



Havering
LONDON BOROUGH

**Strategic Planning
Committee
15 August 2019**

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| Application Reference: | P1904.18 |
| Location: | Freightmaster Estate, Coldharbour Lane Rainham, RM13 9BJ. |
| Ward: | Rainham & Wennington |
| Description: | Outline planning application for the demolition of all existing buildings (13.21 Hectares) and redevelopment of the site to provide up to 43,000sqm (GIA) commercial floor space for Use Classes B1/B2/B8, enhancements to strategic landscaping fronting the Thames foot/cycle path and associated landscaping. |
| Case Officer: | Nanayaa Ampoma |
| Reason for Report to Committee: | The application is of strategic importance and therefore must be reported to the Committee. |

1. BACKGROUND

- 1.1 The application site is south of the Borough. It is bordered by the Veolia landfill site to its north and east and the River Thames to its south. The site currently comprises five large warehouses and a number of smaller storage units and warehouses. It has a PTAL rating of 0(Worst); falls within Flood Zone 1; borders the Wennington Marsh Site of Special Scientific Interest (SSSI); and the Green Chain cycle route crosses the site. However the site does not fall within a conservation area and there are no listed buildings.

- 1.2 The application has been the subject of several preapplication meetings and officer discussions since late 2018. There was a pre-application developer presentation to this committee on 16 August 2018.
- 1.3 The changing policy position in relation to this site is considered relevant to the determination of this application. Previously, the site was allocated for use as part of the proposed Conservation Area Park after the landfill use had ended and the site has been restored (currently importation of waste will stop in 2024, the final contours of the site completed in 2026 and a five year aftercare to 2031). However, the site is not part of the landfill site and has been used for industrial and storage purposes unconnected with the landfill. In addition, more recently, the London Borough of Havering's Employment Land Review (2015) found that the loss of the site would significantly harm the provision of Strategic Industrial Land (SIL) within the Borough and with the projected demand for such sites set to increase over the next 20 years the site should continue to be used for industrial purposes. Following this, the emerging Local Plan has designed the location as a SIL site.
- 1.4 The outline application proposes the comprehensive redevelopment of the site to provide mixed B Class uses over a maximum area of 43,000 square metres. Detailed design would come forward via subsequent reserved matters applications and would include sustainable drainage methods, landscaping, flood risk methods, BREEAM, cycle storage, full and continued access to the jetty (secured under S106), the incorporation of the existing cycle route and a contribution of £350,000 towards the Conservation Area Park.
- 1.5 The application site is over 2.3km away from the nearest residential property. Therefore, officers do not consider that there would be any harm to the existing amenity arrangements in the area. The overall design principles have been established through the engagement of the applicant and the Council's design officers and this has resulted in the production of the Design Principle Document. This document has established a design code to inform any forthcoming reserved matters application. A parking ratio has been agreed by the Highways Officer, Transport for London and the Greater London Authority to ensure any subsequent reserved matters application is compliant with both the London Plan and London Borough of Havering policies.
- 1.6 Access onto the site would primarily be via Coldharbour Lane. This stretch of road is not adopted and there are no current plans for adoption. During the lifecycle of the application, officers have engaged with the applicant to ascertain responsibility for the route. Clarification has been sought as to how the route is managed in terms of upkeep and access. Whilst there are covenants and other legal agreements between the owner of the application site, Oldrealm and Veolia in place for its management, in practice Veolia have been responsible for the route in the last 20 years. While the applicant does

not own the route, they do hold some reasonable powers to force Veolia to undertake works to the route if it falls into disrepair. This has never been necessary to date. Nevertheless, responsibility for this will be assured via a S106 provision. Following the end of Veolia's landfill use the upkeep of the route would continue to be undertaken by Veolia (or successors in title). Subject to the S106 provision, officers are comfortable that the management of the route will be secured long term.

- 1.7 Given the above, and for the reasons outlined in this report, officers have resolved to recommend APPROVAL.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The application provides comprehensive redevelopment of the existing Freightmaster site. It would provide greater employment opportunities through better utilisation of the Strategic Industrial Land and is in keeping with Havering Council's own aspirations for continued investment in SIL sites across the Borough to ensure the continued long-term usage of these sites.
- 2.2 The development directly responds to Havering Council's emerging site allocations and Proposals Map for the location. Therefore, complying with the emerging Local Plan (which at this stage is a material consideration) and all future policy implications such as the Havering Employment Land Review 2015.
- 2.3 The development would result in a high quality design owing to the design principles established within the Design Code document. These have been reviewed by the design team and officers, to ensure that good quality design and materials would be employed throughout the scheme.
- 2.4 The development would also contribute £350,000 towards the proposed new Conservation Park after restoration and £100,000 in contributions for environmental/highway improvements close to the site and within the Business Improvement District area.
- 2.5 Lastly, the recommended conditions and Heads of Terms would secure future policy compliance by the applicant on the site and ensure any unacceptable development impacts are mitigated.

3 RECOMMENDATION

- 3.1 That:

- i) Subject to resolution of Permit issues to the satisfaction of the Environment Agency
- ii) Subject to no direction from the Mayor for London to either refuse planning permission or take over the determination of the application

the Committee resolve to GRANT planning permission subject to the completion of a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended) based on the Heads of Terms below:

- Any direction by the London Mayor pursuant to the Mayor of London Order
- Legal Agreement pursuant to s106 of the Town and Country Planning Act 1990 and other enabling provisions, with the following Heads of Terms:
 - Employment and Skills: 4 Apprenticeships for every 10,000sqm + Job Brokerage (Job Brokerage is a dedicated skills, training and employment service for local people).
 - £350,000 Conservation Park/Wildspace Contribution – For park facilities
 - £100,000 Contribution for Environmental/Highway Improvements to adopted part of Coldharbour Lane and Ferry Lane south of the A13 junction
 - Parking Review – TfL requested parking review to determine the level of demand for parking spaces.
 - Reasonable/Best endeavours Improvement and Maintenance Scheme for Coldharbour Lane
 - Jetty access – Access to be allowed in perpetuity
 - Permit – Restriction on developing land the subject of the Environment Agency permit until such time as the permit has been withdrawn or revoked (wording to be agreed with EA before completing agreement).
 - Shuttle bus – Transport for London provision between the site and the station. To be reviewed annually for 5 years.
 - Travel Plan with £5000 monitoring fee
 - Carbon offset fund contribution (amount TBC), such sum calculated at sixty pounds (£60.00) per tonne that falls below the 100% threshold, for a period of 30 years, duly Indexed
 - Land reserved for riverside footpath/cycleway
 - Reasonable legal fees for the drafting and negotiation of the deed whether or not it goes to completion
 - Monitoring fee towards the Council costs of monitoring compliance with the deed
 - Any other planning obligation(s) considered necessary by the Assistant Director Planning

3.2 That the Assistant Director of Planning is delegated authority to negotiate the legal agreement indicated above and that if not completed by the 16th March

2020 the Assistant Director of Planning is delegated authority to refuse planning permission or extend the timeframe to grant approval.

- 3.3 That the Assistant Director Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

1. Reserved Matter – Details to be submitted
2. Time Limit – Expiry after 3 years
3. In Accordance with Approved Drawings – Parameter plans
4. Deviation from Outline – No change to Outline
5. Maximum Floor Space – No more than 1000sqm B1(Office) space
6. Design Review Panel – Detailed design subject to Quality Review Panel
7. Secured by Design – Details to be approved by Metropolitan Police
8. Landscaping – Details for hard and soft planting for wider area
9. Restricted Use (Commercial Units) – No change of use under PD
10. Archaeology – Secure heritage asserts
11. Site levels – Details of site building levels and protection from flooding
12. Flood Risk – To be submitted with reserved matters
13. Sustainable Drainage Systems (SUDS) – To be submitted with reserved matters
14. Ecology – Management Plan for the preservation of wildlife
15. Contaminated Land – Site remediation to be submitted and agreed
16. Non-Road Mobile Machinery – Compliance with reduction of emissions
17. NO_x – Maximum NO_x emissions less than 40 mg/kWh
18. BREEAM – Development to meet ‘Very Good’
19. Surface Water Drainage – Sustainable surface runoff methods
20. Levels – Site level access agreed to allow access for all mobility levels
21. Finish Floor levels – To ensure floors are raised
22. Car Parking Plan – To ensure compliance with TfL and Highways Officer
23. Disabled Parking Plan – Secured at 10%
24. Electrical Charging Points – Secured at 20% passive and active
25. Demolition, Construction Management and Logistics Plan – To be submitted with any reserved matters
26. Refuse and Recycling – Details to be submitted
27. Extraction and Ventilation (Commercial Units) – To be submitted with each detailed design
28. Drainage Strategy – To be submitted at reserved matters
29. Green Travel Plan – To be submitted at reserved matters
30. Cycle Storage – To be secure and enclosed
31. Delivery and Servicing Plan – To be submitted at reserved matters

32. Wheel Washing – Methods to reduce mud on the road.
33. Thames Water – Sewer details
34. Energy Efficient Measures – To ensure sustainable methods are used
35. Dynamic Overheating Assessment – To ensure adequate property ventilation
36. External Lighting Scheme – To ensure safety and comply with Secured by Design methods
37. Energy Statement Compliance – To encourage energy efficient methods

Informatives

1. NPPF
2. Highway approval may be required
3. Highways license
4. Street name and numbering
5. National Grid
6. Secure by design
7. Ground Risk Management Permit
8. Community Infrastructure Levy (CIL).
9. Planning obligations

4. SITE AND SURROUNDINGS

- 4.1 The application site lies south of the Borough at the north bank of the edge of the River Thames. At present the site comprises five large industrial units totalling approximately 28,000 square metres in Gross Internal Area (GIA). There are also a number of smaller ancillary buildings and storage units. However, the application site itself expands an area of 13.21 hectares. The maximum height of the current buildings on the site is 10m.
- 4.2 To the east the site is bordered by the Veolia Waste Management Site and to the north by the Rainham Landfill site. The existing landfill permission expires in 2026. At that stage, it is required that the site be restored to a green within the following 5 years aftercare period. Beyond the landfill site is the Inner Thames Marshes which is designated as a Site of Special Scientific Interest (SSSI). The site is located approximately 2.3km from the nearest residential units. The Green Chain route also crosses the site, and it borders the Wennington Marsh Site of Special Scientific Interest (SSSI).
- 4.3 However the site has no statutory designations.
- 4.4 The nearest Local Nature Reserve (LNR) Rainham Marshes located 1.5km north of the site. The LNR is located within the western section of the Rainham the Inner Thames Marshes SSSI and is also a Royal Society for the Protection of Birds (RSPB) nature reserve.

4.5 Access to the site is gained primarily via Coldharbour Lane.

4.6 Under the draft Havering Local Plan the site has been allocated as an employment area and Strategic Industrial Location.

5 PROPOSAL

5.1 The application seeks Outline planning permission for the redevelopment of the Freightmaster's site to comprise 43,000sqm commercial floor space for use as B1/B2/B8 and associated works including upgrading the existing cycle path and public walkway, landscaping and parking.

5.2 The application proposes development parameter as follows:

- Maximum 43000sqm dedicated to B1/B2/B8
- 23 metres maximum height of any building
- Any proposed buildings may only cover a limited area of 39% of the overall site.
- Design Principle Document to be secured as part of Outline

5.3 Refuse and recycling details to be submitted via reserved matters applications.

5.4 Cycle parking details also to be agreed via reserved matters.

5.5 Materials to be agreed at reserved matters stage.

6 PLANNING HISTORY

6.1 The following planning decisions are relevant to the determination of the application:

- **Z0011.18:** Environmental Impact Assessment (EIA) Screening Opinion. – **Screening issued 21st January 2019**
- **Z0009.18:** Screening opinion for an Environmental Impact Assessment. – **Screening issued 9th November 2018**
- **Z0002.18:** Screening opinion for an Environmental Impact Assessment. – **Screening issued 7th June 2018**
- **U0015.06:** Construction of a 400m long x 3m wide shared use footpath/cycle/path to the south of the Freightmaster Estate, to include a

2.1m high chain-link fence and motorcycle barriers. – **Approved with conditions 19th March 2007**

- **P1410.04:** Erection of 2.4 metre high palisade security fencing to replace broken chain-link and barbed wire fence (extends 326 metres along boundary). – **Approved with condition 10th September 2004**
- **P1324.98:** Storage, recycling and provision of recovered electrical equipment, paper & household co-mingled recyclable materials. – **Approval with condition 5th February 1999**

7 STATUTORY CONSULTATION RESPONSE

7.1 A summary of consultation response are detailed below:

- **The Environment Agency:** No objection subject to a condition governing floor levels and a legal agreement to control the area the subject of the existing permit.
- **Transport for London:** No objections.
 - No issues in respect of servicing and access.
 - Request the provision of shuttle bus service to and from the site to be secured via S106.
 - Confirmation that an access route to the LOOP walking/cycling route along the site would be maintained and provided.
 - Development to comply with agreed parking ratio (see Highways section below)
- **Greater London Authority:** Following extensive discussions with the applicant, the application is acceptable subject to conditions governing energy efficiency, overheating and renewable energy. In addition, space for B1a (office space) should be restricted to no more than 1000sqm. Also, S106 Heads of Terms for the following should be secured:-
 - The provision of a private shuttle bus service between the site and Rainham station. This obligation is triggered when the site is more than 50% spatially occupied, with service frequency and vehicle size to be based on demand from the occupier(s) employees.
 - A Car Parking review is subject to the same trigger, enabling the Council to limit the maximum car parking standards further for all subsequent development, especially if car use and car parking demand has reduced significantly by that time, as targeted by the Mayor's Transport Strategy (MTS).

- **Thames Water:** No objection in principle to development. However initial investigations have shown that the existing infrastructure is insufficient to support the development. Therefore, the applicant needs to contact Thames Water at an early stage to address this. Condition to be attached governing waste water.
- **Natural England:** No objection. Based on the details submitted the proposal would not have a significant adverse impacts on statutorily protected sites or landscape.
- **NATS Safeguarding:** No objection. To be consulted when formal application is received if it meets the height threshold of 15 metres or more.
- **London Fire and Emergency Planning Authority:** No objections. No new hydrants required.
- **Metropolitan Police Secure by Design Officer:** No objection subject to the attachment of a condition governing community safety.
- **Port of London Authority:** No objection in principle. However careful thought should be given to the development site after 2026 by the submission of a river freight plan. Any future light along the river needs to consider the ecological impact on wildlife.
- **LBH Flood & Rivers Management:** The applicant's Drainage Strategy requires greater detail. These details should be secured during Reserved Matters stage.
- **LBH Environmental Health:** No objection subject to conditions governing contaminated land, noise and sound insulation.
- **LBH Highways:** No objection subject to conditions and informative.
- **LBH Travel Plan Officer:** No objection. However a Green Travel Plan should be secured via condition.

8 COMMUNITY ENGAGEMENT

- 8.1 In accordance with planning legislation, the developer has consulted the local community on these proposals as part of the pre-application process.

9 LOCAL REPRESENTATION

9.1 The application was advertised via a Site Notice displayed at the site for 21 day between 9/1/2019 – 01/02/2019. The application was also advertised via a Press Notice 11/01/19 - 01/02/19.

9.2 Direct neighbour letters were also sent to 37 neighbouring properties. One neighbour response has been received as follows:

- 1 objectors
- 0 in support.
- No petitions have been received.

9.3 A summary of neighbours comments are given as follows:

- The local BID was not consulted
- There is significant cost in the Council adopting the Coldharbour Lane, although this road has no light and is unsafe.
- The site produces excessive mud which is slippery even though the road is regularly swept by Veolia
- The speed bumps on the road are inadequate at stopping the speeding of large vehicles
- There is insufficient electricity at the site to sustain Freightmaster. Also, there is inadequate drainage and water
- There is possible radioactive material
- The expansion of Veolia would be more beneficial at the location.
- The development may be acceptable but not for another 7-8 years. If permission is to be granted please reconsult.

9.4 *Officer's response: All relevant statutory consultees were consulted; The Council is not looking to adopt the Coldharbour Lane; a condition for lighting at the site has been attached; a wheelwashing condition has been attached.*

9.5 The following local groups/societies made representations:

- None.

9.6 The following Councillors made representations:

- None.

Procedural issues

9.7 No procedural issues were raised in representations.

10 MATERIAL PLANNING CONSIDERATIONS

10.1 The main planning considerations are considered to be as follows:

- Principle of Development
- Design
- Impact on Neighbouring Amenity
- Environmental issues
- Highways
- Access (Jetty/Coldharbour Lane)
- Cycle parking
- Refuse
- Sustainability
- Flooding and Drainage
- Security by Design

Principle of Development

10.2 Under policy CP3 of the current LDF, the Council will ensure that there are a range of employment sites across the Borough by: securing the most efficient use of land; prioritising particular uses within certain areas; and seeking contribution towards future employment training schemes. This followed the Havering Employment Land Review (2006) which predicted the likely future employment and skills demands and shortages based on realistic future business growth numbers. This also provided an assessment of the likely business infrastructure and land use requirements to inform the provisions of sufficient employment land within the Borough. It concluded that there are significant skills shortages within the current employment force which may increase over time if not addressed.

10.3 The National Planning Policy Framework (NPPF) (2019) places significant weight on the need to support the economic growth for local businesses as well as the wider environment. Through the planning system, emerging policies should operate to encourage a vision for the wider employment and not to impede or stunt sustainable economic growth within these areas. To help achieve economic growth the NPPF expects local planning authorities to plan proactively yet flexibly, and be driven by local opportunities within particular areas.

10.4 Under the current Adopted Policy Framework, the application site is incorporated into the Site Specific Allocations DPD (policy SSA17) and London Plan (2016: Policy 2.14 – Areas for Regeneration) as an area of restoration to be incorporated into the London Riverside Conservation Park (Wildspace). However since this allocation, the London Borough of Havering's Employment Land Review (2015) recommended that the Freightmaster site be re-designated to an SIL. This is because the Review found that there is

likely to be a demand for 350 hectares of industrial land (B2 and B8) within Havering over the next period up to 2031/2032, with this demand projected to further increase. It further notes that the vast majority of existing SIL sites are located away from residential areas with direct access to the strategic road network.

- 10.5 Therefore, making them primary sites for such uses, as they are most suitable to meet Havering's future industrial and warehousing demand. With this in mind, the Review follows with the recommendation to re-designate the existing Freightmaster Estate in Rainham as a Strategic Industrial Location and remove it from the Conservation Park area. The suggested designation has been followed through to the draft Havering Local Plan, with draft Policy 19 seeking to protect designated SIL. No objections have been received to this policy and the Plan is now at quite an advanced stage, awaiting the Inspectors final report and recommended amendments. Therefore, it is considered that the policy designation can be afforded significant weight. In addition to this, the site is privately owned and currently in employment use. There are no plans for intervention (e.g. CPO or existing S106/planning conditions) in respect of this site, so as such it is not available to become part of the proposed Conservation Park.
- 10.6 Given the above, there is no objection in principle to the demolition of the existing units and the redevelopment of the site to provide a mix of B industrial uses as it is in keeping with the current national, regional and emerging local policy framework. The proposal would provide new replacement industrial units which would continue to provide employment land.
- 10.7 In addition, the p development would sit next to the proposed Conservation Park and would therefore benefit significantly from its presence as a facility for employees. Therefore, officers have secured £350,000 towards provision of facilities associated with the Conservation Park.

Design

- 10.8 The NPPF 2018 attaches great importance to the design of the built environment. Paragraph 124 states *'The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'*.
- 10.9 Policies 7.4 and 7.6 of the London Plan states that new development should be complementary to the established local character and that architecture should make a positive contribution and have a design which is appropriate to its context. Policy 7.7 states that tall buildings should be limited to sites close

to good public transport links and relate well to the scale and character of surrounding buildings, improve the legibility of an areas, have a positive relationship with the street and not adversely affect local character.

10.10 Policies CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. It is also required that these developments provide a high level of inclusion and accessibility.

10.11 As detailed above, the application site is currently used as a large industrial area. The existing buildings on site are of no architectural merit. As such, the demolition of these buildings and their replacement would have no adverse impact on the character of the area. As the application is an outline, the detailed designs of any units on site are to come forward via reserved matters. To help guide these future developments, the applicant has submitted a design code document that provides guiding design principles for any industrial units coming forward. This includes parameter plans detailing materials, security strategies, ecology mitigation, proposed building material palettes and planting and street furniture. These details have been reviewed by the Design Officers and deemed acceptable.

10.12 Any individual proposed building would be restricted to 23 metres in height and would cover a maximum area of 39% of the site. Access to the jetty will be maintained. Subject to the final building layout more roads within the site are proposed. Parameter plans would be secured as follows:

- Land use: R012/P3004 Rev P1
- Scale: R012/P3005 Rev P1
- Access and Movement: R012/P3006 Rev P1
- Landscape and Amenity: R012/P3007 Rev P1

10.13 The Design Code includes proposals for landscaping around the perimeter of the site, in particular alongside the existing riverside path and providing a buffer between the site and the adjacent landfill/future Conservation Park.

10.14 Officers consider that should the development result in a cluster of industrial units this would be preferred. However should a future reserved matter only propose one large unit at the site, officers would look closely at the level of detailed design and its acceptability in terms of scale and massing. Therefore further design assessments will be undertaken at each reserved matters stage.

Impact on Neighbouring Amenity

- 10.15 Policy DC61 states that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing properties.
- 10.16 As the application seeks outline planning permission only, no details of the scale of buildings, their location, noise implications (as it relates to proposed buildings) and other amenity considerations have been submitted. Therefore a full amenity assessment cannot be undertaken at this stage. However officers will revisit the subject of amenity during the assessment of any reserved matters application brought forward. Conditions have also been attached by the Environmental Health Officer to allow future control of noise within the area.
- 10.17 Notwithstanding this, it is important to note that the site sits within an industrial estate. The nearest residential properties to the site are in Wennington (Wennington Road) and Rainham (Eastwood Drive) which are over 2.3km away. This together with the fact that the site itself is industrial in nature means that it is very unlikely that any development at the location, regardless of its building heights and use would have a significantly harmful impact on the residential amenity experienced by existing occupiers.
- 10.18 In summary, it is considered that the impact of the development in its present form, in terms of neighbouring residential would not be significant in terms of loss of residential amenity including daylight, overshadowing or loss of privacy.

Environmental Issues

- 10.19 The Environmental Health Officer has raised no objections to any contaminated land issues. However a condition requesting the submission of a remediation strategy should contamination be found during construction has been recommended. This will be attached to any permission.
- 10.20 The proposed development is located within an area of poor air quality which suffers from high concentrations of nitrogen dioxide. Therefore it has been designated as an Air Quality Management Area (AQMA). To safeguard against additional unnecessary impacts to air quality, conditions are recommended to mitigate future impacts during the construction and operational phases of the development, including details to protect the internal air quality of the buildings as well as a requirement for ultra-low carbon dioxide boilers.
- 10.21 A small part of the application site lies within an area covered by the Environment Agency permit for the landfill. The Environment Agency have objected on the grounds that the development would prejudice the use and

protection of the permitted land. This issue can be addressed through a legal agreement requiring that this land not be developed until the permit has been revoked or withdrawn. The Environment Agency wish to see the exact wording of this clause before removing their objection. As the drafting of any legal agreement would take some time, it is considered reasonable to seek Environment Agency approval post committee resolution with the legal agreement not being completed and decision issued unless the Environment Agency remove their objection.

- 10.22 The application site sits over 2.3 km away from the nearest residential property. Therefore officers do not consider that it would lead to an unacceptable level of noise. As such conditions regulating internal and external noise are not considered necessary in this instance.
- 10.23 In light of the above, the proposal is not considered to give rise to any significant environmental issues.

Highways

- 10.24 Policies CP9, CP10 and DC32 require that proposals for new development assess their impact on the functioning of the road hierarchy. The overriding objective is to encourage sustainable travel and reduce reliance on cars by improving public transport, prioritising the needs of cyclists and pedestrians and managing car parking. A Transport Assessment has been submitted with the planning application as is required for all major planning applications.
- 10.25 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. In this instance the application site is located within an area with a Public Transport Accessibility Level (PTAL) rating of 0 (Worst). Access to the site is predominantly by motor vehicle. At present there is an informal parking arrangement which makes it difficult to ascertain the number of exact spaces.
- 10.26 The London Plan Policy 6.13 sets out the Mayor's maximum and minimum standards based on the PTAL rating for a site. It states under point D of Policy 6.13 that developments must:
- a. ensure that 1 in 5 spaces (both active and passive) provide an electrical charging point to encourage the uptake of electric vehicles*
 - b. provide parking for disabled people in line with Table 6.2*
 - c. meet the minimum cycle parking standards set out in Table 6.3*
 - d. provide for the needs of businesses for delivery and servicing.*
- 10.27 In light of this, it is required that 20% of all spaces be allocated for electric vehicle use with an additional 20 per cent passive provision for electric

vehicles in the future. Officers have considered this requirement against the current proposal and note that as the application is an outline details for the exact location for electric vehicles are not available. Therefore, a condition will be attached to require these details during reserved matters stage. Disabled parking will also be secured at that stage.

10.28 Discussions with the GLA, TfL and the Council's Highways Officer has resulted in the agreed parking ratio as follows:

- 1 space per 30 sqm for B1(A)
- 1 space per 50 sqm for B1(C) and B2
- 1 space per 100 sqm for B8
- 1 space for every 500 sqm for HGVs/Lorries

10.29 However while TfL have agreed a more generous parking ratio, given the low PTAL of the site and its proposed use, an annual parking review is required to be secured via S106. This review is required to determine demand for the parking spaces. If demand is not as projected and there are a number of spaces not being utilised then the applicant would be required to reduce the level of parking.

10.30 In addition, a contribution of £100,000 has also been secured for use towards highway/environmental improvements to Ferry Lane and the adopted part of Coldharbour Lane.

10.31 Transport for London have requested that a shuttle bus service should be secured to transport employees to and from the site in order to encourage sustainable modes of transport. The applicant has agreed to this provision. The Highways Officer has commented that the Transport Statement and Travel Plan document submitted by the applicant sets out the requirements for in accordance with the LBB SPD Planning Obligations. This together with the shuttle bus service would be secured under the S106 and reviewed annually to determine demand for this service. A contribution of £5,000 towards the management of the Travel Plan will also be required. This will be secured via a S106 legal agreement.

10.32 Conditions ensuring that the proposed development is deliverable in an environmentally friendly and highways safe way will also be attached. This includes the provision of a Construction Management Plan and a Delivery and Servicing statement.

Access

10.33 The main access into the site is via Coldharbour Lane. This road is not adopted beyond the turning to the riverside car park. It has also not been

possible to establish ownership for the full road as some parts of the road are unregistered. However Land Registry details suggest that the road is owned by Oldrealm and Veolia. There is an existing Legal Agreement between the applicant, Veolia and Oldrealm that establishes a covenant to require both (Veolia and Oldrealm) to maintain the full stretch of the road. This is to expiry in 2044. Following this both Oldream and Veolia would be liable to maintain the part of road that falls within their respective ownerships.

- 10.34 Therefore when Veolia leave the site in 2026/31 there will still be a legal agreement in place for the management of Coldharbour Lane. It is recommended that there be a S106 agreement in place that requires the applicant to use their best endeavours to ensure that existing agreements are enforced should the access fall into disrepair.
- 10.35 To the northwest of the site is the Jetty. This is currently operated by Land and Water who were given permission to operate the jetty independent of the Veolia landfill site (P0995.17) in 2017 as was previously approved (P0835.97). Given the importance of the jetty it is imperative that access to this resource is maintained. The application boundary does not include the existing access way to the jetty. Therefore this will remain untouched. In addition, the GLA and the Environment Agency have requested that provisions be made within the legal agreement to ensure access to the jetty will remain in perpetuity. The applicant has agreed to this. Therefore this will be added to the Heads of Terms of the Legal Agreement.
- 10.36 Although support has been expressed by the Port of London Authority for the more formal and vibrant use of the jetty, it is important to note that it does not fall within the control of the applicant and is therefore not part of the current application. Further to this, officers do not have powers to force the applicant to undertake upgrade works to the jetty.
- 10.37 However the applicant's Design Principle Document demonstrates that thought has been given to potential future routes through the site to the jetty subject to the final design layout of buildings.

Cycle Storage

- 10.38 Policy DC35 of the Council's adopted policy framework looks to encourage sustainable modes of transport through improved cycle routes and cycle parking within the Borough. Largescale major applications are required to create routes to link to any existing cycle ways and where appropriate contributions towards the management of cycle routes will be required. This is in particular regard to the London Cycling Action Plan 'Creating a chain reaction' and the London Cycle Design standards and other relevant documents.

10.39 In line with London Plan policy 6.13 and policy CP10 and DC35, the Council will require the provision of secure and adequate cycle parking spaces as identified in Annex 6 of the adopted Local Plan DPD. As the application site relates to outline permission, the exact amount of required cycle provision will be confirmed at reserved matters stage. Nevertheless a condition requiring the overall development to comply with London Plan cycle provision standards has been attached.

10.40 There is an existing cycle route that runs to the east of the site. This will be maintained. Further provisions of routes are also proposed within the site subject to the final reserved matters applications.

Refuse Storage

10.41 Under policies CP11 and DC40 it is required that new development ensure that waste is managed in the most environmentally friendly way in order to protect human health and the environment from pests and other environmentally damaging effects. Waste and recycling provisions should therefore be clearly stated on a plan.

10.42 The required level of refuse would be based on the resulting number of units and uses. Therefore officers will assess the scheme for dedicated refuse and recycling storage once the reserved matters are submitted.

Sustainability

10.43 In recognising the importance of climate change and the need to meet energy and sustainability targets, as well as the Council's statutory duty to contribute towards the sustainability objectives set out within the Greater London Authority Act (2007), Policy 5.2 of the London Plan requires all major developments to meet targets for carbon dioxide emissions. This is targeted the eventual aim of zero carbon for all residential buildings from 2016 and zero carbon non-domestic buildings from 2019. The policy requires all major development proposals to include a detailed energy assessment to demonstrate how the targets for carbon dioxide emissions reduction outlined above are to be met within the framework of the energy hierarchy.

10.44 The Mayor of London's SPG on Sustainable Design and Construction (2014) provides guidance on topics such as energy efficient design; meeting carbon dioxide reduction targets; decentralised energy; how to off-set carbon dioxide where the targets set out in the London Plan are not met.

10.45 In terms of the LDF policy DC50 (Renewable Energy), there is a need for major developments to include a formal energy assessment showing how the development has sought to ensure that energy consumption and carbon

dioxide emissions are minimized applying the principles of the energy hierarchy set out in the London Plan.

10.46 Following negotiation with the GLA the applicant has submitted an updated Sustainability and Energy Report that demonstrate that the development shall reduce its carbon emissions by at least 35% over in relationship to Building Regulations Part L1A 2013 as required by the London Plan.

10.47 The approach to sustainable development is to improve the energy efficiency of the building beyond the requirements of Building Regulations. This follows the most recognised method of achieving sustainability through the energy hierarchy:

- Energy conservation – changing wasteful behaviour to reduce demand.
- Energy efficiency – using technology to reduce energy losses and eliminate energy waste.
- Exploitation of renewable, sustainable resources.
- Exploitation of non-sustainable resources using CO₂ emissions reduction technologies.
- Exploitation of conventional resources as we do now.

10.48 Policy 5.3 of the London Plan seeks that developers utilise the highest standards of sustainable design and construction to be achieved to improve the environmental performance of new developments. Guidance of how to meet the requirements as presented from the above policy is further discussed within SPD Sustainable Design Construction (2009). This encourages developers to consider measures beyond the policy minimum and centred around development ratings, material choice, energy and water consumption.

10.49 The proposed 35% carbon reduction will be secured via S106 with the remaining 65% being secured via carbon offset contributions. However as the development is an outline scheme the legal agreement shall establish specific requirements for more specific carbon calculations at each reserved matters stage. As these can be achieved on average across the whole development through the improvements to fabric efficiency, energy reduction measures and provision of onsite low carbon technologies and renewable energy in line with the requirements of the GLA London Plan. Therefore subject to sustainability details to be provided at each reserved matters stage officers are satisfied that the approach to sustainability would not conflict with relevant London Plan policy objectives.

10.50 The proposed development would need to demonstrate compliance with the Mayor's Sustainability Strategy for reducing carbon emissions and the

buildings energy demand through the use of sustainable design strategies. The development would normally be expected to achieve BREEAM 'Very Good' in accordance with the requirement of Policy 5.2 of the London Plan and policy DC49 of the Council's adopted policies (See also Sustainable Construction SPD).

- 10.51 Owing to the development being outline with all matters reserved officers have elected to condition the development to allow details pertaining to BREEAM to be submitted at a later stage. There have been no objections raised to this approach from statutory bodies.

Flooding and Drainage

- 10.52 The site is located close to the River Thames and a Flood Risk Assessment has been carried out and submitted with the application. This has been reviewed by the Council's Flood Officer, the GLA and the Environment Agency.
- 10.53 The site is within Flood Zone 1 - having a low probability of flooding (1 in 1000 annual probability of flooding). The Environment Agency have confirmed that the development does not affect existing flood defences or increase the risk of flooding..
- 10.54 Submitted details state that currently, there are no sewers on site and surface water simply runs off into the river. Foul water is currently managed through collection in tanks which are regularly collected for off-site disposal. Policy 5.13 of the London Plan states that development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so and applicant's should aim for greenfield run-off rates.
- 10.55 The applicant has given due consideration to SUDS. These details have been assessed by the Council's SUDS officer as well as the GLA. The Council's SUDS officer has stated that the applicant's Drainage Strategy requires more details that should be provided once the scale of buildings are known. Therefore during reserved matters stage these details would be required. This will be secured via condition. In addition, a condition is recommended to ensure a surface water strategy is in place prior to the completion of the development which incorporates measures such as rain water harvesting.

Secured by Design

- 10.56 In terms of national planning policy, paragraphs 91-95 of the National Planning Policy Framework (NPPF) (2019) emphasise that planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion. In doing so, planning policy should emphasise safe and accessible developments, containing clear

and legible pedestrian routes, and high-quality public space, which encourage the active and continual use of public areas.

10.57 The above strategic approach is further supported by Policy 7.3 of the London Plan which encompasses measures to designing out crime to ensure that developments reduce the opportunities for criminal and anti-social behaviour, instead contributing to a sense of security without being overbearing or intimidating. Adopted policies CP17 and DC63 are consistent with these national and regional planning guidance. The SPD on Designing Safer Places (2010), forms part of Havering's Local Development Framework and ensures adequate safety of users and occupiers by setting out clear advice and guidance on how these objectives may be achieved and is therefore material to decisions on planning applications.

10.58 In keeping with the above policy context, officers have consulted the Metropolitan Police to review the submitted application. They have commented that the application is acceptable subject to a condition stipulating that future details regarding how the development would meet the principles and practices of Designing Out Crime shall come forward as part of any reserved matters application. This condition has been attached.

FINANCIAL AND OTHER MITIGATION

11.1 The proposal would attract the following section 106 contributions to mitigate the impact of the development:

- Any direction by the London Mayor pursuant to the Mayor of London Order
- Legal Agreement pursuant to s106 of the Town and Country Planning Act 1990 and other enabling provisions, with the following Heads of Terms:
 - Employment and Skills: 4 Apprenticeships for every 10,000sqm + Job Brokerage (Job Brokerage is a dedicated skills, training and employment service for local people).
 - £350,000 Conservation Park/Wildspace Contribution – For park facilities
 - £100,000 Contribution for Environmental/Highway Improvements to adopted part of Coldharbour Lane and Ferry Lane south of the A13 junction
 - Parking Review – TfL requested parking review to determine the level of demand for parking spaces.
 - Reasonable/Best endeavours Improvement and Maintenance Scheme for Coldharbour Lane
 - Jetty access – Access to be allowed in perpetuity
 - Permit – Restriction on developing land the subject of the Environment Agency permit until such time as the permit has been withdrawn or revoked (wording to be agreed with EA before completing agreement).

- Shuttle bus – Transport for London provision between the site and the station. To be reviewed annually for 5 years.
- Travel Plan with £5000 monitoring fee
- Carbon offset fund contribution (amount TBC), such sum calculated at sixty pounds (£60.00) per tonne that falls below the 100% threshold, for a period of 30 years, duly Indexed
- Land reserved for riverside footpath/cycleway
- Reasonable legal fees for the drafting and negotiation of the deed whether or not it goes to completion
- Monitoring fee towards the Council costs of monitoring compliance with the deed
- Any other planning obligation(s) considered necessary by the Assistant Director Planning

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 12.1 Given the scale of development a CIL payment is required at both local and Mayoral level.

Mayoral CIL

- 12.2 Policy DC72 of the Havering Adopted policies framework states that where appropriate the Council will use planning obligations to support the delivery of infrastructure; facilities and services to meet the needs generated by development and mitigate the impact of development. Furthermore, pursuant to Table 2: Mayoral CIL Charging Rates of the Mayor's April 2019 SPG 'Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy', a flat rate charge of £25 per square metre applies to LB Havering developments. The exact amount of CIL will be determined at a later date subject to any demolition credit as per regulation 40(7)(2014).

LB Havering CIL

- 12.3 The LB Havering charging rates are due to be adopted by the 1st of September 2019. However this specifies £0 charge for industrial uses, so a CIL payment would not be necessary.

EQUALITIES AND DIVERSITY

- 13.1 Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 13.2 For the purposes of this obligation the term “protected characteristic” includes:- age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.
- 13.3 The proposed development comes forward with all matters reserved. Therefore officers have been unable to make assessments on wheelchair access into the units and step-free pedestrian access. These details would be forthcoming within subsequent reserved matters applications. At that stage, officers will further assess the accessibility of the proposed industrial buildings. A condition on levels has also been attached to ensure that the gradients across the site can be navigated by those in a wheelchair.
- 13.4 Therefore in recommending the application for approval, officers have had regard to the requirements of the aforementioned section and Act and have concluded that a decision to grant planning permission for this proposed development will comply with the Council’s statutory duty under this important legislation.
- 13.5 In light of the above, the proposals are considered to be in accordance with national regional and local policy by establishing an inclusive design and providing an environment which is accessible to all.

CONCLUSIONS

- 14.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the Mayor’s London Plan and the Havering Development Plan, as well as other relevant guidance and material considerations, have been carefully examined and taken into account by the Local Planning Authority in their assessment of this application.
- 14.2 Officers have fully reviewed the details submitted and concluded that as conditioned, the proposal would not compromise the locality of the industrial site and would accord with all relevant development plan policies.
- 14.3 The design of the development is considered appropriate for its location and would not compromise access to the jetty, use of Coldharbour Lane or present ecological issues for the River Thames. With all other matters reserved more detailed assessments pertaining to materials and design will be undertaken during reserved matters stage, the principles of which have been secured under parameter plans and an agreed design code.

14.4 In light of the above, the application is **RECOMMENDED FOR APPROVAL** in accordance with the resolutions and subject to the attached conditions and completion of a legal agreement.