

LONDON THAMES GATEWAY DEVELOPMENT CORPORATION

Planning Committee Meeting: 10th September 2009

REPORT CONCERNING APPEAL DECISION: KICC PROPOSALS FOR BEAM REACH 5, RAINHAM, LB HAVERING

Report of Director of Planning

1. Summary

- 1.1 The appeal decision regarding proposals by Kingsway International Christian Centre (KICC) for part of the Beam Reach 5 site in Rainham was issued on 2nd September 2009. This followed a three week public inquiry in March 2009 and the Secretary of State “recovering” the application for his decision. The appeal was dismissed with the Secretary of State supporting the Inspector’s recommendations. The support of the Secretary of State for the approach adopted by the Corporation on this important site with regard to the employment designation for the site, the unsustainability of the proposals in transport terms and the need to look for more accessible site(s) is welcomed.
- 1.2 The details of, and comments on, the decision is set out in Section 2 of this report. The Secretary of State’s decision letter and the Inspector’s overall summary and conclusions are appended to this report – the full Inspector’s report is not included because of its length. Members of the Committee are asked to note the contents of this report.

2. Analysis

The Site and Background to the Appeal

- 2.1 Beam Reach 5 is a very large and mainly unoccupied former Ford site next to the A13 on the edge of Rainham in LB Havering, close to the boundary with London Borough of Barking and Dagenham (site plan attached). It, along with other former Ford owned sites in the area, was acquired by the London Development Agency (LDA) for redevelopment for a range of employment generating uses. The site is allocated as a strategic employment site in both the London Plan and Havering’s LDF.

2.2 KICC for a number of years occupied premises on Waterden Road in LB Hackney, not far from Stratford in LB Newham. The premises were within the 2012 Olympics site and were acquired by the LDA as part of their land acquisition programme for the Olympics. As part of the acquisition agreement the LDA undertook to assist KICC in finding an alternative site whilst they were also carrying out their own site searches. In the interim KICC also acquired a former cinema in Walthamstow (north of Stratford in LB Waltham Forest) which is currently their main Sunday venue, and used on other days, with a capacity of 1000 people, which is supplemented by a variety of smaller premises across London for Sunday services.

2.3 Following what were claimed by KICC to be unsuccessful site searches, the LDA offered KICC part of the Beam Reach site (4.05 hectares out of a total area of 31 hectares), subject to planning permission being obtained. A planning application was submitted jointly by KICC and the LDA in July 2007, comprising both temporary and permanent facilities. Planning permission was refused by the Committee in February 2008. The main elements of the permanent scheme comprise a 8000 seat multi purpose auditorium plus support facilities, a four storey office building, a 500 seat chapel, a 1000 seat multi use building and a seven storey 1200 space car park plus spaces for motor cycles and cycles. There were three grounds for refusal:

- a) the proposal involves the net loss of industrial employment land contrary to regional and local planning policies
- b) the proposal is unsustainable in terms of transport regeneration being high trip generating and travel intensive in an area with poor public transport accessibility and
- c) community facilities should be located in areas within easy reach by walking and public transport of the population that use them.

2.4 An appeal was submitted and a public inquiry requested. This was held in March 2009 and lasted three weeks. In August 2008 the Secretary of State had "recovered" the determination of the appeal as the proposal was considered to have more than local significance. This meant that whilst an Inspector would hold the public inquiry and write a report on his findings, this

report was then referred to the Secretary for him to consider the Inspector's recommendations and then issue his decision on the appeal.

The Inquiry and Inspector's Conclusions

2.5 Three main considerations were identified following a Pre Inquiry Meeting which formed the basis for the evidence of the main parties, the Inquiry proceedings and closing statements of the main parties, namely KICC, the Corporation and LB Havering. Whilst the LDA were a joint appellant, having been a joint applicant, they played no formal part in the Inquiry.

2.6 The three considerations were:

- a) Employment. Whether the proposal would harm the objectives of the designated Strategic Industrial Location both in respect of the type and amount of employment that would be provided and also in relation to the reduced land area that would be available for other business developments providing more or different employment opportunities.
- b) Travel. Having regard to local and national policies for sustainable development to reduce the need to travel, especially by car, and to provide facilities in locations that are accessible by alternative means, whether the site is suitably located for its proposed uses. In particular whether the proposed arrangements for parking and providing access by means other than the car including mini-buses and a shuttle bus service to Barking station or coach feeder services would be effective and enforceable. Whether they would avoid unacceptable harm to highway safety or traffic flow and would otherwise avoid any unacceptable adverse environmental impacts, either locally or elsewhere.
- c) Benefits and Need. Whether any identified harm would be overcome by the benefits of the community facility to its users or to the wider community and whether the associated need could not be met on one or more alternative sites. This includes consideration of whether the need could be met by dividing the uses proposed for the site or by developing one or more smaller auditoria and/or continuing to use facilities at Walthamstow.

2.7 For each of the three main considerations the Inspector concluded that material harm would be caused with regard to relevant policies in the development plan and national guidance. These can be summarised as –

- a) Employment. Detriment to Strategic Employment land arising from much less paid employment being created; little new employment; if permitted; residual supply of good quality B2/B8 land much reduced; opportunities to develop training opportunities with CEME limited and also opportunities to progress from training at CEME to employment on the site reduced.
- b) Travel. Community facilities not accessible by public transport and facilities not co-located in accessible locations; effectiveness of emerging Travel Plan uncertain due to expense, logistical complications and vulnerability to various off site issues eg traffic congestion and off-site parking, that could not be adequately controlled by the appellants; measures to reduce car use not effective; longer travel distances from homes of existing congregation and the emerging Travel Plan would not overcome essential disadvantages of locating a high trip generating development in a location with poor accessibility for the large numbers of people that it is intended to serve.
- c) Benefits and Need. The identified harm to employment and travel considerations needs to be weighed against needs and benefits of proposed development and associated policy support. However development plan support is qualified by policy requirement or preference for locations accessible to community the facility is intended to serve; given conflict with other two considerations it is particularly important to assess whether the development could and should be provided on alternative site(s) where same harm does not arise; many of the development's benefits could be achieved with accommodation of different scale such as smaller auditorium and disaggregation of other facilities; the appellant's site search was initially in more accessible areas eg in Newham on and around the Olympics site and for smaller auditorium, where negotiations "were ultimately unsuccessful for reasons which are not entirely clear". If appeal unsuccessful, KICC still interested in securing site in Lower Lea valley through emerging Olympics Legacy

Masterplan Framework. However such a use is not identified in the draft LMF which prioritises mainly high value residential development; since KICC and the LDA reached agreement on the Beam Reach 5 site in 2006 lack of evidence of an active site search continuing, yet recession has made more land available. Overall, whilst there may not be an immediately available accessible site, on the balance of probabilities it appears likely that similar benefits could be achieved by developing one or more sites either in the Legacy area or on land less suitable for employment development than the appeal site. This approach would also provide increased benefits in a more accessible location(s) both for its congregations and facilities could be used more intensively with potential use by other organisations.

Decision of the Secretary of State

2.8 The Secretary of State (SoS) considered the main issues to be those as set out by the Inspector. With regard to Employment he agrees with the Inspector's conclusions as to the material harm caused to employment objectives in the development plan and "attaches significant weight to this harm". For Travel the SoS is "in full agreement with his (Inspector's) reasoning and conclusions" and again "attaches significant weight...". For Benefits and Need, like the Inspector, the SoS weighs the harm arising from employment and travel issues against the need for, and benefits of, the development including policy support. Again he agrees with the Inspector's conclusions, with regard to policy, potential for disaggregation, alternative sites/site search and more accessible site (s) benefitting both the congregation and other organisations which might want to use such facilities. The one difference is that he agrees with KICC that they are entitled to seek an auditorium of the size proposed and that a smaller one would not necessarily be adequate for their future needs for collective worship and it is for them to decide how the church should be organised.

3. Conclusion

3.1 The decision gives clear support to the approach adopted by the Corporation in refusing the application and the reasons given for refusal with the

interpretation of relevant national, regional and local policies being upheld. The decision therefore is very much welcomed.

- 3.2 Moving forward from this decision it is accepted that KICC clearly provides a range of valuable facilities for a community extending over much of London but concentrated in inner East and South London. However the size and extent of that community is such that accessibility to good public transport and the development of land which is not strategically allocated for other uses must be paramount in any identification of possible alternative sites. There is a responsibility on key agencies such as the LDA, ODA, GLA, the Development Corporation and boroughs, as appropriate, to work with KICC to hopefully agree an alternative site(s).

4. Recommendation

- 4.1 That the Committee note the contents of this report.