

## PLANNING APPLICATIONS COMMITTEE

13 November 2014

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	14/P3082	14/08/2014
<b>Address:</b>	77 Weir Road, Wimbledon, SW19 8UG.	
<b>Ward:</b>	Wimbledon Park	
<b>Proposal:</b>	Application for a minor material amendment [variation of the planning condition listing approved plans] to the development previously granted planning permission (reference 13/P2545 dated 30/01/2014). The approved development was for the erection of two new open fronted buildings [11 metres high] constructed of steel sheeting, new storage bays [5 metres high], car parking, cycle parking and landscaping in connection with the use of the site for waste recycling and a transfer facility.	
<b>Drawing No's:</b>	Landscaping Statement; Transport Statement; Sustainability Statement; Flood Risk Assessment; Noise Assessment and Phase 1 Environmental Risk Assessment; Phase 2 Environmental Risk Assessment produced by with reference 133115 and dated February 2014; Construction Logistics Plan produced by AA Environmental Ltd with reference 133115 dated February 2014; 133115A/PA/ 002C; 003.1A, 003.2A; 007; Supporting Statement; Fugitive Emissions Management and Monitoring Plan and Noise Assessment.	
<b>Contact Officer:</b>	Tony Ryan (020 8545 3114)	
<b><u>RECOMMENDATION:</u></b>	<b>GRANT PLANNING PERMISSION, subject to planning conditions.</b>	

### CHECKLIST INFORMATION.

- S106: Not required.
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 48 nearby addresses (including 14 within the London Borough of Wandsworth).
- External consultations: London Borough of Wandsworth, English Heritage and Environment Agency.
- Public Transport Accessibility Level (PTAL): Zone 1a
- Density: not applicable
- Number of jobs created: The business currently employs 25 people.

**1. INTRODUCTION**

- 1.1 This application is brought before the Planning Application's Committee as the Council is the landowner of the application site.

**2. SITE AND SURROUNDINGS**

- 2.1 The application site covering 0.9 hectares is located at the end of Weir Road, which is a local access road. Weir Road is found within the Durnsford Road Industrial Estate and is occupied by commercial buildings ranging from 8 metres to 20 metres in height. The application site covered by hardstanding was previously in use as a concrete batching plant, however buildings and structures associated with this use have now been removed from the site.
- 2.2 A raised railway embankment is located to the west of the site carrying the railway line between Wimbledon and Earlsfield railway stations. The northern boundary of the application site forms the boundary between the London Boroughs of Wandsworth and Merton. The land immediately adjacent to the northern boundary of the site that is within the London Borough of Wandsworth is occupied by a gypsy and traveller site and a site used for the storage of a metal shipping containers. These two sites are accessed from the Trewint Street to the north.
- 2.3 The gypsy and traveller site that is managed by the London Borough of Wandsworth Housing Department consists of 12 residential plots that provide a mixture of permanent buildings and caravans. It is reported that the gypsy and traveller site and has been present on the site since 1974.
- 2.4 An area of open space providing a 'Riverside Walk' is located adjacent to the eastern boundary of the site, with this land separating the application site from the River Wandle. This open space forms part of the Wandle Trail and the Wandle Valley Regional Park. Allotments are located on the opposite side of the River Wandle with the rear gardens of two storey residential properties in Steerforth Street located beyond. The properties in Steerforth Street are 70 metres from the application site.
- 2.5 The southern boundary of the application site is shared with the commercial uses at 66 Weir Road and 73 Weir Road. The three-storey brick building at 66 Weir Road is occupied by a company selling and distributing 'bathroom sanitary products', the site at 73 Weir Road has single and double storey buildings providing a food manufacturing use.
- 2.6 The application site is in a Strategic Industrial Location [Preferred Industrial Location -north Wimbledon Part]. The site is within a designated employment area as designated within the adopted Sites and Policies Plan [July 2014], with a mix of B1, B2 and B8 uses found along Weir Road. The rear boundary of the application site forms the boundary of the designated employment area with the adjacent gypsy

and traveller site and the adjacent land to the west of the gypsy and traveller site used for storage are both located outside this employment area. The application site is located within an Archaeological Priority Area and the eastern third of the site is in an area at risk from flooding [zones 2]. There are no protected trees on the site.

- 2.7 The site is not in a Controlled Parking Zone and the Transport for London records show the site with a Public Transport Accessibility level of 1a [On a scale of 1a, 1b, and 2,3,4,5,6a, 6b where zone 6b has the greatest accessibility].
- 2.8 Adjacent land to the east is designated as a Green Corridor, Green Chain; Metropolitan Open Land; as a Site of Importance for Nature Conservation a Cycle Route and a Leisure Walking Route. The land to the west is designated as a Green Corridor and a Site of Importance for Nature Conservation. The land to the north of the application site is in flood zone 3.

### **3. CURRENT PROPOSAL**

- 3.1 The current application requests a minor material amendment [variation of the planning condition listing approved plans] to the development previously granted planning permission (reference 13/P2545 dated 30/01/2014). If considered acceptable the effect of this application will be the grant of a further planning permission.
- 3.2 Whilst not a statutory definition, the government has confirmed that they “agree” with the following definition of a minor material amendment “*A minor material amendment is one whose scale and nature results in a development which is not substantially different from the one which has been approved*”. It is therefore the responsibility of the Council to determine what constitutes a ‘minor material amendment’ on a case by case basis. Section 96A of the Town and Country Planning Act 1990 states that “*in deciding whether a change is material, a Local Planning Authority must have regard to the effect of the change...on the planning permission as originally granted.*”
- 3.3 The approved development was for the erection of two new open fronted buildings [11 metres high] constructed of steel sheeting, new storage bays [5 metres high], car parking, cycle parking and landscaping in connection with the use of the site for waste recycling and a transfer facility. The proposed amendments include changes to the footprint of the proposed buildings and to the size of the marked open storage areas, changes to the orientation of building entrances and the rearrangement of individual building uses on the site.
- 3.4 The approved development involves the use of the site at 77 Weir Road for the manufacture of secondary and recovered aggregate and small scale handling of skip waste. The proposal includes the construction of two new waste processing buildings on the site; these buildings are enclosed on three sides with sloping pitched roofs and a

roof ridge height of 11 metres [the requested minor material amendment does not seek any change to the height of the proposed buildings]. The site will be used by an existing business that is relocating from a site in Surrey.

- 3.5 As a result of the minor material amendment, the building on the west side of the application site [Building A] will measure 30 metres by 30 metres [900 square metres] and will be used for aggregate processing and storage. In the original permission Building A measured 30 metres by 12 metres [360 square metres] and was to be used for the small scale processing of skip waste material and maintenance of plant.
- 3.6 As a result of the minor material amendment, the building on the east side of the application site [Building B] will measure 29 metres by 19 metres providing floor space of 551 square metres and will be used for the small scale processing of skip waste material and maintenance of plant. In the original permission Building B measured 36 metres by 19 metres and with the shape of the building footprint this building provided floor space of 635 square metres and the building was used for aggregate processing and storage
- 3.7 The overall proposed waste streams for the proposed operation would consist of 82,000 tonnes per annum [no change in quantity of material processed] of Construction, Demolition and Excavation waste [C,D&E] and 8,000 tonnes per annum [no change in quantity of material processed] of Commercial and Industrial Waste [C&I]. The following table compares the original approval and the proposed amendments to that original approval.

**Table 1 Original approval and the proposed changes comparison**

	<b>Approved development 13/p2545</b>	<b>Current minor material amendment proposal 14/p3082</b>	<b>Change</b>
Building A - use East side of the site	Processing of skip waste material and maintenance of plant.	Aggregate processing and storage.	-
Building B – use West side of the site	Aggregate processing and storage.	Processing of skip waste material and maintenance of plant.	-
Building heights	11 metres to roof ridge	11 metres to roof ridge	-
Material processed	90,000 tonnes per annum	90,000 tonnes per annum	-
Building A – size East side of the site	30 metres by 12 metres [360 square metres]	30 metres by 30 metres [900 square metres]	+ 540
Building B – size West side of the site	36 metres by 19 metres [635 square metres]	29 metres by 19 metres [551 square metres]	- 84
Total floor space	995 square metres	1451 square metres	+456

- 3.8 A single storey portacabin measuring 6.1 metres wide by 3.3 metres long and 2.6 metres high would provide the site office with a separate toilet block [no change in these buildings]. Holding bays along the northern boundary of the site measuring 10 metres wide, by 10 metres deep and 5 metres high would be used for storing recycled aggregate before it is removed from the site [no change in the use of this part of the site although the layout of the bays has been amended to provide two larger bays].
- 3.9 The proposed operations at 77 Weir Road will be carried out between the hours of 0630 and 1830 hours with the manufacture of aggregate taking place between the hours of 0730 and 1730 hours [no change proposed in the hours of use].

#### **4. PLANNING HISTORY.**

- 4.1 In November 1983 permission was granted (MER 834/83) for the installation of a ready mixed mortar plant and erection of weighbridge, control room, office, mess room and toilet facilities. In March 1984 permission was granted (MER 78/84) for the formation of a car park for use in connection with the adjoining mortar plant. In October 1990 permission was granted (90/P0577) for the erection of an additional cement silo. On 8th September 2000 permission was granted for the erection of a new enclosed mortar mixing plant building with associated conveyor system.
- 4.2 In November 2001 planning permission (01/P2116) was approved for the erection of a two-storey portacabin to provide offices and other facilities for the batching plant.
- 4.3 In January 2014 planning permission was granted [13/P2545] by the Planning Applications Committee for the erection of two new open fronted buildings [11 metres high] constructed of steel sheeting, new storage bays [5 metres high], car parking, cycle parking and landscaping in connection with the use of the site for waste recycling and a transfer facility.
- 4.4 An application was made on the 27 March 2014 [reference 14/P0694] for the discharge of four conditions that were attached to the planning permission listed above with reference 13/P2545 The application involved condition 3 [archaeological work], 4 [construction logistics plan], 7 [groundwater protection] and 9 [site investigation] and this application was approved on the 17 April 2014.

#### **5. CONSULTATION**

##### **Neighbours.**

- 5.1 The planning application was publicised by means of a site notice displayed in the vicinity of the application site, together with individual letters to 48 nearby addresses, including 14 within the London Borough of Wandsworth.

- 5.2 As a result of consultation two responses have been received from adjacent commercial occupiers in Weir Road making the following points:
- It seems that the processing should be in a building and not in the open as at present;
  - There is dirt in the road despite out neighbours using a hose;
  - There needs to be better control of dust and debris;
  - There is no problem with the proposed change as long as measures are taken to reduce dust and air pollution;
  - All operations should be carried out inside the building;
  - Wheel washing is requested at the exit to the site;
  - All lorries should have netting over the soil when on the move;
  - A mechanism to knock particles off trucks should be used to prevent soil being deposited on the road;
  - There should be restrictions on the height of material stored in the open areas of the site.

Greater London Authority

- 5.3 It is considered that the minor material amendment application does not raise any new strategic planning issues. As a result of this the Mayor of London does not need to be consulted further on the application and the Council may proceed to determine the application without further reference to the Greater London Authority.

LB Merton Environmental Health

- 5.4 There is no objection to the proposed change. The proposed change includes the enclosure of more of the operations within a building and this will reduce the likelihood of issues relating to dust and noise.

- 5.5 Environment Agency There is no objection to the development on the basis that planning conditions are attached to any planning permission relating to the risks associated with contamination of the site.

- 5.6 English Heritage Following the submission of further information it is considered that there is no requirement for any further archaeological work to be undertaken in connection with this development.

- 5.7 Transport Planning The proposal is considered acceptable subject to planning conditions including in relation to the submission of a delivery and servicing plan.

**6. POLICY CONTEXT**

**National Planning Policy Framework (March 2012)**

- 6.1 The National Planning Framework was published on the 27 March 2012 and replaces previous guidance contained in Planning Policy Guidance Notes and Planning Policy Statements.

- 6.2 This document is put forward as a key part of central government reforms ‘...to make the planning system less complex and more accessible, and to promote sustainable growth’. The document

reiterates the plan led system stating that development which accords with an up to date plan should be approved and proposed development that conflicts should be refused.

- 6.3 The framework states that the primary objective of development management should be to foster the delivery of sustainable development, not to hinder or prevent development. To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, local planning authorities need to approach development management decisions positively and look for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic growth, the need to influence development proposals to achieve quality outcomes; and enable the delivery of sustainable development proposals.

**The London Plan (July 2011).**

- 6.4 The relevant policies in the London Plan [July 2011] are 2.17 [Strategic industrial locations]; 4.1 [Developing London's economy]; 4.4 [Managing industrial land and premises]; 5.1 [Climate change mitigation]; 5.2 [Minimising carbon dioxide emissions]; 5.3 [Sustainable design and construction]; 5.7 [Renewable energy]; 5.10 [Urban greening]; 5.13 [Sustainable drainage]; 5.16 [Waste self-sufficiency]; 5.17 [Waste capacity]; 5.18 [Construction, excavation and demolition waste] 5.20 [Aggregates]; 5.21 [Contaminated land]; 6.3 [Assessing effects of development on transport capacity]; 6.9 [Cycling]; 6.10 [Walking]; 6.11 [Smoothing traffic flow and tackling congestion]; 6.12 [Road network capacity]; 6.13 [Parking]; 7.2 [An inclusive environment]; 7.3 [Designing out crime]; 7.4 [Local character]; 7.5 [Public realm]; 7.6 [Architecture]; 7.14 [Improving air quality]; 7.15 [Reducing noise and enhancing soundscapes]; 7.21 [Trees and woodlands] and 8.2 [Planning obligations].

**Merton Supplementary Planning Guidance**

- 6.5 The key supplementary planning guidance relevant to the proposals includes Design (2004) and Planning Obligations (2006).

**Policies within the Merton LDF Core Planning Strategy (July 2011)**

- 6.6 The relevant policies within the Council's Adopted Core Strategy (July 2011) are CS.5 [Wandle Valley]; CS.16 (Wimbledon Sub Area): CS.11 (Infrastructure); CS.12 (Economic development) CS.13 (Open space; nature conservation; leisure and culture); CS.14 (Design); CS.15 (Climate change); CS.16 [Flood risk management]; CS 17 (Waste management); CS18 (Active transport); CS.19 (Public transport); and CS.20 (Parking; servicing and delivery).

**South London Waste Plan (March 2012)**

- 6.7 The South London Waste Plan covering the boroughs of Sutton, Kingston, Croydon and Merton was formally adopted in March 2012. The relevant policies within this plan are WP1 Strategic Approach to

Municipal Solid Waste and Commercial and Industrial Waste; WP2 Strategic Approach to Other Forms of Waste; WP3 Existing Waste Sites; WP4 Industrial Areas with Sites Suitable for Waste Management Facilities; WP6 Sustainable Design and Construction of Waste Facilities and WP7 Protecting and Enhancing Amenity.

**Sites and Policies Plan [July 2014].**

- 6.8 The relevant policies within the Sites and Policies Plan are as follows: DMD1 [Urban Design and the Public Realm]; DMD2 [Design Considerations and the Public Realm]; DME1 [Employment Areas in Merton] and DMEP2 [Reducing and mitigating against noise] and DMEP4 [Pollutants]; DM T1 [Support for sustainable travel and active travel]; DM T2 [Transport impacts from development]; DM T3 [Car parking and servicing standards].

**London Council's Air Quality and Planning Guidance (2007)**

- 6.9 The major source of air pollution in London is road traffic with other notable contributions coming from industrial plant, industrial premises, domestic energy production and construction activity. This document provides guidance on the extent of any air quality assessment including weather patterns and background data.

**National Planning Policy for Waste [October 2014]**

- 6.10 This document provides guidance on the consideration of planning applications for waste uses including their design and impact on amenity.

**7. PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations relate to an assessment of the principle of the development and the need for the development, impact on amenity [including noise, dust, air quality and loss of daylight, sunlight, privacy], the design, layout, scale and massing of the buildings; flooding and archaeological issues; the potential impact on the adjacent open space, and highway and transport matters.

**Principle of development**

- 7.2 Policy 5.16 of the London Plan states that the Mayor will work with boroughs to manage as much of London's waste within London as practicable, managing the equivalent of 100 per cent of London's waste within London by 2031. This will be achieved by exceeding recycling and reuse levels in construction, excavation and demolition waste by 95 per cent by 2020. Proposals for waste management should be assessed in terms of locational suitability, proximity to the source of waste, nature and scale of activity, a positive carbon outcome, and the environmental and transport impact.
- 7.3 The application site is in a Strategic Industrial Location and a Preferred Industrial Location as designated within the London Plan that was adopted in July 2011. These locations are preferred locations for industry and exist to ensure that London provides sufficient quality



sites, in appropriate locations to meet the needs of various industrial uses, including sites for waste and recycling. Policy 2.17 of the London Plan states that the Mayor will, and boroughs should promote, manage and where necessary protect these areas to allow them to provide a range of industrial uses.

- 7.4 The earlier planning permission approved by the Planning Applications Committee agreed that principle of development was acceptable on this site. It is considered that the proposed minor material amendment that does not change the proposed uses has no impact on the principle of the development on this site.

**Need for the development**

- 7.5 Policy 5.20 of the London Plan states that Mayor will work with all relevant partners to ensure an adequate supply of aggregates to support construction in London. Policy WP2 of the South London Waste Plan states that planning permission providing additional facilities for construction; demolition and excavation waste will be permitted if there is an identified need for such a facility that cannot be met through other means, and that the proposal meets other policy objectives.

- 7.6 The earlier planning permission approved by the Planning Applications Committee agreed that the development was acceptable in terms of the need and capacity for this type of waste processing. The proposed minor material amendment does change the capacity or type of waste to be processed on the site and the amendment is considered acceptable in terms of need.

**Potential impact on amenity - Air quality, dust and debris**

- 7.7 Policy WP7 of the South London Waste Plan states that developments for waste facilities will be required to demonstrate that impacts would not significantly affect people and the environment. Development Plan policy PE1 states that developments that significantly harm air quality will not be permitted.

- 7.8 Whilst the use of the application site for the waste processing does not require planning permission, the buildings proposed on the site to enclose the proposed activities do require planning permission. The detailed measures outlined in the submitted 'Fugitive Emissions Management and Monitoring Plan include measures to ensure that dust nuisance is minimised such as the use of netting over lorries carrying waste and wheel washing. In order to ensure that dust does not cause nuisance to adjoining occupiers a planning condition is recommended to ensure that various proposed remedial measures are implemented on the site. The minor material amendment application seeks to increase the size of buildings on the application site and this will also reduce the potential for nuisance in terms of dust and debris.

- 7.9 The earlier planning permission approved by the Planning Applications Committee agreed that the development was acceptable in terms of the potential impact on air quality, dust and debris. When compared to the proposal previously considered by members, the current application involving the provision of additional floor space will reduce the potential for future nuisance to be generated from the application site in terms of air quality, dust and debris.

**Potential impact on amenity - Noise and disturbance**

- 7.10 Policy DMEP2 of the Sites and Policies Plan states that developments which would have a significant adverse effect on nearby occupiers or on the amenity of the locality by reason of noise generation and disturbance will not be permitted, unless potential pollution or noise problems can be overcome by mitigating measures sought by planning conditions.
- 7.11 Policy WP7 of the South London Waste Plan states that developments for waste facilities will be required to demonstrate that impacts would not significantly affect people and the environment. Particular regard will be had to noise from plant associated with the use and traffic that is generated. Policy WP7 advises that waste facilities 'should' be located within a fully enclosed building. The reason for this requirement is to reduce the potential for nuisance from noise and to allow adequate sound insulation measures to be put in place.
- 7.12 The application site is within one of the borough's Industrial Areas [as designated within the Sites and Policies Plan], with noisier and more intrusive business activity directed to these areas. The application of planning controls over the operation of development in these areas requires weighing the need to safeguard residential amenity against the need to ensure that industrial uses can operate effectively including in terms of fully enclosing waste activities. The closest residential use to the application site is the adjacent gypsy and traveller site with other residential properties located 70 metres to the east in Steerforth Street across adjacent open land.
- 7.13 Policy WP7 of the South London Waste Plan states that waste activities impacting upon residential amenity 'should' be within a fully enclosed building. It is considered that the applicant has adequately demonstrated through the submitted information that the proposed use can be accommodated on the site within the proposed building that has one open side. It is considered that with the use of planning conditions the proposed use is acceptable in terms of the potential impact on residential amenity. It is also highlighted that the proposed use.
- 7.14 The earlier planning permission approved by the Planning Applications Committee agreed that the development was acceptable in terms of the potential impact on noise and disturbance. When compared to the proposal previously considered by members, the current application

involving the provision of additional floor space will reduce the potential for future noise nuisance to be generated from the application site.

**Potential impact on amenity – Light pollution**

7.15 Policy WP7 of the South London Waste Plan states that developments for waste facilities will be required to demonstrate that impacts would not significantly affect people and the environment. Particular regard will be had to the design of the waste facility and minimising the requirement for exterior lighting.

7.16 A planning condition is recommended stating that all new lighting including the new floodlights shown on the submitted drawing 133115/PA/005 shall be designed to minimise potential impact on the adjacent open space, wildlife and residential occupiers. It is considered the current minor material amendment to the original approval will have no impact on this issue.

**Potential impact on amenity – Contaminated land**

7.17 The site has historically been used for commercial activity and as a result there is potential for ground contamination to be present. In response to a planning condition attached to the original approval the applicant has submitted a site investigation report. The conclusions and recommendations of this report have been considered by the Council's Environmental Health Team and found to be acceptable.

7.18 An amended condition is recommended to ensure that the conclusions and recommendations of the site investigation report are implemented. Other planning conditions seek monitoring during any construction work and for the submission of a validation report between completion and first use of the site.

**Design, scale and appearance**

7.19 The application site is located in an industrial area and there are a variety of different uses and buildings located on adjacent sites. With the nature of this area the buildings previously on the application site and those on neighbouring sites have a functional design and appearance. The design, scale, layout and appearance of the proposed development is considered in keeping with the local context and respects the local pattern of development in accordance with policy CS14 of the Core Strategy and policy 3.5 of the London Plan.

7.20 The earlier planning permission approved by the Planning Applications Committee agreed that the development was acceptable in terms of the design, scale, layout and appearance of the proposed development. The current minor material amendment involves the provision of an additional 456 square metres of floor space and it is considered that this change does not change the conclusion that was reached on the earlier application.

**Flooding and archaeological issues;**

- 7.21 The eastern third of the application site is in an area at risk from flooding [zone 2 - medium risk]. This risk from flooding is associated with the River Wandle that is located immediately to the east of the site. In terms of the National Planning Policy Framework Technical Guide the proposal is considered a 'less vulnerable' use that is considered appropriate within Flood Zone 2.
- 7.22 The proposed increase in the building footprint and maintaining current floor levels are considered acceptable by the Environment Agency as the site is located outside the 1 in 100 yr plus climate change event. The Environment Agency have confirmed that they have no objection to the proposed minor material amendment.
- 7.23 The site is located in an Archaeological Priority Area. The Council have consulted with English Heritage as part of a planning application. English Heritage have stated that following the submission of further information it is considered that there is no requirement for any further archaeological work to be undertaken in connection with this development.

**Adjacent open space;**

- 7.24 The earlier planning permission approved by the Planning Applications Committee agreed that the development was acceptable in terms of the impact on the adjacent open space. The current minor material amendment application does not increase either the height, location or the length of the building along the boundary with the open space and it is considered that this change does not change the conclusion that was reached on the earlier application.

**Highways and transport - Car parking**

- 7.25 The earlier planning permission approved by the Planning Applications Committee agreed that the development was acceptable in terms of the level of car parking provided on the site and this provision in terms of the type, number and location has not been amended as part of the current application.

**Highways and transport - electric vehicle charging**

- 7.26 In order to reduce carbon dioxide emissions and promote sustainable transport choices the Mayor of London's Electric Vehicle Delivery Plan and policy 6.13 of the adopted London Plan states that new car parking provision should include facilities to charge electric vehicles [a requirement of 20% of spaces for electric vehicles]. A planning condition is recommended to ensure that these facilities are provided on this site.

**Highways and transport - Pedestrians and cycle parking**

- 7.27 Policy CS 18 of the adopted Core Strategy [July 2011] states that the Council will promote active transport by prioritising the safety of pedestrian, transport modes; and encouraging design that provides,

attractive, safe, covered cycle parking and other facilities. The minimum cycle parking standards in the London Plan require one cycle parking space for every 500 square metres of employment floorspace.

- 7.28 The earlier planning permission approved by the Planning Applications Committee agreed that the development was acceptable in terms of the level of facilities for pedestrians and cycle parking on the site and this provision in terms of the type, number and location has not been amended as part of the current application.

**Highways and transport – Trip generation and delivery access**

- 7.29 Policy CS20 of the Core Strategy (July 2011) states that the Council will seek to implement effective traffic management by requiring developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway. The policy also requires developers to incorporate safe access to and from the public highway.

- 7.30 Policy CS20 of the Core Strategy [July 2011] states that the Council will seek to implement effective traffic management by requiring developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway. The policy also requires developers to incorporate safe access to, and from the public highway.

- 7.31 The earlier planning permission approved by the Planning Applications Committee agreed that the development was acceptable in terms of the potential impact on Highways and transport. The current minor material amendment does not change the type or quantity of material to be processed and as a result it is considered does not change the conclusion that was reached on the earlier planning application.

**Energy and climate change**

- 7.32 Policy CS 15 of the Adopted Core Strategy (2011) states that new development will need to show how it makes effective use of resources, minimises water use and CO2 emissions in accordance with the hierarchy use less energy; supply energy efficiently and use renewable energy. Waste Plan Policy WP6 states that all proposals must achieve a sustainability rating of 'Excellent' under a bespoke BREEAM scheme. A lower rating may be acceptable where the developers can demonstrate that achieving the 'Excellent' rating would make the proposal unviable.

- 7.33 The original planning application was accompanied by an energy assessment and an indication of how the development would meet the Mayor's objectives and the objectives of the Council's Core Strategy. It is stated that the proposed new building will be unheated, uninsulated and unventilated and for these reasons it is not possible to apply normal BREEAM standards. Whilst not possible for the proposal to be assessed under the normal BREEAM standards in the design of the

development the applicant has sought to address sustainability issues. This includes maximising natural lighting, using energy efficiency lighting, use of photovoltaic panels, measures to reduce water consumption and minimise risk of surface flooding.

- 7.34 This approach has been assessed by the Council's Climate Change Team and is considered acceptable. A planning condition is recommended stating that the measures shown in the submitted sustainability statement be implemented prior to first use of the proposed building.

## **8. ENVIRONMENTAL IMPACT ASSESSMENT**

- 8.1 The application site is less than 0.5 hectares in area and therefore falls outside the scope of Schedule 2 development under the The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In this context there is no requirement for an Environmental Impact Assessment as part of this planning application.

## **9. CONCLUSION**

- 9.1 The principle of the proposed waste on this site in a designated industrial estate is considered acceptable. The proposed development represents an effective and sustainable use of this vacant, brownfield site. After weighing the need to safeguard residential amenity against the need to ensure that industrial uses can operate effectively it is considered that the proposal is acceptable subject to planning conditions.

- 9.2 In relation to residential amenity, these planning conditions include a requirement to provide sound insulation to ensure that noise generated by the proposed development is maintained at acceptable levels; for external lighting to be designed to avoid nuisance to adjoining occupiers, measures in relation to potential land contamination for measures to prevent nuisance from dust to be implemented.

- 9.3 The previously approved planning permission remains extant and can be lawfully implemented. The current application does not involve an increase in the quantity of material processed on the site but does seek to enclose more of the activities within new buildings. This extended building will reduce any potential nuisance to adjoining residential and commercial occupiers. Accordingly, it is recommended that planning permission be granted subject to the planning conditions and planning obligations set out below.

## **10. LOCAL FINANCIAL CONSIDERATIONS** **Mayor of London Community Infrastructure Lev**

- 10.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy (CIL), the funds for which will be used by the Mayor of London towards the 'CrossRail' project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to pay the CIL.

- 10.2 The CIL charge that would be payable, for the proposed development, under the Mayor of London Community Infrastructure Levy would be adjusted to reflect the proposed increase in floor space.

**London Borough of Merton Community Infrastructure Levy**

- 10.3 After approval by the Council and independent examination by a Secretary of State appointed planning inspector, in addition to the Mayor of London levy the Council's Community Infrastructure Levy commenced on the 1 April 2014. The liability for this levy arises upon grant of planning permission with the charge becoming payable when construction work commences.
- 10.4 The Merton Community Infrastructure Levy will allow the Council to raise, and pool, contributions from developers to help fund local infrastructure that is necessary to support new development including transport, decentralised energy, healthcare, schools, leisure and public open spaces. The provision of financial contributions towards affordable housing and site specific obligations will continue to be sought through planning obligations a separate S106 legal agreement.

**Planning Obligations**

- 10.5 Regulation 122(2) of the CIL Regulations 2010 (continued in the CIL Regulations 2011) introduced three tests for planning obligations into law, stating that obligations must be:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development;
  - Fairly and reasonably related in scale and kind to the development.
- 10.6 If a planning obligation does not meet all of these tests it cannot legally be taken into account in granting planning permission and for the Local Planning Authority to take account of S106 in granting planning permission it needs to be convinced that, without the obligation, permission should be refused. It is not considered that any planning obligations are necessary in terms of the current development.
- 10.7 The original permission did not require any need for planning obligations and it is considered that the proposed amendments will not cause any additional harm that would require planning obligations

**RECOMMENDATION**

**GRANT PLANNING PERMISSION subject to planning conditions.**

**And the following conditions:**

1. Standard condition (Time period) The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission. Reason for condition: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. Amended standard condition (Approved plans) The development hereby permitted shall be carried out in accordance with the following approved plans: Landscaping Statement; Transport Statement; Sustainability Statement; Flood Risk Assessment; Noise Assessment and Phase 1 Environmental Risk Assessment [as submitted with original planning application]; Phase 2 Environmental Risk Assessment produced by AA Environmental Ltd with reference 133115 and dated February 2014; Construction Logistics Plan produced by AA Environmental Ltd with reference 133115 and dated February 2014 [submitted to discharge conditions on the original approval] and 133115A/PA/ 002C; 003.1A, 003.2A; 007; Supporting Statement; Fugitive Emissions Management and Monitoring Plan; Noise Assessment Reason for condition: For the avoidance of doubt and in the interests of proper planning.
3. Non-standard condition (Construction Logistics Plan) The development shall only proceed in accordance with the submitted Construction Logistics Plan. Reason for condition: To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
4. Non-standard condition (Delivery and Servicing Plan) No development shall commence until a Delivery and Servicing Plan has been submitted to, and approved in writing by, the local planning authority with the development proceeding in accordance with the approved plan Reason for condition: To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
5. Non-standard condition (Foul and surface water) The conclusions and recommendations of the Phase 2 Environmental Risk Assessment produced by AA Environmental Ltd with reference 133115 and dated February 2014 [submitted to discharge conditions 7 and 9 of the original approval] shall be implemented prior to the use commencing and maintained permanently thereafter. Reason for condition: In order to prevent the pollution of groundwater as infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater and to comply with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2011, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Policies Plan 2014.
6. Standard condition (Flood Risk Assessment) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by AA Environmental (Report Ref: 133115, dated October 2013). Reason for condition: To safeguard the amenities of the area and to reduce the impact of flooding both to and from the proposed development in compliance with CS16 of the Adopted Merton Core Planning Strategy 2011.



7. Amended standard condition (Ground contamination - survey) The buildings hereby approved shall not be used until the conclusions and recommendations remediation measures/treatments within the approved Phase 2 Environmental Risk Assessment produced by AA Environmental Ltd with reference 133115 and dated February 2014 [submitted to discharge conditions 7 and 9 of the original approval] have been implemented in full. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2011 and policy DM EP4 of Merton's Sites and Polices Plan 2014.
8. Amended standard condition (Ground contamination – construction phase) If during construction works further contamination is encountered which has not previously been identified and considered the Council's Environmental Health Section shall be notified immediately and no further development shall take place until remediation proposals (detailing all investigative works and sampling, together with the results of analysis, risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation) have been submitted to and approved by the Local Planning Authority and the approved remediation measures/treatments implemented in full. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2011 and policy DM EP4 of Merton's Sites and Polices Plan 2014 and to ensure that any contamination encountered that has not previous identified is dealt with appropriately.
9. Amended standard condition (Operation hours) The proposed use shall only operate and accept deliveries between 0600hrs and 1830hrs Monday to Saturdays Reason for condition: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2011, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Polices Plan 2014.
10. Non standard condition (Waste throughput) The approved waste use shall not exceed a combined throughput capacity of 90,000 tonnes per annum, with records of the throughput of waste retained at the site and made available for inspection at any reasonable time following a request from the local planning authority. Reason for condition: The impact of the development has been assessed on the basis of this stated throughput and the local planning authority would wish to maintain control over any future increase in the capacity of the site, in the interests of amenity and traffic management and to comply with policy CS20 of the adopted Merton Core Strategy (2011).

11. Standard condition (Landscaping) The buildings hereby approved shall not be used before a landscaping scheme been implemented that is in accordance with details that have previously been submitted to and approved in writing for approval to the Local Planning Authority. The landscaping scheme shall include the size, maturity, species, spacing, quantities and location of plants. Any trees which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased or are dying shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. Reason for condition: To enhance the appearance of the development in the interest of the amenities of the area and to comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011.
12. Amended standard condition (Car parking spaces) The buildings hereby approved shall not be used until the car parking spaces shown on the approved drawing to serve the development including the provision of an electric vehicle charging point have been provided, with the spaces thereafter kept free from obstruction and retained for parking purposes for users of the development and for no other purpose. Reason for condition: To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
13. Non-standard condition (Parking for those with a disability) The buildings hereby approved shall not be used until one car parking space is designated and clearly identified on the site solely for the use by those with a disability with the parking space maintained permanently thereafter. Reason for condition: To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
14. Non-standard condition (Travel Plan) The buildings hereby approved shall not be used until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall follow the current 'Travel Plan Development Control Guidance' issued by Transport for London and shall include: Targets for sustainable travel arrangements; Effective measures for the ongoing monitoring of the Plan; A commitment to delivering the Plan objectives for a period of at least 5 years from the first occupation of the development; Effective mechanisms to achieve the objectives of the Plan by both present and future occupiers of the development. The development shall be implemented only on accordance with the approved Travel Plan. Reason for condition: To promote sustainable travel measures and comply with policies CS18 and CS19 of the Adopted Merton Core Planning Strategy 2011.
15. Standard condition (External lighting) Any new external lighting shall be designed, positioned and angled so as to prevent any light spillage or glare from affecting the nearby open space and the closest residential;

properties and shall have regard to the recommendations of the "Bats and Lighting in the UK" published jointly by the Bat Conservation Trust and Institute of Lighting Engineers Reason for condition: In order to safeguard the amenities of neighbouring residential occupiers and to maintain the nature conservation value of the adjacent open space and to ensure compliance with policy CS.13 of the adopted Merton Core Strategy (2011).

16. Non standard condition (Cycle parking) The buildings hereby approved shall not be used until the cycle parking shown on the plans hereby approved has been provided and made available for use. These facilities shall be retained for the staff and visitors to the development at all times. Reason for condition To ensure satisfactory facilities for cycle parking are provided and to comply with policy CS18 of the Adopted Merton Core Planning Strategy 2011.
17. Non standard condition (Sound insulation) The buildings hereby approved shall not be used until sound insulation has been installed that is in accordance with details that have previously been submitted to and approved in writing for approval to the Local Planning Authority with the insulation ensuring that noise from the use does not increase the background noise level by 5dB(A)L90 (5 minute measurement period) when measured 1 metre away from the facade of the nearest effected dwelling. Reason for condition: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2011 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014.
18. Non-standard condition (Acoustic barrier) Notwithstanding the details included with the planning application, no development shall commence until details of the proposed acoustic barrier have been submitted and approved in writing by the local planning authority. The approved details shall be installed before the commencement of the use and shall be permanently retained thereafter unless otherwise agreed in writing by the Local Planning Authority. Reason for condition: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2011 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014.
19. Non-standard condition (Fugitive emissions management) Prior to the commencement of the use the remedial measures detailed in the fugitive emissions management and monitoring plan (dust and particulates) July 2013 by AA environmental Ltd, to protect air quality and prevent dust nuisance to adjoining occupiers from both the application site and associated vehicles shall be in place and shall be retained permanently thereafter with the fugitive emissions management and monitoring plan (dust and particulates) July 2013

included in the site's environmental management system (EMS) and this should be stated in the fugitive emissions plan. Reason for condition: To safeguard the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2011, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Polices Plan 2014.

20. Non-standard condition (Sustainability Statement) The measures set out in the submitted envision Sustainability Statement shall be in place prior to commencement of the use hereby approved. Reason for condition To ensure that the development achieves the highest possible standard of sustainability and makes efficient use of resources and to comply with policy, 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
21. Amended standard condition (Ground contamination – post construction) The buildings hereby approved shall not be used until a validation report has been submitted to and approved in writing by the Local Planning Authority to demonstrate that remediation works have been carried out in accordance with the agreed remediation strategy. The validation report shall provide a full record of all remediation activities carried out on the site including post remedial sampling and analysis, waste management documentation and evidence that the agreed site remediation criteria have been met (including waste materials removed from the site; an audit trail demonstrating that all imported or reused soil material conforms to current soil quality requirements as approved by the Council) and any post remediation sampling that has been carried out. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2011 and policy DM EP4 of Merton's Sites and Polices Plan 2014 and to ensure that any contamination encountered that has not previous identified is dealt with appropriately.

**INFORMATIVES:**

- a) The applicant is advised that In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the London Borough of Merton takes a positive and proactive approach to development proposals that are focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome and updating applicants or agents of any issues that may arise in the processing of their application.
- b) The applicant is advised to contact the Council's Highways team prior to undertaking any works within the Public Highway.