

Meeting: 8 May 2008  
Agenda Item: 3  
Report No.: LTGDC/08/PC20



## Planning Committee Report

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### London Thames Gateway Development Corporation

#### Planning Application for Determination by the LTGDC

#### Report of the Director of Planning

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<b>UDC CASE NUMBER:</b>	LTGDC-07-097-FUL	<b>DATE MADE VALID:</b>	30/07/2007
<b>APPLICATION NUMBER:</b>	U0007.07/LBHG	<b>TARGET DATE:</b>	

<b>APPLICANT:</b>	English Welsh & Scottish Railway Ltd
<b>AGENT:</b>	Collins & Coward Planning and Development Consultancy
<b>PROPOSAL:</b>	Road/Rail freight transshipment facility in association with the construction and subsequent operation of the Olympic Park, Bow, for a period from 2007 to 2013 at Beam Reach, Havering
<b>LOCATION:</b>	Beam Reach, Thames Avenue, Rainham, Essex

#### 1. SUMMARY

- 1.1 This report considers an application by English Welsh & Scottish Railway Ltd (EWS) for a time limited change of use and new building works on an LDA owned site within Beam Reach 5 Business Park, Rainham as listed in the 'PROPOSAL' section above.
- 1.2 Officers have considered the planning application with regard to the requirements of the Town and Country Planning (Environmental Impact

Assessment) (England and Wales) Regulations 1999 and the provisions of the development plan (The London Plan and the London Borough of Havering Unitary Development Plan), so far as material to the application, and to other material considerations and recommend the application be **approved** subject to conditions and referral to the Mayor of London.

- 1.3 The application is referable to the Mayor of London under Category 2C (g) (*An installation for a use within Class B8 (storage or distribution) of the Schedule to the Use Classes Order where the development would occupy more than 4 hectares*) of The Town and Country Planning (Mayor of London) Order 2000. The Mayor has agreed to delegate all Olympic related applications to the Chief Executive for determination since he has declared an interest in such applications under the GLA's Planning Code of Conduct.
- 1.4 The requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 have been taken into account in the consideration of the application.

## 2. CONTEXT

- 2.1 Following London's successful bid for the Olympic and Paralympic Games in 2012, the London Olympic Games and Paralympic Games Act 2006 created the ODA in order to facilitate the preparation for the London Olympic and Paralympic Games and make arrangements for the management of facilities for the Olympics.
- 2.2 The Olympic, Paralympic & Legacy Transformation Planning Applications were reported to the ODA's Planning Committee on 14<sup>th</sup> August 2007. The Planning Committee resolved to grant planning permission subject to:
  - a) referring the applications to the Secretary of State and Mayor of London;
  - b) the completion of a section 106 legal agreement; and
  - c) a number of conditions and informatives.
- 2.3 Under the s106 agreement, the ODA will lead on the Olympic Construction, Games and Legacy Transformation phases.
- 2.4 Schedule 11 of that Section 106 agreement sets out that throughout the Olympic Construction, Games and Legacy Transformation Phases, the ODA shall in relation to the Development use Reasonable Endeavours and subject to obtaining Requisite Consents, achieve a target that overall at least 50% of construction materials by weight are delivered to site by rail and / or water.
- 2.5 Condition SP.0.6 of Olympic, Paralympic and Legacy Transformation Planning Applications: Site Preparation Planning Application required the submission of a Construction Transport Management Plan (CTMP). That submission was made to the ODA Planning Decisions Team and approved on the 8<sup>th</sup> January

2008. One of the objectives of that Plan is to minimise the level of road based construction traffic through the promotion of rail and water based transport options.

- 2.6 EWS have submitted this application as a speculative proposal forming part of its bid to the ODA as part of a public procurement process to provide an East London Logistics Centre. Committee Members should note that The Procurement Department of the Olympic Delivery Authority are managing the Project (Contract Number SP06.9150) and the Project Information document supplied to bidding Contractors is appended to this report at Appendix 3.
- 2.7 In the event that EWS's bid is unsuccessful, they would have no commercial use for the site.

### **3. SITE AND PROPOSAL**

#### SITE

- 3.1 The application site is within the London Riverside Area. It lies to the north of the A13; south of the A1306 and CTRL land / Network Rail lines (London – Tilbury – Southend railway line); east of Beam River and west of Marsh Way, which is elevated where it adjoins the site. A site location plan is provided at Appendix 1.
- 3.2 The site lies within an area that has been partially upgraded and identified for future development and is being marketed as Beam Reach 5 Business Park (by the LDA), for which outline planning permission was granted in 2002. Some of the infrastructure work has already been undertaken to establish the site layout approved under the original outline consent to the east of Marsh Way, but the subject part of the site to the west of Marsh Way has not been developed at all.
- 3.3 Beam Reach 5 Business Park is located within the South Hornchurch Ward of the London Borough of Havering. It is a 30.9 hectare site which was formerly part of the Ford Motor Company Estate. It is presently owned by the LDA and has been divided into 13 development plots over two land parcels known as 'The Foundry Site' (7.1 hectares) and 'Mudlands' (23.8 hectares). Those two land parcels are separated by Marsh Way Flyover, with The Foundry Site to the immediate west and Mudlands to the immediate east. This application seeks consent to develop plot numbers 1, 2, 3 and 4, covering an area of 10.14 hectares.
- 3.4 The site is currently vacant with a number of disused buildings present on the northern side of the site, the principal building being approximately 200 m x 30 m. The remainder of the site is either paved in hard standing (tarmac and concrete) or comprises unsurfaced hardcore and rubble.

- 3.5 The minimum ground level is 0.65m AOD and the maximum ground level is 3.64m AOD. The northwest corner is a maximum of 1.1m lower than the rest of the site.
- 3.6 Sub-surface, a 24 inch high pressure natural gas pipeline runs between Horndon and Dagenham, the route of which takes the Pipeline through the subject development site (parallel and close to the northern boundary). It is proposed that new rail tracks are to be built over the Pipeline.
- 3.7 Sub-surface, public sewers cross the site.
- 3.8 Two pylons (pylons ZBA39 and ZBA40) are located in the south east and south west corners of the site respectively. They support 275kV overhead electricity transmission lines which run parallel with and close to the southern boundary of the site.
- 3.9 National Grid propose to uprate the overhead electricity transmission lines that traverse the southern part of the site from its current operating voltage of 275kV to 400kV. The changes would not involve any changes to the position of the transmission towers (pylons). The uprating will involve replacing the existing conductor cables and limited reinforcement works. The replacement of the conductors would require winching points to be established at locations along the route. It is anticipated that winching compounds would stay in place for about four weeks at each location, after which the sites would be restored. The works are proposed to be undertaken by National Grid over the period May to October 2010.

## PROPOSAL

3.10 The proposal involves the following:

- Road to rail steel reinforcement-bar area which will accommodate the material transfer operation from road to rail;
- The installation of new lengths of railway track linking to the adjacent Ford siding lines which will run on both sides of the proposed aggregate store and allow loading from either side;
- An aggregate store measuring 100m long, 10m wide and 4m high;
- Container stores located towards the southern perimeter of the site and arranged in 3 parallel banks, with each bank measuring approx. 144m in length;
- Trailer Park located to the north of the container store;
- Tractor Unit Park, sited along the western boundary of the site (inside of a proposed 30m wide landscape buffer; Office building and associated parking and cycle parking for employees. The building would have a floor area of 70m<sup>2</sup> and be located along the eastern side of the site, close to the vehicular access point. Employee car parking is to be sited to the north of the office

- building;
- A weighbridge situated close to the site access;
  - Repairs to the existing surfacing;
  - Retention of the existing building at the northern edge of the site which measures approximately 200 m x 30 m on the site to act as a noise barrier;
  - Fencing and landscaping.
- 3.11 Lorries will drive to the proposed facility at which point materials will be unloaded, stored on-site and then transferred to the Olympic site by train. In terms of the operational profile of the facility, it is proposed that material delivery and forwarding will take place on a 'round the clock basis' i.e. for 24 hours a day in order to provide a consistent supply of materials to the Olympic Park. Three 8-hour shifts will be in operation with up to 25 employees on the site during each shift.
- 3.12 The applicants advise that broadly, there will be 6 Heavy Goods Vehicle (HGV) movements per hour throughout the day. This amounts to 144 HGV movements per 24 hour cycle. It is understood that rail deliveries to the site would be far more limited.
- 3.13 There will be 4 train movements in every 24 hour period. Trains will arrive at the site and be loaded, a process which takes up to 6 hours. There will then be a gap of anything between 20 and 30 minutes before the next train arrives and is then loaded with construction materials, again for the 6 hour period. This is the maximum level of traffic and activity associated with the site. This will fluctuate in response to the demands from the Olympic site but will not exceed this maximum level.
- 3.14 The trains will run during designated slots in the rail line time table which is managed by Network Rail. The rail line is shared by various rail operators (including passenger and other freight train operators) who book slots [times during which they may use the rail lines]. The Government has granted EWS with unrestricted access to the rail line subject to time tabling.
- 3.15 The proposed extension to the existing rail tracks and proposed freight movements will not affect the CTRL line, which whilst close to the site, is a completely separate rail line.
- 3.16 There will be one access in and out of the facility, which will be located towards the north-eastern corner of the site, at the same point where the existing access is situated. All vehicle movements to and from the site will travel from the A13 / Marsh Way roundabout via the access road which passes under Marsh Way and then loops around through the eastern sector of Beam Reach 5 Business Park before joining the northern roundabout. Vehicles entering and leaving the site will be monitored at a gatehouse positioned at this access. There will be no authorised route to and from the site from the western end of

the perimeter road, formerly known as Consul Avenue.

3.17 The proposal seeks permission to develop a transshipment facility in association with the construction and subsequent operation of the Olympic Park, Bow for a time limited period, expiring in 2013. The transshipment facility would enable the Olympics Logistics Provider to provide a cross-docking logistics service and onward transport of cross-docked materials/supplies from the facility to the Olympic Park. The key objectives will be to:

- Enable the transportation of materials, goods and equipment and, if required people, to be moved safely and securely to and from the Olympic Park from the facility;
- Operate in conjunction with the ODA Delivery Management System to control the flow of deliveries of construction materials, plant and equipment to and from the Olympic Park site;
- Optimise the use of sustainable transport ) principally by rail to reduce the impact of highway vehicle movements and carry capacity on local and regional road networks and local communities; and
- Provide a location to conduct security searching and screening of vehicles and materials and to verify identification of drivers of vehicles seeking entry into the Olympic Park through the day pass scheme.

3.18 A 30m wide landscape buffer strip, measured from the top of the bank of the River Beam into the development site, adjacent to the River Beam will be incorporated into the proposed development. This landscape buffer strip will run along the whole of the western boundary of the proposed development site.

#### **4. RELEVANT SITE HISTORY**

4.1 There is an extensive planning history in the vicinity of the application site, although those applications of most relevance are:

- P1155.00 – Development of industrial land for B1 and B2 use (outline consent)
- P1550.00 – Break out of existing concrete slab for incinerator – Approved
- P1551.00 – Break out of the existing concrete slab – Approved
- P1605.00 – Construction of new highway from A13 / Marsh Way junction - Approved

#### **5. CONSULTATIONS/NOTIFICATIONS**

5.1 **Environment Agency:** Letter dated 31<sup>st</sup> January 2008 advising that the Agency is satisfied with the Flood Risk Assessment. The following condition should be imposed on any planning permission granted:

*No development shall commence until details of the surface water drainage works have been submitted to and approved in writing by the Local Authority. The scheme shall be completed in accordance with the approved plans.*

*Reason: To prevent the increased risk of flooding to third parties, to the site itself, to improve water quality and to enhance biodiversity.*

- 5.2 **Barking Power Station:** Email dated 14<sup>th</sup> August 2007 advising that a Live Gas Pipeline runs through the proposed development site.
- 5.3 Letter dated 20<sup>th</sup> September 2007 from Nabarro Solicitors on behalf of Barking Power Station objecting to the proposal in order to safeguard a 24 inch high pressure natural gas pipeline which runs between Horndon and Dagenham and suggesting the following condition to be attached to any planning permission:

*No development shall take place until a scheme of protective provisions, to current industry standards, designed to safeguard the continued operation of the high pressure natural gas pipeline situated within the application site has been submitted to and agreed by the local planning authority in consultation with Barking Power Limited. The agreed scheme shall then be implemented and thereafter retained unless otherwise agreed with the local planning authority.*

- 5.4 **Thames Water Utilities Ltd:** Email dated 3<sup>rd</sup> September 2007 advised that there are public sewers crossing the site, and no building works will be permitted within 3 metres of the sewers without Thames Water's approval. Should a building over/ diversion application form, or other information relating to Thames Waters assets be required, the applicant should be advised to contact Thames Water Developer Services on 0845 850 2777.
- 5.5 Surface Water Drainage – With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason – to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 5.6 With regard to water supply, this comes within the area supplied by the Essex

and Suffolk Water Company.

- 5.7 **Metropolitan Police:** Letter dated 4<sup>th</sup> September 2007 advising that the information provided with this particular application fails to provide sufficient details in relation to the delivery of a safer development or the prevention of crime as required e.g. LDF Submission Document DC3, DC63 and Circular 1/06, paragraph 87. These issues can be dealt with retrospectively by attaching the condition suggested below:

*Prior to the commencement of the development hereby permitted, the applicant must supply in writing to the Local Planning Authority details of measures to secure the boundary and to control access and egress whilst the site is in use for the purpose hereby permitted and shall be fully implemented in accordance with the agreed scheme thereafter.*

*Reason – In order that the development accords fully with the aims and objectives of PPS1 and LDF Policy DC 63.*

- 5.8 The Borough Crime Prevention Design Advisor has requested that his interest in this planning application is noted and to be kept apprised of development.
- 5.9 **London Fire and Emergency Planning Authority (LFEPA):** Letter dated 17<sup>th</sup> August 2007 advising that consideration has been given to the provision of water supply for fire fighting purposes and also that 4 private fire hydrants will be required at four specific locations, which are to be numbered 110266, 110267, 110928 & 110929.
- 5.10 At the present time, the London Fire Brigade has a policy of free annual inspections/tests. If the applicant would like the premises to be included in the test programme, the Water Office should be notified when the proposed fire hydrants have been installed. If the applicant chooses not to have the hydrants inspected by the Water Office, they will still need to contact them once they have been installed so that their system may be updated.
- 5.11 With regard to Vehicle Access LFEPA letter dated 17<sup>th</sup> September 2007 advised that The Brigade is satisfied with the proposals.
- 5.12 **London Borough of Havering:** The Council's Regulatory Service Committee considered a report on this application at its meeting of 3<sup>rd</sup> April 2008 and resolved to raise objections to the application in principle because of its conflict with policies CP3, DC9 and DC45 of the Local Development Framework and express concerns over the scale, appearance and resulting negative impact on employment and regeneration opportunity in the Rainham Employment Area.
- 5.13 **Transport for London:** Email dated 12<sup>th</sup> October 2007. TfL is broadly in

support of the proposals, as part of the ODA's efforts to reduce construction vehicle traffic in and around the Olympic Park development, and have requested the following:

- Minimum provision of 2 cycle parking spaces, to be provided adjacent to the office building.
- Both pedestrian and cycle site access is to be unobstructed and comply with the necessary accessibility requirements contained in the Disability Discrimination Act.
- In order to ensure site safety, provision of pedestrian and cycle routes should not conflict with HGV's movements and good visibility for the HGV drivers as well as cyclists / pedestrians should be provided.
- A travel plan statement should be provided outlining the measures and support that will be provided to promote walking, cycling and public transport travel options to the site. In addition effective measures should be taken through the arrangement of shift patterns and car sharing to reduce the amount of employee car trips to and from the site.

5.14 TfL request that it be noted that the above comments represent the views of Transport for London and are made entirely on a "without prejudice" basis. They should not be taken to represent an indication of any subsequent Mayoral decision in relation to this scheme. These comments also do not necessarily represent the views of the Greater London Authority, which should be consulted separately.

5.15 Email dated 21<sup>st</sup> November 2007. TfL are of the opinion that an additional 6 HGV's per hour (144 movements in and out in a 24 hour period) are unlikely to have any negative effect on the surrounding road network.

5.16 In terms of sustainability, as the facility will be used as a handling centre for construction materials required by the Olympic Park site, TfL are under the impression that the operational principles of this should come under the 'Olympics Construction Transport Management Plan'. The CTMP is a comprehensive plan to provide the infrastructure and management of transport to enable the construction of the Olympic Park in the best way possible. The CTMP has a number of sustainability principles related to the construction phase of the Olympic site, including the target of 50% of construction materials being moved by sustainable means (e.g. by rail). TfL would expect this proposal to follow the principles of the 'construction transport movements' as set out in the CTMP. If this isn't currently the case then TfL would like to see amendments made in order to see the principles fulfilled.

5.17 **Natural England:** Email dated 1<sup>st</sup> October 2007 stating that NE is happy with the scope and content of the draft Ecological Management Plan (EMP) and would expect the majority of its recommendations to be carried forward with the constraints of individual development proposals.

- 5.18 **National Grid**: No representations received to date.
- 5.19 **Union Railways North** (URN): Letter dated 7<sup>th</sup> September 2007. For the purposes of consultation under the Channel Tunnel Rail Link (CTRL) safeguarding Directions URN would confirm no objection in principle.
- 5.20 Subject to a grant of planning permission, in construction and maintenance of this facility the integrity of the CTRL must not be compromised.
- 5.21 **Greater London Authority** The Mayor of London delegated consideration of the GLA officer report to the GLA Chief Executive. That report was considered on the 4<sup>th</sup> February 2008 and concluded that, "The proposed use is supported by the London Plan, but as currently submitted the application raises a number of transport concerns as set out in this report. The London Thames Gateway Development Corporation and Havering Council should therefore be advised that these matters should be resolved through discussion between the applicant, the local planning authorities, the Olympic Delivery Authority and Transport for London, before the application is referred back to the Mayor, should the London Thames Gateway Development Corporation resolve to grant consent.
- 5.22 **London Development Agency** Email dated 22<sup>nd</sup> April 2008 advising that the LDA are currently undertaking a re-masterplanning for Beam Reach 5 and this has involved a review of market demand for manufacturing industries. Given that demand from appropriate industries is not high, a phased approach to future development of BR5 and, indeed, other LDA industrial landholdings in the London Riverside area, will be taken. As a result, it is confirmed that such a phased approach would allow the area of the EWS proposal to be used for that purpose during the Olympic period without unduly affecting the overall development objectives. It is also confirmed that the new masterplanning has allowed for a phased approach to development and installation of infrastructure to be undertaken.

## 6. APPLICATION PUBLICITY

- 6.1 Site Notice Expiry: 30.08.2007
- 6.2 Press Notice Expiry: 30.08.2007
- 6.3 Neighbour Notification: 30.08.2007

## 7. REPRESENTATIONS

7.1 At the time of preparing this report the following representations had been received:

7.2 Representation Two hundred and eighteen (218) pro-forma letters objecting to the proposal because the land is expected to be for the residents of Rainham for high quality industrial units, creating quality skilled local jobs, aimed at the regeneration of the area. The letter suggests that if planning permission is granted, the following conditions be imposed as a minimum:

1. Limitation of hours of operation (no work between 11pm and 6am)
2. No flood lighting facing local residential housing on the A1306
3. Industrial vehicles visiting the site to be prohibited access from the A1306 – exit onto roundabout on Marsh Way and A13 only
4. Wheel washing for all vehicles leaving the site
5. That no toxic waste or asbestos removed from the Olympic site should travel through this facility
6. That any movements of materials that involve creation of dust should be enclosed inside a building with filters, not be open aired.

7.3 Response LTGDC officers note the objection and have sought to incorporate the suggested conditions with the exception of seeking to limit the hours of operation as 24 hour operation is sought. 24 hour operation is accepted on the basis that no adverse impact is presented to the nearest (400m away) noise sensitive receptors, which are alongside the A1306, beyond the existing C2C and CTRL railway lines to the north of the site. The noise report submitted as part of the subject application has been assessed by London Borough of Havering Environmental Health. Their assessment of the noise report concentrated upon the effects of night time activity upon the nearest noise sensitive receptors, which are noted as already being subjected to high levels of night-time noise. The L90 (background) is 54dB (a), the L10 (traffic noise) is 64dB(A), the Leq (average) is 61dB(A) and the Lmax is 73dB (A). This is due to the influence of road traffic from the A1306 and the A13. The resultant noise levels presented in the report have been assessed to determine the “Rating Level” minus the background level for BS4142. Havering Environmental Health are satisfied that the applicant has endeavoured to address its usual noise condition that specifies noise levels of L90 (background) -5dB. In this case the 5 minute average noise level is 47.3dB and the background is 54dB. Therefore the expected outcome is -6.7dB which is better than Havering’s usual -5dB condition. This is based upon the existing large building at the north of the site being retained.

7.4 The development will not be visible from any residential property because it will

be screened by the retained 200m long building on the sites northern boundary.

7.5 On the topic of hazardous substances and pollution, whilst some conditions have been incorporated into the draft list of conditions that form part of this report, separate legislation exists to ensure that the site operates safely. There is no reason to believe that the proposal would operate other than in accordance with the other appropriate legislative regimes.

7.6 Representation Four individual letters objecting because:

- the site is zoned for high tech manufacturing jobs in the council's LDF so that the facilities offered by CEME can contribute to the regeneration of Rainham.
- diesel locomotives would have to be used that are considered to be more polluting than road transport in CO<sub>2</sub> per passenger terms. This is not considered to be a sustainable method of transport.
- Noise carried by prevailing winds.
- Increase in traffic movements on the A1306.
- No skilled employment generation for Rainham residents.
- Proposal would at best delay and may at worst make a significant contribution to preventing the regeneration of this part of the Borough.

7.7 Response LTGDC officers note the objections raised.

- The policy context is considered further in this report and the proposal is considered to be acceptable as a time limited operation;
- The use of rail is considered to be an efficient system for the distribution of construction materials in a way that minimises road congestion. Each train carries as much as 75 HGVs. The London Plan aims to foster a progressive shift of freight from road to more sustainable modes such as rail and water, where it is economical and practicable.
- Retention of the existing buildings in the northern part of the site will act as an acoustic barrier.
- There will inevitably be an increase in traffic movements associated with use of this currently vacant site. LTGDC officers would seek to ensure that the majority do not use the A1306 through implementation of a robust travel plan;
- Employment is discussed further in this report. The proposed 75 jobs, whilst low in absolute numbers, would provide employment on an otherwise vacant site for a short term period whilst a critical mass is built up on the eastern development plots in Beam Reach 5 Business Park. This is considered to be acceptable for a time limited period only, enabling development of the subject part of the site in line with planning policy objectives at a later date.

## **8. RELEVANT PLANNING POLICY**

8.1 The Development Plan comprises of the Havering Unitary Development Plan

(adopted March 1993) saved policies and The London Plan Spatial Development Strategy for Greater London, Consolidated with Alterations since 2004 (published February 2008).

8.2 The London Plan Spatial Development Strategy (SDS) for Greater London was published in February 2008, having been produced after the Examination in Public panel report. It incorporates both the Early and Further Alterations in the London Plan. The published SDS is part of the statutory development plan under section 38(2) of the Planning and Compulsory Purchase Act 2004 alongside the adopted or approved borough DPDs or UDP. Therefore, planning applications should be determined in accordance with the policies in the SDS and borough DPDs or UDPs. In this report reference is made to both the 2004 version of the London Plan and the 2008 consolidated version.

8.3 Havering's Core Strategy and Development Control Policies Submission Development Plan Document (November 2006) is also a material consideration given its advanced stage of preparation in line with paragraph 18 of the 'Planning System: General Principles' (January 2005). The Site Specific Allocations DPD is due to be adopted in May 2008. The Inspectors report into Havering's Core Strategy was published on 4 October 2007. This concluded that with the amendments recommended in her report the Core Strategy meets the tests of soundness set out in PPS12.

8.4 The Havering Strategic Flood Risk Assessment was published in November 2007 and is considered to be sound evidence fit for use in the LDF by the Environment Agency in compliance with PPS25.

#### 8.5 London Borough of Havering Unitary Development Plan (March 1993)

STR1 Havering Strategic Objectives  
STR5 Protection of Health and Safety of the public  
STR17 Retention and protection of Employment and Commercial Areas  
STR28 Pedestrians and Cyclists  
EMP1 Rainham Employment Area  
EMP5 Main Employment Areas  
ENV7 Nature Conservation  
ENV8 Contaminated Land  
ENV9 Damaged Land  
ENV13 Vacant Land  
TRN18 Car Parking  
TRN25 Heavy Commercial Vehicles

#### 8.6 London Borough of Havering Emerging Core Strategy and Development Control Policies Submission Development Plan Document (November 2006)

LDF Core Policies

CP3 Places to work  
CP19 Sustainable Transport  
CP15 Environmental Management  
CP17 Design

LDF Development Control Policies

DC9 Main Employment Areas  
DC13 Access to Employment Opportunities  
DC32 The Road Network  
DC33 Car Parking  
DC34 Walking  
DC35 Cycling  
DC39 Freight  
DC40 Waste Recycling  
DC45 Transport of Aggregate by Rail or River  
DC49 Flood Risk  
DC52 Water Supply, Drainage and Quality  
DC53 Air Quality  
DC54 Contaminated Land  
DC55 Noise  
DC56 Light  
DC58 Biodiversity and Geodiversity  
DC59 Biodiversity in New Developments  
DC61 Urban Design  
DC62 Access  
DC 63 Crime

8.7 The London Plan Spatial Development Strategy for Greater London,  
Consolidated with Alterations since 2004 (published February 2008)

2A.1 Sustainability Criteria  
2A.5 Opportunity Areas – London Riverside  
2A.6 Areas for intensification  
2A.10 Strategic Industrial Locations  
3B.1 Development London's Economy  
3B.4 Industrial Locations  
3B.11 Improving the skills and employment opportunities for Londoners  
3C.1 Integrating transport and development  
3C.2 Matching development to transport capacity  
3C.17 Tackling congestion and reducing traffic  
3C.21 Improving conditions for walking  
3C.22 Improving conditions for cycling  
3C.23 Parking Strategy  
3C.26 Strategic Rail Freight Interchanges  
3D.6 The Olympic and Paralympic Games and sports facilities  
3D.14 Biodiversity and Nature Conservation

4A.2 Spatial policies for waste management  
4A.3 Sustainable design and construction  
4A.9 Adaptation to Climate Change  
4A.12 Flooding  
4A.13 Flood risk management  
4A.19 Improving air quality  
4A.20 Reducing Noise  
4A.21 Waste strategic policy and targets  
4A.33 Bringing Contaminated Land into beneficial use  
4B.1 Design principles for a compact city  
4B.5 Creating an inclusive environment  
4B.6 Safety, security and fire prevention and protection  
4C.2 Context for sustainable growth  
4C.3 The Natural value of the Blue Ribbon Network  
4C.14 Sustainable Drainage  
4C.22 Rivers, Brooks and Streams  
5C.1 The Strategic Priorities for North East London  
5C.2 Olympic and Paralympic Games  
5C.3 Opportunity Areas in North East London

#### 8.8 Other relevant material considerations

- An Urban Strategy for London Riverside, adopted July 2002
- The London Plan: Sub-Regional Development Framework, East London, May 2006.

### 9. ASSESSMENT OF MAIN ISSUES

- 9.1 The primary legislation is the Town & Country Planning Act 1990, which authorises the Corporation to grant planning permission under Section 57, whereas Section 70(1)(a) allows permission to be granted subject to such conditions the local planning authority considers fit. Section 72(1)(b) allows for planning permission to be granted for a limited period. However, strict conditions must be attached, including provision for the removal of the development and restitution of the land to its original condition following the expiration of the relevant period.
- 9.2 **Environmental Issues** LTGDC officers have taken environmental information into consideration in the assessment of this application in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations. EWS requested a Screening Opinion under the provisions of Regulation 5(1) of the above Regulations, in respect of the need or otherwise for an Environmental Impact Assessment for the proposed development. Following an assessment by the London Borough of Havering, LTGDC issued an opinion that EIA is not required.

- 9.3 Subsequently, EWS submitted a Phase 1 Environmental Assessment of the potential for subsurface contamination impacts from past activities on and adjacent to the site that could impact upon the redevelopment proposals. That report recommended the following:
- An asbestos survey should be undertaken of the existing on site buildings prior to demolition;
  - An intrusive Phase 2 Contamination Assessment Strategy and Work Plan should be prepared; and
  - Following completion of the Phase 2 Strategy and Work Plan the Phase 2 Investigation should be implemented with the aim of assessing whether there is any evidence of significant contamination impacts beneath the site, the need for further investigations, risk assessment and/or remedial action.
- 9.4 LTGDC Officers recommend that the recommendations above can be satisfactorily addressed by attaching an informative regarding the asbestos and planning conditions regarding contamination.
- 9.5 **Principle of Development** The application is for a time limited Sui Generis development and land use, being a land use which does not fall within any specific use class under the Use Classes Order 2005. This application is for the construction of a temporary facility that would not fall within the B1/B2 land use designation that applies at the site.
- 9.6 Policy DC45 of Havering's Core Strategy and Development Control Policies Submission Development Plan Document (November 2006) refers specifically to, 'Transport of Aggregate by Rail or River', stipulating that planning permission for the establishment of facilities for the importation and distribution of aggregate by rail or river will be granted where both of the following criteria are met:
- the site has good connections to the primary road network which are adequate to cope with the expected traffic; and
  - there is no conflict with green belt, environment or employment policies.
- 9.7 The site does benefit from good connections to the primary road network, which is adequate to cope with the expected traffic.
- 9.8 Policy 3C.26 of the 2008 London Plan (Strategic Rail Freight Interchanges) states that, "*The Mayor will and boroughs should support the provision of strategic rail freight interchanges, including enabling the potential of the Channel Tunnel Rail Link to be exploited for freight serving London and the wider region. Each proposal will be considered on its own merits and in the context of wider policies in this plan*". The London Plan promotes a progressive shift of freight from road to more sustainable modes such as rail and water where this is economical and practicable. Paragraph 3.255 of the London Plan

recognises a need for a number of smaller sites for general freight and some specialised rail terminals for particular commodities, many of which support the construction industry.

9.9 With regard to employment, the site lies within the Rainham Employment Area identified in the UDP where policy EMP1 applies. This generally encourages business and industrial uses (B1 and B2), with the possibility of other development including warehousing and other transport related uses which provide employment opportunities and do not conflict with other policies in the plan. This policy is supported by the Urban Strategy for London Riverside (July 2002), which states that Beam Reach Business Park will provide 35 hectares for modern advanced manufacturing businesses, including strategic sites for inward investment, move-on accommodation from the Business Innovation Centre, and a suppliers' park for diesel engine components. The Urban Strategy for London Riverside was adopted as Interim Planning Guidance by the two boroughs, Barking & Dagenham and Havering and was referred to in the 2004 London Plan (paragraph 5.73) and The London Plan Sub-Regional Development Framework for East London (dated May 2006).

9.10 The site is identified as falling within an Opportunity Area. With specific reference to the London Riverside area, paragraph 5.88 of the London Plan (2008) states that, *"Good trunk road access, and existing warehousing clusters in this part of the Opportunity Area create potential for the provision of strategically important logistics facilities, including inter-modal freight transfer"*.

9.11 The London Plan (2008) 5.89 states that the core employment areas in Rainham have the potential to be developed as a leading centre for innovation and high-tech manufacturing, for industries that serve London, and for the growth sector of environmental technology.

9.12 Policy DC9 of Havering's emerging LDF reaffirms the uses which are to be prioritised within the Beam Reach Business Park as advanced manufacturing uses and other B1 (b) (c) and B2 uses which provide a similar quality and intensity of employment and a high standard of design.

9.13 Policy 5C.1 of the February 2008 London Plan sets out the strategic priorities for North East London, one of which is to:

*Promote the contribution of the sub-region to London's world city role, especially in relation to the City and the Isle of Dogs, plan for the 2012 Olympic and Paralympic Games and enable the necessary development for a successful sustainable Olympics.*

9.14 Policy 5C.2 (Olympic and Paralympic Games) of the February 2008 London Plan provides that the Mayor will and partners should (amongst other things):

- Work to promote and secure sustainable development and procurement policies for the 1012 Olympic and Paralympic Games delivery bodies and other key organisations, covering all phases of the Games including: preparation and construction; the Games themselves; and the legacy development;
  - maximise opportunities arising from the 2012 Olympic and Paralympic Games to promote London's status and image as a leading world city to an international audience; and
  - Ensure that transport projects associated with the 2012 Olympic and Paralympic Games contribute to the delivery of the Mayor's Transport Strategy and the wider needs of London. The Mayor will promote the use of public transport and encourage the movement of freight and waste resources by rail, canal and river.
- 9.15 Planning permission was granted for Olympic and Legacy developments in 2004, followed by subsequent approvals of revised proposals in 2007. The Olympic Park encloses an area of 246 hectares (606 acres) to the west and north-west of Stratford in East London.
- 9.16 The application is directly linked to the delivery of the London 2012 Olympic and Paralympic Games and the proposed transshipment facility would assist the ODA to facilitate the preparation and construction of the Games. This linkage is reinforced by the proposed requirement that the use of the site for the development should cease after the Games.
- 9.17 The adopted policies contained within the London Borough of Havering adopted UDP dated March 1993 precede the subsequent success of the London's bid in July 2005 to host the Games.
- 9.18 The implementation of the proposal would enable direct rail links close to the Olympic Park. Each train is capable of carrying as much freight as 75 HGVs, which would otherwise have used the wider road network thereby also reducing road congestion and air pollution. This accords with policy 3C.17 of the 2008 London Plan, which seeks to reduce weekday traffic growth in outer London by a third, and seeks zero growth in outer London town centres.
- 9.19 Only one of the thirteen development plots of Beam Reach 5 Business Park have been developed to date. This equates to 3.4% of the total area having been developed to date. A critical mass of development is needed. This time-limited development of the western part of the site, which is completely separate from the eastern plots, would be acceptable in the short term whilst the LDA secure development proposals that intensify the use of the eastern plots in accordance with planning policy. The temporary proposal does not preclude the future provision of modern advanced manufacturing businesses

on the subject part of the Business Park after 2013.

- 9.20 The site has previously been developed and is currently vacant. The sustainability criteria set out in policy 2A.1 of the 2008 London Plan seeks to optimise the use of previously development land and vacant or underused buildings.
- 9.21 The principle of the proposed land use has more than local or regional significance, because of its links to the development of the Olympic Park, which is of international significance. Paragraph 5.78 of the 2008 London Plan identifies the Framework for Stratford and the Lower Lea [in which the Olympic Park falls] as being an Opportunity Area which *'will accommodate some of the most important strategic regeneration initiatives for London and an urban renewal challenge of global significance'*.
- 9.22 Policy 5C.2 (Olympic and Paralympic Games) of the 2008 London Plan seeks, amongst other things, to:
- Work to promote and secure sustainable development and procurement policies for the 2012 Olympic and Paralympic Games delivery bodies and other key organisation, covering all phases of the Games including: preparation and construction; the Games themselves; and the legacy;
  - Maximise opportunities arising from the 2012 Olympic and Paralympic Games to promote London's status and image as a leading world city to an international audience; and
  - Ensure that transport projects associated with the 2012 Olympic and Paralympic Games contribute to the delivery of the Mayor's Transport Strategy and the wider needs of London. The Mayor will promote the use of public transport and encourage the movement of freight and waste resources by rail, canal and river.
- 9.23 The grant of planning permission would assist the ODA in achieving its target of ensuring that overall at least 50% of construction materials by weight are delivered to site by rail and / or water, reducing congestion and reducing traffic on the surrounding roads within the boroughs of Newham, Tower Hamlets, Hackney and Greenwich. This also accords with the provisions of policy 3C.17 of the 2008 London Plan.
- 9.24 3.252 of the London Plan 2008 states that, 'This plan facilitates freight distribution and servicing in a way that minimises congestion and any adverse environmental impact. Road freight is and will remain the most significant sector of freight activity in London due to the flexibility and accessibility provided by the road network. This plan promotes the use of operating practices and vehicles with lower environmental impact. This plan also aims to foster a progressive shift of freight from road to more sustainable modes such as rail and water, where this is economical and practicable. It supports the

diversion of rail freight with neither an origin nor destination within London on to strategic bypass routes, and the development of additional rail capacity which can cater for the expected growth in container and other freight traffic and relieve rail capacity bottlenecks in London’.

- 9.25 Further 3.255 specifies the need for a number of smaller sites for general freight and some specialised rail terminal for particular commodities, many of which support the construction industry. These and further potential sites that might be identified should be protected in boroughs’ DPDs.
- 9.26 Policy 3C.25 and 3C.26 2008 London Plan strive for a full range of road, rail and water borne freight facilities in London and seek to improve integration between the modes and between major rail interchanges and the centres they serve, ensuring amongst other things, that DPDs ensure that suitable sites and facilities are made available to enable the transfer of freight to rail and water through the protection of existing sites and the provision of new sites.
- 9.27 The importance of delivering the London 2012 Olympic and Paralympic Games on time presents a unique opportunity which is an important strategic regeneration initiative that LTGDC officers consider to be a material consideration in the assessment of this application.
- 9.28 Because of the designations that apply to this site and the aspirations for its future use, the proposal conflicts with land use policy on a site specific basis. The proposal does not accord with the long term strategic objectives and priorities for Beam Reach 5 Business Park and would not be considered to be acceptable in the long term. However, LTGDC Officers consider the principle of the time limited proposal to be acceptable as a case of exception justified by its direct links to the construction of the Olympic Park.
- 9.29 LTGDC Officers are of the opinion that the long term aspirations for the site as prescribed in both the local and regional plans should be sought in the long term and that other alternative options should continue to be explored. Should an alternative site be identified for this facility elsewhere, a permanent proposal that could be used in legacy, serving both the Olympic Park, post games and the wider Lea Valley area should be considered.
- 9.30 It is noted that this application has been made as part of a public procurement process managed by the ODA and that it is possible that EWS may not be selected as a successful bidder, in which case the site will remain available for development.
- 9.31 **Site Search** EWS approached a number of land agents, estate agents and commercial agents with a view to leasing/buying a site for the transshipment facility.

9.32 Twelve other sites were considered by EWS, but found to be unsuitable as listed below:

- Magnum 25, Waltham Abbey: there is no rail connection;
- Leggatt freight, Enfield: there is no rail connection;
- BOC Edmonton: there is no rail connection;
- Ikea, Edmonton: there is no rail connection;
- Welbeck Street, Edmonton: there is no rail connection;
- Prologis Park, Barking: there is no rail connection;
- M11, Chigwell: there is no rail connection. This is a road transshipment facility;
- GKN Chep, Warley, Brentwood: there is no rail connection. In addition this site is outside of the M25 plus on a particularly bad stretch of the M25 which is to be widened when the Olympic Village is being constructed;
- Somerfield depot, Rainham: there is no rail connection;
- Oliver road, Thurrock: there is no rail connection;
- Isis site, Thurrock Park Way: there is no rail connection; and
- The Bridge, Dartford (Sainsbury): there is no rail connection.

9.33 **Design** The proposal presents a simple design approach for the office building which is acceptable.

9.34 **Transport** The application is supported by a Transport Assessment by Morgan Tucker consulting Engineers, which considers the transportation implications of the development. The report assesses the development on the basis of an anticipated 144 two way movements in a 24 hour period. Transport for London is of the opinion that the applicant's anticipated additional 144 HGV movements in and out of the site in a 24 hour period are unlikely to have a significant negative effect on the surrounding road network and have stated that the proposal would also have the benefit of reducing construction vehicle traffic in and around the Olympic Park Development.

9.35 The requirements set out in TfL's representation can all be addressed through the imposition of appropriately worded condition(s) or informative(s) on any decision notice issued if planning permission were granted. This would address the transport concerns mentioned in the GLA's officer report. The GLA's Chief Executive will have an opportunity to consider refusal of this application when it is referred back to him for second stage consideration.

9.36 Discussions with the applicant indicate that the A13 would be the main and preferred route for all lorries entering and leaving the site. LTGDC officers propose the imposition of a condition requiring the submission of a comprehensive travel plan outlining the measures and support that will be provided to promote walking, cycling and public transport travel options to the site; and include full details of the main and preferred route for all lorries that are to ingress and egress. In addition the travel plan should outline effective measures be taken through the arrangement of shift patterns and car sharing to

reduce the amount of employee car trips to and from the site.

9.37 TfL have expressed that it expects this proposal would follow the principles of the 'construction transport movements' as set out in the Olympics Construction Transport Management Plan (CTMP). Given that this application has been submitted as a speculative proposal forming part of its bid to the ODA as part of a public procurement process LTGDC officers understand that it will be compliant with the requirements of the CTMP. This expectation is suggested to be included as an informative on any planning decision notice, if planning permission is granted.

9.38 Car Parking As a sui generis land use, no published car parking standards are available. The proposed level of car parking has been assessed by TfL and is considered to be acceptable. 31 car parking spaces are proposed on the site together with a cycle parking area. TfL have stated that a minimum of 2 cycle spaces are required. Havering policy requires individual bays for each disabled employee plus 2 bays, or, 5% of total capacity which ever is greater. It is not known whether any disabled employees exist, therefore 2 bays should be specifically allocated for disabled users. This can be achieved through the imposition of a planning condition.

9.39 **Sustainable drainage and flood risk** The site is located within Tidal Flood Zone 3 and partly within the Fluvial Flood Zones 3a, 3b (Functional Floodplain), 2 and 1, and therefore has a 'high probability' of flooding. However, the proposed development site is protected by fluvial and tidal flood defence measures. These protect the proposed development site to a design Standard of Protection of between 1 in 25 years, and 1 in 70 years for fluvial events and 1 in 1000 years for tidal events.

9.40 The Environment Agency has confirmed that floodwaters from fluvial flood events would not encroach the majority of the proposed development site. No permanent buildings will be erected where flooding is likely to occur.

9.41 In accordance with PPS25, a flood risk assessment was undertaken by RPS that formed part of the planning application. The Environment Agency has confirmed that it is satisfied with the application in terms of flood risk providing a condition requiring the submission of details of the surface water drainage works is imposed on any planning permission granted.

9.42 The Environment Agency has also considered the sequential and exceptions test for the proposed development in accordance with the requirements of PPS25, and has confirmed that the Test meets the prescribed requirements.

9.43 The 30m wide landscape buffer strip to the western boundary of the site will also provide the 8m wide buffer strip that the Environment Agency has requested. Under the Water Resources Act 1991 and the Land Drainage

Byelaws 1981, the prior written consent of the Environment Agency is required for any works in, over, under or within 8m of a main river or flood defence structure. The Environment Agency has confirmed that the applicant must provide an 8m wide buffer strip, measured from the top of the bank of the watercourse, along the River Beam. This will be left free from any permanent development; this includes fences and other obstructions. This is required in order to retain access to the River Beam for the riparian owner and / or the Environment Agency to carry out its flood defence functions and to provide an ecological buffer zone to protect the river environment.

9.44 Regard has been given to Policies DC49 (Flood Risk) and DC50 (Sustainable Design and Construction) of Havering's emerging; Policies 4A.9 (Adaptation to Climate Change), 4A.12 (Flooding) and 4A.13 (Flood Risk Management) of the 2008 London Plan. LTGDC Officers consider the proposal to be acceptable in terms of flood risk management if the condition regarding surface water drainage works as suggested by the Environment Agency is imposed and implemented.

9.45 **Employment** The application site falls within Rainham Employment Area EMP1 as identified in the Havering adopted Unitary Development Plan (adopted March 1993). The Secretary of State saved policy EMP1 in her assessment of whether saved policies should be extended following September 27<sup>th</sup> 2007.

Policy EMP1: IN THE RAINHAM EMPLOYMENT AREA (as defined on the Proposals Map and set out in Schedule 6) THE COUNCIL WILL ENCOURAGE BUSINESS AND INDUSTRIAL USES (USE CLASSES B1 & B2 ONLY).

WAREHOUSING AND OTHER TRANSPORT RELATED USES. THE COUNCIL MAY ALSO PERMIT OTHER DEVELOPMENT WHICH PROVIDES EMPLOYMENT OPPORTUNITIES AND DOES NOT CONFLICT WITH OTHER POLICIES OF THE PLAN. ON SITES CLOSE TO THE THAMES, THE COUNCIL WILL ENCOURAGE INDUSTRIAL AND COMMERCIAL DEVELOPMENTS WHICH INVOLVE USE OF THE RIVER.

POLICY TRN27 WILL APPLY TO THAT PART OF THE RAINHAM EMPLOYMENT AREA WHICH IS SERVED BY REFFY LANE UNTIL THE ACCESS PROBLEMS HAVE BEEN SATISFACTORILY RESOLVED.

9.46 The Havering emerging DPD (November 2006), core policy CP3 (Employment) states that a range of employment sites will be available to meet the needs of business and provide local employment opportunities. It states, "in the Beam

Reach Business Park, prioritising advanced manufacturing uses and other modern industries in the B1 (b) (c) and B2 use classes which provide a similar quality and intensity of employment”.

9.47 The Havering emerging DPD (November 2006), development control policy DC9 (Main Employment Areas) states that, “Planning permission will only be granted for B1 (b & c), B2 and B8 uses in the Rainham Employment Area, Harold Hill Industrial Estate and King George Close Estate Main Employment Areas. Advanced manufacturing uses (B1 (b) (c) and B2) will be prioritised within the Beam Reach Business Park together with other (B1 (b) (c) and B2) uses which provide a similar quality and intensity of employment and a high standard of design”.

9.48 The reasoned justification cited in the DPD in relation to policy DC9 states that:

The Rainham Employment Area provides for the needs of all industrial businesses by offering a choice of small, medium and large premises and is considered to be a strategically and locally important area. Given its high environmental quality and location next to the Centre for Engineering and Manufacturing Excellence (CEME), Beam Reach Business Park is prioritised for advanced manufacturing and other modern industries. Other uses will be allowed within the Beam Reach Business Park where they provided a similar quality and intensity of employment within a high quality development commensurate with the business park environment.

9.49 The London Plan designates Havering Riverside (part) as a Preferred Industrial Location and is within the Thames Gateway Growth Area identified in the Government’s Sustainable Communities Plan<sup>1</sup>. The regeneration of London Riverside therefore has national and regional support. The London Plan states that the revised planning frameworks for the area should realise the potential of the area in ways which will benefit local communities and London as a whole.

9.50 An Urban Strategy for London Riverside (July 2002) states that Beam Reach Business Park will provide 35 hectares for modern advanced manufacturing businesses, including strategic sites for inward investment, move-on accommodation from the Business Innovation Centre, and a suppliers’ park for diesel engine components.

9.51 Havering Council intend to adopt a Supplementary Planning Document for London Riverside, which will supersede and update the 2002 Urban Strategy. It was anticipated to be issued for public consultation in April 2008, but this had not yet been published at the time of writing this report.

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<sup>1</sup> Communities Plan, Sustainable Communities Building for the Future, DCLG, 2004

- 9.52 The proposed 75 jobs, whilst low in number, would provide employment on an otherwise vacant site for a limited period whilst a critical mass of employment generating uses can continue to be built up on the eastern development plots in Beam Reach 5 Business Park. This is considered to be acceptable for a time limited period only, enabling development of the subject part of the site in line with planning policy objectives at a later date.
- 9.53 The LDA, as land owner, concurs in its representation, that a phased approach would allow the area of the proposal to be used for that purpose during the Olympic period without unduly affecting the overall development objectives.
- 9.54 LTGDC Officers do not think that the proposal would be acceptable in the long term, on a permanent basis because it does not accord with the long term policy aspirations for Beam Reach 5 Business Park. The proposal is not thought to be sustainable in the long term in terms of employment regeneration in line with local and regional policy objectives which seek to promote the use of the site for modern advanced manufacturing purposes, providing economic and social benefits in line with the requirements of PPS1. The justification for an exception to policy set out at paragraph 9.27 above is time limited.
- 9.55 The masterplan for the site is currently being revised along with a better appreciation of what types of activities can be supported on the individual plots in the subject business park and the loss of over 10 hectares to the EWS proposal in land use terms is regarded as being clearly contrary to the relevant employment policies. However, the need to build the Olympic Park is considered to be a material consideration of sufficient material weight to warrant short term acceptance of the proposal.
- 9.56 Acceptance of the proposal for a longer period (extending beyond 2013) would only be considered where development plan policy requirements are met, or, material considerations are demonstrated that sufficiently warrant approval of such a use or development on a permanent basis. This would require a separate application for planning permission.

## **10. CONCLUSION AND REASONS FOR APPROVAL**

- 10.1 This application has been carefully assessed against a range of national, regional and local policies. Subject to selection of EWS as a delivery partner, the proposed road to rail freight transshipment facility would provide an essential service that facilitates the delivery of a number of the ODA's sustainability objectives and commitments. This will be of particular importance in the management (and reduction) of deliveries by road to the Olympic site, and will contribute to the ODA's aspirations of transporting 50% of materials, by weight, to and from the Olympic Park by sustainable means. The proposed facility is very important in supporting one of the ODA's core objectives in terms of sustainable construction.

- 10.2 The Mayor, the LDA, the boroughs, London Thames Gateway Development Corporation, the government, the Olympic Delivery Authority and the British Olympics Association are leading the development of the 2012 Olympic and Paralympic Games focused primarily on east London. The Games will leave a wide legacy including permanent sporting facilities. The Mayor will be a leading partner in using the Games to maximise the economic, social, health and environmental benefits of the Games for the UK, particularly through regeneration and sustainable development of east London and the promotion of sport and physical activity among Londoners, and the promotion of London to domestic and international audiences.
- 10.3 The proposal does not accord with the provisions of policy EMP1 of Havering's adopted Unitary Development Plan or policy CP3 and DC9 of Havering's emerging DPD (November 2006). However, on balance, the fact that the site is and has been vacant for a number of years, combined with the unique opportunity and need for delivering the 2012 Olympic and Paralympic Games that has arisen since the adoption of the Havering Unitary Development Plan is considered to be material considerations which indicate that this temporary planning permission should be granted. Approval of the application for a time limited period would enable the ODA to provide a service and relevant infrastructure that meet sustainability commitments and targets associated with the Olympic Project. LTGDC Officers consider the proposed temporary facility as being an integral component of the delivery of the Olympics which is of more than local or regional importance.
- 10.4 A balance needs to be struck in securing long term policy objectives at Beam Reach 5 Business Park and the short term need to facilitate the 2012 Olympic and Paralympics Games.
- 10.5 In summary, the reasons for granting permission are that London Thames Gateway Development Corporation is of the opinion that the proposed development does not accord with policy EMP1 of Havering's adopted Unitary Development Plan or policy CP3 and DC9 of Havering's emerging DPD (November 2006). But that there are material planning considerations that indicate that a decision to grant planning permission should be reached for a time limited period only as an exceptional case. The planning conditions attached to the notice of planning permission will ensure that any material harm that may result from the development would be reasonably mitigated.

## **11. FINANCIAL CONSIDERATIONS**

11. 1 There are no financial considerations.

## 12. RECOMMENDATION

- 12.1 For the reasons stated above and having regard to the development plan, material considerations and this officer report, Members are recommended to **APPROVE** the time limited change of use and development of the subject site subject to conditions and referral to the Chief Executive of the Greater London Authority as delegated by the Mayor of London to decide whether to direct LTGDC to refuse planning permission.

## 13. CONDITIONS AND REASONS

1. The development to which this permission relates must be commenced no later than three years from the date of this permission:

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. This permission shall be for a limited period only, expiring on 31st December 2013. On or before that date, the use hereby permitted shall be discontinued, all associated buildings, rail tracks and structures shall be removed from the site. The site shall not be used after 30<sup>th</sup> September 2013 unless a restoration scheme for the site has been submitted to the Local Planning Authority for its approval in writing prior to that date. The land shall be re-instated in accordance with the approved restoration scheme.

Reason: To ensure that the use of the site does not prejudice the implementation of the planned future development of Beam Reach 5 Business Park as strategic employment land and in accordance with the provisions of section 72(2) of the Town and Country Planning Act 1990.

3. The use hereby permitted and materials moved from the site shall only be carried out / transferred by rail and shall only be used to facilitate the preparation and construction of the 2012 London Olympic and Paralympic Games and Legacy Transformation phases pursuant to planning permission reference numbers 07/90011/FUMODA and 07/90010/OUMODA dated 28<sup>th</sup> September 2007 and for no other purpose.

Reasons: In the absence of careful control, the proposed use would be likely to be detrimental to the amenities of the area and discordant with the long term policy objectives at Beam Reach 5 Business Park. The time limited proposal is only acceptable in the unique and particular circumstances of the application.

4. All works are to completed in accordance with drawing numbers JN401/NWK/001 Rev F, JN401/NWK/002, JN401/NWK/003 Rev D, JN401/MWK/004 dated 12th

July 2007, JN401/NWK/003 dated December 2006 and all submitted assessments and reports, under the above reference.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted.

5. Prior to the commencement of the development hereby permitted, the applicant must supply in writing to the Local Planning Authority details of measures to secure the boundary and to control access and egress whilst the site is in use for the purpose hereby permitted and shall be fully implemented in accordance with the agreed scheme thereafter.

Reason: In order that the development accords fully with the aims and objectives of PPS1 and LDF Policy DC 63 of the London Borough of Havering's emerging Core Strategy and Development Control Policies Submission Development Plan Document dated November 2006.

6. No development shall take place until a scheme of protective provisions, to current industry standards, designed to safeguard the continued operation of the high pressure natural gas pipeline situated within the application site has been submitted to and agreed by the local planning authority in consultation with Barking Power Limited. The agreed scheme shall then be implemented and thereafter retained unless otherwise agreed with the local planning authority.

Reason: To safeguard the continued operation of the sub-surface, high pressure, natural gas pipeline.

7. No development shall commence until details of the surface water drainage works have been submitted to and approved in writing by the Local Authority. The scheme shall be completed in accordance with the approved plans.

Reason: To prevent the increased risk of flooding to third parties, to the site itself, to improve water quality and to enhance biodiversity and with regard to policies 4A.9, 4A.12 and 4A.13 of the London Plan (February 2008); and policy DC52 of the London Borough of Havering's emerging Core Strategy and Development Control Policies Submission Development Plan Document dated November 2006.

8. No works shall commence unless a scheme for any new plant, machinery, activity or operation has been submitted to the local planning authority to achieve the following standard and approved in writing. The Approved scheme shall be implemented and maintained throughout the development and its use. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when

calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -5dB and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 "Planning & Noise" 1994 and with regard to policies 4A.20 and 4A.3 of the London Plan (February 2008); and DC55 of the London Borough of Havering's emerging Core Strategy and Development Control Policies Submission Development Plan Document dated November 2006.

9. No works shall commence until a detailed scheme for barrier noise control has been submitted to and approved by the Local Planning Authority for control of noise from audible reversing alarms within the site. Banksman shall be used to avoid the use of reversing alarms, where practicable. Reversing alarms fitted to vehicles based at the site shall have highly directional sounders, use broadband signals, have self adjusting output sounders and flashing warning lights. Reversing alarms shall be set to the minimum output noise level necessary for health and safety compliance. The approved scheme shall be carried out and maintained for the duration of this planning permission.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 "Planning & Noise" 1994 and with regard to policies 4A.20 and 4A.3 of the London Plan (February 2008); and DC55 of the London Borough of Havering's emerging Core Strategy and Development Control Policies Submission Development Plan Document dated November 2006.

10. No works pursuant to this permission shall be carried out unless the developer has submitted for the written approval of the Local Planning Authority:
  - a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site conceptual Model.
  - b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
  - c) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation.

The report will comprise of two parts:

- (i) If during development works any contamination should be encountered

which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the Local Planning Authority; and

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

Reason: To protect those engaged in construction and occupation of the development from potential contamination and with regard to policies 4A.33 of the London Plan (dated February 2008); ENV8 of the London Borough of Havering's adopted UDP (dated March 1993 – saved policy as of 27<sup>th</sup> September); and DC54 of the London Borough of Havering Emerging Core Strategy and Development Control Policies Submission Development Plan Document (November 2006).

11. No soils or infill materials are to be brought onto the site unless they have been satisfactorily proven to be uncontaminated and not to present any risk 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 commencement of the use hereby permitted.

Reason: 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 policies 4A.33 of the London Plan (dated February 2008); ENV8 of the London Borough of Havering's adopted UDP (dated March 1993 – saved policy as of 27<sup>th</sup> September); and DC54 of the London Borough of Havering Emerging Core Strategy and Development Control Policies Submission Development Plan Document (November 2006).

12. The development shall not commence unless an air quality report has been submitted to and approved by the Local Planning Authority. The report shall detail:

- Any area within the boundary of the site, which may exceed relevant national air quality objectives;
- How the development will address any potential to cause relevant exposure to air pollution levels exceeding the national air quality objectives;
- Specify measures for dust suppression, including damping down aggregate stockpiles;
- Identify areas of potential exposure; and
- Detail how the development will reduce its impact upon local air

pollution.

The measures set out in the approved report shall be implemented and maintained throughout the development and its use.

Reason: To protect the amenity of future occupants and/or neighbours; in the interests of the declared air quality management area; and with regard to policies 4A.19 of the London Plan (February 2008) and DC 53 of the London Borough of Havering's emerging Core Strategy and Development Control Policies Submission Development Plan Document dated November 2006.

13. No works shall commence unless final versions of the Ecological Management Plan, Bat Survey, Reptile Survey and Water Vole Survey as previously drafted by White Young Green have been submitted to and approved in writing by the Local Planning Authority in consultation with Natural England. The relevant provisions of the approved documents that pertain to the development site shall be carried out (including monitoring) in accordance with the approved documents to the satisfaction of the Local Planning Authority and Natural England.

Reason: To ensure the protection of wildlife and ecology in accordance with PPS9; 3D.14 of the London Plan (February 2008); policy DC58 of the London Borough of Havering's emerging Core Strategy and Development Control Policies Submission Development Plan Document dated November 2006; and Section 40 of the Natural Environment and Rural communities Act 2006.

14. The commencement of any phase of the development hereby permitted shall not take place unless details of wheel scrubbing / wash down facilities to prevent mud being deposited onto the roads within Beam Reach 5 Business Park and the public highway during both construction and operation have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be permanently retained and used at the entrance of the site for the entire duration of the consent.

Reason: In order to prevent materials from the site being deposited on the adjoining roads within Beam Reach 5 Business Park and the public highway, in the interests of highway safety and the amenity of the surrounding area and with regard to policy 4B.1 of the London Plan (February 2008).

15. The commencement of works on the development hereby permitted shall not take place unless details relating to the means of refuse storage have been submitted to and approved in writing by the Local Planning Authority.

Details should include noise output, odour control systems and termination points. The approved scheme is to be implemented prior to occupation of the development and shall be permanently maintained for the entire duration of the consent.

Reasons: To ensure adequate and hygienic refuse disposal and with regard to policy 4A.21 of the London Plan (February 2008) and DC40 of the London Borough of Havering's emerging Core Strategy and Development Control Policies Submission Development Plan Document dated November 2006.

16. The landscaping scheme shown on the approved drawings shall be implemented in the first planting season following occupation of the site or the substantial completion of the development, whichever is the sooner. The 30m wide landscape buffer strip to the western boundary of the site will also provide an 8m wide buffer strip, measured from the top of the bank of the watercourse, along the River Beam. This will be left free from any permanent development; this includes fences and other obstructions.

Any plants or trees that die or are removed, damaged or diseased within a period of two years from the substantial completion of the development shall be replaced to the satisfaction of the Local Planning Authority in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent for a variation.

Reasons: To ensure a satisfactory standard of external appearance of the development; in order to retain access to the River Beam for the riparian owner and / or The Environment Agency to carry out its flood defence functions; and to provide an ecological buffer zone to protect the river environment, with regard to policies 4B.1, 4B.3, 4C.2 and 4C.3 of the London Plan (February 2008) and DC58 of the London Borough of Havering's emerging Core Strategy and Development Control Policies Submission Development Plan Document dated November 2006.

17. The commencement of works on the development hereby permitted shall not take place unless details of all enclosures around the site boundary (fencing, gabion walling, etc.) have been submitted to and approved in writing by the Local Planning Authority. Details should include the proposed design, height and materials. The approved works are to be completed prior to occupation of the development and shall be permanently maintained thereafter.

Reasons: In the interest of public safety and security and to protect the visual amenity of the locality and with regard to policies 4B.1 of the London Plan (February 2008) and DC63 of the London Borough of Havering's emerging Core Strategy and Development Control Policies Submission Development Plan Document dated November 2006.

18. The commencement of works on the development hereby permitted shall not take place unless details of the proposed external lighting scheme, including details of lighting proposed during construction have been submitted to and approved in writing by the Local Planning Authority in a report prepared by

an appropriately qualified lighting engineer or designer. The report should show how the lighting scheme proposed will:

- 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; and avoid dazzle or distraction to drivers on nearby railway lines and / or highways.

Details should include where appropriate:

- The location, type, number, mounting height and alignment of the luminaries;
- The beam angles and upward waste light ration for each light;
- Details of screening and other mitigation;
- An isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts the 30m wide landscaped area and the highway; and
- Where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The approved scheme is to be constructed and / or installed prior to occupation of the development site and shall be maintained thereafter to the satisfaction of the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the intrusion of artificial lighting and ensure community, railway and highway safety is not compromised; and with regard to policies 4A.3 of the London Plan (February 2008) and DC56 and DC58 of London Borough of Havering Emerging Core Strategy and Development Control Policies Submission Development Plan Document (November 2006).

19. All facilities and amenities open to the public and or staff are to be fully accessible to disabled people, in particular wheelchair users.

Reasons: To ensure that people with mobility impairment in particular wheelchair users are not excluded from using the proposed development by reasons of lack of adequate facilities and with regard to policy 4B.5 of the London Plan (February 2008) and DC62 of London Borough of Havering Emerging Core Strategy and Development Control Policies Submission Development Plan Document (November 2006).

20. All entrances and exits to the office building hereby permitted, shall be constructed with ramped (no greater than 1:15 gradient) or level access, with a minimum 900mm front pathway to a level landing 1.5m deep x 1.2m wide, leading to a flush threshold, with a minimum clear door opening of 800mm.

Reasons: To ensure that people with mobility impairment in particular wheelchair users are not excluded from using the proposed development by reasons of lack of adequate facilities and with regard to policy 4B.5 of the London Plan (February 2008) and DC62 of the London Borough of Havering Emerging Core Strategy and Development Control Policies Submission Development Plan Document (November 2006).

21. At no time shall any waste be burnt on site unless otherwise approved in writing by the Local Planning Authority.

Reasons: To prevent loss of amenity to neighbouring premises, prevent air pollution effecting the wider environment and with consideration to policy 4A.3 of the London Plan (February 2008) and DC53 of the London Borough of Havering Emerging Core Strategy and Development Control Policies Submission Development Plan Document (November 2006).

22. The development hereby permitted shall not commence unless a Travel Plan statement shall be submitted to and approved in writing by the Local Planning Authority outlining the measures and support that will be provided to promote walking, cycling and public transport travel options to the site; and include full details of the main and preferred route for all lorries that are to ingress and egress the site. In addition, the Travel Plan should outline effective measures be taken through the arrangement of shift patterns and car sharing to reduce the amount of employee car trips to and from the site. The approved Travel Plan shall be implemented throughout the life of the development.

Reason: With regard to Policies 3C.1, 3C.2, 3C.21 & 3C.22 of the London Plan (February 2008) and DC32, DC34, DC35 and DC39 of London Borough of Havering Emerging Core Strategy and Development Control Policies Submission Development Plan Document (November 2006).

23. The development hereby permitted shall not be occupied unless all parking and hard standing areas have been resurfaced and drainage through a filtration/grease trap system provided. This system is to comply with the requirements of Thames Water Utilities and the Environment Agency (Water Acts). Thereafter, the trap is to be cleansed and maintained in accordance with manufacturer's instructions.

Reason: To prevent large quantities of oil, grease and road dirt entering the existing sewerage system and with regard to policies and with regard to policies 4A.3 and 4A.14 of the London Plan (February 2008); and policy DC52 of the London Borough of Havering's emerging Core Strategy and Development Control Policies Submission Development Plan Document dated November 2006.

24. The 31 car parking spaces shown on the approved drawings shall include a

minimum of 2 spaces designed for use by Blue Badge holders. These spaces are to be marked out on site with appropriate signage, prior to occupation of the development to the satisfaction of the Local Planning Authority and shall be permanently maintained thereafter.

Reason: To ensure adequate access for all users of the building, in particular Blue Badge holders and with regard to policies 3C.23 & 4B.5 of the London Plan (February 2008) and DC33 & DC62 of the London Borough of Havering's emerging Core Strategy and Development Control Policies Submission Development Plan Document dated November 2006.

25. Accommodation shall be provided on the site for a minimum of two bicycles. Works on the development hereby permitted shall not take place until details of cycle provision, including covered storage facilities have been submitted to and approved in writing by the Local Planning Authority. The facilities are to be constructed, surfaced and marked out prior to occupation of the development and shall be permanently maintained thereafter.

Reasons: In order to ensure that adequate cycle parking is provided on this site and with regard to policy 3C.22 of the London Plan (February 2008) and DC35 of the London Borough of Havering's emerging Core Strategy and Development Control Policies Submission Development Plan Document dated November 2006.

26. Provision of pedestrian and cycle routes should not conflict with HGV movements and good visibility for HGV drivers as well as cyclists and pedestrians should be provided.

Reason: In order to ensure site safety and with regard to policies 3C.21 & 3C.22 of the London Plan (February 2008) and DC34 & DC35 of the London Borough of Havering's emerging Core Strategy and Development Control Policies Submission Development Plan Document dated November 2006.

27. There shall be no external stacking or storage of goods or materials on the site to a height exceeding 7.5 metres above existing ground level without the prior written approval of the Local Planning Authority.

Reasons: In the interest of local amenity, security and safety and with regard to policy 4A.3 of the London Plan (February 2008) and DC61 of the London Borough of Havering's emerging Core Strategy and Development Control Policies Submission Development Plan Document dated November 2006.

#### **14. INFORMATIVES**

1. The applicant is advised that the determination of this application does not in any way set precedent for the determination or consideration of future

planning applications for the development of the site.

2. Four private fire hydrants are required to be located on the site at specific locations and numbered 110266, 110267, 110929 & 110929. The applicant is advised to contact the London Fire & Emergency Planning Authority, Water Office quoting their reference WO/01/F40/7 when the fire hydrants have been installed.
3. There are public sewers crossing the site, and no building works are permitted within 3 metres of the sewers without Thames Water's approval. Should a building over / diversion application form, or other information relating to Thames Water's assets be required, the applicant should contact Thames Water Developer Services on 0845 850 2777.
4. The applicant is recommended to contact National Grid Electricity Transmission plc regarding the proposed upgrade of the overhead electricity transmission lines that traverse the southern part of the site from its current operating voltage of 275kV to 400kV. The replacement of the overhead conductor would require winching points to be established at locations along the route that fall within the application site. It is anticipated that winching compounds would stay in place for about four weeks at each location, after which the sites would be restored. The works are proposed to be undertaken over the period May to October 2010.
5. The applicant is advised that passenger services on the Channel Tunnel Rail Link (CTRL) commenced on the 14<sup>th</sup> November 2007. The integrity of the CTRL must not be compromised in construction and maintenance of the facility. The rail link into the new sidings will involve the crossing of utilities diverted as part of the works for the CTRL and the applicants should be mindful that associated easements may not have been fully concluded.
6. An asbestos survey should be undertaken of the existing on site buildings prior to any demolition.
7. All pedestrian and cycle site access is expected to be unobstructed and comply with the necessary accessibility requirements contained in the Disability Discrimination Act.
8. As the proposed facility would be used as a handling centre for construction material required by the Olympic Park until 2013, TfL expect that operational principles would come under the Olympic Delivery Authority's 'Olympics Construction Transport Management Plan' (CTMP).

**CASE OFFICER:** Amanda Reid

- Appendix 1:** Site Location Plan
- Appendix 2:** Proposed Site Layout Plan
- Appendix 3:** Drawing illustrating elevations of proposed office building
- Appendix 4:** Project Information document supplied by The Procurement Department of the Olympic Delivery Authority to bidding Contractors seeking to provide an East London Logistics Centre.
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