accordance with approved plans/documents
3. All operations to be in accordance with the approved Dust & Particulate Emission Management Plan and Working Plan
4. Operational development works shall be maintained throughout lifetime of development
5. Deposition, sorting and bulking of waste and recyclable material shall occur within the waste processing building
6. Height restrictions on storage of skips, cages, containers and equipment

NAME OF LEAD OFFICER: Amanda Reid
POSITION: Director of Planning and Development, Chief Planning Officer

Originator of report: Miss Sarah Odu
Tel no: 020 337 37480
E-mail address: sarah.odu@newham.gov.uk

Human Rights Act

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equalities

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.

Environmental Impact Assessment

For the purposes of this application, this proposal has been screened and assessed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and considered not to warrant the need for Environmental Impact Assessment.

Local Government (Access to Information) Act 1985
Background papers used in preparing this report:
- Planning Application
- Statutory Register of Planning Decisions
- Correspondence with Adjoining Occupiers
- Correspondence with Statutory Bodies
- Correspondence with other Council Departments
- National Planning Policy Framework
- London Plan
- Local Plan
- Other relevant guidance

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## PLANNING APPLICATION FACT SHEET

### The Site

<table>
<thead>
<tr>
<th><strong>Address</strong></th>
<th>Site 2 G And B Compressor Hire Ltd Thames Wharf Dock Road Silvertown London E16 1AF</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicant</strong></td>
<td>G &amp; B Compressor Hire Limited</td>
</tr>
<tr>
<td><strong>Ward</strong></td>
<td>Canning Town South</td>
</tr>
<tr>
<td><strong>Local Plan allocation</strong></td>
<td>Strategic Site S08: Thames Wharf Silvertown Crossing Safeguarding SIL Release</td>
</tr>
</tbody>
</table>

| **Conservation Area** | N/a |
| **Listed Building** | N/a |
| **Setting of Listed Building** | N/a |
| **Building of Local Interest** | N/a |
| **Tree Preservation Order** | N/a |
| **Flood Risk Zone** | Flood Zone 2 and 3 |
| **Other** | N/a |

### Non-residential Uses

<table>
<thead>
<tr>
<th><strong>Existing Use(s)</strong></th>
<th><strong>Existing Use / Operator</strong></th>
<th>Waste recycling and transfer business/ G &amp; B Compressor Hire Limited</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing Use Class(es) sqm</strong></td>
<td>3800sqm</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Proposed Use(s)</strong></th>
<th><strong>Proposed Use / Operator</strong></th>
<th>Waste recycling and transfer business/ G &amp; B Compressor Hire Limited</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Proposed Use Class(es) sqm</strong></td>
<td>3800sqm</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Employment</strong></th>
<th><strong>Existing number of jobs</strong></th>
<th>20</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Proposed number of jobs</strong></td>
<td>20</td>
<td></td>
</tr>
</tbody>
</table>

### Public Consultation

| **Number of properties consulted** | 152 |
| **Expiry of consultation period** | 5th August 2019 |
| **Number of responses** | 0 |
| **Number in support** | 0 |
| **Number of objections** | 0 |
| **Number of other representations (neither objecting or supporting)** | 0 |
1.0 SITE & SURROUNDINGS

1.1 The site is located within the Thames Wharf strategic industrial location (SIL) according to the Local Plan Policies Map. Thames Wharf is named as 1 of 4 safeguarded wharfs to be consolidated in order to facilitate a transition from industrial to mixed use areas within Thames Wharf and Lyle Park West.

1.2 The land is currently used for the purposes of waste recycling and material transfer and processing. The site has a total area of approximately 0.38ha. The site forms part of the Silvertown Crossing Safeguarding Area.

1.3 On 4th January 2007 planning permission was granted at the site under reference 06/01657/LTGDC (to the wider site known as ‘Site North of Thames Wharf’) to provide accommodation for 4 No. waste recycling and transfer businesses, including construction of buildings for materials processing and other related works. On 23rd June 2014 an application under reference 14/00551/VAR for the variation of ‘condition 2’ (time limits) attached to planning permission 06/01657/LTGDC was approved granting an extension of the time limited consent until 31st July 2017.

1.4 Following the expiry of planning permission ref: 14/00551/VAR on 31st July 2017, the applicant sought planning permission relating solely to the activities at site 2 G and B Compressor Hire Ltd. On 11th October 2017 planning permission was granted under ref: 17/02618/FUL for the continued use of the site for waste recycling and material transfer and processing. The permission was time limited for a period of 2 years to coincide with the delivery of the Silvertown Crossing.

1.5 Vehicular access to the site is from Dock Road. The surrounding area is primarily industrial in nature, with surrounding uses including but not limited to waste recycling and transfer facilities, concrete batching plants, safeguard wharf facility and office and business units.
2.0 PROPOSAL

2.1 This application seeks to vary condition 1 attached to planning permission ref: 17/02618/FUL for the continued use of the land for the purpose of waste recycling and material transfer and processing until 31st July 2024.

2.0 In terms of the existing use of the site, the company’s primary activities include the sorting and recovery of inert, non-hazardous and non-putrescible construction, demolition and commercial and industrial waste for onward distribution to specialist recycling facilities and disposal sites.

2.1 The Council expects all sites of this nature to work towards the delivery of industry best available techniques (BATs) to ensure the environmental impacts arising from the use are kept to a minimum. To ensure BATs were complied with a number of conditions were attached to application ref: 17/02618/FUL, it is confirmed within the planning statement that all conditions attached to the previous consent have been complied with.

2.2 Planning practice guidance advises that it is rarely permissible to grant a second temporary consent at an application site unless there are special circumstances. In this instance the site has been granted several time limited consents which the Council considers to be appropriate noting that the site is located within an area designated for SIL release and falls within the Silvertown crossing safeguarding zone and thus will need to cease operations once the Silvertown crossing works commence. Officers therefore consider the issuing of another temporary consent appropriate in this instance.
3.0 RELEVANT HISTORY

3.1 Planning Application History

3.2 A summary of the relevant planning application history is set out in the table below:

<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>17/02618/FUL</td>
<td>Planning permission for time limited consent for the continued use of the site for waste recycling and material transfer and processing.</td>
<td>Application Approved</td>
</tr>
<tr>
<td>14/00551/VAR</td>
<td>Variation of Condition No. 2 attached to planning permission 06/01657/LTGDC (temporary change of use and development to provide accommodation for 4 No. waste recycling and transfer businesses, including construction of buildings for materials processing, fleet vehicle and equipment maintenance, offices and staff welfare, provision of external storage areas for materials and equipment, and other related works) to replace existing planning permission expiry date of 31 July 2014 to expiry date of 31 July 2017. After this date, the uses shall cease, all associated buildings and structures shall be removed from the site and the land reinstated in accordance with a restoration scheme to be submitted to and approved in writing by the local planning authority.</td>
<td>Application Approved</td>
</tr>
<tr>
<td>06/01657/LTGDC</td>
<td>Temporary change of use and development to provide accommodation for 4 No. waste recycling and transfer businesses, including construction of buildings for materials processing, fleet</td>
<td>Application approved</td>
</tr>
</tbody>
</table>
3.3 Planning Enforcement History

3.4 A summary of the relevant planning enforcement history is set out in the table below:

<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>16/01513/ENFC</td>
<td>Failure to discharge planning conditions attached to 06/01657/LTGDC as varied by 14/00551/VAR</td>
<td>Pending consideration</td>
</tr>
</tbody>
</table>

3.5 Planning Appeal History

3.6 A search revealed there is no appeal history relevant to the application site.
4.0 CONSULTATION

4.1 Application Publicity

4.2 Site Notice erected on Dock Road on 26th July 2019, expiring on 16th August 2019.


4.4 The application was advertised as a major application.

4.5 A total of 152 consultation letters were sent to neighbouring properties regarding this application on 15th July 2019. The public consultation period expired on 5th August 2019.

4.6 Adjoining Properties

<table>
<thead>
<tr>
<th>Number of Letters Sent</th>
<th>0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Responses Received</td>
<td>0</td>
</tr>
<tr>
<td>Number in Support</td>
<td>0</td>
</tr>
<tr>
<td>Number of Objections</td>
<td>0</td>
</tr>
<tr>
<td>Number of other Representations (neither objecting or supporting)</td>
<td>0</td>
</tr>
</tbody>
</table>

4.7 A total of 0 responses were received from adjoining occupiers, comprising 0 in support and 0 objecting to the application.

4.8 Statutory and Non Statutory Consultation

4.9 The following consultations have been undertaken:

- LBN Environmental Health - Pollution General
- LBN Transportation
- LBN Regeneration
- LBN Landscape Architects
- Highways Team
- LBN CIL (Community Infrastructure Levy) Officer
- Building Control Service
- LBN Waste Management
- Lead Local Flood Authority
- Crossrail Ltd
- DLR Planning Consultation
- Greater London Authority
4.10 **External Consultation**

4.11 A summary of the consultation responses received along with the Officer comments are set out in the Table below.

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>Transport for London</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Date received:</strong></td>
<td>13(^{th}) August 2019</td>
</tr>
<tr>
<td><strong>Summary of consultation response:</strong></td>
<td>No objection</td>
</tr>
<tr>
<td><strong>Officer comments on consultation response:</strong></td>
<td>N/a</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>Network Rail</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Date received:</strong></td>
<td>31(^{st}) July 2019</td>
</tr>
<tr>
<td><strong>Summary of consultation response:</strong></td>
<td>No comment</td>
</tr>
<tr>
<td><strong>Officer comments on consultation response:</strong></td>
<td>N/a</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>Port of London Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Date received:</strong></td>
<td>17(^{th}) July 2019</td>
</tr>
<tr>
<td><strong>Summary of consultation response:</strong></td>
<td>No objection</td>
</tr>
<tr>
<td><strong>Officer comments on consultation response:</strong></td>
<td>N/a</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>Historic England’s Greater</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Date received:</strong></td>
<td>22(^{nd}) July 2019</td>
</tr>
<tr>
<td><strong>Summary of consultation response:</strong></td>
<td>No comment</td>
</tr>
<tr>
<td><strong>Officer comments on consultation response:</strong></td>
<td>N/a</td>
</tr>
</tbody>
</table>
Consultee: Metropolitan Police
Date received: 17th July 2019
Summary of consultation response: No comment
Officer comments on consultation response: N/a

4.12 Internal Consultation

4.13 A summary of the consultation responses received along with the Officer comments are set out in the Table below.

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Local Lead Flood Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>25th July 2019</td>
</tr>
<tr>
<td>Summary of consultation response:</td>
<td>No objection</td>
</tr>
<tr>
<td>Officer comments on consultation response:</td>
<td>N/a</td>
</tr>
</tbody>
</table>
5.0 PLANNING POLICIES AND GUIDANCE

5.1 The Local Development Plan comprises:

- the London Plan (the spatial development strategy for London consolidated with alterations since 2011 and published March 2016);


- the London Borough of Newham Local Plan (2018)


- the Joint Waste Development Plan for the East London Waste Authority Boroughs (adopted 27th February 2012);

5.2 Material weight has been given to the National Planning Policy Framework (Feb 2019) and the National Planning Practice Guidance..

5.3 The following policies are relevant to the assessment of this application:

5.4 National Planning Policy Framework (February 2019)


2.17 Strategic Industrial Locations
4.1 Developing London’s Economy
4.4 Managing Industrial Land and Premises
5.3 Sustainable Design and Construction
5.12 Flood Risk Management
5.13 Sustainable Drainage
5.14 Water Quality and Wastewater Infrastructure
5.20 Aggregates
5.21 Contaminated Land
4.12 Improving Opportunities for All
6.3 Assessing Effects on Development on Transport Capacity
6.12 Road Network Capacity
6.13 Parking
7.2 An Inclusive Environment
7.4 Local Character
7.6 Architecture
7.14 Improving Air Quality
7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
7.26 Increasing the use of the Blue Ribbon Network for freight Transport
7.30 London’s Canals and other rivers and water spaces

5.6 The London Plan: The Spatial Development Strategy for Greater London (Draft for public consultation December 2017) with minor suggested changes July 2019

D1 London’s form and characteristics
D2 Delivering good design
D3 Inclusive design
D13 Noise
E4 Land for industry, logistics and services to support London’s economic function
E5 Strategic Industrial Locations (SIL)
E6 Locally Significant Industrial Sites
E7 Intensification, co-location and substitution of land for industry, logistics and services to support London’s economic function
E11 Skills and opportunities for all
G6 Biodiversity and access to nature
S1 Beckton
S12 Minimising greenhouse gas emissions
S13 Energy infrastructure
S112 Flood risk management
S113 Sustainable drainage
T4 Assessing and mitigating transport impacts
T6 Car parking

5.7 London Plan Review

The Mayor of London’s Draft London Plan: The Spatial Development Strategy for Greater London (Consolidated changes version July 2019 incorporating Minor Suggested Changes – published in August 2018 and inclusive of Further Suggested Changes and Post Session Changes) is under Examination. Having regard to NPPF paragraph 48 the emerging document is a material consideration and appropriate weight will be given to its policies and suggested changes in decision-making, unless other material considerations indicate that it would not be reasonable to do so.

5.8 The London Borough of Newham Local Plan (2018)

S1 Spatial Strategy and Strategic Framework
S5 Beckton
SP1 Borough-wide Place-making
SP2 Healthy Neighbourhoods
SP3 Quality Urban Design within Places
SP8 Ensuring Neighbourly Development
J1 Business and Jobs Growth
J2 Providing for Efficient Use of Employment Land
J3 Skills and Access to Employment
SC1 Environmental Resilience
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>SC2</td>
<td>Energy &amp; Zero Carbon</td>
</tr>
<tr>
<td>SC3</td>
<td>Flood Risk &amp; Drainage</td>
</tr>
<tr>
<td>SC4</td>
<td>Biodiversity</td>
</tr>
<tr>
<td>SC5</td>
<td>Air Quality</td>
</tr>
<tr>
<td>INF2</td>
<td>Sustainable Transport</td>
</tr>
<tr>
<td>INF3</td>
<td>Waste and Recycling</td>
</tr>
</tbody>
</table>
6.0 THE COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATIONS 2010 (AS AMENDED)

6.1 From 1st of April 2019 Mayoral CIL2 (Permissions granted on or after 1 April 2019).

6.2 The Mayor has adopted a new Charging Schedule MCIL2, which came into effect 1st of April 2019. Like MCIL1, MCIL2 will be charged on all development except for education and health.

6.3 The Mayoral rate for Newham has increased within Band 3 to £25 per sqm from £20 per sqm.

6.4 The Mayoral CIL Charging Schedule (MCIL1) (adopted 2012) and the Section 106 Crossrail Funding from Planning Obligations Supplementary Planning Guidance (adopted 2016) is superseded by the revised MCIL Charging Schedule.

6.5 The Newham Community Infrastructure Levy is chargeable in line with the Newham CIL Charging Schedule, which came into effect on 1st January 2014.

6.6 The Newham Community Infrastructure Levy was adopted by full Council on 30th September 2013, which came into effect on 1st January 2014. The Newham CIL Charging Schedule per gross internal sq. m is as follows:

<table>
<thead>
<tr>
<th>Use Class</th>
<th>Charging Zone1 – Post codes E15 (exclusive of the LLDC area), E16 and E3 (part)</th>
<th>Charging Zone 2 – Post codes E6, E7, E12, E13 and IG11 (part)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>£80</td>
<td>£40</td>
</tr>
<tr>
<td>Retail</td>
<td>£30</td>
<td>£30</td>
</tr>
<tr>
<td>Office</td>
<td>£0</td>
<td>£0</td>
</tr>
<tr>
<td>Hotel</td>
<td>£120</td>
<td>£120</td>
</tr>
<tr>
<td>Industrial</td>
<td>£0</td>
<td>£0</td>
</tr>
<tr>
<td>Student Accommodation</td>
<td>£130</td>
<td>£130</td>
</tr>
</tbody>
</table>

6.7 Under Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended), the London Borough of Newham has published a list of infrastructure projects or types of infrastructure that it intends to be funded in whole or in part by the Newham CIL. This allows the continued use of planning obligations (S.106 agreements) for other projects or types of infrastructure. Individual developments will not be charged for the same items through S106 and CIL. The Newham Regulation 123 list can be viewed on the Council’s website.
7.0 ASSESSMENT

7.1 The key issues relevant to this application are:
- Principle of Development (7.2);
- Impact upon Amenity (Noise) (7.3);
- Air Quality and Dust Amelioration (7.4);
- Sustainable Transport (7.5);
- Flood Risk and Sustainable Drainage (7.6);
- Reasons for Approval (7.7)

7.2 Principle of Development

7.2.1 The NPPF outlines the need to support sustainable economic development to deliver business and industrial units that the country needs. It speaks of the importance of building a strong, responsive and competitive economy as part of one of the key objectives in achieving sustainable development.

7.2.2 Policy 4.1 in conjunction with Policy 4.4 of the London Plan seeks to promote and enable the continued development of a strong and sustainable economy through the delivery of employment opportunities and through the management of sufficient industrial land and premises to meet future needs. This is bolstered by Policy 2.17 which seeks to ensure that strategic industrial locations are promoted, managed and protected as London's main reservoirs of industrial capacity.

7.2.3 During the consideration of the application, Officers have given due regard to the emerging Draft London Plan: The Spatial Development Strategy for Greater London (Consolidated changes version July 2019 incorporating Minor Suggested Changes – published in August 2018 and inclusive of Further Suggested Changes and Post Session Changes). Policies E4, E5 and E7 of the emerging London Plan reiterate the broad aims of the aforementioned adopted policies. Emerging Policy E7 speaks of the need for development proposals to encourage the intensification of business uses in Use Classes B1c, B2 and B8 occupying all categories of industrial land through more efficient use of land through higher plot ratios having regard to operational requirements (including servicing) and mitigating impacts on the transport network where necessary.

7.2.4 Policy J1 and J2 of the Newham Local Plan (2018) seeks to achieve more efficient use of employment land to support economic growth sectors and encourage employment opportunities through retention of the most suitable locations for industrial type uses. Policy J2 defines strategic industrial locations (SIL) within the borough and subdivides those locations into Industrial Business Parks and Preferred Industrial Locations.

7.2.5 Policy J2 further states that designated SILs are suitable in principle for Use Classes B1(b) B1(c) B2, B8, light industrial, appropriate sui generis employment uses, with other supporting facilities including B1a uses, where
ancillary in scale and function. Policy S3 seeks the rationalisation of employment land within the Royal Docks to achieve considerably higher value employment uses and jobs density than currently exists, including a phased release of Strategic Industrial Locations (SIL) over the plan period in line with Policy J2.

7.2.6 The application site falls within the wider strategic site S08 (Thames Wharf) as outlined within Local Plan Policy S4. The land is currently designated SIL, but has been identified for release by Local Plan Policy J2 during the plan period to allow for the realisation of a mixed use site comprising employment, residential and leisure/tourism uses. The land is also subject to designation for the Silvertown Crossing safeguarding area. Further, Thames Wharf benefits from additional safeguarding as it is a protected wharf, in line with Policies J2, INF1, S3 and S4, this wharf will be consolidated along with 3 others into Peruvian and Royal Primrose Wharves through the managed intensification criteria; there will be no net loss in capacity or functionality of the wharves.

7.2.7 The application proposes a variation to condition 1 of planning permission ref: 17/02618/FUL in order to extend the time limited consent until July 2024. In principle the use of the site for waste recycling and material transfer and processing is supported noting the sites SIL allocation. Officers acknowledge that Thames Wharf is allocated for SIL release as such the proposed use does not align with the boroughs long term aspirations for the area however, it is considered that the proposal is acceptable as a meanwhile use noting its contribution to employment levels and borough productivity.

7.2.8 Whilst the application proposal clearly fails to align with the longer term aspirations for the area, its time limited nature would align with existing planning policy and neighbouring industrial uses. When considered together with the jobs retained, the current policy designation as a Strategic Industrial Location and its safeguarding for the Silvertown Crossing, it is considered that this application for time limited consent is acceptable in principle and would not prejudice the Council’s longer term regeneration aims of the Royal Docks.

7.2.9 Further, officers also note that whilst not a material planning consideration, the sites current lease agreement with the GLA provides for an early vacation of site should Silvertown crossing work commence at any time sooner than the proposed application extension date. The proposed extended time limit is therefore not considered to prejudice the long term aspirations for the area with respect to the boroughs strategic objectives and the Silvertown crossing. The principle of the development is therefore supported.

7.3 Impact upon amenity (Noise)

7.3.1 The NPPF through Chapter 15 speaks of the need of conserving and enhancing the natural environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise
pollution or land instability. Paragraph 180 outlines that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of the new development and that decisions support the mitigation and reduction of other adverse effects through the use of conditions. The NPPF does however concede that new development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

7.3.2 London Plan Policy 5.3 outlines as good practice that new development should demonstrate that sustainable design standards are integral to the proposal including its construction and operation and ensure that they are considered at the beginning of the design process and seek to minimise potential impacts associated with noise pollution. Policy 7.15 requires new development to manage noise by avoiding significant adverse noise impacts on the health and quality of life as a result of new development. The Policy further states that development proposals should ‘mitigate and minimise the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of businesses’. This is further reiterated in Policy D13 of the draft London Plan.

7.3.3 The overarching vision of the Newham Local Plan (2018) is to deliver high quality development which promotes the borough as a place to live, work and stay. Policy SP2 speaks of the need to improve employment levels and reduce poverty whilst attending to the environmental impacts of economic development including but not limited to noise. Taken in context this policy recognises that in addition to requiring developments to be of the highest quality, retrospective mitigation measures to reduce noise are also particularly important. Policy SP3 seeks to avoid the introduction of bad neighbour uses, these being defined as those activities that generate negative impacts that affect adjoining properties.

7.3.4 The site is located within a predominantly industrial location, with surrounding uses including but not limited to waste recycling and transfer facilities, concrete batching plants, a safeguarded wharf facility and office and business units. The nearest residential properties to the site include Western Beach Apartments and the Hoola tower blocks which are approximately 430m and 200m away respectively.

7.3.5 In terms of noise pollution, it is considered that the application would result in the provision of an appropriately sized and located industrial use when viewed in the context of the surrounding operators. The proposal would extend the time limit for a previously approved use at the site. Planning permission ref: 17/02618/FUL included operational works to reduce the impact of the operation on neighbouring amenity; these operational works were also conditioned requiring constant compliance. The submitted planning statement advises that the conditions attached to the consent have been
complied with in full; officers visited the site on 18th October 2019 and confirm that the conditions have been adhered to, these included the installation of PVC strip curtain and containing the operations relating to the deposition, sorting and bulking of waste and recyclable material within the approved building.

7.3.6 It is considered that the noise mitigation measures applied are sufficient to mitigate the likely loss of amenity noting the separation distance between the site and residential properties, it should also be noted that officers have received no complaints relating to site activities during the course of the application or between the previously consented scheme and the submission of the present application. The proposal is therefore considered acceptable with respect to its impacts on the neighbouring amenity subject to continual adherence to the previously attached conditions which will be also attached to the present proposal ref: 19/01962/VAR.

7.4 Air Quality and Dust Amelioration

7.4.1 The core principles within the NPPF seek that new development contribute to conserving and enhancing the natural environment and reducing pollution. It is noted that planning plays a key role in seeking the reduction in greenhouse gasses and encourages development in locations which has reduced carbon emissions. Paragraph 170 specifically speaks to the need for new and existing development to wherever possible help improve local environment conditions like such as air and water quality.

7.4.2 Policy 7.14 of the London Plan states that development proposals should be at least ‘air quality neutral’ and not lead to further deterioration of existing poor air quality (such as areas designated as Air Quality Management Areas (AQMAs). Policy 7.15 of the London Plan requires new development to manage noise by avoiding significant adverse noise impacts on the health and quality of life as a result of new development. These objectives are broadly reiterated within Policies SI1 and SI2 of the draft London Plan.

7.4.3 The Newham Local Plan through policies SP1, SP2 and SP3 seeks to deliver high quality development which respects, takes advantage of and enhances the positive elements and distinctive features of the borough whilst delivering development which creates healthier neighbourhoods and minimises the potential for ‘bad neighbour’ uses. Policy SP2 (Healthy Neighbourhood) specifically supports the need to improve Newham’s air quality, reduce exposure to airborne pollutants and seeks to ensure new developments deliver sustainable development. Further, Policy SP8 of the Local Plan proposals that demonstrate the need to avoid unacceptable exposure to dust, vibration and other amenity or health impacting pollutants in accordance with adopted policy SP2.

7.4.4 In terms of the existing use of the site, the company is permitted to accept, treat and transfer 52,000 tonnes of waste per annum, consisting of non-hazardous household, commercial and industrial waste in line with their EA Permit. The waste is processed on site and segregated into recyclable
components applying the Waste Hierarchy. Different material types are sent to appropriately permitted facilities for onward treatment or recovery with any residual wastes being disposed of to suitably permitted landfill / recycling sites.

7.4.5 The previously approved consent under ref: 17/02618/FUL included operational works to the site in order to achieve industry best available techniques (BAT). The works included the provision of a waste processing building with the installation of 400 x 4mm PVC strip curtain with 100% overlap in clamp brackets. The curtain comprises 2 No. side sections and 1 No. centre fringe to facilitate access to and egress from the building. The proposal also included a dust suppression system to the entrance of the waste processing building. These measures ensure adequate suppression of dust and airborne particulate, they also ensure the minimisation of dust escaping from the building in accordance with industry best available techniques.

7.4.6 Further to the above, the applicant has submitted a dust particulate emission management plan which was approved and conditioned for compliance under the previously consented scheme. The document provides a comprehensive management plans outlining working practice and techniques used to effectively manage dust and airborne particulate through appropriate dust suppression methods.

7.4.7 The documents include a number of suitable dust mitigation measures and good working practice guidelines to ensure dust generation is minimal from the site. These are including, but not limited to, the following dust amelioration measures:

- All operational areas of the site, both internal and external, are covered by well constructed concrete and/or hardstanding. Build-up of mud will be monitored and any occurrence will be recorded in the site diary and the mud immediately cleared. The hardstanding will be maintained to a good standard to avoid excessive rattle noise.
- The Site surface is cleaned regularly which reduces maintenance and repair costs. The site manager conducts daily inspections of the Site surface and will schedule repairs as and when necessary.
- All waste operations will take place in the main waste storage and processing building.
- Once a load has been accepted for deposit and is found to comply with the conditions of the waste management licence, the driver will be directed to deposit the waste in the waste reception area. The driver will deposit the waste in the allocated reception area within the main waste storage and processing building. The driver will then stow away any sheets or nets, clean any debris from the rear of the vehicle and wash of any heavy deposits of mud from the vehicle wheels. The vehicle will then leave site by the exit gate.
- All vehicles and containers parked or stored externally will be empty or will be enclosed/sheeted. All loaded vehicles will be sheeted to avoid litter nuisance. Site safety rules also state that all loads must be sheeted before leaving site.
• Water suppression with mist sprays have been implemented within inside the Waste Reception Building. The proposed plans also demonstrate the installation of a dust suppression system to the site entrance.
• Once every month the transfer area will be cleared of all waste and the empty area will be litter picked and power washed.

7.4.8 Officers note that the sites operations were conditioned to work in accordance with the dust particulate emission management plan which officers observed on the site visit of 18 October 2019. In addition to this, a further condition was attached relating to the stacking of skips, and containment of relevant site operations within the waste processing building. Given the sites continued operation for a further 5 years officers consider it necessary to attach conditions to this effect to this consent in order to safeguard the amenity and ensure the site operates to industry best available techniques.

7.4.9 With respect to providing an air quality neutral operation at the site in accordance with the London Plan, officers note that the site is regulated by the Environment Agency and benefits from a permit under ref: EAWML80780. As such in accordance with the Air Quality Neutral Guidance document, it is not appropriate for the Local Authority to enforce additional emissions legislations were the development is already controlled by the Environmental Permitting Regulations (EPR) as is the case in this instance. Officers are therefore satisfied that the appropriate regulatory authority in this instance is the EA and as such will not be requiring the applicant to produce documentation demonstrating an air quality neutral assessment.

7.4.10 Notwithstanding the above, officers consider the site to be operating to industry best available techniques which significantly reduces the sites impact to air quality and dust emissions; officers therefore consider the proposal acceptable in this regard with the continued compliance with the management plan and other mitigation measures which will be attached as conditions to this permission.

7.5 Sustainable Transport

7.5.1 The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. In particular it offers encouragement to developments which support reductions in greenhouse gas emissions and those which reduce congestion. It is also expected that new development will not give rise to the creation conflicts between vehicular traffic and pedestrians.

7.5.2 Policy 6.3 of the London Plan states that development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Policy 6.9 outlines that development should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards. Policy 6.13 of the London Plan seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport.
use and through the use of well considered travel plans aim to reduce reliance on private means of transport. The objectives as outlined within these policies are largely reiterated within policies T4, T5 and T6 of the Draft London Plan.

7.5.3 Policies SP2, SP8 and INF2 of the Councils Local Plan 2018 seek to secure a more sustainable pattern of movement in Newham, maximising the efficiency and accessibility of the Borough’s transport network on foot, cycle and public transport in order to reduce congestion.

7.5.4 Information submitted alongside application 17/02618/FUL provided the estimated number of vehicle movements per day within the site at 50 x two-way vehicle movements per day. The agent has confirmed that vehicle movements remain the same, as such, the application would not result in an increase in vehicular movements in comparison with the previously consented use, and is not considered to result in a detrimental impact on the capacity of the road network.

7.5.5 Furthermore, it is noted that the area is designated as a preferred industrial location, and the surrounding uses are industrial in nature. As such HGV movements make up the dominant traffic use of Dock Road. Overall, it is considered that the approval of the application would not have a significant impact on the capacity of the local highway network.

7.6 Flood Risk and Sustainable Drainage

7.6.1 The NPPF has a presumption in favour of sustainable development, as such all development consists of interdependent elements consisting of economic, social and environmental objectives. As such the NPPF recognises the importance of transitioning to a low carbon society taking full account of flood risk and coastal change. Chapter 14 of the NPPF advises that new development should increase the use and supply of renewable and low carbon energy and provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily.

7.6.2 Chapter 5 of the London Plan discusses the need for London to respond to climate change and the manner in which this will be undertaken. Policy 5.2 specifically discusses minimising carbon dioxide emissions by using less energy, being more efficient with energy that is used and using more renewable energy sources. This is further reiterated within Chapter 9 of the draft London Plan which discusses the importance of promoting green infrastructure and protecting the natural environment and Local Plan Policies SC1, SC2, SC3 and INF6 which primarily seeks to prioritise environmental resilience.

7.6.3 The application site is identified as within Flood Zones 2 and 3 indicating high probability of flooding. It is not considered that the proposal will result in any additional risk of flooding on site, given that the proposal would grant consent to an operating use. Officers note that a flood risk assessment was not
submitted with the present application however, the site operations will remain as per application ref: 17/02618/FUL as such the FRA submitted previously is still relevant; given that the flood risk was considered acceptable under the previous consent by the Environment Agency officers therefore consider it acceptable noting that no changes to the site operations are proposed.

7.6.4 The application is not proposing any changes to the existing surfacing, meaning that surface water runoff rates will not increase as a result of the application. The previously submitted working plan states that surface water runoff will pass through a silt trap and petrol interceptor prior to the point of discharge to the Royal Albert and Victoria Docks Cut. The drainage system is monitored regularly and cleaned when necessary. Officers note that the local lead flood authority (LLFA) have been consulted on the application and have no objection.

7.6.5 Overall, it is considered that the proposed development maintains the existing status quo and through existing on-site provisions adequately addresses the risk of surface water flooding. The proposal is therefore acceptable in this regard.

7.7 Reasons for Approval

7.7.1 The Council seeks to ensure that all new developments within the Royal Docks area bring forward development of the highest quality which actively deliver reductions to airborne pollution. The application seeks planning permission to extend consent for an industrial operation at this site as previously approved by 17/02618/FUL subject to the continued compliance with the operational improvements and Dust & Particulate Emission Management Plan and Working Plan. The time limited nature of the consent would ensure that the development would not prejudice delivery of the potential Silvertown River Crossing or the Council’s longer term regeneration aims for the Royal Docks. The proposal is therefore considered acceptable.

8.0 APPENDIX 1: CONDITIONS AND INFORMATIVES

Conditions

Red strikethrough = deleted Green = New Black = Retained from previous consent

ref: 17/02618/FUL

1. Time

The development hereby approved shall expire on 31st July 2019. On or before this date, the uses shall cease and all associated structures, equipment, vehicles and materials associated with the use shall be permanently removed from the site.

Reason: To ensure that the use of the land does not prejudice the wider spatial strategy for the area. The proposed development is only acceptable on
2. Approved Plans and Documents

The development hereby approved shall only be carried out in accordance with the approved plans and documents listed below:

- Drawing No. 3025 / P / 04 - ‘Plot Layout Plan: Site 2’ - Dated Sept 2006

No other drawings or documents apply.

Reason: To ensure that the development is undertaken in accordance with the approved drawing(s) and document(s) to ensure that the development satisfactorily protects the residential amenities of nearby occupiers.

3. The operations associated with the use of land for waste recycling and material transfer and processing hereby permitted, shall be undertaken at all times in accordance with the requirements of the G&B Compressor Hire Limited ‘Dust & Particulate Emission Management Plan’ - Version Number 1 - Dated: March 2017 and ‘Working Plan’ - Prepared by Ove Arup & Partners Ltd - Dated: June 2007

In addition to the above, copies of the G&B Compressor Hire Limited ‘Dust & Particulate Emission Management Plan’ - Version Number 1 - Dated: March 2017 and ‘Working Plan’ - Prepared by Ove Arup & Partners Ltd - Dated: June 2007 shall be displayed within the site office and training shall be provided to all on-site staff.

Reasons: To safeguard the amenity of neighbouring premises through the delivery of best practice infrastructure to prevent and minimise air pollution affecting the wider environment.

4. Installation of The PVC strip curtain as installed and as shown on Drawing No. B89671/2 - ‘Proposed Plans, 3 Scarab Close, Canning Town E16 1DF’ - Revision A - Dated July 2017 and:

- Installation of The 'sprinkler - dust suppression at front' as installed and shown on Drawing No. B89671/2 - ‘Proposed Plans, 3 Scarab Close, Canning Town E16 1DF’ - Revision A - Dated July 2017
- Shall be completed within three months of the date of this permission and retained fully for the duration of the use.

Reasons: To safeguard the amenity of neighbouring premises and to prevent and minimise air pollution affecting the wider environment.
5. All deposition, sorting and bulking of waste and recyclable material shall occur within the approved waste processing building as shown on Drawing No. 3025 / P / 04 - 'Plot Layout Plan: Site 2' - Dated Sept 2006

Reasons: In order to minimise the risk of odour and dust from exiting the building and crossing the site boundary and to reduce noise and disturbance in the interest of neighbouring amenity.

6. All storage of skips, cages, containers and equipment shall be statically stockpiled and shall not exceed a height greater than 4 metres when measured from adjacent ground level.

Reason: To minimise the visual impact of the development and in the interests of visual amenity

Informatives

1. In dealing with this application, Newham Council has implemented the requirements of the National Planning Policy Framework and of the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 to work with the applicant in a positive and proactive manner. As with all applicants, we have made available detailed advice in the form of our statutory policies in the Core Strategy/ Unitary Development Plan, Supplementary Planning documents, and all other Council guidance, as well as offering a full pre-application advice service, so as to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably.

2. The proposed activities associated with the application will be subject to the requirements of the Environmental Permitting (England and Wales) Regulations 2016. The Regulations require the operator (i.e. the person/company who wishes to carry out the prescribed activity) to apply to the relevant regulating authority for an operating permit.

3. For the purpose of the regulations, the Local Authority or the Environment Agency regulates such installations. Carrying out a prescribed activity without an operating permit is an offence under the above regulations. The applicant is advised to contact the Pollution Control Unit on 020 8430 2000 for information and advice. See also www.defra.gov.uk and www.environment-agency.gov.uk
9.0 APPENDIX 2: PROPOSED PLANS AND IMAGES