

16 June 2011

24a River Road, Barking**in the London Borough of Barking & Dagenham****planning application no. 11/00350/FUL****Strategic planning application stage 1 referral (new powers)**

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

The proposal

Demolition of industrial building, installation of weighbridge, battery store, shearing and baling equipment, erection of 6.0 metre high sleeper walls and associated works in connection with the use of the site as a scrap metal recycling facility (Use Class Sui Generis)

The applicant

The applicant is **Total Waste Management Limited** and the architect is **Chris Dent**

Strategic issues

The proposed use is acceptable in principle and supports the **waste** and **safeguarded wharves** policies of the London Plan. The **energy** proposals are welcomed but further work is required before the application can be considered as being compliant with London Plan policy on **employment, flooding, energy, urban design** and **transport**.

Recommendation

That London Borough of Barking and Dagenham be advised that while the proposed land-use is broadly acceptable in strategic planning terms, there is some further work required before the application can be considered fully compliant with the London plan. The possible remedies set out in paragraph 51 of this report could address these deficiencies.

Context

1 On the 11 May 2011 Mayor of London received documents from The London Borough of Barking and Dagenham Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 21 June 2011 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Category 2B(b) of the Schedule to the Order 2008: *"Waste development to provide an installation with capacity for a throughput of more than 50,000 tonnes per annum of waste."*

3 Once the London Borough of Barking and Dagenham Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; or allow the Council to determine it itself.

4 The Mayor of London's statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The site totals 0.73 hectares of land in the east of the River Road employment area, which is a Preferred Industrial Location identified in the London Plan. The site is approximately 800m south of the A13, which forms part of the Transport for London Road Network (TLRN). The site lies within the London Riverside Opportunity Area, to the south of Barking town centre in Creekmouth.

6 The site is bordered on the west side by River Road, Kierbeck and Steel Wharves to the south and east, and by another industrial site to the north. North of this industrial site is Pinns Wharf. Kierbeck and Steel, and Pinns Wharves are identified as safeguarded wharves in the London Plan.

7 The site was previously used to store and assemble steel reinforcement. It is now vacant, apart from a small vehicle repair centre operating from a building in the south eastern corner of the site.

Details of the proposal

8 The proposals involve a change of use of land from assembly of reinforced steel to a metal recycling depot. As part of this the applicant proposes the demolition of a large industrial warehouse building (building X, see figure 1), and the removal of 500 cubic metres of earth to level this part of the site.

9 There are three other existing buildings on the site. The applicant proposes to refurbish the small office building C and reclad the frontage of buildings A, B and C to integrate better with the proposed linking wall. Photovoltaic cells will be installed on the flat roofs of buildings A and C.

10 Building A is to be used as an administrative office, building B for vehicle breaking and building C for storage of non-ferrous material. The site will house a battery store and shearing machine, as well as metal stock in the area to the west of these buildings.

11 Buildings A, B and C will be linked with a new 4.2m high solid steel wall and reclad. There will also be 6 metre tall sound reduction wall enclosing the internal area that houses steel sheering equipment, and a palisade fence of up to 5 metres around the remainder of the site other than that portion bounding River Road. The existing 2 metre security fence will be retained at the front and the area between the buildings and the fence is to continue as the staff car park.

12 Building D currently houses a vehicle repair business. Whilst this is within the applicant's site boundary, a separate company operates this business. Should planning permission be granted, this building will continue to operate as now, but on a short term lease. It is the applicant's intention to eventually terminate the lease and use this building once the metal recycling operation expands.

13 The new use is sui generis and would be subject to licensing from the Environment Agency.

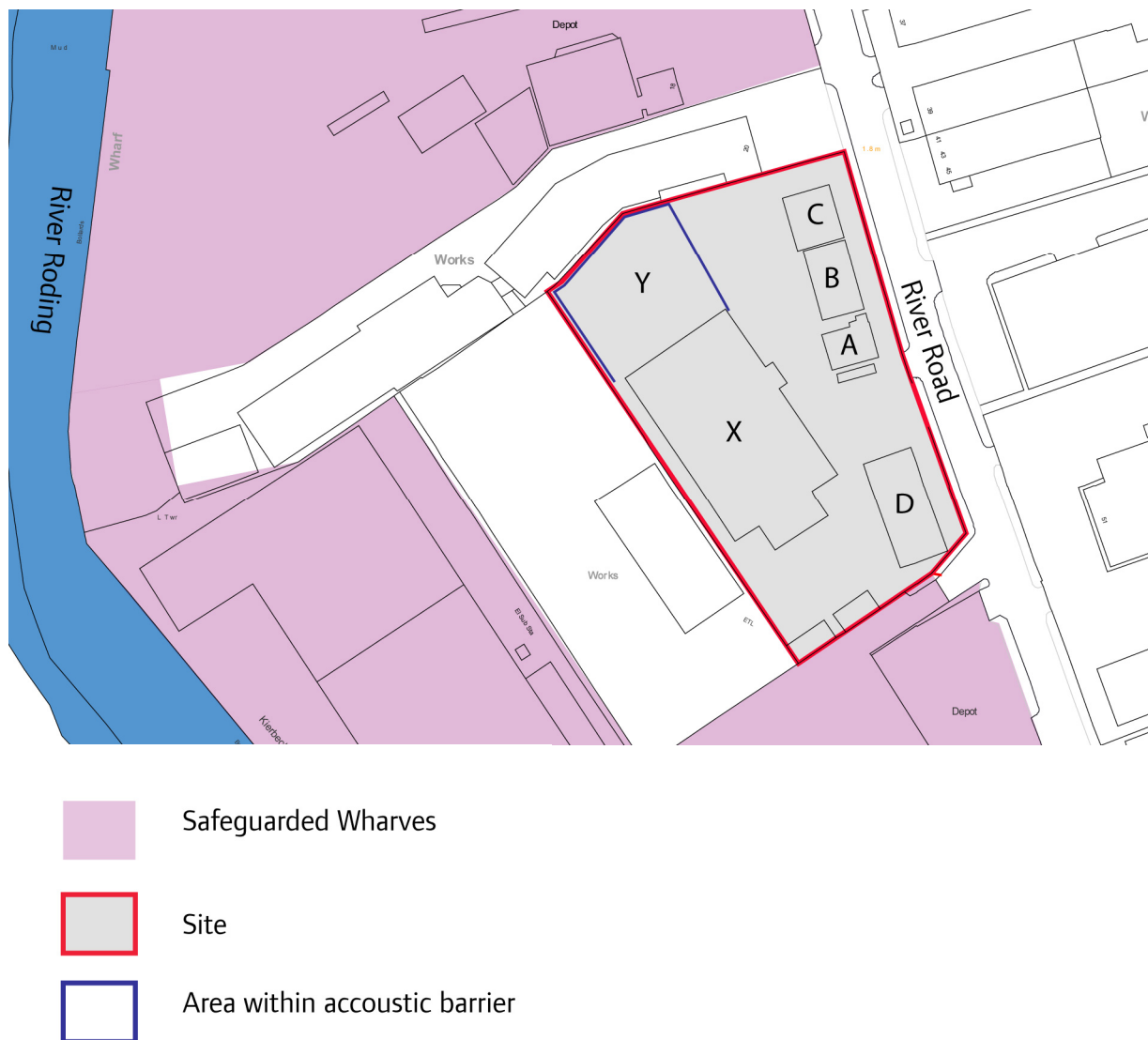


Figure 1: Plan of existing site and buildings

Case history

14 There is no relevant strategic case history.

15 In terms of local case history, an application was approved in August 1995 for the erection of eight mixed class B1, B2 and B8 industrial warehouse units on a site which included this land and additional 40 metres towards the River Roding. The permission was not implemented and the consent expired.

Strategic planning issues and relevant policies and guidance

16 The relevant issues and corresponding policies are as follows:

- Principle of land use *London Plan*
- Waste *London Plan; the Municipal Waste Management Strategy; PPS10*
- Employment *London Plan; PPS4, Industrial Capacity SPG*

- Safeguarded wharves *London Plan; London Plan Implementation Report "Safeguarded Wharves on the River Thames"*
- Flooding *London Plan; Mayor's draft Water Strategy; PPS25, RPG3B*
- Energy *London Plan; PPS1, PPS3; PPG13; PPS22; the Mayor's Energy Strategy; Sustainable Design and Construction SPG*
- Urban design *London Plan; PPS1; East London Green Grid Framework SPG*
- Transport *London Plan; the Mayor's Transport Strategy; PPG13;*

17 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the 2010 Barking and Dagenham Core Strategy, the 2011 Borough-wide Development Policies DPD and the London Plan (Consolidated with Alterations since 2004).

18 The following are also relevant material considerations:

- The draft replacement London Plan, which underwent Examination in Public in 2010 and upon which the Panel has now reported is a relevant material consideration of significant weight.
- The East London Joint Waste Development Plan Document, which underwent Examination in Public in April 2011.
- The Pre-consultation draft London Riverside Opportunity Area Planning Framework.

Waste

19 Although not identified for waste use in the Joint Waste DPD, the principle of land use for a metal recycling facility in an area designated as Strategic Industrial Location (SIL) complies with policy 4A.27 of the London Plan and policies 5.16 and 5.17 of the draft replacement London Plan – which identify SIL as one of the broad locations suitable for waste.

20 In accordance with London Plan policy 4A.21 and draft replacement London Plan policy 5.16 the use of scrap metal recycling is supported, as this contributes to the objective of managing as much of London's waste as possible within London's boundaries.

21 The principle of land use for this application is therefore accepted.

Employment

22 Continued investment in the skills of London's current workforce will ensure that skills and training provision is tailored to meet current employer demand. The GLA is committed to develop the skills that London needs to sustain economic growth, improving individual's employability skills in order to create a positive impact on the skills levels within all of London's communities.

23 Consequently, and in accordance with London Plan policies 3B.1 Developing London's Economy and 3B.11 Improving Employment Opportunities for Londoners the applicant needs to submit an employment and training strategy, which should be secured through conditions.

24 The reprovion of jobs on this site is welcome, however, it is understood that the vehicle repair business currently operating on this site will be displaced. The applicant should provide additional information showing at what point this would happen, how many jobs would be

displaced, whether there would be any additional jobs created and how the process would be managed before the Mayor sees this application again.

Safeguarded Wharves

25 London Plan policy 4C.9 and draft replacement London Plan policy 7.26 deal with safeguarded wharves. These are protected for river borne transportation or cargo-handling uses, including the transport of waste.

26 The proposals do not fall within a safeguarded wharf, however, they are immediately adjacent to Keirbeck Wharf and close to Pinns Wharf, meaning that there is an opportunity to take advantage of this location and contribute towards their operation as viable wharves. The applicant has stated that it is their intention to make use of one or both of the wharves, most likely Kierbeck Wharf for export of recyclate by the river once the business is up and running. At the moment Kierbeck Wharf is used by Kierbeck and owned by Kenninghall Estates, but the applicant is in discussions with both about sharing operations on the wharf. This would be welcomed as it supports London Plan policy 4C.9 and would result in an intensified use of the wharf. Furthermore, it would mean a reduction in Heavy Goods Vehicle (HGV) traffic in favour of more sustainable forms of transport, and should be secured by a section 106 agreement. Any such agreement should be worded so as to ensure that the wharf use is actually delivered and that development does not prejudice the future operation of Kierbeck and Pinns sites as wharves.

Flood Risk

27 Draft Replacement London Plan policy 5.12 deals with flood risk management and states that the Mayor will work with all relevant agencies, including the Environment Agency (EA) to address current and future flood issues.

28 In line with Planning Policy Statement 25 the applicant has carried out a Flood Risk Assessment. The site is in flood zone 2, in an area identified by the Environment Agency (EA) as subject to potential tidal and fluvial flooding, but benefitting from flood defences. The site is, however, identified as being significantly contaminated. GLA officers will continue to work with the applicant, London Borough of Barking and Dagenham and the EA to propose conditions that will ensure that risks associated with creation/ migration of contamination are assessed and mitigated during construction and operation. These conditions will then be used to ensure that the scheme can be made compliant with London Plan flood risk management policy.

Energy

29 As this application primarily relates to the demolition of an existing building and the installation of structures and equipment relating to the onsite industrial process, it does not raise any strategic concerns in relation to London Plan energy policies. It should, however, be noted that the applicant is taking steps to improve the energy performance of the site. The only heated building on the site, the 180 square metres of offices will be refurbished resulting in the demand for energy being reduced. Buildings C and A, both of which have flat roofs, have also been identified for the installation of 240 square metres of solar panels. Both these measures are welcomed and should be secured by section 106 agreement.

Urban design/ public realm

30 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained within Chapter 4B which address both general design principles and specific design issues. London Plan Policy 4B.1 sets out a series of overarching design principles for

development in London. Other design policies in this chapter and elsewhere in the London Plan include specific design requirements relating to maximising the potential of sites, the quality of new housing provision, tall and large-scale buildings, built heritage, views, and the Blue Ribbon Network. The draft replacement London Plan reinforces these principles, with new development required to have regard to its context, and reinforce or enhance the character, legibility and permeability of the neighbourhood (policy 7.1).

31 The proposal involves the change of use of the current facilities and the demolition of an existing warehouse. No new buildings are proposed on the site but the proposal includes the development of a 6m high wall within the site. This is not part of the boundary treatment for the site so is not a concern.

32 Buildings A, B and C will be linked with a new 4.2 metre high solid steel wall and reclad to appear as a more unified architectural element. Their appearance will subsequently reflect that of building D. The existing 2 metre security fence will be retained and the area between the buildings and the fence is to continue as the staff car park. The continued presence of active frontage facing River Road is welcomed.

33 Integrating London's open space network and providing sustainable linkages between existing and emerging communities and employment centres is central to several objectives of the London Plan, and is specifically dealt with by the policies 3D.8, 5C.1 and 5D.1, as well as Policy 7.5 of the Draft Replacement London Plan. The East London Green Grid Framework Supplementary Planning Guidance (ELGGF SPG) gives direction on how to integrate open space networks and sustainable linkages into planning the regeneration of East London. The pre-consultation draft London Riverside Opportunity Area Planning Framework (OAPF) April 2011, which is currently being consulted on with key stakeholders, supports and promotes the ELGGF SPG and supports the Mayor's Green Enterprise District (GED) initiative. The GED aims to create a highly sustainable and attractive destination for people to live, work and visit within the east London opportunity areas. River Road employment area and the application site sits within the GED.

34 River Road employment area lies within Creekmouth, between Barking Town centre and the emerging residential community at Barking Riverside, two key areas for the regeneration of East London. A pleasant and distinctive public realm is crucial to delivering the objectives of the London Plan, the ELGGF SPG, the pre-consultation draft London Riverside OAPF and supporting the ongoing regeneration of East London. Creekmouth suffers from a range of problems which deter investment and reduce competitiveness. The pre-consultation draft London Riverside Opportunity Area Planning Framework supports measures to address this, including the gradual intensification of sites in River Road employment area used for open storage and supporting initiatives to improve sustainable links and public realm identified in the ELGGF SPG.

35 The ELGGF SPG and the pre-consultation draft London Riverside Opportunity Area Planning Framework also support and promote the delivery of strategic links in London Riverside, promoting improved connectivity for walking, cycling and public transport. One such link runs along River Road and would improve access to the site and the neighbouring district. The Creekmouth Environmental Improvement Project is identified in the ELGGF SPG and has been set up by the London Borough of Barking and Dagenham, following consultation with local businesses, to deliver improvements that will secure this link and improve the public realm. A contribution should be therefore be sought towards the Creekside Environmental Improvement Project and secured by section 106 agreement.

36 The proposals involve the demolition of the large industrial building on site and the refurbishment of the remaining buildings. Whilst this does not in itself realise any objections the use of the site for open storage is potentially a retrograde step that could negatively affect quality

of the public realm near the site. Whilst it is accepted that the applicant has made some effort to address this, through the provision of large acoustic barriers and new cladding, it remains a concern. The applicant should examine ways of either keeping the current industrial building, or providing new ones within which the machinery plant and process could be housed. Should this not be possible, the applicant should provide reasonable justification for not doing so.

Transport

37 The nearest bus stops to the site are located 200 metres to the north and south on River Road and are served by route 387. The site is also within walking distance of routes 369, EL1 and EL2. The nearest railway station is Barking, approximately 2.2 kilometres from the site. The site records a low public transport accessibility level (PTAL) of 2, on a scale of 1 to 6 where 6 is excellent.

38 TfL is preparing to commence work on Phase 1b of East London Transit (ELT) which will provide bus lanes on both sides of River Road to the north of the site between Thames Road and the A13.

39 Given the scale and location of the proposals, it is accepted that the anticipated associated number of deliveries and staff movements likely to be generated by the site will not have any material impact on either the TLRN or public transport networks. It is also considered that the proposal will have no significant impact on the ELT 1b project or deliverables.

40 The applicant's intention to make use of the adjacent wharf to transfer materials in compliance with London Plan Policy 3C.25 and Draft Replacement London Plan policy 6.14 Freight is welcomed. This should be secured by section 106 agreement.

41 Although a delivery and servicing plan (DSP) is not required in this case, the applicant should still demonstrate how traffic movements to and from the site, including the use of the adjacent wharf, are intended to be managed. Heavy Goods Vehicle movements should be optimised to avoid the AM and PM peak hours to reduce highway impact on the TLRN and River Road. The applicant should discuss with the Council if any adjustments are required to ensure vehicles can safely exit and enter the site, including the position of gates and details on how they will be operated.

42 In line with London Plan policy 3C.25 and Draft Replacement London Plan policy 6.4, a construction logistics plan (CLP) will need to be prepared, including options to make use of the adjacent wharf during construction. This plan should look at the cumulative impacts of construction traffic for the area in terms of likely additional trips and mitigation required. This plan should be secured by condition.

43 There are discrepancies between the application form and supporting information about the number of staff or full time jobs that will be provided on the site. This should therefore be clarified in order to confirm the exact level of car and cycle parking required for the site. If the number of staff is below 20, a travel plan will not be required, but it is nevertheless recommended that the applicant should explore green travel initiatives to reduce car dependency by staff.

44 Notwithstanding the above comment, the application identifies that 10 parking spaces will be provided. This level needs to be justified in line with Table 6.1 of the Draft Replacement London Plan before being considered acceptable. A store for six cycles will be provided within one of the main buildings, as well as showers and changing facilities, in line with London Plan Policy 3C.22 Improving conditions for Cycling and Draft Replacement London Plan Policy 6.9 Cycling.

45 Further investigation and acceptable section 106 obligations are required, as detailed above, towards securing suitable transport provisions to ensure that the application complies with London Plan policies 3C.22 and 3C.25, and draft replacement London Plan policies 6.9 and 6.14.

Local planning authority's position

46 Barking and Dagenham Council has indicated that it intend to recommend refusal. It does not agree that the site is suitable for metal recycling and that the application is therefore not compliant with the Draft East London Joint Waste DPD.

Legal considerations

47 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

48 There are no financial considerations at this stage.

Conclusion

49 London Plan policies on waste, employment, safeguarded wharves, flood risk, energy, urban design and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- **Waste:** The proposal is an appropriate use for the site and supports the continued operation of the Creekmouth Preferred Industrial Location. The scheme supports the London Plan waste policies by supporting the objective of managing as much of London's waste as possible within London's boundaries.
- **Employment:** Further information should be provided to demonstrate the proposals are compliant with the London Plan.
- **Safeguarded wharves:** The application supports London Plan policy on safeguarded wharves. The proposal to use Kierbeck and/or Pinns wharf for exporting recyclate is welcomed and should be secured by section 106 agreement.
- **Flood risk:** The application can be considered London Plan compliant once subject to conditions to be determined by GLA officers and the Environment Agency.
- **Energy:** The application does not raise any strategic concerns in relation to London Plan, however, the energy demand reduction measures and provision of photovoltaic cells are welcomed.

- **Urban design:** further work is required before the proposals can be considered compliant with the London Plan.
- **Transport:** further information should be provided to demonstrate the proposals are compliant with the London Plan.

50 On balance, the application does not comply with the London Plan.

51 The following changes might, however, remedy the above-mentioned deficiencies, and could lead to the application becoming compliant with the London Plan:

- **Employment:** The applicant should submit an employment and training strategy and provide further information to address the points raised in paragraph 24.
- **Urban design** The applicant should address the points raised in paragraph 36 or provide reasonable justification for not doing so. The applicant should provide a contribution towards the Creekmouth Environmental Improvement project, which should be secured through s106 agreement.
- **Transport:** the applicant should provide further information to address the points raised in paragraphs 37-45.

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