

PLANNING COMMITTEE MEETING: 9 September 2010

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

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| UDC CASE NUMBER: | LTGDC-10-088-OUT | DATE MADE VALID: | 12/07/2010 |
| APPLICATION NUMBER: | 10/01159/LTGDC/LBNM | TARGET DATE: | 01/10/2010 |

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| APPLICANT: | London Thames Gateway Development Corporation |
| AGENT: | WYG Planning & Design |
| PROPOSAL: | Outline planning permission (with all matters reserved) for the development of no more than 15,000 m ² of floorspace comprising Use Class B2 and B8 accommodation 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. |
| LOCATION: | Land adjacent to Jenkins Lane, Barking, London IG11 |

SUMMARY

- 1.1 This report considers an application for outline planning permission by London Thames Gateway Development Corporation (LTGDC) for the development of no more than 15,000 m² of floorspace comprising Use Class B2 and B8 accommodation with ancillary office (Use Class B1(a) and a car showroom (Sui Generis) with associated vehicle parking, access 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 use does not fall within any use class and is therefore considered as 'Sui Generis' under the Town and Country Planning Act (Use Classes) Order 1987 (as amended).
- 1.2 Details of access, layout, scale, appearance and landscaping have been reserved for later consideration, although indicative layout plans have been submitted.
- 1.3 The proposals warrant Environmental Impact Assessment (EIA). As such an Environmental Statement has been submitted with the planning application.
- 1.4 The application site falls within LTGDC's London Riverside planning functions area.
- 1.5 This 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*

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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 was required. If the Committee resolves to grant planning permission, it must first allow the Mayor an opportunity to decide whether to direct it to refuse planning permission.

- 1.6 LTGDC planning officers have considered the application with regard to the provisions of the development plan (The London Plan, Consolidated with Alterations since 2004, published February 2008, 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) referral to the Mayor of London; ii) the completion of a Unilateral Undertaking under Section 106 of the Act covering matters listed at paragraph 9.86 below; and (ii) the conditions set out at paragraph 11.1 below.

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.

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- 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.
- 2.11 Description of Proposal The proposal is an outline planning application with details of access, layout, external appearance, scale and landscaping reserved for later consideration.
- 2.12 The proposals include the provision of the following land uses:
- Use Class B2 / B8 – General Industry and Storage or Distribution accommodation;
 - Use Class B1 – Ancillary Office accommodation;
 - Sui Generis – Car Showroom;
 - Associated Vehicle Parking; and
 - Landscaping.
- 2.13 The application is accompanied by the following documents:
- Planning Statement, prepared by WYG, dated May 2010;
 - Design & Access Statement, prepared by Stephen George & Partners LLP, Rev C dated August 2010;
 - Development Specification Document (2nd Revision), prepared by WYG Planning & Design, dated August 2010;
 - Design Code, prepared by Stephen George & Partners LLP, Rev C dated August 2010;
 - Outline Remediation Strategy, prepared by WYG, dated May 2010;
 - Sustainability Statement, prepared by WYG, dated May 2010;
 - Transport Assessment, prepared by WYG Transport Planning, dated May 2010;
 - Travel Plan, prepared by WYG Transport Planning, dated May 2010;
 - Flood Risk Assessment, prepared by WYG Engineering, dated May 2010;
 - Energy Statement, prepared by WYG Engineering, dated May 2010;
 - Addendum to Ecology and Nature Conservation Chapter 6 (Invertebrate Survey), dated June 2010;
 - Addendum to Ecology and Nature Conservation Chapter 6 (Reptile Survey), dated June 2010;

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constraints and opportunities across the site. One indicative layout plan illustrates an arrangement with one large building unit on Zone 1a and the other illustrates a small / medium unit scheme layout on Zone 1a.

- 2.17 The proposed B2 /B8 /B1 floorspace would be located within Zones 1a, b & c and the car showroom would be located within Zone 2.
- 2.18 The table below illustrates a potential schedule of accommodation for the overall design of the proposed development:

| Site | Floorspace (Gross Internal) |
|--------------------------------|-----------------------------|
| Western Site (Zones 1a, b & c) | 12,640 m ² |
| Eastern Site (Zone 2) | 2,323 m ² |
| Total | 14,963 m ² |

- 2.19 The application proposes a maximum total floorspace of 15,000 m². 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.
- 2.20 The submission documents set out 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): 7,850m²
Min unit size (footprint): 140m²
Max finished floor level (FFL): 10.6m AOD
Max height: 29.1m AOD
Min height: 16.6m

Zone 1b

Max unit size (footprint): 5,000m²
Min unit size (footprint): 140m²
Max finished floor level (FFL): 10.0m AOD
Max height: 25.75m AOD
Min height: 16.0m

Zone 1c

Max unit size (footprint): 420m²
Min unit size (footprint): 140m²
Max finished floor level (FFL): 9.5m AOD
Max height: 22m AOD
Min height: 15.5m AOD

Zone 2

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Max unit size (footprint): 1,200m²
Min unit size (footprint): 140m²
Max finished floor level (FFL): 9.5m AOD
Max height: 22m AOD
Min height: 15.5m AOD

- 2.21 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.

MAIN ISSUES

- 3.1 The main planning issues for consideration in relation to this application for outline planning permission are:

- Environmental Issues
- 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

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.

STATUTORY CONSULTATION RESPONSES

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- 5.1 English Heritage (Greater London Archaeology Advisory Service) letter dated 05 August 2010. 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.
- 5.2 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.
- 5.3 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.
- 5.4 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 7 at section 11.1 of this report].
- 5.5 Environment Agency letter dated 16 August 2010, stating that the Agency have no objection in principle to the proposed development provided specified planning conditions are imposed on any planning permission granted. Those conditions relate to:
- the need for the development to be carried out in accordance with the Flood Risk Assessment (FRA), and the specific need for provision of safe routes into and out of the site to an appropriate safe haven during all flood events;
 - 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.
- 5.6 The Agency also provided additional advice regarding sustainable drainage techniques; obstruction to groundwater; rainwater harvesting; and external lighting, which have been included in the 'Informative' section of this report at section 11.1 below.
- 5.7 Greater London Authority Sir Simon Milton, Deputy Mayor and Chief of Staff, acting under delegated authority of the Mayor of London, considered a Stage 1 officer report on 25 August 2010. The report considered that the proposals do not comply with London Plan policies. The report has been sent to the applicant.
- 5.8 The GLA Officer Report stated that London Plan policies relating to employment,

urban design, inclusive design, climate change, biodiversity, open space and transport are relevant to this application. The application complies with some of these policies but not with others for the following reasons:

- **Principle of development:** The proposed development will support new employment opportunities and economic development in the area. The principle of the development is supported and the proposed development complies with London Plan Policies 2A.10 and 3B.4.
- **Urban design:** Further information is required to determine whether the application complies with London Plan design policies.
- **Inclusive access:** The applicant should take into account the comments set out in the report to ensure the development complies with London Plan Policy 4B.5.
- **Climate change mitigation:** Further information is required to determine whether the application complies with London Plan energy policies.
- **Climate change adaptation:** The application complies with London Plan Policy 4A.13 and 4A.14 but does not comply with London Plan Policy 4A.11.
- **Biodiversity:** The application broadly complies with London Plan Policy 3D.14.
- **Open space:** The applicant should take into account the comments set out in the report to inform the later design stages and ensure the development complies with London Plan Policy 3D.8.
- **Transport:** A number of issues must be addressed to ensure the development complies with London Plan policies 3C.20 and 3C.25 and draft replacement London Plan policies 6.9, 6.11, 6.13 and 6.14.

5.9 The GLA officer report concludes that on balance, the application does not comply with the London Plan. The following changes might, however, remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan.

- **Urban design:** The applicants should provide additional design information.

LTGDC officers note that the application is for outline planning permission with all matters reserved. As such the application is not required to provide detailed urban design details as part of the application. Officers recommend the imposition of conditions requiring the submission of reserved matters and details as specified at section 11.1 of this report.

- **Climate change mitigation:** The applicant should: 1) provide a breakdown of the estimated tonnes of carbon dioxide emissions from regulated and unregulated energy at each tier of the energy hierarchy; 2) provide a table of the proposed building parameters e.g. air permeability, U-values etc. compared against the values used for the 2010 Building Regulations Notional Building; 3) prioritise connection to the proposed Thames Gateway heat network and details of correspondence with stakeholders should be provided as part of the energy strategy. If immediate connection is not possible, commitment should be made to providing a development that is designed to be able to connect to the network, should the opportunity arise in the future; 4) submit details of how any active cooling will be provided; 5) make firm commitment to providing renewable and identify which one is proposed and confirm the level of carbon dioxide savings based on the option selected.

LTGDC officers agree with the GLA officer comments and recommend the

imposition of a condition requiring the submission of full details demonstrating how the development will achieve the forecast carbon dioxide (CO₂) reduction of 21% as set out in the Energy Statement (dated May 2010) submitted in support of the planning application. Immediate connection is not possible to the Thames Gateway heat network as it does not yet exist. Officers have advised that the applicant make passive provision to the boundary of the site to enable connection to that heat network at some later date, should the heat network be delivered.

- **Climate change adaptation:** The applicant should investigate and provide information regarding the feasibility of incorporating living roofs into the proposed development.

LTGDC officers recommend the imposition of a condition requiring the submission of a detailed scheme for living roofs and walls to be submitted to and approved by the Local Planning Authority.

- **Transport:** The applicant should provide additional transport information as set out in the GLA stage 1 officer report.

The Transport comments set out in the GLA officer report are the same as those expressed by TfL and detailed at section 5.20 below.

- 5.10 London Borough of Newham LBN officers are due to present details of the application to the Newham Development Control Members Forum on 3 September 2010. Newham's formal response will be reported to LTGDC Committee Members in an addendum report.
- 5.11 Natural England email dated 29 July 2010. The application site is located adjacent to the River Thames and Tidal Tributaries SINC (M031). It is likely that as a result of the development more people will have access to the SINC and it may be subject to increased recreational pressure. Therefore you should explore the potential for a Section 106 with the applicant towards the enhancement of this SINC.
- 5.12 In general, Natural England does not support the loss of habitat through land take. However, the development has the potential to secure a number of enhancement measures. Natural England would recommend that all of the proposed mitigation and enhancement measures outlined under the Environmental Statement (Section 6.6 – Mitigation, Compensation and Enhancement Measures) and the attached species addendums (Impacts and Recommendations section) are secured through the use of a planning condition. This is to reduce the level of impact the development will have on species, such as smooth newts, and to secure the delivery of proposed enhancement schemes, in line with Paragraph 16 of PPS 9.
- 5.13 With regard to protected species, such as bats, invertebrates and amphibians, Natural England recommend that, in line with the 'Impacts and Recommendations' section, a suitable area of habitat be retained within the development. This is especially relevant to areas noted for their biodiversity value, e.g. the raised embankment along the southern boundary of the site considered to be of regional value to invertebrate populations and the habitat along the drainage ditch, identified as having value to foraging and commuting bats.
- 5.14 Natural England is supportive of the inclusion of living roofs in all developments in

principle. However, some living roofs such as sedum matting can have limited value for wildlife but these can be favoured by developers as a cheaper option and a response to blanket requirements for living roofs. Natural England far prefers the use of bespoke solutions based on the needs of the wildlife specific to the site and adjacent area.

- 5.15 Natural England recommends that, as a condition of the development, the applicant be required to produce an Ecological Mitigation and Management Plan (EMMP). This should be used as a mechanism for formalising and delivering the proposed mitigation and enhancement measures and should include details of how these will be monitored, managed and funded in the future. Such a condition is recommended at section 11.1 below.
- 5.16 Olympic Delivery Authority letter dated 5 August 2010. The Olympic Delivery Authority Planning Decisions Team raises no objection to the proposed development. The proposal is not considered to interfere with the Olympic Development.
- 5.17 Thames Water email dated 29 July 2010. 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.
- 5.18 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 surcharge to ground level during storm conditions.
- 5.19 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 11.1 below.
- 5.20 Transport for London (TfL) letter dated 12 August 2010. The comments represent the views of TfL officers and are made entirely on a "without prejudice" basis. They should not be taken to represent an indication of any subsequent Mayoral decision in relation to a planning application and do not necessarily represent the views of the Greater London Authority.
- 5.21 While TfL is satisfied that the development proposals are unlikely to have a negative impact on the capacity of either the public transport or strategic highway network, there remain however, a few issues which still need to be addressed, as further detailed below:
- 5.22 *Car Parking* – No details have been included in the TA on the level of car parking being proposed for the B8 uses on site and further information in relation to this is therefore required.

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- 5.23 *Highways Issues* – Given the site's strategic location next to two different sections of TLRN, any potential impact on the operation of this key section of highway cannot be accepted. Under the Highways Act, any works on these roads would need TfL's agreement. Furthermore, as the A13 is privately maintained by RMS plc as part of a 30 year Design Build Finance Operate (DBFO) contract, their agreement would also be needed.
- 5.24 While it is accepted that the development proposals are unlikely to have a negative impact on the capacity of the TLRN in this location, there remain some concerns regarding road safety and site access which still need to be addressed. The TA itself identifies a number of accidents which have occurred on the A13 eastbound slip road, as a result of lane change manoeuvres, and subsequently includes a design proposal to lessen the risks of a collision in the future. While the need to improve road safety in order to aid access to the site is supported in principle, TfL cannot agree the suggested realignment of the A13 eastbound slip road entry to Jenkins Lane, at the junction with the A406, is practicable until further design and assessment work is carried out as part of the detailed design stage.
- 5.25 One of the main issues with the proposed works is that they will materially affect the maintenance regime for this area, and might subsequently attract additional costs. As such, prior to agreeing any works, TfL would require a signed agreement to be in place, stating that the developer will provide up front, an agreed commuted lump sum, to reflect the additional maintenance costs, if any, for the remainder of the A13 contract period. Alongside this, other requirements will also need to be met, if this development proceeds, as further detailed below:
- All surface finishes, in particular the triangular island, must be replicated
 - A lighting column, road sign and possibly the nearby safety fence will need to be relocated, with the new positions being agreed by both TfL and RMS
 - Any services in this location will need to be preserved/ protected/ diverted as necessary, at the developers' expense
 - No construction works or investigation works should commence until RMS have been notified, and all requirements for road space and any other restrictions have been agreed
 - Adjusting the western kerb line to Spur Road, may affect the embankment slope due to the need to retain, and therefore also move back the footpath. Should the embankment be steepened to accommodate the widening, then the landscaping will also be affected. Similarly, if any changes are required, they will need to be discussed and agreed with TfL/ RMS
- 5.26 Prior technical approval would also be needed for any work to TfL structures, including the embankment and the design standards in TfL's 'Streetscape Guidance' document will also need to be taken into consideration. It should also be noted that there is a presumption against the loss of trees on the TLRN as TfL values them as assets, and would therefore need to be compensated for their loss.
- 5.27 In order to implement works on the TLRN, the applicant will be required to enter into a s278 agreement with TfL as local highway authority.
- 5.28 In light of the above requirements, TfL therefore requests that a Grampian condition be attached to the grant of any planning permission for this site,

preventing any work from going ahead until detailed designs for the proposed highway improvements have been submitted to TfL/ RMS, and the scope of the works to be carried out under the s278 agreement have been agreed by TfL/RMS. TfL will also require a road safety audit to be carried out in relation to any proposed changes, and may require further assessments and traffic modelling if the improvements are implemented, alongside detailed discussions about traffic management during the construction phase. It is recommended that the requirement for this is secured by way of condition.

- 5.29 It is unclear why an emergency access onto the A406 is considered necessary, and more information is therefore required before TfL can confirm its acceptability. The creation of a new site access directly onto the A406 or A13 will be strongly resisted, and therefore a strong case would need to be made for TfL to approve it. If this were to be taken forward however, strict restrictions would need to apply to its use, including information from the relevant emergency services, and an appropriate agreed design with the relevant authorities, including TfL, to ensure it does not in itself represent a road safety hazard.
- 5.30 Finally, should this application be granted planning permission, the developer and their representatives are reminded that this does not discharge the requirements under the Traffic Management Act 2004. Formal notifications and approval may be needed for both the permanent highway scheme and any temporary highway works required during the construction phase of the development.
- 5.31 *Public Transport* - While TfL is satisfied that the development is unlikely to have a negative impact on the capacity of the local bus network in the area, there remain some issues to be taken into consideration. It should be noted that two existing bus routes, the 325 and 326 will be diverted to run along Jenkins Lane, the new Hand Trough Creek link road, once this section becomes available, which is expected to be late 2010/ early 2011. This will mean that up to 10 buses per hour will pass the site, thus improving public transport accessibility, with further changes to the bus network in this area possible at a later stage, as the result of developments such as Fresh Wharf.
- 5.32 Bus stop locations on the roads newly served by buses have not yet been determined, but should be within walking distance of the site. As such, TfL recommends that indicative bus stop locations, in line with TfL's bus stop accessibility guidance should be provided by the applicant. The requirement to implement these, following agreement with TfL over their exact location and design should therefore be secured through the s106 agreement. Good links to the proposed bus stops from the site should also be provided, as should a swept path analysis for buses using Jenkins Lane, in order to demonstrate that two vehicles can pass each other safely. Finally, it is considered there may be a need to safeguard land and/or ease highway geometry, in light of the swept path required for buses and the need to allocate space for bus stops.
- 5.33 *Walking and Cycling* - While TfL's cycle parking standards are referenced in the TA, the number of spaces being proposed is still unclear, and confirmation of this is therefore needed. Given the requirement to provide 1 space per 500sqm of B2 or B8 floorspace, TfL would expect a minimum of 30 spaces to be provided on site, in a secure, convenient and well lit location, based on 15,000sqm of floorspace being provided.

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- 5.34 Looking at the plans contained in the TA, the proposed footway into the site appears to end in the middle of the car showroom's car park. No direct and accessible link to the showroom itself is being shown, and this should therefore be provided, in order to limit the potential for pedestrian/ vehicle conflicts to occur.
- 5.35 *Travel Plan* - The submitted travel plan has failed its ATTrBuTE assessment and additional information is therefore required. A baseline modal split, consistent with the information presented in the TA, should be provided. Initial targets should be based on this information, whilst final ones should be set following the initial travel survey. All travel surveys must be iTrace and TRAVL compliant, with TfL requiring 5 years of travel plan monitoring.
- 5.36 As the site will consist of multiple occupiers, details should be provided on how and when full travel plans will be developed. TfL's 'Guidance for workplace travel planning for development' should be referenced for additional guidance. An action plan should be provided detailing milestones within the implementation of the travel plan along with who will be responsible for completing these tasks and details on the development of full travel plans. The revised framework Travel Plan should be prepared in line with TfL guidance, and secured through the s106 agreement.
- 5.37 *Construction and Servicing* - It is recommended that a Construction Logistics Plan (CLP) and Delivery and Servicing Plan (DSP) are both secured for the site by condition, in order to minimise the impact of vehicular traffic on the road network. These should include information on i) booking systems, ii) consolidated 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.
- 5.38 During the construction works there should be no oversailing or encroachment on TfL's highway boundary by materials, hoardings, scaffolding, vehicles or any other site related activity. If such activity is unavoidable, then a TfL license and prior agreement would be necessary, however any permanent encroachment or oversailing would be considered unacceptable. See paragraph 9.72 (below) regarding conditions and paragraph 9.73 regarding obligations recommended for the Unilateral Undertaking.

APPLICATION PUBLICITY

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| 6.1 | Site Notice Expiry: | 23/08/2010 |
| 6.2 | Press Notice Expiry: | 12/08/2010 |
| 6.3 | Neighbour Notification Expiry: | 27/08/2010 |

REPRESENTATIONS

- 7.1 Nine consultation letters were sent to neighbouring properties regarding this application, together with relevant statutory bodies.

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7.2 The application was advertised in the Newham Recorder on 21 July 2010 and site notices were displayed on 2 August 2010.

7.3 The following table summarises the representations that have been received to date, together with LTGDC officer responses:

| Representation Received | LTGDC Officer Comment / Response |
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| <p><u>Mr. P. W Howlen</u> letter dated 16 August 2010. Objection</p> <p>“The plan is incompatible with the Cuckhold’s Haven nature reserve to the North East.</p> <p>The plan fails to redress the lack of tree cover in this area.</p> <p>Any approval should be dependant on the following conditions:</p> <p>A thick corridor of trees which extends around the periphery for screening and bio-diversity.</p> <p>Serious professional consideration to nurturing bio-diversity and continuity with the Cuckhold’s Haven Nature Reserve”.</p> | <p>Objection and comments noted.</p> <p>Officers have considered the proposals together with the accompanying Environmental Statement (specifically chapter 6, Ecology and Nature Conservation) and the submitted Arboricultural Survey dated May 2010.</p> <p>The Arboricultural Survey identifies two individual and four groups of low quality and value category C trees on the application site and recommends: i) no adverse physical impact on the trees; and ii) allowance of space for the trees to grow and develop.</p> <p>None of the trees on the site are protected by a Tree Preservation Order.</p> <p>The mitigation measures set out in the ES include the creation of areas of woodland planting (to include ash, maple, birch, rowan, cherry, hawthorn, holly and dog rose), native species of local provenance amenity shrub planting, native and ornamental hedgerow planting (comprising of feathered native beech stock under-planted with ground cover species), specimen tree planting, avenue tree planting at the top of the eastern bank or the ditch (to include apple, pear and mountain ash) and ground cover shrub planting.</p> <p>Officers seek to impose a condition requiring the submission of an arboricultural method statement to include details for tree protection and a schedule and specification for remedial works to trees that are necessary in order to accommodate</p> |

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| | <p>the proposed development, as set out in the submitted Arboricultural Survey.</p> |
| <p><u>P Mykytowych</u> email dated 31 August 2010. Objection</p> <p>“The development will result in extreme & undue loss of privacy for my husband & I. We have floor-to-ceiling windows in our 6th floor flat (in Crick Court) which overlook the site where the development is proposed. The rooms affected are the drawing room / dining room & kitchen. Any development on the site will mean that persons on the site will have uninterrupted views into our property & also to our balcony which is currently well used by us. We chose to purchase our flat specifically because we would not be overlooked & would have privacy afforded by the fact that there was no development across the river from us. We value our privacy highly & the proposed development would have a significant adverse impact on our quality of life.</p> <p>The proposed development is situated next to Cuckold’s Haven Nature Reserve & the proposed site is currently covered with natural vegetation & this provides a valuable green lung in an area which is already over-developed, supplementing the nature reserve area. By keeping the area as is, i.e. undeveloped grassland with tree & shrub cover, this would accord with the surrounding land & supplement this, rather than erode an open space.</p> <p>Policy SH22 from the London Borough of Newham’s Unitary Development Plan (June 2001), & which remains extant following the Secretary of State’s Direction on 18th September 2007, states that car showrooms will only be permitted away from residential areas. Clearly the development in which we live is a significant residential area which is extremely close to the site, & will be</p> | <p>Objection and comments noted.</p> <p>The River Roding, Cuckold’s Haven and Jenkins Lane separate Crick Court from the closest part of the application site, which sits some 166m away at its closest point.</p> <p>Officers consider that the proposals would not present a detrimental adverse impact on the levels of privacy, outlook or natural lighting that are presently enjoyed by residents and visitors at Crick Court, or any other residential property.</p> <p>Outline planning permission is sought with all matters reserved for later consideration. The indicative, parameter based submission documents that have been submitted do not present any detrimental impact with regard to safety, security and privacy of the development and its surroundings in accordance with saved policy EQ19 of the LBN UDP.</p> <p>It is acknowledged that the northern elevation of the proposals would be visible from Crick Court.</p> <p>LTGDC officers are content that impacts on the character of the existing landscape and visual resources and landscape can be managed through appropriate mitigation as stated in the Environmental Statement and recommend that appropriately worded conditions are imposed that require the landscaping scheme, with ‘screening benefit’ to be implemented.</p> <p>Officers have considered LBN UDP saved policy SH22. The proposed location of the car showroom would be some 280m away from Brook Court (near to Crick Court) on Spring Place, Barking and be separated by River Roding, Cuckold’s Haven and Jenkins</p> |

adversely affected by the proposed development. The proposed development will be in contravention to this Policy.

Policy S12 seeks to implement greening initiatives along the London Borough of Newham's major thoroughfares. Building on an area of grassland would be in contravention of this Policy.

Policy S14 seeks to protect & enhance Sites of Nature Conservation Importance (SNCI), with policy EQ9 providing further detail in stating that proposals for development of adjoining sites will be considered in the context of their ecological impact on SNCIs. In addition, Policy OS2 states that the Council will safeguard the open character of Metropolitan Open Land. The site forms part of a Green Corridor. Accordingly, we hold that this proposed development is in contravention of these policies. The development would have an adverse ecological impact, would remove the green nature of the land, & erode the current Green Corridor.

Policy EQ14 states that permission will be resisted for development proposals which would cause unacceptable loss of trees. The development would result in the loss of trees & should therefore be resisted.

It is well known that we live in an area that is prone to flooding & are registered to receive flood alerts. By building on this land we contend that there will be an increased flood risk, not least of flooding Cuckold's Haven Nature Reserve & destroying the flora & fauna there.

Existing air quality along the A13 & A406 is known to be exceeding the annual average UK air quality objective for nitrogen dioxide. The London Borough of Newham has declared the roads & land bordering

Lane. The proposals are considered to be away from the nearest residential areas. The proposals, if implemented in strict accordance with the suggested draft conditions, would be acceptable.

Officers have assessed the proposals together with the submitted Environmental Statement and associated documents and are satisfied that the residual impacts of the proposals, taking into account proposed mitigation and compensation measures would be acceptable. In all cases, adverse residual impacts relating to ecology are considered to be insignificant.

The mitigation measures set out in the ES include the creation of areas of woodland planting (to include ash, maple, birch, rowan, cherry, hawthorn, holly and dog rose), native species of local provenance amenity shrub planting, native and ornamental hedgerow planting (comprising of feathered native beech stock underplanted with ground cover species), specimen tree planting, avenue tree planting at the top of the eastern bank or the ditch (to include apple, pear and mountain ash) and ground cover shrub planting.

None of the trees on the site are protected by a Tree Preservation Order. Officers seek to impose a condition requiring the submission of an arboricultural method statement to include details for tree protection and a schedule and specification for remedial works to trees that are necessary in order to accommodate the proposed development, as set out in the submitted Arboricultural Survey.

The Environmental Statement (specifically chapter 10, Hydrology and Flood Risk) and the submitted Flood Risk Assessment (FRA) dated May 2010, have been assessed by LTGDC officers and the Environment Agency.

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| <p>them as an Air Quality Management Area. By building on this land the volume of traffic will be increased substantially, thus increasing air pollution.</p> <p>Linked to the previous bullet point, there will be increased traffic congestion along the A13 in particular with a knock-on adverse impact on traffic along the A406. Already there are substantial traffic jams that build up at key points throughout the day & this development will add to this.</p> <p>With reference to paragraph 6.3.3 in the application, the visual impact of the proposed elevations for us would be significant & grossly intrusive & unwelcome.</p> <p>Paragraph 6.3.5 is inaccurate when it reports, erroneously, that the views “into the site are not far reaching”. From our flat we can see across to Greenwich, the Dome, Canary Wharf, the Gherkin & London Eye, to name just a few. We have unparalleled sight & full view of the area in question.</p> <p>Paragraph 6.3.6 is inaccurate. There will be both an extensive & intensive (adverse) impact in terms of views from residential receptors”.</p> | <p>Officers are satisfied with the proposals and seek to impose a condition requiring the development to be implemented in accordance with the submitted FRA.</p> <p>Officers have considered the Traffic and Transport chapter of the ES together with the Transport Assessment and Travel Plan that also accompany the application. As an application for outline planning permission, with all matters reserved, the application lacks sufficient detail to be properly assessed at this time and has failed its ATTrBuTE assessment. Officers seek to impose a condition requiring the submission of a travel survey and travel plan (with five years of travel plan monitoring), including details of how travel plans will be developed taking into account the likelihood of multiple occupiers.</p> <p>Impact on, or loss of, views are not in themselves a material planning reason for refusal.</p> |
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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)

2A.1 Sustainability criteria
 2A.2 The Spatial strategy for development

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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
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)

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8.3 London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007, by direction from the Secretary of State)

S2 Planning Obligations
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
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

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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

ASSESSMENT OF MAIN ISSUES

9.1 **Environmental Issues**

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

9.3 The Applicant sought a screening opinion on 24th February 2010, in respect of the need or otherwise for an Environmental Impact Assessment for the proposed development. LTGDC issued its screening opinion on 17th March 2010, stating that the development is a Schedule 2 development and that an EIA is required because there is a likelihood of significant effects on the environment.

9.4 An EIA Scoping Report by WYG was submitted on 15th April 2010. LTGDC issued its scoping opinion on 19th May 2010.

9.5 The application is accompanied by an Environmental Statement (ES) dated May 2010 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

9.6 Supplemental chapters to the ES have been submitted during the assessment period and are included in the documents listed at paragraph 2.13 above.

9.7 Officers note the following with regard to each of the above topic areas:

9.8 Landscape and Visual Impact Assessment (Chapter 5 of the ES)

In considering the magnitude and significance of changes to the character of the existing landscape and visual resources that would arise from the proposed development, Chapter 5 of the ES considers: (i) Landscape impacts that are changes in the fabric, character and quality of the landscape; and (ii) Visual impacts that relate to specific changes in the character of views and the effects of those changes on visual receptors (including visual impact to the setting of cultural heritage features).

The ES concludes that the development proposals are anticipated to only impact on landscape and visual receptors within 1 km of the site due to the built up nature

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of the surrounding environment and the screening benefit of raised sections of the adjacent roads.

The overall effect on landscape features (including vegetation, landform and the drainage channel) is presented as 'not significant', where a high quality landscaping scheme is implemented, which has a screening benefit and assuming that the proposed landscape features are to be retained during decommissioning.

Photographs of the viewpoints assessed in the Landscape and Visual Impact Assessment have been provided along with images showing the indicative scale of the development massing to support chapter 5 of the ES.

The effect of the development on landscape character is described as 'not significant'.

The impact on surrounding visual receptors is anticipated to be 'moderate negative' and views from the adjacent roads are anticipated to be 'slight negative'.

LTGDC officers are content that impacts on the character of the existing landscape and visual resources and landscape can be managed through appropriate mitigation as stated in the ES and recommend that appropriately worded conditions are imposed that require the landscaping scheme, with 'screening benefit' to be implemented.

9.9 Ecology and Nature Conservation (Chapter 6 of the ES)

An Invertebrate Survey and a Reptile Survey have been submitted as addenda to Chapter 6 (both dated June 2010).

The Invertebrate Survey concludes that the key area of invertebrate activity lies outside application site boundary and will not be affected by any works on site. The Reptile Survey concludes that no reptiles were recorded during the surveys and reptiles are therefore considered unlikely to pose a constraint to the proposed development.

The ES states that there are no statutoryily-designated sites on or within 2km of the application site and that there are 21 non-statutory sites of wildlife interest within 2km of the application site. The closest being the river Thames and tidal tributaries Site of Metropolitan Importance (SMI) (~60m to the north east) and Cuckold's Haven Nature Reserve Site of Borough Importance (SBI) (20m to the north);

The desk and field survey findings relating to vegetation and habitats are provided. No vegetation or habitats were recorded within, or immediately adjacent to, the site that would merit statutory or non-statutory designation on nature conservation grounds.

The application site has recently been disturbed and, as a result, the remaining and relatively new habitats were considered to be of low value to biodiversity with common and widespread vegetation throughout. As a result, the loss of habitats as a result of the construction activities is considered probably to have an insignificant adverse impact.

In relation to ecology, the ES states that the residual impacts of the proposed development scheme are considered to be 'insignificant', taking into account proposed mitigation and compensation measures.

The specified mitigation and compensation measures relate to:

- the submission of an Environmental Management Plan;
- landscaping including the creation of areas of woodland planting (to include ash, maple, birch, rowan, cherry, hawthorn, holly and dog rose), native species of local provenance amenity shrub planting, native and ornamental hedgerow planting (comprising of feathered native beech stock under-planted with ground cover species), specimen tree planting, avenue tree planting at the top of the eastern bank or the ditch (to include apple, pear and mountain ash) and ground cover shrub planting;
- minimal use of lighting as far as practical during construction;
- the installation of bird boxes to the rear of buildings where they are adjacent to wildlife areas;
- clearance of areas that are considered suitable to support nesting birds will be cleared outside the bird breeding season, i.e. clearance work will take place between October and February inclusive. Where this is not possible, an ecological clerk of works will be present to supervise clearance; they will first undertake a search for active nests and, if any are found, the nest/s will remain in-situ with an appropriate buffer of vegetation around them until all young have fledged;
- searching and clearing areas prior to construction activities commencing to avoid killing or injury of / to amphibians;
- the area adjacent to the drainage ditch and along the northern boundary of the site being used for SUDS and as a wildlife area;
- the creation of a large swale between the drainage ditch and the development footprint to gather and attenuate surface water as part of a SUDS scheme and planting to improve connectivity and foraging opportunities for amphibians;
- the creation of hibernacula (place where a hibernating animal (mammal or insect) shelters for the winter) adjacent to the drainage ditch and swale to increase the places available for shelter and refuge for reptiles and small mammals;
- bat tubes will be incorporated into buildings at the time of construction where there would be flight access directly into suitable foraging habitat.

The ES concludes that in all cases, adverse residual impacts relating to ecology are considered to be 'insignificant'.

In considering Ecology and Nature conservation, LTGDC officers note the stated requirement for an Environmental Management Plan (EMP) together with numerous additional specified mitigation and compensation measures. Officers would consider the stated 'insignificant' impacts of the development to be adequately mitigated if the development is carried out in full accordance with the ES, including submission of an EMP. Officers recommend the imposition of a pre-commencement condition requiring the submission of the EMP for prior Local

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Planning Authority approval.

9.10 Noise and Vibration (Chapter 7 of the ES)

The ES has considered construction noise, operational noise and noise associated with the decommissioning of the site. Ground-borne vibration has also been assessed.

It is noted that assumptions have been made regarding the plant likely to be used during construction in the absence of a detailed construction method statement, as the planning application is in outline only.

Construction Phase:

- The construction noise assessments for day and night time are demonstrated as having a negligible noise impact on neighbouring residents.
- During construction, no vibration impacts are predicted.

Operational Phase:

- Building Services Plant (BSP) will be below all background noise levels. This indicates that noise complaints are unlikely.
- The predicted levels of noise from delivery vehicles are illustrated as being of no more than 0.5 decibels above background noise, which provides a positive indication that noise complaints are unlikely.
- The traffic noise assessments (including car park activity and recycling units) conclude that the predicted change at each of the identified noise sensitive receptors would be of negligible significance, and therefore have a negligible noise impact.

Decommissioning Phase:

- The ES anticipates there to be a likelihood of short term noise impact of 'slight significance' on neighbouring residents during decommissioning of the site.

Officers note that the ES (pages 132 and 133 of Vol2) assume that 43 car parking spaces will be provided for the car showroom in the assessment of Noise and Vibration, while the Transport Assessment (1.10.03) and Travel Plan (2.7.3) both state that 24 car parking spaces will be provided for the car showroom site. The applicant has confirmed (e-mail dated 29 July 2010) that the 24 car parking spaces detailed in the Transport Assessment and Travel Plan is the maximum parking accumulation for the visitor car park and this figure has been generated using TRICS. Therefore, the parking provision calculated in the assessment of Noise and Vibration is incorrect and presents a worst case scenario. The noise assessment effectively doubles the level of parking noise for the car showroom but even at this increased level of parking activity, noise was not identified as being a significant impact.

The Noise and Vibration chapter of the ES has been considered by Newham's Environmental Health, who requested that informatives be attached to any planning permission granted with regard to: i) sound insulation; and ii) air pollution & noise from demolition or construction. LTGDC officers are content that the

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development would result in no significant impact in relation to Noise or Vibration provided the assumptions are accurate. Officers recommend an obligation in a Unilateral Undertaking that seeks a contribution to enable Newham Council to monitor noise and vibration originating from the site.

9.11 Archaeology (Chapter 8 of the ES)

An Archaeological and Cultural Heritage Desk-Based Assessment of the site was undertaken in April 2010 and has been provided as part of the application.

The large displacement, driven cast *in situ* piles will be driven to a depth of 15m (approximately 3m into the firm gravels). The ES states the pile foundations will penetrate and disturb the deposits, which may contain archaeological remains. It goes on to refer to a piling strategy that is to be adopted which will require a large number of piles across the footprint of all development areas including buildings, car parks and roads. No piling strategy has been submitted. The unmitigated magnitude of impact on deposits that may contain archaeological remains is stated to be moderate negative as there will be a partial loss of elements of the deposits, however much of the deposits will remain intact and preserved *in situ*. The unmitigated significance of impact is therefore stated to be intermediate adverse. The nature of the effect will be direct, permanent and irreversible.

LTGDC officers recommend that a condition be imposed requiring the submission and approval of the piling strategy before the development commences.

In considering built heritage, the ES states that no Listed Buildings will be affected by the construction phase of the scheme. The Scheduled Monument of Barking Abbey is some 700m north/north east of the site and will not be affected directly or indirectly by the scheme.

No direct physical impacts are anticipated as a result of the operation of the development on archaeological remains.

The ES states that any mitigation measures should be undertaken in accordance with a Written Scheme of Investigation, agreed in advance with the planning authority in conjunction with Greater London Archaeological Advisory Service (GLAAS) and following the Institute for Archaeologist's Standards and Guidance documents.

Recorded Cultural Heritage - A Medieval wall is identified on the northern boundary of the site [see Archaeology and Cultural Heritage Constraints Plan Drawing No. LTG/A062504/LAY/01 (Site 19)].

The ES recommends that should any construction occur within naturally occurring geological deposits, an archaeological watching brief should be adopted during any ground works. Should it be identified during construction the Medieval wall noted (Site 19) should in the first instance be preserved *in situ* or suitably recorded. Any mitigation based on this recommendation should be carried out in accordance with a Written Scheme of Investigation that has been agreed in writing by GLAAS and in accordance with the standards and guidance of the Institute of Archaeologists.

No operational mitigation, compensation or enhancement measures associated

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with archaeology are recommended for the proposed development.

LTGDC Officers recommend that a condition be imposed requiring submission of a Written Scheme of Investigation as suggested in the ES.

Officers are content that archaeological mitigation can be secured by attaching suitably worded conditions to any planning permission requiring the prior submission and approval of a Piling Strategy and also a Written Scheme of Investigation. The suggested conditions have been included in the draft list of conditions at the end of this report.

9.12 Geology and Ground Contamination (Chapter 9 of the ES)

The ES draws upon and summarises the Ground Contamination Desk Based Assessment prepared by WYG. A preliminary Conceptual Site Model (CSM) which outlines potential pollutant linkages has been developed based on the findings of the desk-based research. An Outline Remediation Strategy indicating viable potential remedial solutions has also been submitted with the application.

No intrusive site investigation of the entire area covered by the application site has been undertaken. The ES states that further intrusive ground investigation is planned.

Some potential sources of contamination have been identified on Site. The potential risks to adjacent land quality and users from the Site are considered to be moderate in the ES.

It is anticipated that potential impacts associated with geology and ground contamination can be managed through the implementation of appropriate mitigation measures such as:

- Committed phase of ground investigation;
- Preparation of a detailed remediation strategy;
- Compliance with all relevant statutory requirements and adherence to pertinent guidance (including measures associated with the implementation of health and safety operating procedures and Construction Design and Management (CDM) regulations; and
- Implementation of a surface water strategy.

The Outline Remediation Strategy states that a Pre-Construction Environmental Management Plan (Pre-CEMP) will be produced during the detailed remediation and construction design stages. It is stated that the appointed remediation / construction Contractor would be responsible for developing specific Environmental Action Plans for inclusion in the Pre-CEMP. It is stated that the Pre-CEMP may include:

- Ecology Management Plan;
- Waste Management Plan (incl. soil handling and management);
- Water Pollution Control Plan (incl. groundwater and surface water);
- Noise and Vibration Management Plan;
- Dust Management Plan;
- Cultural Heritage Management Plan;
- Tree Protection Plan;

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- Traffic Management Plan;
- Sustainability Action Plan; and
- Health and Safety.

LTGDC officers recommend that the suggested Pre-CEMP be secured by condition with specific requirement for the approved document(s) to be implemented in accordance with any approval. Officers are content that impact on land quality (Geology and Ground Contamination) would be satisfactorily managed through the implementation of appropriate mitigation measures as suggested in the ES.

9.13 Hydrology and Flood Risk (Chapter 10 of the ES)

Hydrology: The ES states that the remediation of the site is considered to provide substantial potential benefit to the shallow groundwater and in turn the adjacent watercourses. Attenuation in the drainage system will be created to allow runoff at Greenfield rates, thereby having no significant impact on the local hydrology.

Flood Risk: In addition to the ES, the application is accompanied by a Flood Risk Assessment. The site falls outside areas classified by the Environment Agency (EA) as Flood Zones 2 or 3. Thus the Site is considered to have an annual probability of flooding from tidal or fluvial sources of less than 0.1% indicating that the risk of flooding from nearby rivers is low. All parts of the Site are at a level above the Statutory Flood Defence Level.

The land to the north of the Site, including Jenkins Lane and part of Spur Road also falls within Flood Zones 2 and 3.

The ES states that the Site's topography means that the confines of the Site are above the flooding event predicted in the Environment Agency's models for the River Thames and the River Roding. There are therefore no specific development measures required to mitigate the potential impact of flood on site users with the exception of dry access / egress. The roads serving the Site, notably Jenkins Lane and sections of the A13, are subject to flood in Zone 3 as described in PPS25.

LTGDC Officers have considered the content of the ES with regard to Hydrology and Flood Risk, the associated Flood Risk Assessment (dated May 2010) and the representations made by the Environment Agency and are satisfied that the findings of Chapter 10 are sound. The development should be carried out in accordance with the Flood Risk Assessment (FRA) ref: WYG-RP-A062504-35-12-RT001.

9.14 Traffic and Transportation (Chapter 11 of the ES)

Officers have considered the Traffic and Transport chapter of the ES together with the Transport Assessment and Travel Plan that also accompany the application.

The proposals are anticipated to have a small level of employee car traffic, due to the low level of car parking and the good walking and cycling connectivity. The only vehicular access for the site is via the A13 eastbound slip to Spur Road or Jenkins Lane.

Although the proposed development does not have a significant impact on

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highway capacity, TfL and the A13 BDFO have requested that the A13 slip road layout is reviewed to assess the possibility of improving highway safety in this area as 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.

The proposed mitigation measures include a redesign of the A13 eastbound slip road to reduce the number of weaving movements along the slip road, a larger radius onto Spur Road and a section of deceleration lane to assist vehicles turning from the slip road to Spur Road. This will reduce the requirement for drivers to perform lane change manoeuvres and is likely to reduce the number of lane change accidents.

The ES concludes that the increases in traffic generated by the proposed development are not considered to create a significant impact on the local highway network. A package of mitigation measures is proposed. This includes walking, cycling, public transport and highway safety improvements, which mitigate the impact of the development.

LTGDC officers have considered the Traffic and Transport chapter of the ES together with the submitted Transport Assessment and Travel Plan and representations received from LBN Transportation and TfL. As an application for outline planning permission, with all matters reserved, the application lacks sufficient detail to be properly assessed at this time and has consequently failed its ATTrBuTE assessment. Officers recommend the imposition of a condition 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.

9.15 Air Quality (Chapter 12 of the ES)

An addendum to the Air Quality chapter dated June 2010 has been submitted.

The addendum Air Quality chapter of the ES considers the construction, operational and decommission phases of the development in relation to potential effects of dust and particulate emissions (focussed on the predicted impact of changes in ambient nitrogen dioxide (NO₂) and respirable particulate (PM₁₀)) from site activities and materials movement based on a qualitative risk assessment. A qualitative assessment of the impacts of landfill gas emissions from the development site has also been undertaken.

The London Borough of Newham have declared part of their administrative area as an Air Quality Management Area (AQMA) due to predicted exceedences of the annual average objective for nitrogen dioxide along key arterial routes. The AQMA includes the proposed development location and therefore the development has the potential to affect air quality within the AQMA.

The ES concludes that following the implementation of mitigation measures the residual air quality effects have been assessed as follows:

The construction phase impact is neutral in effect, direct, temporary, medium term, reversible and non cumulative. The confidence of the assessment is

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low.

The effects of traffic changes during the operational phase is neutral in effect, direct, permanent, long term, irreversible and non cumulative. The confidence of the assessment is high.

The effects of landfill gas emissions during the operational phase is neutral in effect, direct, temporary, long term, irreversible and non cumulative. The confidence of the assessment is high.

The effects of emissions during the decommissioning phase is neutral in effect, direct, temporary, short term, reversible and non cumulative. The confidence of the assessment is low.

The ES has been considered by LB Newham Environmental Health officers who have recommended the imposition of an Air Quality condition requiring the submission of an air quality report. LTGDC officers are content that assuming that the proposed mitigation measures are incorporated, the development would have a negligible impact in terms of operational traffic, landfill gas during operations and dust during decommissioning and, a slight adverse impact in terms of dust from construction.

9.16 Socio-economics (Chapter 13 of the ES)

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.

The scheme will create approximately 150 jobs during the construction phase and 426 jobs when the site is fully operational (gross number of jobs = 576 on site jobs).

In summarising the potential environmental effects and the anticipated residual environmental effects, following the implementation of the proposed mitigation, compensation or enhancement measures the ES states that there will be 'moderate positive' impact during the construction phase through the creation of employment opportunities; 'negligible' impact on the local economy through construction workers making purchase in local shops; and 'moderate' impact during the operational phase through creation of employment opportunities.

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

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9.17 Principle of Development

- 9.18 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.
- 9.19 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:
- 9.20 "**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."
- 9.21 It is considered that the principle of the proposed primary B2 and B8 uses accords with Policy UR26.
- 9.22 The proposed car showroom is not referred to in Policy UR26 and the application would represent a departure from the MOZ policy designation in this respect.
- 9.23 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.
- 9.24 "**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."
- 9.25 The proposed car showroom 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.

- 9.26 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 a car showroom may be acceptable in this location in relation to Policy SH22, subject to issues regarding transportation impacts, access and disturbance issues being adequately addressed.
- 9.27 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.
- 9.28 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.
- 9.29 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 (car showroom use) departing from the provisions of the development plan would, in this instance, be acceptable.

9.30 **Employment**

9.31 The proposed number of jobs are set out in the table below:

| Use | Type | Employment Density per workspace | Indicative Floorspace | Estimated Jobs |
|-----------------------------|------------------|---|------------------------------|-----------------------|
| Class B2 | General Industry | 27 m ² | 5,070 m ² | 188 jobs |
| Class B8 | Warehousing | 65 m ² | 5,070 m ² | 78 jobs |
| Class B1 | General Office | 19 m ² | 2,540 m ² | 134 jobs |
| Sui Generis | Car Showroom | 90 m ² | 2,320 m ² | 26 jobs |
| Total Estimated Jobs | | | | 426 jobs |

- 9.32 The number of jobs generated by the proposed development once the scheme becomes operational is based upon research undertaken by Arup in 2001, who were commissioned by English Partnerships to investigate employment densities ('Employment Densities: A Full Guide', July 2001). The Arup research makes it possible to estimate the potential total numbers of jobs created by the operation of the proposed development.
- 9.33 It is noted that there may also be net additional of jobs generated off-site in the local area by the on-site economic activity and its knock-on effects in the region, but this is difficult to estimate given the outline nature of the outline planning

proposals.

- 9.34 It is assumed that the construction of the proposed development will be undertaken over an anticipated period of eighteen months. It is estimated that in the region of 150 jobs could be provided during that time. Therefore the gross number of on site employees generated by the development would total 576.
- 9.35 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.
- 9.36 The proposal is estimated to create approximately 426 jobs during the operational phase resulting in an overall permanent increase in employment in the area. This proposed increase in employment is consistent with London Plan policy 2A.7, which, together with Map 2A.2 (Areas for Regeneration) illustrates the Beckton Gateway for improvements in employment (amongst other things) that would achieve the government's objective, which the Mayor supports, that no-one should be seriously disadvantaged by where they live within 5 – 15 years of the development plan period.
- 9.37 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.
- 9.38 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.
- 9.39 With specific regard to the proposed B8 land use, UDP policy EMP8 states:
- 9.40 "**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."
- 9.41 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.
- 9.42 **Urban design and Accessibility**
- 9.43 Urban Design The design principles / aims of the proposal are listed in the submitted Design and Access Statement (Revision C) as a scheme which:
- addresses the key frontage along the A13
 - provides a range of access options to encourage modal shift
 - is flexible enough to accommodate changing market demands

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- can be phased sensibly
 - responds to the site constraints
 - enhances biodiversity
 - incorporates a sustainable urban drainage system
 - is sustainable.
- 9.44 The application is also accompanied by a Design Code (Revision C) document, to provide coding in relation to key design parameters under the headings of 'Movement Philosophy', 'Public Realm' and 'Built Form'.
- 9.45 Details of Access, Layout, External Appearance, Scale and Landscaping are reserved for later consideration as part of this outline planning application. As such, officers seek to impose conditions that require the submission of those details to enable assessment against PPS 1, saved policies EQ19 (Urban Design Considerations), EQ21 (New Development: Landscaping), EQ25 (Access), EQ25 (Safety) and EQ50 (Development Adjacent to Overhead Power Lines) of Newham's adopted UDP and, London Plan policies 4B.1 (Design principles for a compact city) and 4B.5 (Creating an inclusive environment).
- 9.46 Accessibility The purple arrows on the Zone Plan (shown at paragraph 2.15 above) indicate that access points to and from the site could be located on Spur Road and Jenkins Lane, with the blue arrow indicating a possible cycle / footway access on Jenkins Lane to the north west of the site.
- 9.47 Access to Site 1 could be directly from Spur Road, approximately half way between the A13 slip and the Jenkins Lane mini-roundabout. In addition to this access a cycle/footway access from the north-west corner of the site to Jenkins Lane could be provided to allow convenient access to the new pedestrian and cycle route through Fresh Wharf. An emergency access to the site from the A406 could also be provided.
- 9.48 The vehicular access to Site 2 could be directly from Jenkins Lane, approximately 75m to the east of the mini-roundabout. In addition to this access a shared footway / emergency access from the A13 slip could be provided.
- 9.49 The Design and Access Statement provides information regarding: Access to the Buildings, External Pedestrian Access, and Internal Pedestrian Access.
- 9.50 Full details of 'Access' are reserved for later consideration as part of this outline planning application. As such, officers seek to impose conditions that require the submission of those details to enable assessment against PPG13, saved policies EQ25 (Access), T19 (Improvement of Conditions for Pedestrians), T24 (Access by Cycle and Cycle Parking) of Newham's adopted UDP and, London Plan policies 4B.1 (Design principles for a compact city) and 4B.5 (Creating an inclusive environment) to ensure that the proposals incorporate inclusive design principles.
- 9.51 **Climate change adaptation and mitigation**
- 9.52 London Plan policy 4A.1 seeks to ensure that developments make the fullest contribution to the mitigation of, and adaptation to, climate change and to minimise emissions of carbon dioxide.
- 9.53 The Applicant has submitted a Sustainability Statement, prepared by WYG, dated

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May 2010 and an Energy Statement, prepared by WYG Engineering, dated May 2010, as required by the London Plan, setting out its approach to applying the energy hierarchy in Policy 4A.1.

- 9.54 That energy statement concludes that various renewable technologies could be implemented to provide a 20% carbon reduction to meet London Plan requirements, such as heat pumps, solar thermal, London Thames Gateway Heat Network (LTGHN) and photovoltaics (PV) and biomass boilers but, as noted in the GLA officer report, no firm commitment to employing any of those renewable technologies has been provided.
- 9.55 The energy statement states that with energy efficiency measures such as improved lighting efficiencies and controls; reduced glazing areas; improved heating plant efficiencies, improved build fabric thermal performance and building management systems, it is anticipated that a 21% reduction in carbon emissions from the baseline condition could be achieved.
- 9.56 LTGDC officers have concluded that the information submitted suggests that the broad approach to climate change mitigation is likely to be compliant with strategic policy but that it is insufficient to comprehensively demonstrate this. As such, officers recommend the imposition of a condition requiring the submission of full details demonstrating how the development will achieve the forecast reduction in carbon dioxide (CO₂) emissions from the baseline condition of at least 20% with specific regard to saved policy S4 (Sustainable Development) of Newham's adopted UDP and policies 4A.1 (Tackling climate change), 4A.6 (Decentralised Energy: Heating, Cooling and Power) and 4A.7 (Renewable Energy) of the London Plan.
- 9.57 **Sustainable drainage and flood risk**
- 9.58 As identified in the Flood Risk Assessment (FRA), the site falls outside areas classified by the Environment Agency (EA) as Flood Zones 2 or 3. Thus the Site is considered to have an annual probability of flooding from tidal or fluvial sources of less than 0.1% indicating that the risk of flooding from nearby rivers is low. All parts of the Site are at a level above the Statutory Flood Defence Level.
- 9.59 As previously stated in this report, LTGDC officers have considered the content of the ES with regard to Hydrology and Flood Risk in association with the representations made by the Environment Agency. Officers are content that provided the development is carried out in accordance with the submitted FRA and safe routes into and out of the site are provided to an appropriate safe haven during all flood events up to and including the 1 in 100 year event, taking the effects of climate change into account, the proposals are acceptable.
- 9.60 In addition to consideration of the ES, LTGDC officers have considered the representations received from statutory consultees, noting their recommendations regarding required conditions; the provisions of saved policy EQ63 (Surface Water disposal) of Newham's adopted UDP; and policies 4A.9 (Adaptation to Climate Change), 4A.14 (Sustainable drainage), 4A.16 (Water supplies and resources) and 4A.17 (Water Quality) of the London Plan. Officers consider it necessary to impose conditions to any outline planning consent granted to prevent the increased risk of flooding to third parties; to the site itself; and to improve water quality. Those conditions are set out at the end of this report.

9.61 Impact on surrounding area

9.62 The site is located in a predominantly industrial area and there are a very limited number of sensitive receptors near the site. The nearest residential development is located on Abbey Road at Spring Place to the immediate north of River Roding. Further north along the River Roding flats are visible at Hewlitts Quay. Those locations are in excess of 160m from the site and lie beyond Cuckold's Haven, River Roding and Jenkins Lane.

9.63 Cuckold's Haven nature reserve lies to the north and north-east and is a grade 1 Site of Importance for Nature Conservation (SINC). To the east of this is the River Roding. The Environment Agency has not raised any objections in this regard, and therefore it is considered that the proposals will not have any detrimental impact on those sites.

9.64 There are few residential developments close to the site and as previously stated LTGDC officers are content that the development would result in no significant impact in relation to Noise or Vibration on the basis of the assumptions in the ES. Officers are also content that assuming that the proposed mitigation measures are incorporated, the development would have a negligible impact in terms of operational traffic, landfill gas during operations and dust during decommissioning and, a slight adverse impact in terms of dust from construction. Similarly, and as previously stated in this report, officers are content that impacts on the character of the existing landscape and visual resources and landscape can be managed through appropriate mitigation as stated in the ES. A full response has been provided to the two objections, as set out at para.7.3, and it is not considered that there are material planning grounds to support refusal of the application given the proposed mitigation measures and the proposed conditions.

9.65 Transport and traffic impact

9.66 The site has highway frontage to the A13 east bound slip, A406 North Circular, Jenkins lane and Spur Road. Spur Road is accessed via a left in/ Left out junction onto the slip road and provides the only vehicular access route to the site.

9.67 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.

9.68 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.

9.69 The applicant proposes car parking provision in line with the London Plan parking standards for an inner London area. Hence for site 1 the overall car parking provision is based on one car parking space per 600 sqm GFA, with a minimum of 2 car parking spaces per unit. Secure cycle and motorcycle parking facilities are also to be provided, the details of which are required to be submitted by condition.

9.70 For Zone 2 (car showroom) the applicant has taken advice from LB Newham

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where they have analysed a parking accumulation assessment to determine the parking provision. Accepting the authenticity of the information provided, LBN Transportation has confirmed that 24 car parking spaces for the car showroom development on Zone 2 is acceptable. Further, the applicant's commitment to provide an appropriate number of electric car charging points is accepted.

- 9.71 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. As an application for outline planning permission, with all matters reserved, the application lacks sufficient detail to be properly assessed at this time and has failed its ATTrBuTE assessment.
- 9.72 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;
 - details of car charging points;
 - 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.
- 9.73 In order to make the proposals acceptable in planning terms in relation to Traffic and Transport, officers recommend the following obligations be included in a Unilateral Undertaking (S106) addressing all of the following:
- A commitment to fund and undertake all necessary highway works/improvements necessitated by the development, including a S.278 agreement with TfL and/ or the Local Planning Authority 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 privately maintain the A13 as part of a 30 year

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- Design Build Finance Operate (DBFO) contract;
 - 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;
 - 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; and
 - A commitment to a scheme of enhancements to the public realm, including improved pedestrian and cycle access to and within the site.
- 9.74 Subject to the proposed conditions and Unilateral Undertaking (S106) Heads of Terms the application is considered to be acceptable with regard to saved UDP policies S2, S35, S38, SH22, T1, T2, T3, T5, T24, T26, EQ25 and EQ26; and London Plan policies 3C.1, 3C.2, 3C.3, 3C.21, 3C.22, 3C.23, 4B.3 and altered policies 6A.4 and 6A.5.
- 9.75 **Equalities**
- 9.76 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.
- 9.77 LTGDC Officers have ensured non-discrimination in carrying out its planning functions.
- 9.78 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.
- 9.79 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.
- 9.80 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.
- 9.81 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.
- 9.82 **Human Rights Act 1998**
- 9.83 The provisions of the Human Rights Act 1998 have been taken into account in the assessment of the subject application for planning permission.

9.84 Planning Obligations

9.85 Whilst it is concluded that the merits of the subject outline application for outline planning permission, with particular reference to the representations received from statutory bodies, officers have reached the application generally accords with the relevant development plan, 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 Unilateral Undertaking in order to ensure that the requirements created by the proposal are delivered and make the proposals acceptable in planning terms.

9.86 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 privately maintain the A13 as part of a 30 year Design Build Finance Operate (DBFO) contract. AND 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. |
| Ecology | A commitment to a scheme of on and off-site ecological mitigation measures and enhancements. |
| Public Realm | A commitment to a scheme of enhancements to the public realm, including improved pedestrian and cycle access to and within the site. |
| Public Transport | A contribution 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. |
| Travel Plan | A commitment to operate an agreed Travel Plan, as required by condition. |
| Skills Training | A contribution towards skills training. |
| Local Labour, Local | Commitment to Newham Council's Local Labour, Local |

| | |
|--------------------------|--|
| Goods and Services | Goods and Services clause. |
| Energy | Commitment to an agreed Energy Strategy. |
| Environmental Monitoring | A contribution to enable Newham Council to monitor the environmental conditions, particularly in relation to air quality, noise and contaminated land. |
| S106 Monitoring | A contribution to enable the local planning authority to monitor the S106. |

CONCLUSION AND REASONS FOR APPROVAL

- 10.1 The proposal has been the subject of extensive pre and post planning application discussions between the Applicant's Agent (WYG), LTGDC and LB Newham as well as public consultation. 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 Unilateral Undertaking.
- 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) Refer this application to the Mayor of London as a Stage 2 referral, confirming that LTGDC is minded to grant outline planning permission;
 - 2) Subject to any direction by the Mayor of London, to delegate authority to the Director of Planning or duly authorised officer to determine the application subject to the satisfactory completion of the Unilateral Undertaking;
 - 3) 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
 - 4) 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

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Regulations 2010 are met in relation to the contributions referred to in the Heads of Terms set out at paragraph 9.86 above.

CONDITIONS AND REASONS

11.1 LTGDC officers consider that the following conditions should be imposed if outline planning permission is granted:

1. i) No part 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 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 May 2010, prepared by WYG, including:
 - Addendum to Ecology and Nature Conservation Chapter 6 (Invertebrate Survey), dated June 2010;
 - Addendum to Ecology and Nature Conservation Chapter 6 (Reptile Survey), dated June 2010;
 - Addendum to Ecology and Nature Conservation Chapter 6 (Great Crested Newt Survey), dated June 2010; and
 - Addendum to Air Quality Chapter 12, dated June 2010,

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

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permission and the approved drawings and supplementary documents submitted pursuant to them listed below only:

- Planning Statement, prepared by WYG, dated May 2010;
- Design & Access Statement, prepared by Stephen George & Partners LLP, Rev C dated August 2010;
- Development Specification Document (2nd Revision), prepared by WYG Planning & Design, dated August 2010;
- Design Code, prepared by Stephen George & Partners LLP, Rev C dated August 2010;
- Outline Remediation Strategy, prepared by WYG, dated May 2010;
- Sustainability Statement, prepared by WYG, dated May 2010;
- Transport Assessment, prepared by WYG Transport Planning, dated May 2010;
- Travel Plan, prepared by WYG Transport Planning, dated May 2010;
- Flood Risk Assessment, prepared by WYG Engineering, Report Reference No. WYG-RP-A062504-35-12-RT001, Issue 3, dated 20 May 2010;
- Energy Statement, prepared by WYG Engineering, dated May 2010;
- Arboricultural Survey, prepared by WYG Environment, dated May 2010; and
- Drawing number P005 Rev C (Parameters Plan) dated June 2010.

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 27th 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 and parameters** set out in the Design Code, Design and Access Statement, 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).

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 development permitted by this planning permission shall only be carried out in accordance with the approved **Flood Risk Assessment (FRA)** Report Reference No. WYG-RP-A062504-35-12-RT001, Issue 3, dated 20 May 2010, and the following mitigation measure detailed within the FRA:

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

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

6. 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.

7. 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 27th 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:

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Planning for the Historic Environment.

8. 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.
- 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 27th 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.

9. On completion of the **monitoring programme** (as required by condition 8 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 27th 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.

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing

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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 27th 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.

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

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

Reason: To ensure that the foul and surface water drainage scheme does not pollute the groundwater below the site or the nearby surface water bodies and with regard to policy EQ45 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 policy 4A.17 of the London Plan, Consolidated with Alterations since 2004 and published February 2008.

12. 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 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 27th 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.

13. 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.

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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 27th 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.

14. 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 27th 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. 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.

15. The development hereby permitted shall not be commenced until full details demonstrating how the development will achieve the forecast reduction in carbon dioxide (**CO₂**) **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 CO₂ 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 27th 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).

16. 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.

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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).

17. 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 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 27th September 2007 by direction from the Secretary of State).

18. 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 27th 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.

19. Prior to any occupation of the development hereby approved, a **Site-Wide Travel Plan** shall be 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

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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 27th 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).

20. Notwithstanding the documents hereby approved, prior to the commencement of 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).

21. 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).

22. No part of the development 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. 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 policies T1, T3 and T24 of the London Borough of Newham Unitary

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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).

23. (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 Unilateral Undertaking 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).

24. (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 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 satisfaction standard of external appearance of the development and with regard to policies EQ21, EQ38 and UR26 of the London Borough of

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Newham Unitary Development Plan (adopted June 2001, saved from 27th 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.

25. 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.

26. 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 27th September 2007 by direction from the Secretary of State).

27. 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 27th 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.

28. 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

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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.

29. 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 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.

30. **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 27th 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.

31. No site preparation or construction works shall commence until a Method Statement has been submitted for the written approval of the Local Planning Authority, which shall include details of the measures to be undertaken to protect/exclude **newts** during the site preparation and construction works associated with the development hereby permitted. The Method Statement shall include:

- (a) details of the access arrangements to the site in order to avoid impact on newts;
- (b) details of the newt searches to be undertaken within the site prior to the commencement of any soil stripping, excavation or engineering works;
- (c) identification of the receptor location of any newts found within the Site;
- (d) details of the newt exclusion fencing including location, type, timescale of erection and maintenance and programme of inspection and maintenance;
- (e) means of display/notification to be made available to contractors regarding great crested newts and legal obligations; and
- (f) a summary of proposed mitigation for the scheme should great crested newts be found.

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The Method Statement and mitigation/protection and site exclusion measures shall thereafter be carried out and implemented in accordance with the approved details and prior to any construction operations taking place on the site.

Reason: In order to ensure that the development does not have an adverse impact on a legally protected species in accordance with Planning Policy Statement 9; in accordance with the approved Environmental Statement and with regard to policy EQ11 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 policy 3D.14 of the London Plan, Consolidated with Alterations since 2004 and published February 2008.

32. 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.

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 27th 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.

33. No phase (as approved under condition 4) of the development shall be occupied until details 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 27th 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.

34. No part of the development shall be occupied until full details 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 27th 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.

35. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings

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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 27th 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.

36. 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 completed / implemented prior to occupation of the development and shall be permanently maintained thereafter.

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 27th 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.

37. 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 27th 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.

38. 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

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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 27th 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.

39. 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 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 27th 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.

40. 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 27th 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.

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

Reason: In the interest of public safety and security 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 policy 4B.1 of the London Plan Consolidated with Alterations since 2004 and published February 2008.

42. Unless otherwise agreed in writing by the Local Planning Authority no part of the development hereby permitted shall be occupied unless and until charging points for electric cars have been installed and are available for use in the car park.

Reason: To 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).

INFORMATIVES

1. 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.
2. 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.
3. 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.
4. 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.
5. This permission does not grant approval for fire safety measures. The applicant is therefore reminded that building control regulations will need to be satisfied.
6. 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.
7. 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.
8. 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 date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
9. Thames Water advises that with regard to surface water drainage it is the

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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.

10. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.
11. 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.
12. 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.
13. 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.
14. Compliance with Planning Law does not automatically mean that you will comply with more specific Health and Safety Law requirements.
15. Land Contamination - For advice and information on contaminated land site 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. 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
- BS 10175: Investigation of potentially contaminated sites – Code of Practice

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- 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.

16. 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

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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 make 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.

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.

17. Environment Agency Advice

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

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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/

The Interim Code of Practice is available on both the Environment Agency’s website: www.environment-agency.gov.uk and CIRIA’s website 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

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Appendix 1: Site Location Plan

Appendix 2: Site Layout Plan (Existing)

Appendix 3: Parameters Plan

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 27th September 2007, by direction from the Secretary of State);
- The Control of Pollution Act 1974;
- 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.