

PLANNING COMMITTEE MEETING: 9 April 2009

PLANNING APPLICATION FOR DETERMINATION BY THE LTGDC

REPORT OF THE DIRECTOR OF PLANNING

UDC CASE NUMBER:	LTGDC-09-005-REM	DATE MADE VALID:	27/01/2009
APPLICATION NUMBER:	09/00173/REM/LBNM	TARGET DATE:	28/04/2009

APPLICANT:	National Grid Property Holdings
AGENT:	Planning Perspectives
PROPOSAL:	Construction of 58,009sqm of floor space for distribution (use class B8), light and general industrial (use class B1c and B2), research and development (use class B1b) and ancillary office (use class B1a) purpose and energy and security centres; creation of a hectare (10 acre) public park and riverside walk; associated access roads; service areas parking and landscaping. (This application is accompanied with a written Environmental Impact Assessment Report).
LOCATION:	Former Beckton Gasworks: Windsor Terrace, East London E6 7FB

1. SUMMARY

1.1 This reserved matters application seeks to secure full details of the layout, siting and design of buildings, means of access, treatment of areas not covered by buildings, landscaping proposals, road layout, parking and servicing, layout of footways and cycleways and lighting. These items are condition 2(b) of outline planning permission 05/1343 granted by the London Borough of Newham in 2006.

1.2 The site is the former Beckton Gasworks located adjacent to the River Thames between Royal Docks Road to the west, the DLR depot to the north and the Gemini Business Park to the east.

1.3 A Transport and Works Act application has been lodged by DLR to the Department of Transport that intends to secure powers to construct the DLR extension to Dagenham Dock through the site. This application is on hold pending clarity on the funding for this proposal. The layout of this reserved matters application has not considered the proposed alignment of the DLR extension and intends to occupy

land identified in this TWA application.

- 1.4 The application is recommended to be refused for two reasons. In the first instance, the proposal by failing to safeguard the DLR alignment is considered to be premature in relation to the preparation of the London Borough of Newham Local Development Framework (**LDF**). London Plan Policies 3C.4 and 3C.13 provide that Boroughs should have regard to possible extension of the DLR and should ensure the provision of sufficient land to facilitate this. Thus failure to safeguard the line (which is the only realistic alignment the extension can take given the presence of the DLR Depot, gas holders and sewage treatment works to the north and the Thames to the south) would prejudice the ability of the London Borough of Newham Local Development Framework to be in general conformity with the London Plan - particularly with the policies referred to above.. Secondly, permitting the proposal without safeguarding of the DLR extension, would prejudice the ability for the Corporation to fulfil its statutory duty to provide sustainable development in the London Riverside region, in particular, capping the delivery of housing in the Barking Reach area and preventing future release of potential areas for housing and employment.

2. SITE AND PROPOSAL

Existing Situation

- 2.1 The site is a 19.35ha parcel of land owned by National Grid and forms part of the former Beckton Gasworks. The site is directly adjacent to the River Thames and irregular in shape, but is broadly orientated with the river to be south west to north east. Surrounding the site is a combination of both active and vacant industrial land. Sharing the north western boundary is the DLR Beckton Depot and the National Grid Gasholder site. Further to the north is the Gallions Reach Shopping Centre and north east is the Gemini Business Park warehousing development. South west of the site is the LDA land at Albert Basin and an active Port of London Authority radar station. The nearest residential development is located approximately 500 metres to the west.
- 2.2 The site has good accessibility by road. Royal Docks Road (A1020) is to the west of the site and runs north to the A13 and south to the Royal Docks. Armada Way passes through the site, but at the present time is only partially constructed. Ultimately, Armada Way will provide a route through the site between the southern end of Royal Docks Road, around the DLR depot and gasholders to Gallions Shopping Centre and eventually back onto Royal Docks Road.
- 2.3 Gallions Reach DLR station is located at the intersection of Royal Docks Road and Armada Way roughly 200 metres to the west of the site boundary.

Proposal

- 2.4 The proposal has been lodged by National Grid Property Holdings Ltd and seeks approval of those matters reserved by outline planning permission 05/1343. The area the subject of the application is Phase 3 of the National Grid development. This is the final phase of the development and was preceded by the Gallions Reach Shopping Centre (Phase 1) and the Gemini Business Park (Phase 2). Specifically, the application is pursuant to condition 2 (ii) of the outline permission which states:

“Approval in writing shall be obtained from the Local Planning Authority for the details listed below in respect of each phase, prior to its construction:

- a) *The layout of the development on site*
- b) *The siting design and external appearance of the buildings including the materials and colours*
- c) *The formation of means of access to the site*
- d) *The use of any part of the site not proposed to be covered by buildings and the treatment thereof (including roadways, paving, gates, walls, fences and other means of enclosure)*
- e) *Landscaping proposals*
- f) *The layout of roads for the circulation of vehicles within the site*
- g) *The provision of parking, loading and turning of vehicles within the site including temporary parking provision for construction traffic*
- h) *The layout of public footways, cycleways and other means of access within the site*
- i) *The scheme for lighting roads, footpaths, cycleways, the riverside and all other areas accessible to the public including the height of light columns and the type colour and brightness of the proposed lights.*

The Urban Framework Plans hereby approved may only be altered or updated with the prior written consent of the Local Planning Authority.”

2.5 The development proposals seek permission for 58,009m² of B1, B2 and B8 use, the creation of a four hectare public park and access, servicing and parking arrangements.

3. MAIN ISSUES

- Future Alignment of the DLR Extension to Dagenham Dock
- The Sustainable Delivery of Development in the Thames Gateway Area

4. RELEVANT SITE HISTORY

4.1 The site has been a continuous site of heavy industry from the establishment of the Beckton Gasworks in 1868 until the site was closed and cleared in 1991.

4.2 In 1992, outline planning permission was granted for a mixed use development of the 52 hectares of land that was the former gasworks site. The first phase of the outline has been delivered in part with the Gallions Reach Shopping Park, however a further 8,836m² of leisure floorspace and 7,484m² of retail floorspace is approved in detail but has not been implemented.

4.3 The timeframe for the delivery of the second phase of the outline scheme was extended by the London Borough of Newham with their approval in 2006 of application 05/1343. This outline permission is the relevant outline for these reserved matters. A Section 106 agreement was agreed that requires the developer to include a four hectare public park and a riverside walk within the future phases of the development.

4.4 Also in 2006, reserved matters were approved for an area of 13.5 hectares that

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delivered 47,496m² of B1, B2 and B8 floorspace. This permission has been implemented and is now known as the Gemini Business Park.

4.5 In 2007, an outline application for a mixed use development consisting of 1,500 dwellings, 25,000m² of employment floorspace, 9,500m² of hotel space, a nursing home of up to 4000m², 1,200m² of retail and community space and 8.5 hectares of public open space. This application is still under consideration and it is understood that the applicants have been in discussion with the GLA on various matters.

5. CONSULTATIONS/NOTIFICATIONS

London Borough of Newham

5.1 At the time of writing this report, the application had not been put before the Borough's Planning Committee. However, the Corporation has been notified in writing that the application will be recommended for refusal. The Borough's committee report shall be summarised in an addendum to this report, if it becomes available. Comments have been received from individual council internal consultees and are summarised as follows.

Highways

5.2 Initially, there were concerns relating to the layout of the proposal. It was recommended that the priority junctions north of the Armada Way/DLR depot roundabout be consolidated into one and that the access between units 2000 and 1900 be replaced with an access between units 1900 and 1800. Further bustops were also recommended along Armada Way. After a meeting between the Borough Highways Officer and the applicant, changes were made to the scheme to respond to these concerns. Highways have now confirmed that they are satisfied with the scheme, subject to conditions.

Urban Design and Conservation

5.3 In terms of design, the comments indicate that the scheme is acceptable. However, it is noted that the site's location next to the Thames would mean that green roofs should be incorporated into the scheme. A final comments states that a layout that includes a DLR station would be a more satisfactory design solution.

Docklands Light Railways

5.4 DLR has objected to the proposal as its layout will conflict with DLR's intended extension to Dagenham Dock. This extension is the subject of a Transport and Works Act application which is currently on hold pending clarification of project funding. The comments also outline the discussions between DLR and the land owners over the past three years in relation to the redevelopment plans for the area and point out that all development proposals to date have included a DLR alignment through the site.

5.5 More specifically, DLR advise that the alignment of the DLR extension would be obstructed by five buildings and their car parks. On this basis, DLR has requested that the LTGDC reject this application due to the conflict with the live TWA application.

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Thames Water

5.6 Thames Water has provided a summary of the works proposed to the Beckton Sewage Treatment Works located to the north of the site. As the odour abatement proposals for the Sewage Treatment Works will not be confirmed until November 2009, Thames Water objects to the proposal. This is due to the potential for the office accommodation to be affected by odour nuisance.

5.7 Thames Water also advise that there is currently insufficient capacity to meet the additional demands of this development and has recommended a condition be imposed to secure an impact study of the existing water supply infrastructure.

Port of London Authority

5.8 Located to the south west of the site is the PLA radar site that is currently accessed by Armada Way. The PLA are concerned that access to this site may be lost either temporarily or permanently with the development of the site and therefore object to the proposal.

5.9 The PLA have also asked that the use of the river for the transport of materials is fully investigated and has suggested a suitably worded condition or Section 106 agreement to secure this.

Other Consultation Responses

5.10 The London Borough of Greenwich, the Health and Safety Executive and British Waterways have each confirmed that they do not wish to comment on this application. English Nature have indicated that their comments relating to the concurrent application are applicable here.

6. APPLICATION PUBLICITY

6.1 Press Notice Expiry: 4 March 2009

6.2 Consultations Sent: 30 January 2009

7. RELEVANT PLANNING POLICY

8.1 Planning Policy Guidance

PPS1 Sustainable Development
PPG4 Industrial and Commercial Development
PPS12 Local Spatial Planning
PPG14 Transport
PPS25 Flood Risk

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

2A.2 The Spatial Strategy for Development

2A.7 Areas for Regeneration

3B.1 Developing London's Economy

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3C.1 Integrating Transport and Development
3C.3 Sustainable Transport in London
3C.4 Land for Transport
3C.9 Increasing the Capacity, Quality and Integration of Public Transport to meet the needs of London
3C.11 Phasing of Transport Infrastructure Provision and Improvements
3C.13 Improved Underground and DLR Services
3C.21 Improving Conditions for Walking
3C.22 Improving Conditions for Cycling
3C.23 Parking Strategy
3D.8 Realising the Value of Open Space and Green Infrastructure
3D.14 Biodiversity and Nature Conservation
4A.3 Sustainable Design and Construction
4A.4 Energy Assessment
4A.6 Decentralised Energy: Heating, Cooling and Power
4A.9 Adaptation to Climate Change
4A.11 Living Roofs and Walls
4A.12 Flooding
4A.13 Flood Risk Management
4A.14 Sustainable Drainage
4A.16 Water Supply and Resources
4A.33 Bringing Contaminated Land into Beneficial Use
4B.3 Enhancing the Quality of Public Realm
4C.1 The Strategic Importance of the Blue Ribbon Network
4C.8 Freight Uses on the Blue Ribbon Network
4C.11 Increasing Access Alongside the Blue Ribbon Network

8.3 London Borough of Newham Unitary Development Plan 2001

EQ2 Waterside Access
EQ4 Quality of Waterside Development
EQ19 Urban Design Considerations
EQ21 New Development: Landscaping
EQ49 Contaminated Land: Assessment, Remediation and Monitoring
EQ62 Protection of the Flood Plain and Urban Washlands
EQ63 Surface Water Disposal
EQ64 Tidal Defences
EMP1 Employment Growth
EMP3 Quality of Employment Development
EMP8 Warehousing
T1 New Development: Transport Impact
T4 New Development: Areas in Need of Major Highway/Public Transport Investment
T15 Parking Standards for New Development
T21 Recreational Footway Network
T23 Cycle Network
T24 Access by Cycle and Cycle Parking
T26 Motorcycle Parking
T28 Safeguarding of PLA Radar Station Facilities
OS6 Green Chains: Development and Implementation
OS9 Improvements to Parks and Public Open Spaces

8.4 Other Relevant Planning Policies & Supplementary Planning Guidance

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London Plan Supplementary Planning Guidance Land for Transport Functions 2007
The Mayor of London Transport Strategy 2001
London Plan Supplementary Planning Guidance East London Green Grid 2008

8. ASSESSMENT OF MAIN ISSUES

Future DLR Alignment

- 8.1 The principal concern relating to this application is the occupation of the land intended for the future alignment of the DLR extension to Dagenham Dock. It is understood that the application has been lodged in this layout due to the Mayor of London's decision in November 2008 not to include this DLR extension in the latest Transport for London Ten Year Business Plan. It is the applicant's opinion that under these circumstances, there is no policy or statute safeguarding the route and no condition or obligation within the extant permission requiring the alignment to be kept free from development.
- 8.2 In April of 2008, DLR applied to the Department of Transport for a Transport and Works Act (TWA) Order to extend the Beckton branch of the DLR network from Gallions Reach to Dagenham Dock. Following the Mayor's decision on the TfL Business Plan, the Public Inquiry that was scheduled to examine the proposal was placed on hold, pending clarification of the funding issues.
- 8.3 As the route of the proposed DLR extension has not been safeguarded, the grounds to refuse the application based solely on the fact that the application intends to occupy the proposed route are not sufficient. In any case, should permission be granted and the development be constructed as per the submitted layout, DLR still retain powers to compulsorily purchase the land required for the route. It should be noted that this application is not understood by officers to be a valuation exercise by the applicant for future negotiations with DLR. If this were the case, the applicant would have applied for a Certificate of Appropriate Alternative Development under Section 65 of the Planning and Compensation Act 1991 (as amended).
- 8.4 Whilst it is true that there is no specific policy in place to protect the route, officers nevertheless consider that to allow this development would be premature in relation to the formulation of the Newham LDF. The London Plan, being the Spatial Development Strategy for Greater London, specifically identifies the DLR extension to Dagenham Dock in Table 3C.1 (support by policy 3C.11) identifying that the scheme is not as yet funded and that a TWA application was expected. The circumstances identified in this Table, dated October 2007, have only changed in that the TWA application is now lodged. The schemes within Table 3C.1 are currently supported in the Mayor's Transport Strategy of 2001 and more recently the Mayor's Land for Transport SPG dated 2007. Although the latest TfL Business Plan does not include the DLR extension route, this is not a policy document, nor does it amount to a cancellation of the DLR extension proposals. It is considered that the material weight of the policies contained within the London Plan and its supporting documents far outweigh the funding allocation contained within TfL's Business Plan.
- 8.5 More generally, the London Plan, through policies 2A.2 and 3C.4, seeks to ensure that sufficient land is made available for transport through the identification of such

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land through DPDs. Policy 3C.13 also emphasises the local context, stating that *“Boroughs in their DPDs should have regard to possible extensions of the DLR, new stations and infrastructure facilities.”* As the application stands, the layout is contrary to these strategic policies.

8.6 Members should also have regard to the Planning and Compulsory Purchase Act 2004 which requires in Section 19(2) that local authorities in the preparation of their LDF documents have regard to the regional spatial strategy for the area, or in the case of Greater London, the spatial development strategy. Section 20(5)(a) of the Act requires an independent Inspector to check that the LDF documents comply with the regional spatial strategy for the area, while Section 24(1)(b) requires that the LDF is in general conformity with the spatial development strategy. Newham's LDF process is currently at 'issues and options' stage and no information is yet available indicating their policy approach to the DLR route through the area. However, it is known that a route will need to be identified with the emerging LDF documents in order for this new LDF to be in conformity with the spatial development strategy, namely the London Plan. It is difficult to imagine where else a DLR route would be justifiably allocated within Beckton, except for through the application site. To the north of the site is the DLR depot, gasholders and the Thames Water Sewage Treatment Work and to the south is the Thames. The proposal therefore prejudice's the ability of Newham's LDF to be in general conformity with the London Plan. Therefore, taking into consideration the strategic policy approach to the area identified in the London Plan and the embryonic stage of Newham's LDF process, the proposal is considered to be premature and is recommended to be refused.

The Sustainable Delivery of Development in the Thames Gateway Area

8.7 Part of the Corporation's statutory responsibility is to seek to ensure that housing and social facilities and infrastructure are available to encourage people to live and work in the area. These objectives are identified within various documents produced by the Corporation, but in particular the Transport Vision identifies the DLR extension to Dagenham Dock as being a principal goal of the Corporation. This scheme not only will have benefits for the existing areas in London Riverside, but will also unlock future development sites for the delivery of housing and employment.

8.8 This approach to regeneration is supported in the London Plan through policy 2A.7 in terms of bringing forward areas of regeneration, development and transport proposals with strategic partners. More specifically, policy 3C.3 states that the Mayor and strategic partners will support high levels of growth in the Thames Gateway by substantial new and improved transport infrastructure.

8.9 The approved English Partnerships scheme at Barking Reach helps to deliver this growth. However in the interests of sustainable development, a cap on housing numbers was included within the Section 106 legal agreement. This cap was included to ensure that the population envisaged for the area would be matched by improvements to the public transport infrastructure. Therefore, permission was granted for this scheme on the basis that only 1500 dwellings could be delivered prior to the TWA order being approved and 4000 dwellings being delivered prior to the DLR extension being implemented. Therefore, the application is contrary to the Corporation's objectives for the regeneration of the London Riverside area as well as the strategic objectives for the Thames Gateway identified in the London Plan.

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8.10 The development proposal before Members is in its own right unacceptable due to the priority given to transport by private vehicle in the application site and also the implications on housing delivery in the Barking Reach development. The case against this application is strengthened by the concurrent application, which demonstrates that an alternative development can be delivered at this location while retaining land for public transport benefit. It is considered therefore that this application should be refused on the basis that the scheme is contrary to the Corporation's directive in securing the sustainable regeneration of its area.

9. CONCLUSION

9.1 This application to secure matters reserved from the original application is wholly unacceptable by the layout occupying the future DLR alignment. An approval of this scheme would run contrary to the primary purpose of planning, being the delivery of sustainable development, not just for the Beckton area but also for the wider London Riverside area. The applicant has not justified this proposal, other than to refer to the TfL Business Plan which deals with funding allocation. Furthermore, the applicant has also submitted a parallel application demonstrating that the DLR alignment can be incorporated into the area while delivering the 46,008m² of commercial floorspace.

10. REASONS FOR REFUSAL

1. The proposal is considered to be premature in relation to the preparation of the London Borough of Newham's Local Development Framework by virtue of the layout occupying an area of land identified as the only realistic alignment for the extension of the Docklands Light Railway to Dagenham Dock, thereby prejudicing the ability of the London Borough of Newham Local Development Framework to be in general conformity with the London Plan and particularly policies 2A.2, 3C.4, 3C.11, 3C.13 thereof. As such the proposal is considered to be contrary to the principles outlined in PPS12 the Mayor's Transport Strategy 2001 and the Mayor's Land for Transport Supplementary Planning Guidance 2007 as well as London Plan policies 2A.2, 3C.4, 3C.11, 3C.13,.
2. The proposal, by virtue of failing to protect important public transportation infrastructure in the form of the DLR Dagenham Dock extension, is considered to prejudice the achievement of sustainable regeneration of the area and to inhibit the ability of the Corporation to achieve its statutory duty as an Urban Development Corporation to provide for sustainable development of the London Riverside region. As such, the proposal is considered to be contrary to the Corporation's Transport Vision for the Thames Gateway, PPS1, PPG13 and London Plan policies 2A.7 and 3C.3 3C.4 and 3C.13.

CASE OFFICER: Stephen Allen

Appendix 1: Site Location Plan

Appendix 2: Proposed Site Layout Plan