



REGULATORY SERVICES COMMITTEE

31 March 2016

REPORT

Subject Heading:

P0011.16 Unit 7 Beam Reach Business
Park 5, Consul Avenue, Rainham

Change of use of existing building from B1
and B2 with ancillary B8 to B1, B2 and B8
(Application received 6th January 2016)

Ward:

South Hornchurch

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework
National Planning Policy Practice
Guidance

Financial summary:

Not relevant

The subject matter of this report deals with the following Council Objectives

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

SUMMARY

This is a change of use application relating to the old 'Newsfax' building at Beam Reach Business Park. The building is currently permitted to be used within the B1 (offices) and B2 (general industrial) use classes with ancillary B8 (storage and distribution) use. This application seeks to allow, in addition to a B1 and B2 use, a straight B8 use.

The application is being brought to Members as the application is a major application and the building involved contains more than 1,000m² floorspace.

Whilst the aspirations for this area are noted, and indeed the Council is currently in receipt of an application for development of the eastern part of the Business Park, the building in question has been vacant for a few years and it is understood that the landowner has had difficulty finding a tenant who would be willing to take up the building within a B1 or B2 use.

Documentation submitted with the application has sought to demonstrate that a straight B8 use would not significantly result in additional vehicle movements to and from the site and in context of that submitted it is not considered that the change of use would be detrimental to the area.

RECOMMENDATIONS

That the Committee notes that the proposal is unacceptable as it stands but would be acceptable subject to a variation to the existing Deed made pursuant to Section 106 of the Town and Country Planning Act 1990 to:

- Ensure that the existing schedules and covenants carry forward and apply to any occupation of the building within the B8 use class.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the legal agreement, prior to the completion of the agreement, irrespective of whether the agreement is completed; and

It is therefore recommended that the Head of Regulatory Services be authorised to make the aforementioned variation to the existing Deed and, upon completion of that obligation, grant planning permission for the change of use as per the conditions below.

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with policy DC61 of Development Control Policies Development Plan Document.

2. Prior to occupation of the building to which this application relates a parking layout plan shall be submitted to the Local Planning Authority for review and approval in writing. The plan shall seek to identify all areas of parking on-site including the 36 spaces for vehicles; four spaces for lorries; and 20 spaces for cycles. The plan shall furthermore show the location of the active and passive Electric Vehicle Charging Points proposed to comply with 6.13 of the London Plan. The development shall be undertaken in accordance with the details approved and the car parking areas shall be maintained and made permanently available for use, unless otherwise agreed in writing with the Local Planning Authority.

Reason:-

To ensure that car parking provision is made permanently available, in the interest of highway safety and efficiency and in context of policies DC32, DC33 and DC35 of the Development Control Policies Development Plan Document and policies 6.1, 6.3, 6.9, 6.11, 6.12 and 6.13 of the London Plan.

Informative(s)

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.
3. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

REPORT DETAIL

1.0 Site Description

- 1.1 The application site comprises Unit 7 of Beam Reach Business Park, extending to some 1.1ha. The building is of a utilitarian design with grey and orange steel panels under a pitched steel clad roof. The elevations contain a number of glazed openings and six level loading doors positioned around the building. The site is located immediately to the east of the Marsh Way flyover, north of the A13 and south of the London to Southend railway line.
- 1.2 Access to the site is provided via gated vehicular and pedestrian points off Consul Avenue, with hardstanding to the front, side and rear of the building.
- 1.3 The area forms part of the London Riverside Business Improvement District and a strategic industrial designation within the Council's adopted Proposals Map (part of the LDF). The site is not located within a conservation area and is not listed (or curtilage listed). There are no national ecological designations of note within the immediate vicinity, although the wetlands to the north of the site are designed as a Borough level site of nature conservation. The site is located partially within flood zone 3, partially within flood zone 2.

2.0 Background

- 2.1 In 2007 planning permission, subject to conditions and a Section 106 Agreement, was granted by the London Thames Gateway Development Corporation, who constituted the Local Planning Authority at the time, for the construction of two tall industrial units, the installation of printing presses and associated equipment and buildings including offices, toilets and plant rooms – Uses B1, B2 and ancillary B8 at Plots 7 and 8 Beam Reach Business Park (application ref: U0006.06).
- 2.2 Since planning permission was granted, Plot 7 has been developed but Plot 8 has not. Plot 7 contains a building which measures approximately 3,500m², with a mezzanine floor and two floors of ancillary office space to the western end of the building. The building is currently vacant but was last used for newspaper printing purposes.

3.0 Description of Proposal

- 3.1 This application seeks to widen the current permitted use of the application site and allow for B1, B2 and B8 uses. The applicant has suggested that this would provide additional flexibility and maximise the potential to attract a tenant and secure the long term viability of the site.
- 3.2 The proposals do not involve any material external alterations to the building or the wider site. It will however be noted, as detailed in the 'Relevant History'

section of this report, that a separate application has been submitted to this change of use which seeks minor improvements to the exterior of the building.

- 3.3 The building as existing contains a number of internal structures and layout features which are specifically designed to meet the requirements of the former newspaper printing business. It is proposed that these would be removed, to facilitate a new tenant and use, however, planning permission is not explicitly required for these changes.

4.0 Relevant History

This site has an extensive planning history. Below is a selection of the most recent, relevant applications relating to the site and the surroundings:

P1155.00 – Outline application for the development of approximately 101,000m² of industrial and office use (B1, B2 and including warehousing ancillary to industrial processes) at land adjacent to Marsh Way, Rainham - approved 10/02/2003

U0006.06 – 2 No. tall industrial units for the installation of printing presses and associated equipment & buildings include offices, toilets, plant rooms - Uses B1/B2 at Unit 7 and 8 Beam Reach Business Park, Consul Avenue – approved by the London Thames Gateway Development Corporation 14/06/2007.

U0009.08 – Extension to western side of existing building to accommodate new press automated stacking and loading equipment. Retrospective canopy to existing entrance and amended access off Consul Avenue at Unit 7 Beam Reach Business Park, Consul Avenue – approved by the London Thames Gateway Development Corporation 18/12/2009.

P1340.15 – Continuation of development of two tall industrial units, the installation of printing presses and associated equipment & buildings including offices, toilets and plant rooms at Unit 7 and 8 Beam Reach Business Park, Consul Avenue without compliance with condition 10 (required energy efficiency and sustainability standards) attached to planning permission reference: U0006.06 – approved 24/12/2015.

P0012.16 – Alterations to the existing building and site layout, including the installation of 4 new loading bays and a new transformer enclosure at Unit 7 Beam Reach Business Park, Consul Avenue – pending determination.

5.0 Consultations/Representations

17 properties were directly notified of this application. The application was also advertised by way of site notice and press advert. No letters of public representation have been received.

Environment Agency - No objection.

Highway Authority - No objection.

HS1 Ltd - No objection.

London Borough of Barking & Dagenham - No comments received.

London Borough of Havering Environmental Health - No comments received.

London Borough of Havering Lead Local Flood Authority - No objection.

London Fire Brigade - No objection.

London Riverside (BID) Ltd - No comments received.

Network Rail - No comments received.

Rainham Conservation & Improvement Society - No comments received.

Transport for London (TfL) - The level of car parking proposed is in excess of the maximum standards prescribed within the London Plan. It is strongly encouraged the applicant reduces the amount of car parking to reduce the potential traffic generation from the site and minimise the impact upon the A13, in line with London Plan policy 6.1. TfL are content with the blue badge parking provision but notes that the application is silent on Electric Vehicle Charging Points. Furthermore the provision for cycle parking is below the London Plan standard.

6.0 Relevant Policies

LDF Core Strategy and Development Control Policies Development Plan Document (LDF): CP3 (Employment), CP9 (Reducing The Need To Travel), CP10 (Sustainable Transport), CP15 (Environmental Management), CP16 (Biodiversity and Geodiversity), CP17 (Design), DC9 (Strategic Industrial Locations), DC13 (Access To Employment Opportunities), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste Recycling), 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), DC55 (Noise), DC56 (Light), DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity In New Developments), DC60 (Trees and Woodland), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places) and DC72 (Planning Obligations)

London Plan: 1.1 (Delivering The Strategic Vision And Objectives For London), 2.1 (London In Its Global, European and United Kingdom Context), 2.2 (London And The Wider Metropolitan Area), 2.3 (Growth Areas And Co-Ordination Corridors), 2.7 (Outer London: Economy), 2.8 (Outer London: Transport), 2.13 (Opportunity Areas And Intensification Areas), 2.14 (Areas For Regeneration), 2.17 (Strategic Industrial Locations), 4.1 (Developing London's Economy), 4.4 (Managing Industrial Land And Premises), 4.10 (New And Emerging Economic Sectors), 5.12 (Flood Risk Management), 5.14 (Water Quality And Wastewater)

Infrastructure), 5.21 (Contaminated Land), 6.1 (Strategic Approach), 6.3 (Assessing Effects Of Development On Transport Capacity), 6.9 (Cycling), 6.10 (Walking), 6.11 (Smoothing Traffic Flow And Tackling Congestion), 6.12 (Road Network Capacity), 6.13 (Parking), 7.2 (An Inclusive Environment), 7.3 (Designing Out Crime), 7.4 (Local Character), 7.6 (Architecture), 7.7 (Location and Design Of Tall And Large Buildings), 7.14 (Improving Air Quality), 7.15 (Reducing And Managing Noise, Improving And Enhancing The Acoustic Environment And Promoting Appropriate Soundscapes), 7.19 (Biodiversity And Access To Nature), 7.21 (Trees And Woodlands), 8.2 (Planning Obligations) and 8.3 (Community Infrastructure Levy)

Draft London Riverside Opportunity Area Planning Framework (2015)

Government Guidance: National Planning Policy Framework and National Planning Practice Guidance

7.0 Staff Comments

Principle of Development

- 7.1 Policy DC9 of the LDF details that planning permission will only be granted for B1 (b+c), B2 and B8 uses in the Rainham Employment Area, Harold Hill Industrial Estate and King George Close Estate Strategic Industrial Locations. Advanced manufacturing uses (B1 (b) (c) and B2) will be prioritised within the Beam Reach Business Park together with other (B1 (b) (c) and B2) uses which provide a similar quality and intensity of employment and a high standard of design.
- 7.2 Whilst the policy position is to prioritise B1 and B2 uses within the Beam Reach Business Park, it is considered that in principle B1, B2 and B8 uses are acceptable within Strategic Industrial Locations such as this. This planning application seeks to broaden the permitted use of the site from B1 and B2 with ancillary B8 to B1, B2 and B8. The proposed change of use or broadening of use of the site, in context of policy DC9, is considered to comply with the LDF. Although it is suggested that B1 and B2 uses will be prioritised in the Beam Reach Business Park, this application is not proposing a new unrelated employment use and will not result in the loss of a site potentially capable as being suitable for a B1 or B2 use, should a need or demand arise.
- 7.3 In respect of the above, whilst noting that Strategic Industrial Locations are generally designed for B1, B2 and B8 uses, it is considered that a strict B8 use could result in different impacts to a site in a B1 or B2 use. With regard to this, an assessment of highway impact and any potential impacts on the environment and nearby amenity can be found below.

Highway Impact & Car Parking Provision

- 7.4 Policy DC32 of the LDF states that development which has an adverse impact on the functioning of the road hierarchy will not be allowed. Expanding on this, policies DC33 and DC35, respectively, outline maximum and minimum parking standards for both vehicles and cycles.
- 7.5 With respect to the above, it is noted that generally a B8 use has a lower parking standard than a B1 or B2 use. Indeed the above observation is raised in the consultation response received from Transport for London, in context of the standards prescribed in the London Plan.
- 7.6 The applicant has submitted a Transport Assessment in support of the application. This details that the site as existing has 36 car parking spaces and 20 cycle parking spaces and no change is proposed to this provision. This provision is broadly compliant with policy DC33 in respect of a B1 use but represents an over-provision in respect of a B8 use, as the standard for such a use, as alluded above, is lower than for a B1 or B2 use.
- 7.7 This application nevertheless seeks to broaden rather than change the permitted use of the building. In context of this, it is considered that an appropriate parking provision therefore needs to be maintained for all uses which would be permitted. Accordingly, it is not considered that it would be appropriate to seek a reduction in car parking provision, as part of this application, as any such reduction would likely have repercussions for the viability of a B1 or B2 use.
- 7.8 With regard to specific parking for lorries, the adopted standard for a B8 use is one lorry space per 200m² to one lorry space per 500m². This equates to a standard of between eight and 18 lorry spaces in this instance. By maintaining the car parking provision, as existing, there is insufficient space on-site to accommodate eight lorry spaces. Specific provision for four lorries could be provided but in context that a B8 use would likely be less user intensive it is considered that, if required, car parking spaces could simply be re-assigned to lorry spaces.
- 7.9 Transport for London, in addition to comments previously discussed, has noted that as existing no on-site provision exists for Electric Vehicle Charging Points (EVCP). When permission was first granted for this development such policy consideration did not exist - hence why there is no provision as existing. In context of this, it is considered that provision for EVCPs could be secured by condition. It is not considered that this requirement is unreasonable, in context of the nature of the application, and would furthermore bring the development in line with the current standards of the London Plan.
- 7.10 In terms of trip generation, overall, an assessment undertaken by the applicant on the likely number of vehicle movements associated with various potential uses from the site has found that a B8 use would likely generate a similar level of activity to a B2 use and far less vehicle movements than a B1 use. The Highway Authority, in context of this and the site conditions, has raised no

objection to the proposed change of use on highway safety or efficiency grounds.

Other Considerations

- 7.11 It is not considered that the proposed change and broadening of use would result in any significant environmental or amenity impacts to warrant refusal. There would be no physical changes to the site and/or the building and it is not considered that a strict B8 use would be materially out of character or result in impacts of a different nature to a B1 or B2 use. This is a Strategic Industrial Location and such sites are identified to allow such uses to operate where there are only a limited number of sensitive uses in the vicinity.
- 7.12 In terms of designations, as noted in the 'Site Description' section of this report, this site is located within a flood zone area. The Environment Agency has been consulted on this application and has raised no objection noting that the site 'vulnerability' will not increase as a result as the broadening of use.

Environmental Impact Assessment

- 7.13 Consideration has been given to Section 13 (b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) given the size of the development and this development, originally, falling within the scope of a Schedule 2 development (Section 10 (a) and (b)). In this instance, in context of guidance within the National Planning Practice Guidance, it is not considered that the development would result in any impacts of more than local significance. Accordingly, the Local Planning Authority does not consider that an Environmental Impact Assessment needs to be submitted in support of the application.

8.0 Conclusion

- 8.1 The proposed change of use requested by this application is considered modest. As existing the site benefits from a B1, B2 and ancillary B8 permission and this application seeks to extend this to include a full B8 use. Beam Reach Business Park forms part of a Strategic Industrial Location designation within the LDF Proposals Map. In such locations B1, B2 and B8 are accepted and it is therefore considered that the change of use proposed is compliant with the land-use designation. It is not considered the proposed broadening of acceptable uses would result in any significant environmental or amenity impacts. It is not considered that the use would be detrimental to the area and/or the vitality of the designation and accordingly it is recommended that planning permission be granted subject to conditions and the prior completion of a legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks: Legal resources would be required for the variation of the legal agreement. The amendment proposed to the existing Section 106 is nevertheless required to ensure that the existing schedules and covenants which are outstanding and relate to this site are carried forward.

Human Resources implications and risks: None

Equalities implications and risks: The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

1. Application form, plans and associated documents received 06/01/2015.