

## Addendum Planning Committee Report

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### London Thames Gateway Development Corporation

### Planning Application LTGDC-10-088-OUT

### Report of the Director of Planning

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#### 1. Summary

- 1.1 This is an officer's addendum to the report regarding an outline application by LTGDC and Keir Ventures Limited that is tabled as item number 3 for consideration by the Planning Committee Members. It seeks to update Members regarding matters relating to the application.

#### 2. Representations

- 2.1 Environment Agency provided a revised consultation response on 03 March 2011, which supersedes the 02 Feb 2011 representation that is reported at 5.92 to 5.33 of the main officer report. A copy of that representation is appended to this addendum at Appendix 1. The revised representation effectively deletes condition 7 as set out at section 11 of the main officer report and replaces it with the following wording. The wording of the other suggested conditions remain unchanged:

##### Condition 7

*The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) ref: WYG-RP-A062504-35-12-RT001 dated January 2011, and the following mitigation measure detailed within the FRA.*

- *Provision of safe routes into and out of the site to an appropriate safe haven during all flood events up to and including the 1 in 100 year event, taking the effects of climate change into account.*

*Reason: To ensure safe access and egress from the site and with regard to saved policy EQ19 and EQ62 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27<sup>th</sup> September 2007 by direction from the Secretary of State) and policy 4A.13 of the London Plan, Consolidated with Alterations since 2004 and published February 2008.*

- 2.2 The newly drafted condition is required to reflect the detailed, calculated and accepted rates of surface water runoff set out in the submitted FRA, which allows unrestricted flows from the site and does away with the usual requirement for Greenfield runoff rates.
- 2.3 The Agency also require their standard 'Sustainable drainage techniques' informative to be added to any decision to grant outline planning permission.
- 2.4 TfL & LB Newham Discussions have been ongoing between TfL, LBN, the applicant team and LTGDC regarding the heads of terms of any legal agreement under S106 of the Act and the wording of the draft conditions set out in the main officer report. In conclusion, the following points have now been agreed by all parties:
- The 'Highway Works' contribution is to be revised to require a commitment by the developer to implement the works illustrated in drawing number CSK013 to the satisfaction of TfL and LBN. A copy of that drawing is appended to this addendum at Appendix 2.
  - The requirement for a 'Bus Re-Routing Contribution' of £50,000 has been withdrawn.
  - Draft condition numbers 24 and 25 are to be drafted as follows:

#### Condition 24

*a) No part of the development of the part of the site identified as Zones 1a, b & c in the submission documents, shall be commenced until detailed designs of the proposed highway improvements to the A13 slip / Jenkins Lane as illustrated on drawing number 010 'figure 5' of the Transport Assessment, prepared by WYG Engineering dated January 2011, have been submitted to and approved in writing by the Local Planning Authority in consultation with Transport for London (TfL) and the scope of the works to be carried out have been agreed by the developer, TfL and RMS plc. in addition to a legal agreement under section 278 of the Highways Act 1980.*

*b) The approved highway improvements (as required by part a above) shall be implemented / completed prior to the first occupation of the part of the site identified as Zones 1a, b & c in the submission documents.*

*Reason: To ensure safe access to the part of the site identified as Zones 1a, b & c in the submission documents and in order to minimise the impact of vehicular traffic on the road network with regard to polices T1, T3 and T24 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 3C.17, 3C.21 and 3C.22 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).*

### Condition 25

*Prior to the commencement of works on the part of the site identified as Zone 2 in the submission documents, detailed designs demonstrating that the construction of the 'sui generis' land use car showroom in Zone 2 would not prejudice the implementation of the indicative highway improvement works, as illustrated on drawing number 010 'figure 5' of the Transport Assessment, prepared by WYG Engineering dated January 2011, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Transport for London (TfL).*

*The submitted details must demonstrate that sufficient land is available to ensure the bus stop outside the site on A13/Alfred's Way, can be provided to current accessibility standards.*

*Reason: In order to minimise the impact of vehicular traffic on the road network and with regard to polices T1, T3, T24 and EQ25 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 3C.17, 3C.21, 3C.22 and 4B.5 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).*

- Draft condition number 21 is to be amended to state the following:

### Condition 21

*No phase (as approved under condition 4) of the development hereby approved shall be occupied until a Site-Wide Travel Plan and appropriate travel survey deemed necessary by the Council's Transportation Section has been submitted to and approved in writing by the Local Planning Authority. That Travel Plan will include:*

- *baseline modal split details, consistent with the submitted Transport Assessment (dated May 2010);*
- *targets for reducing the number of commuting trips that are projected to be made to and from the Development by private car and in particular the number of single occupancy trips;*
- *a programme for implementation of the Travel Plan; and*
- *a methodology and a programme for monitoring, reviewing, maintaining and developing the Travel Plan in relation to the targets set out including the appointment of a Travel Plan Coordinator if appropriate.*

*All travel surveys must be iTrace and TRAVL compliant.*

*Except as otherwise agreed in writing by the Local Planning Authority, the Developer will not occupy or permit to be occupied the Development other than in accordance with the approved Travel Plan or any approved revisions thereof.*

*Full details of the travel survey shall be undertaken within 6 months of the first occupation of each phase (as approved under condition 4) of the development.*

*Reason: To ensure that the Development accords with the aims and objectives of PPG13 (March 2001); policy T1 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State); and with regard to policies 3C.2 and 3C.3 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).*

- 2.5 London Borough of Newham LTGDC have worked closely with LBN in considering this application, whilst no formal written representations have been received LBN have verbally advised that they remain satisfied that the application can be approved subject to conditions and the completion of a S106 agreement as recommended by LTGDC officers.

### 3. LTGDC officer conclusion

- 3.1 LTGDC officers have carefully considered the points noted in this addendum and do not consider that they raise any substantive issues that affect the recommendation to grant outline planning permission.
- 3.2 To clarify, the following revised heads of terms of agreement have been agreed by the Applicant to mitigate the effects of the development:

Highway Works	A commitment to fund and undertake all necessary highway works and/or improvements necessitated by the development as illustrated on Buro Happold drawing number CSK013 dated 03.02.2011, including any necessary agreement(s) under S38 and/or S.278 of the Highways Act 1980, to the satisfaction of TfL and the London Borough of Newham.
Ecology	A contribution of £10,000 towards a scheme of on and off-site ecological mitigation measures and enhancements for the adjacent Cuckold Haven Nature Reserve.
Public Transport	A contribution of £20,000 towards improvements to local public transport services – namely a commitment to implement the approved bus stops, the details of which are required to be submitted by condition, in line with TfL's bus stop accessibility guidance along Jenkins Lane and the new Hand Trough Creek link road.
Skills Training	A contribution of £90,000 towards skills training.
Local Labour, Local Goods and Services	Commitment to Newham Council's Local Labour, Local Goods and Services clause.
Environmental Monitoring	A contribution of £40 per car parking space where more than five car parking spaces are to be provided within the development, to enable Newham Council to monitor the environmental conditions, particularly in relation to air quality, noise and contaminated land.  For the avoidance of doubt the calculation of the Environmental

	Contribution excludes car parking spaces used for the purpose of parking cars for commercial sale.
S106 Monitoring	A contribution of £2,000 to enable the local planning authority to monitor the S106.

3.3 The Planning Committee is requested agree the following **recommendations**:

- 1) Delegate authority to the Director of Planning or duly authorised officer to decide upon a suitable mechanism to ensure the execution and submission of a S106 agreement to secure the matters set out at 3.2 (above) and grant outline planning permission subject to draft conditions and informatives listed in the main officer report and taking account of the revisions listed in this addendum report, together with any amendments or additions that he considers necessary;
- 2) If Members resolve that planning permission be granted that the Committee confirms that in their decision they have taken the environmental information into account as required by Regulation 3 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and are satisfied that the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 are met in relation to the contributions referred to in the Heads of Terms set out at paragraph 9.86 above.

3.4 Following the issue of the decision a statement must be place on Newham's Statutory Register confirming that the main reasons and considerations on which the Committee decision was based were those set out in this officer's report to the Committee as required by Regulation 21 (1) (c) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

**CASE OFFICER:** Amanda Reid for John Allen, Director of Planning

**Date:** 10 March 2011

Mr. Chris Gascoigne  
London Borough of Newham  
Development Control  
Building 1000 Dockside Road  
London  
E16 2QU

**Our ref:** TL/2010/104584/03-L01  
**Your ref:** 10/01159/LTGDC  
**Date:** 03 March 2011

Chris.gascoigne@newham.gov.uk

Dear Mr. Gascoigne

**Development of no more than 15,000 sqm of floor space comprising use class b2/b8 accommodation with ancillary offices (use class B1) and a car showroom (sui generis), with associated vehicle parking, access and works in a landscaped setting.**

**Land adjacent to Jenkins Lane, Jenkins Lane, East Ham, London**

I am writing to advise that we have received a letter from Mr. Peter Elliot of LTGDC which points out an inconsistency related to condition 1 of our letter dated 2 February 2011. We agree with the points made and apologies for any inconvenience this has caused. We wish to amend condition 1 to read as follows:

**Condition 1:** The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) ref: WYG-RP-A062504-35-12-RT001, 20 May, 2010, and the following mitigation measure detailed within the FRA:

1. Provision of safe routes into and out of the site to an appropriate safe haven during all flood events up to and including the 1 in 100 year event, taking the effects of climate change into account.

**Reason:** To ensure safe access and egress from and to the site.

In addition we request that the remaining conditions are also imposed on any planning permission granted. The conditions are listed below,

**Condition 2:** Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local



Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

**Reason:** A review of the historical activities undertaken at the site indicates that soil and groundwater contamination may be present. A site investigation and detailed risk assessment as per point 2 above is required to determine if contamination is present at concentrations that pose a risk to the groundwater or to the nearby surface water bodies. The risk assessment should also consider if any aspects of the proposed development (e.g. piling) will pose a risk of polluting the groundwater. Additional work as per points 3 and 4 above may be required depending on the outcomes of the site investigation and detailed risk assessment.

**Condition 3:** Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan

to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

**Reason:** To confirm that any remediation (if required) is completed to an acceptable standard. This is to ensure that the groundwater below the site and the nearby surface water bodies remain free from pollution.

**Condition 4:** Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

**Reason:** Contamination may be present at the site which may require remediation. Long-term monitoring may be required to demonstrate the effectiveness of the remediation and to confirm that the site is not degrading off site groundwater quality or the water quality in the nearby surface water bodies.

**Condition 5:** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

**Reason:** To ensure that any contamination that is not identified during site investigation is dealt with appropriately (if encountered).

**Condition 6:** Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express

written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that any piling that is undertaken does not pollute the groundwater below the site or the nearby surface water bodies.

**Condition 7:** The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

**Reason:** To ensure that the foul and surface water drainage scheme does not pollute the groundwater below the site or the nearby surface water bodies.

**Condition 8:** The proposed balancing pond shall be constructed in accordance with a scheme to be submitted to and approved in writing by the local planning authority prior to the commencement of development.

The scheme shall include the following features:

Banks should be shallow with gently graded margins. They should be planted with locally native marginal vegetation within a 5m buffer zone around the pond and emergent vegetation. Cross section drawings showing the profile and gradient of the newly formed banks should be supplied. A planting scheme should also be supplied.

**Reason:** This condition is necessary to ensure that the proposed balancing pond is developed in a way that contributes to the nature conservation value of the site in accordance with national planning policy by providing suitable habitats for wildlife.

### **Planning Informative**

Under the Land Drainage Act 1991, the prior written consent of the Environment Agency is required for any works to an Ordinary Watercourse such as erecting a dam, weir or any culverting of the watercourse likely to affect the flow.

This is irrespective of any planning permission granted.

### **Additional Advice**

#### **Obstruction to Groundwater**

Best practice must be adhered to onsite in order to avoid discharges to groundwater or surface water bodies at site, and if shallow groundwater is encountered, avoid disruption to groundwater flow.

#### ***Rainwater Harvesting***

Separating rainwater runoff from surface water drainage (SuDS) system could contribute towards reducing the discharge potential from site. Rainwater harvesting systems can provide economic benefits, as well as reduce the risk of flooding to some areas on site.

#### ***External Lighting***

All external artificial lighting should be designed to ensure there is no light spill into the ditch and pond habitats and 5m buffer zone surrounding each feature. Artificial outdoor lighting can be disruptive to insects, birds and bats using/inhabiting rivers or wetlands and their adjacent habitat.

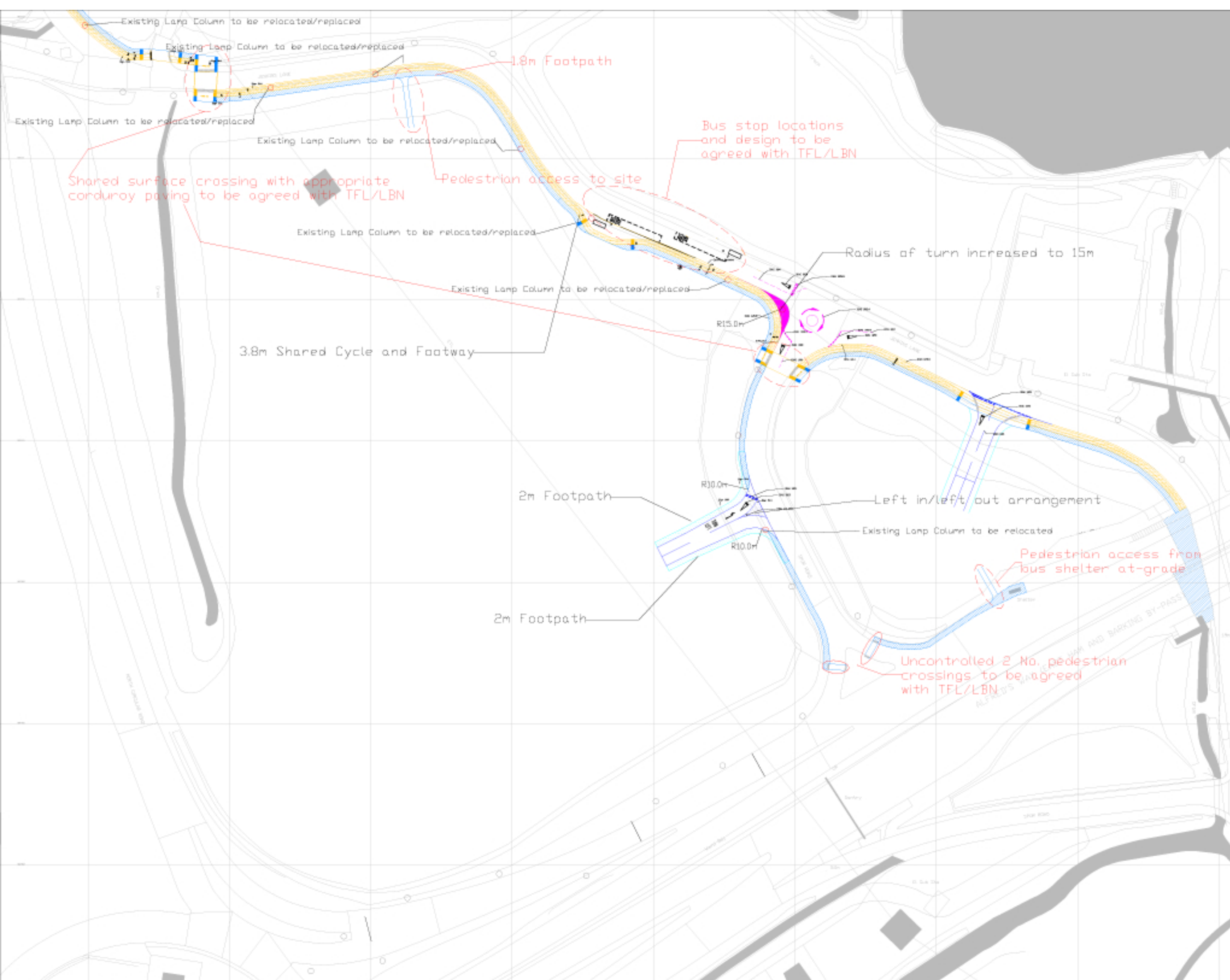
I trust the above is acceptable, if you have any queries, please do not hesitate to contact me.

Yours sincerely

**Ms Karen Foster**  
**Planning Liaison Officer**

Direct dial 020 7091 4049

Direct e-mail [northlondonplanning@environment-agency.gov.uk](mailto:northlondonplanning@environment-agency.gov.uk)



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**CONSTRUCTION**

**MAINTENANCE/CLEANING/OPERATION**

**DECOMMISSIONING/DEMOLITION**

**Notes**  
**KEY:**

- Cycleway
- Footpath/Public Realm
- Kerb Realignment

Rev	Description	Date	Drw/Chk

**DRAFT**

Status of drawing

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**Buro Happold**  
 Consulting Engineers

**Client** LTGDC  
**Project** Jenkins Lane  
**Org Title** Proposals for planning

**Scales@A3** 1:1250  
**Drawn by** JR  
**Checked by** GL  
**Date** 09/02/2011

**Job No.** 028808  
**Org No.** CSK013

**Rev**