

Addendum Planning Committee Report

London Thames Gateway Development Corporation

Planning Application LTGDC-10-088-REG3 Addendum Report

Report of the Director of Planning

1. Summary

- 1.1 This is an Officer's addendum to a report which considers an application by LTGDC and is tabled as item number 3 for consideration by London Thames Gateway Development Corporation Committee Members. It seeks to update Members regarding information / correspondence that has been received since that report was completed.

2. Further representations received

2.1 London Borough of Newham

- 2.2 LTGDC received a letter from London Borough of Newham on 9th September 2010, setting out the Council's formal consultation response regarding the planning application. A copy of that letter is appended to this report at appendix 1. The application was presented to the Council's Development Control Members' Forum on the 3rd September 2010, who endorsed the following representations:

1. *The principle of the proposed land uses on this constrained site is acceptable in relation to UDP policy.*
2. *The job creation opportunities are fully supported.*
3. *The proposed building scale parameters are acceptable and would not harm the amenities of adjoining properties.*
4. *The transportation impacts need to be fully addressed at reserved matters stage through the proposed conditions and S106.*
5. *The impacts of the development on the adjoining SINC (Cuckhold's Haven) can be accepted subject to detailed mitigation and enhancement measures to be secured by condition and S106.*

6. *The Council expects the detailed design of the buildings at reserved matters stage to be high quality, innovative and demonstrate exemplary levels of sustainability and accessibility.*
7. *The Council agrees to the conditions and S106 Heads of Terms set out in the LTGDC's published committee report.*
8. *The Council would welcome the opportunity to discuss the contribution amounts to be secured in the S106.*

"No material considerations have been identified that warrant refusal to grant outline planning permission. As such, the Council recommends that the LTGDC should grant outline planning permission subject to 1) Stage 2 referral to the Mayor of London; 2) the completion of a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended); and 3) the conditions set out in the LTGDC's published committee".

2.3 LTGDC officers note the representations made by LB Newham and do not consider them to raise any issues that are not already covered in the main officer report.

2.4 London Borough of Barking and Dagenham

2.5 Representations by the London Borough of Barking and Dagenham dated 23.08.2010, have been forwarded to LTGDC and are appended to this report at appendix 2.

2.6 LTGDC officers note the representations made by LBBD and do not consider them to raise any issues that are not already covered in the main officer report, with the exception of the reference to the need for the boundaries to be designed so they do not present a barrier to the movement of species. Officers recommend that draft condition number 41 as set out at section 11 of the main officer report be amended to read:

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 27th 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.

2.7 Transport for London

2.8 Discussions between Transport for London (TfL) and the Applicant have been ongoing since the main officer report was published. The Applicant asked TfL to review the proposed wording of draft condition number 22, which precludes commencement of the development until detailed designs of the proposed highway improvements have been submitted to and approved in writing by the Local Planning Authority in consultation with TfL and the scope of the works to be carried out have been agreed by the developer, TfL and RMS plc. In addition to an agreement under section 278 of the Highways Act 1980.

2.9 TfL sent the Applicant an email dated 08 September 2010 stating:

"...following review of the development proposals, and the Applicants intention to ultimately market the car showroom and the industrial uses separately, TfL can now confirm that it would be satisfied for the Grampian condition related to the highway improvement works to apply to the industrial site only, as it is accepted that it would be difficult for this to be enforced in relation to the car showroom, were this to be under separate management.

However, in order to ensure that the proposed highway improvements to the slip roads are not prejudiced by the construction of the car showroom, TfL requests that an alternative condition is applied in respect to this aspect of the development, and that this is along the following lines:

'Prior to commencement on site, it will need to be demonstrated that the construction of the 'sui generis' car showroom, would not prejudice the implementation of the indicative highway improvement works, as illustrated on drawing number 010 'figure 5' of the Transport Assessment. It will also need to be demonstrated that sufficient land is available to ensure the bus stop outside the site on the Alfreds Way slip road, can be provided to current accessibility standards''.

2.10 LTGDC officers welcome the pragmatic compromise position offered by TfL and recommend that an additional condition is attached to any grant of outline planning permission to read:

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 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 May 2010, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Transport for London (TfL).

The submitted details must demonstrate that sufficient land is available to ensure the bus stop outside the site on 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 polices T1, T3, T24 and EQ25 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 3C.17, 3C.21, 3C.22 and 4B.5 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

2.11 LTGDC officers also recommend that draft condition number 22 be amended to read:

No part of the development of the part of the site identified as Zones 1a, b & c in the submission documents, where the Use Class B2 and B8 accommodation is to be located, shall be commenced until detailed designs of the proposed highway improvements 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.

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

2.12 Greater London Authority

2.13 In addition to the Stage 1 GLA report referred to at paragraphs 5.7 to 5.9 of the main officer report, GLA (on behalf of the Mayor of London) has confirmed (email dated 07 September 2010) that with regard to design and

inclusive design, GLA is content that these issues will be dealt with at the reserved matters stage. GLA officers are also content with draft condition number 16 regarding living roofs and walls.

2.14 However, GLA require the Applicant to provide the requested energy information and are not prepared to condition the energy strategy until all the basic information has been supplied. As set out in the Stage 1 report, GLA require the following information:

- a breakdown of the estimated tonnes of CO2 emissions from regulated and unregulated energy at each tier of the energy hierarchy;
- details of correspondence with stakeholders regarding the connection to the Thames Gateway heat network;
- further details of how any active cooling will be provided / or suitable options;
- whilst it is understood that it isn't possible to state which renewable will be used at this stage, the Applicant needs to identify which are likely / compatible and then set out the carbon dioxide savings for each option.

2.15 LTGDC officers acknowledge London Plan (Consolidated with Alterations since 2004 and altered April 2010) policy requirements and note that the submitted Energy Statement makes no firm commitment to utilising renewable technologies or the level of carbon dioxide savings that are to be achieved. This is acknowledged in the main officer report. Draft condition number 15 is recommended to address this issue and although not obliged to, that draft condition provides for consultation with the Greater London Authority in considering any details that are submitted.

2.16 The aspirations of the GLA Energy Team on Planning Energy Assessments reflect a normal expectation that energy strategies 'should' include the requested information. LTGDC is not in a position to insist on the information being provided as part of the assessment of this outline planning application.

2.17 The application is for outline planning permission with all matters reserved and DCLG circular 01/2006 provides that:

With an application for outline planning permission detailed consideration will always be required on the use and amount of development. In addition, even if layout, scale and access are reserved, an application will still require a basic level of information on

these issues in the application. As a minimum, therefore, applications should always include information on:

- **Use** – *the use or uses proposed for the development and any distinct development zones within the site identified.*
- **Amount of development** – *the amount of development proposed for each use.*
- **Indicative layout** – *an indicative layout with separate development zones proposed within the site boundary where appropriate.*
- **Scale parameters** – *an indication of the upper and lower limits for height, width and length of each building within the site boundary.*
- **Indicative access points** – *an area or areas in which the access point or points to the site will be situated.*

2.18 Regarding the Authority's power to insist on further details, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 provides that the power to require further details of all or any reserved matters must be exercised within one month of the receipt of the application. The application was received on 12 July 2010.

2.19 LTGDC officers are content that draft condition 15 would satisfactorily address the GLA requirements and recommend that it is attached to any decision to grant outline planning permission.

2.20 If the Committee resolves to grant planning permission, it must first allow the Mayor of London an opportunity to decide whether to direct LTGDC to refuse planning permission.

3. Other information

3.1 HSE PADHI+ assessment

3.2 Acknowledging the presence of 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) 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.

3.3 Amendments to draft conditions

3.4 The Applicant has requested the removal of draft condition number 31 relating to details of the measures to be undertaken to protect /exclude newts during the site preparation and construction works associated with

the development, as precautionary measures relating to smooth newts could be picked up in the ecological management plan if necessary. No Great Crested Newts were found and only a very small number of smooth newts were recorded during the surveys that accompany the submitted ES.

- 3.5 LTGDC officers agree that draft condition 31 can be deleted.
- 3.6 The Applicant has requested that the requirement to achieve a BREEAM rating of 'Excellent' (as set out in draft condition number 25) be relaxed to a rating of 'Very Good'.
- 3.7 LTGDC officers note that the submission documents state that, "The proposed development is committed to achieving a high BREEAM rating with an aspiration for an 'Excellent' rating in accordance with LBN's Environmental Sustainability Checklist and the 2008 London Plan". The application has been assessed based on the information provided and officers maintain that the proposals should be required to achieve a BREEAM rating of 'Excellent'.
- 3.8 The Applicant has requested that draft condition 12 relating to the requirement of an odour survey be deleted.
- 3.9 LTGDC officers note the representations made by Thames Water as set out at paragraph 5.17 of the main officer report and maintain that draft condition 12 is retained as drafted.
- 3.10 The Applicant has requested that draft condition 3 be amended to read:

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 27th 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).

- 3.11 LTGDC officers find the proposed amendments to draft condition 3 to be acceptable.
- 3.12 LTGDC officers note that draft condition number 4 provides for a phasing plan, but that draft condition numbers 1 and 19 require the details relating to

the whole site to be provided. It is intended that the development is able to be delivered in phases. As such it is recommended that conditions 1 and 19 be amended to insert the words, "No phase (as approved under condition 4)...", in order to enable phased development of the proposals.

4. LTGDC officer conclusion

4.1 LTGDC officers have carefully considered the additional representations received and maintain their recommendation that Committee Members resolve to grant planning permission subject to conditions, including the amended and additional conditions set out in this addendum report, and the completion of a S106 agreement as detailed in LTGDC's officer report number LTGDC/09/PC42 (item number 3).

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

Date: 09 September 2010

Appendix 1. LB Newham letter dated 09.09.2010

Appendix 2. London Borough of Barking & Dagenham representation dated 23.08.2010

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 189 Marsh Wall
 London
 E14 9SH

Clive Dutton

Executive Director of Regeneration, Planning and Property

Newham Dockside
 1000 Dockside Road
 London E16 2QU
 Tel: 0208 430 2000

If telephoning please ask for: Chris Gascoigne
 DDI: 020 3373 3580 Int: 33580
 e-mail: chris.gascoigne@newham.gov.uk

Dear Amanda,

TOWN AND COUNTRY PLANNING ACT 1990

Ref: 10/01159/LTGDC

Date: 9th September 2010

Application No:	10/01159/LTGDC
Location	Land Adjacent to Jenkins Lane, East Ham
Proposal:	Outline planning permission (with all matters reserved) for the development of no more than 15,000 m ² of floorspace comprising General Industry and Storage or Distribution accommodation (Use Class B2 and B8) with ancillary office (Use Class B1(a)) and a car showroom (Sui Generis Use Class), with associated vehicle parking, access and works in a landscaped setting.

This letter represents the Council's formal consultation response regarding the above mentioned application for planning permission.

The application was presented to the Council's Development Control Members' Forum on the 3rd September 2010 who endorsed the following representations.

1. The principle of the proposed land uses on this constrained site is acceptable in relation to UDP policy.
2. The job creation opportunities are fully supported.
3. The proposed building scale parameters are acceptable and would not harm the amenities of adjoining properties.
4. The transportation impacts need to be fully addressed at reserved matters stage through the proposed conditions and S106.
5. The impacts of the development on the adjoining SINC (Cuckhold's Haven) can be accepted subject to detailed mitigation and enhancement measures to be secured by condition and S106.
6. The Council expects the detailed design of the buildings at reserved matters stage to be high quality, innovative and demonstrate exemplary levels of sustainability and accessibility.
7. The Council agrees to the conditions and S106 Heads of Terms set out in the LTGDC's published committee report.

8. The Council would welcome the opportunity to discuss the contribution amounts to be secured in the S106.

No material considerations have been identified that warrant refusal to grant outline planning permission. As such, the Council recommends that the LTGDC should grant outline planning permission subject to 1) Stage 2 referral to the Mayor of London; 2) the completion of a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended); and 3) the conditions set out in the LTGDC's published committee.

Please ensure that the LTGDC's Planning Committee Members are updated accordingly.

Please forward me a copy of the LTGDC's decision notice regarding the application.

Yours sincerely,

Chris Gascoigne
Team Leader
Development Control

For PHYSICAL REGENERATION & DEVELOPMENT

Will Thompson - WYG

Appendix 2

Planning Applications Consultation – E

DC CASE NO:	10/01159/LTGDC
Case Officer:	Mr Chris Gascoigne, LB Newham
Planning Policy:	Francesca Cliff / Linda Beard, London Borough of Barking and Dagenham
Date Received:	15 July 2010
Site Location:	Land Adjacent to Jenkins Lane, Jenkins Lane, East Ham, London
Planning Application Description:	Development of no more than 15,000 sqm of floor space comprising Use Class B2/B8 accommodation with ancillary offices (Use Class B1) and a car showroom (sui generis), with associated vehicle parking and works in a landscaped setting.
Comment:	Date: 23.8.10
<p>The London Borough of Barking and Dagenham is commenting on this development proposals due to its close proximity to the borough boundary and the effect the proposal has on the implementation of two of Barking and Dagenham's adopted Core Strategy policies CP2 Protecting and Promoting our Historic Environment and CR2: Preserving and Enhancing the Nature Environment.</p> <p>LBBB Core Strategy Policy CP2: Protecting and Promoting our Historic Environment</p> <ul style="list-style-type: none"> • The Environmental statement volume 3 on page 7 does state that the development will not directly affect any conservation areas. However the proposed development is within the vicinity of the Abbey Road Riverside Conservation Area in the neighbouring borough of Barking and Dagenham (LBBB). • The proximity of the development to the conservation area should be taken into account, particularly views to and from the conservation area. • The need for a heritage statement should be considered by the conservation officer at LB Newham. • Views from various locations have been considered but not to and from the conservation area. • The conservation area is located on Abbey Road and includes the locally listed Malthouse and Granary buildings. The site is visible from upper storeys of the Malthouse. The development may be visible from the proposed café to be located on the riverside and the proposed ELT bridge, and from upper storeys of the Granary. • The proposal for a landscape strategy and tree planting around the periphery of the site is welcomed to soften any views of the buildings from the LBBB side. <p>More information on the Abbey Road Riverside Conservation Area is available at www.lbbd.gov.uk</p> <p>LBBB Core Strategy Policy CR2: Preserving and Enhancing the Natural</p>	

Environment

There is a concern that the development proposals will impact negatively on two SINC's found in the London Borough of Barking and Dagenham, the River Thames and Tidal Tributaries (Site of Metropolitan Importance) and the River Roding in Barking (Site of Grade I Borough Importance), as well as the SINC found on the borough boundary and directly adjacent to the proposed development site Cuckold's Haven Nature Reserve (also Site of Grade I Borough Importance).

Managing the impact of habitat loss

- A large area of habitat will be lost adjacent to the Cuckold's Haven Nature Reserve. For example, the semi-improved grassland and dense scrub in Area 1 will be lost. The size and layout of the development should be reduced to maximise the amount of existing habitat that can be retained. If this is not possible, a similar area of habitat should be created in a suitable location (but not on existing priority habitats).
- Landscape proposals should incorporate existing habitats as far as possible. This will provide greater value for biodiversity and minimise adverse impacts on adjacent Site of Importance of Nature Conservation in the London Borough of Barking and Dagenham. For example the semi-improved grassland along the boundary of Area 2 should be retained and managed for biodiversity. Ornamental planting should be replaced with naturalistic planting, examples of which can be found in Design for Biodiversity: www.d4b.org.uk/
- Creating linkages between habitats on and next to the site and to nearby SINC's so that wildlife can move between habitats should be considered.
- Tree planting across the site should be native regardless of the location – boundary, car parks and courtyards.
- Bat surveys of the site and adjacent habitats, including the River Roding are recommended to help determine where bats may be currently foraging.
- A breeding bird survey should be conducted prior to planning permission being granted.

Trees

- The trees identified in the Arboricultural Survey (May 2010) should be retained and the layout of buildings should allow the retention of these trees.
- All ornamental trees should be shown to have benefits for biodiversity.

Mitigation and Enhancement

- The mitigation and enhancement options set out in the Environmental Statement Technical Appendices Volume 3 should be a condition of granting planning permission.
- An Ecological Construction and Management Plan should be conditioned.
- Boundaries should be designed so they do not present a barrier to the movement of species. This can be achieved by using hedges or green walls as

boundaries instead of fencing.

- The Environment Agency has stated that a 5m buffer should be provided adjacent to the ditch that runs through the site. This buffer should be planted for biodiversity.
- Interceptors to prevent polluted runoff entering the ditch and any swales should be installed and monitored during the lifetime of the development.
- Development must ensure that peak run-off rates and annual volumes of run-off will be no greater than the previous conditions for the development site. Runoff into the River Roding should be filtered / treated before entering the river to ensure there is no additional pollution of this river which already suffers from poor water quality.
- Due to impact of habitat loss through this development proposal Section 106 should be considered for biodiversity improvements and management of Cuckolds Haven, Hand Trough Creek, reedbeds and the River Roding.
- Brown roofs designed for biodiversity should be installed on as much roof space as possible to mitigate for the habitat loss at ground level. The buildings should be designed to support the additional weight of brown roofs.

