

**PLANNING COMMITTEE MEETING: 12 November 2009**

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

<b>UDC CASE NUMBER:</b>	LTGDC-09-032-REM	<b>DATE MADE VALID:</b>	25/08/2009
<b>APPLICATION NUMBER:</b>	U0010.09/LBHG	<b>TARGET DATE:</b>	23/11/2009

<b>APPLICANT:</b>	Easter Properties & The LDA
<b>AGENT:</b>	Hamilton Architects Limited
<b>PROPOSAL:</b>	Reserved matters application pursuant to Condition 1 part (b) of planning permission reference U0008.09/LBHG granted 6 <sup>th</sup> July 2009, for a two phase development of one new industrial / warehouse unit (Use Classes B1(c) Light Industry, B2 (General Industry) and B8 (Storage or Distribution Centre)), with ancillary offices and associated external works in Zone C3A, Beam Reach 8.
<b>LOCATION:</b>	Beam Reach 8, Zone C3 A, Ferry Lane, Rainham, Essex RM13

**1. SUMMARY**

- 1.1 This report considers a reserved matters application by Hamilton Architects Limited in relation to the phased development of one large industrial / warehouse unit within Beam Reach 8. Outline planning permission and an associated s106 agreement cover the whole of the Beam Reach 8 site, which comprises of four zones (zones A, B, C and D). This reserved matters application seeks approval of a development proposal within a sub-zone in Zone C called Zone C3A, which forms part of the site covered by the extant outline planning permission.
- 1.2 The application site lies within the local authority area of the London Borough of Havering and within the Ward of Rainham and Wennington.
- 1.3 This application is classified as a large scale development of 'potential strategic importance' under Part 1, Category 1C, 2(b) of the Schedule to the Town and Country Planning (Mayor of London) Order 2008, being a building that will fall within the boundary of the Thames Policy Area. Therefore notification of the Mayor of London was required. If LTGDC resolves to grant planning permission, it must first allow the Mayor an opportunity to decide whether to direct it to refuse planning permission.

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1.4 **RECOMMENDATION** Officers have considered the subject reserved matters planning application with regard to the provisions of the development plan (The London Plan, Consolidated with Alterations since 2004, published February 2008; and the London Borough of Havering Local Development Framework and Development Plan Documents adopted July 2008), so far as material to the application, and to other material considerations, and recommend that planning permission be granted subject to conditions and referral to the Mayor of London.

1.5 Officers have taken environmental information into consideration in the assessment of this reserved matters application in line with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended in line with the ECJ judgment in the case of R (on the application of Barker) v. London Borough of Bromley and the First Secretary of State. LTGDC officers are satisfied that the proposal meets the requirements of the 1999 Regulations giving effect to the EIA Directive, and recommend that the updated chapters of the ES should be approved.

1.6 On balance, LTGDC Officers hold the view that, if fully implemented, the proposal would contribute to the regeneration aspirations for Beam Reach 8, providing a high quality development which generates employment opportunities.

## **2. SITE AND PROPOSAL**

2.1 **Site Description** The application site is within the London Riverside Area. It lies at the southern end of Ferry Lane, Rainham. The north of the site is bounded by an existing industrial development; to the south by Wincanton, with Tilda Rice works beyond; to the east by Coldharbour Lane with Rainham Marshes beyond (Site of Special Scientific Interest); and to the west by Ferry Lane with the River Thames beyond that. A location plan is provided at Appendix 1 to this report together with a site plan at Appendix 2.

2.2 The site is within a Strategic Industrial Location where high quality design and intensity of employment are sought.

2.3 The site lies within Flood Zone 3 defined by Planning Policy Statement (PPS) 25 as having a high probability of flooding.

2.4 Beam Reach 8 business park is located within the Rainham and Wennington Ward of the London Borough of Havering. It is former marshland and is therefore flat and low-lying with embankment water courses along its eastern side which then connect with the Rainham Marsh system of drainage channels.

2.5 Total Site Area of Beam Reach 8 = 18.8 hectares

2.6 Zone A = 1.5 hectares; Zone B = 3.5 hectares; Zone C = 11.9 hectares; Zone D = 1.9 hectares

2.7 Approximately half of Beam Reach 8 has been developed with a mixture of industrial units, including 22 units in a part of Beam Reach 8 called 'Easter Park' (Zone C2) and one larger warehouse to the immediate south of the subject part of the site called 'Wincanton' (Zone C1).

2.8 The proposed industrial / ware house unit is to be built within Zone C3A, generally

in accordance with the approved phasing plan for Beam Reach 8, illustrated below:

Phase 1	Zone C1 (Commencement of Development Jan 2005)
Phase 2	Zone C2 (Commencement of Development Jan 2006)
Phase 3	Zone C3A (Commencement of Development Aug 2009)
	Zone C3B (Commencement of Development June 2010)
	Zone C3C (Commencement of Development June 2011)
	Zone C3D (Commencement of Development Jan 2012)
Phase 4	Zone A (Commencement of Development Jan 2012)
Phase 5	Zone D (Commencement of Development Jan 2012)

- 2.9 Description of proposal The Applicant seeks reserved matters approval for the erection of one new industrial / warehouse unit, which is to be developed over two phases. The completed unit is proposed to be 102.7m in length, 46.7m wide and 22.07m high (to the top of parapet) (or 21m above finished floor level (AFFL)), with a total gross external floor area of 4922 m<sup>2</sup>.
- 2.10 Phase one is proposed to have a gross external area of 3116 m<sup>2</sup>.
- 2.11 Phase two is proposed to have a gross external area of 1806 m<sup>2</sup>.
- 2.12 The unit will be a simple rectangular shaped box, which is to be clad in colourcoated, profiled, steel sheeting, with vertical bands of contrasting colour and texture. The roof cladding is to be 'Goosewing Grey'; the wall cladding is to be 'Orion', the glass will be 'Grey Tinted Anti Sun'; and the casement windows will have a matt aluminium frame finishes. Illustrations of the proposed elevations are provided at Appendix 3. Site elevations are provided at Appendix 4. The choice of materials and colours is intended to complement the existing, adjacent, Wincanton building.
- 2.13 The proposal includes an area of hardstanding and 37 car parking spaces, 2 of which shall be designated for disabled users.
- 2.14 A new vehicular access road is proposed to be created off Ferry Lane into the site.
- 2.15 A new sprinkler tank and pump house are proposed to the south of the new industrial unit. The sprinkler tank is to be approximately 9m in diameter and 10m in height; the pump house is proposed to be 6m wide, 7m long and 3.5m high.
- 2.16 The applicant expects the development to generate 20 full time jobs at the site in addition to construction jobs.

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2.17 The following documents and drawings have been submitted in support of the application:

- Sustainable Design and Construction Statement April 2009\_Rev A
- Design and Access Statement April 2009\_Rev A
- Flood Risk Assessment, by The Symonds Group Ltd. dated January 2004
- Flood Risk Addendum, by Capita Symonds dated 17<sup>th</sup> July 2009
- Flood Plan by Capita Symonds dated July 2009
- Energy Assessment by atelier ten dated April 2009
- Site Security Statement (29047/P(4)/1/12)
- Capita Symonds Addendum Report Soil and Groundwater dated 18 August 2009
- Capita Symonds Addendum Report Surface Water Quality dated 6 August 2009
- Drawing numbers:
  - PL2000 Revision B (Location Plan)
  - PL2001 Revision E (Site Plan)
  - PL2003 Revision A (Unit Plan)
  - PL2004 Revision A (Unit Plan)
  - PL2005 Revision C (Elevations)
  - PL2006 Revision C (Site Elevations)
  - PL2007 Revision A (Unit Section)
  - PL2011 Revision A (Site plan with Fencing Details)
  - 09-004/SK300 Revision P (Business Park Drainage Strategy)
  - SK21 (Fire Appliance Access)
  - SK300 Rev P (Business Park Drainage Strategy)

### 3. MAIN ISSUES

3.1 This application is made pursuant to condition 1 part (b) attached to planning permission U0008.09 granted 6<sup>th</sup> July 2009, which states:

*(b) No phase of the development shall be commenced unless and until full details of the development within that phase have been submitted to and approved in writing by the Local Planning Authority, including the: (i) Access; (ii) Appearance; (iii) Landscaping; (iv) Layout, including car parking areas; and (v) Scale.*

3.2 The main planning issues for consideration in relation to this application are:

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- Environmental Impact Assessment;
- The principle of the proposed land use;
- Climate change adaptation and mitigation;
- Sustainable drainage and flood risk management;
- Access;
- Appearance;
- Landscaping, including car parking areas; and
- Scale.

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

- 4.1 Q0152.09 (LTGDC-09-056-AOD) Approval of details pursuant to condition numbers 12 (a), 14, 22, 29, 30, 35 and 37 attached to planning permission U0008.09 dated 6<sup>th</sup> July 2009 in relation to Zone C3A only. Details approved 21<sup>st</sup> October 2009.
- 4.2 Q0151.09 (LTGDC-09-061-AOD) Current application – decision pending – Approval of details pursuant to condition numbers 9a, 10a, 19 and 27 attached to planning permission U0008.09 dated 6<sup>th</sup> July 2009.
- 4.3 Q0126.09 (LTGDC-09-054-AOD) Approval of details pursuant to condition numbers 23, 26 and 28 attached to planning permission U0008.09 dated 6<sup>th</sup> July 2009 in relation to Zone C3A only. Details approved 22<sup>nd</sup> October 2009.
- 4.4 Q0105.09 (LTGDC-09-050-AOD) – Approval of details pursuant to condition numbers 4, 5, 6(a), 8(a), 17 and 18 in relation to Zone C3A only; and condition 24 in relation to the wloe of Zone C attached to planning permission U0008.09 dated 6<sup>th</sup> July 2009. Details approved 29<sup>th</sup> September 2009.
- 4.5 Q0090.09 (LTGDC-09-036-AOD) – Approval of details pursuant to condition 1 part (a) attached to planning consent U0011.06/LBHG dated 19<sup>th</sup> January 2009.
- 4.6 U0008.09/LBHG – Planning permission granted 06.07.2009 subject to a s106 on 06.07.2009 for the removal of the condition 21 attached to planning permission U0011.06 dated 19<sup>th</sup> January 2009 (S73).
- 4.7 U0011.06/LBHG – Planning permission granted subject to a s106 on 19.01.2009 for the variation of conditions 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 22, 23, 24, 26, 27, 28, 31, 32, 33, 34, 35, 36 and 40, attached to outline planning permission P2078.03 granted on 31.10.2005 to enable the discharge of conditions separately on a phased basis (S73). Planning permission granted 19.01.2009.
- 4.8 U0001.06 – Planning permission granted 04.07.2007 for the formation of a new road linking the southern end of Ferry Lane with Coldharbour Lane.
- 4.9 LTGDC-07-065-AOD - Approval of details pursuant to condition 19 attached to outline planning application P2078.03 dated 31<sup>st</sup> October 2005, with regard to the development site within Zone C being developed by Easter Properties and being the site to which reserved matters approval U0003.06 relates only. Details approved 10.04.2007.

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- 4.10 LTGDC-07-066-AOD - Approval of details pursuant to condition 33 attached to outline planning application P2078.03 dated 31<sup>st</sup> October 2005, with regard to the development site within Zone C being developed by Easter Properties and being the site to which reserved matters approval U0003.06 relates only. Details approved 10.04.2007.
- 4.11 LTGDC-06-020-PP – Approval of details pursuant to conditions 7, 10, 11, 12, 15, 17, 19, 23, 27, 34, 35 and 40 in so far as they relate to the development permitted under reserved matters approval U0003.06 (e.g. the Easter Park part of the site only). Details approved 14.12.2006.
- 4.12 Amended drawings showing minor revisions to the elevations and the proposed external materials of Easter Park, agreed in writing by LB Havering on LTGDC's behalf.
- 4.13 P1737.04 – Planning permission granted on 23.12.2004 for the erection of an industrial storage warehouse building with ancillary offices, car parking and service yard (House of Hill).
- 4.14 U0003.06 – Planning permission granted on 28.04.2006 for the revision of details approved under reserved matters application ref: P1922.05 dated 10.02.2006;
- 4.15 P1914.05 – Planning permission granted on 14.02.2006 for the formation of a new road linking the south end of Ferry Lane with Cold Harbour Lane.
- 4.16 P1922.05 – Planning permission granted on 10.02.2006 for the construction of 23 new light industrial/warehouse units with ancillary offices and associated forecourt facilities - Classes B1c, B2 and B8 (Easter Park).
- 4.17 P2078.03 – Outline planning permission granted on 31.10.2005 subject to conditions and a s106 agreement for a business park for B1b, B1c, B2 and B8 uses.

## **5. CONSULTATION AND REPRESENTATIONS RECEIVED**

5.1 The application has been advertised as a major application by reason of the overall site area. The application was advertised by press notice, site notices and letters to neighbouring properties.

5.2 The following consultation responses have been received to date:

- City Airport: Letter dated 15<sup>th</sup> June 2009, stating that the proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. No safeguarding objection to the proposal subject to stating that in the event that during construction, craneage or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to separate consultation.
- Environment Agency – Letter dated 30<sup>th</sup> June 2009, Objecting to the proposed development for the following reasons:
  - 1) The application has been submitted without a Flood Risk Assessment

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(FRA), contrary to the requirements of Planning Policy Statement 25 (PPS25) paragraphs 10 and 13 and Annex E. The flood risks resulting from the proposed development are therefore unknown.

2) There is insufficient information to demonstrate that the risk of pollution to groundwater is acceptable contrary to the requirements Planning Policy Statement 23 (PPS23).

Letter dated 31<sup>st</sup> July 2009, stating that The Agency is satisfied with additional information submitted and therefore remove their first objection. The second objection, regarding demonstrating the risk of pollution to groundwater, will remain until a satisfactory preliminary risk assessment is received.

- Environment Agency – Letter dated 21 September 2009, Acknowledging receipt of additional information relating to land contamination and removing its previous objection on the proviso that specific conditions be imposed on any planning permission that may be granted.
- London Fire and Emergency Planning Authority: Letter dated 26<sup>th</sup> May 2009, stating that The Brigade is not satisfied with the proposal because it does not comply with Table 19 of Approved Document B Volume 2 of the Building Regulations 2000, which relates to Fire and rescue service vehicle access to buildings. Access is required for a high reach appliance to 50% of the perimeter of the building.

The Applicant liaised directly with The Brigade, providing drawing SK21. The Brigade subsequently confirmed that they are satisfied with the proposals (letter dated 13<sup>th</sup> August 2009).

- Havering Development Control Service: Havering's Regulatory Services Committee considered an officer report on 8<sup>th</sup> October 2009 in relation to this planning application. That report recommended:
  - 1) That the committee agree with staff that the development does comply with Havering LDF policies; that no objections are raised to the application; and suggest specific conditions, should LTGDC be minded to grant planning permission. The suggested conditions relate to a) achievement of BREEAM 'very good' and details of the proposed biomass boiler; b) details of external plant and equipment; c) no outdoor storage of materials; d) parking and forecourt are to be laid out in accordance with approved plans.
  - 2) That the Head of Development and Building Control be authorised to prepare a written response to the London Thames Gateway Development Corporation in accordance with the recommendation or as otherwise resolved by the committee at the meeting.

Havering's formal consultation response (letter dated 21<sup>st</sup> October) states that LB Havering recommends that if LTGDC are minded to grant planning permission, specified conditions should be attached in relation to the achievement of BREEAM 'very good' standard; details of external plant and equipment; no outdoor storage of materials; and, parking / forecourt to be laid out in accordance with the agreed plans.

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- Havering Environmental Health Service: Letter dated 21<sup>st</sup> May 2009, stating that following a Phase I (Desktop Study) report documenting the sites' history, the surrounding area and the likelihood of contaminant(s), including extent and type, incorporating a Site Conceptual Model, there are potential pollutant linkages present.

Consequently it is recommended that the application be refused unless a specifically worded contamination condition is attached to the approval.

- Havering Energy Management Officer: email dated 15<sup>th</sup> May 2009, stating that the achievement of BREEAM 'Very Good' standard is a requirement. Conditions are also recommended regarding achievement of BREEAM 'Very Good' standard, and details of the proposed 200kW biomass boiler.
- Havering Crime Prevention Officer email dated 18<sup>th</sup> September 2009, stating that based on the information provided, if the developer was to submit an application for the Secure by Design Award Scheme there is every chance that it would achieve the standard required. The submission of an application should be encouraged.
- NATS NERL Safeguarding: Letter dated 28<sup>th</sup> May 2009, stating that the proposed development has been examined from a technical safeguarding aspect and does not conflict with NATS(En Route) Limited's safeguarding criteria. Accordingly, NATS (En Route) Limited has no safeguarding objections to this proposal.

## **6. RELEVANT PLANNING POLICY**

- 6.1 The Development Plan comprises of the London Borough of Havering Local Development Framework (LDF), comprising of: i) the Core Strategy DPD (adopted 23<sup>rd</sup> July 2008); ii) the Site Specific Allocations DPD (adopted 23<sup>rd</sup> July 2008); and iii) the Development Control Policies DPD (adopted October 2008), and The London Plan: Spatial Development Strategy for Greater London Consolidated with Alterations since 2004 (Published Feb 2008).
- 6.2 The site is identified as falling within a Strategic Industrial Location in Havering's LDF and associated Proposals Map.
- 6.3 The London Plan illustrates the site as falling within the London Riverside Opportunity Area falling within the North East London sub-region. The site location is also listed in Annex 2 to the London Plan as a Preferred Industrial Location (PIL) (No. 22 – Coldharbour Lane Employment Area).
- 6.4 The London Plan Spatial Development Strategy for Greater London, Consolidated with Alterations since 2004 (published February 2008)

### 3B.4 Industrial Locations

#### 3C.1 Integrating transport and development

#### 3C.2 Matching development to transport capacity

#### 3C.3 Sustainable transport in London

##### 3C.21 Improving conditions for walking

#### 3D.14 Biodiversity and nature conservation

#### 4A.3 Sustainable design and construction

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- 4A.4 Energy assessment
- 4A.7 Renewable energy
- 4A.12 Flooding
- 4A.13 Flood risk management
- 4A.14 Sustainable drainage
- 4A.15 Archaeology
- 4A.16 Water supplies and resources
- 4A.17 Water quality
- 4A.19 Improving Air Quality
- 4A.20 Reducing noise and enhancing soundscapes
- 4A.33 Bringing contaminated land into beneficial use
- 4B.1 Design principles for a compact city
- 4B.5 Creating an inclusive environment
- 4B.6 Safety, Security and fire prevention and protection
- 4B.15 Archaeology
- 5A.1 Sub-Regional Development Frameworks

#### 6.5 Havering Development Control DPD Policies (May 2008)

- DC9 – Strategic Industrial Locations
- DC33 – Car Parking
- DC32 – The Road Network
- DC34 – Walking
- DC35 – Cycling
- DC36 – Servicing
- DC48 – Flood Risk
- DC49 – Sustainable Design and Construction
- DC50 – Renewable Energy
- DC51 – Water Supply, Drainage and Quality
- DC52 – Air Quality
- DC53 – Contaminated Land
- DC54 – Hazardous Substances
- DC56 – Light
- DC58 – Biodiversity and Geodiversity
- DC59 – Biodiversity in New Developments
- DC61 – Urban Design
- DC62 – Access
- DC63 – Crime
- DC72 – Planning Obligations

#### 6.6 Havering Core Strategy DPD Policies (July 2008)

- CP3 – Employment
- CP10 – Sustainable Transport
- CP15 – Environmental Management
- CP16 – Biodiversity and Geodiversity
- CP17 - Design

#### 6.7 Other relevant material considerations that have been considered:

An Urban Strategy for London Riverside, adopted July 2002

The London Plan: Sub-Regional Development Framework, East London, May

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2006.

PPS1 – Delivering Sustainable Development  
PPG 4 – Industrial, commercial development and small firms  
PPS9 – Biological and Geological Conservation  
PPG16 – Archaeology and Planning  
PPS22 – Renewable Energy  
PPS23 – Planning and Pollution Control  
PPG24 – Planning and Noise  
PPS25 – Development and Flood Risk

## 7. ASSESSMENT OF MAIN ISSUES

7.1 **Environmental Impact Assessment:** An Environmental Statement (prepared by Capita Symonds dated September 2004) accompanied the original outline planning permission. Given that five years have passed since the ES was originally considered, during which time Local (now Havering's DPD), Regional (now altered London Plan) and National (now PPS25) policy has changed; and in light of Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended in line with the ECJ judgment in the case of R (on the application of Barker) v. London Borough of Bromley and the First Secretary of State, LTGDC officers opined at pre-application stage that fresh EIA of Chapters 11 (Surface Water) and 12 (Soil and Groundwater) needed to be carried out.

7.2 In response to LTGDC's request, the applicant submitted, 'Addendum Report Soil and Groundwater' prepared by Capita Symonds dated 18 August 2009. This is the update to Chapter 12 of the Environmental Statement (ES) prepared by Capita Symonds in 2004.

7.3 The applicant also submitted, 'Addendum Report Surface Water Quality' prepared by Capita Symonds dated 6 August 2009. This is the update to Chapter 11 of the Environmental Statement (ES) prepared by Capita Symonds in 2004.

7.4 With regard to Soil and Groundwater, LTGDC officers accept that the water monitoring trends do not indicate an unacceptable risk to controlled waters and that on the basis of the remediation works the residual impacts have been assessed as 'neutral'.

7.5 With regard to Surface Water, LTGDC officers are content that the trends do not indicate an unacceptable risk to controlled waters. Officers note the mitigation measures listed in the original ES are still pertinent and have drafted a condition requiring that the mitigation measures as set out in the ES be carried out.

7.6 LTGDC officers recommend that the updated chapters of the ES be approved as part of this application.

7.7 **The principle of the proposed land use:** The application is for the erection of an industrial / warehouse unit with permitted use falling within Use Classes B1(c) Light Industry, B2 (General Industry) and B8 (Storage or Distribution Centre), with ancillary offices.

7.8 The London Plan designates the Coldharbour Lane Employment Area as a

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Preferred Industrial Location (PIL).

- 7.9 The proposed land use was accepted when outline consent was granted in 2005. Current Development Plan policies DC9 (Strategic Industrial Locations) and CP3 (Employment) prioritise advanced manufacturing uses and other modern industries in the B1 (b) (c) and B2 use classes which provide a similar quality and intensity of employment and a high standard of design in the Beam Reach Business Park. Havering's Development Control Policies Development Plan Document goes on to state that, other uses will be allowed within the Beam Reach Business Park where they are commensurate with the business park environment.
- 7.10 The principle of the proposed land use is considered to accord with the provisions of the Development Plan, and is therefore considered to be acceptable.
- 7.11 **Climate change adaptation and mitigation:** 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. Havering policy DC49 (Sustainable Design and Construction) seeks a high standard of sustainable construction and requires major developments to produce documentation from the Building Research Establishment to confirm that the development will achieve a rating under the BREEAM rating scheme of non-residential developments of at least 'very good'. Policy DC50 (Renewable Energy) requires major development applications to include a formal energy assessment and to incorporate on-site renewable energy equipment to reduce predicted CO<sub>2</sub> emissions in line with regional and national policy unless it can be fully demonstrated that such provision is not feasible.
- 7.12 The applicant submitted an energy assessment in support of the application which sets out the key energy efficient measures including rooflights over the warehouse storage area and photoelectric sensors to maximise use of natural light and reduce artificial light consumption. U-values for the envelope will comply with Part L of Building Regulations 2006 to reduce energy use in heating and cooling the spaces and air permeability will be limited to 10m<sup>3</sup> / h / m<sup>2</sup> to reduce infiltration and therefore heat loss and reduce ventilation requirement. These measures result in a CO<sub>2</sub> emissions savings of 25% from the baseline figure.
- 7.13 In terms of renewable energy technologies, the applicant proposes that biomass boilers with a peak capacity of 200kW be used on site to meet the energy demand for heating the warehouse storage area. The use of biomass boilers is expected to yield a reduction in the site's total carbon emissions by 23.28%. This is in excess of the 20% renewables target set by PPS22 'Renewable Energy' and the London Plan.
- 7.14 LTGDC Officers are satisfied that the proposal will satisfactorily meet Development Plan policy requirements and recommend the imposition of conditions on any grant of planning permission that ensure that the measures set out in the submitted energy assessment are implemented and maintained.
- 7.15 **Sustainable drainage and flood risk management:** The site is identified as being at risk from fluvial flooding in the Environment Agency published 'Indicative Floodplain Map'.
- 7.16 Although not directly next to a watercourse, the site lies adjacent to Rainham

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Marsh, which is a low lying area of marshland. The site is also close to the watercourse that drains a large area of the marshland and neighbouring catchment, known as the 'Rainham Main Sewer'.

- 7.17 The site lies within the indicative flood plain of the tidal Thames estuary, and is therefore considered to be at risk from the 1:1000 year return period tidal flood event.
- 7.18 In terms of flooding, London Plan policy 4A.12 states that within areas at risk of flooding, the assessment of flood risk for development proposals should be carried out in line with PPS25. PPS 25 requires all new development within Flood Zone 3 to be supported by a Flood Risk Assessment in order to demonstrate that the proposed development can be designed and constructed to be safe in the event of a flood. In order to meet that requirement, the Applicant submitted:
- Flood Risk Assessment by The Symonds Group dated Jan 2004;
  - Flood Risk Addendum by Capita Symonds dated 17 July 2009;
  - Flood Plan by Capita Symonds dated July 2009; and
  - Drawing number SK300 Rev P (Business Park Drainage Strategy)
- 7.19 Officers have considered policies DC49 (Flood Risk) and DC50 (Sustainable Design and Construction) of Havering's LDF and policy 4A.15 (Climate Change) of the London Plan, and consider the proposal to be acceptable in terms of flood risk management and sustainable drainage if the proposed flood proofing, mitigation measures and Sustainable Drainage Systems are used for on site attenuation. In addition, all of the conditions suggested by the Environment Agency should be imposed, implemented and monitored.
- 7.20 **Access:** The application proposes the construction of a new access road off Ferry Lane, which will include paved pedestrian routes. The extended part of Ferry Lane that is to serve the site was permitted under a separate planning permission (Ref. LTGDC-007-06). The newly created access off Ferry Lane is expected to be extended further into Zone C when subsequent development proposals come forward. Any further extension to the road will form part of another application.
- 7.21 A separate, designated, Fire Brigade access is proposed on the western boundary of the site. Officers are content that the track routing for HGVs and service vehicles including Fire Brigade access is satisfactory and can accommodate north and southbound traffic flows from Ferry Lane.
- 7.22 The application is supported by a design and access statement that demonstrates the design principles and access consideration which have been applied in developing the scheme.
- 7.23 LTGDC officers are content that the design and access statement submitted in support of the application demonstrates that inclusive design principles have been reflected in the proposed design in line with policy 4B.5 (Creating an inclusive environment) of the London Plan.
- 7.24 **Appearance:** The proposed building is a simple rectangular box shape with a canopy over the entrance. It is proposed to be the first of several units that are to ultimately cover the whole of Zone C3A, in line with the previously approved outline planning consent; phasing plan and design strategy / rationale. The approved

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design rational establishes that the buildings will read as simple non-distracting elements of appropriate scale to the landscape, with articulation in building heights from north to south.

- 7.25 The proposed unit, together with the existing Wincanton building will be the highest buildings on the site. The height of the buildings will be in proportion with the size of the blocks and match in colour. The singular, unfussy, dark buildings are designed to minimise visual distraction when viewed from the Marshes.
- 7.26 The appearance of the proposed unit has been assessed by LB Havering and LTGDC and is considered to follow the principles of good design set out in London Plan policy 4B.1 (Design principles for a compact city) and also of Havering core policy CP17 (Design) and policy DC61 (Urban Design), which states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.
- 7.27 **Landscaping:** There are no existing trees or vegetation on the site. The required landscaping and buffer zones, as outlined by the outline planning consent have been maintained.
- 7.28 LTGDC and LB Havering officers have recently assessed and approved the proposed hard and soft landscaping scheme under a separate 'approval of details' application (reference LTGDC-09-050-AOD). Officers concluded then that they have no objection to the landscape proposal, which accords with the provisions of policies DC50 and DC61 of Havering's LDF DPD and policy 4B.1 of The London Plan.
- 7.29 **Layout including car parking areas:**
- 7.30 LTGDC and LB Havering officers (specifically LB Havering Highways Section, as Highways Authority) have recently assessed and approved the proposed hard areas for loading, unloading and turning of vehicles under a separate 'approval of details' application (reference LTGDC-09-050-AOD). Officers concluded then that the proposed hard areas accord with the provisions of policy DC36 (servicing) of Havering's LDF DPD.
- 7.31 The proposal includes 37 car parking spaces, 2 of which shall be designated for disabled users.
- 7.32 A travel plan covers Zone C, which was approved pursuant to requirements of the s106 agreement associated with the extant outline planning consent. Additionally, conditions attached to the outline planning permission deal with matters of servicing and refuse.
- 7.33 In considering site security, Havering's Crime Prevention Officer commented that if the developer was to submit an application for the Secured by Design Award Scheme there is every chance that it would achieve the standard required. The submission of an application should be encouraged.
- 7.34 Officers are satisfied that the access, layout and circulation arrangements of the proposal provide adequate, safe, manoeuvring and parking space for vehicles within Zone C3A in accordance with policies DC32 (The Road Network), DC33 (Car Parking), DC36 (servicing) and DC61 (Urban Design) of Havering's LDF DPD, and

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policies 4B.1 (Design principles for a compact city) and 4B.6 (Safety, security and fire prevention and protection) of the London Plan. Further, the location of the pedestrian access and circulation arrangements within the site provide an adequate pedestrian environment in accordance with Havering policy DC34 (Walking) and London Plan policy 3C.21 (Improving conditions for walking).

7.35 **Scale:** The completed unit is proposed to be 102.7m in length, 46.7m wide and 22.07m high (to the top of parapet) (or 21m above finished floor level (AFFL)), with a total gross external floor area of 4922 m<sup>2</sup>. The adjacent Wincanton building stands at 21.075m. LTGDC officers consider that the site is suitable for a development which maximises the allowable building heights and creates a series of buildings with a strong contemporary identity.

7.36 As previously stated, officers are satisfied that the proposal does not present a material adverse effect on nearby buildings or users. The proposed scale of built form contributes successfully to the design aspirations for Beam Reach 8, providing adequate accessibility into, out of, and within the site for all users.

## 8. CONCLUSION AND REASONS FOR APPROVAL

8.1 The proposal has been the subject of extensive pre- and post-planning application discussions between the Applicant, LB Havering, LDA and LTGDC. The site is appropriate for the development of a unit in accordance with the principles of the outline planning permission and the provisions of the development plan.

8.2 If fully implemented, the proposed new unit would contribute to the regeneration aspirations for Beam Reach 8, providing employment opportunities within this strategic industrial location (Havering LDF designation) / Preferred Industrial Location (London Plan designation). The proposal has been considered with regard to its context and is not considered to prejudice the comprehensive delivery of the outline planning permission, in line with the previously approved phasing plan for the site.

8.3 The proposal does not present any significant negative impact upon the environment.

8.4 No material considerations have been identified including representations received that warrant refusal of the application.

8.5 In considering what, if any, conditions are to be imposed should Members be minded to grant planning permission. LTGDC officers do not consider it necessary to duplicate the contamination or disposal of foul water conditions as suggested by the Environment Agency, as they are already imposed on the outline planning permission. Officers are satisfied that those matters will be adequately controlled through implementation of the scheme in full accordance with the conditions suggested at section 9 below and also those already in place on the extant outline planning permission.

8.6 **RECOMMENDATION** Planning Committee is requested to delegate authority to the Director of Planning to approve the subject reserved matters application, including the updated ES chapters, subject to conditions (and informatives) as set out in section 9 of this report, together with any amendments or additions that he

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considers necessary, subject to:

- 1) Referral of the application to the Mayor of London as a Stage 2 referral confirming that LTGDC is minded to approve the reserved matters application; and
- 2) Any direction by the Mayor of London.

## **9. CONDITIONS AND REASONS**

1. The development to which this permission relates must be commenced not later than the expiration of TWO YEARS from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall not be carried out otherwise than in accordance with the following documents and drawing numbers:
  - (i) the mitigation measures set out in the Environmental Statement dated September 2004, prepared by Capita Symonds and Addendum Report Soil and Groundwater dated 18 August 2009; and Addendum Report Surface Water Quality dated 6 August 2009; and
  - (ii) Sustainable Design and Construction Statement April 2009\_Rev A; Design and Access Statement April 2009\_Rev A; Flood Risk Assessment, by The Symonds Group Ltd. dated January 2004; Flood Risk Addendum, by Capita Symonds dated 17<sup>th</sup> July 2009; Flood Plan by Capita Symonds dated July 2009; Energy Assessment by atelier ten dated April 2009; and
  - (iii) Drawing numbers:
    - PL2000 Revision B (Location Plan)
    - PL2001 Revision E (Site Plan)
    - PL2003 Revision A (Unit Plan)
    - PL2004 Revision A (Unit Plan)
    - PL2005 Revision C (Elevations)
    - PL2006 Revision C (Site Elevations)
    - PL2007 Revision A (Unit Section)
    - PL2011 Revision A (Site plan with Fencing Details)
    - 09-004/SK300 Revision P (Business Park Drainage Strategy)
    - SK21 (Fire Appliance Access)
    - SK300 Rev P (Business Park Drainage Strategy)

No further drawings apply, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents and to protect local amenity with regard to Policy DC61 (Urban Design) of the London Borough of Havering Development Control Policies DPD (adopted October 2008) and Policy 4B.1 (Design

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principles for a compact city) of the London Plan, 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.

3. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) for a Non-Residential Development, Former Murex Factory Site, Rainham dated January 2004. As well as additional information submitted (Beam Reach 8 Zone C3A – Reserved Matters Application Flood Risk Addendum (dated 17<sup>th</sup> July 2009)) and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 2.75 m above Ordnance Datum (AOD).

Reason: To reduce the impact of flooding on the proposed development and future occupants, and with regard to planning Policy DC48 (Flood Risk) and DC49 (Sustainable Design and Construction) of the London Borough of Havering Development Control Policies DPD (adopted October 2008) and Policy 4A.13 (Flood Risk Management) of the London Plan, published February 2008.

4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by 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 safeguard the public, the environment and surface and groundwater as this site is known to have been used in the past for activities that are likely to have resulted in it being contaminated with material that is potentially harmful to humans, or the environment and with regard to policy CP15 of Havering's Core Strategy and Development Plan Document (dated July 2008); policies DC52 and DC54 of Havering's Development Control Policies Development Plan Document (dated July 2008); and policies 4A.16, 4B.1, 4B.15 and 4A.33 of the London Plan (published February 2008) and PPG16.

5. No occupation shall take place until the developer provides a copy of the final Building Research Establishment (BRE) certificate confirming that the development design achieves a minimum BREEAM rating of 'Very Good'. The development shall be carried out in full accordance with the agreed Sustainability Statement and a BREEAM Post Construction Assessment shall be carried out on the development to ensure that the required minimum rating has been achieved.

Reason: In the interest of energy efficiency and sustainability and with regard to policy DC49 (Sustainable design and construction) of the London Borough of Havering Development Control Policies DPD (adopted October 2008); and policies 4A.3 (Sustainable design and construction) and 4A.7 (Renewable Energy) of the London Plan (published February 2008).

6. No external ductwork or plant shall be fixed to the building hereby permitted

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without the prior written approval of the Local Planning Authority.

Reason: In the interests of visual amenity, and to ensure that the development accords with policy DC61 of Havering's Development Control Development Plan Document (adopted October 2008).

7. Prior to the occupation of the development hereby permitted, details of all external plant and / or equipment shall be submitted to and approved by the Local Planning Authority. No external plant and / or equipment shall be sited / erected on the site without prior written approval of the Local Planning Authority.

Reason: In the interests of visual amenity, and to ensure that the development accords with policy DC61 of Havering's Development Control Development Plan Document (adopted October 2008).

8. At no time shall goods or materials be stored externally on the site without the prior written approval of the Local Planning Authority.

Reason: In the interest of local amenity, security and safety and with regard to policy DC61 (Urban Design) of Havering's Development Control Development Plan Document (adopted October 2008) and policies 4B.1 (Design principles for a compact city) and 4B.6 (Safety, security and fire prevention and protection) of the London Plan (published February 2008).

9. Piling or any other foundation designs using penetrative methods are not permitted and shall not be carried out other than with the express written consent of the Local Planning Authority. The Local Planning Authority shall consult with the Environment Agency before deciding whether to grant such consent, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: To protect controlled waters by ensuring piling / foundation works do not negatively impact the previous site remediation or pollute the water environment with regard to policy DC51 (Water Supply, Drainage and Quality) of the London Borough of Havering Development Control Policies DPD (adopted October 2008); and London Plan policy 4A.17 (Water quality).

10. No development shall be carried out unless and until details / specification of the proposed 200kw biomass boiler have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- The make, model and thermal capacity of the biomass boiler and details of the additional abatement technology that has been investigated for fitment to reduce air pollution emissions.
- The type, height and location of the chimney.
- Information on the fuel, fuel feed system, the fuel supply chain and the arrangements that have been investigated to secure fuel.
- A breakdown of emissions factors for NOX, particulates and any other harmful emissions from the biomass boiler.
- An assessment of the impact of the emissions to ground level concentrations and any additional impact to surrounding buildings/ structures.

The approved 200kw biomass boiler and associated plant shall be installed in strict accordance with the agreed details and operational to the satisfaction of

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the Local Planning Authority prior to the occupation of any part of the development. The approved system(s) shall achieve a minimum 20% reduction in carbon dioxide emissions from the anticipated carbon dioxide emissions of the development once all energy efficiency measures have been accounted for and 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 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 in accordance with policies DC50 (Renewable Energy) and DC52 (Air Quality) of Havering's Development Control Policies Development Plan Document (adopted October 2008); and policies 4A.4 (Energy assessment), 4A.7 (Renewable energy) and 4A.19 (Improving Air Quality) of the London Plan (published February 2008).

### Informatives

1. London City Airport Limited advises that in the event that during construction, carnage or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to separate consultation. London City Airport Limited advise that the attention of crane operators be brought to the British Standard Code of Practice for the safe use of cranes, British Standard Institute 7121: Part 1: 1989 (as amended).
2. The Applicant is advised that this planning permission does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed by the Highway Authority. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/Licence Approval process.
3. Where the use of biomass is proposed, the biomass boiler must be certified as an exempt appliance in accordance with the Clean Air Act 1993. A list of exempt appliances can be found at <http://www.uksmokecontrolareas.co.uk/appliances.php> . Efforts should be made to ensure the biomass boiler is one of the lowest emitting models available on the Government's Exempt Appliance list at the time of installation.

**CASE OFFICER:** Amanda Reid for the Director of Planning

**Appendix 1:** Location Plan

**Appendix 2:** Site Layout Plan

**Appendix 3:** Proposed Elevations

**Appendix 4:** Site Elevations

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### **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;
- The London Plan Spatial Development Strategy for Greater London, Consolidated with Alterations since 2004 (published February 2008)
- Havering Development Control DPD Policies (May 2008)
- Havering Core Strategy DPD Policies (July 2008)