

PLANNING APPLICATION FOR DETERMINATION BY THE LTGDC  
**ADDENDUM PLANNING COMMITTEE REPORT**



<b>APPLICATION NO:</b>	09/00152/LTGREM/LBNM
<b>LOCATION:</b>	Former Beckton Gasworks: Windsor Terrace, East London E6 7FB
<b>PROPOSAL:</b>	Construction of 46,008 sqm of floorspace for distribution (use class: B8), light and general industry (use class B1c & B2), research and development (use class B1b) and ancillary office (use class B1a) purposes and energy and security centres, creation of a 4 hectare (10 acre) public park and riverside walk; associated access roads, service area; and parking; and landscaping (WITH DLR)
<b>APPLICANT:</b>	National Grid Property Holdings

**1. Summary**

1.1. This is an Officer's addendum to Agenda Item 4, seeking to advise Members of additional information that has arisen since the time of writing the original committee report.

**2. Recommendation of the London Borough of Newham**

2.1. At their Development Control Committee of the 8<sup>th</sup> of April 2009, Newham resolved to recommend that the application should be refused on the following grounds:

*"1. It is considered that the assessment of the risks to nature conservation contained within the Environmental Statement is inadequate. In particular, it is considered that there has not been an adequate assessment of the current ecological status of the pond. As such, it is considered that insufficient information has been provided to demonstrate that the risks posed by the development can be satisfactorily addressed.*

*The proposal fails to comply with European Directive 85/33/EEC as amended by 97/11/EC and the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 as amended by the Town and Country Planning (Environmental Impact Assessment)(Amendment)(England) Regulations 2008 require developers to compile an Environmental Statement describing the likely significant effects of the development on the environment and proposed mitigation measures. Its contents, together with any comments, must be taken into account by the local planning authority before it may grant consent.*

*2. It is considered that the assessment of the risks to nature conservation and biodiversity contained within the Environmental Statement is inadequate. In particular, it is considered that there has not been an adequate assessment of the current ecological status of the pond. As such, it is considered that insufficient information has been provided to demonstrate that the risks posed by the development can be satisfactorily addressed. Furthermore, it is considered that in the absence of green/brown roofs within the development, the current proposals do not go far enough to achieve a net biodiversity gain on the application site.*

*The proposal fails to comply with Policies 2A.1, 4A.3, 4A.11 and 3D.14 of the London Plan (February 2008)(Consolidated with alterations since 2004) and policies S4 and EQ11 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 in accordance with the direction of the Secretary of State) and Government Guidance in the form of PPS9 (Planning Policy Statement 9: Biodiversity and Geological*

*Conservation).*

- 2.2. In an addendum to the main committee report, it was acknowledged the plans indicating the areas of green/brown roofs that could be provided. However, the case officer concluded that these areas did not go far enough and did not provide adequate justification for not having a larger area. In this respect it was recommended that the second recommended reason for refusal should indicate an inadequate provision of green/brown roofs, rather than an absence.

### **3. Further Consultation Advice – The Environment Agency**

- 3.1. Advice received from the Environment Agency dated 8<sup>th</sup> of April confirms that they remove their objection on flood risk, however the objection relating to ecology still stands. Additionally, the EA recommend eight conditions relating to: 1. a structural survey of the river wall, followed by 2. a scheme of remedial works to the wall, 3. surface water control measures, 4. finished floor levels as agreed in the submitted FRA, 5. contamination assessment, followed by 6. a verification report of the contamination mitigation, 7. agreement of amendments to the remediation strategy if new contamination is found, and 8. no infiltration of surface water drainage into the ground.

### **4. Further Consultation Advice – Transport for London**

- 4.1. The advice from Transport for London was received on the 6<sup>th</sup> of April and follows the earlier advice that was reported in the main committee report. TfL advise that they are generally happy with the scheme that incorporates the DLR alignment but suggests changes to the scheme that will secure better conformity with the London Plan. The first recommendation is that the number of car parking spaces be reduced to London Plan standards. In considering this suggestion, it should be noted that the number of car parking spaces has been a point of discussion between the applicant and the Borough's Highways Officer both at pre-application stage and during the assessment of the application and this officer has indicated that he is satisfied with the proportion of spaces. It is therefore considered that on balance between the two streams of advice in this regard, the number of car parking bays should not be reduced.
- 4.2. The traffic modelling techniques were also brought into question, in particular that the information is not in accordance with TfL's modelling guidelines. The issue here was explained by the TfL Case Officer to be a matter where the applicant may find problems discharging their requirements under the Traffic Management Act 2004, rather than being an issue that would make the proposed development unacceptable in highways terms. It was agreed with TfL that this issue should be brought to the attention of the applicant by way of an informative.
- 4.3. TfL have also recommended a Construction Logistics Plan and a Delivery and Servicing Plan to accompany the development. These are not considered to be necessary in the context of this reserved matters application, as conditions 6 and 7 of the outline application deal with these requirements.

### **5. Further Conditions – Highways**

- 5.1. The main committee report discussed the concerns of the Borough's Highways Officer in relation to the layout of the site and the changes made subsequently. Members should also be aware that six conditions were also recommended by the Borough's Highways Officer. Of these six conditions, it is recommended that three be imposed and are as follows:

*1. No doors or gates shall open outward onto the public highway.*

*2. The developer shall ensure that on-street parking restrictions on Armada Way are implemented prior to first occupation.*

*3. Any damage to the existing public highway (including footways in the locality) shall be renewed and repaired to the appropriate Local Highway Authority standards*

- 5.2. The conditions considered to be unnecessary relate to detailed highway and access arrangements, the implementation of such details and to maintain local access to the public highway during the construction period. These conditions were not considered necessary as they are secured through the conditions attached to the outline permission, namely condition 14 which deals with the details and implementation, and condition 6 which deals with construction traffic.

## **6. Green Roofs and Biodiversity**

- 6.1. A better defined layout plan indicating green roofs has been provided that substitutes the original sketch plan. This plan will now be referenced in condition 2.
- 6.2. Paragraph 8.25 of the main committee report states that an Ecological Mitigation and Management Plan will be secured by condition, however this has been neglected in condition 2 of Part 10. Therefore, condition 2 shall now read as follows:

*No part of the development hereby permitted shall be commenced until an Ecological Mitigation and Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include full details of the green/brown roofs indicated on plan 'A4651 PLA SK009 GREEN ROOF ZONES' and such details shall include the extent of roof coverage and specification of material to the satisfaction of the Local Planning Authority*

## **7. Changes to the Attenuation Pond**

- 7.1. In response to the flood risk issues raised by the Environment Agency, the application has altered the shape and volume of the attenuation pond. Essentially, the pond has grown wider than was previously shown in the original submission. This has not resulted in a change to the layout or the orientation to any buildings and is therefore considered to be minor in nature.

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## **RECOMMENDATION**

Remains: to delegate authority to grant permission to the Director of Planning.

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CASE OFFICER: Stephen Allen

DATE: 09/04/2009

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