

**LONDON THAMES GATEWAY DEVELOPMENT CORPORATION**
**PLANNING COMMITTEE MEETING: June 21<sup>st</sup> 2007**
**Planning Application For Determination By The LTGDC**
**Report Of The Director Of Planning**

<b>UDC CASE NUMBER:</b>	LTGDC-06-046-PP	<b>DATE MADE VALID:</b>	<b>10/04/2006</b>
<b>APPLICATION NUMBER:</b>	06/00674/LTGDC/LBNM	<b>TARGET DATE:</b>	<b>05/06/2006</b>

<b>APPLICANT:</b>	Aggregate Industries Ltd
<b>AGENT:</b>	Scott Wilson
<b>PROPOSAL:</b>	Development of land for the importation and handling of aggregate, cement and other powdered products, to include: the construction of a jetty and mooring dolphins; the erection of an aggregate processing plant and storage bays; the erection of a concrete batching plant with 4No associated cement/powdered products silos; erection of a further 4No silos for cement storage bays; office; ancillary facilities; associated parking; creation of new means of access and other works incidental to the development of the site. This application is accompanied by an Environmental Statement.
<b>LOCATION:</b>	Plaistow and Peruvian Wharf North Woolwich Road Silvertown London

**1. SUMMARY**

This application was originally submitted in April 2006, and Newham Council decided to put forward a refusal recommendation to the London Thames Gateway Development Corporation. At the request of the applicant, and upon consultation with the LTGDC, the Council decided to defer its recommendation to allow the applicant to address the recommended reasons of refusal.

The principle of an aggregates and concrete batching facility using this safeguarded wharf was accepted by the Planning Committee in June 2006 when a report regarding representations to be submitted to a public inquiry regarding a residential led mixed use scheme on the entire site was considered. As Members are aware the appeal was subsequently dismissed.

It is considered that the application has now satisfactorily addressed the previous concerns/objections and subject to conditions and legal agreements, should be approved, subject to referral to the GLA.

## **2. SITE AND PROPOSAL**

### **2.1 Description of Site & Surroundings**

Peruvian Wharf is a large cleared site fronting the River Thames and part of it (approximately 35%) adjacent to the Thames is a safeguarded wharf. Two applications were submitted last year for the safeguarded area – one for aggregates/cement on the western half of the area (the subject of this report) and one for a materials recycling facility (MRF) on the eastern half which will be the subject of a separate report to a future meeting of this Committee.

### **2.2 Description of Proposal**

The full application, which is accompanied by an Environmental Statement, is for the construction of a jetty, open aggregates storage and processing, enclosed cement storage and a concrete batching plant, ancillary facilities and shared access road to North Woolwich Road with the adjacent MRF proposal. Provision of a jetty avoids dependence on the tides for berthing. The aggregates plant is towards the centre of the site which is fed by storage bays near the river with the cement hopper, conveyor and silos near the boundary with the proposed MRF site. Most production would take place from 6am – 5pm Monday to Saturday with only maintenance on Sundays.

The process involves delivery by river per annum of 850,000 tonnes, of mainly marine aggregates and 220,000 tonnes of cement. Aggregates are cleaned and separated into piles of sand and gravel. Cement is piped into silos. Most aggregates and cement are then taken off site to other storage facilities with the rest made up into concrete and delivered to construction sites. The new access road along with the safeguarded wharf area is the subject of a CPO by the LDA.

The site is bordered by industrial uses on both sides, the DLR adjacent to North Woolwich Road and Britannia residential village to the north of the road.

### **AMENDMENTS TO THE ENVIRONMENTAL STATEMENT**

The application has been accompanied by an Environmental Statement. The original statement was analysed by the relevant technical officers at Newham and the GLA as well as the Environment Agency and the PLA and certain issues identified which formed the basis of many of the objections last year. The key amendments to the original Environmental Statement and Application since then are detailed below.

#### **Landscape and visual**

The area along the raised bunker walls facing the Thames are to be planted in native species including ivy to screen the walls mitigating visual impacts.

#### **Water resources**

Risk to pollution minimised by containment and recycling of all surface water with excess water being filtered through an oil and silt interceptor prior to discharge into the Thames. A Construction Environmental Management Plan will be prepared to prevent pollution during construction.

#### **Flood Defences**

The applicant has reconfigured the site, with the location of the aggregate bays now further into the site to allow for maintenance of flood defences along the bank of the Thames and to address the EA's concerns regarding the structural integrity on the river defences.

#### Noise and vibration

Noise levels (night-time) amended shown to result in 'marginal significance' toward residential neighbours. General noise impacts indicated that a 24/6 day operation (Sundays excluded) would only result in impacts on any residential dwelling on the remainder of the Peruvian Wharf site (up to North Woolwich Road).

#### Ecology

A detailed ecological mitigation report has been prepared in liaison with the Environment Agency. Findings include that the jetty will not impact significantly on fish fry, or migratory fish populations. The site has been reconfigured to provide a 9m separation from the bunker walls to the rivers edges, and planting will be provided along the base of the bunker walls. The new planting would provide a food source for native animal species.

#### Energy demand

10% reduction of carbon emissions could be addressed by way of a condition.

#### Navigational impact

PLA report – only minor scouring associated the piers and scouring in Bugsby's Reach may not be attributable to Peruvian Wharf. The hydrological impacts of the development (in particular, the location of the jetty) have also been assessed with regard to scouring, and migratory fish and fish fry impacts. It was assessed that the proposed jetty would not have a significant impact on fish populations, and that the impacts on scour would be negligible.

### **3. MAIN ISSUES**

3.1 The main issues considered previously were as follows:

- Need
- Environmental and structural impacts
- Traffic and access
- Impact on permitted development and regeneration

It is considered that these main issues have now been satisfactorily addressed and these are discussed further in Section 9 of this report.

### **4. RELEVANT SITE HISTORY**

4.1 This application was previously presented to Newham's Development Control Committee on 14th June 2006, where the Council decided to put forward a refusal recommendation to the LTGDC. At the request of the applicant, and upon consultation with the LTGDC, the Council decided to defer its recommendation to allow the applicant to address the recommended reasons for refusal.

On 24th January 2007, the Council received additional information from the applicant, setting out both amendments to the Environmental Statement and further information addressing the recommended reasons for refusal as set out in the minutes of the Council's Development Control Committee from 14th June 2006. The reasons for refusal being recommended then were as follows:

1. In conjunction with the adjacent proposal for a MRF, the application would prejudice the redevelopment of the site to the rear and inhibit regeneration of part of the Thameside West area, contrary to Policies 5.2 of the London Plan and EQ56 of the

UDP and the intentions of the Royal Docks and Thameside West Area Action Plan Draft Preferred Options, which has completed its consultation stage.

2. In conjunction with the adjacent application for a MRF, the application would cause disturbance to amenities of local residents by virtue of night time traffic, dust and noise contrary to Policy EQ45 of the UDP.

3. The applicant has not satisfactorily addressed Environment Agency concerns regarding flood risk, the structural integrity of the river defences or adequate access for maintenance, contrary to Policies 4C7 & 4C22 of the London Plan and EQ5 of the UDP. Moreover, the Environment Agency's requirement for a buffer zone between the flood walls and development compromises the application proposals.

4. The applicant has not satisfactorily provided details of pollution prevention measures or addressed the impact on ecology and the river corridor value contrary to Policies 4C3 of the London Plan and EQ4 of the UDP.

5. The applicant has not satisfactorily addressed the treatment of the bunker walls facing the river contrary to Policies 4C20 of the London Plan and EQ4 of the UDP.

6. The applicant has not demonstrated how a 10% reduction in carbon emissions can be achieved contrary to Policies 4A9 of the London Plan and EQ24 of the UDP.

7. The applicant has not satisfactorily provided details of pollution prevention measures or addressed the impact on ecology and the river corridor value contrary to Policies 4C3 of the London Plan and EQ4 of the UDP.

Included within the further information were appendices including a revised Flood Risk Assessment and Water Resources Assessment, amended Noise Reports, and a revised site plan.

## **5. CONSULTATIONS/NOTIFICATIONS**

Notification letters advising of the further information were sent to all statutory consultees, internal consultees, and others who had commented on the original application.

These were as follows

External  
Commission for Architecture and the Built Environment  
Dockland Light Railway  
Environment Agency  
Greater London Authority  
Health and Safety Executive  
LB Greenwich Property & Design  
London City Airport Ltd  
London Thames Gateway DC  
Port of London Authority  
Thames Water Authority  
English Nature  
English Heritage  
London Development Agency

LB Newham  
Building Control Service  
Environmental Health  
Forward Planning and Transportation  
Canning Town Regeneration Project team

## NEWHAM COMMITTEE COMMENTS ON REVISIONS

A report was presented to Newham's Development Control Committee on the 9th May 2007, with the Committee agreeing that the recommendation to the LTGDC be that the application be approved. An addendum sheet setting out 5 updates to the report was also included. The updates included the rewording of the conclusion (originally temporary permission was recommended), a new condition relating to details of external lighting and inclusion of informatives, Heads of Terms FOR A s106 as agreed by the applicant, and advice to the Committee that further representations had been received by members of the public.

### 6. APPLICATION PUBLICITY

**6.1 Site Notice Expiry:** 25/01/2007

**6.2 Press Notice Expiry:** 31/01/2007

#### 6.3 Neighbour Notification:

150 residential properties were notified originally. (There were however representations this year from individuals in the area and from the West Silvertown Village Community Foundation that consultation had been insufficient to enable residents to be sufficiently aware of the proposals after revisions were received – they have however now had the opportunity to comment on the scheme before the Committee and see section below under "Residents").

### 7. REPRESENTATIONS

External

GLA

Comments from the GLA were received last year as part of the Stage One referral and are still applicable:

The proposals accord with the London Plan objectives relating to regional self-sufficiency. The applicants use high quality materials and landscaping, and address sustainable energy use and design.

The key strategic issues relating to the application include safeguarded wharves, freight and aggregates, employment location, design, renewable energy, noise, air quality, biodiversity and transport.

Environment Agency - Objection removed.

As part of new development we seek to establish that the flood defences protecting the development are adequate for the lifetime of the development. The development is to be progressed through compulsory purchase powers and access to undertake site investigate works is not yet possible so we are seeking the needed river wall survey and details that will be developed from that through conditions. A visual survey of the wall has been undertaken in recent years. However, this is not adequate to fully

establish the condition of the structure. Some defects may require monitoring to see if ongoing movement is taking place.

The applicant has presented a workable solution shown on Howes Atkinson Crowder LLP drawing Peruvian Wharf sections Detail no. 6077-05 D rev D dated 11 Nov 2006. We note that version D of the drawing includes having the possible ties linked to the new aggregate storage wall rather than just to the new line of steel sheet piling as was shown on revision B. This change has the disadvantage that the flood defence would not be structurally independent from the storage wall. We are content to discuss and agree the detail of these ties when dealing with details pursuant to recommended conditions.

Due to the fragility of gravity river walls the proposed use of horizontal ties to provide additional support to the existing wall will require the ability of the wall to spread loads to be established. The ties may need to be small and numerous.

The Flood Risk Assessment (FRA) describes some measures that are intended to address safe refuge / escape in the event of a flood. A condition is proposed to ensure that these measures are implemented.

The proposals in the FRA for the control of surface water run-off quote high discharge rates and do not take account of the increased rainfall intensities due to future climate change as highlighted in PPS25. The volume and allowable discharge rate will need to be agreed pursuant to the requested condition.

As part of the removal of their original objection to the development, the Environment Agency has recommended a condition requiring that (should the application be approved) the applicant should undertake a survey of the existing river wall to determine the integrity of the structure, and inform the LPA of the need for any remedial or replacement works.

#### Docklands Light Railway

The new London Airport DLR link runs across the top of the Peruvian Wharf site, and it is unclear as to whether this batching plant will access below DLR's viaduct. An informative is recommended to address this matter.

#### Port of London Authority

Strong support for the proposal maintained.

#### LB Newham

##### Environmental Health

No objections in principle, but conditions are recommended to control the likely loss of amenity. Conditions suggested include hours of operation during construction to limit impacts on nearby residential use, boundary treatment, restrictions of vehicle movements (as set out in the application documents), and dust suppression systems.

##### Forward Planning

The site has been identified in the London Plan and the UDP as a strategic employment location which will be carried over into the upcoming Area Action Plan. Owing to its planning status and the fact there are employment uses existing around this site, there are no objection to be made in policy terms. However, these uses would potentially conflict with the Council's future aspirations for mixed use development in the Thameside West area. Therefore in conjunction with the adjacent proposal for a

MRF, the application would prejudice the redevelopment of the site.

#### Transportation

The LINSIG modelling combines the two sites. LINSIG modelling should be undertaken for the individual sites in order to assess the impact of each proposal on the road network. The changes to the modelling referred to by Transportation previously will need to be applied, i.e. growth factors, future year assessments, future capacity of the plant etc .

The use of the river does not consider the tide and its effect on waterborne deliveries / potential increase in HGV movements when the river cannot be used. This needs to be considered in full.

The previous concerns over the use of the Wharf and access road 24 hours a day, the reliance on aggregate deliveries to site by river and the impact of HGV's in the locality due to the close proximity to nearby areas i.e. Britannia Village, would still stand albeit the impact of each site would be ascertained upon completion of individual assessments.

Clarification would be required on the following issues:

- Growth factors need to be applied to the 2005 traffic figures;
- Details of the LINSIG modelling for each individual scenario are required to ascertain the impact of each proposal on the road network;
- Details of staff numbers and parking provision are required;
- Analysis of personal injury accident data is required to ascertain the likely affect of the developments on road safety.

The conditions detailed in the previous comments from Transportation would apply.

The applicant has provided a detailed response to issues raised which is considered to satisfactorily respond to the points raised.

#### Residents

Bridges Community Project, Royal Docks Community Church and 2 residents to LB Newham. Further 7 residents plus Britannia Village Residents Association and West Silvertown Village Community Foundation wrote directly to the LTGDC.

As well as a general concern as to the extent of consultation key issues raised were as follows. Concern regarding the impact on local residents and local school in Britannia Village. Unattractive, increase in lorries, no management of odour, noise, vibration and general air pollution. Whilst Peruvian Wharf will remain a working wharf should have more suitable proposal. Not in keeping with current regeneration. Site should be used for new housing and related facilities. Concern for the Aggregates plant relate primarily to environmental impacts.

#### Other

Capital and Provident Management Ltd (owner of the overall Peruvian Wharf site). A letter was sent dated 22 March 2007 raising various concerns and issues – see Appendix Three. These related to the revised layout, flood risk assessment, proposed jetty including methods of discharge. The letter concluded that the revisions failed to demonstrate the acceptability of the proposed development and that the two applications for the overall safeguarded wharf should be considered together and development of only one part would be contrary to the good planning of the area. The applicant has responded to this letter – see Appendix Four.

## **8. RELEVANT PLANNING POLICY**

### **8.1 Planning Policy Guidance**

PPS1 (2005) Delivering sustainable development  
PPG13 (2001) Sustainable transport  
MPG1 (1996) General considerations (aggregates)  
MPG6 (1994) Guidelines for aggregates provision in England

### **8.2 The London Plan (Feb 2004)**

2A4 Area for regeneration  
3C2 Matching development to transport capacity  
3C16 Tackling congestion and reducing traffic  
3C20 Walking  
3C21 Cycling  
3C24 Freight strategy  
4A5 Spatial policies to support better use of aggregates  
4A6 Improving air quality  
4A9 Renewable energy  
4A11 Water supplies  
4A14 Reducing noise  
4B6 Sustainable design and construction  
4C1 Strategic implementation of Blue Ribbon network  
4C3 The natural value of the Blue Ribbon Network  
4C7 Flood defences  
4C8 Sustainable drainage  
4C14 Freight uses on the Blue Ribbon Network  
4C15 Safeguarded wharves  
4C17 Increasing access alongside the Blue Ribbon Network  
4C20 High quality of design for waterside development  
4C22 Structures over or into the Blue Ribbon Network  
4C23 Safety on and near the Blue Ribbon Network)

### **8.3 LB Newham UDP & LDF**

EQ1 Waterway improvements  
EQ2 Waterside access  
EQ3 Waterside commercial development  
EQ4 Quality of waterside development  
EQ5 Waterway structures  
EQ19 Urban design considerations  
EQ21 New development landscaping  
EQ24 Energy efficiency  
EQ43 Archaeological area of investigation  
EQ45 Pollution  
EQ46 Air quality management  
EQ47 Noise impact statement  
EQ49 Contaminated land assessment  
EQ59 Aggregates criteria  
EQ63 Surface water disposal  
EQ 64 Tidal defences  
EMP4 Principal employment areas: preferred uses  
T121 Public transport accessibility  
T15 Parking standards  
T22 Public access to the Thames

T24 Cycle parking  
T26 Motorcycle parking  
Proposals  
PE16 Principle employment areas  
122 Safeguarded wharf

#### **8.4 Other Relevant Planning Policies & SPG's**

GLA - Safeguarded Wharves on the River Thames, London Implementation Report (2005)

Peruvian wharf protected by safeguarded wharves direction  
Policy 4C24 – viability assessment

GLA - Consultation Draft Alterations to London Plan  
4A5 Spatial policies to support better use of aggregates

LB Newham - Royal Docks and Thameside West Area Action Plan Draft Preferred Options Stage (draft DPD)

2.15 Safeguarding of wharf facilities

4.13 Proposals for 40% release of industrial land supply for housing.

LTGDC: Safeguarded Wharves: Development Options Assessment (prepared by URS), Issue no.1c, May 2006.

#### **9. ASSESSMENT OF MAIN ISSUES**

9.1 The safeguarded wharves report published by the GLA and subsequent work, including the study carried out by URS on behalf of the Corporation, has identified aggregates as being one of several businesses to take advantage of moving goods by river and hence needing wharves. This is reinforced by Policies 4C.15 and 4A.5 of the London Plan. There is a ready market for aggregates in the many development schemes, including the Olympics, within and near the LTGDC area. Furthermore Members have already endorsed the principle of an aggregates facility on the site. Prior to the revisions to the proposals, many of the concerns of the Borough were shared by officers in the LTGDC. The revisions are considered to address such concerns, as exemplified by Newham's recommendation for conditional approval, and are assessed as follows.

9.2 It is considered that the development of the site for aggregates would not compromise the development of the non safeguarded part of the site as previously permitted. There is potential interest that the whole front of the site could be used for aggregate processing and batching. Whilst no application has been received for such a development, the LTGDC has dealt with an ES scoping report for such a development. The development as submitted would result in the reuse of previously developed land and reinstate the use of nearly half of the safeguarded wharf. The Planning Inspector report for the recent appeal on the overall site supported the principle of the development of the site for aggregates processing.

9.3 The applicant has provided a revised night time noise assessment to include factors such as noise barriers, existing buildings and the aggregate storage bay walls on the AI site. The resultant night time noise would be of marginal significance. This has been reviewed by the Councils Environmental Health Officers, who have no objections to the development, however, have put forward recommended conditions should the application be approved.

9.4 The applicant has provided amended Flood Risk and Water Resources Assessments which were revised in liaison with the Environment Agency. This resulted in the site being partly reconfigured with the aggregate bays being set back away from the flood defences to allow for maintenance. The Environment Agency has since withdrawn their objection, as the reconfiguration of the site to set the development back from the waters edge provides a sufficient buffer for the maintenance of flood defences, subject to the implementation of recommended conditions.

9.5 With regard to pollution prevention measures, the applicants amended Water Resources Assessment details pollution prevention measures. These include collection of surface water run off for re-use, and any disused surface water would be filtered through an oil and silt interceptor prior to discharge into the Thames. The applicant has also provided an ecological mitigation report in liaison with the EA. The Environment Agency has reviewed the further information and is satisfied with the pollution prevention measures as set out, and the ecological mitigation as set out in the provided information. The EA have consequently removed their objection.

9.6 The application has since been amended to set the bunker walls further away from the Thames, and the widened area will be in part used for planting, including ivy, which will mitigate the impact of the bulk. The applicant originally intended to treat the bunker walls with either a mural or banding, however, there was a concern raised by the Council on the basis that there was very little detail regarding the treatment of such a large space (6m high by 75m wide). As the GLA and the Council policies emphasise high quality design along the Thames, the applicant's amendments are now considered to satisfactorily address the treatment of the bunker walls, subject to a condition of consent requiring the formal submission of a landscaping plan.

9.7 With regard to achieving a 10% reduction in carbon emissions it is considered that this requirement can be dealt with by way of a planning condition.

9.8 In terms of the technical aspects of the objections from Dp9, it is considered that these have been adequately addressed by the response from the applicant, particularly when taking into account other approvals, e.g. from the PLA, that are required. The concluding comment relating to permission not being granted for part of the safeguarded wharf in isolation is not accepted – each application should be assessed on its individual merit and an aggregates/cement plant is considered appropriate given planning policies for the area and it is not considered that refusal can be justified.

9.9 The site is part of a safeguarded wharf within a designated employment area and there are a limited number of activities that will occur in such locations. The proposal is on that part of the overall site which is furthest from residential units and the road, and to an extent the DLR, act as additional barriers. For some years to come there will be a need to balance the amenities of residents north of North Woolwich Road/Silvertown Way with creating reasonable operating conditions for the businesses of the long established industrial zone. This aspect was also considered by Newham officers and has resulted in an extensive and comprehensive list of conditions being recommended. On the basis of these conditions, with certain amendments as discussed below, it is concluded that permission can be recommended which would not significantly impact on residential amenity.

#### Proposed Conditions

9.10 The applicant has requested that certain amendments be made to some of the conditions (in total 9 of the 36). Most of these are minor changes to wording or seek to avoid duplication but two merit detailed comment.

9.11 Condition 15 – As agreed by Newham this limits the number of vehicle movements to 36 between 18.00 and 08.00. To allow for the fact that construction sites typically operate from 7am and given materials have to get to these sites the applicant has asked that the wording should allow for no more than 36 movements between 19.00 and 6.00 without prior agreement of the local planning authority and such movements are to be recorded and made available on request. If there is to be prior agreement this should be in writing and clear justification provided e.g. an important infrastructure project. In reality it is unlikely that such a requirement will arise except in very special circumstances.

9.12 Condition 22 – This prohibits any unloading of aggregates and recycling material and cement vessels and the operation of the handling of aggregates and recycling material other than between 7.00 and 19.00, Mondays to Fridays and 7.00 and 16.00 Saturday and at no times on Sundays or Public Holidays unless agreed in writing. The applicant considers that as the EIA has established that the development, with appropriate mitigation, can work without adverse effect these restrictions are unacceptable. There is a willingness to have noise monitoring at a sensitive receptor, such as the nearest residential unit to ensure compliance with provisions in the Environmental Code (details of this are the subject of Condition 11). This is not considered unreasonable given this is a safeguarded wharf and the ability to operate should not be overly constrained. There should however be a condition ensuring no working outside of the hours set out in paragraph 2.2 save for maintenance. Movements off and on the site will still be controlled by other conditions. Condition 11 as agreed by Newham should therefore be amended to include specific reference to details of noise monitoring by nearest residential accommodation.

#### 9.13 SECTION 106 LEGAL AGREEMENT (Heads of Terms)

The following Heads of Terms were proposed at Newham's Development Control Committee, and have been agreed by the agent on behalf of the applicant. These are considered to be appropriate in terms of what is proposed. Discussions will still be required with the applicant to agree the exact terms.

The following head of terms are to be included in the S106 agreement

- Green Travel Plan
- Local labour clause
- Local goods and services clause
- A new access road to be constructed linking the site with Dock Road. The access proposal includes a pedestrian/cycle link providing access to the River Thames.
- Removal of any redundant crossovers and the renewal of footways fronting or surrounding the development site required due to the damage of the footway during the course of construction works.

### **10. CONCLUSION AND REASONS FOR APPROVAL**

#### **Reasons for Approval:**

**THE PROPOSAL IS CONSIDERED TO BE IN ACCORDANCE WITH RELEVANT PLANNING POLICIES, AND WILL RESULT IN THE REUSE OF AN EXISTING VACANT SITE WHICH IS ALSO PART OF A SAFEGUARDED WHARF. THE USE OF THE SITE FOR AGGREGATE PROCESSING IS IN ACCORDANCE WITH THE STRATEGIC POLICIES OF THE GLA AND THE COUNCIL, AND ACCORDS WITH THE FINDINGS OF THE INSPECTORS REPORT IN THE RECENT PLANNING INQUIRY. AS A RESULT OF MITIGATION AND THROUGH THE INCLUSION OF CONDITIONS, IT IS CONSIDERED THAT THE APPLICATION IS UNLIKELY TO HAVE ANY SIGNIFICANT IMPACTS IN TERMS OF AMENITY FOR NEARBY**

## **RESIDENTIAL OCCUPANTS.**

### **RECOMMENDATION**

**It is recommended that Members delegate to the Director of Planning authority to approve the application subject to referral to the GLA, a S106 agreement (Heads of Terms outlined above) and conditions as set out below.**

### **CONDITIONS**

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

Reason: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

2. The development hereby approved shall only be undertaken in accordance with the Environmental Assessment dated April 2006, further information received on 24th January 2007, including drawing number MC/003J, Figures PW4 to PW9 and Figures 3.2 to 3.7, and there shall be no departures from those details unless otherwise agreed by the Local Planning Authority (LPA) in writing.

Reason: The development is acceptable on the basis of the particulars contained within the application and this condition seeks to ensure the development is undertaken in strict accordance with those details as approved.

3. No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a scheme of landscaping for the hereby permitted development. The scheme shall include details of proposed planting and both soft and hard surfaces, including the details for the planting and protection of all trees proposed, with specific reference to the treatment of the external surface of the bunker walls facing the Thames. The development shall proceed in accordance with the details as approved by the Local Planning Authority.

All planting, seeding or turfing comprised in the details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent of variation.

Reason: To ensure a satisfactory standard of external appearance of the development and surrounding landscape is satisfactory and of a high quality, in accordance with Policies EQ15 and EQ21 of the London Borough of Newham's adopted UDP and Policy 4B.1 of the London Plan.

4. Prior to the commencement of works the applicant is to submit an Environmental Code to the Local Planning Authority in respect of such matters likely to cause nuisance to adjoining occupiers during construction works. Details should include noise, dust, smoke, road cleaning and any other matters relevant to this particular site. The construction of the development shall then be undertaken in accordance with the provisions of the Environmental Code as approved by the Local Planning Authority.

Reason: In the interest of residential amenity, in accordance with Policies EQ20 and EQ45 of the London Borough of Newham's adopted UDP and Policy 4B.6 of the

London Plan.

5. A method of construction statement shall be submitted and approved in writing by the Local Planning Authority before development commences.

Reason: In the interests of residential amenity, in accordance with Policy EQ45 of the London Borough of Newham's adopted UDP.

6. Prior to the commencement of works the applicant is to submit details of refuse storage and disposal to be approved in writing by the Local Planning Authority. All refuse storage areas are to be provided with adequate means of ventilation to prevent the build up of odours/fumes to the satisfaction of the Local Planning Authority.

Reason: In the interest of visual and neighbours amenity, in accordance with Policies EQ45 and H17 of the London Borough of Newham's adopted UDP and Policies 4B.1 and 4B.6 of the London Plan.

7. Prior to the commencement of works details of surface water control measures shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall be implemented in accordance with the approved details prior to the commencement of works.

Reason: To prevent the increased risk of flooding, and contamination of the water supply, in accordance with Policy EQ63 of the London Borough of Newham's adopted UDP and Policy 4C.8 of the London Plan.

8. No impact piling shall be permitted during the construction of this development without the written permission of the local planning authority.

Reasons: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties and with regard to policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001).

9. Operations in relation to construction for which noise is audible at the nearest residential boundary shall be restricted to the hours of 0800 and 1800 on Mondays to Fridays and between 0800 and 1300 on Saturdays and at no time on Sundays or Statutory holidays without the prior written approval of the Local Planning Authority.

Reasons: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties and with regard to policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001).

10. The development proposed is on land that has previously been contaminated. The Council believes that this land has been remediated. The proposed development may compromise the remediation. The applicant must investigate the site with a view to confirming the remediation installed and any contamination beneath. The proposed development should be designed either to not compromise the existing remediation scheme, or to install new remediation to ensure that there is no risk to health from underlying contamination. The investigation & design of the development with respect to contamination shall be agreed in advance with the local planning authority. Works are to be carried out in accordance with the agreed design. The applicant will be required to certify in writing that the works have been carried out to the agreed specification.

Reference should be made to BS 10175: Investigation of potentially contaminated sites – Code of Practice and to the Building Regulations 2000 APPROVED DOCUMENT C

Site preparation and resistance to contaminants and moisture: C1 Site preparation and resistance to contaminants.

Reasons: To safeguard the public, the environment and surface and groundwater as this site is known to have been contaminated with material that is potentially harmful to humans, or the environment and with regard to policy EQ49 of the London Borough of Newham Unitary Development Plan (adopted June 2001).

11. Prior to the commencement of the use of the site, an Environmental Code shall be submitted to and approved by the Local Planning Authority, in respect of such matters as are likely to cause nuisance to adjoining occupiers. Details should include access to the site, hours of operation, noise including the provision of noise monitoring equipment by the nearest residential units, dust, smoke, road cleaning, odour control, wheel washing and any other matters relevant to this particular site. The environmental code shall be adhered to for the duration of the operation of the site.

Reasons: To ensure that the construction does not prejudice the ability of neighbouring occupier's reasonable enjoyment of their properties and with regard to policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001).

12. Before commencement of the relevant part of the development hereby approved, details of all boundary treatment and their acoustic properties shall be submitted to and approved by the Local Planning Authority. The site shall not be operated until the approved details have been implemented. The approved details shall thereafter be retained.

Reason: To ensure a satisfactory standard of external appearance and noise attenuation in accordance with Policies EQ19 and EQ45 and the Unitary Development Plan.

13. The ES states that up to 10% renewable energy could be provided. Before the development is occupied there shall be provided renewable energy amounting to 10% of the total demand on the site. The nature of the provision and its environmental impacts shall be agreed in writing with the local planning authority.

Reason: To ensure consistency with London Plan policies 4A.7- 4A.9.

14. The proposed development has the potential to cause nuisance through dust emission. Before the site commences operation, the developer shall agree dust control measures with the London Borough of Newham and implement the agreed measures.

Reason: To safeguard the amenity of the surrounding area in accordance with Policy EQ45 of the Unitary Development Plan.

15. There shall be no more than 36 goods vehicle movements in total on and off the site between the hours of 7pm to 6am the following day, excluding Sunday, without the prior approval of the local planning authority (LPA). Such vehicle movements shall be recorded and the records made available to the LPA.

Reason: To support the local economy and safeguard the amenity of the surrounding area in accordance with Policies EMP1 and EMP45 of the Unitary Development Plan.

16. The site shall not be operated unless site sweeping facilities are made available for use during hours of operation and permanently retained in accordance with the Environmental Code for the site.

Reason: To safeguard the amenity of the surrounding area in accordance with Policy EQ45 of the Unitary Development Plan.

17. The site shall not be operated unless an effective dust suppression system for the storage bays is installed and made available for use during hours of operations and permanently retained.

Reason: To safeguard the amenity of the surrounding area in accordance with Policy EQ45 of the Unitary Development Plan.

18. The site shall not be operated until details of enclosures to the silos have been submitted to and approved by the Local Planning Authority in accordance with the requirements of the PPC permit to be issued by the London Port Health Authority. The development shall not be operated until the approved details have been implemented. The approved details shall thereafter be retained.

Reason: To safeguard the amenity of the surrounding area in accordance with Policy EQ45 of the Unitary Development Plan.

19. During construction, the applicant shall ensure that access to the public footways, bus stops and DLR station for local users is maintained.

Reason: To ensure that safe and accessible footways and public transport links are maintained for pedestrians and residents around the construction site.

20. The applicant shall ensure that public access to the waterfront and public space is maintained at all times once use of the site has commenced unless otherwise agreed in writing by the LPA.

Reason: To ensure local people have safe and accessible access to the river edge and the improvement to local amenity.

21. Prior to the operation of the wharf facilities a Traffic Management Plan (TMP) shall be submitted to and agreed by the Local Planning Authority (LPA). Once agreed the TMP of the site shall be undertaken in strict accordance with the approved details.

Reason: To ensure the impacts of the developments are actively being addressed especially due to the effect on the local highway network.

22. The use shall not occur outside of the hours of 6am to 7pm, Monday to Friday, and 7am to 5pm on Saturdays save for maintenance and the provisions of Condition 15.

Reason: To support the local economy and safeguard the amenity of the surrounding area in accordance with Policies EMP1 and EMP45 of the Unitary Development Plan.

23. Prior to commencement of development, details of cycle and motorcycle parking shall be submitted to the Local Planning Authority, to be approved in writing.

Reason: To encourage use of sustainable modes of transport to the site in accordance with local, regional and national transport policy.

24. Prior to commencement of development, the applicant shall provide a Green Travel Plan for the employees of the development, to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the promotion of sustainable modes of transport are

encouraged to support local, regional and national transport policy.

25. Prior to commencement of the development hereby approved, the applicant shall provide a Construction Environmental Management Plan to be approved in writing by the LPA.

Reason: To ensure that the LPA is satisfied as to the details of development and to minimise the environmental effects of the development.

26. Prior to commencement of the development hereby approved, the application shall provide an Archaeological evaluation and mitigation strategy to ensure minimal impact from the development. This shall be submitted to, and approved in writing by the LPA.

Reason: In the interests of minimising any archaeological disturbance.

27. The applicant shall provide details of appropriate safety measures to be incorporated to ensure public safety along the riverside during operational periods.

Reasons: To ensure public safety along the riverside access and walkway.

28. At no time shall any waste be burnt on site unless otherwise approved in writing by the Local Planning Authority.

Reasons: To prevent loss of amenity to neighbouring premises, prevent air pollution effecting the wider environment and with consideration to policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001).

29. Prior to commencement of any development within 16 metres of the river wall a survey of the existing river wall to establish the landward extent, structural integrity and stability of the wall including needed intrusive investigation / testing and movement monitoring shall be submitted to and approved in writing by the local planning authority. The scope and the details of the survey shall be agreed prior to its commencement.

Reason: To establish the condition and extent of the existing river wall to both inform the assessment of needed remedial/ replacement works and the detailed design for the construction close to the tidal river wall.

30. Prior to commencement of any development within 16 metres of the river wall, details of those works in broad agreement with Howes Atkinson Crowder LLP drawing no. 6077-05 rev D dated 17/11/2006, with supporting calculations will be submitted to and approved in writing by the local planning authority. The approved scheme will then be implemented in full before the site first comes into operation.

Reason: To ensure that the river wall construction is adequate for purpose and its life expectancy is, or is brought up to, the greater of 60-years or the lifetime of the development.

31. Surface water drainage works shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: To prevent the increased risk of flooding including due to climate change in line with PPS25.

32. Throughout the occupation of the development a flood evacuation / safe refuge plan will be maintained and implemented.

Reason: To minimise the flood risk to people on the site.

33. No development approved by this permission shall be commenced until a detailed scheme for ecological mitigation and enhancements of the site, as outlined within the Ecological Mitigation report for Peruvian Wharf, has been approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details. This must include the design, method of construction, timings, dimensions, elevations, profile, materials, planting lists. Any planting should be limited to appropriate native species only

Reason: To protect and conserve the natural features of importance within or adjoining the watercourse.

34. Artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using/inhabiting the river and its corridor habitat. There shall be no light spill into the watercourse or adjacent river corridor habitat. To achieve this, and to comply with sustainability, artificial lighting should be directional where focused along the river corridor.

Reason: To protect/conservate the natural features and character of the area.

35. An ecological management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape and ecological areas shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The landscape management plan shall be carried out as approved.

Reason: To protect and conserve the natural features and character of the area.

36. Prior to development, the applicant shall provide details to the Local Planning Authority of external lighting proposed onsite, to be approved in writing.

Reason: In the interest of public safety and visual amenity and with regard to Policy EQ1 of the London Borough of Newham Unitary Development Plan (adopted June 2001).

## **INFORMATIVES**

### **1. Land Contamination**

For advice and information upon contaminated land site investigation, risk assessment and implementing a remediation strategy it is recommended that the developer contacts the Environmental Health Pollution Control Unit, Alice Billings House, 2-12 West Ham Lane, Stratford, London E15 4SF Tel: 020 430 3820. The Unit has produced a leaflet 'The development of contaminated sites' which can be downloaded free from [www.newham.gov.uk](http://www.newham.gov.uk). The developer shall notify the Council's Development Control and the Environmental Health Pollution Control Unit of the start dates and programme of site investigations and any subsequent remediation works.

2. For the site investigation, risk assessment and remediation strategy reference should be made to:

- Model Procedures for the Management of Land Contamination, Environment

Agency Contaminated Land Report 11. This document can be downloaded free from [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

- BS 10175: Investigation of potentially contaminated sites – Code of Practice
- Building Regulations 2000 APPROVED DOCUMENT C Site preparation and resistance to contaminants and moisture: C1 Site preparation and resistance to contaminants.

If the site investigation reveals land contamination the associated report must include the results of a source-pathway-receptor environmental risk assessment with regard to the current use and proposed development.

If the site investigation discovers organic containing natural soils or made ground then monitoring of potential ground gases, over a suitable period of time, will be required in order to determine the requirement for gas mitigation measures in the development.

If the site is located in a groundwater protection zone or if groundwater is encountered during the site investigation then the groundwater should also be tested for contamination. The Local Planning Authority may require more detailed groundwater monitoring to be undertaken on the advice of the Environment Agency.

A remediation scheme should include, where necessary, a long-term commitment to maintenance of any works and measures required by the Local Planning Authority or the Environment Agency.

Remediation capping layers based upon 'Cover systems for land regeneration' BR 465 by the Building Research Establishment will not be accepted, as this is not approved by the Environment Agency.

3. No soils, or infill materials should be imported onto the site unless they have been satisfactorily proven to be uncontaminated and present no risks to human health, planting and the environment. A declaration to this effect, together with acceptable documentary evidence to confirm the origin of all imported soils and infill materials, supported by appropriate chemical analysis test results, should be obtained and copies may be requested by the Local Planning Authority.

4. Anyone procuring analytical services must ensure that the data supplied to the Local Planning Authority meets the requirements in the Monitoring Certification Scheme (MCERTS). Laboratories undertaking the chemical testing of soil must be accredited, the analytical methods should be appropriate and fit for the purpose of the parameter being investigated and the sampling procedures and the audit trail should also conform.

5. Supporting reports should be prepared by appropriately qualified professionals. All reports should be sent directly to the planning case officer in the Development Control Unit. For each application at least two copies of each report should be submitted in hard copy format plus a further copy in electronic format. The planning case officer will forward the reports on to the appropriate consultees for comment. Applicants are advised against entering into direct negotiation with either the Pollution Control Unit, Environment Agency or any other Council department consultees without notifying the planning case officer.

Pollution Prevention and Control Regulations 2000

6. The proposed activities associated with the application will be subject to the requirements of the Pollution Prevention and Control Regulations 2000. 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.

7. For the purpose of the regulations, the Local Authority or Environment Agency (EA) 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 EA and the LBN Environmental Health on 020 8430 2000 (extension 25224), for information and advice. See also [www.defra.gov.uk](http://www.defra.gov.uk).

8. Explosive Ordnance

The property lies within an area of the borough that has been identified as being at potential risk from buried explosive ordnance due to wartime bombing. It is recommended that professional advice is obtained and a risk assessment undertaken to identify and analyse any threat posed by ordnance before works commence. Particular care must be taken when assessing the risk of UXBs in the River Thames.

The proposed plant is likely to require a permit to operate under the Pollution Prevention & Control Regulations. Reference should be made to the London Borough of Newham Pollution Control Unit in order to obtain such a permit before the site commences operation.

Environment Agency

9. Under the terms of the Thames River (Prevention of Floods) Acts 1879-1962, the statutory tidal flood defence level, which is 5.18 metres above O.D.(N) at this site, must be maintained at all times, with temporary works if necessary.

10. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures either affecting or within 16 metres of the tidal flood defence structure. Contact Robert Williams on 020 8305 4016 for further details.

11. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. Contact Andrew Grant on 01707 632450 for further details.

12. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for dewatering from any excavation or development to a surface watercourse. Contact Andrew Grant on 01707 632450 for further details.

DLR

13. The applicant is advised that the Docklands Light Railway Ltd owns a protection zone around its railway infrastructure, which extends out from the furthest edge by 5 metres and in which the use of the land is fully controlled by DLRL. Therefore, any activity within this protection zone will need to be approved by DLRL; this includes vehicle movements below the viaduct and viaduct impact prevention methods.

**CASE OFFICER:** Peter Minoletti

**Appendix 1: Site Location Plan**

**Appendix 2: Proposed Site Layout Plan**

**Appendix 3: Representations from Dp9**

**Appendix 4: Response to Dp9 by applicant**