

LONDON THAMES GATEWAY DEVELOPMENT CORPORATION

PLANNING COMMITTEE MEETING: 21st June 2007

Planning Application For Determination By The LTGDC

Report Of The Director Of Planning

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| UDC CASE NUMBER: | LTGDC-07-058-OUT | DATE MADE VALID: | 14/03/2007 |
| APPLICATION NUMBER: | 07/00369/LTGDC/LBNM | TARGET DATE: | |

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| APPLICANT: | London Borough Of Newham |
| AGENT: | Colin Buchanan |
| PROPOSAL: | Construction of a bus depot on land adjacent to Jenkins Lane, north of the A13, east of the A406 and south of Jenkins Lane, with ancillary two storey office building (Class b1(a)), a single storey building for ancillary canteen use, area for hard standing for buses and car parking bays and new access from and to the site from Jenkins Lane (IN OUTLINE) |
| LOCATION: | Land Adjacent To Jenkins Lane, London IG11 |

1. SUMMARY

- 1.1 This report considers an application for outline planning permission by the London Borough of Newham for construction of a bus depot on land within the borough of Newham adjacent to Jenkins Lane, Barking, IG11 with a recommendation for **approval**.
- 1.2 London Thames Gateway Corporation has considered the planning application with regard to the provisions of the development plan (The London Plan and London Borough of Newham Unitary Development Plan), so far as material to the application, and to other material considerations and recommend that the application be granted outline planning permission with all matters reserved. Details of access, layout, scale, appearance and landscaping have been reserved for later consideration.
- 1.3 The proposal includes the development of a bus garage for 385 buses, car/motor cycle/cycle parking, a garage building, a canteen, ancillary office space, a fuelling point and a VOSA / MoT area. The proposed land use does not fall within any use class and is therefore considered as 'Sui Generis' under the Town and Country Planning Act Use Classes Order 2005.
- 1.4 The proposed scheme will not result in an environmental impact of such significance that it warrants an Environmental Impact Assessment (EIA).

- 1.5 The application is not referable to the Mayor of London.
- 1.6 The application is considered to be a 'departure application', under the Town and Country Planning (General Development Procedure) Order 1995 and has been advertised as such. The application can not be determined until the Secretary of State has been notified and extended the opportunity to issue a direction under section 77 of the Town and Country Planning Act 1990 in respect of the application.

2. SITE AND PROPOSAL

2.1 Description of Site & Surroundings

The application site covers an area of 5.5 hectares. The site is bounded by the A406 to the west, A13 to the south, Spur Road to the east and Jenkins Lane and Hand Trough Creek (a tributary of Barking Creek) to the north.

- 2.2 The site is currently vacant and cleared, with no freestanding structures. The site can be accessed from the junction of the A13/A406 via Jenkins Lane, but no highway link onto the site exists. The surface lies at an elevation of approximately 3 m above the surrounding public highway service roads.
- 2.3 The landfill history of the site means that the fill materials comprise of ash, building rubble, construction waste, and some refuse / biodegradable waste and concrete. The depth of fill is approximately 8 / 9m thick, and is underlain by sandy gravel.
- 2.4 The site has a history of significant gassing which has progressively reduced over the years, and buildings erected on the site would need to be piled. There is no road infrastructure on site currently, and new construction would involve cutting through fill and retaining walls to connect to the local road network. The site would also need some re-profiling to create a development platform.
- 2.5 Any development of this site would require an access road to be provided.
- 2.6 The development potential of this site is further restricted by the presence of statutory undertakers' plant below and above ground. These services consist of overhead electric power cables, a pylon tower causing a height restriction and twin high pressure gas trunk mains. Both of these services traverse the site from north to south, bisecting it and limiting development of the immediate corridor

2.7 Description of Proposal

The proposal is an outline application with all matters reserved. Details of layout, external appearance, scale and landscaping have been reserved for later consideration.

- 2.8 The proposal is to develop the site as a bus garage and comprises of the following:
 - external hardstanding parking for 385 vehicles;
 - 88 staff number spaces
 - 6 visitor parking spaces
 - Motorcycle and bicycle parking spaces
 - Garage building comprising of;

- 2,500m² of maintenance bays and pits,
 - 486m² stores and office space,
 - 500m² canteen
 - 2,000m² of ancillary office space
 - Refuelling point
 - VOSA/MoT area.
 - A green roof.
- 2.9 The bus garage is proposed to be approximately 8m high (80m long by 50m wide) with a large span roof with vaults developed in response to operational requirements. It is proposed that the building will be located in the western part of the site adjacent to the junction with the A406. It is necessary for operational considerations to group these functions under one roof.
- 2.10 The proposal will include the provision of a two storey building to the north of a maintenance building. This building would provide 2000m² of ancillary office space as well as a canteen of 500m² for employees. Both buildings will accommodate green roofs.
- 2.11 The bulk of the land take within the site is taken up by the provision of external hard standing for the parking of buses, cars, cycles and motorcycles.
- 2.12 A re-fuelling point and VOSA / MoT area is proposed to be located in the eastern corner of the site.
- 2.13 A gas main safeguarding strip cannot be built over and therefore serves as an opportunity to create a planted landscape spine along the length of the site.
- 2.14 A new access is proposed to be created at the north west corner of the site connecting it to Jenkins Lane and from there to the A406/A13 junction giving access to the strategic road network in all directions. The new access is intended to connect to the proposed new bus only link road into Freshwater Estate providing a direct route to Barking town centre to the north (East London Transit) in the future. That access is reliant upon the implementation of a planning consent granted in 2005 by LB Newham. Failure to deliver the northern access, though desirable, would not restrict access and operation of the proposed bus depot as the southern Jenkins Lane/Spur Road will still be provided.
- 2.15 Works will be carried out to the roundabout on Jenkins Lane/ Spur Road, and Jenkins Lane will be widened where it follows round the north east corner of the site in order to improve site lines and to accommodate buses. Indicative drawings submitted with the application suggest that the gas main and electricity pylon and overhead cables will be retained in situ. The gas main corridor will be protected through the installation of protective concrete slabs where vehicles cross it, and a vegetation belt. The vehicle hardstanding will be located underneath the electricity cables and the pylon that is located on the site will be incorporated into the car parking area. Vegetation screens will be planted to minimise the visual impact of the development and provide ecological pockets.

3. BACKGROUND

- 3.1 Three bus garages operated by two companies are required to vacate their current locations to release land for the development of the Olympic Park and

two replacement sites are required. There are three proposed relocation sites and all fall within the planning functions area of the London Thames Gateway Development Corporation. Members are requested to note that two other bus garage relocation applications are also being considered at this committee meeting, those being LTGDC-07-012-FUL (Wyke Road) and LTGDC-07-006-FUL (Parcelforce Site).

- 3.2 The London Borough of Newham was due to consider the applications for the Parcelforce site and Jenkins Lane at its Planning Committee on 13th June with a recommendation for refusal, for the former and favouring its own LB Newham application for the Waterden Road bus garages to be relocated at Jenkins Lane. LB Newham Committee ran out of time at that meeting and have not yet considered the reports. LTGDC have considered the Parcelforce and Jenkins Lane applications on their own merits as potential bus garages and not as alternatives and recommend that both applications be approved.

3. MAIN ISSUES

- Principle of Development
- Employment
- Access
- Sustainable drainage and floodrisk
- Impact on surrounding area
- Transport and traffic impact
- Air Quality
- Noise

4. RELEVANT SITE HISTORY

- 4.1 The site was formally designated as a Principal Employment Zone, known as site PEZ1. Most of the site was originally owned by the Greater London Council (GLC). The freehold interest is mainly held by the London Borough of Bromley as successor to the London Residuary Body. London Residuary Body took over from the GLC after their abolition in 1985. In that time it was used for land fill purposes. A small proportion of the site on the western side, parallel to the A406 is TfL owned. Since that time apart from applications for commercial advertisements, there has been no relevant planning history for the site, which has remained vacant.

5. CONSULTATIONS/NOTIFICATIONS

- 5.1 **Greater London Authority (GLA)** – Advised that the scheme is a non-referable planning application that would not be returned to the Mayor should the London Thames Gateway Development Corporation approve planning permission. The Greater London Authority have, however, provided officer level comments on the application due to its relationship with a current planning application for a bus depot at Parcelforce, West Ham, concluding that the Jenkins Lane application has been assessed on its own planning merits and while a number of areas would require additional works and information at a more detailed stage, the application raises no significant strategic planning issues.
- 5.2 **Transport for London (TfL)** – Contested a number of the assumptions and comments in the supporting material for the Jenkins Lane application and disagrees with the conclusion that the site at Jenkins Lane would provide an alternative to the West Ham (Parcelforce) as a replacement for Waterden Road.

TfL considers that the West Ham (Parcelforce) site has significant advantages in terms of bus operations and delivery. However in principle, the Jenkins Lane site is not ruled out as a potential location to meet future garage needs, should a developer and operator wish to proceed with the scheme.

- 5.3 TfL summarise that given the shortage of sites across London, TfL would not wish to oppose the grant of planning permission for a bus garage on this site or indeed at many other locations across London. However, Jenkins Lane is not considered to be the right place in operational terms of the relocation of the East London Buses facility from Waterden Road. There are also concerns about the deliverability of a garage on this site bearing in mind its former use and other constraints. However, if the issues identified in this response could be resolved a developer found, together with an operator who would occupy the premises, then the garage could contribute to addressing the need in the future for addition capacity in outer East London/Thames Gateway.
- 5.4 **London City Airport** No objection, however comments made that several conditions should be included on any approval to ensure that once reserved matters have been submitted that the development will not detrimentally impact on their safe operations. These conditions relate to maximum height of buildings, antennae, heights of cranes, heights of plant, landscaping and external lighting.
- 5.5 **National Grid** No objection, but comments that safe access should be provided to inspect and maintain overhead power lines and towers.
- 5.6 **Health and Safety Executive** HSE no longer provides Land Use Planning advice other than through the PADHI+ system.
- 5.7 **ODA** Has no comment to make on the planning policy aspect of the proposal for a bus depot at the location proposed but is concerned by the link made between the proposal and the intended relocation of bus garaging from the Olympic Park site.
- 5.8 It is noted that this application is linked to the relocation of existing bus depots from within the proposed Olympic Park as an alternative to one of the locations preferred by the ODA and Transport for London. This leads, in this context, to some concern with regard to the suitability of the application site for the purpose of that relocation and the feasibility of the proposed development being delivered in a manner that would facilitate this.
- 5.9 **Environment Agency** Object to the proposals on two grounds;
- 1 Concern that the Flood Risk Assessment (FRA) submitted with the application does not detail how Sustainable Drainage Systems (SUDS) will be maximised on the site.
 - 2 Concern that insufficient information has been provided to determine the proximity of the development with the Ordinary Watercourse (drainage channel) to the western boundary of the site.

6. APPLICATION PUBLICITY

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| 6.1 Site Notice Expiry: | 04.04.2007 |
| 6.2 Press Notice Expiry (departure application): | 11.04.2007 |
| 6.3 Neighbour Notification: | 15.05.2007 |

7. REPRESENTATIONS

7.1 Two adjoining occupiers were directly consulted regarding this application. No representations have been received to date.

8. RELEVANT PLANNING POLICY**8.1 Planning Policy Guidance & Statements**

PPS1: Sustainable Development
 PPG4: Industrial and Commercial Development and Small Firms
 PPS6: Planning for Town Centres
 PPS9: Biodiversity and Geological Conservation
 PPG13: Transport
 PPS25: Development and Flood Risk

8.2 The London Plan (Feb 2004)

3A.25 Social and economic impact assessments
 3B.1 Developing London's economy
 3B.2 Office demand and supply
 3B.3 Office provision
 3B.4 Mixed use development
 3B.12 Improving the skills and employment opportunities for Londoners
 3C.2 Matching development to transport capacity
 3C.3 Sustainable transport in London
 3C.4 Land for transport functions
 3C.19 Improving conditions for buses
 3C.21 Improving conditions for cycling
 3C.22 Parking strategy
 4A.7 Energy efficiency and renewable energy
 4A.9 Providing for renewable energy
 4B.1 Design principles for a compact city
 4B.2 Promoting world-class architecture and design
 4B.3 Maximising the potential of sites
 4B.4 Enhancing the quality of the public realm
 4B.6 Sustainable design and construction
 4B.7 Respect local context and communities
 4C.6 Flood plains
 4C.8 Sustainable drainage
 5C.1 The strategic priorities for East London
 6A.3 Promoting development
 6A.4 Priorities in planning obligations
 6A.5 Planning obligations

8.3 LB Newham UDP & LDF

S2 Planning Obligations
 S3 Quality of Development
 S5 Priority Development Nodes
 S6 Mixed Use Development
 S9 Environmental Quality: Design Issues
 S24 Employment: Meeting the Council's Regeneration Objectives
 S33 Transport: Promotion of Improvements to the Public Transport System
 S35 Transport: Encouragement of Alternatives to the Motor Car
 S37 Transport: Improvement of Facilities for Pedestrians and Cyclists
 S38 Transport: Parking
 UR26 Beckton Gateway: Land Use Proposals
 T1 New Development: Environmental Impact
 T2 New Development: Public Transport accessibility
 T3 New Development: Highway Capacity
 T4 New Development: Areas in Need of Major Highway Public Transport Investment
 T5 Preferred Modes of Transport
 T7 Bus Services
 T15 Off-Street Parking Standard for New Developments
 T24 Access by Cycle and Cycle Parking
 T26 Motorcycle Parking
 EQ15 Inclusion of Tree Planting in New Development
 EQ18 Promoting Urban Quality
 EQ19 Urban Design Considerations
 EQ21 New Development: Landscaping
 EQ24 Energy Efficiency
 EQ25 Access
 EQ26 Safety
 EQ45 Pollution
 EMP1 Employment Growth
 EMP3 Quality of Employment Development
 EMP11 Office Development
 EMP15 Displaced Businesses and Industries

8.4 Other Relevant Planning Policies & SPG's

LBN SPG: Disability Access, 2001
 LBN SPG: Business, industry and warehousing, 1998
 LBN SPG: Sustainability Checklist, 2004

The London Plan: Sub-Regional Development Framework for East London
 The London Plan: Accessible London, achieving an inclusive environment, April 2004
 The London Plan: Sustainable Design and Construction, May 2006
 The Mayor of London's SPG: Land for Transport Functions, March 2007
 The Mayor of London's Energy Strategy: Green light to clean power, February 2004
 The Mayor of London's Biodiversity Strategy

9. ASSESSMENT OF MAIN ISSUES

- 9.1 **Principle of Development** – The London Borough of Newham's Unitary Development Plan (UDP) designates the site as falling within a Major Opportunity Zone (MOZ15) (Beckton Gateway). This is a Priority Development Node at the eastern gateway to the Borough. Predominantly leisure uses, hotel,

business and general industrial uses (B1 and B2) will be encouraged.

- 9.2 The site is one of seven sites that make up the Beckton Gateway MOZ. Policy UR26 supports the development of the MOZ as a predominantly leisure use location with some B1, B2 and B8 uses. The UDP does not support the use of sites within MOZ for the external storage of goods or vehicles (sui generis), but this position is based on aesthetic considerations and concerns over storage of pallets, scrap metal and or car breaking. A managed operational transport use, such as that proposed by this application, with use of appropriate landscaping is not deemed to present a conflict with this policy.
- 9.3 This position is further supported if the current circumstances of the site are taken into consideration. The site is crossed by a high pressure gas main and high voltage electricity cables with pylon located on the northern section of the site. Its previous use for land fill means that there are issues relating to contamination and remediation.
- 9.4 The condition of the site and its location make it ideally suited for development as a bus garage. The site is not suitable for residential or mixed use re-development. The site could be used for other industrial uses, but the industrial land background paper informing the merging core strategy, notes there is an oversupply of industrial land within the borough. Development of the site would be in accordance with national, regional and local planning policy in that it would be bringing a vacant site back into use. Given the site constraints and the site history set out above, it is difficult to imagine that an alternative use is likely to come forward in the near future.
- 9.5 Therefore, it is considered in these circumstances that the proposal should be considered as an acceptable departure from the UDP.
- 9.6 **Employment** - The proposed bus depot at Jenkins Lane would result in an overall increase in employment in the Beckton Gateway area, with over 800 jobs relocating from the current bus depot site at Waterden Road, Stratford and 100 jobs relocating from the current East London Bus headquarters in Ilford. The Jenkins Lane proposal also allows for any future expansion of the site. This proposed increase in employment is consistent with London Plan policy 2A.3, which earmarks the Beckton Gateway for intensified development that would promote sustainable transport modes; provide 500 residential homes and 1,500 employment opportunities by 2016. The proposal also meets the requirements of the London Plan Supplementary Planning Guidance on 'Land for Transport Functions' to ensure that provision of land for transport.
- 9.7 **Access** – The applicant has advised that a new access will be created at the north west corner of the site connecting it to Jenkins Lane and from there to the A406/A13 junction giving access to the strategic road network in all directions. Consent for that road was granted in 2005 under planning reference P/00/0392. The scheme has not been implemented to date. The land consented to be developed to provide the new access road is not within the 'red line' of this application. In the event of the grant of outline planning permission, LTGDC have no comfort that the new access to the north of the site will be delivered. As previously stated in this report, failure to deliver the northern access, though desirable, would not restrict access and operation of the proposed bus depot as the southern Jenkins Lane/Spur Road will still be provided.
- 9.8 Concerns were raised by TfL (Transport for London) over the access of the A13

into the Spur Road and also the possible use of buses sharing the future ELT (East London Transit) alignment, which could impede operation or create detrimental environmental impacts on providing that linked service. Discussion has continued to see if both issues can be overcome.

- 9.9 On the issue of the access off the A13, the concern was that buses and other vehicles trying to enter the Spur Road travelling eastwards would have to manoeuvre across the A406/A13 slip road. There is potential for disruption or conflicts with existing traffic flows, particularly from more slower moving vehicles such as buses. The alternatives appear to be to remodelling the A13exit/slip road, to allow vehicles to make this manoeuvre without impediment of highway safety or traffic flow. Other alternatives could look to make the predominant access from Eric Clarke Lane only, or the possibility of sharing the new north south ELT alignment as the primary access into site. TfL have agreed that before any works to implement the permission are begun, a safety audit needs to be undertaken looking at the access off the A13 to see if this can be improved. In response to that request, Newham commissioned Colin Buchanan to carry out a Safety Assessment of the A13 slip road accesses. The Colin Buchanan report presented the following recommendations:
- 9.10 Spur Road / northeastbound A13 slip roads recommendation – In order to minimise the potential for collisions in the location, it recommended that:
- The Give Way markings at the Spur Road exit are repainted to improve conspicuity;
 - Use appropriate signs and road markings at the exit from the A406 junction to make it clear that the inside lane is for left turning traffic. In addition to providing a deceleration lane, this will also alert other traffic to the presence of the junction;
 - Verify the swept path of bendi-buses using this junction, and along Spur Road, to ensure that all movements can be undertaken safely;
 - Consider the provision of high friction surfacing on the approach to the junction;
 - Consider increasing the conspicuity of bend warning signs on Spur road, and reducing the speed limit to 20mph.
- 9.11 Spur Road / southwestbound A13 off slip recommendations
- Verify the swept path of the bendi-buses negotiating the roundabout at the eastern end of Spur Road to ensure that all manoeuvres can be undertaken safely;
 - Consider the laying of high friction surfacing in this vicinity;
 - Increase conspicuity of signs to Diagram 508.1 and 509.1;
 - Consider reducing the speed limit on the slip roads to 30mph
- 9.12 The applicant should cover the cost of implementing the above recommended alterations to the highway and supporting infrastructure. LTGDC recommend that this is addressed through clauses in a s106 agreement attached to any grant of outline consent.
- 9.13 In terms of the ELT alignment, TfL were concerned that any bus journeys arising from the proposal that share this route must not impede their operations, service or cause any detrimental environmental impacts. TfL do not have an in principle objection to sharing the route. Again, a Grampian condition can be used requiring a detailed study into whether buses using the depot can also use the ELT alignment without causing any form of detriment. Any recommendations or mitigation measures arising from the report would have to be fully implemented to the satisfaction of TfL, and at full cost to the applicant.

LTGDC suggest that this can be covered through the imposition of a condition.

- 9.14 **Sustainable drainage and floodrisk** – The Environment Agency (EA) raised two concerns about the proposals.
- 9.15 There was concern that the information provided within the Flood Risk Assessment did not provide enough details concerning Sustainable Urban Drainage Systems (SUDS) for the development. More details were required concerning permeable pavements, filter drains and strips, swales, temporary basins, ponds, wetland, rain water harvesting and how the green roof will be maximised. Given that the proposals are in outline form only, most of the details requested can only be provided once the applicant has more certainty over details of external design, scale, layout and landscaping. It is considered that a condition can be used requiring the full submission of this information prior to commencement of any works. The details shall only be approved in accordance with any recommendation from the EA.
- 9.16 The second concern was over the proximity of the proposed development to the Ordinary Watercourse (drainage channel) adjacent to the western boundary of the site. The indicative drawings submitted with the application shows that this area will be used as a canteen and offices. The EA would prefer a 5m wide undeveloped buffer strip between the development and the top of the bank. Given that the application is only seeking to establish the principle and access to the site, it is possible that once the reserved matters application is submitted, this requirement can be fully met. The applicant has advised that further dialogue with the EA will continue to see if an agreed position can be reached. However, it is not considered that this objection is sustainable given that the layout, scale and external appearance can be adjusted to ameliorate any concerns in this regard. A suitable condition can be imposed on any approval to reinforce the need to address this specific issue.
- 9.17 **Impact on surrounding area** – The site is located in a predominantly industrial area and there are a very limited number of sensitive receptors near the site. The nearest residential development is located at Abbey Road on the north east side of Barking Creek and Blaney Crescent and Goosely Lane to the west of the A406. These 3 locations are all approximately 300m from the site.
- 9.18 There are few residential developments close to the site and the noise assessment indicates that there may be some increase in night noise to residents in Abbey Road, but this would be insignificant compared to noise generated by traffic both on the A13 and A406. Similarly, even though air quality within the vicinity of the site will deteriorate as a result of the increase in vehicle movements, the air quality assessment indicates that this will not exceed air quality targets, and the site is also well away from any sensitive receptor.
- 9.19 Cuckhold's Haven nature reserve is on the opposite side of Jenkins Lane from the site and is a grade 1 site of importance for nature conservation. To the east of this is the River Roding. The Environment Agency has not raised any objections in this regard, and therefore it is considered that the proposal will have any detrimental impact on this site.
- 9.20 **Transport and traffic impact** – The assessments undertaken indicate that the proposed development will have only a limited impact on the surrounding area. There will be an increase in traffic on the surrounding road network, but this is

minimal in the context of the A406 and A13, and is not contrary to Policy T1 of the UDP, or Government and Mayoral policy for controlling the impacts of development on neighbouring areas.

- 9.21 The site is very well located for access to the strategic road network and given its size, there is considerable flexibility in accommodating private parking by early and late shift workers without vehicles having to park on neighbouring roads. The site offers the possibility of using the strategic road network without any negative impact.
- 9.22 The drawing EC-UD-23/04b (submitted in support of the application) indicates that on site bicycle parking will be provided. The applicant has also indicated wider improvements to the walking and cycling environments to encourage walking, cycling and bus usage. A shuttle bus to Barking station from the site is also proposed to further reduce the need for employees to use private cars. A travel plan can be used as a condition of any approval to ensure that these commitments can be secured through the development.
- 9.23 **Air Quality** – The scheme is unlikely to have a significant impact on the NO₂ and PM₁₀ objectives, and there would be no relevant exposure or sensitive receptors in the vicinity of the proposed development site, although a minimising of dust emissions at construction would be required.
- 9.24 **Noise** – The noise assessment for Jenkins Lane presents a worst-case noise analysis of the site. The assessment suggests that any adverse impacts on local residents would be relatively minor. Provided that the sort of mitigation options suggested in the noise assessment are agreed on and adopted by Newham Council, there would be no apparent noise objections to the proposal.

10. CONCLUSION AND REASONS FOR APPROVAL

- 10.1 As Members are aware various applications for the relocation of businesses from the Olympics site have resulted in decisions having to be made on contentious issues in order to facilitate construction works for the Games site, both within, and outside, the LTGDC area.
- 10.2 Having assessed at length the various reports and representations for and against the proposal it is considered that permission can be recommended subject to conditions and a S106 agreement as detailed in this report.
- 10.3 Any resolution to grant planning permission will be subject to the Traffic Authority making a traffic regulation order to implement the recommend alterations to the highway as set out in the Colin Buchanan report referred to in paragraphs 9.10 and 9.11 of this report.
- 10.4 The proposal would bring into use a long vacant site with limited development potential given various physical constraints.
- 10.5 Should Members be minded to approve the application, the Secretary of State is to be notified and extended 21 days to advise whether she intends to issue a direction under section 77 of the Town and Country Planning Act 1990 in respect of the application.
- 10.6 To conclude, no material considerations have been identified that warrant refusal of the application. As such, it is recommended that the Committee delegate

authority to the Director of Planning to approve the application subject to a s106 and conditions as detailed in this report:

10.7 Proposed heads of terms for s106:

- A Green Travel Plan containing details of measures to be implement in order to encourage staff, contractors and visitors to travel to the development by means other than by private car and to minimise car useage (particularly single occupancy journeys) and increase the use of public transport, walking and cycling to and from the development.
- A Green Travel Report to be submitted to and approved by the Local Planning Authority analysing the effectiveness of the measures implemented pursuant to the approve Green Travel Plan and setting out details of the new measures and initiatives to be implemented in order to improve the effectiveness of the Green Travel Plan.
- The developer to pay the Traffic Authority's costs for making a traffic regulation order for works to Jenkins Lane and Spur Road;
- An index linked financial contribution to cover the full cost of highway signage on the A406, A13 and Spur Road;
- An index linked financial contribtion to cover the full cost of alterations to the highway.

Conditions & Reasons:

- 1 (i) Prior to the commencement of works on the development hereby permitted, details relating to the following, shall be submitted to and approved by the Local Planning Authority:
 - (a) Access
 - (b) Siting
 - (c) Design
 - (d) External Appearance
 - (e) Landscaping
- ii) Application for approval of the details referred to in paragraph (i) above must be made not later than the expiration of THREE YEARS from the date of this decision notice.
- iii) The development to which this permission relates must be commenced not later than whichever is the later of the following dates:
 - (a) The expiration of TWO YEARS from the final approval of details referred to in paragraph (i) above, or in the case of approval on different dates, the approval of the last such matter to be approved.

Reasons: To comply with Article 2 of the Town and Country Planning (Applications) Regulations 1988 and Section 92 of the Town and Country Planning Act 1990.

2. The development hereby approved shall only be undertaken in full compliance with all details as shown on applicant's drawings number EC-UD-23/04C and there shall be no departures from those details unless otherwise agreed by the

Local Planning Authority in writing.

Reason: The development is acceptable on the basis of the particulars contained within the application and this condition seeks to ensure the development is undertaken in strict accordance with those details as approved.

3. Prior to the commencement of works, full particulars, including details of colour and texture of materials to be used on all the external surfaces of the hereby permitted development shall be submitted to and approved by the Local Planning Authority and thereafter permanently retained to the satisfaction of the Local Planning Authority.

Reason: To ensure a satisfactory standard of external appearance, in accordance with Policies 4B.1 and 4B.2 of the London Plan and Policies EQ19 and H17 of the London Borough of Newham's adopted UDP.

4. No demolition/construction/building works shall be carried out except between the hours of 0800 and 1800 on Mondays to Fridays and between 0800 and 1300 on Saturdays and at no time on Sundays or Statutory holidays without prior written approval of the Local Planning Authority. No waste materials shall be burnt on site.

Reason: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties, in accordance with Policies EQ20 and EQ45 of the London Borough of Newham's adopted UDP.

5. No development shall take place until there has been submitted and approved by the Local Planning Authority a scheme of landscaping for the hereby permitted development. The scheme shall include details of proposed planting and both soft and hard surfaces, including the details for the planting, make provision for foraging and nesting opportunities for bird life including black redstarts and protection of all trees proposed within the development. The development shall proceed in accordance with the details as approved by the Local Planning Authority.

All planting, seeding or turfing comprised in the details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent of variation.

Reason: To ensure a satisfactory standard of external appearance, and to ensure that the planting does not conflict with air safety and safeguarding for London City Airport, in accordance with Policies EQ15, EQ26 (Safety), and EQ21 of the London Borough of Newham's adopted UDP and Policy 4B.1 of the London Plan.

6. Prior to the commencement of works the applicant is to submit an Environmental Code to the Local Planning Authority in respect of such matters likely to cause nuisance to adjoining occupiers during construction. Details should include noise, dust, smoke, road cleaning and any other matters relevant to this particular site. The construction of the development shall then be undertaken in accordance with the provisions of the Environmental Code as

approved by the Local Planning Authority.

Reason: In the interest of residential amenity, in accordance with Policies EQ20 and EQ45 of the London Borough of Newham's adopted UDP and Policy 4B.6 of the London Plan.

7. Prior to commencement of the development an energy assessment of the energy demand of the proposed development shall be submitted to and approved by the Local Planning Authority.

Reason: In accordance with adopted London Plan policy 4A.8.

8. Prior to the commencement of the development details on energy efficiency and renewable energy measures to be implemented in line with the Mayor of London's Energy Strategy and its objectives of reducing carbon dioxide emissions, improving energy efficiency and increasing the proportion of energy used generated from renewable sources, shall be submitted to and approved by the Local Planning Authority. The approved measures shall be implemented prior to occupation of the development and shall be permanently maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with adopted London Plan policy 4A.7.

9. Prior to the commencement of works, full details of all boundary walls, fences and/or other boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment as approved by the Local Planning Authority shall be erected prior to the occupation of the development and thereafter retained permanently to the satisfaction of the Local Planning Authority.

Reason: In the interest of residential amenity and urban design, in accordance with Policy EQ19 of the London Borough of Newham's adopted UDP and Policy 4B.1 of the London Plan.

10. Development shall not begin until a scheme for the provision and implementation of drainage details and surface water run-off limitations, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of surface water flooding and improve water quality.

11. Surface water source control measures shall be taken in accordance with details which are submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding and improve the water quality.

12. The construction of storage facilities for oils, fuels or chemicals shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before development is commenced.

Reason: To prevent pollution of the water environment.

13. Prior to the commencement of development a Habitat Survey shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure no loss in biodiversity.

14. Plant operation on site shall not give rise to a BS4142 rating level greater than the background level at the nearest or worst effected property. Where it is considered impractical to meet this noise standard a report should detail mitigation measures taken to reduce noise to a minimum. This report must be submitted to the Local Planning Authority for approval.

The approved scheme shall be implemented prior to occupation of the development and shall be permanently maintained thereafter. The developer shall certify to the local planning authority that the noise mitigation measures agreed have been installed.

Reasons: To protect the amenity of future occupants and/or neighbours and with regard to policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001).

11. Prior to the commencement of works on the development hereby permitted, full details of the grease trap or grease digester system to be installed for the commercial kitchen shall be submitted to and approved by the Local Planning Authority. Details should include plan and sectional drawings with measured drain sizes and invert levels, full manufacturers specifications etc. The approved scheme is to be completed prior to occupation of the development and shall be permanently maintained thereafter.

Reasons: To protect the amenity of future occupants and/or neighbours and with regard to policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001).

12. Road grit and mud from any pressure cleaning equipment is to be swept up and disposed of in covered bins and shall not be hosed down.

Reasons: To prevent large quantities of oil, grease and road dirt overloading the filtration /grease trap and causing blockages and with consideration to policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001).

13. a). Prior to the commencement of works on the development, a report detailing proposals for any remediation including protection from ground gas shall be submitted to and approved in writing by the Local Planning Authority.

b). All works approved shall be undertaken to the satisfaction of the Local Planning Authority.

c). As soon as reasonably practicable, and before the occupation of any remediated area of the site, a validation report shall be submitted and approved by the Local Planning Authority in writing, stating what works were undertaken and that the remedial scheme was completed in accordance with the approved remediation strategy.

Please see the informative(s) below for further advice and information.

Reasons: To safeguard the public, the environment and surface and groundwater as this site may have or is known to have been used in the past for activities that are likely to have resulted in it being contaminated with material that is potentially harmful to humans, or the environment and with regard to policy EQ49 of the London Borough of Newham Unitary Development Plan (adopted June 2001).

14. No soils, or infill materials, are to be brought onto the site unless they have been satisfactorily proven to be uncontaminated and present no risks to human health, planting and the environment. A declaration to this effect, together with acceptable documentary evidence to confirm the origin of all imported soils and infill materials, supported by appropriate chemical analysis test results, must be submitted to and be approved in writing by the Local Planning Authority prior to occupation.

Reasons: To prevent uncontaminated and remediated land from becoming contaminated with material that is potentially harmful to humans, planting and the environment and with regard to policy EQ49 of the London Borough of Newham Unitary Development Plan (adopted June 2001).

15. Before any works to implement this permission is begun, a safety audit shall be submitted to the Local Planning Authority, which fully assesses the current eastbound access off the A13 into the Spur Road. The applicant is required to fully comply with any mitigation measures or highway improvements arising from the audit's conclusions, and considered acceptable and reasonable by the Local Planning Authority. The full cost and implementation of any necessary works remain the responsibility of the applicant.

Reasons: The Corporation is not convinced that the existing access point off the A13 into the Spur Road is acceptable in highway safety terms, and a fully safety audit need to be undertaken to establish whether improvements or mitigation measures are necessary. This is in accordance with Policies EQ25(Access), EQ26 (Safety), T1 (Environmental Impact of Traffic Generation by New Development) and T3 (New Development: Highway Capacity) of the Unitary Development Plan (Adopted June 2001) and Policy 3C.2 (Matching Development to Transport Capacity) of the London Plan (Adopted Feb 2004).

16. Before any works to implement this permission is begun, a transport and environmental assessment shall be submitted to the Local Planning Authority, which fully assesses the impact of any buses or vehicles associated with the use, hereby consented, using or sharing the East London Transit alignment in the proximity of this site. The use shall only operate in accordance with any approval given.

Reasons: The Corporation require assurances that any future sharing or use of the planned route will not impede or affect the operation or function of that route, or cause any detrimental environmental impacts. This is in accordance with Policies S4 (Sustainable Development), S35 (Transport: Encouragement of Alternatives to the Motor Car), EQ9 (Protection of Sites of Nature Conservation) EQ26 (Safety) T1 (Environmental Impact of Traffic Generation by New Development) T2 (New Development – Public Transport Accessibility and High Capacity.) T4 (New Development – Areas in need of Major Highway/Public Transport Investment) of the Unitary Development Plan (Adopted June 2001) and Policy 3C.2 (Matching Development to Transport Capacity), 3C.1 (Integrating Transport and Development) and 4B.3 (Maximising the potential of sites) of the London Plan (Adopted Feb 2004).

17. Before any works to implement this permission is begun, a Sustainable Urban Drainage Systems (SUDS) report for the development shall be submitted to the Local Planning Authority. Details shall include how permeable pavements, filter drains and strips, swales, temporary basins, ponds, wetland, rain water harvesting and the green roof will be maximise sustainable urban drainage. The development shall only be completed and operated in accordance with any approval.

Reasons: In the interests of alleviating flood risk and ensuring sustainable urban drainage. In accordance with Policies S4 (Sustainable Development), EQ9 (Protection of Sites of Nature Conservation), EQ63 (Surface Water Disposal) of the Unitary Development Plan (Adopted June 2001) and Policy 4C.8 (Sustainable drainage) of the London Plan (Adopted Feb 2004).

18. Notwithstanding the details shown on approved drawing EC-UD-23/04c, a 5m buffer strip of land shall be created between any development and the Ordinary Waterchannel (drainage channel) running along the western edge of the site, unless otherwise agreed in writing by the Local Planning Authority.

Reasons: In the interests of alleviating flood risk and ensuring sustainable urban drainage and protecting wildlife. In accordance with Policies S4 (Sustainable Development), EQ9 (Protection of Sites of Nature Conservation), EQ63 (Surface Water Disposal) of the Unitary Development Plan (Adopted June 2001) and Policy 4C.8 (Sustainable drainage) of the London Plan (Adopted Feb 2004).

19. Before the permission hereby permitted is implemented, a Travel Plan must be submitted to the Local Planning Authority for approval. The development hereby approved, shall only operate in accordance with any approval given.

Reason: To promote sustainable travel and to ensure that the site and use does not generate any significant additional car borne journeys. In accordance with Policies S4 (Sustainable Development), T1 (Environmental Impact of Traffic Generation by New Development), T2 (New Development – Public Transport Accessibility and High Capacity) and T5 (Preferred Modes of Transport) of the Unitary Development Plan (Adopted June 2001) and Policy 3C.1 (Integrating Transport and Development) and 3C.2 (Matching Development to Transport Capacity) of the London Plan (Adopted Feb 2004).

20. In relation to details expected to be submitted under Condition 1(i), no development, building, structure, plant, aerals or antennae shall exceed 140m (AOD).

Reason: In the interests of air safety and City Airport safeguarding. In compliance with Policies EQ26 (Safety), EQ27 (High Buildings: Control and Design Considerations) and EQ28 (High Buildings: Control and Design Considerations) of the London Borough of Newham Unitary Development Plan (Adopted June 2001), and Policy 4B.8 (Tall Buildings – Location) of the London Plan (Adopted Feb 2004).

21. No development shall commence until the details of external lighting, including details of any illuminated signage have been submitted to and approved in writing by the local planning authority, in consultation with the operator of London City Airport.

Reason: In the interests of air safety and City airport safeguarding. In compliance with Policies EQ26 (Safety), of the London Borough of Newham Unitary Development Plan (Adopted June 2001).

Summary of Policies and Reasons:

In assessing the application, the Corporation has considered the following UDP Policies:-

S2 Planning Obligations
 S3 Quality of Development
 S5 Priority Development Nodes
 S6 Mixed Use Development
 S9 Environmental Quality: Design Issues
 S24 Employment: Meeting the Council's Regeneration Objectives
 S33 Transport: Promotion of Improvements to the Public Transport System
 S35 Transport: Encouragement of Alternatives to the Motor Car
 S37 Transport: Improvement of Facilities for Pedestrians and Cyclists
 S38 Transport: Parking
 UR26 Beckton Gateway: Land Use Proposals
 T1 New Development: Environmental Impact
 T2 New Development: Public Transport accessibility
 T3 New Development: Highway Capacity
 T4 New Development: Areas in Need of Major Highway Public Transport Investment
 T5 Preferred Modes of Transport
 T7 Bus Services
 T15 Off-Street Parking Standard for New Developments
 T24 Access by Cycle and Cycle Parking
 T26 Motorcycle Parking
 EQ15 Inclusion of Tree Planting in New Development
 EQ18 Promoting Urban Quality
 EQ19 Urban Design Considerations
 EQ21 New Development: Landscaping
 EQ24 Energy Efficiency
 EQ25 Access
 EQ26 Safety
 EQ45 Pollution
 EMP1 Employment Growth
 EMP3 Quality of Employment Development
 EMP11 Office Development
 EMP15 Displaced Businesses and Industries

The London Plan (Feb 2004)

3A.25 Social and economic impact assessments
 3B.1 Developing London's economy
 3B.2 Office demand and supply
 3B.3 Office provision
 3B.4 Mixed use development
 3B.12 Improving the skills and employment opportunities for Londoners
 3C.2 Matching development to transport capacity
 3C.3 Sustainable transport in London
 3C.4 Land for transport functions
 3C.19 Improving conditions for buses

3C.21 Improving conditions for cycling
 3C.22 Parking strategy
 4A.7 Energy efficiency and renewable energy
 4A.9 Providing for renewable energy
 4B.1 Design principles for a compact city
 4B.2 Promoting world-class architecture and design
 4B.3 Maximising the potential of sites
 4B.4 Enhancing the quality of the public realm
 4B.6 Sustainable design and construction
 4B.7 Respect local context and communities
 4C.6 Flood plains
 4C.8 Sustainable drainage
 5C.1 The strategic priorities for East London
 6A.3 Promoting development
 6A.4 Priorities in planning obligations
 6A.5 Planning obligations

These policies are set out in full in the Council's Unitary Development Plan and the London Plan, copies of which may be inspected at the Development Control Section, Town Hall Annexe, 1st Floor, 330-354 Barking Road, East Ham, London E6 2RT

Reasons for Approval

The Corporation has decided to grant permission having regard to the provisions of the London Borough of Newham's Unitary Development Plan (adopted June 2001) and the London Plan (adopted February 2004) and all other material considerations including the results of consultation as outlined in the officer's report.

It is considered that a managed operational transport use, such as that proposed, with use of appropriate landscaping, it is not deemed to present a conflict with adopted policy. The site is also located adjacent to a strategic road network to allow ease of access for buses and other vehicles without detriment to the wider surrounding area.

The proposal is considered to be acceptable and generally in line with adopted policies and the Corporation's aspirations of encouraging appropriate use and re-use of a currently redundant site in a major opportunity zone.

Informatives:

1. Land Contamination.

For advice and information upon contaminated land site investigation, risk assessment and implementing a remediation strategy it is recommended that the developer contacts the Environmental Health Pollution Control Unit, Alice Billings House, 2-12 West Ham Lane, Stratford, London E15 4SF Tel: 020 430 3820. The Unit has produced a leaflet 'The development of contaminated sites' which can be downloaded free from www.newham.gov.uk. The developer shall notify the Council's Development Control and the Environmental Health Pollution Control Unit of the start dates and programme of site investigations and any subsequent remediation works.

For the site investigation, risk assessment and remediation strategy reference should be made to:

- Model Procedures for the Management of Land Contamination, Environment Agency Contaminated Land Report 11. This document can be downloaded free from www.environment-agency.gov.uk
- BS 10175: Investigation of potentially contaminated sites – Code of Practice
- Building Regulations 2000 APPROVED DOCUMENT C Site preparation and resistance to contaminants and moisture: C1 Site preparation and resistance to contaminants.

If the site investigation reveals land contamination the associated report must include the results of a source-pathway-receptor environmental risk assessment with regard to the current use and proposed development.

If the site investigation discovers organic containing natural soils or made ground then monitoring of potential ground gases, over a suitable period of time, will be required in order to determine the requirement for gas mitigation measures in the development.

If the site is located in a groundwater protection zone or if groundwater is encountered during the site investigation then the groundwater should also be tested for contamination. The Local Planning Authority may require more detailed groundwater monitoring to be undertaken on the advice of the Environment Agency.

A remediation scheme should include, where necessary, a long-term commitment to maintenance of any works and measures required by the Local Planning Authority or the Environment Agency.

Remediation capping layers based upon 'Cover systems for land regeneration' BR 465 by the Building Research Establishment will not be accepted, as this is not approved by the Environment Agency.

No soils, or infill materials should be imported onto the site unless they have been satisfactorily proven to be uncontaminated and present no risks to human health, planting and the environment. A declaration to this effect, together with acceptable documentary evidence to confirm the origin of all imported soils and infill materials, supported by appropriate chemical analysis test results, should be obtained and copies may be requested by the Local Planning Authority.

Anyone procuring analytical services must ensure that the data supplied to the Local Planning Authority meets the requirements in the Monitoring Certification Scheme (MCERTS). Laboratories undertaking the chemical testing of soil must be accredited, the analytical methods should be appropriate and fit for the purpose of the parameter being investigated and the sampling procedures and the audit trail should also conform.

Supporting reports should be prepared by appropriately qualified professionals. All reports should be sent directly to the planning case officer in the Development Control Unit. For each application at least two copies of each report should be submitted in hard copy format plus a further copy in electronic format. The planning case officer will forward the reports on to the appropriate consultees for comment. Applicants are advised against entering into direct negotiation with either the Pollution Control Unit, Environment Agency or any other Council department consultees without notifying the planning case officer.

2. Air pollution and noise from demolition or construction sites.

Smoke.

Bonfires should not be used on any construction or demolition sites. Burning materials causes smoke that will contain carbon monoxide, particles and a range of noxious compounds. A bonfire will add to the background level of air pollution, which can cause adverse health affects to persons on site and beyond the site boundary. The smoke, smell and smuts from bonfires can also cause annoyance to neighbours and bonfires may get out of control and become dangerous.

The Clean Air Act 1993 makes it an offence to burn any material that results in the emission of dark smoke on industrial or trade premises (including demolition sites), with a maximum fine of £20,000.

The Environmental Protection Act 1990 gives Local Authorities and the Environment Agency the power to control smoke arising from burning waste on site. In cases where complaints have been received, or the Council has reason to believe that burning is to take place and nuisance is likely to occur, an Abatement Notice may be served prohibiting nuisance and specifying steps to be taken to minimise further problems. If the requirements of the notice are not satisfied the local authority can enforce by taking legal proceedings.

Dust.

Dust from demolition and construction work can also damage health and impact upon quality of life by leaving deposits on cars, windows and property. These impacts can be reduced through using measures such as:

Using water sprays or sprinklers to suppress dust during dust generating activities such as filling skips, breakout of concrete and managing stock piles
Washing the wheels of vehicles leaving the site if they are carrying mud or debris.
Erecting solid barriers to the site boundary.
Ensuring that lorries leaving the site carrying debris or waste are properly covered.
Cleaning the road and footpath near the site entrance as required.
Where disk cutters are to be used they should have a dust bag, have water suppression or the working area should be wet prior to use of the machinery.

Where demolition or construction is due to occur over greater than one week the contractor should provide the local authority with a dust management protocol. This should detail the identification of dust generating activities, their location, duration and the means by which the dust shall be suppressed.

Under the Environmental Protection Act 1990 dust from a demolition or construction sites may, like smoke, be a statutory nuisance. As above the local authority may serve an abatement notice on the person responsible and take legal proceedings if the notice is not complied with.

Detailed guidance on dust issues relating to construction sites can be found in the Building Research Establishment documents 'Control of dust from construction and demolition activities' and 'Improving air quality in urban environments: Guidance for the construction industry'.

In addition, the GLA Best Practice Guide for dust, currently in draft format, is seen as the most comprehensive dust management protocol. Contractors should be aware of its details regarding the efficient management of dust and particulate on site.

http://www.london.gov.uk/mayor/environment/air_quality/construction-dust.jsp

Noise.

The redevelopment of a site involving demolition and construction activities will inevitably cause some noise that affects neighbouring residential or commercial properties. You can reduce or avoid annoyance for neighbours by informing the neighbours before demolition or construction work starts telling them about the work and what to expect. Give the neighbours a contact name and telephone number and keep them informed. If a neighbour does make a complaint try to resolve the matter straight away.

Complaints are often made in relation to noise at unsociable hours of the day. We recommend working hours of 8 AM – 6 PM Monday to Friday and 8 AM – 1 PM on Saturdays. No noisy works should be carried out on Sundays and Bank/Public Holidays.

The Control of Pollution Act 1974 gives the council the power to serve a Notice upon contractors or developers which sets out how works should be carried out in order to minimise noise arising from demolition or construction activities. This may involve restricting the hours of noisy operations audible beyond the site boundary, the provision of noise barriers and precluding the use of certain plant.

Developers and contractors have the option of applying to the Council for approval of their works prior to commencement.

Detailed guidance on noise issues relating to construction sites can be found in BS 5228 *Noise control on construction and open sites*. In particular, Part 1, "Code of Practice for basic information and procedures for noise control" will be useful because as well as giving general advice, it describes a method for predicting noise from construction sites.

General.

Developers should be aware that there are likely to be other Acts or legislation that are not covered in this document and that acts and regulations identified within the document may have been superseded.

Please note that if you are carrying out demolition works you may need to notify the council as required by the Building Act 1984. This enables the council to protect public safety and ensure that adjoining premises and the site are made good on completion of the demolition. For further information contact London Borough of Newham Council Building Control Service on 020 8430 2000 or Email: reception.bco@newham.gov.uk

If you have any queries about air pollution or noise from construction or demolition sites please telephone or email Public Protection on 0208 430 3820 or pollution.inquiry@Newham.gov.uk.

3. External lighting.

External lighting for the development should be designed and positioned such as to:

- Be the minimum required to perform the relevant lighting task.
- Minimise light spillage and pollution.
- Include landscaping/screening measures to screen illuminated areas in environmentally sensitive areas.
- Avoid dazzle or distraction to drivers on nearby highways.

The developer should be aware that the Clean Neighbourhoods and Environment Act 2005 amended the Environmental Protection Act 1990 to bring artificial light from

premises under the statutory nuisance regime as of 6 April 2006. Local authorities now have a duty to deal with light nuisance from premises which they consider to be a statutory nuisance.

Useful contacts:

The Institute of Lighting Engineers, Lennox House, 9 Lawford Road, Rugby, Warwickshire CV21 2DZ, Tel: 01788 576492 <http://www.ile.org.uk/>

Lighting in the Countryside: towards good practice, which is on the website, <http://www.odpm.gov.uk/>. This document is a guide for local authorities, planners, highway engineers and members of the public. It demonstrates what can be done to lessen the adverse effects of external lighting, including security, street and flood-lights. The advice is applicable in towns as well as the countryside.

Environment Agency – Light Pollution:

<http://www.environment-agency.gov.uk/yourenv/eff/1190084/pollution/152227/>

4. Chimney Height

Your attention is drawn to the need for compliance with the requirements of the Clean Air Act 1993 with reference to chimney heights, see “Chimney Heights Memorandum, 3rd edition, 1993, and Her Majesty’s Inspectorate of Pollution Technical Guidance Note D1 June 1993” in respect of any boiler with a gross heat input of greater than 366.4 kW or burns pulverised fuel or burns at a rate of greater than 45.6 Kg/hr any other solid matter.

Reason: - to prevent loss of amenity to occupants of this and other premises due to odour, other effluvia and/or harmful gases.

5. Explosive Ordnance

The property lies within an area of the borough that has been identified as being at potential risk from buried explosive ordnance due to wartime bombing. It is recommended that professional advice is obtained and a risk assessment undertaken to identify and analyse any threat posed by ordnance before works commence.

Local Government (Access to Information) Act 1985

Background Papers Used in Preparing this Report

- Planning Application and supporting material
- Statutory Register of Planning Decisions
- Correspondence with Adjoining Occupiers
- Bus Depot Relocation – Site Assessment, dated February 2007 by GVA Grimley
- Technical Note, dated 1st February 2007 by Colin Buchanan

CASE OFFICER: Amanda Reid

Appendix 1: Site Location Plan

Appendix 2: Proposed Site Layout Plan