

uses. To the north of the site and separated by the railway line is the residential accommodation located along Albert Road. The nearest residential unit is approximately 50m away.

- 2.5 The site is identified in the London Plan as being within a Strategic Industrial Location and a Preferred Industrial Location. Within the Unitary Development Plan the site is designated as a Principal Employment Area.
- 2.4 Photographs of the site and surrounds are set out in Appendix 1 of this report.

3. The Proposal

- 3.1 The applicant seeks retrospective planning permission for the use of the site for the processing and storage of non ferrous metal. This is a sui generis use.
- 3.2 The development does not involve the erection of any new buildings as the existing buildings provide for the weighbridge office, cable granulation, and storage. Externally the compound will be used for the open storage of scrap materials.
- 3.3 London City Metals Ltd have been operating from the site without planning permission from February 2010 (approx 18 months) when they relocated from there existing premises on Caxton Street.
- 3.4 Scrap metal arrives at the site where it is weighed and checks are undertaken to ensure that there is compliance with the Environmental Permit. The vehicles are then unloaded for treatment.
- 3.5 Treatment within unit 6 includes the sorting, separation, grading and compaction of metal by hand or crane grab, and the bailing and shearing of the lighter grade materials through a baler/shear.
- 3.6 Once the scrap metals have been processed they are stored before being transported to customers in the UK or exported abroad as a raw material.
- 3.7 All imports and exports are completed by road transport.
- 3.8 London City Metals expects to 5,000 tonnes of scrap to be imported per year and expects to store no more than 500 tonnes of scrap on the site at one time.
- 3.9 London City Metals Ltd have been trading within the metal recycling industry since the 1950s and has traded from two previous addresses within the Borough. The company currently employs 20 people across the two sites and is committed to recruiting staff from the local area.
- 3.10 The hours of operation are from 07.00 to 18.00 Monday to Friday and 07:00 to 13:00 on Saturdays.

4. Relevant History

4.1 Planning Application History

83/11601/UNIT7/1- Change of use to trailer rental depot – Approved

80/11601/12580 - Change of use of ground floor of building from Class IV to Class 10 – Approved

4.3 Enforcement History

None identified.

5. Consultation

5.1 Adjoining Properties

	Original
Number of Letters Sent	111
Number of responses Received	2
Number in Support	0
Number of Objections	2

5.1.1 Consultation letters were sent to 111 neighbouring properties, and a site notice was displayed outside the property. Two letters of objection were received from residents located to the north-west of the application site on Fernhill Street and Winifred Street. The residents raised concerns about the opening hours and raised objections based on noise, pollution and disturbance

5.2 Statutory and Non Statutory Consultation

5.2.1 Environment Agency: Details of the application were sent to the Environment Agency. No objection was raised by the Environment Agency subject to the conditions controlling ground, water contamination. A condition is imposed dealing with this issue.

5.3 Development Control Members' Forum

5.3.1 This application was not presented to the Members Forum

5.4 Design Review Panel

5.4.1 This application was not presented to the Design Review Panel.

5.5 Internal Consultation

5.5.1 Consultation was also undertaken with internal services, including Transportation, Planning Policy and Environmental Health.

5.5.2 The Council's Planning Policy Service supports this development outlining that green industries are supported through policies J1 and J3 of the draft Core Strategy and Thames Side East is designated as a Principal Employment Area.

5.5.4 The Council's Environmental Health Officer has raised no objection in principle to this application, subject to conditions.

5.5.5 The Council's Transportation Officer has advised that a transport assessment and routing plan is required.

6. Planning Policies and Guidance

6.1 The Newham Submission Draft Core Strategy was approved by Mayor in Consultation with Cabinet and full Council on 28th March 2011 and was submitted to the Secretary of State on 31st March. The following policies apply to this application:

- S1 Spatial Strategy
- S2 Stratford and West Ham
- S6 Urban Newham
- SP1 Borough-wide Place-making
- SP2 Healthy neighbourhoods
- SP3 Quality Urban Design within Places
- J1 Investment in the New Economy
- J2 Providing for Effective Use of Employment Land
- J3 Skills and Access to Employment
- INF9 Infrastructure Delivery
- SC1 Climate Change
- SC3 Flood Risk

6.2 Newham Unitary Development Plan (Adopted June 2001, Saved from 27 September 2007 in accordance with the direction from the Secretary of State):

- S1 Community Safety
- S3 Quality of Development
- S4 Sustainable Development
- S24 Employment: Meeting the Council's Regeneration Objectives
- EQ19 Urban Design Considerations
- EQ20 Design Considerations: Residential Areas
- EQ25 Access
- EQ26 Safety
- EQ45 Pollution
- EMP1 Employment Growth
- EMP2 Small Businesses
- EMP4 Principal Employment Areas
- EMP6 Diversification and Strengthening of Economy
- T1 Environmental Impact of Traffic Generated by New Development
- T3 New Development: Highway Capacity
- T5 Preferred Modes of Transport
- T10 Road Hierarchy: Relation to Development Proposals

- T14 Design to Minimise Road Accidents in New Development
- T19 Improvement of Conditions for Pedestrians

6.3 The London Plan – July 2010

- 2.1 London and the wider metropolitan area
- 2.3 Growth areas and co-ordinated corridors
- 2.9 Inner London
- 2.17 Strategic industrial locations
- 4.1 Developing London's economy
- 4.10 New and emerging economic sectors
- 5.1 Climate change mitigation
- 5.13 Sustainable drainage
- 5.17 Waste capacity
- 5.19 Hazardous waste
- 6.1 Strategic approach
- 6.3 Assessing effects of development on transport capacity
- 7.4 Local character
- 7.5 Public realm
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing sound-scapes

7. Assessment

7.1 The main issues for consideration in relation to this application are:

- Principle of a sui generis scrap metal processing yard
- Impacts of this development, particularly on neighbouring residents/area
- Design and appearance
- Traffic and servicing of the site
- Access arrangements
- Cumulative impacts of both units

7.2 Principle

7.2.0 The site is located within Thames Side East which is designated under the London Plan as a Strategic Industrial Location and is a Preferred Industrial Location. Policy 2.17 Strategic Industrial Locations outlines that these locations are particularly suitable for general industrial, storage and distribution, waste management, recycling, some transport related functions, utilities, wholesale markets and other industrial related activities.

7.2.1 The Council's Unitary Development Plan identifies that the site is located within a Principal Employment Area and specifically within area emp7. Policy EMP4 identifies that within Principal Employment Areas the Council will support the retention and expansion of industrial and warehouse houses. Policy EMP6 of the UDP also outlines that within in Principal Employment Areas support will be given for developments that provide new employment and will positively contribute to the diversification and strengthening of the local economy.

- 7.2.2 The draft Core Strategy identifies the site as being within the Arc of Opportunity and outlines economic growth sectors of the economy that will be supported. Policy J1 identifies that the high technology and green enterprise sectors will add value to London's dynamic and strong economy. Policy J2 also identifies that the site is located in a Preferred Industrial Location and uses should not jeopardise the functioning of any remaining employment uses.
- 7.2.3 In terms of this development, which is retrospective in nature, the use is utilising existing buildings within Unit 6 being used for storage, sorting/treatment and administrative purposes. The use has been in operation since February 2010 and it is understood that the site was previously used as a haulage depot.
- 7.2.4 London City Metals accept all grades of ferrous and non ferrous metals with Unit 6 used to primarily to accept non ferrous metals. Neither of the sites accept end of life vehicles, waste electrical and electronic equipment or tyres. Lead acid batteries are accepted for storage only.
- 7.2.5 Treatment process carried out include the sorting, separation, grading and compaction of non ferrous metals by hand or crane grab, and the bailing and shearing of the lighter grade materials through a baler/shear. All the scrap metal that has been processed is either sold in the UK or directly exported and recycled as a raw material.
- 7.2.6 London Scrap Metal expects to receive a total of 5000 tonnes of scrap metal per year at Unit 6. No more than 500 tonnes of scrap metal will be stored on the site at any one time. The Environment Agency will be responsible for issuing Environmental Permits for the operations.
- 7.2.7 London City Metals has been trading within the metal recycling industry since the 1950s and has traded from two previous addresses within the Borough. The company employs 20 people across the two sites (Units 6 and 7) and is a well known local enterprise
- 7.2.8 In terms of planning policy this use of the site complies with the industrial/employment land designation of the site. Policy 2.17 of the London Plan identifies the site as a Preferred Industrial Location and identifies that the locations are suitable for waste management and recycling. A scrap metal and recycling use is therefore compatible with Policy 2.17 of the London Plan.
- 7.2.9 At a local level both the Council's existing Unitary Development Plan and emerging Local Development Framework support the use of the site for scrap metal and recycling. Policy EMP4 identifies the site has being within a Principal Employment Areas where industrial uses will be supported. Furthermore Policy EMP6 will support this use given that employment is generated on the site thereby supporting the local economy and jobs. The Council's draft Core Strategy also identifies the recycling and green industry, such as a well run scrap yard, as a sector which will add value to London's dynamic and strong economy. As a result this development can be supported through Policies J1 and J2 of the draft Core Strategy.

7.2.10 This development will contribute to the local economy through providing employment and an industry that is compatible with the Council's objectives for the locality. As a result the principle of this development is supported through London Plan Policy 2.17, Unitary Development Plan Policies EMP3 and EMP6 and draft Core Strategy Policies J1 and J3.

7.3 Design and appearance

7.3.1 As already identified the site is located in a Principal Employment Area, an area which is identified and accepted as being suitable to accommodate industrial activities. However it is also noted that the application site fronts onto Factory Road and is therefore visible from the public realm.

7.3.2 The operation of the site involves the open storage of metal that has been sorted and awaiting transfer. At the time of the site visit the operation of the site involved a large pile of aluminium being stored. Ongoing discussions have been taking place with the applicant regarding mitigation measures that could be employed to reduce the impact of the development on the character and appearance of the area such as the installation of silos and screening along the site boundary.

7.3.3 The site is located in a prominent location on the part of the allocated industrial estate that fronts the public realm with residential properties and the safeguarded Cross Rail line located to the north. Given the prominence of the site it is essential that the operations do not detract from the character or appearance of the locality or harm the visual amenity that look onto the site.

7.3.4 It is acknowledged that a scrap yard which includes open storage will have an impact on the area. However, it should be noted that whilst the site is designated for industrial use it is still in proximity to residential areas and can be seen within the wider area. It is nevertheless important that given the prominent location of the site that the visual impact on the operations do not have a disproportionate impact on the character and appearance of the area. Currently the open storage of metal in Unit 6 is clearly visible from the public realm and results in a development that has a disruptive and visually obtrusive impact on the public realm.

7.3.5 In order to minimise and control this visual impact planning conditions are proposed that will mitigate the impact of the development through limiting the height of that open storage, screening and external site arrangements. In order for the screening to be effective it is necessary to limit the height of the open storage to 3m above ground level. This will ensure that the screening will provide efficient and effective screening from the public realm.

7.3.3 No details of mitigation have been provided to date. In order to satisfy the Council that the visual off site impacts can be effectively dealt with a planning condition is imposed that requires details of external storage and boundary treatments to be provided and the height of open storage is to be controlled. This will ensure that the impact of the development on the public realm is reduced to an acceptable level.

7.4 Off site impacts

- 7.4.1 The site is located within a designated Principal Employment Area; these are the most suitable sites for industrial activities to take place within the Borough. Such a use would comply with the designation of the industrial estate and not adversely affect its immediate industrial neighbours. Any off site impacts can be dealt with through the use of conditions and would not adversely harm the amenity of surrounding adjacent residential occupiers. The site was previously used for B8 purposes and the site visit identified that there are a number of other industrial uses within the locality including a haulage company.
- 7.4.2 In terms of off site impacts this use will result in off site impacts given the activities that will take place on the site required for the processing of scrap metal. These impacts will include visible impact, dust and odour and noise.
- 7.4.3 The site is visible from the public realm particularly Factory Road which forms the northern boundary of the site. The site is partially screened from the public realm by fencing. As already concluded a condition will ensure that effective screening is provided and a height limit will ensure that the visual impact of the development is minimised to an acceptable level.
- 7.4.4 In terms of dust and odour the site has been operating since February 2010 without and objections being raised. Furthermore the operations of the use are subject to the control of an Environmental Permit which is administered by the Environment Agency. A planning condition will require details of an Environmental Code to be submitted, this will control the operations of the site at a local level and will include measures to minimise dust and odour.
- 7.4.5 The operation of the site will give rise to noise from the operations that will be undertaken on the site. However this has to be assessed in the context of the area which is designated as being suitable to accommodate industrial activity. It is noted that the site has also been operating since February 2010 without any significant noise complaints raised. In addition the granulator is located within a building which will minimise the potential for noise transmission to occur. Furthermore it is understood that the Environmental Permit which is issued by the Environment Agency allows for measures to minimise noise and vibration. A planning condition will also ensure the level of noise emitted from the site that is audible from the nearest residential property is limited to an acceptable level.
- 7.4.6 To the north of the site are residential properties located on Albert Road. Two letters of objection had been received from neighbouring residents who were concerned about how the operations could be accommodated on the site. Concerns were raised about opening hours with reports made about operations beginning at 4am and concerns about noise pollution, scattering of waste, depreciation of property values and harm to trees and natural resources. A number of conditions in terms of hours of operation, noise mitigation, and environmental code will minimise any off site impacts.

- 7.4.7 Hours of operation are from 07:00hrs to 17:00 Monday to Friday and 07:00hrs and 13:00hrs on Saturdays. These hours should not unduly disturb surrounding residents and are acceptable given the designation as an industrial estate.
- 7.4.7 The Environmental Code will ensure that the site kept in a tidy manner and will ensure that waste is not scattered over the site. An objection letter also detailed there was concern about the loss of trees. No trees are detailed on the plans and there is no evidence to suggest that any trees have been removed from the site. Finally the depreciation of property values is not a material planning consideration.
- 7.4.6 It can be concluded that given the context of the site in terms of site and use of planning conditions to deal with off site impacts this development will not give rise to any significant loss of amenity to neighbouring properties and no objection is raised.

7.5 Transportation

- 7.5.1 London City Metals operate from two sites, Units 6 (this application) and Unit 7 (application 11/01083/FUL) Standard Industrial Estate. The operations will be serviced by vehicles which include staff cars, London City Metal lorries that range from 7.5 tonnes, 26 tonnes, 32 tonnes and 44 tonnes, a van and smaller customer cars, trucks vans or small lorries.
- 7.5.2 Typically 5-8 staff cars and 16 London City Metal vehicles will access both of the sites at Units 6 and 7 daily. In addition between 50 and 100 customers per day will deliver metal across both sites typically in smaller vehicles.
- 7.5.3 The site is in a Principal Employment Area which are associated with vehicle movements, the site is also located in close proximity to the Strategic Road Network to allow easy transfer of materials. No objection is raised to the numbers of vehicle movements which will be restricted through the controlled hours of operation. However the site is also located in close proximity to residential communities, separated by two roads and a railway line. The Council would need to ensure appropriate vehicle routing to ensure that these residential areas are avoided. It is recommended that a condition requires that details of vehicle routing are provided to protect residential amenity.

7.6 Inclusive Environment / Access

- 7.6.1 UDP Policy EQ25 seeks to ensure that developments provide access that satisfactorily caters for the needs of disabled people and those with mobility difficulties.
- 7.6.2 No details have been provided in respect of how accessible the existing buildings are. However as this is a similar land use in comparison to the existing land use of the site it is not felt a reason for refusal could be substantiated on lack of inclusive grounds and no objection is raised to this.

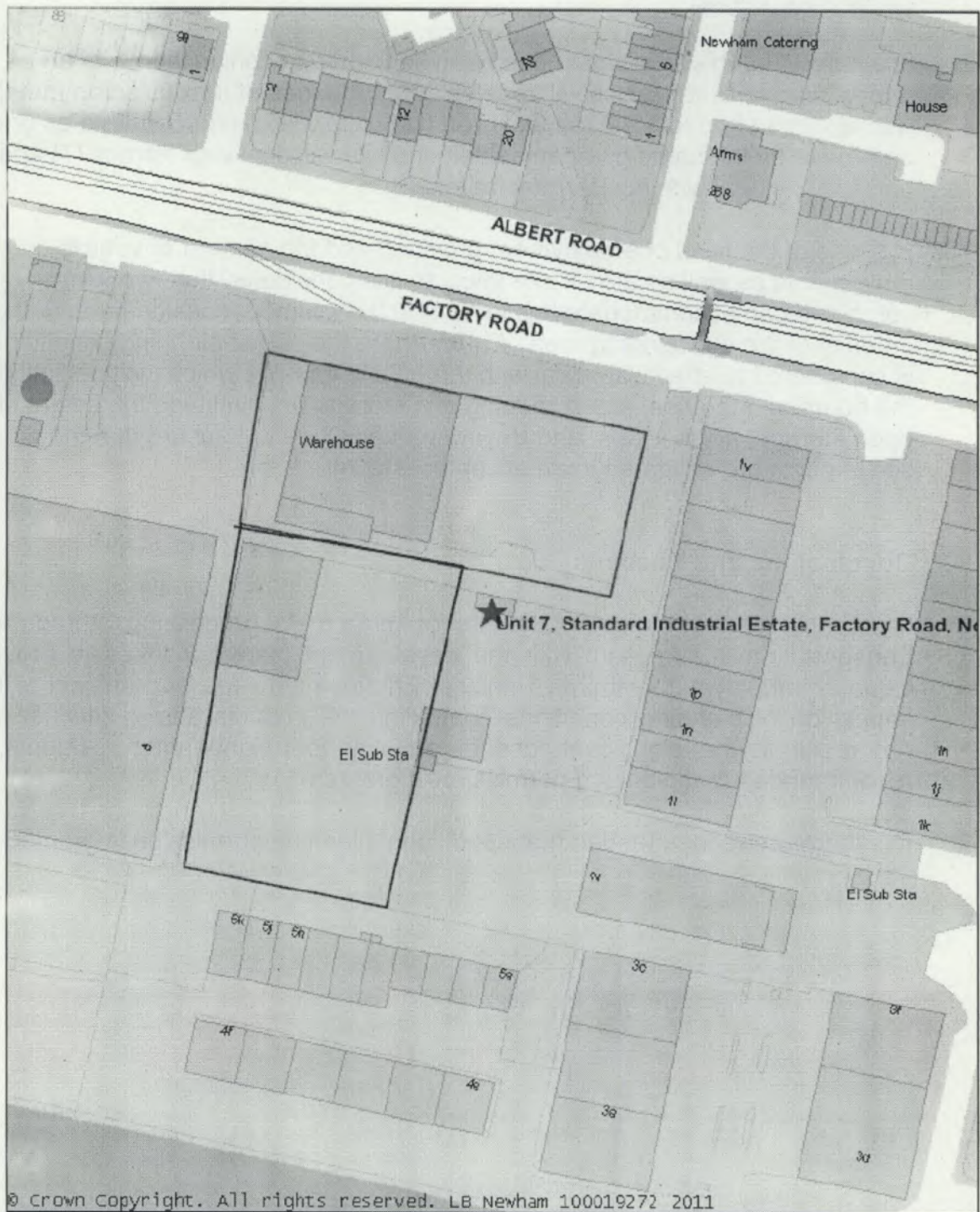
7.7 Cumulative Impact

- 7.7.1 It is noted that this application has been submitted in conjunction with an application for Unit 7 which will receive 20,000 tonnes of ferrous scrap metal with storage of up to 1500 tonnes. The two units will in effect operate as one enterprise by the same company albeit one site will deal with ferrous (7) and one site will deal with non ferrous metals (6).
- 7.7.2 In terms of the level of employment provided and the number of vehicle movements as well as the off site impacts it is considered that two sites combined can accommodate this level of activity without causing harm to the amenity of the surrounding area. Furthermore the use of planning conditions is considered to effectively deal with the off site impacts which include limiting the hours of operation, site screening and storage and limits on the height of open storage, noise levels, and Environmental Code will ensure that the off site impacts are mitigated to an acceptable level.

8. Conclusions and Reasons

- 8.1 It is concluded that the use of the site for scrap metal processing, storage and transportation is compliant with the development plan, continues to provide valuable employment within a Principal Employment Area and subject to the imposition of planning conditions controlling the impacts arising the use will not result in the significant loss of amenity to neighbouring residents. It recommended that planning permission is granted.
- 8.2 It is therefore recommended that conditional planning permission is granted.

Appendix 1: Site Plan

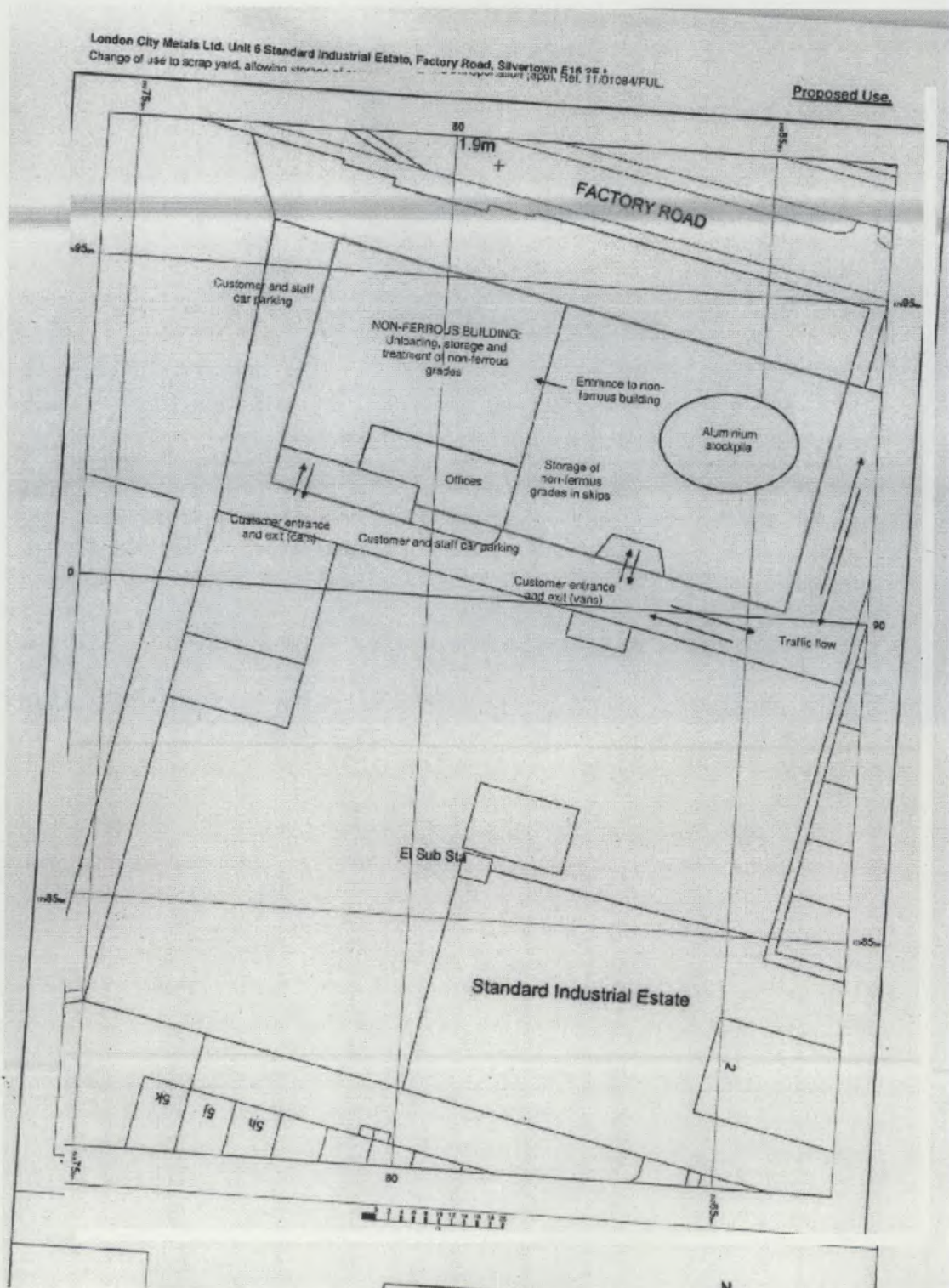


LocalView A4 Portrait Map <http://mygis/lvintranet>

Scale 1:1250



Appendix 2: Layout Plan



Appendix 3:Photos









APPLICATION FOR PLANNING PERMISSION

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

APPLICANT:

Mr Charles Matthews London City Metals Ltd
6 LCM House
Unit 6 Standard Industrial Estate
Factory Road
London
E16 2EJ

AGENT:

Mr Charles Matthews London City Metals Ltd
6 LCM House
Unit 6 Standard Industrial Estate
Factory Road
London
E16 2EJ

Part I - Particulars of Application

APPLICATION NO: 15/00221/VAR

DATE OF APPLICATION: 18th February 2015

PROPOSAL: Variation of Condition 2 (Operating Times) attached to planning consent 11/01083/FUL dated 28th September 2011 to change the operating times of Saturday from 07.00 to 13.00 to 07.00 to 18.00.

LOCATION: Unit 7
Standard Industrial Estate
Factory Road
North Woolwich
London

Part II - Particulars of Decision

The London Borough of Newham hereby gives notice that PLANNING PERMISSION has been **GRANTED** for the carrying out of the development referred to in Part I hereof and as described and shown on the plan(s) and documents(s) submitted with the application, subject to conditions and reasons listed below:

Conditions and Reasons

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

General Plan Ref: LCM/S01/U6

No other drawings or documents apply.

Reason: To ensure that the development is undertaken in accordance with the approved drawing(s) and document(s) in the interest of visual amenity, nearby residential amenity and highway safety.

2 The uses operating from the development including lorry movement hereby permitted shall not be operate outside the following times:

07:00 to 18:00 Monday to Friday
07:00 to 18:00 on Saturdays

Reason: To safeguard the amenity of neighbouring residents.

4 All works dealing with land contamination shall be carried out in accordance with the details as approved under planning permission 12/00723/AOD.

Reason: To ensure protection of controlled waters.

5

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

The development shall be carried out in accordance with the approved details.

Reason: To ensure protection of controlled waters.

6 The open storage of scrap metal on site shall not exceed 5m in height above ground level.

Reason: To ensure that the development can be successfully accommodated within the context of the area and ensure that appropriate mitigation measures are employed.

Reason: To ensure that the development can be successfully accommodated within the context of the area and ensure that appropriate mitigation measures are employed in allowing the site to be compatible with the character and appearance of the location.

7 All works dealing with transport routing shall be carried out in accordance with the details as approved under planning permission 12/00723/AOD.

Reason: To ensure an appropriate route for large vehicles is provided to allow the safe and efficient operation of the use.

8 All works dealing with noise and acoustic assessments shall be carried out in accordance with the details as approved under planning permission 12/00723/AOD.

Reason: To ensure that the development can be successfully accommodated within the context of the area and to ensure that appropriate mitigation measures are employed.

9 All works dealing with the environmental code shall be carried out in accordance with the details as approved under planning permission 12/00723/AOD.

Reason: To ensure that the construction does not prejudice the ability of neighbouring occupiers reasonable enjoyment of their properties.

Informatives

In forwarding the decision for this application, the applicant is advised of the following:

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

Summary of Policies and Reasons

The Council's decision to grant planning permission in this instance arose following careful consideration of the relevant provisions of the Council's adopted development plan and of all other relevant material considerations. In deciding to grant permission in this instance, the Council found the proposal to be acceptable in the context of the development plan and all other relevant material considerations. Of particular relevance to this decision were the following policies:

The Newham Core Strategy Adopted January 2012

S1 Spatial Strategy

- S2 Stratford and West Ham
- S6 Urban Newham
- SP1 Borough-wide Place-making
- SP2 Healthy neighbourhoods
- SP3 Quality Urban Design within Places
- J1 Investment in the New Economy
- J2 Providing for Effective Use of Employment Land
- J3 Skills and Access to Employment
- INF9 Infrastructure Delivery
- SC1 Climate Change
- SC3 Flood Risk

Newham Unitary Development Plan (Adopted June 2001, Saved from 27 September 2007 in accordance with the direction from the Secretary of State):

EQ45 Pollution

The London Plan: Spatial Development Strategy for London consolidated with alterations since 2011, published March 2015.

- 2.1 London and the wider metropolitan area
- 2.3 Growth areas and co-ordinated corridors
- 2.9 Inner London
- 2.17 Strategic industrial locations
- 4.1 Developing London's economy
- 4.10 New and emerging economic sectors
- 5.1 Climate change mitigation
- 5.13 Sustainable drainage
- 5.17 Waste capacity
- 5.19 Hazardous waste
- 6.1 Strategic approach
- 6.3 Assessing effects of development on transport capacity
- 7.4 Local character
- 7.5 Public realm
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing sound-scapes

Reason: It is concluded that the use of the site for scrap metal processing, storage and transportation is compliant with the development plan, continues to provide valuable employment within a Principle Employment Area and subject to the imposition of planning conditions controlling the impacts arising the use will not result in the significant loss of amenity to neighbouring residents.

Dated: 15th April 2015

Signed:



Deirdra Armsby

Head of Planning & Development Commissioning

London Borough of Newham

Newham Dockside, 1000 Dockside Road, London, E16 2QU

TOWN AND COUNTRY PLANNING ACT 1990




Appeals to the Secretary of State

- ❖ If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- ❖ If you want to appeal against your local planning authority's decision then you must do so within SIX months of the date of this notice.
- ❖ If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- ❖ If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within SIX months of the date of this notice, whichever period expires earlier.
- ❖ Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (email: enquiries@pins.gsi.gov.uk) (Tel: 0117 372 8000) or online at www.planningportal.gov.uk/pcs. A copy of your appeal must be sent to the London Borough of Newham. The Inspectorate will publish details of your appeal on the internet. This may include copies of documentation from the original planning application and relevant supporting documents supplied to the local authority, and or information, including personal information belonging to you that you are happy will be made available in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.
- ❖ The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- ❖ The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- ❖ In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

Purchase Notices

- ❖ If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- ❖ In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for that Park, or in any other case the district council (or county council which is exercising the functions of a district council in relation to an area for which there is no district council), London borough council or Common Council of the City of London in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part VI of the Town and Country Planning Act 1990.

Decision Sheet

Case Officer to complete:	
Application Number:	15/00221/VAR
Development Code:	15
Decision Type:	Delegated
Date Valid:	18th February 2015
Public Expiry Date:	19th March 2015
8/13 Week Date:	15th April 2015
Reason for over 8/13 Weeks:	
Officer Recommendation:	GRANT planning permission
Section 106 Agreement (Yes/No):	No
Case Officer:	Matt Golisti
Case Officer Initial/Date:	 14/04/15
Development Manager Check:	Development Manager Signature/Date:
Delegated Report:	 Date: 15 th April 2015
Decision Notice:	 Date: 15 th April 2015

APPLICATION FOR REMOVAL OF VARIATION OF A CONDITION

Application No: 15/00221/VAR

Address: Unit 7
Standard Industrial Estate
Factory Road
North Woolwich
London

Proposal: Variation of Condition 2 (Operating Times) attached to planning consent 11/01083/FUL dated 28th September 2011 to change the operating times of Saturday from 07.00 to 13.00 to 07.00 to 18.00.

SITE AND SURROUNDINGS

The application site (unit 7) is located to the south of Factory Road in North Woolwich within the Thames Side East Industrial Estate and is the premises to the rear of the industrial estate. The site is rectangular in shape and provides an office, warehouse and open storage yard and located to the rear of Unit 6. Access to the site is provided from Factory Road.

The site is currently occupied by London City Metals Ltd, who occupied the site in February 2010 and were granted planning permission to retain the use in 2011 under planning permission 11/01083/FUL.

The area is characterised by industrial development with warehouse development located to the west of the site and the large wholesale Chinese supermarket located to the east of the site. These are typically B1 and B8 type uses. To the north of the site and separated by the railway line is the residential accommodation located along Albert Road. The nearest residential unit is approximately 50m away.

The site is located in Thameside East Strategic Industrial Location and Employment Hub E3 associated with Core Strategy policies J2 and J1 respectively.

PROPOSAL

The applicant seeks to vary Condition 2 (Operating Times) attached to planning consent 11/01083/FUL, dated 28th September 2011, to change the operating times of Saturday from 07.00 to 13.00 to 07.00 to 18.00.

RELEVANT HISTORY

Planning

Application No	12/00723/AOD
Proposal:	Approval of details pursuant to condition 3 (phase 1 desk study report), 5 (site screening, external storage details), 7 (transport routing plan), 8 (acoustic report), 9 (environmental code) of planning consent no. 11/01083/FUL dated 28.09.2011.
Decision:	Application permitted
Application No	11/01084/FUL
Proposal:	Retention of use of site as a scrap yard, allowing storage of scrap, processing and transportation.
Decision:	Application permitted
Application No	11/01083/FUL
Proposal:	Retention of use of site as a scrap yard, allowing storage of scrap, processing and transportation.
Decision:	Application permitted

Enforcement

Application No	12/00068/ENFA
Proposal:	Breach of conditions relating to 11/01083/FUL & 11/01084/FUL
Decision:	Case closed – resolved by negotiation

POLICY

National Planning Policy Framework (NPPF) (March 2012)

	<u>Requiring Good Design</u>
Paragraph 17	Core Planning Principles
Chapter 1	Building a Strong Competitive Economy
Paragraph 56	Good Design
Paragraph 58	Setting out the Quality of Development

The London Plan: Spatial Development Strategy for London, consolidated with alterations since 2011, published March 2015.

Policy 1.1	Delivering the Strategic Vision and Objectives for London
Policy 4.1	Developing London's Economy
Policy 4.4	Managing Industrial Land and Premises
Policy 7.4	Local Character
Policy 7.5	Public Realm
Policy 7.6	Architecture

The London Borough of Newham Core Strategy (Adopted 26th January 2012)

Policy S1	Spatial Strategy
Policy S3	Royal Docks
Policy SP1	Borough-wide Place-making
Policy SP2	Healthy Neighbourhoods
Policy SP3	Quality Urban Design within Places

The London Borough of Newham Unitary Development Plan (saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26th January 2012)

Policy EQ45 Pollution

Supplementary Planning Guidance (SPG)

Industrial Capacity SPG

CONSULTATION

Adjoining Properties

111 Neighbours have been consulted on this application and a site notice was erected at the application site.

1 representation has been received objecting to the proposal:

I wish to object to this application in the strongest possible terms. I also speak for neighbours at 88 and 92 Sheldrake Close. Residents have enough noise and disturbance from Crossrail works adjacent to the Standard Industrial Estate. Newham Council have general supported residents when complaining about works outside normal working hours and we hope you will continue to listen to us and oppose this application.

Statutory, Non Statutory and Internal Consultation

LBN Environmental Health – No objections.

ASSESSMENT

The Development Plan sets out that high quality development will be expected, which respects, takes advantage of, and enhances the positive elements and distinctive features of the borough, contributing to a well-connected and integrated series of successful and distinctive places, that together help to transform the borough and its attractiveness as somewhere to live, work and stay.

The main issues for consideration in relation to this application are as follows:

Principle

Saved UDP Policy EQ45 resists development that would involve an unacceptable level of noise beyond the boundary of a site. This view is further supported by London Plan Policy 7.15 (Reducing Noise and Enhancing Soundscapes) and Core Strategy policy SP2 (Healthy Neighbourhoods).

The site is located in an area characterised by industrial uses, however, there are residential properties approximately 50 metres away on the opposite side of Station Road.

Part of the site comprises an open air storage yard in which noise-emitting activities take place and there will be increased noise due to increased comings and goings of vehicles to and from the site. The extent of this has to be assessed in the context of the area which is designated as being suitable to accommodate industrial activity.

A noise impact assessment was previously considered acceptable under planning permission 12/00723/AOD concluding that the audible noise from the site is an acceptable level at the nearest residential property. The facility is also required to keep within the acoustic restrictions of its Environmental Permit, monitored by the Environment Agency. This application does not propose to change any activity on the site that could lead to increased noise.

In addition, the Council's Environmental Health team has no objections to the proposal and despite the objection received to this application, there have been no complaints against the facility since it began operating.

The routing of vehicles to and from the site has been approved under planning permission 12/00723/AOD and has been design to avoid residential properties where possible in order to mitigate amenity impacts.

CONCLUSION

It is therefore considered that despite having longer opening hours, the level of noise created will remain within the permitted restrictions that are considered acceptable in terms of impacting on neighbouring residents.

Recommendation

The Authorised Delegated Officer is recommended to GRANT planning permission.

Appendix C - Specific sound level calculations

		SPL	time	divide 10	antilog (power)	antilog x over time
	9am	63.5	1.625	6.35	2238721.139	3637921.85
		66.5	5.375	6.65	4466835.922	24009243.08
		65.4	2.75	6.54	3467368.505	9535263.387
		61.2	3.375	6.12	1318256.739	4449116.493
		60.1	5.25	6.01	1023292.992	5372288.209
		59	5.25	5.9	794328.2347	4170223.232
		62.3	8.375	6.23	1698243.652	14222790.59
		60.2	6.125	6.02	1047128.548	6413662.357
		69	8.5	6.9	7943282.347	67517899.95
		68.1	11	6.81	6456542.29	71021965.19
		68.7	21.25	6.87	7413102.413	157528426.3
		62	4.875	6.2	1584893.192	7726354.313
		67	5.625	6.7	5011872.336	28191781.89
		71.9	9.125	7.19	15488166.19	141329516.5
		66.1	4.375	6.61	4073802.778	17822887.15
		65.6	10.75	6.56	3630780.548	39030890.89
		66.9	10.625	6.69	4897788.194	52038999.56
		68.7	6.25	6.87	7413102.413	46331890.08
		64.9	16.625	6.49	3090295.433	51376161.57
		65.3	5.125	6.53	3388441.561	17365763
		65.1	8	6.51	3235936.569	25887492.55
		64	23.125	6.4	2511886.432	58087373.73
		64.3	9.5	6.43	2691534.804	25569580.64
		66.3	40.5	6.63	4265795.188	172764705.1
Total antilog					1051402198	
Total time (secs)					300	
Antilog divide time					3504673.992	
Log					6.544647626	
x10					65	LAeq for period



		SPL	time	divide 10	antilog (power)	antilog x over time
	915	66.7	13.625	6.67	4677351.413	63728913
		65.7	4.5	6.57	3715352.291	16719085.31
		68.7	8.25	6.87	7413102.413	61158094.91
		66.5	15.125	6.65	4466835.922	67560893.31
		64.5	5.875	6.45	2818382.931	16557999.72
		60.9	34.375	6.09	1230268.771	42290489
		61.7	14.5	6.17	1479108.388	21447071.63
		64.2	74	6.42	2630267.992	194639831.4
		66	50.625	6.6	3981071.706	201541755.1
		65.6	26.5	6.56	3630780.548	96215684.51
		65.5	93	6.55	3548133.892	329976452
		63.1	82	6.31	2041737.945	167422511.5
		63.6	28.625	6.36	2290867.653	65576086.56
		61.9	23.375	6.19	1548816.619	36203588.47
		60.5	17.5	6.05	1122018.454	19635322.95
Total antilog					1400673779	
Total time (secs)					900	
Antilog divide time					1556304.199	
Log					6.192094489	
x10					62	L _{Aeq} for period

		SPL	time	divide 10	antilog (power)	antilog x over time
	930	63.5	14.125	6.35	2238721.139	31621936.08
		60.3	4.75	6.03	1071519.305	5089716.7
		66.6	19.375	6.66	4570881.896	88560836.74
		64.6	21.375	6.46	2884031.503	61646173.38
		62.8	10.625	6.28	1905460.718	20245520.13
		63.9	18.25	6.39	2454708.916	44798437.71
		67.9	29.75	6.79	6165950.019	183437013.1
		65.5	16.375	6.55	3548133.892	58100692.49
		66.4	27.875	6.64	4365158.322	121678788.2
		63.3	29.75	6.33	2137962.09	63604372.16
		65.8	9.5	6.58	3801893.963	36117992.65
		62.5	0.375	6.25	1778279.41	666854.7788
		65.8	6.25	6.58	3801893.963	23761837.27
		65.1	78	6.51	3235936.569	252403052.4
		62.5	7.125	6.25	1778279.41	12670240.8
		63.4	29.125	6.34	2187761.624	63718557.3
		62.8	64	6.28	1905460.718	121949485.9
Total antilog					1190071508	
Total time (secs)					900	
Antilog divide time					1322301.675	
Log					6.121330548	
x10					61	LAeq for period

		SPL	time	divide 10	antilog (power)	antilog x over time
	945	61.4	17.125	6.14	1380384.265	23639080.53
		64	22.875	6.4	2511886.432	57459402.12
		64.4	14.875	6.44	2754228.703	40969151.96
		64.1	9.375	6.41	2570395.783	24097460.46
		61.8	102	6.18	1513561.248	154383247.3
		63.1	38.25	6.31	2041737.945	78096476.38
		63.3	43.75	6.33	2137962.09	93535841.42
		63.9	45.75	6.39	2454708.916	112302932.9
		62	23.625	6.2	1584893.192	37443101.67
		65.5	26.75	6.55	3548133.892	94912581.62
		66	14.875	6.6	3981071.706	59218441.62
Total antilog					776057718	
Total time (secs)					900	
Antilog divide time					862286.3534	
Log					5.935651513	
x10					59	LAeq for period

First 15-minute period includes an adjustment for residual sound of 59dB logarithmically subtracted from 65dB to give a specific sound level of 62dB.



Appendix D - BS 4142:2014+A1:2019 information to be reported

Table 8. Information to be reported from clause 12 of BS 4142:2014+A1:2019

Ref	Information to be reported	Assessor information
a)	Statement of qualifications, competency, professional experience etc of all personnel contributing to the assessment	D Baker - BSc (Hons) PGDip MSc MCIEH CEnvH MIOA Chartered environmental health practitioner with local authority background in noise and nuisance assessment with additional acoustic qualifications (PGDip & MSc). Experience of the application of BS 4142 since around 2004. Several articles published on application of guidance including journal articles subject to peer review.
b)	Source being assessed as follows:	
1	Description of the main sound sources and specific sound	Specific sound audible at location 1m from façade of noise sensitive receptors on Fernhill Street and Winifred Street. Audible sound consists of metal impacts from handling, loading and tipping. Residual sound consists of continuous road traffic noise and localised traffic movements during monitoring, aircraft, tube trains, another metal recycling site and general industrial/commercial sounds contributing to the ambient sound environment. Localised and distant road traffic dominates acoustic environment.
2	hours of operation	Site opens 7am to 6pm Monday to Friday. Saturday 7am to 1pm. No use during evening or on Sundays or Bank Holidays.
3	mode of operation	Can be variable in sound levels dependant on third parties tipping, economy (e.g. price of metals etc) and national/international demand for metals. Tipping events can generate high noise levels but loading shear generates sustained peaks of noise on site.
4	statement of operational rates of the main sound sources (e.g. maximum load setting used, 50% max rate, low load/power setting etc)	Noise measurements based on intensive metals handling, mobile grab sorting material, preparation and shear loading to the south of the site occurring during the assessment. Metals handling within central area behind weighbridge considered typical worst case due to absence of screening.
5	Description of premises in which the main sound sources are situated (if applicable)	Metal recycling site part of much wider industrial/commercial dock and airport use. Site contains shear towards south west. Existing non-ferrous building partially constructed and existing boundary screening to be removed. New boundary screening and internal screening to be implemented. Non-ferrous activities and lower-level handling towards north of site closer to noise sensitive premises. Ferrous activities and higher levels of handling undertaken in screened location behind non-ferrous building.
c)	Subjective impressions including	
1	dominance or audibility of specific noise	Specific sound from movement of metals audible at two monitoring locations to varying degrees. Impacts of metal on metal responsible for higher peaks of noise measurable adjacent 1 Fernhill Street. Peaks of low perceptibility adjacent residential gardens on Winifred Street due to screening at EMR site and screening closer to gardens from built form of Elizabeth Line. Residual sounds consist of road traffic movements, aircraft, tube trains and other industrial/commercial sound e.g. Tate and Lyle refinery, MRG metals site and general hubbub from other sites and uses.
2	main sources contributing to the residual noise	Road traffic noise on two localised roads and distant, other industrial/commercial sources, tube trains and jet aircraft taking off from City of London airport.
d)	The existing context, including assessment of the sensitivity of the receptor e.g. dwelling	Established metals recycling site located in principal industrial/commercial, transportation and employment area. Central London location with a mixture of industrial/commercial uses, airport and dockside uses. Application of EA guidance indicates area is one of 'low' noise sensitivity due to context (see section 3.5, Table 1 and Table 2)
e)	Measurement locations, their distance from the specific sound source, the topography of the intervening ground and any reflecting surface other than the ground, including a photograph, or a dimensioned sketch with a north marker. A justification for the chosen location.	Described within main report. See section 5.0.
f)	Sound measuring systems, including calibrator	
1	type and/or model	Two Nor140 sound level analyser and Larson Davis acoustic calibrator
2	manufacturer	Norsonic
3	serial number	140 4900 and 140 4139



	4	details of last verification test including dates	SLMs within last two years, can be provided on request. Calibrator calibrated spring 2022.
g)		operational test:	
	1	reference level(s) of calibrator	113.8 @ 1kHz
	2	meter reading before and after measurements with calibrator applied	113.8dB
h)		weather conditions, including:	
	1	wind speed and direction	Conditions chosen specifically with a positive wind vector from the south west i.e. wind from site towards receiver location. Conditions explained within main body of the report. Steady to strong southern westerly wind at times.
	2	presence of conditions likely to lead to temperature inversion	Inversion conditions not present during noise monitoring.
	3	precipitation	None
	4	fog	None
	5	wet ground	Damp but not wet
	6	frozen ground or snow coverage	None
	7	temperature	Cool (see Figure 1 and Figure 2)
	8	cloud cover	Zero cloud increasing steadily through the morning to around 50%.
i)		Date and times of measurements	06/01/2023 between approximately 7:21am and 12:30pm
j)		Measurement time intervals	15-minute periods chosen for determination of specific and background sound levels
k)		reference time interval	1 hour for daytime assessment
l)	1	measured sound level	Varies between 61-68dB LAeq,15min depending on location
	2	residual sound level and method of determination	Typical worst case (conservative) assessment applied of 59dB LAeq,15min for first 15-minute period. No adjustment for residual sound applied to other 45 minutes of 1hr reference period to apply a typical worst case.
	3	ambient sound level and method of determination	The periods varied between 56-57dB LAeq,1hr due to the presence of louder noise events including road traffic.
	4	specific sound level and method of determination	Determined to be 61dB based on analysis of noise impact when peaks of noise from activity were measurable and extractable from the noise data using audio analysis. Specific sound level = 61dB LAeq,1hr when adjusting for different noise events and relative 'on-time'. [see section 6.0]
	5	justification of methods	High ambient, residual and background sound levels mask 'average' noise from metal recycling at 6-8 Winifred Street but not larger peaks of noise that exceed the ambient and background sound environment. Adjustment for residual applied for first 15-minute period within the 1 hour assessment period. Remaining periods do not adjust for residual sound = worst case assessment.
	6	details of any corrections applied	[see section Appendix C - Specific sound level calculations]
m)		Background sound level and measurement time interval and, in the case of measurements taken at an equivalent location, the reasons for presuming it to be equivalent	Daytime during monitoring on 06/01/2023 provides a typical worst case background sound level of 55dB LA90,15min. Underlying background sound environment determined by road traffic, rail and aircraft noise as well as contributions from industrial/commercial sources maintains a high ambient sound environment increasing background sound level due to the continuous nature of noise.
n)		Rating level	
	1	specific sound level	Daytime - 61dB LAeq,1 hr
	2	any acoustic features of the specific sound	Application of Annex E objective methods demonstrates a penalty of +4dB as appropriate for impulsive characteristics from metal impacts, loading and tipping.
	3	rating level	61 + 4 = 65dBAr,Tr
o)		Excess of the rating level over the measured background sound level and the initial estimate of impact	(61 + 4) – (55) = +10dB. The initial estimate of impact indicates a difference of 10dB. This is 5dB above the point of adverse impact and meets the point of 'significant adverse' impact, depending on the context.
p)		Conclusions of the assessment after taking context into account	The absolute (specific) sound level (61) is equal to and up to 7dB below the measured sound levels of 61-68dB and 10dB above the background sound level of 55dB LA90,T applying a typical worst case e.g. lowest likely background sound level applied at an exposed location using measured sound levels including metal handling in location within EMR site with reduced screening as well as continuous loading of the shear and preparatory metals handling. Peaks of noise are perceptible at the façade of 1 Fernhill Street. In context, this is an area where a mixture of industrial/commercial sound and transportation noise is expected. It is considered an area of 'low sensitivity'. This is discussed in detail within section 3.5, section 0 and section 4.0. The locale is a central London location adjacent a dock and within close proximity of City of London airport. Metals handling and recycling is congruent within the



			<p>area which has been identified by the local planning authority as a 'Principal Employment Area'. The receiver/receptor conditions are noise sensitive dwellings that do not appear to have specific mitigation measures to reduce noise from metal recycling at the EMR site. However, the most affected dwellings and gardens benefit from screening provided by both the EMR site, built form of the Elizabeth Line and the most affected facades do not contain noise sensitive uses. When considering the screening effect of garden fencing, orientation of affected facades and context of the receiving locale as 'low sensitivity' the assessment indicates 'low' to 'adverse' impact. This is reflected from conversations with several residents living on Fernhill Street, Winifred Street and Dunedin House.</p>
q)	The potential impact of uncertainty		<p>The impact of uncertainty has been minimised through the undertaking of attended noise monitoring at the closest affected residential facades during continuous metals handling, loading, tipping and processing. Measurements were conducted under a positive wind vector to increase the propagation of sound from the EMR site towards the noise monitoring location to the north. Monitoring locations were chosen with a reasonable separation distance from road traffic, rail and aircraft sources (where possible) e.g. away from the road, screened from rail and screened as far as practicable from take-offs from the City of London airport.</p> <p>The initial assessment is 10dB above the point of low impact, 5dB above the point of adverse impact and meets the point at which significant adverse impact is predicted to arise. The measurements were undertaken during continuous activity at the site, under downwind conditions that increase sound propagation at an appropriate noise monitoring location. The assessment reduces the potential impact of uncertainty by applying typical worst case (lowest) background sound level, highest likely specific sound level based on EMR on-site activity at a location benefiting from reduced screening at EMR and likely to experience the highest measured specific sound levels in a publicly accessible location.</p> <p>It should be recognised the noise monitoring was undertaken for a few hours on one day in January. A series of measurements are necessary to characterise noise impact more accurately at Winifred Street and Fernhill Street potentially using a combination of long poles up to 4m. However, discussions with residents on Fernhill Street and Winifred Street identifies residents consider noise from the EMR site to be acceptable. One resident on Winifred Street identified they made complaints regarding the previous operator of the site due to early working. They have had not reason to complain regarding EMR. This provides a positive indication the level of impact, when considering context, localised screening and building orientation, should be adjusted to 'low' or at most 'adverse' impact at the closest noise sensitive dwellings.</p>

Broodbakker Acoustic Consultants Limited

www.bacltd.co.uk