

Planning Committee Report Update

London Thames Gateway Development Corporation

Planning Application LTGDC-08-053-FUL

Dovers Corner Industrial Estate, Rainham, Essex

Report of the Director of Planning

1. Introduction

- 1.1 At the meeting of the Committee on 13th May 2010, Members were presented with an application seeking full planning permission for demolition and mixed use redevelopment of the Dovers Corner site in Rainham comprising 95 houses and 634 apartments [729 dwellings], retail (A1 - A4) and commercial floorspace (B1 and D1) [8,780 sq m], car parking [627 spaces], public open space, de-culverting of Pooles Sewer, alterations to access to New Road, closure of accesses to New Road and Bridge Road, formation of emergency-only access to Lamson Road.
- 1.2 The application is the subject of a non-determination appeal and therefore Members were asked to determine the decision they would have made had the appeal not been lodged. Officers recommended that the Committee indicate that they would have granted planning permissions subject to conditions, a legal agreement and statutory notifications. The Committee report with addendum is appended to this report.
- 1.3 The London Borough of Havering, in its response to the Corporation's consultation, recommended that the application be refused, citing six reasons for refusal. These relate to design and scale, the failure to reflect the Rainham Conservation Area, an undesirable precedent, the unsafe vehicular access, flood risk and an inadequate offer of "planning gain" under the proposed legal agreement. Havering's Head of Planning and Building Control presented the Borough's position including these reasons for refusal to Members on the night of Committee.
- 1.4 In light of the issues raised by Havering, and following discussion, Members resolved to defer adopting a position at the upcoming appeal to enable officers to seek advice from Counsel on the likelihood of success at appeal. The opportunity has also been taken to seek an update on the external heritage advice the Corporation has received, particularly in light of the publication of the new Planning Policy Statement 5: Planning for the Historic Environment. The following is a report that summarises the latest comments of the Corporation's heritage advisor, and recommends that on

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the basis of these comments and advice from Counsel, that the original recommendation to the Committee still stands. A separate confidential report (provided to members of the Committee only) summarises Counsel's Opinion. The separate report is exempt from public disclosure on the grounds that it contains information in respect of which legal privilege is claimed and the disclosure of which would be prejudicial to the effective conduct of public affairs.

2 Advice from Heritage Consultant

2.1 The impact upon the setting of the conservation area is one of the issues raised by Havering and the local objectors - in particular, the SSA12 policy test which states that development at the eastern end of the policy area must reflect the character of the Rainham conservation area. The Corporation's independent heritage advice states that the development would be in "striking contrast" to the conservation area, although Members will note that the 'striking contrast' remark was made prior to the changes to Building B. The Corporation's consultant has since reviewed the changes and concluded that the amendments have clear benefits for Rainham Village by reducing the impact on the landscaped river corridor whilst still providing a screening function to the unattractive high rise to the north west of the development site. This update was reported in the addendum report to Members at the previous committee.

2.2 A further consideration in terms of the conservation area is the implications of new Planning Policy Statement 5: Planning for the Historic Environment (PPS5) which was published after the Corporation's heritage consultant produced his original report. The consultant was asked to examine the scheme in the context of PPS5 and to form a professional opinion as to whether the development would meet the tests of PPS5. Key features of PPS5 are:

- Policy HE10.1 advises local planning authorities that when considering applications which affect the setting of a heritage asset (including a conservation area) they should treat favourably applications which preserve those elements which make a positive contribution to or better reveal the significance of the asset;
- Policy HE10.2 advises that local planning authorities should identify opportunities for changes in the setting to enhance or better reveal the significance of a heritage asset. Taking such opportunities should be seen as a public benefit and part of the process of place shaping.
- Policy HE9.4 advises that local planning authorities should consider applications proportionately and arrive at a balance between harm and benefits.

The view expressed by the consultant was firstly that the existing industrial sheds that currently occupy the site, and which can be viewed from the conservation area, are of limited value, have low historical, aesthetic and communal value and, in terms of PPS5, make a negative contribution to the significance and setting of the conservation area.

2.3 His view of the development, particularly in light of Policy HE10.2, is that the proposed development would serve to emphasise the local distinctiveness and significance of the historic environment within the conservation area. The scale and design of the replacement buildings would also shift the centre of visual interest

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when approaching the conservation area from the north along Bridge Road, from the unattractive bulk of the Tesco supermarket and its extensive surface car park to the modern buildings sited beyond the River Ingrebourne, thereby significantly improving the approach and emphasising the significance both historically and visually of the conservation area.

3 Conclusion

- 3.1 It is the view of officers that the design of Building B responds to the wide array of materials and features found within the conservation area and therefore, being the most prominent building viewed from within the Village, responds to SSA12 in terms of reflecting the character of the conservation area. Furthermore, officers consider that the development meets the PPS5 tests for new development in the setting of a heritage asset, namely the conservation area, by improving its setting and distinctiveness.
- 3.2 At the meeting on 13th May 2010 Members pointed out that, in a number of respects, there was information missing that they would have liked to have had before making a decision, for example flood risk and access to the A1306. Because the appeal has already been submitted it is not possible to require this information to be submitted and the Committee will need to reach a view on the information available to it. However, as would be the case with any appeal, the Inspector will expect the parties to resolve as many of the issues between them as possible before the Inquiry. Regardless of the position the Committee takes, officers will seek to resolve these issues in the course of the Inquiry process and, to the extent that they are not resolved before the Inquiry, will make appropriate submissions to the Inspector as to whether he ought to make a final decision absent those details or alternatively impose conditions requiring details to be submitted
- 3.3 In light of the additional information received and reviewed since the previous committee, the recommendation remains as per the original committee report. That is, on balance, had the appeal against non-determination of the application not been submitted, the application would have been found to be acceptable and recommended for approval, subject to the conditions and s106 terms outlined in the main committee report.

CASE OFFICER: Stephen Allen

Date: 3 June 2010

Appendix 1: Committee Report with Addendum

Appendix 2: Advice from Counsel (for LTGDC Committee Members and officers only)