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 and removal of condition 4 (Installation of PVC curtain and high level dust suppression system) attached to planning consent 17/02617/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 working plan and dust and odour management plan
4. The operational development works shall be completed within three months
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
# PLANNING APPLICATION FACT SHEET

## The Site

<table>
<thead>
<tr>
<th><strong>Address</strong></th>
<th>Site 4 Docklands Waste Recycling Ltd Thames Wharf Dock Road Silvertown London E16 1AF</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicant</strong></td>
<td>Docklands Waste Recycling 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>
<tr>
<td><strong>Conservation Area</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Listed Building</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Setting of Listed Building</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Building of Local Interest</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Tree Preservation Order</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Flood Risk Zone</strong></td>
<td>Flood Zone 2 and 3</td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td>N/A</td>
</tr>
</tbody>
</table>

## Non-residential Uses

<table>
<thead>
<tr>
<th><strong>Existing Use(s)</strong></th>
<th><strong>Existing Use / Operator</strong></th>
<th><strong>Existing Use Class(es) sqm</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Docklands Waste Recycling Ltd.</td>
<td>Waste recycling and transfer business/ Docklands Waste Recycling Ltd.</td>
<td>4500sqm</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Proposed Use(s)</strong></th>
<th><strong>Proposed Use / Operator</strong></th>
<th><strong>Proposed Use Class(es) sqm</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Docklands Waste Recycling Ltd.</td>
<td>Waste recycling and material transfer and processing / Docklands Waste Recycling Ltd.</td>
<td>4500sqm</td>
</tr>
</tbody>
</table>

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

## Public Consultation

<table>
<thead>
<tr>
<th><strong>Number of properties consulted</strong></th>
<th>152</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Expiry of consultation period</strong></td>
<td>18th August 2019</td>
</tr>
<tr>
<td><strong>Number of responses</strong></td>
<td>0</td>
</tr>
<tr>
<td><strong>Number in support</strong></td>
<td>0</td>
</tr>
<tr>
<td><strong>Number of objections</strong></td>
<td>0</td>
</tr>
<tr>
<td><strong>Number of other representations (neither objecting or supporting)</strong></td>
<td>0</td>
</tr>
</tbody>
</table>
1.0 SITE & SURROUNDINGS

1.1 The land is currently used for the purposes of waste recycling and material transfer and processing. The site has a total area of approximately 0.45ha. The site forms part of the Silvertown Crossing Safeguarding Area.

1.2 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.

1.3 Following, the expiry of application ref: 14/00551/VAR on 31st July 2017, the applicant sought planning permission relating solely to the activities at site 4 relating to Docklands Waste Recycling Ltd. On 11th October 2017 planning permission was granted under ref: 17/02617/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.

1.4 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. The nearest residential properties to the site are the Hoola tower blocks.
2.0 PROPOSAL

2.1 This application seeks to vary condition 1 attached to planning permission ref: 17/02617/FUL for the continued use of the land for the purpose of waste recycling and material transfer and processing until 31st July 2024 and the removal of condition 4 which relates to the installation of a PVC curtain and high level dust suppression system.

2.2 In terms of the existing use of the site, the company has downscaled its operation from the site since the previous consented use. The applicant has been granted a waste exemption by the Environment Agency which confirms their operations are very limited at the site and such are not significant enough to warrant a permit.

2.3 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>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 vehicle and equipment maintenance, offices and staff welfare, provision of external storage areas for materials and equipment, and other related works.</td>
<td>Decision Issued 04.01.07</td>
</tr>
<tr>
<td>06/01790/FUL</td>
<td>Temporary use of land for skip storage and distribution, equipment storage and ancillary uses for a temporary period expiring 31 August 2007.</td>
<td>Application Approved</td>
</tr>
<tr>
<td>07/00116/LTGDC</td>
<td>Approval of details pursuant to Condition 18 (acoustic report) (part) attached to planning permission reference 06/01657/LTGDC granted 04/01/2007.</td>
<td>Application Approved dated</td>
</tr>
<tr>
<td>07/00117/LTGDC</td>
<td>Approval of details pursuant to Condition 19 attached to planning permission reference 06/01657/LTGDC granted 04/01/2007, for temporary extended working hours for demolition / construction / building works.</td>
<td>Application Approved</td>
</tr>
<tr>
<td>07/00118/LTGDC</td>
<td>Application for partial discharge of Condition 15 (Site 1 Ground Contamination Quantitative Risk Assessment) attached to planning permission reference 06/01657/LTGDC granted 04/01/2007.</td>
<td>Application Approved</td>
</tr>
<tr>
<td>07/00115/LTGDC</td>
<td>Approval of details pursuant to Condition 22 (Code of Construction)</td>
<td>Application Approved</td>
</tr>
</tbody>
</table>

London Borough of Newham
<table>
<thead>
<tr>
<th>Reference</th>
<th>Application Details</th>
<th>Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>07/00119/LTGDC</td>
<td>Application to discharge Condition 4 (Archaeology) attached to planning permission reference 06/01657/LTGDC granted on 04/01/2007.</td>
<td>Application Approved</td>
</tr>
<tr>
<td>07/00385/LTGDC</td>
<td>Application for partial discharge of Condition 24 (Details of Site 1 Buildings) attached to planning permission reference 06/01657/LTGDC granted on 04/01/2007.</td>
<td>Application Approved</td>
</tr>
<tr>
<td>07/00384/LTGDC</td>
<td>Application for partial discharge of Condition 27 (Assessment of Impact on Cycle Route on Dock Road) attached to planning permission reference 06/01657/LTGDC granted on 04/01/2007.</td>
<td>Application Approved</td>
</tr>
<tr>
<td>07/00386/LTGDC</td>
<td>Application for partial discharge of Condition 15 (Sites 2,3 and 4 Ground Contamination Quantitive Risk Assessment) attached to planning permission reference 06/01657/LTGDC granted on 04/01/2007.</td>
<td>Application Approved</td>
</tr>
<tr>
<td>07/00561/AOD</td>
<td>Approval of details of Condition 16 (Site 1 - Foul and surface water drainage details) attached to Planning Permission reference 06/01657/LTGDC granted on 04/01/2007.</td>
<td>Application Approved</td>
</tr>
<tr>
<td>07/00563/LTGDC</td>
<td>Approval of details of Conditions 7 (Landscaping) and 11 (ecological management plan) attached to Planning Permission reference 06/01657/LTGDC granted on 04/01/2007.</td>
<td>Application Approved</td>
</tr>
<tr>
<td>07/01225/AOD</td>
<td>Application for discharge of Condition 23 (Partial approval only) (Provision of Air Quality Monitoring System) attached to planning permission reference 06/01657/LTGDC granted on 04.01.07.</td>
<td>Application Approved</td>
</tr>
<tr>
<td>07/01226/AOD</td>
<td>Application for discharge of Condition 6 (Wind turbine feasibility study) attached to planning</td>
<td>Application Approved</td>
</tr>
<tr>
<td>Application Reference</td>
<td>Description</td>
<td>Status</td>
</tr>
<tr>
<td>-------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>07/01396/LTGDC</td>
<td>Variation of condition 17 (operational hours) attached to planning permission 06/01657/LTGDC granted 04/01/2007.</td>
<td>Application Approved</td>
</tr>
<tr>
<td>07/01395/LTGDC</td>
<td>Application for partial discharge of Condition 24 (design, form and materials of buildings sites 2, 3 and 4) attached to planning permission 06/01657/LTGDC granted on 04/01/2007.</td>
<td>Application Approved</td>
</tr>
<tr>
<td>07/01498/AOD</td>
<td>Approval of details pursuant to Condition 15 (contaminated land verification report) (part - Site 1 only) attached to planning permission reference 06/01657/LTGDC granted 04/01/2007.</td>
<td>Application Approved</td>
</tr>
<tr>
<td>07/01855/LTGAOD</td>
<td>Approval of details pursuant to Condition 25 (river transport) attached to planning permission 06/01657/LTGDC granted on 04/01/2007.</td>
<td>Application Approved</td>
</tr>
<tr>
<td>07/02062/LTGAOD</td>
<td>Approval of details pursuant to condition 15 (c) (sites 2, 3 and 4 verification report) attached to planning permission 06/01657/LTGDC granted on 04/01/2007.</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</td>
<td>Application Approved</td>
</tr>
</tbody>
</table>
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.

14/02088/AOD  Approval of details pursuant to Condition 31 (foul and surface water disposal scheme) and Condition 32 (condition survey and detailed method statement for remedial works to the flood defence) attached to planning permission 14/00551/VAR dated 23rd June 2014.  Pending Consideration

14/02701/AOD  Approval of details pursuant to Condition 28 (Travel plan) attached to planning permission 14/00551/VAR dated 23rd June 2014.  Application Approved

14/02988/AOD  Approval of details pursuant to Condition 29 (Full details of an enclosure plan) attached to planning permission 14/00551/VAR dated 23rd June 2014.  Pending Consideration

15/01084/AOD  Approval of details pursuant to condition 29 (enclosure plan) of planning approval 14/00551/VAR dated 23.06.2014 (Unit 3)  Pending Consideration

17/02617/FUL  Planning permission for time limited consent for the continued use of the site for waste recycling and material transfer and processing.  Application Approved

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>Related to Site North of Thames Wharf</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14/02088/ENFC</td>
<td>Breach of Condition 29 of the planning permission reference 14/00551/VAR</td>
<td>Case Closed</td>
</tr>
<tr>
<td>Site 4 Docklands Waste Recycling Ltd Thames Wharf Dock Road Silvertown London E16 1AF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>09/00141/ENFB</td>
<td>Extension to shed built without planning permission and breach of conditions.</td>
<td>Case Closed</td>
</tr>
<tr>
<td>11/00702/ENFA</td>
<td>Untidy appearance of waste</td>
<td>Case Closed</td>
</tr>
</tbody>
</table>

London Borough of Newham
| transfer station | 16/01515/ENFC | Failure to discharge planning conditions attached to 06/01657/LTGDC as varied by 14/00551/VAR | Case Closed |

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. The public consultation period expired on 14th August 2019.

4.6 Adjoining Properties

<table>
<thead>
<tr>
<th>Number of Letters Sent</th>
<th>152</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
Highways Team
LBN Landscape Architects
LBN CIL (Community Infrastructure Levy) Officer
LBN Regeneration
Building Control Service
LBN Waste Management
Lead Local Flood Authority
Crossrail Ltd
Custom House Community Association
DLR Planning Consultation
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>Summary of consultation response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crossrail</td>
<td>No comment</td>
</tr>
<tr>
<td>Metropolitan Police</td>
<td>No further comments to make on the application other than those made for ref: 17/02617/FUL.</td>
</tr>
<tr>
<td>Port London Authority</td>
<td>No objection</td>
</tr>
<tr>
<td>Natural England</td>
<td>No comment</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Officer comments on consultation response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crossrail</td>
<td>N/a</td>
</tr>
<tr>
<td>Metropolitan Police</td>
<td>N/a</td>
</tr>
<tr>
<td>Port London Authority</td>
<td>N/a</td>
</tr>
<tr>
<td>Natural England</td>
<td>N/a</td>
</tr>
</tbody>
</table>
### 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><strong>Date received:</strong></td>
<td>25th 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>Environmental Health</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Date received:</strong></td>
<td>1st October 2019</td>
</tr>
<tr>
<td><strong>Summary of consultation response:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Officer comments on consultation response:</strong></td>
<td></td>
</tr>
<tr>
<td>No objection</td>
<td></td>
</tr>
<tr>
<td>Officer comments on consultation response:</td>
<td></td>
</tr>
<tr>
<td>N/a</td>
<td></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
SI1 Improving air quality
SI2 Minimising greenhouse gas emissions
SI3 Energy infrastructure
SI12 Flood risk management
SI13 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
Site 4 Docklands Waste Recycling

SC2  Energy & Zero Carbon
SC3  Flood Risk & Drainage
SC4  Biodiversity
SC5  Air Quality
INF2  Sustainable Transport
INF3  Waste and Recycling
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 Zone 1 – 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 (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.

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7.2.3 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.

7.2.4 During the consideration of the application, Officers have given due regard to the emerging Draft London Plan: The Spatial Development Strategy for Greater London (Draft for Consultation December 2017 with minor suggested changes July 2019). 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.

7.2.5 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.
7.2.6 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.

7.2.7 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.

7.2.8 The application proposes a variation to condition 1 of planning permission ref: 17/02617/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.

7.2.9 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.

7.2.10 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. Further, the GLA has been consulted with respect to the planning application and they have confirmed that they have no objections to the proposed extended time limit. The proposed extended time limit is therefore not considered to prejudice the long-term aspirations for the area with respect to the borough’s strategic objectives and the Silvertown crossing. The principle of the development is therefore supported.

7.3 Impact upon amenity
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 272m and 257m 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 grant consent for an existing operation, which is of a reduced impact to neighbouring amenity than the previously consented use. The Dust and Odour Management Plan
contains details of a reporting and complaints response procedure, should complaints be received to the site. This procedure is outlined further within the Working Plan document, including the investigation and recording procedure for odour and noise complaints.

7.3.6 The Working Plan states that there will be physical monitoring of noise by the yard staff. Should noise become excessive, its source shall be identified and will either be corrected or controlled. Olfactory monitoring will also be undertaken at least once per day.

7.3.7 Noting the sites significant reduction in activities from 93,000 per annum to approximately 120 tonnes per day which equates to less than half the previous tonnage over a year; the Council is satisfied that the sites operation will not result in undue harm to the neighbouring amenity subject to strict adherence to the working plan and dust management plan. It should also be noted that the Councils Environmental Health department has been consulted on the application and has no objection to the proposal with respect to the continued use of the site and the removal of condition 4 which relates to the installation of a PVC curtain and an internal high level dust suppression system. The proposal is therefore considered acceptable in this regard.

7.3.8 Notwithstanding the above, should the operations of the site increase to a level which warrants the reinstallation of an EA waste permit to the site, this would be considered a material change in circumstances sufficient to warrant an application to the Council noting that condition 4 sought to safeguard the neighbouring amenity and a significant waste operation at the site without those controls outlined within the condition would be considered unacceptable as it fails to demonstrate best available techniques and safeguard the amenity of the site.

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 The officer’s report for application ref: 17/02617/FUL outlined that the applicant had significantly reduced its operation and was in the process of surrendering its environmental permit and applying for a waste exemption from the Environment Agency. The sites previous permit was for 93,000 tonnes per annum which warranted the need for conditions relating to dust suppression. The site has since significantly downscaled its operation and as such is seeking the removal of planning condition 4 attached to ref: 17/02617/FUL which relates to the installation of a PVC strip curtain and a high level dust suppression system. The planning agent has confirmed that currently the site manages 120 tonnes at any one time, which is a fraction of the sites previous operations.

7.4.5 Further to the above, officers have consulted the Environment Agency and no objections were raised with regard to the site usage. Further, officers visited the site on 18th October 2019 and note it was well maintained as can be seen from the site photo at appendix 2. Noting the significant downscale in the sites operations officers are supportive of the removal of condition 4 attached to ref: 17/02617/FUL. The proposal is therefore acceptable in this regard subject to continued adherence to the working plan and dust management plan.

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 Noting the sites downscaled operation there has been a reduction in vehicular movements since application ref: 17/02617/FUL the existing vehicle movements from the site are estimated at less than 50 x 2 way movements per day. Noting the reduction it is not considered the application would have 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. The proposal is therefore acceptable in this regard.

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. Officer’s note that the Environment Agency have objected to the proposal in relation to the flood risk on the basis that a flood risk assessment was not provided. The site is proposing no changes to its operation that would affect the flood risk to the site, officer’s note that a FRA was submitted under ref: 14/00551/VAR which would still be relevant to the
site noting there are no changes. Further, it should be noted that the EA raised no objections with respect to flood risk at the site under the previous application (ref: 17/02617/FUL) the use of which this application seeks to continue, as such officers consider the proposal to be acceptable and to have demonstrated through previous applications that appropriate measures are in place with respect to flood risk at the site.

7.6.4 With respect to sustainable drainage at the site 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 dust and odour emission management plan submitted under ref: 17/0617/FUL states that runoff water passes through a silt trap and a full retention interceptor before connecting to the sewer. Clean surface water runoff from areas with no waste storage also pass through a three-stage interceptor before discharge into the Royal Albert and Victoria Docks Cut.

7.6.5 Further the working plan goes on to state that the silt trap is checked regularly and is emptied as required. Both oil interceptors are checked on a six month basis and emptied either at this point or as required. Officers note that the local lead flood authority (LLFA) have been consulted on the application and have no objection.

7.6.6 Overall, it is considered the development proposed maintains the existing status quo and through existing on-site provisions adequately addressed the risk of surface water flooding.

7.7 Reasons for Approval/Refusal

7.7.1 Insert 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 17/02617/FUL subject to the continued compliance with the operational improvements and Dust 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: 17/02617/FUL

1. Time
The development hereby approved shall expire on 31st July 2024. 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 a time limited basis and in accordance with the provisions of section 72(2) of the Town and Country Planning Act 1990.*

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

- Drawing No. D9149/2 – ‘Proposed Plans Thames Wharf Dock Road Silvertown E16 1AF’ – Dated July 2017

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 Docklands Waste Recycling Limited ‘Working Plan’ – Version 1.3 - Dated: June 2015 and ‘Dust and Odour Management Plan’ – Prepared by Environmental Visage Ltd. – Issue: 2 - Dated: June 2015.

In addition to the above, copies of the Docklands Waste Recycling Limited ‘Working Plan’ – Version 1.3 - Dated: June 2015 and ‘Dust and Odour Management Plan’ – Prepared by Environmental Visage Ltd. – Issue: 2 - Dated: June 2015 shall be displayed within the 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 effecting the wider environment.*

4. The operational development hereby approved consisting of:

- Installation of PVC strip curtain as shown on Drawing No. D9149/2 – ‘Proposed Plans Thames Wharf Dock Road Silvertown E16 1AF’ – Dated July 2017
Installation of internal high level dust suppression as shown on Drawing No. D9149/2 – ‘Proposed Plans Thames Wharf Dock Road Silvertown E16 1AF’ – 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 06 – ‘Plot Layout Plan: Site 4’ – 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.

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

London Borough of Newham
9.0 APPENDIX 2: PROPOSED PLANS AND IMAGES