

PLANNING COMMITTEE MEETING: 28th September 2010

**PLANNING APPLICATION FOR DETERMINATION BY THE LTGDC
ADDENDUM REPORT OF THE PLANNING DEVELOPMENT MANAGER**

UDC CASE NUMBER:	LTGDC-10-114-OUT	DATE MADE VALID:	26.8.10
APPLICATION NUMBER:	10/00776/OUT	TARGET DATE:	25.11.10

APPLICANT:	Tesco Stores Ltd.
AGENT:	GL Hearn
PROPOSAL:	Open storage use falling into class B8 with ancillary B1(a) office space, formation of a new vehicular access and improvement works to Hindmans Way
LOCATION:	Land West of Hindmans Way including part of Hindmans Way

1.0 Summary

1.1 The purpose of this addendum report is to advise the Planning Committee of:

- a) The comments received from the Environment Agency and English Heritage and the proposed amendments to planning conditions;
- b) The extent to which the application complies with Policy CE4 of the London Borough of Barking and Dagenham Local Development Framework Core Strategy;
- c) The proposed amendments to the recommended Section 106 Heads of Terms as set out at Section 11 of the main report;

2.0 Consultation Responses

2.1 On 22 September 2010 the Environment Agency raised no objection to the application subject to the use of planning conditions requiring the following:

- a) Surface water drainage strategy;
- b) Means of internal safe access from the ground floor of the office accommodation to a level no lower than the 1 in 200 year climate change water level;
- c) Site contamination and remediation strategy;
- d) No infiltration of surface water drainage into the ground;

- e) No piling or other foundation designs using penetrative methods;
- f) The provision and management of a five meter buffer zone alongside the ditch.

2.2 The recommended planning conditions 10, 11 and 12 of the main Committee Report require the submission of details requested under planning conditions a), c) and f) above. It is recommended that planning conditions b), d) and e) be attached to any planning permission.

2.3 On 21 September 2010 English Heritage raised no objection to the application subject to the use of a planning condition requiring a programme of archaeological work, to be agreed by the Local Planning Authority, to be undertaken before commencement of the development. The recommended planning condition 13 of the main Committee Report addresses this point.

3.0 Policy CE4 of the Core Strategy

3.1 Paragraphs 9.3 to 9.17 of the main Committee Report provide an assessment of the application against the objectives of Policy CE4 of the Core Strategy. While reference is made in paragraphs 9.6 and 9.11 to Policy CE4 requiring the Dagenham Dock employment area to be developed and promoted as a Sustainable Industries Park, with an increased emphasis on high technology manufacturing and processing industries (B2 and to a lesser extent B1b/c (research and development)), with a consequent control over the development of further warehouse and distribution uses, no reference is made, or consideration given, to the statement that *“applications for large scale (1,000 square meters or more) warehousing and/or transport uses will normally be refused in employment land north of the A13 and at Dagenham Dock.”*

3.2 While the application provides in excess of 1,000 square meters of land for B8 storage and distribution, or potential warehousing, use, the policy reference to *“will normally be refused”* is particularly relevant in this instance. The material considerations referred to at paragraph 9.16 are considered to provide the circumstances in which an application for B8 storage and distribution may be granted planning permission. As stated in paragraph 9.17 of the main Committee Report, it is the view of officers that there are in this instance material considerations which outweigh any harm to the objectives of Policy CE4 of the Core Strategy and provide circumstances in which an application for the particular B8 storage and distribution use proposed can be supported.

4.0 S106 Agreement

4.1 The main Committee Report recommends the following Heads of Terms for a s106 obligation:

- a) implement a local labour, goods and contractors scheme;
- b) provide a financial contribution towards local bus improvements to be agreed by the Corporation in consultation with Transport for London;
- c) enter into a Section 278 Agreement to undertake the works to Hindmans Way;

4.2 Paragraph 12 of Circular 11/95 states that it may be possible to overcome a planning objection to a development proposal equally well by imposing a condition on a planning permission or by entering into a planning obligation under Section 106 of the Act. The Circular advises that, where it is possible to achieve the objective either by imposing a condition or requiring a s106 obligation, the Local Planning Authority should normally impose a condition in preference to dealing with the matter by means of a planning obligation.

4.3 Furthermore, as the Corporation is the owner of the development site, it would be required to enter into the S106 Agreement with itself in order to bind the planning obligations to the land to which they relate. This is not considered appropriate where the Corporation is not the applicant. In any event, in this instance, there is no need for there to be a s106 agreement as the matters can be dealt with by condition.

4.4 It is recommended that the proposed S106 Head of Terms are instead dealt with by the following planning conditions:

a) The development hereby approved shall not commence until a local labour, goods and contractors scheme has been submitted to and approved in writing by the Local Planning Authority. The local labour, goods and contractors scheme shall comprise:

- i. The proposed construction programme;
- ii. Notification of the appointed contractor for the development and the liaison officer from the contractor responsible for liaising with the London Borough of Barking and Dagenham (LBBB) as local employment brokers on any local recruitment and supplies opportunities arising from the development;
- iii. Notification of any recruitment and supplies opportunities arising from the proposed development in order to allow LBBB as local employment broker to notify local recruitment and training agencies and put forward any relevant candidates prior to the contractor undertaking any other advertising;
- iv. The developer (through its appointed contractor) shall ensure that local employment is a criteria during the initial screening of candidates for employment arising from the development and for the matching of candidates to any vacancies and the appointed contractor will interview and, if appropriate, recruit suitably qualified applicants put forward by LBBB as local recruitment broker.

The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To maximise job opportunities for people living in the local community in accordance with Policy CC3 of the London Borough of Barking and Dagenham Local Development Framework Core Strategy (2010) and Policies 2A.5, 2A.7 and 3B.11 of the London Plan (2008, Consolidated with Alterations since 2004).

b) The development hereby approved shall not commence until a financial contribution to improve local bus services has been agreed with the Local Planning Authority in consultation with Transport for London. The storage and distribution use hereby approved shall not be occupied until the financial contribution shall be paid to the Local Planning Authority or its nominee.

To promote sustainable travel patterns in accordance with Policies T10 and T19 of the London Borough of Barking and Dagenham Unitary Development Plan (1996, saved from 18th September 2007 by direction from the Secretary of State) Policies 3C.1, 3C.3 and 3C.22 of the London Plan (2008, Consolidated with Alterations Since 2004).

c) The development hereby approved shall not commence until a specification for works to bring the stretch of Hindmans Way within the development site up to adoptable standard have been agreed with the local highway authority. The storage and distribution use hereby approved shall not be occupied until the highway works agreed

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have been completed to the reasonable satisfaction of the local highway authority and the applicant has offered the highway for adoption by the Highway Authority under Section 38 of the Highways Act 1980.

Reason: In the interests of visual amenity and road safety in accordance within Policies DE1, DE17 and T24 of the London Borough of Barking and Dagenham Unitary Development Plan (1996, saved from the 27th of September 2007 by direction from the Secretary of State) and Policies 3C.21 and 3C.22 of the London Plan (2008, Consolidated with Alterations Since 2004).

**Case officer: Will Steadman
27 September 2010**