



# REGULATORY SERVICES COMMITTEE

22 March 2012

# REPORT

**Subject Heading:**

**P0962.11 – Former Premier Motors,  
Jutsums Lane**

**Report Author and contact details:**

**Demolition of part of building and two storey office building and the making good and change of use of the retained buildings to enable the relocation of "The Crows Metals" recycling business for the recycling, processing, storage and distribution of scrap metal (excluding car stripping and breakages) and installation of two weighbridges (Received 05/08/2011).  
Helen Oakerbee (Planning Control Manager) 01708 432800**

**Policy context:**

**Local Development Framework  
London Plan  
National Planning Policy**

**Financial summary:**

**None**

**The subject matter of this report deals with the following Council Objectives**

Clean, safe and green borough	<input type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input checked="" type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

**SUMMARY**

This planning application proposes the material change of use of a former car retail, repair and maintenance centre to a scrap yard for the recycling, processing, storage and distribution of scrap metal (excluding the dismantling of vehicles.) The proposal would result in the relocation of an existing scrap metal facility from land to the rear of No.143 Crow Lane, to the site under consideration. The submitted information states that the throughput of the proposed facility would be in the region of 20,000 tonnes per annum, which would be an increase over the existing facility located at No.143 Crow Lane. The proposal would involve operational development including the demolition of an existing building, the erection of new boundary treatment including an acoustic screen, the installation of weighbridges, and the erection of a weighing and security centre.

## RECOMMENDATIONS

Officers are recommending that the application be refused for the following reasons:

- 1) It is considered that the proposed development, by reason of the storage of large containers and the use of large mechanical plant outdoors, the use of substandard boundary treatment in the form of netting at the south eastern boundary, and the likely height and opacity of a proposed acoustic screen, would have a significant adverse visual impact when viewed from Jutsums Lane and Crow Lane, and would result in a detrimental impact on the character of the area. The proposal would therefore be contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD and Policy W5 of the Draft Joint Waste DPD for the East London Boroughs.
- 2) It is considered that the proposed development, owing to the proposed operations that would occur outdoors, in particular, the handling, movement, and dropping down of metals, would result in a significant noise impact on noise sensitive properties located along Jutsums Lane. It is considered that any effective acoustic screen would be of a scale that would not have an acceptable visual impact. The proposal would be detrimental to residential amenity and is therefore contrary to Policies DC10, DC55 and DC61 of the Core Strategy and Development Control Policies DPD and Policy W5 of the Draft Joint Waste DPD for the East London Boroughs.

However, should Members be minded to approve the proposal, then officers recommend that planning permission be granted subject to the following conditions:

1. Time limit - The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

3. Land contamination - Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

c) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

Part A - Remediation Statement which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a "Validation Report" must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source

and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA ; and

e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, "Land Contamination and the Planning Process".

Reason:

To protect those engaged in construction and occupation of the development from potential contamination. Also in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC53.

4. Boundary Treatment - No development shall take place until details of the proposed boundary treatment between the site and the surrounding properties, including along the access route have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the proposal being brought into use.

Reason:-

To protect the visual amenities of the development and prevent undue overlooking of adjoining property, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

5. Refuse Storage - Prior to the first use/occupation of the development hereby permitted, provision shall be made for the storage of refuse, arising from the offices and staff facilities, awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

Reason:-

In the interests of the amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

6. Bicycle Storage - Prior to the first use/occupation of the development hereby permitted, provision shall be made for the storage of bicycles for use by staff, according to details which shall previously have been agreed in writing by the Local Planning Authority.

Reason:-

In order that the development accords with the Development Control Policies Development Plan Document Policy DC33.

7. Noise - No development shall commence until details of a scheme have been submitted to and approved in writing by the local planning authority which specifies the provisions to be made for the control of noise emanating from the site. The approved scheme shall be implemented prior to the first use of the site and thereafter retained for the life of the development. The applicant should have regard to the "reasonable" design range for reasonable resting conditions for living rooms (40 dB LAeq T) as prescribed in BS8233:1999-Sound insulation and noise reduction for buildings-Code of Practice.

Reason:-

To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 "Planning & Noise" 1994.

8. Landscaping - No development shall take place until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

9. Building Materials - No development shall take place until details of materials and colour scheme relating to the buildings at the site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the approved development being brought into use and shall thereafter be retained for the life of the development.

Reason:-

In the interests of visual amenity and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

10. Dust Mitigation – No development shall take place until a scheme for the control of dust-drift has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented from the commencement of development and be retained for the life of the development. Should dust be observed crossing the site boundary at any time, then any outdoor site operations shall cease immediately and not recommence until the dust-drift has been brought under control.

Reason:-

In the interests of local amenity and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

11. Drainage - The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason:-

Waste activities, particularly metal recycling can give rise to water contamination. This contamination must be properly controlled and prevented from entering the surface water drainage system, and causing pollution.

12. Drainage - 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 approval details.

Reason:-

The site lies on a Secondary Aquifer and the previous use of the site could have resulted in contamination of the soil and groundwater. Infiltration of surface water would provide a potential pathway for contamination to migrate into the underlying secondary aquifer.

13. Operating Hours - No operations/activities shall be carried out on the site outside the hours of 08:00 and 18:00 Mondays to Fridays and the hours of 08:00 and 15:00 on Saturdays. No operations shall be carried out at any time on Sundays, Bank or Public Holidays.

Reason:-

In the interests of local amenity and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

14. Storage Heights – All waste material, containers, and plant to be stored in the open air shall be sited in accordance with the approved plan referenced 2737\_CM03B. The height of any loose waste material stockpiled in the open air shall not exceed 3m in height.

Reason:-

In the interests of local amenity and the visual amenity of the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

15. Annual Throughput – The annual throughput of waste materials at the site shall not exceed 20,000 tonnes.

Reason:-

In the interests of residential amenity and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

16. That the authorised use pursuant to this planning permission shall not commence on any part of the application site until the operation of the scrap metal facility at No. 143 Crow Lane permanently ceases and all plant, machinery, containers and materials associated with it are permanently removed from the site at 143 Crow Lane which for the avoidance of doubt is the area outlined in blue on Drawing Reference 2737\_PL16.

Reason:-

To secure greater openness of the Green Belt in the vicinity of the application site and in particular at 143 Crow Lane which is located within the Green Belt and to improve the visual amenity of that site.

## **INFORMATIVES**

This development will require an Environmental Permit under the Environmental Permitting Regulations 2010 from the Environment Agency, unless an exemption applies. The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and also requires an Environmental Permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and /or land development works are waste.

Treatment of contaminated soil by mobile plant requires a mobile treatment permit. Soil may be re-used on-site as part of a soil recovery operation by registering an exemption with ourselves or by obtaining an Environmental Permit.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste legislation, which includes:

Duty of Care Regulations 1991  
Hazardous Waste (England and Wales) Regulations 2005  
Environmental Permitting Regulations 2010

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays.

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site comprises land and buildings that were formerly occupied by Premier Automotive Parts. Prior to its closure approximately two years ago, the site was used as a car retail, repair, and maintenance centre.
- 1.2 The site's southern and eastern boundaries lie adjacent to Crow Lane and Jutsums Lane respectively. The northern and western boundaries abut neighbouring sites in industrial or other employment uses. Neighbouring dwellings are located approximately 23m from the eastern boundary, on the opposite side of Jutsums Lane.
- 1.3 The site comprises several imposing buildings. A large, pitch-roofed works dominates the western end of the site, the length of which runs from north to south and attached to which is a smaller works building. Attached to these buildings is what appears to be a former show room building, which has an east-west orientation and is fronted by a hard standing area alongside Crow Lane. This building and its hard standing area are located outside of the site boundary and would be unaffected by this application. An office building, having the appearance of a dwelling, is located in the centre of the site and is fronted, to the east, by a vehicle parking area, which dominates the eastern end of the site. The buildings are currently boarded up and the site is fenced off.



1.4 The site is designated in the LDF as a Secondary Employment Area. The site's southern boundary abuts Crow Lane, which is washed-over Green Belt.

## **2. Description of Proposal**

2.1 This planning application proposes the change of use of a former car retail, repair and maintenance centre to a scrap yard for the recycling, processing, storage and distribution of scrap metal (excluding the dismantling of vehicles.) The submitted information states that the throughput of the proposed facility would be up to 20,000 tonnes per annum, which would be an increase over the existing facility located at No.143 Crow Lane, and would trigger the requirement for an Environmental Permit to be held by the operator. The proposal would involve operational development in the form of the following:

- i) An existing site office and ancillary buildings would be demolished;
- ii) Part of the small works building would be demolished to create a new entrance;
- iii) A gated off-street drop-off and waiting area for smaller vehicles would be created at the southern end of the larger works building, to be accessed from Crow Lane;
- iv) A new concrete yard would be created to the east of the remaining buildings and would occupy the majority of the site. It would contain two weighbridges; a weighing and security station; bin storage bays along the northern and southern boundaries; lorry and car parking at the eastern end of the site; and a bicycle storage area;
- v) The erection of an acoustic screen with access gate onto Jutsums Lane along the eastern boundary; and
- vi) Signage and palisade fencing with netting along the south eastern boundary.

2.2 Specific details have not been submitted in relation to the acoustic screen, although the submitted Noise Assessment assumes that it would have a height of 3m.

2.3 Bailing, wire stripping, and shearing operations would take place within the building, along with the storage of bins and pallets. The largest bins stored in the yard would be approximately 3m in height.

2.4 The applicant estimates that around 6 HGVs and 50-100 smaller vehicles would visit the site per day. HGVs and vans would enter the site through the Jutsums Lane access. Metal objects would be deposited in the yard from vans and HGVs, and dropped into bins using a "grab". The submitted

information indicates that the grab machine would, owing to its height, be visible beyond the site boundary.

### **3. Relevant History**

3.1 This planning application was put before Members at the 23<sup>rd</sup> February 2012 Regulatory Services Committee meeting, recommended for refusal by officers. Following a debate, Members indicated that they may be minded to approve the scheme and deferred the application to allow time for the applicants to discuss terms for a Section 106 agreement designed to secure the cessation of the existing scrap yard use on the site at No. 143 Crow Lane and also for staff to be able to supply suggested planning conditions to attach to any planning permission granted.

3.2 There are no previous planning decisions of particular relevance to this application, however, the Council is currently considering a related planning application for the redevelopment of land at No.143 Crow Lane, with the resultant transfer of its Scrap Metal facility to the site under consideration.

P1578.11 - Change of use from storing, sorting, handling & processing of scrap metal to B1/B8 - Under consideration.

### **4. Consultations/Representations**

4.1 Since this application was last presented to Members, four additional letters of objection have been received from the occupiers of the four properties facing the site, along Jutsums Lane. The objections raised are as follows:

- a) The Council's Environmental Health officers have advised that unacceptable noise levels would occur as a result of the proposal;
- b) The proposal would contravene the Environmental Protection Act 1990, the Noise and Statutory Nuisance Act 1993, and the Noise Act 1996;
- c) The proposal would change what was a light industrial use to a heavy industrial type of use that would be detrimental to the amenity of neighbouring occupiers;
- d) The increased heavy goods traffic arising from the proposal would have adverse impacts on pedestrian safety, cause damage to pavements and verges.

4.2 Notification letters were originally sent to 21 neighbouring properties; a site notice was placed in the vicinity of the site; and advertisements were placed in the local press. Nine letters of representation were received, objecting to the proposal on the following grounds:

- a) Hazards to pedestrians from increased HGV movements;
- b) Lack of vehicle parking in the area;
- c) Noise impacts; an effective acoustic screen would need to be very tall and would be an eyesore;
- d) Dust drift;
- e) Damage to pavement would be likely from HGVs;
- f) Grass verges would be destroyed;

- g) Noise from HGVs queuing to enter the site would affect residential properties;
- h) Noise from the handling and processing of metals would adversely impact on residents;
- i) The proposal could encourage more criminal activity in the area.

4.3 Comments have been received from the following consultees:

Environment Agency - No objections.

Thames Water - No objections.

Environmental Health (Contaminated Land) - No objections; condition recommended.

Environmental Health (Noise) - Objection raised owing to the likely noise impacts of the proposal on neighbouring occupiers.

Highways - No objections.

Secured By Design Officer - No objections; condition and informative recommended.

London Fire Brigade - No objections.

## 5. Relevant Policies

5.1 The following policies of the LDF Core Strategy and Development Control Policies DPD ("the LDF") are of relevance:

- DC10 - Secondary Employment Areas
- DC33 - Car Parking
- DC45 - Appropriate Development in the Green Belt
- DC55 - Noise
- DC61 - Urban Design
- DC63 - Delivering Safer Places

5.2 The following policies of the Joint Waste DPD for the East London Boroughs ("the Joint Waste DPD"):

- W2 - Waste Management Capacity, Apportionment and Site Allocation
- W5 - General Considerations with Regard to Waste Proposals

5.3 National Planning Guidance

- PPG2 - Green Belts
- PPS10 - Planning for Sustainable Waste Management

## 6. Staff Comments

6.1 This application is put before Members because it is considered to be of a sensitive nature. The main issues in this application are considered to be the principle of development, the impact upon the character of the area, impact upon neighbouring occupiers, and other considerations.

## 6.2 Principle of Development

6.2.1 The site is designated as a Secondary Employment Area. Policy DC10 of the LDF states that planning permission will be granted for B1, B2, and B8 uses providing they do not adversely affect the amenity of adjoining residential areas. It is considered that the site effectively benefits from B2 use rights already on account of the site's previous use. However, the proposed use is for a scrap yard (*sui generis*.)

6.2.2 Policy DC10 states that planning permission for uses other than B1 (b) (c), B2 and B8 uses will only be granted in exceptional circumstances and sets out criteria that must be demonstrated. The criteria are as follows:

*• the site is not needed to meet future business needs with regard to the difference between the current supply of employment land and the demand for employment land over the plan period*

*• the site is not considered fit for purpose when assessed against the economic, planning and property market criteria provided in Appendix A of Havering's Employment Land Review 2006*

*• the site has proved very difficult to dispose of for B1 (b) (c), B2 and B8 uses."*

6.2.3 Whilst the proposed scrap yard use is a *sui generis* use and therefore a use other than those stipulated in Policy DC10, it is considered that the proposed use would be very similar in character to a general industrial use. As such, officers consider that there would be little, if any, merit in having the applicant provide the information required in relation to the criteria of Policy DC10, as would usually be the case.

6.2.4 Whilst the proposed use is considered to be sufficiently different from the previous use to result in a material change of use, in terms of the objectives of Policy DC10, it is considered that the proposed use would be so similar in nature to the stated employment-related uses, that there would be no benefits to be gained in asking the applicant to provide the information required in Policy DC10, in relation to "other" uses, in the way there would be if explicitly non-industrial or non-employment uses were being proposed.

6.2.5 As discussed further on in this report, the proposal would adversely affect the amenity of an adjoining residential area, and the proposal is therefore considered to be contrary to Policy DC10 of the LDF.

- 6.2.6 In accordance with the London Plan, Policy W2 of the Joint Waste DPD apportions the amount of waste to be managed by the East London boroughs over the coming years and identifies sites within the plan area to provide the required capacity to manage this waste. Schedule 1 sites are safeguarded waste management facilities that are already in operation, and Schedule 2 sites are locations where additional waste management operations would be encouraged. The site under consideration does not constitute either a Schedule 1 or Schedule 2 site.
- 6.2.7 However, Policy W2 does state that where an applicant can demonstrate there are no opportunities within the preferred Schedule 1 and 2 areas for a waste management facility, that sites within designated industrial areas will be considered. Policy W5 states that new facilities for the management of non-apportioned waste (i.e. quantities of waste that go beyond the amounts allocated to the area in the London Plan), as is proposed in this case, should demonstrate that there is not a more suitable site in closer proximity to the waste arising having regard to the criteria of that policy.
- 6.2.8 Whilst the site is a designated industrial location, the applicant's attempt to demonstrate that there are no opportunities within the Schedule 1 and 2 sites is very limited. The applicant states that the scheduled sites are not located near enough to local communities, which are the source of the waste handled. It is therefore concluded that locating facilities like the one under consideration in any of the scheduled sites would discourage recycling, contrary to national planning objectives. As those who bring scrap metal to the existing facility at No.143 Crow Lane receive cash for doing so, the applicant asserts that increased travelling distances will deter people from recycling.
- 6.2.9 This is not considered to be a very convincing argument. Firstly, as the dumping of waste without licence is a criminal offence, any individual needing to dispose of scrap metal would be legally obliged to do so in a responsible manner. This might include taking waste to a local recycling centre or putting the waste in a hired skip. In both cases, the scrap metal would most likely end up at waste recycling or transfer facilities and ultimately would be recycled, particularly given the costs of sending waste to landfill. Moreover, the argument put forward ignores the fact that the scheduled sites, identified in a DPD that was considered sound following its Examination in Public, have, amongst other factors, been identified with environmental considerations in mind. The representations received from the public in relation to planning application P1578.11 indicate that the existing scrap metal site causes a nuisance to local occupiers in terms of access arrangements, visual, and noise impacts.
- 6.2.10 The proposed change of use, which would see the existing scrap metal business move to the former Premier Motors site would have various benefits. At this Committee's consideration of the proposal on 23<sup>rd</sup> February, Members indicated that they attached significant weight to certain of those factors. The application site is considerably more spacious than the existing site, which would permit improved recycling rates. The application site would

have considerably better access arrangements from the public highway. The removal of the existing scrap metal site from a site in the Green Belt, to a site designated as being appropriate for Employment uses, could have a beneficial impact on the openness and visual amenities of the Green Belt. The proposed facility would handle a greater volume of waste per annum than the existing one and would therefore become a site permitted by the Environment Agency subject to a licensing regime, which would potentially result in improved environmental controls compared to the existing site. The submitted information indicates that the increase in waste capacity over and above the existing site would be modest, with much of the increased site area being taken up by processing. However, allowing a non scheduled site to be approved would result in the area's apportionment of waste being exceeded.

6.2.11 On balance, staff consider that the applicants have not adequately demonstrated that there are no opportunities within the Schedule 2 sites. It is considered that the proposal, which would not be located at a scheduled site and which would result in the East London Waste Authorities apportionment being exceeded, is contrary to Policy W2 of the Joint Waste DPD. Moreover, whilst the applicants have attempted to justify the proposal in relation to the scheduled sites and stated there would be an improvement over the existing site on Crow Lane, they have not demonstrated that the proposal would be preferable in terms of proximity and other factors compared to other sites generally, meaning the proposal is contrary to Policy W5.

6.2.12 However, subject to the completion of a legal agreement preventing the continued use of No.143 Crow Lane as a scrap yard in conjunction with an appropriate planning condition, the proposal would deliver benefits such as the improvements to visual amenity and openness at the existing Green Belt site. Moreover, the proposal would allow for increased recycling rates and improved access arrangements compared to the existing Crow Lane facility. Whilst the proposal would be contrary to Policies W2 and W5 of the Joint Waste DPD, staff consider, on balance, that the afore mentioned benefits outweigh this.

6.2.13 Whilst it is considered that the proposal could be acceptable, weighing the benefits outlined in paragraph 6.2.10 against non compliance with Policies W2 and W5 and as the proposal would be contrary to Policy DC10 of the LDF, by resulting in significant harm to neighbouring residential properties, the proposal is not considered to be acceptable in principle.

### **6.3 Design Considerations**

6.3.1 Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Paragraph 3.15 of PPG2 states that: the visual amenities of the Green Belt should not be harmed by development within or conspicuous from the Green Belt, by reason of their siting, materials or design. Policy W5 of the Joint Waste DPD states that proposals

for new facilities managing non-apportioned waste should not result in material adverse visual and landscape impacts.

- 6.3.2 Objections have been received from neighbouring occupiers stating that the proposed acoustic screen would need to be significant in scale and would be detrimental to visual amenity.
- 6.3.3 The site's southern boundary lies adjacent to the Green Belt and the site would be conspicuous from the Green Belt. However, where the site would be visible from the Green Belt, it would not undergo any significant alterations, with the southern end of the works building to be retained. The remainder of the site would mainly be screened by the former retail building, which lies outside the site.
- 6.3.4 Whilst the site was formerly in industrial use, the industrial processes arising from the former use mainly occurred indoors. The area facing Jutsums Lane was used as a car park and is dominated by the site office building. Across the road from the site's eastern boundary are residential properties and to the south is open land designated as Green Belt. It is considered that this area of Jutsums Lane, including that part of the site fronting on to it, does not have a particularly industrial character. The proposed development would result in a significant change to the character of the site, with the eastern half abutting Jutsums Lane becoming an area accessed by HGVs and vans, the storage of large metal containers, the depositing of metals, and the use of a "grab" machine.
- 6.3.5 It is considered that the proposed removal of buildings and alterations to the remaining buildings would not result in any significant adverse visual impacts. The proposed storage of smaller metal containers, installation of weighbridges, and other operations within the yard could largely be screened by boundary treatment, the nature of which could be controlled by means of a planning condition. However, it is considered that the storage of the larger metal bins, which are approximately 3m in height, and the use of plant for the movement of scrap metal would have a significant adverse impact on the character of the area. This could be partially ameliorated by the presence of the proposed acoustic screen. Details of the proposed acoustic screen have not been submitted, although the submitted noise report assumes that such a structure would be 3m in height. However, it is considered that an opaque screen wall and gate at this height would have an over bearing impact on the street scene, particularly as the site currently has a much more open appearance when viewed from Jutsums Lane. It is also considered that the proposed palisade fencing with netting at the site's south eastern boundary, where there is currently formal brick wall and railing structure, would be unsightly and detrimental to the character of the area.
- 6.3.6 Given the nature of the proposal, in particular the proposed storage of large containers, the use of a mechanical grab, and the proposed boundary treatment along the eastern and south eastern boundaries, it is considered that it would have a significant adverse impact on the character of the area, and that it would therefore be contrary to Policy DC61 of the LDF and Policy

W5 of the Joint Waste DPD. In this instance, it is not considered that there are planning conditions which could be imposed that would help to address the concerns raised.

#### **6.4 Amenity Considerations**

- 6.4.1 Policy DC55 of the LDF states that planning permission will not be granted if it would result in a development causing exposure to noise or vibrations above acceptable levels affecting a noise sensitive development such as all forms of residential accommodation. Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. Policy W5 of the Joint Waste DPD states that new waste facilities managing non-apportioned waste should not result in material adverse impacts on neighbouring amenity including noise.
- 6.4.2 The site's eastern boundary is located approximately 23m from four residential properties located along Jutsums Lane (23m from the dwellings, and approximately 15m from the boundaries of front gardens.) Neighbouring occupiers have objected to the proposal stating that it would result in significant adverse noise impacts arising from traffic noise and the handling of metals within the yard. It has also been stated that dust-drift could occur.
- 6.4.3 It is considered that dust drift would not generally be a problem given the nature of the waste being handled, however, it is considered that it would be prudent to employ a condition requiring the submission of details relating to dust control measures.
- 6.4.4 The application is accompanied by a Noise Assessment, which has been considered by the Council's Environmental Health Service. The information contained in the report states that the proposed activities would give rise to noise levels at the boundary nearest to noise sensitive properties far in excess of the Council's standards. Moreover, limitations in terms of the report's methodology mean that the noise impact of the proposal is likely to have been underestimated. For instance, the monitoring points, which were located along Crow Lane, would suggest a higher background noise level than would exist on the less frequented Jutsums Lane. The report assumes the presence of a 3m high acoustic screen along the site's eastern boundary, which, as discussed, would not be acceptable on visual impact grounds and would be undermined by the fact that the gate would be opened on a frequent basis to admit vehicles. Finally, the calculations do not include the noise likely to be generated by the tipping of metals on to the hard standing. As the anticipated noise levels referred to in the report, which appear to underestimate the likely noise impacts, would exceed the Council's standards, and given that Environmental Health object to the application, the proposal is considered to be unacceptable in terms of the impact it would have on residential amenity.
- 6.4.5 One of the justifications for the proposal is that it would facilitate the relocation of the existing scrap metal facility, which causes a nuisance to local occupiers in terms of noise and outlook, away from No.143 Crow Lane.



However, to grant planning permission for this proposal would only transfer the amenity impacts to occupiers along Jutsums Lane.

6.4.6 Given the nature of the proposal, included its siting in relation to neighbouring noise-sensitive properties and the nature of the operations that would occur outdoors, it is considered that there would be significant adverse impacts on the amenity of neighbouring occupiers located along Jutsums Lane. It is therefore considered that the proposal would be contrary to Policies DC55 and DC61 of the LDF, and Policy W5 of the Joint Waste DPD. In this instance, it is not considered that there are planning conditions which could be imposed that would help to address the concerns raised.

## **6.5 Parking and Highway Issues**

6.5.1 Policy DC33 of the LDF stipulates the vehicle parking requirements associated with different types of development. Policy W5 of the Joint Waste DPD states that proposals should avoid material adverse impacts on the highway network and access arrangements.

6.5.2 Local occupiers have objected to the proposal stating that there is insufficient parking in the local area or capacity on the highway for the additional traffic that the proposal would give rise to. It is also stated that verges and pavements would be damaged by HGVs and that there would be a significant adverse impact on pedestrian safety.

6.5.3 The site would have two vehicular access points. An access onto Crow Lane would be used by smaller vehicles. The Highway Authority was consulted about the proposal and has raised no objections. In terms of the proposed access arrangements and the likely generation of vehicular traffic, it is considered that the proposal would be comparable to the former use of the site and to the B2/B8 uses that are encouraged at the site as a Secondary Employment Area. It is considered that sufficient parking would be provided. As the Highway Authority has raised no objections, the highway impact of the proposal is considered to be acceptable, having had regard to Policy DC33 of the LDF and W5 of the Joint Waste DPD.

## **6.6 Other Considerations**

6.6.1 Neighbouring occupiers have objected to the proposal on the grounds that it could encourage criminal activity in the local area. However, the Council's Secured by Design Advisor has considered the proposal and raised no objections subject to the use of a condition and informative, which could be employed should planning permission be granted.

6.6.2 One of the justifications for the proposed development is that it would facilitate the relocation of the existing Crow Metals facility from its current site within the Green Belt to a more appropriate location, resulting in benefits to the visual amenities and the openness of the Green Belt and a reduction in the impacts on local occupiers. As discussed, an application to

change the use of the existing scrap metal site is being considered by the Council.

- 6.6.3 Should the Committee be minded to grant planning permission for the proposed development then it is recommended that a legal agreement be sought in conjunction with an appropriate planning condition wherein the applicant agrees to cease the use of the existing scrap metal business at No.143 Crow Lane, prior to the use commencing at the site under consideration. The absence of such a legal agreement would result in the proposal failing to have sufficient benefits to overcome its being contrary to Policies W2 and W5 of the Joint Waste DPD for the East London Boroughs.

## **7. Conclusion**

- 7.1 The proposed development, taken together with the application to change the use of the existing Crow Metals site on Crow Lane, would result in the removal of the existing scrap metal facility from its current location and its transfer to the former Premier Metals site. Officers recognise that benefits would arise from this proposal, particularly in relation to the Green Belt, access arrangements, and improvements to visual amenity along Crow Lane. It is clear from the debate at the 23<sup>rd</sup> February Committee that Members may wish to apply significant judgements in weighing up the merits or otherwise of the proposal. However, staff consider that the proposal to establish a scrap metal facility at the former Premier Motors site would result in significant adverse impacts on the character of the local area and on the amenity of neighbouring occupiers along Jutsums Lane as a result of noise impacts. The proposal is therefore considered to be contrary to Policies W2, W5, and DC10, DC55, DC61 of the LDF.
- 7.2 Officers consider the proposal to be unacceptable having had regard to Policies DC10, DC33, DC45, DC55, DC61, DC63, and DC67 of the LDF, Policy W2 of the Joint Waste DPD, and all other material considerations.
- 7.3 Since this application was last put before Members, heads of terms for a Section 106 agreement have been drafted. Should Members be minded to approve this proposal, it is recommended that any approval be subject to the prior completion of such a legal agreement and imposition of planning conditions suggested at the beginning of this report.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

The application site comprises land which has been disposed of by the Council.

### **Legal implications and risks:**

Legal resources will be required to prepare and complete the legal agreement in respect of 143 Crow Lane.

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

None.

**BACKGROUND PAPERS**

Planning application P0962.11