planning report PDU/2285a/01

2 December 2009

Former Bus Depot, Perry Road

London Thames Gateway Development Corporation

planning application no. 09/00780/FUL

<table>
<thead>
<tr>
<th>Strategic planning application stage 1 referral (new powers)</th>
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<th>The proposal</th>
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<td>Change of use of former bus depot site to a materials reclamation facility (MRF).</td>
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<th>The applicant</th>
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<td>The applicant is ParaBar Muir Developments, and the agent is Terence O’Rourke Ltd.</td>
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<th>Strategic issues</th>
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<td>The use of the site for recycling of construction and demolition waste is supported in strategic planning terms. The proposed use is therefore appropriate in this strategic industrial location. However, the applicant needs to provide further information regarding waste, design, energy, access, safeguarded wharves and transport.</td>
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<th>Recommendation</th>
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<td>That Barking &amp; Dagenham Council, on behalf of the London Thames Gateway Development Corporation, be advised that the application is broadly acceptable in strategic planning terms, but does not comply with the London Plan, for the reasons set out in paragraph 50 of this report. The possible remedies set out in paragraph 52 of this report could address these deficiencies. The application does not need to be referred back to the Mayor if the Corporation resolves to refuse permission, but it must be referred back if the Corporation resolves to grant permission.</td>
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<th>Context</th>
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<td>1 On 9 June 2009 the Mayor of London received documents from Barking &amp; Dagenham Council, on behalf of the London Thames Gateway Development Corporation (LTGDC) 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 &amp; Country Planning (Mayor of London) Order 2008 the Mayor has until 7 December 2009 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.</td>
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The application is referable under Category 2B 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 produced outside the land in respect of which planning permission is sought”.

Once the LTGDC 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 Corporation to determine it itself, unless otherwise advised. In this instance if the LTGDC resolves to refuse permission it need not refer the application back to the Mayor.

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

**Site description**

The scheme concerns a 0.9 hectare site containing a two storey building (comprising office space and access bays for large vehicles), a wheel washing facility and an area of hardstanding, previously used as a bus depot for First Group.

The site is surrounded by industrial sites – to the north is Barking Power Station, to the east is a glass recycling facility, to the south is a haulage company, and to the west is a distribution centre. Dagenham Dock, which adjoins the River Thames, is located approximately 250 metres to the south.

The site is accessed from Perry Road, off Chequers Lane which provides a link to the Dagenham Dock Railway Station, some 1.3km to the north. There are no public transport facilities within walking distance and so the public transport accessibility level is 0. There are segregated footways and cycle ways along Perry Road and Chequers Lane which provide access to the station.

**Details of the proposal**

The redevelopment will involve use of the site as a material reclamation facility (MRF).
9 The following activities are proposed:

- Remediation and recycling of soils (mechanical turning and adding regents).
- Sorting of construction, industrial/commercial and municipal waste streams including woods, metals, plastics and plasterboard, to be sorted manually on-site.
- Crushing of concrete, using mobile concrete crusher.

10 The existing shed, office, hardstanding area and access road will be used, with no new building work being proposed. The applicant intends to make use of East Jetty 9, located at Chequers Lane.

11 The maximum annual operational throughput would be 200,000 tonnes.

Fig 2: Site Layout Plan (Source: Submitted Transport Statement)

Case history

12 An application for change of use from former bus depot to a materials reclamation facility was referred to the Mayor in July 2008. No further action was taken however, due to the failure of the application to submit the necessary planning documents with the planning application. London Thames Gateway Development Corporation subsequently refused the application in February 2009 due to the lack of information having been submitted in relation to the nature of the operations, flood risk, transport, energy, air quality and noise.

13 The current application seeks to replace this previously considered application with further information being provided.

14 Prior to this, an application for use of the site as a metal recycling facility was refused in November 2005 in the absence of a s106 legal agreement to secure infrastructure improvements.
The use of the site as a bus depot dates back to 1989, but the site was vacated some eight years ago when First Group relocated to a new facility at Chequers Lane.

Strategic planning issues and relevant policies and guidance

16 The relevant issues and corresponding policies are as follows:

- **Waste**  
  London Plan; the Municipal Waste Management Strategy; PPS10
- **Urban design**  
  London Plan; PPS1
- **Sustainable development**  
  London Plan, PPS1, PPS Planning and Climate Change Supplement to PPS1; PPS3; PPG13; PPS22; the Mayor’s Energy Strategy; Sustainable Design and Construction SPG
- **River Thames/flooding**  
  London Plan; Mayor’s draft Water Strategy; PPS25, RPG3B
- **Biodiversity**  
  London Plan; the Mayor’s Biodiversity Strategy; Improving Londoner’s Access to Nature: Implementation Report; PPS9
- **Air quality**  
  London Plan; the Mayor’s Air Quality Strategy; The Control of dust and emissions from construction and demolition BPG; PPS23
- **Transport**  
  London Plan; the Mayor’s Transport Strategy; PPG13; Land for Transport Functions SPG
- **Parking**  
  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 Barking & Dagenham Unitary Development Plan, (October 1995) and the London Plan (Consolidated with Alterations since 2004).

18 The draft replacement London Plan, which was released for consultation on 12 October 2009, is also a material consideration.

19 The following are also relevant material considerations:

- The Barking and Dagenham Core Strategy (which is now at examination), Borough-wide Development Control Policies and Proposals map are at pre-submission stage, and as such are a material consideration which can be afforded substantial weight. Consultation on the Site Specific Allocations Development Plan Document (issues and options report) took place between June and August 2008 and this document also carries some weight as a material planning consideration.

Waste management

20 London Plan policy 4A.21 (‘Waste strategic policy and targets’) sets a target to achieve recycling and re-use levels in construction, excavation and demolition waste of 95% by 2020. London Plan policy 4A.22 (‘Spatial policies for waste management’) seeks to safeguard all existing waste management sites including wharves, unless appropriate compensatory provision is made. London Plan policy 4A.23 (‘Criteria for the selection of sites for waste management and disposal’) identifies criteria for the selection of sites for waste management and disposal, namely proximity to the source of waste, the nature and scale of the proposed activity, the environmental impact on
surrounding areas, the full transport impact of all movements and maximising the potential use of rail and water transport, and primarily using sites located on Preferred Industrial Locations or existing waste management locations. It also seeks to maximise the potential use of water transport for waste collection, transfer and disposal movements. London Plan policy 4A.28 ("Construction, excavation and demolition waste") supports the provision of new construction, excavation and demolition waste management facilities in London. The corresponding policies within the draft replacement London Plan are set out in Chapter 5. Policy 5.18 specifically relates to construction, excavation and demolition waste, whereby more beneficial and higher order uses of this inert waste is supported.

21 The site is located within the Dagenham Dock/Rainham Preferred Industrial Location (PIL) and is within a wholly industrial area. There are other waste sites nearby and adjoining, including Hunts Waste Recycling which operates a 3 hectare site on Chequers Lane and Cemex UK which operates from Dagenham Dock. The site is not identified in the East London Waste DPD, but it does immediately adjoin the Chequers Lane site which is. Given the location within a PIL, the need for additional recycling capacity in London and to achieve minimum self-sufficiency targets, the use of this site for waste management purposes is acceptable.

22 The submission of a materials flow chart would be useful to indicate the estimated waste input and output from the site, with details of where it will be coming from and also where and residual waste from the site will be going within the vicinity of the site. In any case, the applicant should provide further information on how the full 200,000 tonnes will be processed. This information will provide a greater understanding of how this application will help achieve Barking and Dagenham Council’s waste apportionment target.

**Safeguarded wharves**

23 London Plan policy 4C.8 (Freight uses on the Blue Ribbon Network) encourages new developments to increase the use of the blue ribbon network for the purposes of transporting freight and general goods particularly during demolition and construction phases. Policy 4C.9 ("Safeguarded wharves on the Blue Ribbon Network") states that the Mayor will and borough councils should protect safeguarded wharves for cargo handling such as inter-port or trans-shipment movements and freight related purposes and the transport of waste. The corresponding policies within the draft replacement London Plan are 7.24 and 7.26, which further seek a modal shift in freight transport to more sustainable modes.

24 The site adjoins, but is not within, a safeguarded wharf. The applicant has stated that agreement has been reached with the operators of a jetty at Chequers Lane which would enable use of the wharfs for delivery purposes, in order to reduce HGV movements. It is stated that use of wharfs would be a commercial decision on a case-by-case basis. Whilst this intent is supported, it is appropriate for a planning condition to be imposed which requires a minimum proportion of materials to be transported by barge so as to meet the safeguarded wharf policies within the London Plan and draft replacement London Plan.

**Design**

25 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained within Chapter 4B ("Design principles for a compact city") 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, 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.

The scheme does not propose any alterations to the existing buildings or layout on the site. It is noted that inconsistent plans have been submitted in relation to structures for containment of aggregates in the hardstanding area, as well as the concrete crusher, with these being shown on one set of plans but not on others. Whilst the principle of the proposal in design terms is acceptable, by virtue of the fact that minimal physical alterations are proposed, the applicant should confirm that there are no further structures proposed. The applicant should also confirm whether or not the concrete crusher would be permanently located in the hardstanding area, and if so, plans should be provided, together with a design and access statement.

**Access and equal opportunities**

Inclusive design principles, if embedded into the development and design process from the outset, help to ensure that all peoples, including older people, disabled and deaf people, children and young people, can use the places and spaces proposed comfortably, safely and with dignity. The aim of London Plan Policy 4B.5 (‘Creating an inclusive environment’) is to ensure that proposals achieve the highest standards of accessibility and inclusion (not just the minimum as required by building regulations). Policy 7.2 of the draft replacement London Plan reiterates these policies. The design of the landscaping and the public realm is crucial to how inclusive the development is to many people.

Given the nature and scale of the application the majority of the inclusive design standards are neither applicable nor relevant as only six staff will be employed on site and the site is not open to the general public. Nonetheless the application should at least demonstrate on the application plan that there is the provision of a blue badge parking space within the staff car parking area to ensure the application conforms to London Plan policy 4B.5 and draft replacement London Plan policy 7.2.

**Climate change adaptation and mitigation**

The London Plan climate change policies as set out in chapter 4A collectively require developments to make the fullest contribution to the mitigation of and adaptation to climate change and to minimise carbon dioxide emissions. The corresponding policies are set out in Chapter 5 of the draft replacement London Plan.

The applicant has submitted a preliminary renewable energy technology assessment, however insufficient information has been provided to understand the proposals and verify the carbon dioxide savings in principle.

In relation to baseline emissions, these have been estimated to be 27 tonnes of CO2 per annum. In order to understand the intended energy usages, a more detailed correlation between the energy required by the processes and buildings on site and the baseline emissions is required. The applicant should also indicate how the energy required for the processes has been estimated.

In addition to a more detailed energy breakdown, the applicant is expected to undertake demand reduction and energy efficiency measures that aim to reduce the demand for energy in the first instance. This should be carried out for uses within the building and for the on-site processes.

In relation to energy supply and renewable energy, the plans for connecting to an external biomass boiler and to the planned heat network fed with heat from the Barking power station are...
welcomed. However, insufficient information has been provided to justify the lack of on-site renewable energy generation, in particular in relation to electricity generation. A more detailed assessment is therefore required before the use of on-site renewable electricity generating technologies is disregarded, i.e. photovoltaic and wind energy. The investigations should be supported with drawings of the site showing space available for the installation of such technologies and a more robust approach to the site constraints.

35 Overall the proposal is unacceptable and fails to accord with London Plan climate change polices as it currently stands. Revisions to the energy strategy are required before the scheme is reported back to the Mayor.

**Flood risk management**

36 The site is within flood zone 3a and is defended by the Thames tidal defences to a standard of 0.1% chance per year. A flood risk assessment has been provided with the application, in accordance with PPS25. The development is a “less vulnerable” land use in terms of PPS25 and therefore is acceptable in principle. The Environment Agency has advised that as there would be no ground raising and no increase in the impermeable surfacing, there would not be an increased risk of surface water on or off site. On this basis, the Environment Agency raises no objections on flood risk grounds.

37 The site has minimal buildings and therefore the opportunities for sustainable drainage are limited. However, the clean roof water from building could be dealt with in a more sustainable way. It should be contained in tanks for on site uses such as vehicle/wheel washing or toilet flushing.

38 In summary the principle of the development is acceptable, however the use of planning conditions are required to ensure compliance with the London Plan policy 4A.14 and draft replacement London Plan policy 5.13.

**Air Quality**

39 The site is designated within an Air Quality Management Area (AQMA). London Plan Policy 4A.19 (‘Improving air quality’) requires a formal air quality assessment to be undertaken where appropriate (such as areas designated as AQMAs) and as such an assessment should be submitted with the application. This should assess the operational effects of the proposed MRF, such as any additional traffic generation and an assessment of the on site processes. A dust mitigation strategy has been submitted with the application, however, in this case more detailed information is required.

40 The applicant is proposing to include a number of measures to reduce the impact of this development on air quality. The loading and unloading of material will take place through sheeted vehicles, material stock piles would be screened and/or dampened, and windbreak netting would be installed. As noted above, there are inconsistencies within the plans as to whether there would be contained areas for stored materials or windbreaks as suggested in the dust mitigation strategy.

41 In order to reduce the likely occurrences of dust emissions and pollution from the site it is recommended that conditions be imposed so as ensure that the mitigation proposed is undertaken in line with the London Council and GLA’s best practice guidance on construction and demolition. The applicant should undertake a more detailed air quality assessment, which should be secured as a planning condition. This should include an assessment of the air quality baseline, the operational
effects associated with any additional traffic and the on site operations for particulate matter and nitrogen dioxide

**Transport for London**

42 Although the site is relatively inaccessible by public transport, the proposed use will not generate a significant number of passenger trips. It is estimated that a total of 48 HGV trips and 14 car trips would be generated in total over a 24 hour period. This represents a reduction on the trips generated by the previous use as a bus depot. As a result the development would not have a significant impact on the TLRN.

43 Details of car parking should, however, be clarified and provision should be in line with standards for employment uses as contained in appendix 4 of the adopted London Plan and table 6.2 of the draft replacement London Plan. Cycle parking should also be provided on site in accordance with minimum standards set in table 6.3 of the consultation draft replacement London Plan. The provision of cycle parking will be particularly important given the significant walking distance to the nearest public transport service. In this instance and given the low level of passenger trips, there is no requirement for a travel plan.

44 As noted above, the intention to use the wharf facility is supported, and again it is noted that a target should be set for the proportion of material to be transported by water. A delivery and servicing plan should be prepared including measures to mitigate impacts on the road network. Measures such as booking systems to reduce peak time movements and use of full loads to minimise trips should be considered. Membership of a scheme such as the Freight Operators Recognition Scheme (FORS) should be encouraged for contractors. The preparation and implementation of a delivery and servicing plan in accordance with TfL guidance will need to be secured by condition.

45 Although the site was formerly used as a bus garage and is thus designated as land for transport, the replacement facility at Chequers Lane provides sufficient garaging space in the area to meet current and expected future demand. As such, there are no objections to the loss of transport land. The proposed development is therefore compatible with adopted London Plan policy 3C.4 ‘Land for Transport’ and policy 6.2 of the draft replacement London Plan.

46 In summary, TfL has no objections in principle to the proposed development but would expect details of car and cycle parking to be provided and a Delivery & Servicing Plan to be secured by condition.

**Local planning authority’s position**

47 The Corporation’s position is as yet unknown.

**Legal considerations**

48 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 Corporation 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 Corporation under Article 6 of the Order to refuse the 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

There are no financial considerations at this stage.

Conclusion

London Plan policies on strategic industrial locations, waste, safeguarded wharves, design, access, energy, flooding air quality, 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 use of the site for waste management purposes complies with London Plan policies 4.A.21, 4A.22, 4A.23 and 4A.28.

- **Safeguarded Wharves / River Thames:** The use of a planning condition to secure a minimum proportion of freight movement by river is required to ensure compliance with London Plan policy 4C.8 and 4C.9.

- **Design:** The proposal does not raise any strategic urban design issues but clarification is required in order to ensure consistency in relation to the plans.

- **Access and equal opportunities:** Additional details in relation to disabled parking are required in order to accord with London Plan policy 4B.5.

- **Climate change adaptation and mitigation:** There is insufficient information to determine compliance with London Plan policies 4A.1, 4A.3, and 4A.4-11.

- **Flooding:** The principle of the development is accepted however the use of planning conditions are required to ensure compliance with the London Plan policy 4A.14.

- **Air quality:** There is insufficient information to determine compliance with London Plan Policy 4A.19.

- **Transport:** TfL broadly supports the proposal however further information and conditions are required before the proposal can be considered to comply with London Plan policies 3C.22, 3C.23 and 3C.25.

Whilst the application is broadly acceptable in strategic planning terms, on the balance it does not comply with the London Plan.

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

- **Waste:** The applicant should specify the estimated waste input and output from the site, and how it will be processed in order to demonstrate how the application will assist in meeting Barking and Dagenham Council’s waste apportionment target.

- **Safeguarded Wharves / River Thames:** A minimum proportion of materials to be transported by barge should be secured by condition.

- **Design:** Updated plans should be submitted to correctly indicate the layout of the proposal.
• **Access and equal opportunities:** A plan demonstrating that there is the provision of a blue badge parking space within the staff car parking area should be provided.

• **Climate change adaptation and mitigation:** Further information detailing the anticipated carbon emissions, the energy reduction measures and potential for renewable energy is required, as detailed in the body of the report. The agreed approach should be secured by appropriate conditions or a legal agreement.

• **Flooding:** A condition requiring the clean roof water from the building (building one) to be contained in tanks for on site uses such as vehicle/wheel washing or toilet flushing should be secured.

• **Air quality:** A more detailed air quality assessment should be provided and mitigation measures imposed by way of condition.

• **Transport:** the applicant is requested to confirm the car and cycle parking to be provided, a condition requiring a delivery and servicing plan should be imposed.

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