

Plan: F DC/04/00302/FUL River Ward (A)

Address: Old Bus Depot Perry Road, Dagenham

Development: Change of use of an existing Bus Depot and associated buildings to an End-of-Life Vehicles (ELV) Authorised Treatment Facility (ATF), including associated treatment and recycling of tyres, metals arising from the ELV's, involving the storage of vehicular spare parts and insurance damaged cars for trade resale. Also, the erection of ancillary storage and administration buildings.

Applicant: Angel Autos Limited

Introduction and Description of Development

The application site measures 9094 square metres (0.94 ha) located to the north of Perry Road and is immediately to the east of Chequers Lane, which provides the main road link to Perry Road. The site is bounded to the north by the Barking Power Station, having approximately 16,000 tonnes of distilled fuel oil tanks adjacent to the boundary. The Power Station is a strategic facility providing electricity to a large part of London. The subject site forms part of Dagenham Dock which is designated for employment and regeneration purposes.

The site is presently vacant, but was formerly used as a bus depot. The site still includes much of the infrastructure used for the former use, including workshops and vehicle washing machinery.

The application relates to the use of the former depot as an End-of-Life Vehicle authorised treatment facility, including associated treatment and recycling of tyres, metals arising from ELV's, involving the storage of vehicular spare parts and insurance damaged cars for resale. The application consists of the erection of ancillary storage and administration buildings.

There are a number of existing buildings within the application site that will be used as part of the proposed operation. There are existing offices and a toilet block, adjacent to this there is a shell structure that has previously been used as a workshop for the repair of vehicles. The workshop would be used for the ELV de-polluting and dismantling. Each of the components would be individually separated and stored for recycling. Immediately opposite the workshop there is a hardstanding area where the ELVs would be stored prior to being de-polluted and a concealed bailer which would crush the shell of vehicles to be transported off site.

To facilitate in the storage of components a new building is proposed along the north/northeast boundary highlighted as 'Phase 2'. This would cover an area of 615 square metres. The vehicle parts would be housed in individual sections. 103 spaces have been allocated for the purpose of storing damage repairable vehicles for trade resale.

Background

There have been a number of applications that have been submitted on the subject site;

Commercial vehicle repairs and the erection of a building to provide workshop. Office and storage accommodation – approved 1981.

Use of the premises as a bus depot and erection of new workshop building – approved 1989.

Application for the demolition of existing buildings and erection of 2 storey office building and toilet block – approved 1993.

The most recent of applications was for the "Use of Former Bus Depot as Metal Recycling facility including the Erection of Concrete Push Walls" (reference 03/00293/FUL). This was resolved to be approved in September 2003 by the Development Control Board subject to conditions and a Section 106 agreement relating to a contribution of £70,000 towards infrastructure upgrading, public transport/accessibility and the ETRCL site wide management to be paid on implementation. This legal agreement is yet to be resolved. (Refer to Appendix A for a copy of the Development Control Board report)

Consultations

a) Neighbours/Publicity

The neighbouring occupiers were notified of the submission of the planning application. The proposed development has also been advertised on site and in the local press. To date one objection has been received from Nabarro Nathanson on behalf of the Barking Power Station raising the following points;

- The previous application was submitted by SE Metals.
- Due to the concern with the previous application regarding the cars brought onto the site and the possible fire risk the application was deferred pending a Fire Risk Assessment (FRA) to be commissioned by the Fire Brigade.
- Tenos Fire Safety Engineering Consultants carried out the FRA both for the previous and the current application.

- No report has been completed by the Fire Brigade.
- The proposed recycling operation is within 30 metres of 2 tanks containing approximately 16,000 tonnes of distilled fuel oil.
- The Power Station has commissioned its own Fire and General Health and Safety Risk Assessment to establish the potential risks of the proposal to the Power Station which are material to this application.
- The use would have an impact on the condition of the local roads.
- Chequers Lane already is in a very poor condition and this application would seriously aggravate the situation.
- It is stated that 100 vehicles would flow into the site during a normal working day approximately 10% would be HGVs.
- LDA have adopted Chequers Lane/Perry Road without a specific plan and time table in place. Planning permission should not be granted as the road's condition would be made worse.
- Section 54A of the Town and Country Planning Act 1990 requires determination of applications in line with the Local Planning Authority Unitary Development Plan unless material considerations indicate otherwise.
- UDP Policy E1 encourages B1, B2 and B8 uses on application site.
- Site falls within employment area.
- Due to the nature of the use it is not considered to fall under B2 Use therefore is sui generis and does not have Section 54A support and there is a presumption against granting planning permission.
- Increase emphasis on manufacturing/processing industries does not comply with the Dagenham Dock Interim Planning Guidance for a Sustainable Industrial Park.
- The applicant's analysis of the London Plan policies is inaccurate and out of date.
- The application should be refused on the following grounds;
 - Contrary to Local Plan policies
 - No material considerations to justify departure from the local plan.
 - Unsafe location for proposal in relation to Power Station
 - Environmental controls to mitigate the impact of this proposal can not be effectively monitored at this location and proposal should be allocated to an alternative site.
- However, should the application be acceptable there is a list of conditions outlined that should be imposed.

b) Environment Agency

- No objection in principle to the proposed development subject to imposing conditions relating to the submission of a land

contamination survey and details of the surface and foul water drainage system; and restricting ground levels and storage within the land liable to flood.

c) LFEDA

- The Brigade is satisfied with the proposals.

d) Thames Water

- Need to determine ability of local sewers to dispose of foul and surface water for this development and recommending a condition be imposed requiring submission of drainage works.
- If off-site drainage works are necessary it is recommended that a Section 106 agreement is entered into.

e) English Heritage

- Site lies within an archaeological priority area as defined in the Unitary Development Plan; however it is not considered that these proposals will have a significant effect on any buried archaeological deposits. Therefore there is no requirement for archaeological investigations as result of the application.

f) Health and Consumer Services – Environmental Protection

- Storage of Chemicals should be adequate to prevent exposure to ground as well as staff.
- Adequate ventilation in areas where chemicals are vented/decanted.
- The new buildings would give rise to the requirement for a contamination survey.

g) Traffic and Road Safety Division

- Applicant to provide and indicate on plan turning facilities.

h) Economic Development

- Generally in favour of application.
- Submission sets out how businesses will have to address new legislation and move away from traditional image of car dismantlers/recyclers.
- The need for ELV facilities has been recognised by government and the Greater London Authority (GLA).

- They offer good employment/training opportunities and opportunities to grow and utilise new technologies as well as opportunities to tie in with other businesses in Dagenham Dock.
- Whilst the site will never look particularly attractive it is ideally located for such uses due to the lack of road frontage.
- It lies within the recycling zone defined within the Dagenham Dock Interim Planning Guidance. Therefore in principle it is in tune with the vision for a Sustainable Industrial Park as opposed to present lawful use as a bus depot.
- However, have the following concerns;
 - The Bunded tank farm taking liquids from the processing building takes up half the road running along side the building. Is there adequate room for a vehicle to pass?
 - The tyre processing and storage area is only shown as rectangles on the plans – more details are required – are they enclosed, what is the process?
 - Is there any noise issue from the bailer?
 - The stacked cars was initially a concern however it can be conditioned that the storage is set out as a maximum 4 high, and that the stacking rack be used in the (screened) location stated as suggested. However there shall be no stacking elsewhere on site.
 - Bicycle racking is required.
 - Phase two makes the application more favourable and should address the Power Stations previous concerns.
- Section 106 requirement of £70,000 as previous agreement on site to look at local training/employment issues.
- Regarding conditions the broad thrust of those applied to the previous application should be covered.

Response to Comments by Applicant's Agents

The previous application was deferred in August 2003 subject to a Fire Risk Assessment being conducted. The report was referred back to the Development Control Board with a report by Tenos Limited as the London Fire Brigade was not prepared to carry out a fire risk assessment. Members then resolved to approve the application subject to a Section 106 Agreement.

Tenos was commissioned to produce a report for the present application as they had an existing knowledge of the site and the associated fire risk issues.

It has been noted that the LFEPA has been consulted on the application and are happy with the proposals.

It is considered that a suitable assessment of the fire risks presented by the proposals has been carried out which demonstrates that the proposed development would not present an unacceptable fire risk and therefore the Power Station's concerns are unfounded.

Proposal fully accords with policies and the proposed development presents a significant improvement to that that has been proposed by SE Metals.

The London Plan was in a draft format whilst the application was being prepared. Even now that the London Plan is adopted the Plan's policy aims have not altered.

The conditions suggested by the Power Station are considered to be either unnecessary or inappropriately worded.

Drawing JER2891-008 shows the routes most likely to be used on site. The bunded tank farm has been slightly moved to the southwest to avoid the path of the turning circles of the larger vehicles.

The liquid store would be surrounded by a brickwork bund that would intercept any liquid that may escape from the tanks as required by the Environment Agency and would also provide the protection required from vehicles.

The larger tanks would be frequently emptied as opposed to the smaller tanks that may be emptied once a month.

The tyre storage area will be contained with appropriate bays. The tyre processing machine will stand on its own on a concrete square bolted to the ground and will be loaded by a fork lift truck. A conveyor will then carry the particles to a closed storage container. This machine is also surrounded with a safety fence. It is anticipated that the machine will be run once a day to keep the stock pile of waste tyres to a minimum.

The bailer is a self contained machine that squashes cars into bales. It will stand on a square of concrete and will be bolted to the ground. Oil contained in the vehicles before entering the bailer would be minimal they are de-polluted beforehand and the oil would be caught in its own sump tank. It would be run through the day to avoid the accumulation of de-polluted vehicles. It is considered that the noise from the bailer is unlikely to be an issue given the locality.

Height of Stacked Cars and Provision of Bicycle Racks is agreed to be secured by conditions.

The office will be turned into a reception area for the public to sit and fill in forms. The public would only be permitted in the reception building. But trade customers will be able to access the insurance damaged vehicle storage area.

UDP Policy

Strategic Policy E

Strategic Policy F

Strategic Policy L

Strategic Policy X

E1 Employment Development within Employment Areas

E4 Access for People with Disabilities

E6 Employment Promotion

T1 Accessibility to Public Transport

T13 Development Standards

T31 Lorries

T32 Service Areas

T33 Movement of Freight

BR4 Dagenham Dock Employment Area

BR12 Dagenham Dock Road System

G27 Derelict, Disturbed and vacant Land

G28 Contaminated Land

G31 Waste re-use and Recycling

G38 Water Pollution

DE1 Urban Design

DE5 Facilities for People with Disabilities

DE6 Safety and Security

DE17 Soft Landscaping

DE36 Development on Site of Archaeological Significance

DE37 Protection of Archaeological Sites

DE39 Planning Applications and Archaeological Sites

C17 Planning Obligations

Dagenham Dock Interim Planning Guidance for a Sustainable Industrial Park
(April 2003)

Interim Parking Standards (January 2002)

The London Plan (February 2004)

No policy issues.

Analysis

Principle of Use

The Dagenham Dock area comprises 133 hectares of largely under-utilised brownfield land and it is one of London Riverside's major development sites

bounded to the south by the River Thames and to the north by the London - Tilbury - Southend railway line and by 2007, the Channel Tunnel Rail Link.

The draft Urban Strategy for London Riverside highlights Dagenham Dock as a 'Sustainable Industrial Park ' with a special focus on the environmental business sector and a new Environmental Technology Resource Centre for London (ETRCL). This is supported by the Interim Planning Guidance for Dagenham Dock which following a period of public consultation was formally adopted on 15 April 2003 by the Council's Executive. The Interim Planning Guidance has the status of supplementary planning guidance (SPG) and its purpose is to clarify and supplement the adopted UDP policies in light of current circumstances.

As stated in PPG12, SPG's are material considerations that may be taken into account in the assessment of planning applications.

The application site falls within an employment designated area. Policy E1 states that "the Council will encourage the retention and expansion of General Industry in Employment areas.....within any employment area there should be a **mix of business development**, including B1 Light Industry, B2 General Industry and B8 Warehousing. Applications which would result in the undue concentration of warehousing and/or transport uses within an employment area will normally be refused...." The proposed development would be an employment based activity providing for general industrial purposes. Under Policy DD3 of the Dagenham Dock Interim Planning Guidance the subject site also falls under the designation for recycling industries. The development accords with the Dagenham Dock Interim Planning Guidance and the London Plan in terms of providing a recycling facility.

Employment opportunities

Both the Unitary Development Plan and the Dagenham Dock Interim Planning Guidance emphasise the drive to expand businesses and promote employment based uses within designated areas. Policy E6 highlights that "the Council will promote employment and seek to ensure conditions for business enterprise to succeed in the Borough by....identifying activities that would beneficially be added to the economic structure in order to strengthen it or provide new directions for growth.....identifying and supporting sectors, which are crucial to the local economy and the prospects of its workforce..." The scheme proposes to provide 24 new jobs, with recruitment being predominately from within the Borough and also offering apprenticeship schemes, hence it is considered that the proposal would be in line with Policy E6.

Nature of Product Entering the Site and Operation

The operators are also stated to be members of the Motor Vehicle Dismantlers Association. The operation of the proposed use is predominately governed by European legislation.

The ELVs entering into the site would be stacked near the entrance of the site at a maximum height of 4 vehicles. The vehicles would be fully intact in that they still contain tyres and fuel tanks. However, they will be de-polluted and dismantled in the workshop building opposite the stacking area. Each of the dismantled components would be individually separated and stored to be sold for recycling. This would include the various forms of liquids from the vehicles. The carcass for the ELVs would be crushed on site and then transported to other sites for metal recycling. Approximately 8 vehicles are proposed to be de-polluted per day.

It has been highlighted in the supporting statement that due to the new restrictive European legislation there are tighter controls on the nature and operation of such uses. There are minimum technical requirements on site which are;

- a) Removal of batteries and liquefied gas tanks.
- b) Removal or neutralisation of potential explosive components (e.g. air bags)
- c) Removal and separate collection and storage of fuel, motor oil, transmission oil, gear box oil, cooling liquids, anti freeze, brake fluid, air conditioning system gases and any other fluid contained in ELV unless necessary for the reuse of parts concerned.
- d) Removal as far as possible of parts containing mercury.

As a result it is therefore considered that the proposed development would be a cleaner form of metal recycling compared to the proposed previous application.

Highways

It has been stated in the submission that there would be approximately 100 vehicles entering the site per day. This is perceived to be along similar levels if not less compared to its lawful use as a Bus Depot. The general master plan for Dagenham Dock makes allowances for intense use of employment sites within this part of the Borough.

The roads in this locality are presently under the ownership of the London Development Agency. It is proposed in the near future that they are upgraded to adoptable standards and would cater for the new developments in Dagenham Dock.

The subject of this application proposes to provide 18 parking spaces for staff and visitors. This is in line with the requirements of the Interim Parking Standards.

Design

The submitted drawings provide elevations of only the security office and of Phase 2. These are considered generally in keeping with the existing buildings

on site and its locality. However, further details are required for the office, reception, security/welfare and tyre storage buildings.

Fire Risk Assessment

Fire Risk Assessments have been conducted by Tenos Fire Safety Engineering Consultants on behalf of the applicants and by the Power Station.

The report provided as part of the planning application concludes that there is a minimal risk of a fire and an even lower risk of fire spreading beyond the point of origin.

The drainage of liquid is carried out by specialist equipment thereby reducing the hazard potential. It goes on to state that “the location of the process within the existing building, away from the site boundary common with the Barking Power Station, is suitable fire safety precaution.”

The storage of unpolluted ELVs presents a potential risk, however, this element is located at least 44m away from the northeast boundary with the Power Station.

It is stated that the storing of insurance vehicles would present no greater risk compared to a car park. This point is emphasised in light of the site’s lawful use.

Another point that is highlighted is the storage of tyres which “presents a potential for serious fires, will be kept to a minimum and separated into bays to prevent extensive fire spread throughout the stock”.

The report submitted by Nabarro Nathanson refers to the previous application and has not been adjusted to take into account the present submission. However, there have been a number of points that have also been raised are electrical hazards relating to the testing of electrical appliances, general health and safety, also security of the premises which are not controllable through the planning legislation. However, there have been other points raised such as the storage of flammable materials and the use of certain tools and machinery near the vulnerable boundary which are material considerations that need to be taken in account.

The introduction of the ‘Phase 2’ building in the present application is considered to be a supportive solution in forming a protective boundary between the site and the Power Station. This aspect did not form part of the previous application which hence required the imposing of more stringent conditions.

The agents have stated that there would be a delay in implementing Phase 2 due to financial implications. This is considered an issue for the above reasons and therefore should the application be acceptable then the imposing of relevant conditions to reduce and prevent the risks to the northern boundary is recommended.

Conclusion

In considering the above on balance is considered that the proposed development would be in line with UDP policy and would result in minimal fire risk with the imposition of recommended conditions.

Recommendation

That subject to the successful signing of a Section 106 Legal Agreement, in respect of a contribution of £70,000 towards infrastructure upgrading, public transport/accessibility and the ETRCL site wide management, planning permission be approved subject to the following conditions:

1. Details of the hard standing to include an impervious base shall be submitted to and approved in writing by the Local Planning Authority and laid down in accordance with those details prior to any materials being stored or processed on site.
2. Until the completed implementation of Phase 2 there shall be no plant/machinery or materials stored within 22 metres of the boundary with the Barking Power Station, as indicated by the grey dotted line in drawing Jer2891-003a and a scheme for a brick wall boundary treatment along the north/northeast boundary shall be submitted to and approved by the Local planning Authority and implemented prior to the commencement of the operation of the site.
3. There shall be no burning or incineration of any materials on site at any time.
4. Surface water shall be drained via deep trapped gullies to a suitable oil separator the design of which should be submitted to and approved in writing by the Local Planning Authority following guidelines set out in the Environment Agency's Pollution Prevention Guidelines (PPG3) for the use and Design of Oil Separators. Surface water gullies should not be situated within or adjacent to areas of potential contamination, for example, in the area where the crane working/unprocessed material site is proposed. The consent shall not be implemented until these are installed in accordance with the details approved.
5. Details of a car-parking layout shall be submitted to and approved in writing by the Local Planning Authority And laid out prior to the commencement of the use. The approved layout shall be retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and shall not be used for any other purpose.
6. A plan showing disabled parking bays for one vehicle marked with a British Standard disabled symbol shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the use. The approved layout

shall be retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and shall not be used for any other purpose.

7. No open storage shall take place north of the existing vehicle repair workshop other than in the areas defined on drawing Jer2891-003a.

8. Unless otherwise stated all development shall take place strictly in accordance with drawing Jer2891-003a hereby permitted and no exemption or alterations shall take place without the prior written approval of the Local Planning Authority.

9. Full details of the site lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby permitted.

10. An additional petrol interceptor to the specification described in Condition 4 above shall be installed between the area for the storage of damaged repairable vehicles and the area designated for Phase 2 prior to the commencement of operations.

11. The development shall not be commenced until details of all boundary fences and walls have been submitted to and approved by the Local Planning Authority and no part of the development shall be occupied until the approved fences and walls for that part have been provided. The approved fences and walls shall be retained unless the Local Planning Authority gives prior approval to their removal.

12. Before the development is commenced a detailed site investigation shall be carried out to establish if the site is contaminated, to assess the degree and nature of the contamination present, and to determine its potential for the pollution of the water environment. The method and extent of this site investigation shall be agreed with the Planning Authority prior to commencement of the work. Details of appropriate measures to prevent pollution of groundwater and surface water, including provisions for monitoring, shall then be submitted to and approved in writing by the Planning Authority before development commences. The development shall then proceed in strict accordance with the measures approved.

13. There shall be no raising of existing ground levels on the site.

14. Surface water source control measures shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority before development commences.

15. Development shall not commence until details of on site drainage works have been submitted to and approved by the Local Planning Authority in consultation with the sewerage undertaker. No works which result in discharge

of fould water or surface water from the site until the onsite drainage works referred to above have been completed.

17. The development hereby permitted shall not commence until details of the design in the form of full elevations and materials for the bunded tank farm, the reception, security and welfare cabins, tyre processing and storage area and the storage for the steel bales and racking for the ELVs prior to their de-polluting have been submitted to and approved by the Local Planning Authority. All works shall be completed prior to the commencement of the use unless otherwise agreed in writing by the LPA.

18. F01B Landscaping

19. F02 Implementation of Proposed Landscaping

20. Details of Dustbin Enclosures

21. I12 Cycling Parking (Details)

22. All parts of the development, including the car parks and all external circulation areas, shall be designed to be accessible to people with disabilities in accordance with details submitted to and approved in writing by the Local Planning Authority.

23. The height of the storage racking for the un-polluted ELVs shall not exceed a maximum 4 stacked vehicles.

24. Prior to the implementation of Phase 2 details of its design and materials shall be submitted to and approved in writing by the Local Planning Authority.