

**PLANNING COMMITTEE MEETING: 10 March 2011**

**PLANNING APPLICATION FOR DETERMINATION BY THE LTGDC  
 REPORT OF THE DIRECTOR OF PLANNING**

<b>UDC CASE NUMBER:</b>	LTGDC-10-088-OUT	<b>DATE MADE VALID:</b>	12.07.2010
<b>APPLICATION NUMBER:</b>	10/01159/LTGDC/LBNM	<b>TARGET DATE:</b>	31.03.2011

<b>APPLICANT:</b>	London Thames Gateway Development Corporation and Keir Ventures Limited
<b>AGENT:</b>	WYG Planning & Design
<b>PROPOSAL:</b>	Outline planning application (with all matters reserved) for the development of no more than 15,000 m <sup>2</sup> of floorspace comprising Use Class B2 and B8 accommodation with ancillary offices (Use Class B1(a)) and car showrooms (Sui Generis Use Class), with associated vehicle parking areas, access routes and works in a landscaped setting.
<b>LOCATION:</b>	Land adjacent to Jenkins Lane, Barking , London IG11

**1. SUMMARY**

- 1.1 This report considers a revised application for outline planning permission by London Thames Gateway Development Corporation (LTGDC) together with its new joint applicant Keir Ventures Limited for the development of no more than 15,000 m<sup>2</sup> of floorspace comprising Use class B2 and B8 accommodation with ancillary office (Use Class B1 (a)) and car show rooms (Sui Generis Use Class) with associated vehicle parking areas, access routes and works in a landscaped setting, on vacant land within the London Borough of Newham adjacent to Jenkins Lane, Barking, IG11. The proposed car showroom uses do not fall within any use class and are therefore considered as 'Sui Generis' under the Town and Country Planning Act (Use Classes) Order 1987 (as amended).
- 1.2 The application was previously considered by LTGDC planning committee on 9 September 2010, when the planning committee resolved to grant outline planning permission subject to referral to the Mayor of London, conditions and the completion of a legal agreement under s106 of the Act.
- 1.3 Despite receiving notification from the Mayor of London on 21 September 2010 that he is content to allow the Corporation to determine the case itself and does

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not therefore wish to direct refusal, the unilateral undertaking (s106) was not pursued by the applicant and no planning permission was issued.

- 1.4 LTGDC received the subject revised proposal details on 14 January 2011, which seek outline planning permission to provide for more than one car showroom on the site, as opposed to the previous iteration of the application which sought consent for one car show room only. The proposal still includes B2 and B8 land uses. The proposed total floor area of development remains unchanged at a maximum of 15,000 m<sup>2</sup>.
- 1.5 In summary, the revised application includes a new joint applicant and proposes three car show rooms. All other matters remain the same as previously reported to the planning committee in September 2010. The inclusion of a new joint applicant will mean any planning obligations deemed necessary to make the development acceptable in planning terms will need to be secured through a Section 106 Agreement as opposed to a Unilateral Undertaking as previously required where LTGDC were the sole applicant.
- 1.6 The application site falls within LTGDC's London Riverside planning functions area. LTGDC's planning functions in that area will cease on 31 March 2011.
- 1.7 The proposals warrant Environmental Impact Assessment (EIA). As such a revised Environmental Statement has been submitted with the planning application.
- 1.8 The application is classified as, 'an installation for a use within Class B8 (storage or distribution) of the Schedule to the Use Classes order where the development occupies more than 4 hectares', under Category 2C (g) of the Schedule to the Town and Country Planning (Mayor of London) Order 2008. Therefore notification to the Mayor of London is required. However, the GLA has advised that the proposed amendment to the original application, to increase the number of car showrooms from one to three does not raise any new strategic planning issues that were not previously raised. Therefore, under article 5(2) of the Schedule to the Mayor of London Order 2008, the Mayor of London does not need to be consulted further on this application. LTGDC may, therefore, proceed to determine the application without further reference to the GLA.
- 1.9 LTGDC planning officers have considered the revised application with regard to the provisions of the development plan (The London Plan, Consolidated with Alterations since 2004, published February 2008 and altered by the London Plan Crossrail Alterations dated April 2010, and London Borough of Newham Unitary Development Plan adopted June 2001, saved from 27 September 2007, in accordance with the direction from the Secretary of State), so far as material to the application, and to other material considerations and recommend that **outline planning permission be granted** with all matters reserved subject to: (i) the completion of a legal agreement under Section 106 of the Act covering matters listed at paragraph 9.65 below; and (iii) the conditions set out at section 11 below.

## 2. SITE AND PROPOSAL

- 2.1 Description of Site & Surroundings The application site covers an area of 5.7 hectares and is bounded by the A406 to the west, A13 to the south, Spur Road to

the east and Jenkins Lane and Hand Trough Creek (a tributary of Barking Creek, which leads to the lower River Roding) to the north.

- 2.2 The site falls into two distinct parcels. The eastern site comprises a site of 0.8 ha and is referred to in the planning application as Eastern Site (Zone 2). The western site comprises approximately 4.9 ha and is referred to in the planning application as Western Site (Zones 1a, b & c).
- 2.3 Directly to the north and north east is Cuckold's Haven, which is identified as a Site of Nature Conservation Importance (SNCI). The site lies close to UDP designated Green Space and Metropolitan Open Land to the north and south. The site lies within the East London Green Grid where the development and improvement of green infrastructure is encouraged in the area.
- 2.4 The surrounding topography falls from north to south towards Barking Creek. The characteristic of the surrounding area is predominantly commercial and industrial uses. To the south of the A13 also lies Beckton Sewage Works.
- 2.5 The site is currently vacant with ruderal vegetation and grassland, some tree and shrub cover and no freestanding structures. It can be accessed from the junction of the A13 / A406 via Jenkins Lane, but no highway link onto the site exists at present. The surface lies at an elevation of approximately 8 to 10 m Above Ordinance Datum (AOD). The sides of the site are steeply sloped, with the lowest points at around 5m AOD.
- 2.6 The site was previously used as a landfill site. The landfill history of the site means that the fill materials comprise of ash, building rubble, construction waste and some refuse / biodegradable waste and concrete. The depth of fill is approximately 9.3m thick, and is underlain by mixed alluvial and peat deposits (1.5 to 3m thick), overlying river terrace gravels and London Clay.
- 2.7 The site has a history of significant gassing which has progressively reduced over the years and buildings erected on the site would need to be piled. There is no road infrastructure on site currently and new construction would involve cutting through fill and retaining walls to connect to the local road network. The site would also need some re-profiling to create a development platform.
- 2.8 Any development of this site would require an access road to be provided.
- 2.9 The development potential of this site is further restricted by the presence of statutory undertakers' plant below and above ground. These services consist of 275kV overhead electric power cables, a pylon tower causing a height restriction and twin high pressure gas trunk mains. Both of these services traverse the site from north to south, bisecting it and limiting development of the immediate corridor. Low and medium pressure gas distribution assets are present to the south of the site boundary and Thames Water asset plans identify water distribution assets to the west.
- 2.10 The gas main safeguarding strip cannot be built over and therefore serves as an opportunity to create a planted landscape spine along the length of the site.

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2.11 Description of Proposal

2.12 The proposal is an outline planning application with details of access, layout, external appearance, scale and landscaping reserved for later consideration.

2.13 The proposals include the provision of the following land uses:

<b>Use</b>	<b>Type</b>	<b>Maximum Floorspace</b>
Class B2	General Industry	3,321 m <sup>2</sup>
Class B8	Warehousing	4,496 m <sup>2</sup>
Class B1	Ancillary Office	567 m <sup>2</sup>
Sui Generis	Car Showroom	6,616 m <sup>2</sup>
<b>Total</b>		<b>15,000 m<sup>2</sup></b>

2.14 The upper limits for height, width and length of each building within the site boundary are:

- Height: 29.1 metres
- Width: 105 metres
- Length: 100 metres

2.15 The parts of the development adjacent to the overhead electricity cables will need to conform with safety requirements and clearance zones as required by National Grid.

2.16 The application is accompanied by the following documents and drawings:

- Planning Statement, prepared by WYG, dated January 2011;
- Design and Access Statement, prepared by Stephen George & Partners, dated January 2011;
- Environmental Statement Volume 1 – Non Technical Summary, prepared by WYG, dated January 2011;
- Environmental Statement Volume 2, prepared by WYG, dated January 2011;
- Environmental Statement Volume 3 – Technical Appendices, prepared by WG, dated January 2011;
- Energy Statement Rev B, prepared by WYG Environment, dated 10 January 2011;
- Outline Remediation Strategy (Ref: A062504-1/CH/ORSS/JAN2011/V4), prepared by WYG Engineering, dated 10 January 2011;
- Sustainability Statement, prepared by WYG Environment, dated 11 January 2011;
- Development Specification, prepared by WYG Planning & Design and Stephen George & Partners, dated 11 January 2011;
- Flood Risk Assessment (Report No. WYG-RP-A062504-35-12-RT001), prepared by WYG Engineering, dated 07 January 2011;
- Arboricultural Survey, prepared by WYG Environment, dated May 2010;
- Transport Assessment (Report No. RT-62504-02), prepared by WYG Transport Planning, dated 10 January 2011;
- Framework Travel Plan (Report No. RT62504-03), prepared by WYG Transport Planning, dated 10 January 2011;
- Design Code Rev A, prepared by Stephen George & Partners, dated January 2011;

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- Drawing numbers:
  - P003 (Location Plan) dated 23 Feb 2010
  - P009 Rev A (Parameters Plan) dated Jan 2011
  - P010 Rev A (Parameters Section) dated Jan 2011
  - V001.1A (Site Viewpoint 1) dated 07/08
  - V002.1A (Site Viewpoint 2) dated 07/08
  - V003.1A (Site Viewpoint 3) dated 07/08
  - V004.1A (Site Viewpoint 4) dated 07/08
  - V005.1A (Site Viewpoint 5) dated 07/08
  - V006.1A (Site Viewpoint 6) dated 07/08

- 2.17 The application is also accompanied by an Indicative Layout Plan (drawing number P008 Rev A, dated Jan 2011), which illustrates areas within which buildings could be located and where parking, service areas, drainage attenuation, refuse and recycling facilities could be provided taking into account the various site constraints and opportunities across the site.
- 2.18 The application proposes a maximum total floorspace of 15,000 m<sup>2</sup>. This level of development for the application site, which encompasses an overall site area of 5.7ha, will result in a development with a site density of 26%, which reflects the significant constraints affecting the site.
- 2.19 Drawing number P009 Rev A sets out the parameters within which development may take place with specified minimum and maximum building heights and footprint areas as follows:

#### Zone 1a

Max unit size (footprint): 7,850m<sup>2</sup>  
Min unit size (footprint): 140m<sup>2</sup>  
Max finished floor level (FFL): 10.6m AOD  
Max height: 29.1m AOD  
Min height: 16.6m

#### Zone 1b

Max unit size (footprint): 5,000m<sup>2</sup>  
Min unit size (footprint): 140m<sup>2</sup>  
Max finished floor level (FFL): 10.0m AOD  
Max height: 25.75m AOD  
Min height: 16.0m

#### Zone 1c

Max unit size (footprint): 420m<sup>2</sup>  
Min unit size (footprint): 140m<sup>2</sup>  
Max finished floor level (FFL): 9.5m AOD  
Max height: 22m AOD  
Min height: 15.5m AOD

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## Zone 2

Max unit size (footprint): 1,200m<sup>2</sup>  
Min unit size (footprint): 140m<sup>2</sup>  
Max finished floor level (FFL): 9.5m AOD  
Max height: 22m AOD  
Min height: 15.5m AOD

- 2.20 Timescales – The applicant advises that subject to the grant of planning permission, construction could start in 2011 and given an anticipated 18 month construction period would be completed in 2013.

### **3. MAIN ISSUES**

- 3.1 The following planning issues were assessed in the report (see Appendix 1) that was considered by the planning committee in September 2010:

- Environmental Issues
- Health and Safety
- Principle of Development
- Employment
- Urban design and Accessibility
- Climate change adaptation and mitigation
- Sustainable drainage and flood risk
- Impact on surrounding area
- Transport and traffic impact
- Equalities
- Human Rights Act 1998
- Planning Obligations

- 3.2 This revised application proposes three car showrooms as opposed to one within the same floor area and building parameters as previously assessed. This report only seeks to assess the proposed changes. The assessment of all other topics remains as previously reported. The topics of assessment only focus upon the following:

- any new Environmental Issues resultant from the revisions to the proposals;
- representations / consultation responses;
- principle of the proposed land uses;
- employment; and
- transport and traffic impact.

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

- 4.1 LTGDC-07-058-OUT (Newham reference: 07/00369) – In June 2007, LTGDC Planning Committee resolved to grant planning permission for the construction of a bus depot on the site, with an ancillary two storey office building (Use Class B1 (a)), a single storey building for ancillary canteen use, areas for hard standing for buses and car parking bays and new access from and to the site from Jenkins Lane. Negotiations relating to the associated S106 agreement were not

progressed and the application was subsequently withdrawn by the applicant.

- 4.2 The site is formally designated as a Principal Employment Zone, known as site PEZ1. LTGDC purchased the site in March 2009. Prior to that most of the site was previously owned by the Greater London Council (GLC) with the freehold interest then transferred to the London Borough of Bromley as successor to the London Residuary Body. The London Residuary Body took over from the GLC after its abolition in 1985. In that time the site was used for land fill purposes. A small proportion of the site on the western side, parallel to the A406 is TfL owned and is not part of the application. Since that time apart from applications for advertisement hoardings, there has been no relevant planning history for the site, which has remained vacant.

## 5. STATUTORY CONSULTATION RESPONSES

- 5.1 Thames Water email dated 20 January 2011.
- 5.2 Waste Comments – Thames Water advise that when considering development around a sewage treatment works an odour survey should be funded by the developer prior to planning approval. Where the survey has identified adverse impact the developer should a) configure development to ensure that any potential for adverse amenity impact on any proposed occupied use is avoided or b) mitigation solutions are identified as part of the odour survey and implemented by the developer prior to occupation.
- 5.3 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surge to ground level during storm conditions.
- 5.4 Thames Water suggests conditions relating to: Surface Water Drainage; the need for a piling method statement; the installation of a properly maintained fat trap. Further, recommendations are made regarding the disposal of Fats, Oils and Grease; the need for a 'Trade Effluent Consent' for any effluent discharge other than a 'Domestic Discharge'. Conditions are recommended at section 11 below.
- 5.5 GLA letter dated 16 February 2011.
- 5.6 The details of the application have been assessed and it is concluded that the proposed amendment to the original application, considered by the Mayor on 21 September 2010, to increase the number of car showrooms from one to three does not raise any new strategic planning issues that were not previously raised.
- 5.7 However, all conditions and planning obligations agreed in relation to the original scheme are still considered to be relevant and must be attached to the planning permission for the amended scheme.
- 5.8 Therefore, under article 5(2) of the Town & Country Planning (Mayor of London) Order 2008 the Mayor of London does not need to be consulted further on this application. LTGDC may, therefore, proceed to determine the application without

further reference to the GLA.

- 5.9 TfL ongoing email correspondence between TfL and LTGDC planning case officer.
- 5.10 TfL supports the heads of terms for the S106, which includes; i) a commitment to fund all necessary highway improvement works under a s278 and / or s38 agreement with the local highway authority (including TfL), ii) a commitment to provide an agreed commuted lump sum up front (to TfL / RMS – RMS plc being the company who maintain the A13) to cover any period, iii) a requirement to implement the approved bus stops, in line with TfL's bus stop accessibility guidance, and iv) a commitment to operate an agreed travel plan.
- 5.11 There is a requirement for the applicant to fund and undertake all necessary highway works / improvements necessitated by the development, including an agreement under S278 of the Highways Act 1980 regarding renewal of all highways around the development site and the redesign of the A13 eastbound slip road to reduce the number of weaving movements along the slip road (as identified in Figure 5 of the Transport Assessment dated Jan 2011). Those proposed works to the A13 slip / Jenkins Lane junction fall within the TfL Road Network (TLRN).
- 5.12 TfL emphasise that the £406,500 required by LBN Highways Management & Design would be in addition to TfL's requirements.
- 5.13 While the principle of the A13 slip / Jenkins Lane junctions are agreed with TfL the detailed design has not. Hence, TfL are not able to agree a specific contribution at this stage.
- 5.14 As part of the requirements, TfL essentially require the developer to do two things with regards to the highway works, which could potentially be secured by condition:
- 1) Agree the preliminary design for works to the A13 slip / Jenkins Lane junction with TfL and RMS before construction commences on site.
  - 2) Complete the agreed highway works before occupation of the land closest to the A406 (Zones 1a, b and c).
- 5.15 It should be noted however, that if either TfL or RMS believes at any stage that the proposed highway works would not be beneficial to users of the A13 slip road or those accessing Jenkins Lane, they may choose not to enter a S278 agreement. This could be because RMS on behalf of TfL has made changes to this part of the network funded by other sources that make works unnecessary – although if this were the case, TfL would support a 'discharge' of the obligation anyway.
- 5.16 Once formal S278 discussions begin, TfL would then expect to receive a deposit from the developer to cover any abortive costs which may be incurred. While TfL is not currently in a position to determine the precise level of contribution sought, it anticipates the principal costs associated with the works on the A13 slip to be as follows:
1. Design, legal and administration costs.

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2. Compensation to RMS if lanes at certain times are not available to general traffic during construction / other costs RMS may incur e.g. traffic management / supervision.
  3. Civil, resurfacing, retaining walls, new signage / line markings and other highway works.
  4. Commuted maintenance payments if necessary.
  5. Third party cost such as utility diversion or land acquisition.
  6. Other costs that may incur to enable the works to go ahead.
- 5.17 TfL would prefer not to be offered a fixed sum because of the risk of additional costs. The applicant's highway consultant could estimate some of these costs, but TfL do not believe they could do it with enough certainty to allow TfL / RMS to agree a capped sum for inclusion in the S106.
- 5.18 With regards to the 'public transport' contribution, TfL would recommend securing £10k per bus stop and associated civils works.
- 5.19 Electric vehicle charging points (EVCP) should be secured across the development. With reference to the draft London Plan 10% of spaces should have active provision and 10% passive provision.
- 5.20 The number of cycle parking spaces being proposed is unclear and should be clarified. In accordance with London Plan policy 3C.22 'Improving conditions for cycling', and draft replacement London Plan policy 6.9 'Cycling', TfL would expect a minimum of 30 spaces to be provided on site. These should be in a secure, convenient and well-lit location.
- 5.21 There are no details of the proposed level of car parking for B8 uses in the Transport Assessment and the applicant should provide this further information. The draft replacement London Plan states that parking for commercial vehicles should be provided at a maximum standard of one space per 500sqm of gross B2 or B8 floorspace, and therefore no more than 25 spaces would be expected on site. If additional customer / operational car parking spaces are required, full justification for the level of provision proposed should be provided.
- 5.22 In response to the above LTGDC have drafted conditions requiring detailed designs of the proposed highway improvements (see draft condition 24); minimum provision of electric vehicle charging points (see draft condition 44); details of the proposed parking facilities (see draft condition 35); and details of cycle storage (see draft condition 36). In addition the draft heads of terms of the suggested S106 address the points listed at 5.10.
- 5.23 English Heritage email dated 01 February 2011.
- 5.24 The representations made by letter dated 05 August 2010 still stand.
- 5.25 The development is within an Archaeological Priority Zone as specified within the London Borough of Newham's UDP / LDF documents, on the floodplain of the River Roding in an area where prehistoric archaeological remains and evidence of changing environmental conditions during that period can be preserved within and below the underlying alluvial deposits. In addition, evidence for medieval and later marsh walls and river defences may also be present.

- 5.26 Although any archaeological remains are anticipated to be at some depth below thick layers of relatively modern made ground, the proposed development still has the potential to harm the significance of buried heritage assets with archaeological interest.
- 5.27 Heritage assets are a material consideration in the planning process and government guidance stresses the crucial role local planning authorities have in the conservation of heritage assets through their development control functions.
- 5.28 English Heritage recommends that arrangements should be made in advance of development for archaeological investigations. These should be secured by attaching a condition to any consent that the LTGDC is minded to grant [see draft condition number 10 at section 11 of this report].
- 5.29 Environment Agency letter dated 02 February 2011.
- 5.30 The Agency have reviewed the amended plans and wish to change condition number 1 that was previously suggested in their letter of 16 Aug 2010 to state the following:

*“Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.*

*The scheme shall also include:*

- *Reduction in surface water discharge rates to Greenfield rates (between 2 – 10 litres per second per hectare).*
- *A clearly labelled drainage layout plan showing pipe networks and any attenuation ponds and drainage storage tanks. This plan should show any pipe ‘node numbers’ that have been referred to in network calculations and it should also show invert and cover levels of manholes.*
- *Where on site attenuation is achieved through attenuation ponds or tanks, calculations showing the volume of these are also required.*
- *Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.*
- *Calculations should demonstrate how the system operates during a 1 in 100 year critical duration storm event. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths.*
- *Details of how the scheme shall be maintained and managed after completion.*

*Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure the future maintenance of these features”.*

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- 5.31 The above condition has been included as condition number 7 in the draft conditions set out at section 11 below.
- 5.32 The Environment Agency also wishes to continue to impose the conditions previously recommended. Those conditions relate to:
- details associated with site contamination;
  - the need for a detailed verification report in relation to the remediation strategy;
  - the need for reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan and a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring;
  - no piling or any other foundation designs using penetrative methods other than with the express written consent of the Local Planning Authority;
  - the need for details of disposal of foul and surface water; and
  - the need for details of the proposed balancing pond.
- 5.33 The Agency also provided additional advice regarding sustainable drainage techniques; obstruction to groundwater; rainwater harvesting; and external lighting, which have been included as informatives at section 11 of this report.
- 5.34 London Borough of Newham (Environmental and Commercial Standards) email dated 11 February 2011.
- 5.35 No objections in principle, but conditions are recommended to control likely loss of amenity in relation to ventilation, air quality, acoustic reporting, Japanese knotweed, contamination, impact piling and the need for an Environmental Code.
- 5.36 Large-scale development imposes additional demands and costs regarding air quality, noise and contaminated land management upon the Local Authority. Newham is predicted not to meet required air quality objectives and therefore any additional pollution source increases the movements required by the Council to reduce air pollution to acceptable levels. Developments should be obliged to minimise their impact through the use of sustainable design and building and the use of ongoing proactive strategies.
- 5.37 Significant development may add to ambient and transport noise and introduce new receptors and so add to the actions of the borough in modelling noise and creating noise contours.
- 5.38 Development upon brown field sites will increase the functional load of the Borough in maintaining accurate records of site investigation reports and subsequent remediation works to ensure safe long term development.
- 5.39 Therefore funds are sought to aid with the local improvement of air quality, ambient noise and contaminated land. This may include the implementation of the Council's air quality management strategy that outlines the steps that the Council will take or promote to improve air quality. Funding may be used to undertake modelling or site specific measurement to update the ambient noise map of the borough that is being developed in line with Environmental Noise Directive (2002/49/EC) and the development of a National Ambient Noise Strategy (NANS).

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In addition monies may be employed to digitise development site investigation results into a Geographical Information System for Newham Council

- 5.40 Funds are sought to aid with local improvement of air quality, ambient noise and contaminated land. The amount of money required to be secured by S106 towards Environmental Monitoring, is based on the number of car or bus parking spaces. Once more than five car parking spaces exist, payment is required on the basis of £40 per space. Car parking spaces, for input into this formula, are those *other than* for vehicles for sale, e.g. those on a sales forecourt, where those vehicles would be on sale should not be input to the calculation.
- 5.41 LTGDC seek to secure the required S106 funding under the heading of 'Environmental Monitoring' listed at paragraph 9.2 below.
- 5.42 London Borough of Newham (Highways Management & Design) email 11 February 2011.
- 5.43 Confirmation of calculation of required S106 Highway Improvement Costs @ £150/m<sup>2</sup>. Area = 2,710 m<sup>2</sup>. Total required = £406,500.
- 5.44 London Borough of Newham (Forward Planning and Transportation) email dated 17 February 2011
- 5.45 S106 Agreements / Contribution:
1. Developer to fund improvement scheme for the A13 slip road connecting Spur Road and the A13 from the A13 / A406 Roundabout and the A406;
  2. £50,000 bus re-routing revenue costs (bus gate to Fresh Wharf);
  3. Developer to enter into Section 278 for the creation of new vehicular accesses and for the creation /reinstatement of new footpaths deemed fit by the Newham Council's HTPD;
  4. Developer to pay in full for removal of any redundant cross-overs fronting the site and creation of new accesses to the development site;
  5. The developer shall enter into an agreement with the Council relating to the Travel Plan commitments.
- 5.46 London Borough of Newham (Access to Jobs Team) email dated 15 February 2011.
- 5.47 This application is for industrial / storage distribution jobs which would be appropriate for local recruitment via Workplace, so LBN would seek 30% local labour target during the construction phase and 40% during the end user phase.
- 5.48 LBN have a long standing formula for calculating contributions based on £6 per square metre. This would equate to a requirement of £90,000 towards skills training and employment with Workplace.
- 5.49 National Grid (NG) email dated 02 February 2011.
- 5.50 NG note that its assessment was purely related to the potential for the proposed physical works to adversely impact NG's assets. It does not imply in any way the acceptability of the proposed development from a planning perspective.

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- 5.51 The works proposed are likely, unless controlled, to adversely impact the safety and integrity of National Grid apparatus. If the applicant decides to proceed with these works, they should contact National Grid again so that NG may arrange for technical advice and guidance to be provided.
- 5.52 There is High or Intermediate Pressure gas apparatus in the vicinity of the site which may be affected by the proposed activities.
- 5.53 It is essential that NO works or crossings of NG's High or Intermediate Pressure pipelines are carried out until detailed consultation has taken place.
- 5.54 An excavation of all trial holes in the vicinity of High or Intermediate Pressure pipelines shall be supervised by a National Grid responsible person.
- 5.55 NG also provided guidance regarding safe digging practices, useful addresses and safe working in the vicinity of National Grid High Pressure Gas Pipelines and Associated Installations. That information has been passed to the applicant and also included in the 'Informative' section of this report (see section 11 below).
- 5.56 National Grid email dated 08 February 2011.
- 5.57 WYG have taken into account our [National Grid's] pipelines in the design drawings. National Grid would seek to clarify at an advanced stage the following:
1. Confirmation the PADHI process has been applied to this application.
  2. Any easement and access over both pipelines is retained in the future.
  3. Construction method and in particular ground level changes (if applicable) may have an impact on the integrity of the pipelines.
- 5.58 It would be a strong recommendation that the developer consult with National Grid's Network Strategy team to discuss the above issues at an early stage.
- 5.59 LTGDC officers can confirm that the HSE's (Health and Safety Executive) PADHI+ (Planning Advice for Developments near Hazardous Installations) methodology and software decision support tool was run in respect of the application. The result was that the HSE does **not** advise, on safety grounds, against the granting of planning permission in this case.
- 5.60 Natural England emails dated 09 and 24 February 2011
- 5.61 Natural England maintains the comments previously reported in the 9 September 2010 committee report.
- 5.62 Ecological mitigation S106 contributions are sought to help provide maintenance and management for Cuckold Haven Nature Reserve and can be used to enhance the existing habitat in the area together with potential for increasing access to the Site of Interest for Nature conservation as well.
- 5.63 In response to the above, the applicant has suggested a capped contribution of £10,000.

## **6. APPLICATION PUBLICITY**

- |     |                         |            |
|-----|-------------------------|------------|
| 6.1 | Site Notice Expiry:     | 10/02/2011 |
| 6.2 | Press Notice Expiry:    | 16/02/2011 |
| 6.3 | Neighbour Notification: | 10/02/2011 |

## **7. REPRESENTATIONS**

- 7.1 Eleven consultation letters were sent to neighbouring properties regarding this application, together with relevant statutory bodies. The eleven letters included Mr. P. W. Howlen and P. Mykytowych, who both made representations on the original planning application.
- 7.2 The revised application was advertised in the Newham Recorder on the 26<sup>th</sup> January 2011.
- 7.3 No new representations have been received in relation to the revised proposals. LTGDC officers note the objections that were previously made by Mr. P. W. Howlen (letter dated 16 August 2010) and P. Mykytowych (email dated 31 August 2010). Both representations were considered at section 7.3 of the September committee report. The revised proposals do not affect LTGDC's response to those representations.

## **8. RELEVANT PLANNING POLICY**

### **8.1 Planning Policy Guidance and Statements**

PPS1: Sustainable Development  
PPS4: Planning for sustainable economic growth  
PPS5: Planning for the Historic Environment  
PPS9: Biodiversity and Geological Conservation  
PPS10: Planning for Sustainable Waste Management  
PPG13: Transport  
PPS22: Renewable Energy  
PPG24: Planning & Noise  
PPS25: Development and Flood Risk

### **8.2 The London Plan, Consolidated with Alterations since 2004 (Published Feb 2008) and altered by the London Plan Crossrail Alterations April 2010**

2A.1 Sustainability criteria  
2A.2 The Spatial strategy for development  
2A.3 London's Sub-regions  
2A.6 Areas for Intensification  
2A.7 Areas for Regeneration  
3A.17 Addressing the needs of London's diverse population  
3A.28 Social and economic impact assessments

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- 3B.1 Developing London's economy
- 3B.2 Office demand and supply
- 3B.3 Mixed use development
- 3B.4 Strategic Industrial Locations
- 3B.11 Improving employment opportunities for Londoners
- 3C.1 Integrating transport and development
- 3C.2 Matching development to transport capacity
- 3C.3 Sustainable transport in London
- 3C.9 Increasing the capacity, quality and integration of public transport to meet London's needs
- 3C.17 Tackling congestion and reducing traffic
- 3C.21 Improving conditions for walking
- 3C.22 Improving conditions for cycling
- 3C.23 Parking strategy
- 3D.14 Biodiversity and nature conservation
- 4A.1 Tackling climate change
- 4A.3 Sustainable design and construction
- 4A.4 Energy assessment
- 4A.7 Renewable energy
- 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.15 Rising groundwater
- 4A.16 Water supplies and resources
- 4A.17 Water quality
- 4A.19 Improving air quality
- 4A.20 Reducing noise and enhancing soundscapes
- 4A.21 Waste strategic policy and targets
- 4A.22 Spatial policies for waste management
- 4A.28 Construction, excavation and demolition waste
- 4A.33 Bringing contaminated land into beneficial use
- 4B.1 Design principles for a compact city
- 4B.2 Promoting world-class architecture and design
- 4B.3 Maximising the potential of sites
- 4B.5 Creating an inclusive environment
- 4B.6 Safety, security and fire prevention and protection
- 4B.10 Large-scale buildings – design and impact
- 4B.15 Archaeology
- 4C.1 The strategic importance of the Blue Ribbon network
- 4C.2 Context for sustainable growth
- 4C.22 River, brooks and streams
- 5C.1 The strategic priorities for North East London
- 5C.3 Opportunity Areas in North East London
- 6A.3 Promoting development
- 6A.4 Priorities in planning obligations (altered April 2010)
- 6A.5 Planning obligations (altered April 2010)

- 8.3 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)

S2 Planning Obligations

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S3 Quality of Development  
S4 Sustainable Development  
S5 Priority Development Nodes  
S6 Mixed Use Development  
S9 Environmental Quality: Design Issues  
S14 Environmental Quality: Protection of Sites of Nature Conservation Importance  
S24 Employment: Meeting the Council's Regeneration Objectives  
S35 Transport: Encouragement of Alternatives to the Motor Car  
S37 Transport: Improvement of Facilities for Pedestrians and Cyclists  
S38 Transport: Parking  
UR26 Beckton Gateway: Land Use Proposals  
SH22 Car Showrooms and Car Sales  
T1 New Development: Environmental Impact  
T2 New Development: Public Transport accessibility  
T3 New Development: Highway Capacity  
T4 New Development: Areas in Need of Major Highway Public Transport Investment  
T5 Preferred Modes of Transport  
T24 Access by Cycle and Cycle Parking  
T26 Motorcycle Parking  
EQ11 Species protection  
EQ15 Inclusion of Tree Planting in New Development  
EQ18 Promoting Urban Quality  
EQ19 Urban Design Considerations  
EQ21 New Development: Landscaping  
EQ24 Energy Efficiency  
EQ25 Access  
EQ26 Safety  
EQ43 Archaeology: investigation, Excavation and Protection  
EQ45 Pollution  
EQ49 Contaminated Land: Assessment, Remediation and Monitoring  
EQ50 Development Adjacent to Overhead Power Lines  
EQ62 Protection of the Flood Plain and Urban Washlands  
EQ63 Surface Water Disposal  
EMP1 Employment Growth  
EMP3 Quality of Employment Development  
EMP11 Office Development  
EMP15 Displaced Businesses and Industries

#### 8.4 Other Relevant Planning Policies & SPG's

LBN SPG: Disability Access, 2001  
LBN SPG: Business, industry and warehousing, 1998  
LBN SPG: Sustainability Checklist, 2004

The London Plan: Sub-Regional Development Framework for East London  
The London Plan: Accessible London, achieving an inclusive environment, April 2004  
The London Plan: Sustainable Design and Construction, May 2006  
The Mayor of London's Energy Strategy: Green light to clean power, February 2004  
The Mayor of London's Biodiversity Strategy

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The Mayor of London's 'An Electric Vehicle Delivery Plan for London' dated May 2009.

## **9. ASSESSMENT OF MAIN ISSUES**

### **9.1 Environmental Issues**

9.2 LTGDC officers have taken environmental information into consideration in the assessment this application in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

9.3 The revised application is accompanied by an Environmental Statement (ES) dated January 2011 by WYG covering the following topic areas:

- Landscape and Visual Impact Assessment
- Ecology and Nature Conservation
- Noise and Vibration
- Archaeology
- Geology and Ground Contamination
- Hydrology and Flood Risk
- Traffic and Transportation
- Air Quality
- Socio-economics

9.4 Officers have assessed the submitted ES. The only chapters that have been updated to take into account the revisions to the application are Traffic and Transport and Socio-Economics. LTGDC's assessment of the other topics remains as reported in the 9 September 2010 report. Officers note the following with regard to the two revised topic areas:

9.5 Traffic and Transportation (Chapter 11 of the ES)

9.6 The Traffic and Transport chapter of the revised ES has been considered together with the submitted Transport Assessment (TA) and Travel Plan (TP).

9.7 Although 'Access' is a reserved matter the ES states that two main vehicle accesses will be provided which will be via Spur Road to serve the western site and via Jenkins Lane to serve the eastern site. Two pedestrian /cyclist only access locations are also shown in the outline masterplan to the eastern site via the A13 and the western site via Jenkins Lane.

9.8 The location of the site access points have been assessed at a 2015 assessment year. Although it is estimated that the proposed development will not have a detrimental impact on the operation of the existing highway network the ES explains that TfL and A13DBFO have requested that the A13 slip road layout is review to assess the possibility of improving highway safety in this area.

9.9 An analysis of personal injury accidents on the local highway network in the immediate vicinity of the site showed that there has been a notable amount of lane change collisions on the A13 eastbound slip in the immediate vicinity of Spur Road. There are also a significant amount of shunt collisions which may also be

attributable to lane change manoeuvres and a relatively high number of motorcycle collisions close to Spur Road, the predominant factor in these collisions was lane change.

- 9.10 A potential redesign of the A13 eastbound slip road has been proposed by the applicant which reduces the requirement for drivers to perform lane change manoeuvres and is likely to reduce the number of lane change accidents. The design is provided at figure 5 of the TA.
- 9.11 The ES concludes that although development flows have now increased due to the change in the development proposals, the increase in trip numbers is not considered to be significant. The main highway issue for the development is highway safety for vehicles accessing the site from the A13 eastbound slip as detailed in 9.8 and 9.9 above. The following package of measures are proposed, to mitigate the impact of the development:

- A new bus gate to Fresh Wharf, bus services will travel alongside the development site. This will offer the opportunity to provide modern stop facilities along Jenkins Lane, improving pedestrian accessibility.

LBN Forward Planning and Transportation advise that a contribution of £50k is required towards the bus routing revenue costs.

- Walking / cycling improvements will be introduced. In particular, these will include continuous pedestrian / cycle links along Jenkins Lane / Spur Road.

LBN have calculated the cost based on £150 / m<sup>2</sup>. Where the area = 2,710 m<sup>2</sup> the cost is £406,500.

- There will be no increase in highway capacity as part of the development. However, the mitigation works include a realigning of the existing A13 eastbound slip road, which is anticipated to reduce weaving movements along the slip road for both development traffic and existing road users. The enhanced access to Spur Road will also assist in providing a safe turning movement into Spur Road.

LTGDC have considered the above together with TfL's comments and have drafted condition numbers 24 and 25 to address these matters.

- 9.12 LTGDC officers have considered the Traffic and Transport chapter of the ES Together with the submitted Transport Assessment and Travel Plan and representations received. The package of measures outlined in the ES is considered to be appropriate to the development proposals and the site location and its implementation should be secured through conditions and S106 agreement.

- 9.13 Socio-economics (Chapter 13 of the ES)

- 9.14 The socio-economics chapter of the ES:

- Considers the potential impact of the proposed development on land within

Newham and Barking & Dagenham, and a 30 minute drive time in terms of employee catchment area within the Greater London Area;

- Provides an estimate of the total number of jobs which could be generated by the proposed development and an assessment of the wider economic benefits that could result from it;
- Provides an overview of the social impact of the development on the area surrounding the site; and
- Identifies the associated mitigation measures and benefits / enhancements.

9.15 It is assumed that the construction of the proposed development will be undertaken over an anticipated period of two years. Given the nature of the outline proposal and construction work that might be associated with it, it is not practical to accurately determine the extent of the employment generation from the construction phase of the project. Notwithstanding this, it is estimated that in the region of 150 jobs could be provided during the construction phase of the development.

9.16 Potential employment densities during the operational phase are set out below:

Use Class	Type	Employment Density per workspace	Indicative Floorspace	Estimated Number of Jobs
B2	General Industry	27 m <sup>2</sup>	3,321 m <sup>2</sup>	123
B8	Warehousing	65 m <sup>2</sup>	4,496 m <sup>2</sup>	70
B1	Ancillary Office	19 m <sup>2</sup>	567 m <sup>2</sup>	30
Sui Generis	Car Showroom	90 m <sup>2</sup>	6,616 m <sup>2</sup>	74
<b>Total Estimated Jobs</b>				<b>297</b>

9.17 In summarising, the revised scheme could create approximately 447 jobs on site (150 + 297).

9.18 There will be a beneficial impact in terms of economics; significant enhancements to the site as a result of the development proposals; and neutral to moderate negative (at worse) in terms of social impacts.

9.19 LTGDC officers are satisfied that the anticipated moderate positive impact on socio economics is acceptable.

#### 9.20 **Health and Safety**

9.21 The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of major Hazard sites / pipelines. Acknowledging the close proximity of the twin high pressure gas trunk mains beneath the site, LB Newham officers undertook a pre-application enquiry using the PADHI+ (Planning Advice for Developments near Hazardous Installations)

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methodology and software decision support tool in line with the HSE's (Health and safety Executive) advice. The result was that the HSE does **not** advise, on safety grounds, against the granting of planning permission in this case.

#### 9.22 **Representations / consultation responses**

9.23 Statutory consultation responses are set out at section 5 above and Representations are addressed at section 7.

#### 9.24 **Principle of the proposed land uses**

9.25 The London Borough of Newham's Unitary Development Plan (UDP) designates the site as falling within a Major Opportunity Zone (MOZ15) (Beckton Gateway). This is a Priority Development Node at the eastern gateway to the Borough. Predominantly leisure uses, hotel, business and general industrial uses (B1 and B2) will be encouraged.

9.26 The site is one of seven sites that make up the Beckton Gateway MOZ. Policy UR26 supports the development of the MOZ as a predominantly leisure use location with some B1, B2 and B8 uses, stating:

**"Policy UR26:** The Beckton Gateway Major Opportunity Zone occupies the eastern gateway to the Borough, and is a priority development node where the Council will permit a range of predominantly leisure uses including: a public house, restaurant or hotel, with secondary uses comprising B1 business, including an office village and general industrial (B2) uses, including managed workspace units of various sizes. As part of a mixed employment development on Site 6 (south of the A13) an element of B8 will be considered plus supporting service uses. There is a requirement for high quality landscaping associated with all development within the MOZ to create, with roadside and other off-site landscaping, a green gateway to the Borough. The protection and enhancement of the site of nature conservation importance and the construction of a visitor centre at Cuckold's Haven will be required in accordance with an approved urban framework plan."

9.27 It is considered that the principle of the proposed primary B2 and B8 uses accords with Policy UR26.

9.28 The proposed car showrooms are not referred to in Policy UR26 and the application would represent a departure from the MOZ policy designation in this respect.

9.29 Policy SH22 of the UDP concerns car showrooms and car sales, stating that car showrooms can generate a large number of vehicle movements, which can lead to obstruction of traffic and pedestrians particularly where such uses are concentrated. There is, therefore, a need for this type of development to be sensitively located away from the main shopping centres and residential areas so as to minimise associate problems.

9.30 **"Policy SH22:** Car showrooms will be permitted only outside shopping centres and away from residential areas. In determining applications, the council will take into consideration:

- A) disturbance to residential areas;
- B) obstruction to the public highway;
- C) disruption to traffic flows;
- D) availability of adequate rear access to the site; and
- E) adverse effect of the cumulative impact of similar uses in the locality.”

- 9.31 The proposed car showrooms would be located some 280m away from Brook Court (the nearest residential) on Spring Place, Barking and be separated from Brook Court by the River Roding, Cuckold's Haven and Jenkins Lane. The proposals are considered to be away from the nearest residential areas.
- 9.32 The site is away from town centre and retail uses and potentially has good access to the highway network. In this context it is considered that the principle of car showroom uses may be acceptable in this location in relation to Policy SH22, subject to issues regarding transportation impacts, access and disturbance issues being adequately addressed.
- 9.33 Officers have considered the current circumstances of the site with due consideration given to the fact that the site is crossed by a high pressure gas main and high voltage electricity cables with a pylon located on the northern section of the site. Additionally, its previous use for land fill means that there are issues relating to contamination and remediation.
- 9.34 The condition of the site and its location lend themselves to the proposed land uses. The site is not suitable for residential use. Development of the site would be in accordance with national, regional and local planning policy in that it would be bringing a vacant previously developed site back into use. Given the site constraints and the site history set out above together with planning policy, it is considered in these circumstances that the proposal should be considered as an acceptable departure from the UDP.
- 9.35 LTGDC officers conclude that the creation of high quality industrial units in an appropriately managed setting with good access and circulation, offering employment opportunities, whilst partly departing (car showroom use) from the provisions of the development plan would, in this instance, be acceptable.
- 9.36 **Employment**
- 9.37 As stated at paragraphs 9.15 – 17 above the revised scheme could create approximately 447 jobs on site (150 during the construction phase and 297 during the operational phase).
- 9.38 In the context of the deprivation indices and unemployment rate of 9% for Newham and Barking & Dagenham, and 7% for London as a whole, the proposed development would make a positive contribution in providing a significant quantum of employment opportunities.
- 9.39 Employment generation would support Policy 3B.1 (Developing London's economy) of the London Plan, which seeks the provision of a wide range of workspaces of different types, sizes and costs to meet the needs of different sectors of the economy and firms of different types and sizes.

- 9.40 Policy EMP1 of Newham's (UDP) strives to achieve within a strengthened and more diversified local economy, an overall growth in employment opportunities. The policy encourages the development of new businesses by ensuring an adequate supply of suitable land and premises.
- 9.41 With specific regard to the proposed B8 land use, saved UDP policy EMP8 states:
- 9.42 "**Policy EMP8:** Proposals for warehouse development will normally be permitted within principal employment areas (Policy EMP4) and locations with good access to the strategic road network or with potential to be served from wharves or railway sidings subject to compatibility with the urban regeneration strategy and there being adequate on-site servicing and no unacceptable impact on local traffic or environmental conditions".
- 9.43 LTGDC officers conclude that the proposal would accord with the provisions of the development plan, creating both construction and operational employment opportunities. The site has the potential to have good access to the strategic road network.
- 9.44 **Transport and traffic impact**
- 9.45 The planning application is supported by a Transport Assessment (TA) and Framework Travel Plan. The TA is based on the likely assumption that vehicular access to the two components of the application site will be direct via Spur Road and Jenkins Lane. It also assesses traffic generation on a worst case scenario basis of Use Class B2 only, because that is a larger trip generator than Use Class B8 and three car showrooms. The operation of the junctions has been assessed at projected traffic levels for 2015 and concludes that the proposed development will not have detrimental impact on highway capacity and the operation of the existing network.
- 9.46 The topic of 'access' is a reserved matter in the consideration of this application for outline planning permission. Officers recommend the imposition of a condition requiring the submission of safety audits for the vehicular access points proposed.
- 9.47 The site has a Public Transport Accessibility Level (PTAL) rating of 1b, which is classed as poor on a scale of 1 to 6, where 6 is classed as excellent. However, officers accept that the PTAL will be enhanced slightly to a PTAL rating of 2 once a bus gate joining Jenkins Lane to the Fresh Wharf development to the north has been provided.
- 9.48 The part of the site to the west of Spur Road (Zones 1a, b & c) will include up to 7,629 m<sup>2</sup> GFA of B2 and B8 units, the split of which will be determined through Reserved Matters applications, along with two car showrooms. The GFA of the car showrooms in Zone 1 are assumed to be 1,181 m<sup>2</sup> and 2,958 m<sup>2</sup>.
- 9.49 The part of the site to the east of Spur Road (Zone 2) will have one car showroom with a gross floor area of 1,882 m<sup>2</sup>.
- 9.50 Spaces for the display of cars: The car showrooms also include outside sales areas for displaying cars. It is understood that the 1,181 m<sup>2</sup> GFA car showroom

could include 50 external display spaces, the 2,958 m<sup>2</sup> GFA car showroom could include 53 external display spaces (including 8 demonstrator vehicle spaces) and the 1,882 m<sup>2</sup> car showroom could include 67 external display spaces (including 8 demonstrator vehicle spaces). Assuming that each space for displaying the vehicles is 2.4m by 4.8m, the resulting total sales areas for the car showrooms are estimated to be 1,757 m<sup>2</sup>, 3,569 m<sup>2</sup> and 2,654 m<sup>2</sup> respectively.

- 9.51 Car parking spaces: The number of parking spaces, including the level of disabled parking spaces will be secured by condition.
- 9.52 A parking accumulation assessment has been undertaken in order to estimate the parking requirement for the car showroom sites. For Zone 1, based on a total sales area of 1,756m<sup>2</sup>, the maximum accumulation is 18 cars, therefore at least 18 car parking spaces are required. Additionally, the car showroom with total sales area of 3,569 m<sup>2</sup> requires at least 37 car parking spaces. For Zone 2, based on a total sales area of 2,654 m<sup>2</sup>, it is expected that at least 27 car parking spaces will be provided.
- 9.53 Officers have considered the Traffic and Transport chapter of the ES, the Transport Assessment, Travel Plan and representations received from LBN Transportation, TfL and members of the public. In considering Traffic and Transport issues, officers recommend the imposition of conditions requiring:
- the submission of a site wide travel plan and travel survey (with five years of travel plan monitoring), including details of how travel plans will be developed taking into account the likelihood of multiple occupiers;
  - the submission of a Stage 1 Safety Audit to be undertaken in relation to any proposed changes (including site access);
  - details of the car / lorry / van parking layout and motorcycle parking facilities (including numbers of spaces);
  - details of secure, covered, cycle storage facilities;
  - a plan showing details of all access routes for fire and other emergency vehicles to the development;
  - the provision of electrical vehicle charging points (EVCP);
  - the submission of a Construction Logistics Plan (CLP);
  - the submission of a Delivery and Servicing Plan (DSP);
  - grampian type condition preventing any work from going ahead until detailed designs of the proposed highway improvements have been submitted to, and agreed by, the Local Planning Authority in consultation with TfL, and the scope of the works to be carried out under the s278 agreement have been agreed by TfL/RMS plc;
  - details of pedestrian and vehicle access routes (reserved matter);
  - no oversailing or encroachment on TfL's highway boundary by materials, hoardings, scaffolding, vehicles or any other site related activity without prior agreement / issue of a TfL license; and
  - the submission of the location of indicative bus stop locations, accompanied by swept path analysis for buses, in line with TfL's bus stop accessibility guidance along Jenkins Lane and the new Hand Trough Creek link road.
- 9.54 **Equalities**
- 9.55 There is no legal requirement on the London Thames Gateway Development

Corporation (LTGDC) to request an Equalities Impact Assessment (EqIA) as part of a planning application.

- 9.56 LTGDC Officers have ensured non-discrimination in carrying out its planning functions.
- 9.57 LTGDC is committed to eliminating discrimination and encouraging diversity and to promoting an organisational culture which reflects and supports these values. The Corporation aims to ensure that it is fair and equitable in carrying out its responsibilities and functions and to this end aim to ensure that its activities are carried out regardless of the race, colour, age, heritage, gender identity, religious or non-religious belief, nationality, family background, disability, sex or marital status, or sexuality of its service users, partners and the wider community.
- 9.58 Policy 4B.5 of the London Plan sets out an over-arching requirement to create inclusive environments and Paragraph 6 of PPG13 (Transport) requires consideration of the needs of the disabled as pedestrians, public transport users and motorists. LTGDC Officers have included suggested conditions to ensure that the development is fully accessible to all.
- 9.59 LTGDC Officers consider that proposed development would accord with policy 4B.5 if implemented in accordance with the suggested conditions and accompanying legal agreement under section 106 of the Act.
- 9.60 In determining this planning application LTGDC must have regard to its equalities obligations including its obligations under section 71 of the Race Relations Act. For the purpose of this application there are no adverse equalities issues.
- 9.61 **Human Rights Act 1998**
- 9.62 The provisions of the Human Rights Act 1998 have been taken into account in the assessment of the subject application for planning permission.
- 9.63 **Planning Obligations**
- 9.64 The application for outline planning permission generally accords with the relevant development plan. However, the proposals are likely to create a need for facilities which have not been provided for in the application. Therefore LTGDC officers consider it necessary to secure obligations through a legal agreement under S106 of the Act in order to ensure that the requirements created by the proposal are delivered and make the proposals acceptable in planning terms.
- 9.65 The following 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/improvements necessitated by the development, including an agreement under S38 and/or S.278 of the Highways Act 1980 regarding renewal of all highways and footways* around the development site and the redesign of the A13 eastbound slip road to reduce the number of weaving movements along the slip road (as identified in the accompanying ES as proposed mitigation) in agreement with Transport for London (TfL) and RMS plc., who
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	<p>privately maintain the A13 as part of a 30 year Design Build Finance Operate (DBFO) contract.</p> <p>* where the contribution toward the renewal of footways around the Development site = £406,500.</p> <p>AND</p> <p>A commitment to provide up front, an agreed commuted lump sum, to reflect the additional maintenance costs, if any, for the remainder of the A13 DBFO contract period.</p>
Bus Re-Routing Contribution	A contribution of £50,000 towards Fresh Wharf bus route extension.
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	<p>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.</p> <p>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.</p>
S106 Monitoring	A contribution of £2,000 to enable the local planning authority to monitor the S106.

## 10. CONCLUSION AND RECOMMENDATIONS

- 10.1 The proposals have been subjected to detailed scrutiny and assessment and have been revised to reflect the outcome of discussions.
- 10.2 The development proposals are considered to be broadly acceptable in principle given the regional and local planning policies for the site if implemented in strict accordance with the conditions set out below, the environmental statement, flood risk assessment, other submitted documents and proposed S106 Agreement.

- 10.3 If fully implemented, the proposals would contribute to the generation of employment opportunities in the London Riverside area.
- 10.4 No material considerations have been identified that warrant refusal to grant outline planning permission. As such, the Planning Committee is requested to resolve to grant outline planning permission in respect of the site subject to the completion of a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended) and other relevant legislation and to agree the following **recommendations**:
- 1) Delegate authority to the Director of Planning or duly authorised officer to grant outline planning permission subject to the draft conditions and informatives listed in this report, together with any amendments or additions that he considers necessary; and
  - 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.
- 10.5 Following the issue of the decision a statement must be placed 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.

## 11. CONDITIONS AND REASONS

- 11.1. LTGDC officers consider that the following conditions should be imposed if outline planning permission is granted:
1. i) No phase (as approved under condition 4) of the development hereby permitted shall be commenced unless and until an application or applications for written approval of the matters reserved by this outline planning permission in respect of the relevant phase (as approved pursuant to condition 4 below) have been made to and approved by the Local Planning Authority and the reserved matters applications shall include full details relating to:
    - (a) Access;
    - (b) Appearance;
    - (c) Landscaping;
    - (d) Layout; and
    - (e) Scale.
  - ii) Application(s) for approval of the details referred to in paragraph (i) above must be made not later than the expiration of THREE YEARS from the date of this decision

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notice unless otherwise agreed in writing with the Local Planning Authority; and

- iii) The development to which this permission relates must be begun not later than the expiration of TWO YEARS from the final approval of reserved matters or, in the case of approval on different dated, the final approval of the last such matter to be approved.

Reasons: To comply with Article 2 of the Town and Country Planning (Applications) Regulations 1988 as amended by the Planning (Applications for Planning Permission, Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2006 and Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be constructed unless in accordance with the environmental standards, mitigation measures, requirements, recommendations and methods of implementing the development contained in the Environmental Statement and technical appendices dated January 2011, prepared by WYG, unless and to the extent that such standards, measures, requirements and methods are altered by the express terms of the conditions attached to this planning permission and the approved drawings and supplementary documents submitted pursuant to them listed below only:

- Planning Statement, prepared by WYG, dated January 2011;
- Design and Access Statement, prepared by Stephen George & Partners, dated January 2011;
- Environmental Statement Volume 1 – Non Technical Summary, prepared by WYG, dated January 2011;
- Environmental Statement Volume 2, prepared by WYG, dated January 2011;
- Environmental Statement Volume 3 – Technical Appendices, prepared by WG, dated January 2011;
- Energy Statement Rev B, prepared by WYG Environment, dated 10 January 2011;
- Outline Remediation Strategy (Ref: A062504-1/CH/ORSS/JAN2011/V4), prepared by WYG Engineering, dated 10 January 2011;
- Sustainability Statement, prepared by WYG Environment, dated 11 January 2011;
- Development Specification, prepared by WYG Planning & Design and Stephen George & Partners, dated 11 January 2011;
- Flood Risk Assessment (Report No. WYG-RP-A062504-35-12-RT001), prepared by WYG Engineering, dated 07 January 2011;
- Arboricultural Survey, prepared by WYG Environment, dated May 2010;
- Transport Assessment (Report No. RT-62504-02), prepared by WYG Transport Planning, dated 10 January 2011;
- Framework Travel Plan (Report No. RT62504-03), prepared by WYG Transport Planning, dated 10 January 2011;
- Design Code Rev A, prepared by Stephen George & Partners, dated January 2011; and
- Drawing numbers:
  - P003 (Location Plan) dated 23 Feb 2010
  - P009 Rev A (Parameters Plan) dated Jan 2011
  - P010 Rev A (Parameters Section) dated Jan 2011

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Reason: To ensure that the development is undertaken in accordance with the Environmental Statement; and to protect local amenity with regard to saved policies EQ18 and EQ19 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 4B.1 of the London Plan, Consolidated with Alterations since 2004 and published February 2008.

3. All reserved matters applications shall comply with the principles set out in the Design Code and Design and Access Statement, and parameters set out in the Development Specification and Parameters Plan submitted in support of the planning application and listed at condition 2 above.

Reason: To ensure that the development is constructed in accordance with the Design Guidelines on which this decision is based and to be consistent with the principles of good masterplanning, in accordance with Policies EQ18 and EQ19 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 Policies 4A.3, 4B.1, 4B.2 and 4B.3 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

4. i) No part of the development hereby permitted (with the exception of archaeological or preliminary site investigations) shall be commenced unless and until a Phasing Plan in respect of the whole of the development hereby permitted, including details of:
  - the programme for construction of the development including the date by which each phase of the development shall be commenced;
  - the area and location of the land comprised within each phase and the order in which development within those areas shall take place; and
  - the quantum and location of any parking facilities to be provided in each phase of the development,

has been submitted to and approved in writing by the Local Planning Authority; and

- ii) The development hereby permitted shall only be carried out in accordance with the Phasing Plan approved under (i) above.

Reason: To ensure that the development is constructed in accordance with an approved phasing plan; and safeguard local amenity with regard to saved policies EQ18 (Promoting Urban Quality), EQ19 (Urban Design Consideration) and EQ45 (Pollution) of the London Borough of Newham Unitary Development Plan; and policies 4A.3 (Sustainable design and construction), 4B.1 (Design principles for a compact city), 4B.2 (Promoting world-class architecture and design) and 4B.3 (Enhancing the quality of the public realm) of the London Plan published February 2008.

5. The site is known to contain Japanese knotweed. No development shall be commenced on any part of the site until a preconstruction survey has been carried out in respect of that part of the site to identify any areas that are affected by buried or surface Japanese Knotweed or other noxious weeds and the results of such survey have been submitted to the Local Planning Authority. In the event that the survey identifies the presence of noxious weeds, full details of the locations and

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methods for their eradication, with clear methods of working that will prevent its spread, shall be submitted to and approved in writing by the Local Planning Authority.

Also see Informative number 5 below.

Reason: To ensure the removal of an invasive and noxious plant and with regard to policy 3D.14 of the London Plan published February 2008 and the Mayor of London's Biodiversity Strategy (July 2002).

6. No phase (as approved under condition 4) of the development hereby permitted shall be commenced until an Environmental Code has been submitted to and approved by the Local Planning Authority in relation to the relevant phase(s), in respect of such matters as are likely to cause nuisance to adjoining occupiers. Details should include any ground works (including decontamination), construction and access to the site, noise, dust, smoke, road cleaning, odour control, wheel washing and any other matters relevant to this particular site. The environmental code shall be adhered to for the duration of the construction works.

Reason: To ensure that the construction does not prejudice the ability of neighbouring occupier's reasonable enjoyment of their properties and with regard to policy EQ45 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.3 of the London Plan published February 2008.

7. No phase (as approved under condition 4) of the development hereby permitted shall be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- Reduction in surface water discharge rates to Greenfield rates (between 2 – 10 litres per second per hectare).
- A clearly labelled drainage layout plan showing pipe networks and any attenuation ponds and drainage storage tanks. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
- Where on site attenuation is achieved through attenuation ponds or tanks, calculations showing the volume of these are also required.
- Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
- Calculations should demonstrate how the system operates during a 1 in 100 year critical duration storm event. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths.
- Details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water

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quality, improve habitat and amenity and ensure the future maintenance of these features and with regard to saved policy EQ63 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 policies 4A.3, 4A.9, 4A.12, 4A.13 and 4A.14 of the London Plan, Consolidated with Alterations since 2004 and published February 2008.

8. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul water has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall only be implemented in accordance with the approved details.

Reason: To ensure that the foul water drainage scheme does not pollute the groundwater below the site or the nearby surface water bodies and with regard to policy EQ45 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.17 of the London Plan, Consolidated with Alterations since 2004 and published February 2008.

9. No phase (as approved under condition 4) of the development hereby permitted shall be commenced unless a minimum of 14 days' notice of the commencement date of that phase shall have been given in writing to the Local Planning Authority.

Reason: To ensure that the Local Planning Authority is aware of the commencement date of each phase of the development.

10. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: Important archaeological remains may exist on the site. Accordingly the planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with saved policy EQ43 (Archaeology: Investigation, Excavation and Protection 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); policy 4B.15 (Archaeology) of the London Plan, Consolidated with Alterations since 2004 and published February 2008; and, in accordance with the guidance set out in PPS5: Planning for the Historic Environment.

11. a) No development shall be commenced until an investigation into ground conditions has been undertaken in accordance with the Model Procedures for the Management of Land Contamination, Environment Agency, Contaminated Land Report 11. The report of the investigation and proposals for any remediation required, stating the hotspot protocol and statement of depths of soil import in the later eventuality, shall be submitted to and approved in writing by the Local Planning Authority.

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b) All movements approved shall be undertaken to the satisfaction of the Local Planning Authority.

c) As soon as reasonably practicable and before the occupation of any remediated area of the site, 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 report to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for the 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.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall only be implemented as approved.

Reason: To safeguard the public, the environment and surface and groundwater as a review of the historical activities at the site indicates that it may have been used for activities that are likely to have resulted in it being contaminated with material that is potentially harmful to humans or the environment and to confirm that any remediation (if required) is completed to an acceptable standard, and with regard to policy EQ49 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.33 of the London Plan, Consolidated with Alterations since 2004 and published February 2008.

12. On completion of the monitoring programme (as required by condition 11 part c above), 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: With regard to policy EQ49 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.33 of the London Plan, Consolidated with Alterations since 2004 and published February 2008. 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.

13. 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 and with regard to policy EQ49 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.33 of the London Plan, Consolidated with Alterations since 2004 and published

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14. No part of the development hereby permitted shall be commenced unless and until an odour survey has been submitted to and approved in writing by the Local Planning Authority.

Where the odour survey has identified adverse impact the developer should a) configure development to ensure that any potential for adverse amenity impact on any existing or proposed occupied use is avoided or b) mitigation solutions are identified as part of the odour survey and implemented by the developer prior to occupation.

Reason: With regard to policy EQ19 and EQ45 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 policies 4B.1 and 4A.19 of the London Plan, Consolidated with Alterations since 2004 and published February 2008. The development is near to sewage treatment works which could be odorous with adverse amenity impact.

15. The development hereby permitted shall not be commenced until scheme details of the proposed balancing pond have been submitted to, and approved in writing by, the Local Planning Authority.

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.

No phase (as approved under condition 4) of the development hereby permitted shall be occupied unless and until the balancing pond has been constructed in accordance with the approved scheme.

Reason: 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 by providing suitable habitats for wildlife and with regard to policy EQ21 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 3D.14 of the London Plan, Consolidated with Alterations since 2004 and published February 2008.

16. No building shall exceed the maximum building heights illustrated on approved drawing number P005 Rev C (Parameters Plan) dated June 2010

Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents; the assessed Environmental Statement; and to protect local amenity with regard to saved policy EQ19 and EQ27 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 4B.1 of the London Plan, Consolidated with Alterations since 2004 and published February 2008.

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The development is acceptable on the basis of the particulars contained within the application and this condition seeks to ensure the development is undertaken in strict accordance with those details as approved.

17. The development hereby permitted shall not be commenced until full details demonstrating how the development will achieve the forecast reduction in carbon dioxide (CO<sub>2</sub>) emissions from the baseline condition of at least 20%, as set out in the *Energy Statement submitted in support of the outline planning application*, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Greater London Authority.

The reduction in CO<sub>2</sub> emissions achieved shall be established from the anticipated carbon dioxide emissions of all of the approved development once all energy efficiency measures have been accounted for (baseline carbon emissions) and those details shall be provided in writing to the Local Planning Authority.

The approved system(s) shall be implemented and retained for so long as the development shall exist except to the extent approved in writing by the Local Planning Authority.

Reason: To ensure the development makes the fullest contribution to the mitigation of, and adaptation to, climate change and meets the requirements of the Mayor's Climate Change Mitigation and Energy Strategy and its objectives of increasing the proportion of energy used generated from renewable sources, and with regard to UDP Policy S4 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 policies 4A.1, 4A.6 and 4A.7 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

18. No phase (as approved under condition 4) of the development permitted shall be commenced until a detailed scheme for living roofs and walls has been submitted to and approved by the Local Planning Authority.

No permanent building hereby approved shall be occupied until the approved scheme for that building has been implemented in full and shall be retained for so long as the development shall exist.

Reason: To protect and enhance the biodiversity of the site and contribute towards sustainable drainage in accordance with policies 4A.11 (Living Roofs and Walls), 4A.9 (Adaptation to Climate Change) and 4A.14 (Sustainable drainage) of the London Plan (published February 2008).

19. No phase (as approved under condition 4) of the development hereby permitted shall be commenced unless and until in relation to that phase an Environmental Management Plan (EMP) as referred to in the approved Environmental Statement has been submitted to and approved by the Local Planning Authority.

The works shall only be carried out in the accordance with the Environmental Management Plan as approved for the duration of the construction works.

Reason: To reduce the risk of any pollution events, especially in the vicinity of the drainage ditch and swale and ensure that the construction does not prejudice the

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ability of neighbouring occupiers' reasonable enjoyment of their properties and with regard to saved policy EQ45 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).

20. No phase (as approved under condition 4) of the development hereby permitted shall be commenced unless and until in relation to that phase an Ecological Mitigation and Management Plan (EMMP), including details of how the proposed mitigation and enhancement measures will be monitored, managed and funded in future, has been submitted to and approved by the Local Planning Authority in consultation with Natural England.

Reason: To provide a mechanism for formalising and delivering the proposed mitigation and enhancement measures set out in the application documents and with regard to policy EQ11 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), policy 3D.14 of the London Plan (published February 2008) and Planning Policy Statement 9: Biodiversity and Geological Conservation published 16 August 2005.

21. No phase (as approved under condition 4) of the development hereby approved shall be occupied until a Site-Wide Travel Plan and travel survey (with five years of travel plan monitoring) 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).

22. Notwithstanding the documents hereby approved, prior to the commencement of

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works a Stage 1 Road Safety Audit addressing the vehicular access and egress to and from the development including details of site lines and distances from existing and proposed junctions, shall be submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with the details as approved.

Reason: In the interest of design quality, highway and pedestrian safety, and ensuring adequate servicing arrangements, in accordance with Policies S37, EQ19, EQ26, 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, 3C.22, 4B.1 and 4B.3 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

23. Prior to the occupation of any phase (as approved under condition 4) of the approved development, a Construction Logistics Plan (CLP) and Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. The Plans shall include information on i) booking systems, ii) consolidate or re-timed trips, iii) secure off street loading and drop-off facilities and iv) the potential for mode shift from road. They should also aim to use operators committed to best practise, as demonstrated by membership of TfL's Freight Operators Recognition Scheme (FORS), or similar.

Reason: In order to minimise the impact of vehicular traffic on the road network and with regard to policies 3C.17 and 3C.25 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

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 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 policies 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).

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).

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The submitted details must demonstrate that sufficient land is available to ensure the bus stop outside the site on Spur Road, 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 policies 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).

26. (i) Prior to the commencement of works on the development hereby approved, details of the location of indicative bus stop locations, accompanied by swept path analysis for buses, in line with TfL's bus stop accessibility guidance along Jenkins Lane and the new Hand Trough Creek link road shall be submitted to and approved in writing by the Local Planning Authority in consultation with TfL; and

(ii) Prior to occupation of the development the approved bus stop details as required at (i) above shall be implemented by the developer in accordance with the provisions of the S106 Agreement associated with this outline planning permission.

Reason: To provide improved and convenient links to bus services to and from the development, which are to be served by diverted bus routes 325 and 326 once the new Hand Trough Creek link road section becomes available and with regard to policy T2 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.3, 3C.9, 3C.17 and 3C.20 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

27. (i) Notwithstanding the details set out at section 9 of the Design and Access Statement, no phase (as approved under condition 4 above) of the development hereby permitted shall be commenced unless and until details showing the hard and soft landscaping scheme (the Landscaping Scheme) for that phase has been submitted to and approved by the Local Planning Authority.

(ii) The Landscaping Scheme approved pursuant to (i) above shall include the following:

- Full details of plants and trees (common and Latin names, size and pot height; density or number, tree girth and method of growth e.g. container or open ground);
- Surface treatment;
- Maintenance schedule;
- Paving/fencing/colours/finished;
- Signage and information boards; and
- Internal and site boundary treatment.

(iii) All planting, seeding or turfing shall be implemented in the first planting season following occupation of the buildings or the substantial completion of the relevant phase of development, whichever is the sooner.

(iv) Any plants or trees that die or are removed, damaged or diseased within a period

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of TWO year 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.

Reason: To ensure a satisfactory standard of external appearance of the development and with regard to policies EQ21, EQ38 and UR26 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 policies 4B.1 and 3D.14 of the London Plan, Consolidated with Alterations since 2004 and published February 2008.

28. Prior to the occupation of any unit / building hereby approved, the developer shall provide a copy of the final Building Research Establishment (BRE) certificate confirming that the building design achieves a minimum BREEAM rating of Excellent. The BREEAM Post Construction Assessment shall be carried out on a sample of the development in accordance with an agreed methodology to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Newham's SPG entitled Environmental Sustainability Checklist for Major Development and Policies 4A.1, 4A.3, 4A.4, 4A.7, 4A.9 and 4A.10 of The London Plan, Consolidated with Alterations since 2004 and published February 2008.

29. Notwithstanding paragraph 6.6.1 of Volume 2 of the ES, no construction activities shall be carried out on the site outside of the hours of 7am and 7pm (Monday to Friday), 7am to 6pm (Saturday) and 10am-4pm (Sunday).

Reason: To prevent loss of amenity; in accordance with the approved Environmental Statement; and with regard to policy EQ45 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).

30. No building within the development hereby permitted shall be commenced unless and until, details and samples of materials to be used on all external surfaces, including windows and glazing have been submitted to and approved in writing by the Local Planning Authority.

Such details should include the colour, texture, type and specification of the materials to be used.

The approved materials shall be constructed and / or installed prior to occupation of the relevant building within the development and shall be retained and maintained thereafter on all permanent buildings.

Reason: To ensure a satisfactory standard of external appearance; protect local amenity; and with regard to the assessment contained in the Environmental Statement and saved policy EQ19 (Urban Design Considerations) 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 4B.1 (Design principles for a compact city) of the London Plan, Consolidated with Alterations since 2004 and published February 2008.

31. No piling or any other foundation designs using penetrative methods are permitted and no phase of the development (as approved under condition 4) of the development shall be commenced unless and until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) for all buildings, car parks and roads across that phase of the site, has been submitted to and approved for the relevant phase in writing by the Local Planning Authority in consultation with the relevant water or sewerage undertaker.

Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To prevent pollution of the water environment and in accordance with policy 4A.17 (Water quality) of the London Plan (published February 2008). The proposed works will be in close proximity to underground water, nearby surface water bodies and sewerage utility infrastructure. Piling has the potential to impact on local underground water and sewerage utility infrastructure.

32. No part of the development shall be occupied until full details of the all proposed external lighting have been submitted to and approved in writing by the Local Planning Authority. Details shall include appearance and technical details and specifications, intensity, orientation and screening of lamps, siting and the means of construction and layout of cabling. Lighting is to be restricted to those areas where it is necessary with additional shielding to minimise obtrusive effects on ecology and habitats. The approved scheme is to be fully completed and shall be permanently maintained thereafter.

Reason: In the interest of design quality, residential amenity, public safety, highway safety, ecology and nature conservation and with regard to policies EQ11, EQ19, EQ26 and EQ45 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 policies 3D.14 and 4B.1 of the London Plan, Consolidated with Alterations since 2004 and published February 2008.

33. No satellite antenna, apparatus or plant of any sort (including structures or plant in connection with the use of telecommunication systems or any electronic communications apparatus) shall be erected on the site or roof of any building.

Reason: In the interest of visual amenity and with regard to saved policy EQ19 (Urban Design Considerations) 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 4B.1 of the London Plan, Consolidated with Alterations since 2004 and published February 2008.

34. No phase (as approved under condition 4) of the development hereby permitted shall be commenced unless and until, a plan showing details of all access routes for fire and other emergency vehicles to the development, during the construction and operational periods of that phase. The approved access routes shall be kept clear at all times.

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Reason: To ensure satisfactory access for emergency vehicles and with regard to policy EQ19 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 4B.6 of the London Plan, Consolidated with Alterations since 2004 and published February 2008.

35. No phase (as approved under condition 4) of the development shall be occupied until details (including numbers / amount) of the proposed car / lorry / van parking layout and motorcycle parking facilities within that phase have been submitted to and approved by the Local Planning Authority. The approved parking facilities are to be constructed, surfaced and marked out prior to occupation of the relevant phase of development and shall be permanently maintained thereafter.

Reason: To ensure that parking accommodation is made permanently available to the standards adopted by the Local Planning Authority and in the interests of highway safety and with regard to saved policies T24 and T26 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 policies 3C.22 and 3C.23 of the London Plan, Consolidated with Alterations since 2004 and published February 2008.

36. No part of the development shall be occupied until full details (including numbers / amount) of secure, covered, cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. Cycle storage facilities shall be provided in accordance with the approved details, prior to the first occupation of the building. Such facilities shall be permanently retained and made available for use thereafter.

Reason: In order to ensure that adequate cycle parking is provided on this site and with regard to Policy T26 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 policies 3C.22 and 3C.23 of the London Plan, Consolidated with Alterations since 2004 and published February 2008.

37. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and specification compatible with the required drainage of the site and the details of which shall have been submitted to and approved by the Local Planning Authority before the development hereby permitted is commenced. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment and in accordance with policy EQ45 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.17 of the London Plan, Consolidated with Alterations since 2004 and published February 2008.

38. Prior to the commencement of works on any phase (as approved under condition 4 above) of the development hereby permitted, details relating to the means of refuse storage shall be submitted to and approved by the Local Planning Authority. Details should include noise output, odour control systems and termination points. The approved scheme is to be implemented and completed prior to occupation of the relevant phase of development and shall be permanently maintained thereafter.

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Reason: To ensure adequate and hygienic refuse disposal with regard to policy EQ19 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.22 of the London Plan, Consolidated with Alterations since 2004 and published February 2008.

39. No phase (as approved under condition 4 above) of the development shall be occupied until full details of the routing of mechanical ventilation and the passive provision of associated ducting for the commercial units within that phase have been provided to, and approved in writing by, the Local Planning Authority. The approved scheme shall be installed and commissioned prior to occupation of the relevant phase of the development and shall be permanently maintained in proper working order thereafter.

Reason: To protect the amenity of future occupants and / or neighbours and with regard to policy EQ45 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.19 of the London Plan, Consolidated with Alterations since 2004 and published February 2008.

40. The development hereby permitted shall not be commenced until an air quality report has been submitted to and approved in writing by the Local Planning Authority. The report shall detail:

- the area within the boundary of the site, which may exceed relevant national air quality objectives;
- specify how the detailed application will address any potential to cause relevant exposure to air pollution levels exceeding the national air quality objectives;
- identify areas of potential exposure; and
- detail how the development will reduce its impact on local air pollution.

Regard shall be had to the guidance for the Association of London Government, "Air quality assessment for planning applications – Technical Guidance Note" in the compilation of the report.

Reason: To protect the amenity of future occupants and / or neighbours and in the interest of the declared Air Quality Management Area and with regard to policies EQ45 and EQ46 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.19 of the London Plan, Consolidated with Alterations since 2004 and published February 2008.

41. No phase (as approved under condition 4 above) of the development shall be commenced until an acoustic report has been submitted to and approved in writing by the Local Planning Authority. Plan operation and activity on site shall not give rise to a BS4142 rating level greater than the background level at the nearest or worst affected property. Where it is considered impractical to meet this noise standard the report should detail mitigation measures taken to reduce noise to a minimum.

The approved scheme shall be implemented prior to occupation of the development and shall be permanently maintained thereafter. The developer shall certify to the

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Local Planning Authority that the noise mitigation measures agreed have been installed.

Reason: To protect the amenity of future occupants and / or neighbours and with regard to policy EQ47 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.20 of the London Plan, Consolidated with Alterations since 2004 and published February 2008.

42. At no time shall goods, spoils or materials be stored externally on the site.

Reason: In the interests of local amenity, security and safety and with regard to policy EQ19, EQ26 and EQ45 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 4B.1 of the London Plan, Consolidated with Alterations since 2004 and published February 2008.

43. Full details of any proposed fencing and gates to be erected on the site shall be submitted to, and approved in writing by the Local Planning Authority. Boundary treatment should be designed so that they do not present a barrier to the movement of species.

The approved details shall be implemented and maintained thereafter in accordance with the approved details.

Reason: In the interest of public safety and security; biodiversity; and to protect the visual amenity of the locality and with regard to policy EQ19 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 policies 3D.14 and 4B.1 of the London Plan Consolidated with Alterations since 2004 and published February 2008.

44. No phase (as approved under condition 4) of the development hereby permitted shall be occupied unless electrical vehicle charging points (EVCP) have been installed and are available for use at least 1 in 5 of the car parking spaces (both active and passive) within that phase.

Reason: To encourage the uptake of electric vehicles and ensure the development contributes to the Mayor's Climate Change Mitigation and Energy Strategy and with regard to policies 4A.1, 4A.2 and 4A.3 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004) and the Mayor of London's 'An Electric Vehicle Delivery Plan for London' dated May 2009.

## **12. INFORMATIVES**

1. The works proposed are likely, unless controlled, to adversely impact the safety and integrity of National Grid apparatus.

If you decide to proceed with these works, the contractor should contact National Grid before any physical works are carried out to ensure that National Grid's apparatus is not affected by any of the works.

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Apparatus owned by other operators may be present in this area. It is your responsibility to make contact with these operators.

2. National Grid also advise that there is High or Intermediate Pressure gas apparatus in the vicinity of the site which may be affected by the proposed activities.

It is essential that NO works or crossings of National Grid's High or Intermediate Pressure pipelines are carried out until detailed consultation has taken place.

The excavation of all trial holes in the vicinity of High or Intermediate Pressure pipelines shall be supervised by a National Grid responsible person.

3. If working in the vicinity of a high pressure gas pipeline the following document must be followed: 'Specification for Safe Working in the Vicinity of National Grid High Pressure Gas Pipelines and Associated Installations – Requirements for Third Parties' SSW22. This can be obtained from:

[http://www.nationalgrid.com/NR/rdonlyres/50ACAC0A-ED26-41A7-91FA-83163A98270F/23790/TSPSSW22\\_J537\\_Rev0807.pdf](http://www.nationalgrid.com/NR/rdonlyres/50ACAC0A-ED26-41A7-91FA-83163A98270F/23790/TSPSSW22_J537_Rev0807.pdf)

4. National Grid's DigSafe Guidance should be followed. This can be obtained from:

[http://www.nationalgridus.com/rigas/safety/dig\\_safe.asp](http://www.nationalgridus.com/rigas/safety/dig_safe.asp)

5. The site is known to contain Japanese knotweed. The Applicant / Developer is advised that it is an offence to plant or cause Japanese knotweed to spread in the wild under the Wildlife and Countryside Act 1981 and all waste containing Japanese knotweed comes under the control of Part II of the Environmental Protection Act 1990.
6. The grant of planning permission does not discharge requirements under the Traffic Management Act 2004. Formal notifications and approval are required for both the permanent highway alterations and any temporary highway works required during the construction phase of the development. The grant of planning permission does not prejudice the TfL Network Assurance Team's subsequent decision on the formal notification.
7. The developer is advised that during construction works there should be no oversailing or encroachment on TfL's highway boundary by materials, scaffolding, vehicles or any other site related activity. If such activity is unavoidable, then a TfL license and prior agreement would be necessary. Any permanent encroachment or oversailing would be considered unacceptable by TfL.
8. The developer is advised to make passive provision to the boundary of the site to enable connection to the Thames Gateway heat network at some later date, should that heat network be delivered.
9. This permission does not grant approval for fire safety measures. The applicant is therefore reminded that building control regulations will need to be satisfied.

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10. With reference to condition 7 above, English Heritage (Greater London Archaeology Advisory Service) advises that the first stage of any archaeological site investigation should include the geo-archaeological work to improve the understanding of the sites buried topography so that areas of high archaeological potential on the site can be identified.
11. The applicant is advised that the water supply for the site comes within the area supplied by the Essex and Suffolk Water Company. For your information the address to write to is – Essex and Suffolk Water Company, Hall Street, Chelmsford, Essex CM2 0HH Tel (01245) 491234.
12. Thames Water advises that the development be protected by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later dated, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
13. Thames Water advises that 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 a public sewer, prior approval from Thames Water Developer Services will be required. Thames Water Developer Services can be contacted on 0845 850 2777.
14. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.
15. A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Applications should be made to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 0AQ. Telephone: 0208 507 4321.
16. The commercial parts of these premises should comply with the Health & Safety at Work etc. Act 1974 & Associated Legislation, and the Workplace (Health, Safety and Welfare) Regulations 1992 in particular. For this sort of commercial premises the enforcing authority for Health and Safety at Work is the London Borough of Newham Environmental Health Service.
17. Consideration of the management and operation of the finished premises, in relation to health and safety is a requirement of The Construction (Design and Management) Regulations 2007. The Developer is strongly advised to contact London Borough of Newham Environmental Health and Safety team for further advice.
18. Compliance with Planning Law does not automatically mean that you will comply with more specific Health and Safety Law requirements.
19. Land Contamination - For advice and information on contaminated land site

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investigation, risk assessment and implementing a remediation strategy it is recommended that the developer contacts the Environmental Health Pollution Control Unit, Housing & Public Protection, Third Floor, West Wing, Newham Dockside, Dockside Road, London E16 2QU Tel 0203 373 0643. The Unit has produced a leaflet. "The development of contaminated sites" , which can be downloaded free from [www.newham.gov.uk](http://www.newham.gov.uk). The developer shall notify the Council's Development Control and the Environmental Health Pollution Control Unit of the start dates and programme of site investigations and any subsequent remediation works.

For the site investigation, risk assessment and remediation strategy reference should be made to:

- Model Procedures for the Management of Land Contamination, Environment Agency Contaminated Land Report 11. This document can be downloaded free from [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)
- BS 10175: Investigation of potentially contaminated sites – Code of Practice
- Building Regulations 2000 APPROVED DOCUMENT C Site preparation and resistance to contaminants and moisture: C1 Site preparation and resistance to contaminants.

If the site investigation reveals land contamination the associated report must include the results of a source-pathway-receptor environmental risk assessment with regard to the current use and proposed development.

If the site investigation discovers organic containing natural soils or made ground then monitoring of potential ground gases, over a suitable period of time, will be required in order to determine the requirement for gas mitigation measures in the development.

If the site is located in a groundwater protection zone or if groundwater is encountered during the site investigation then the groundwater should also be tested for contamination. The Local Planning Authority may require more detailed groundwater monitoring to be undertaken on the advice of the Environment Agency.

A remediation scheme should include, where necessary, a long-term commitment to maintenance of any works and measures required by the Local Planning Authority or the Environment Agency.

Remediation capping layers based upon "Cover systems for land regeneration" BR 465 by the Building Research Establishment will not be accepted, as this is not approved by the Environment Agency.

Anyone procuring analytical services must ensure that the data supplied to the Local Planning Authority meets the requirements in the Monitoring Certification Scheme (MCERTS). Laboratories undertaking the chemical testing of soil must be accredited, the analytical methods should be appropriate and fit for the purpose of the parameter being investigated and the sampling procedures and the audit trail should also conform.

Supporting reports should be prepared by appropriately qualified professionals.

All reports should be sent directly to the planning case officers at both the London Borough of Newham and London Thames Gateway Development Corporation Planning Departments. For each application at least two copies of each report should be submitted in hard copy format plus a further copy in electronic format. The planning case officers will forward the reports on to the appropriate consultees for comment. Applicants are advised against entering into direct negotiation with either the Pollution Control Unit, Environment Agency or any other Council department consultees without notifying the planning case officers.

20. Sound Insulation The sound insulation between the offices in this development must meet or exceed the standards set out in approved Document E of the Building Regulations. Reference should be had to Newham Council's Building Control Department or an approved building inspector.

21. Air pollution and noise from demolition or construction sites

*Smoke*

Bonfires should not be used on any construction or demolition sites. Burning materials causes smoke that will contain carbon monoxide, particles and a range of noxious compounds. A bonfire will add to the background level of air pollution, which can cause adverse health effects to persons on site and beyond the site boundary. The smoke, smell and smuts from bonfires can also cause annoyance to neighbours and bonfires may get out of control and become dangerous.

The Clean Air Act 1993 makes it an offence to burn any material that results in the emission of dark smoke on industrial or trade premises (including demolition sites), with a maximum fine of £20,000.

The Environmental Protection Act 1990 gives Local Authorities and the Environment Agency the power to control smoke arising from burning waste on site. In cases where complaints have been received, or the Council has reason to believe that burning is to take place and nuisance is likely to occur, an Abatement Notice may be served prohibiting nuisance and specifying steps to be taken to minimise further problems. If the requirements of the notice are not satisfied the local authority can enforce by taking legal proceedings.

*Dust.*

Dust from demolition and construction work can also damage health and impact upon quality of life by leaving deposits on cars, windows and property. These impacts can be reduced through using measures such as:

- Using water sprays or sprinklers to suppress dust during dust generating activities such as filling skips, breakout of concrete and managing stock piles.
- Washing the wheels of vehicles leaving the site if they are carrying mud or debris.
- Erecting solid barriers to the site boundary.
- Ensuring that lorries leaving the site carrying debris or waste are properly covered.

- Cleaning the road and footpath near the site entrance as required.

Where disk cutters are to be used they should have a dust bag, have water suppression or the working area should be wet prior to use of the machinery. Where demolition or construction is due to occur over greater than one week the contractor should provide the local authority with a dust management protocol. This should detail the identification of dust generating activities, their location, duration and the means by which the dust shall be suppressed. Under the Environmental Protection Act 1990 dust from a demolition or construction sites may, like smoke, be a statutory nuisance. As above the local authority may serve an abatement notice on the person responsible and take legal proceedings if the notice is not complied with.

Detailed guidance on dust issues relating to construction sites can be found in the Building Research Establishment documents 'Control of dust from construction and demolition activities' and 'Improving air quality in urban environments: Guidance for the construction industry'.

In addition, the GLA Best Practice Guide for dust, currently in draft format, is seen as the most comprehensive dust management protocol. Contractors should be aware of its details regarding the efficient management of dust and particulate on site.

[http://www.london.gov.uk/mayor/environment/air\\_quality/construction-dust.jsp](http://www.london.gov.uk/mayor/environment/air_quality/construction-dust.jsp)

#### *Noise.*

The redevelopment of a site involving demolition and construction activities will inevitably cause some noise that affects neighbouring residential or commercial properties. You can reduce or avoid annoyance for neighbours by informing the neighbours before demolition or construction work starts telling them about the work and what to expect. Give the neighbours a contact name and telephone number and keep them informed. If a neighbour does makes a complaint try to resolve the matter straight away.

Complaints are often made in relation to noise at unsociable hours of the day. We recommend working hours of 8 AM – 6 PM Monday to Friday and 8 AM – 1 PM on Saturdays. No noisy works should be carried out on Sundays and Bank/Public Holidays.

The Control of Pollution Act 1974 gives the council the power to serve a Notice upon contractors or developers which sets out how works should be carried out in order to minimise noise arising from demolition or construction activities. This may involve restricting the hours of noisy operations audible beyond the site boundary, the provision of noise barriers and precluding the use of certain plant.

Developers and contractors have the option of applying to the Council for approval of their works prior to commencement.

Detailed guidance on noise issues relating to construction sites can be found in BS 5228 *Noise control on construction and open sites*. In particular, Part 1, "Code of Practice for basic information and procedures for noise control" will be useful because as well as giving general advice, it describes a method for predicting noise from construction sites.

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*General.*

Developers should be aware that there are likely to be other Acts or legislation that are not covered in this document and that acts and regulations identified within the document may have been superseded.

Please note that if you are carrying out demolition works you may need to notify the council as required by the Building Act 1984. This enables the council to protect public safety and ensure that adjoining premises and the site are made good on completion of the demolition. For further information contact London Borough of Newham Council Building Control Service on 020 8430 2000 or [Email: reception.bco@newham.gov.uk](mailto:reception.bco@newham.gov.uk)

If you have any queries about air pollution or noise from construction or demolition sites please telephone or email Newham Public Protection on 0208 430 3820 or [pollution.inquiry@Newham.gov.uk](mailto:pollution.inquiry@Newham.gov.uk).

22. Environment Agency Advice

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

***Sustainable drainage techniques***

It is not considered that the Flood Risk Assessment (FRA) adequately demonstrates how greenfield runoff rates could be achieved through the maximisation of SUDS, for all storm events up to and including the 1 in 100 year event, taking climate change into account. However, based on “the River Lea Argument” presented on page 8 of the FRA, it is considered appropriate, in this case, to allow unrestricted flows from the site. Therefore the usual requirement for greenfield runoff rates can be ignored.

Despite the above, the use of sustainable drainage techniques (SUDS) should still be maximised, within reason, for surface water quality purposes.

The hierarchical approach to SUDS selection should be used at the site investigation stage to help select the most sustainable drainage techniques for the site.

- Further information on SUDS can be found in:
- PPS25 page 33 Annex F
- PPS25 Practice Guide
- CIRIA C522 document Sustainable Drainage Systems-design manual for England and Wales
- CIRIA C697 document SUDS manual
- The Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS.
- CIRIA SUDS website [www.ciria.com/suds/](http://www.ciria.com/suds/)

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The Interim Code of Practice is available on both the Environment Agency's website: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) and CIRIA's website [www.ciria.org](http://www.ciria.org)

### ***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.

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

**Appendix 1:** Committee Report dated 9 September 2010 and addendum.

**Appendix 2:** Location Plan (Drawing number P003)

**Appendix 3:** Parameters Plan (Drawing number P009 Rev A)

**Appendix 4:** Parameters Section (Drawing number P010 Rev A)

### **Additional Reference Documents**

- Planning Application Documents;
- The London Thames Gateway Development Corporation (Planning Functions) Order 2005;
- Town and Country Planning Act 1990 (as amended);
- Town and Country Use Classes Order 1987 (as amended);
- Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999;
- The Town and Country Planning (Mayor of London) Order 2008;
- London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27<sup>th</sup> September 2007, by direction from the Secretary of State);
- The London Plan, Consolidated with Alterations since 2004 (Published Feb 2008) and altered by the London Plan Crossrail Alterations April 2010;
- The Control of Pollution Act 1974;

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- The Environmental Protection Act 1990;
- Control of Noise at Work Regulations 2005;
- Health and Safety at Work Act 1974;
- The Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989 as amended; and
- The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2010.