

REGULATORY SERVICES COMMITTEE (SPECIAL MEETING) AGENDA

7.30pm

Tuesday
15 January 2008

Havering Town Hall
Main Road, Romford

Members 10 : Quorum 4

COUNCILLORS:

Conservative Group

Roger Evans (Chairman)
Barry Tebbutt (V Chairman)
Jeffrey Brace
Lesley Kelly
Robby Misir
Barry Oddy

Residents' Group

Linda Hawthorn
Steve Whittaker

Rainham Resident Group

Coral Jeffery

Labour Group

Tom Binding

For information about the meeting please contact: **Andy Beesley (01708) 432437**
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NOTES ABOUT THE MEETING

1. HEALTH AND SAFETY

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AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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Proceed down main staircase, out the main entrance, turn left along front of building to side car park, turn left and proceed to the "Fire Assembly Point" at the corner of the rear car park. Await further instructions.

I would like to remind members of the public that Councillors have to make decisions on planning applications strictly in accordance with planning principles.

I would also like to remind members of the public that the decisions may not always be popular, but they should respect the need for Councillors to take decisions that will stand up to external scrutiny or accountability.

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS (if any) - receive.

3 DECLARATION OF INTERESTS

Members are invited to declare any interests in any of the items on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

4 U0006.07 - PLOTS 10 -12 OFF CONSUL AVENUE AND MANOR WAY, BEAM REACH 5, RAINHAM

**Cheryl Coppell
Chief Executive**



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REPORT OF THE CHIEF EXECUTIVE

SUBJECT: U0006.07 Plots 10 -12 off Consul Avenue and Manor Way,
Beam Reach 5, Rainham (Received 17 July 2007)

PROPOSAL: Phased mixed-use development for temporary and permanent accommodation, uses and works comprising an 8,000 seat multi-use auditorium (13,750sqm gross floorspace on two levels), four storey office, four storey multi-use building, chapel, multi-storey car park, new access and landscaping.

WARD: South Hornchurch

SUMMARY

1. This application submitted to the Council will be determined by the London Thames Gateway Development Corporation under its planning powers for determining applications for larger scale development within its area. The purpose of this report is to seek members' views on the application which will be included with those of other consultees in the report to the LTGDC planning committee.
2. This application for full planning permission is for the development of a site at the Beam Reach Business Park. The application proposes a major mixed-use development as summarised above.
3. It is recommended that objections are raised to the proposals for reasons set out in this report.

RECOMMENDATION

- 1) That the Committee agree that objections be raised to the application in principle on the basis that the development does not comply with government guidance and London Plan and Havering UDP and LDF policies as set out in this report and express concern particularly in relation to conflict with strategic employment policy, transport related implications and conflict with policies relating to the location of community facilities.
- 2) In the event that the LTGDC are minded to recommend approval of the application, notwithstanding the objections of the Council, that conditions be imposed and S106 contributions be required as set out in the appendix to this report.
- 3) 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.

REPORT DETAIL**1.0 Introduction**

- 1.1 This report is made to seek the views of Members on this application which will be determined by the London Thames Gateway Development Corporation. The Development Corporation will take these views into account, along with those of other consultees and any local representations, when making its decision on the application. The style and scope of this report is similar to that normally made to Members on planning applications, but in accordance with agreed procedure only consultation response/representations from ward Members are reported.

2.0 Site Description

- 2.1 The application site lies to the north of the A13 and CEME; to the south of the A1306 and CTRL land and C2C rail lines; to the east of Marsh Way; and west of Manor Way and the Riverside Sewage Works, in Rainham. The 4.05 hectare site is generally level and comprises plots 10-12 of the Beam Reach 5 Business Park in the south-easternmost corner of the Business Park and is accessed from Consul Avenue. The Beam Reach Business Park is a 36 hectare site which was formerly part of the Ford Motor Company Estate and is now owned by the London Development Agency (LDA). The Business Park is

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an area that has been identified for future development and was granted outline planning permission in 2002. Some of the infrastructure work has already been undertaken including the provision of an access road from the roundabout of Marsh Way with the A13 to link with Consul Avenue within the site.

- 2.2 The “red line” illustrating the site area covers 5.518 hectares because it includes the access roads (including part of Consul Avenue) and a roundabout.
- 2.2 The eastern boundary of the application site is delineated by a line of trees adjacent to Manor Way. The site is vacant and is mainly level with some minor ditches and mounds and has in part previously been spread with material to raise the level. Vegetation is sparse consisting mainly of scattered scrub and coarse grass. An electricity pylon is located adjacent to the northern side of the A13 immediately to the south of the site supporting high voltage electricity cables that run parallel to the site. The Mudlands Site of Importance for Nature Conservation (SINC) is located within the Beam Reach Industrial Park to the west of the site.
- 2.3 The nearest residential properties are located at Creekside between Rainham Creek and the sewage works some 0.5 km away and the residential communities of South Hornchurch to the north of the A1306 some 400m to the north.

3.0 Description of Proposal

- 3.1 The planning application has been jointly submitted by the Kingsway International Christian Centre (KICC) and the LDA. KICC are a charitable church-based organisation whose main operation was based at a site at Waterden Road in Hackney which forms part of the 2012 Olympic site. The organisation has recently ceased operation from that site following a dismissed appeal in November 2004 against enforcement action taken by London Borough of Hackney against the continued use of the premises for D1 religious purposes after the expiry of temporary planning permission and more recent Compulsory Purchase Order associated with the Olympics. KICC therefore needs to relocate and is currently operating from temporary premises in Waltham Forest. The proposed site would be KICC’s main centre for worship, community outreach and youth based activities as well as its national administrative office supporting its UK and worldwide activities.
- 3.2 KICC was founded in 1992 and has expanded rapidly with 8,000 members regularly attending services at the Waterden Road site from a total membership of around 12,000. Its congregation is mainly drawn from London’s black and African communities with its activities historically focussed on inner north east London. The applicants operate five smaller branch churches at Luton, Wimbledon, Birmingham, Wembley and Hackney (Darnley

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Road) and sixteen Sunday chapels elsewhere in south-east England. The applicants consider that the ability to have a large central facility is extremely important as this enables large scale collective worship and provides the opportunity for the maximum number of members to attend services.

3.3 KICC undertake a wide range of activities in the UK and abroad in addition to religious worship. These include the following:

- Supplementary school to assist in GCSE preparation
- Organisation and hosting of conferences
- Audio and visual recording and production;
- Training and seminars in ICT, computing and life skills;
- Childcare in form of crèche and Sunday schools;
- Counselling in person and by phone;
- Community outreach projects;
- Provision of facilities for young people including sports facilities, education and life skills
- Sale of literature and digital media
- Administrative support for the above.

3.4 KICC state that they have a wide role in the community which brings numerous benefits and also undertakes charitable work raising money for and making donations to humanitarian activities. They believe that the proposed site is well suited to its current and anticipated organisational requirements, was selected after a rigorous and extensive site search, and if proceeded would bring substantial community, social and employment benefits to the area as well as benefits to the churches activities. As well as the services provided at present they advise that they would provide additional activities tailored to the needs of Havering including a Community Outreach Programme involving the appointment of a Havering Community Liaison Officer and the an Annual Havering Community Grant Scheme of £50,000 as a contribution to help local community projects.

3.5 The application proposes a phased redevelopment as described below.

3.6 Temporary accommodation during construction of permanent accommodation comprising:

- multi-use auditorium/ youth hall / indoor sports and meeting facilities of 5,000m² with room to accommodate 5,000 people. Aluminium framed with pvc-coated polyester cladding 100 x 51m and 17.2m high;
- offices and other Class B1 uses including counselling rooms totalling 2,430m² on three floors. Prefabricated 58.5 x 12.2m and 8.5m high;

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- ancillary uses comprising Class A1 retail, parking for between 395 – 445 vehicles and KICC buses, access roads and servicing facilities, toilets, plant, temporary landscaping and Class A3 food and drink provision.

3.7 Permanent accommodation comprising:

- Multi-use auditorium of 8,000 seats on two levels (13,570m²) and recording studios (150m²). The building would consist of a folded plate structure made up of a number of triangular roof sections extending down to the ground on two sides, up to a point 33m high at its south-eastern apex, and lifting up to a large glazed section on its northern entrance side. Roofs would be of standing seam construction;
- Class B1 offices (3,024m²), counselling rooms (2,184m²) and refectory (686m²) in an L-shaped four storey building to the west of the public space;
- Chapel (306m²) (2-storeys), solid on three elevations and glazed on the fourth with timber louvres;
- 1000 seat multi-use building for children and youth comprising training / educational facilities, IT / library, gymnasium / dance studio and crèche (four storey). Similar in design concept to the main auditorium with the glazed southern entrance facing the glazed entrance façade of the main auditorium;
- ancillary uses comprising multi-storey car park for 1,200 spaces, 20 motorcycle spaces, 89 cycle spaces, on seven levels (36,449m²), parking for KICC mini-buses, access roads, bus / taxi pick-ups, plant, external play area / multi-use games areas and landscaping.

3.8 KICC anticipate that the construction period would last approximately 5 years and would take place on a phased basis with initial temporary accommodation utilised whilst the permanent buildings are constructed.

3.9 The application is accompanied by a number of supporting statements including an environmental assessment (ES), transport assessment, design and access statement, sustainability and energy efficiency study, community consultation statement and planning statement.

3.10 The Environmental Statement (ES) considers the potential environmental impacts arising from the development both from the construction and operational phases of the development, measures to mitigate them and potential alternatives and covers the following aspects.

- Socio-Economic and Population Impacts
- Noise and Vibration

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- Ecology
- Water Resources
- Air Quality
- Microclimate
- Soils
- Townscape
- Landscape
- Waste

The ES has identified no significant adverse impact from the proposed development.

- 3.11 The Design and Access Statement describes a masterplan for the development focused around the creation of spaces for congregating and celebrating. These three spaces the main auditorium, multi-use building and external areas are framed by the supporting functions and their respective buildings which serve to contain and protect these spaces. The main pedestrian area between the auditorium and multi-purpose building would be vehicle free and landscaped with a mixture of soft and hard elements. There would be three vehicular access points into the site separating cars, mini-buses and shuttle buses. Mini-buses and shuttle buses would share part of the perimeter circulation route. Cars would only be able to access and egress via the multi-storey car park.
- 3.12 The applicants acknowledge that the site is not in a location which could be described as highly accessible to a range of transport modes. The Transport Assessment (TA) therefore seeks to address this via a travel plan which proposes measures to require that 65% of trips be made through means other than the car and to secure high car occupancy for the remaining 35%. The proposal is that there would be three main means by which members would attend services.
- There would be 1200 spaces within the car park which would be managed by KICC and used throughout the week by staff and visitors. The travel plan would aim to achieve an occupancy rate of 3 people per car.
 - KICC currently have a fleet of 30 mini-buses which it is anticipated to increase to 50 from the initial operation of temporary facilities. The pick up points for these buses has yet to be determined but it is anticipated that this would pick up from pre-determined points as well as operating on a dial-a-ride basis. The capacity is estimated at 1900 passengers.
 - The TA recognises that Barking Station is accessible from a number of locations and that KICC members, who reside all over London, but with distinct concentrations in inner east London, would find it relatively easy to reach this station. The travel plan proposes that a number of double decker buses would be contracted to provide a shuttle bus service from existing parking bays on Abbey Road in Barking Town

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centre to the site. A fleet of up to 20 buses with 75 seats each would be used to transport members to the site, a journey of up to 15 minutes. It is estimated that the bus service would run for 90 minutes before and after each service with a potential capacity of up to 3750 passengers.

- 3.13 The landscaping concept for the site is set out in the Design and Access Statement which describes areas of formal garden by the chapel and refectory linked to the central plaza area between the main auditorium and multi-purposes building, with raised tables where crossing points of the vehicle circulation routes are required. Other features include a utility lawn area by the children's play space and planting to the perimeter area to strengthen existing habitat corridors and enhance the ecology of the area.
- 3.14 The use of the main auditorium by KICC would comprise its regular weekly services, which are held on Sundays and Wednesdays, together with a series of less frequent events organised on monthly and annual frequencies. It is anticipated that once the permanent auditorium was constructed that a single service for 8,000 members would eventually replace the services which previously took place at their Waterden Road site which could only accommodate up to 4,000 members. The proposal includes the potential for the hire of the buildings by outside organisations for uses such as concerts, receptions, exhibitions, convention, meetings, parties and dances. KICC state that external hire would be subject to their approval and would not involve practices or events inconsistent with their organisation's ethos.

4.0 History:

- 4.1 There is an extensive planning history in the vicinity of the application site, although those applications of most relevance are:

P1155.00 - Development of industrial land for B1 and B2 use – Approved

P1550.00 - Break out of existing concrete slab for incinerator- Approved

P1551.00 - Break out of the existing concrete slab – Approved

P1605.00 - Construction of new highway from A13/Marsh Way junction - Approved

P1096.04 - Vehicles sales and maintenance facility – Withdrawn

P1869.05 - Renewal of Planning permission P1155.00 – Under Consideration

P1970.05 - Reserved matters application, plot 9 – Approved

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U0006.06 - Two (2) tall industrial units for the installation of printing presses and associated equipment & buildings including offices, toilets, plant rooms and associated parking – uses B1/B2 and B8, Plots 8 and part 7 – No objection, Approved by LTGDC

U0002.07 – Plots 10 – 12 - site enabling works comprising the levelling and laying on an area of hardstanding including appropriate boundary fences – No objection, Approved by LTGDC.

5.0 Representations:

5.1 As part of the procedures established by the council for considering applications to be determined by the LTGDC, ward councillors in the South Havering area have been consulted. At the time of preparation of the report one objection has been received from a Havering Councillor raising the following main issues:

- The area is identified for high tech manufacturing jobs to assist with the regeneration of the area. The proposal would not offer such jobs.
- The transport plan is inadequate and is not “green” or sustainable. There would be congestion locally and in Barking town centre. The situation would be even worse during the temporary period when even fewer parking spaces would be available. Travel plan could not be imposed.
- Inadequate public transport.
- Proposal would undermine the Local Development Framework.
- Housing is proposed to the north of the site which would not make such areas an attractive proposition for developers.
- Small business type operations would be unfair competition to existing businesses.

5.2 In addition an 80 name petition has been submitted by two councillors representing Gascoigne Ward in Barking and Dagenham which is the Ward which includes the proposed pick up point in Barking town centre. This calls upon the Committee to reject the Transport Plan on the basis that the proposed fleet of 20 72 seat buses leaving at 2 minute intervals would cause road safety impacts.

5.3 Any further representations will be reported orally at the meeting.

5.4 This application has been made in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales)

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Regulations 1999, which requires a particular process for the publicity and determination of applications. In accordance with the Town and Country Planning (Mayor of London) Order 2000, the application will require referral to the Mayor if the LTGDC are minded to approve. The application is also considered to be a departure from the development plan and would therefore require referral to Government Office for London in the event of a positive recommendation by the LTGDC.

6.0 Policy Considerations and Issues:

6.1 **Policy guidance:** the main policy guidance is as follows:

6.1.1 Relevant Government Guidance & Supplementary Planning Guidance:

- An Urban Strategy for London Riverside, adopted July 2002
- The London Plan: Sub-Regional Development Framework, East London, May 2006
- RPG9a - The Thames Gateway Planning Framework
- PPS1 - General Policies and Principles
- PPG4 – Industrial, commercial development and small firms
- PPS6 – Planning for Town Centres
- PPG13 - Transport
- PPS 9 - Biodiversity and Geological Conservation
- PPS23 - Planning and Pollution Control
- PPS25 - Development and Flood Risk

6.1.2 Saved UDP policies:

ENV7 Nature Conservation
 ENV14 Archaeology
 EMP1 Rainham Employment Area
 LAR 1 Existing Leisure & Recreation Facilities

6.1.3 LDF Core Strategy and Development Control Policies:

CP3 Employment
 CP5 Culture
 CP8 Community Facilities
 CP9 Reducing the need to travel
 CP10 Sustainable Transport
 CP15 Environmental Management
 DC9 Main employment areas
 DC13 Access to employment opportunities
 DC19 Locating cultural facilities
 DC26 Location of community facilities
 DC32 The Road Network
 DC33 Car parking

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DC34 Walking
DC35 Cycling
DC36 Servicing
DC49 Flood Risk
DC50 Sustainable Design and Construction
DC51 Renewable Energy
DC52 Water supply, drainage and quality
DC53 Air quality
DC54 Contaminated Land
DC55 Noise
DC56 Light
DC58 Biodiversity and Geodiversity
DC59 Biodiversity in new developments
DC60 Trees
DC61 Urban Design
DC62 Access
DC63 Crime
DC66 Tall Buildings and Structures
DC72 Planning Obligations

6.1.4 London Plan Policies

2A.1 Sustainability criteria
2A.2 Opportunity Areas (6 – London Riverside)
2A.3 Areas for intensification
2A.5 Town Centres
2A.6 Spatial strategy for suburbs
2A.7 Strategic Employment Locations
3A.14 Addressing the needs of London's diverse population
3A.15 Protection and enhancement of social infrastructure and community facilities
3A.16 The voluntary and community sector
3A.25 Social and economic impact assessments
3B.1 Developing London's economy
3B.2 Office demand and supply
3B.5 Strategic Employment Locations
3B.6 Supporting innovation
3B.12 Improving the skills and employment opportunities for Londoners
3C.1 Integrating transport and development
3C.2 Matching development to transport capacity
3C.3 Sustainable transport in London
3D.1 Supporting town centres
3D.12 Biodiversity and nature conservation
4A.16 Contaminated Land
4B.1 Design Principles for a compact city
4B.2 Promoting world class architecture and design

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- 4B.3 Maximising the potential of sites
- 4B.4 Enhancing the quality of the public realm
- 4B.5 Creating an inclusive environment
- 4B.6 Sustainable design and construction
- 4B.7 Respect local context and communities
- 4B.9 Large-scale buildings – design and impact
- 4C.6 Flood plains
- 4C.8 Sustainable drainage
- 5C.1 The strategic priorities for East London
- 5C.2 Opportunity Areas in East London

6.1.5 Other relevant material considerations & Supplementary Planning Documents

- The Further Alterations to the London Plan (September 2006);
- London Plan Draft SPG - Industrial Capacity (October 2007)
- London Plan Draft SPG - Planning for Equality and Diversity in London (Dec 2006)
- Planning Inspector's October 2007 Interim Report on the Examination into the Havering Core Strategy.

6.2 Issues:

6.2.1 The main issues arising from these policies are:

- Is the proposed development acceptable in principle in this location in terms of local, regional and national planning policies?
- Is the proposed development acceptable in principle in this location in terms of compatibility with employment, regeneration and other strategic aims for the area?
- Does the proposal satisfy the locational requirements for a use of this nature?
- Would the impact on transportation, highways, parking and vehicular and pedestrian movement be acceptable in the locality and the wider area?
- Would the development be acceptable in visual terms in this location?
- Would the environmental impact of the development be acceptable including the impact on noise, flood risk, ecology and contamination?
- Are there exceptional circumstances which would lead to a conclusion that planning permission should be granted irrespective of any policy conflicts?

6.3 Principle of the development:

- 6.3.1 The applicants describe the development as a major mixed use development, including multi-use buildings. The primary uses would fall into the D1 and D2 use Classes with additional Class B1 (a) offices and ancillary uses. The 'in principle' acceptability of these uses in land use terms, which the applicants contend to be in accordance with adopted development plan policies, is explored below.
- 6.3.2 Beam Reach is identified in the UDP and LDF as being within a major employment area. The site lies within the Rainham Employment Area identified in the UDP as being suitable for industrial uses (B1 and B2), storage and distribution (B8) and other development which provide employment opportunities and do not conflict with other policies. This is supported by the Urban Strategy for London Riverside (July 2002), which states that Beam Reach Business Park will provide 35 hectares for modern advanced manufacturing businesses, including strategic sites for inward investment, move-on accommodation from the Business Innovation Centre, and a suppliers' park for diesel engine components.
- 6.3.3 The London Plan designates Beam Reach as Strategic Employment Land, an allocation that is continued in the London Plan Alterations by its designation within a Strategic Industrial Location (SIL). Policy 5C.1 which deals with the strategic priorities for East London refers to the need to improve the variety, quality and access to available employment sites especially within SILs.. Further to this para 5.74 specifically refers to the core employment areas of London Riverside being developed for innovation and high-tech manufacturing, for industries that serve London, and for the growth sector of environmental technology. The policy and text of the London Plan Alterations support the management, promotion and where appropriate, protection of the SILs as London's main reservoirs of industrial capacity.
- 6.3.4 The Core Strategy of the LDF has now been through its Examination in Public and the Interim Core Strategy Report has been received. Specifically, Policy CP3 remains unaltered in respect of the designation of Beam Reach Business Park which is identified as an employment site to meet the needs of business and to provide local employment opportunity by prioritising advanced manufacturing and other modern industries in the B1 (b) (c) and B2 use classes which provide a similar quality and intensity of employment. With regard to paragraph 18 of the 'Planning System General Principles' the issuing of the Interim Core Strategy Report now means that considerable weight can be given to the Core Strategy as all the representations made on it, including a call from the GLA for B8 uses to be acceptable at Beam Reach, have now been dealt with.
- 6.3.5 The endorsement of this policy can also be seen as an endorsement of the Council's policy, based upon the Havering Employment Review and the Sub

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Regional Development Framework, to release 34 hectares of land from employment use. This includes a significant reduction in the amount of employment land in the vicinity of Beam Reach by seeking to retain only 33% of the Rainham West site to the north of the London-Tilbury- Southend railway line, for B1 (a and b) employment uses. The effect of this, however is to reinforce the importance of the Beam Reach site in this area as part of a critical mass of employment land.

- 6.3.6 The recent Draft London Plan SPG on Industrial Capacity identifies the potential for the release of more industrial land in Havering up to 2026, one means of which could be by the structured release of SIL land. However, Beam Reach 5 is one of the best quality sites in the Borough and the Council would look to release poorer quality employment land first. This would include consideration of Secondary Employment Sites and also the 33% of retained employment land on the Rainham West site to the south of the A1306. This would be best implemented by via Core Strategy review when it is next due so that the matter can be dealt with comprehensively and strategically. Such SPG advice should not therefore be interpreted as indicating that there is a surplus of employment land at present, nor that any reduction in the areas available is less critical as a result. The status of the LDF Core Strategy is also of far greater weight as a material planning consideration than this most recent Draft SPG.
- 6.3.7 Policy DC9 reaffirms the uses which are to be prioritised within the Beam Reach Business Park as advanced manufacturing uses and other B1 (b) (c) and B2 uses which provide a similar quality and intensity of employment and a high standard of design.
- 6.3.8 Proposals for places of worship are favourably considered under LDF Policy CP8. LBH strategy is to facilitate the provision of a suitable range of community facilities to meet existing and forecast demand arising from the needs of the community and that any such new facilities should be located in accessible locations. The London Plan (3A.14, 3A.15) also supports the provision of community facilities, including places of worship which meet the needs of London's diverse population in each Borough's area and makes similar suggestions in relation to accessibility.
- 6.3.9 Staff consider that the proposal to use the site as a place of worship as part of a mixed use development with associated pastoral, community and office uses and facilities would not be in accordance with the above policies and objectives as the uses do not fall into any of those identified as being prioritised for the site. Moreover, it is considered that the proposal would prejudice the strategic objectives for Beam Reach and the creation of a defensible industrial/employment area, potentially setting precedent for other developers to come forward with inappropriate development on the remaining sites within the subject business park. Furthermore, the proposed facilities do not meet needs arising from the local community and are not located in an

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accessible location. CP8 would also not override other policy allocations set out in the LDF.

6.3.10 The applicants point to the lack of uptake on the Beam Reach site to date and identify that the KICC project may act as a catalyst to further development. The strategy for the area however, is based upon promoting development proposals that enable existing and future local communities to benefit from the regeneration growth in this Opportunity Area. For this to take place there needs to be primarily a concentration of employment uses to provide job opportunity. If this, the second and far larger, development on this strategically important site is seen to be one that runs contrary to the strategic employment policies for the area, staff believe that it would have the opposite effect to that which the applicants claim and that further “exceptions” would be far more difficult to resist. On this basis staff consider that the proposal would undermine the strategy of CP3 and conflict with CP3 compatible uses as well as failing to satisfy the requirements of DC9.

6.4 Employment and regeneration issues:

6.4.1 Applicable policies in relation to the designation of the site as being an employment site of strategic importance were set out in the previous section. These include policies of the UDP, LDF and London Plan. The applicants present a case in relation to LDF policy that the total quantum of employment that will be generated and the certainty of such provision, together with the training and education benefits being offered should be weighed against any potential conflict with employment policies. They argue that with no alternative proposals for other vacant plots, such policies offer no certainty of delivery and no prospect of the jobs and training offered by KICC. The applicants argue that the proposed development represents an employment generating use which would contribute to other strategic priorities for East London as set out Policy 5C.1 of the London Plan. They also present a case that the amount of employment creation (both during construction and long term) would be comparable with estimates for preferred Class B employment use; availability of training opportunities and comparison with the local employment and skills bases is also put forward in favour of the application and what it can offer to the local area.

6.4.2 Members will be mindful of these arguments, and may acknowledge that the proposal could provide employment opportunities, albeit that most permanent jobs would be transferred. Nevertheless, staff contend that there is a demonstrable conflict with policy in principle. Staff consider that the applicant’s arguments about job numbers and training do not address the fundamental in principle objection to the nature of the use and the conflict with the long established policies which require that Beam Reach should be protected and developed for industrial related uses. The use of SIL land for a mixed use of this nature is not compatible with the strategic priorities set out in Policy 5C.1 of the London Plan which identifies the need to improve the

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variety, quality and access to available employment sites, especially within SELs, or the policies of the LDF in relation to employment uses. The number of jobs that would be transferred to the site equates to 75 paid staff which equates to less than 20 jobs per hectare. KICC relies heavily upon volunteer staff to marshal and assist on Sundays and at major events. The applicant's case for the provision of skilled jobs being comparable or greater than might be achieved for other B1 or B2 type uses on a jobs per hectare basis is based largely upon the number of jobs that would be provided during construction period and supplier/support services once established. Staff suggest that such arguments could apply to a significant extent for many other potential commercial redevelopments of the site and do not agree that such jobs can legitimately be equated to jobs per hectare calculation for the site which should be based upon the long term provision of skilled jobs and training opportunities.

- 6.4.3 In dismissing an appeal against the applicants against an enforcement notice served on them at the Waterden Road site, the Inspector commented that:

"The scale of KICC's employment use is very small in relation to the potential of the appeal sites and in relation to the huge impact of the Class D1 (auditorium) use. Therefore, this employment element, while relevant and acceptable in principle to London Borough of Hackney, does not prevent the Class D1 use class being in conflict with local Employment policies and regeneration and schemes designed to meet the requirements of the London Plan."

- 6.4.4 In terms of employment regeneration the Inspector in dismissing the appeal also commented that because of its scale and impact in travel terms that KICC's use would "either displace employment generating uses or could deter them".

- 6.4.5 Staff contend that the Hackney Appeal is a relevant interpretation of KICC's contribution to employment and that arguments of a similar or greater magnitude apply to the Beam Reach site and maintain that an objection should be raised to the proposal in principle on grounds of Employment Policy and conflict with the strategic policies for East London as set out in Policy 5A.1 of the London Plan.

- 6.4.6 The applicants emphasise the value of training facilities they are acknowledged as providing to the local community from their Waterden Road site and the intention for these to be re-provided at Beam Reach as a resource for the local community. The benefits that such facilities could bring to the area are acknowledged and Members need to consider the weight to be given to this in the planning balance. However, staff consider that the relative inaccessibility of the site would detract from any local benefit which may be derived. Furthermore, any training and support facilities that the proposal may offer would be undermined if the development itself has a negative impact

upon the perception of the area which could deter potential firms that might otherwise seek to locate at Beam Reach. Staff consider that potential firms may be deterred as a result of the transport implications of the development which are unknown and untested and the scale of the use proposed. Potential firms may be concerned that the regular large influx of vehicles and people might conflict with their requirements if unrestricted access and a business park setting were important locational factors. Accordingly, even if the equivalent employment levels and training arguments presented by the applicants were accepted these would not overcome the objection to the loss of a significant site set aside for a particular sector and not just any employment generating use.

6.5 Locational requirements and availability of alternative sites

- 6.5.1 The submitted material describes the primary use in terms of purpose as being the creation of an auditorium capable of accommodating 8,000 KICC members for shared group worship, within use class D1 together with a space for children and youths to accommodate a range of activities within Classes D1 and D2 plus offices and ancillary facilities. The use therefore has to be viewed as being both a cultural development and a community facility which is intended as its primary purpose to enable KICC to continue fulfilling its role to the communities which it serves.
- 6.5.2 Policies CP5 Culture and CP8 Community Facilities of the LDF are relevant to the consideration of this aspect of the proposal dealing with strategic issues around the provision and location of cultural and community facilities. Policies DC19 and DC26 set out the criteria and tests that need to be satisfied when considering applications for these uses including a sequential test approach consistent with national and regional planning policy, and in both instances a requirement that the location should be highly accessible by a range of transport modes.
- 6.5.3 London Plan Policies 2A.5, 2A.6, 3A.14, 3A.15 and 3A.16, 3C.1 and 3D.1 support the provision of new community facilities and social infrastructure and seek to locate community facilities within established town centres, at locations with high levels of public transport accessibility and capacity, and within easy reach by walking and public transport. The policies are aimed to help ensure that the spatial needs of London's diverse population can be identified and met within each Borough's area and also recognise the role that voluntary and community organisations can play in delivering London Plan objectives.
- 6.5.4 Looking first at the requirement for sequential testing PPS6 does not explicitly refer to this being required for places of worship. However, although the primary use of the auditorium is for the purpose of worship, the application is for a mixed use D1/D2 and sui generis use for the auditorium together with other elements of multi-use facilities and offices. The applicants case for the

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sequential test not being applicable to the auditorium is that the other “non-primary” uses proposed would not be pursued in isolation and that they are reflective of an approach to try and maximise the community benefit by seeking multiple use of community facilities. The most recent sequential test submitted with the application is restricted to Romford town centre, where no sites are identified as meeting the needs of KICC. Staff concede that a facility of the size proposed could not realistically be located in a town centre. KICC have advised that they have been actively engaged with the Boroughs where their main concentrations of members are located in order to try and identify sites that meet their needs in a more accessible location for the core catchment area members. However, this process has proved fruitless.

6.5.5 Nevertheless, in considering sequential testing in relation to community facilities it is also necessary to consider the potential for disaggregation. In this respect staff would query the applicants contention that all of the facilities proposed need to be located on the one site. KICC argue that it is the totality of the experience which members expect and which makes it important for the services and facilities they offer to be grouped together and that potential disbenefits would occur if forced to disaggregate. However, for KICC to fail to consider disaggregating some of their key services towards more sequentially preferable and smaller sites is not in accordance with the requirements of PPS6. A similar case could also be made for the nature of the worship service that KICC provide. The need that the applicants have identified offering the potential for mass worship for up to 8,000 people is a requirement particular to this Church. The potential for delivery in smaller and more sequentially preferable and accessible sites has therefore not been evaluated.

6.5.6 The applicants advise that they have conducted an extensive search between 2001 and 2003 when it became apparent that they would need to move from their premises in Hackney and have been assisted in this process by the LDA. Further information has clarified that the site search continued until the submission of the planning application. However, Appendix 5 to the applicants planning statement shows that many of the sites investigated were rejected for reasons which included the fact that they were allocated as SIL or that policy objections were likely. The applicant's advise that two other sites in particular were identified and pursued during this search, but were later rejected as unsuitable or became unavailable during the process. KICC also offered to fund the construction of one of the western arenas on the Olympic site for use as part of the legacy. However, this offer was eventually rejected by the Olympic Delivery Authority. The conclusion of this search and work with the LDA and other land agents was that there were no sites within the area identified that were capable of meeting KICC's needs in the timescale required. KICC argue that as no site was identified in their search which was capable of accommodating their auditorium requirements that the potential for disaggregation did not occur, despite acknowledgement on their part that it could be accommodated, albeit to the detriment of their operation.

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- 6.5.7 Nevertheless, the Beam Reach 5 site is an SIL, has poor public transport links and there are policy objections. Members may therefore concur with the view that the similar circumstances appear to have applied in the choice of Beam Reach to several of those rejected in the initial search for a site, but with the only difference being the timescale which the site can be available. The choice of location is supported by the LDA as landowner who have been involved in KICC's search for a new site. Members may be aware that such support would appear to be contrary to the position they have declared in writing in relation to the speculation about the location of a prison on the Beam Reach site. In that instance the LDA advised that "Beam Reach 5 has been designated as a business park for high-tech industries and this is a vision shared by all local stakeholders and the Mayor of London."
- 6.5.8 The applicants have also promoted a case that a use of the scale proposed is best located away from residential areas in order to avoid conflict with residential amenity in accordance with Policy DC26. Arguably, there may be some substance in this, but DC26 would not allow community facilities in a Strategic Employment Location so this should not be taken to indicate that such a requirement could override the strategic allocation of a site for employment purposes. The potential of sites closer to residential properties should not be dismissed either if they are in highly accessible locations. A good example of a similar use is the Shri Swaminarayan Mandir (Neasden Hindu Temple) in North London close to the North Circular Road, which is located close to residential properties, has a capacity of over 4,000 people and has attracted more than 5 million visitors since it opened in 1995.
- 6.5.9 Turning to the question of locational criteria for a cultural/community development, policies encourage multi-use facilities as proposed. However, they also specify that they should be in a highly accessible location where they are accessible to a range of transport modes including public transport, walking and cycling. Furthermore, and related to this, all relevant policies require that such development should be located where it will be within easy reach of the population that it serves. Such policies are in accordance with PPS1 which urges that diverse needs of all people in existing and future communities should be met and requires development plans to take into account needs of the community including religious requirements. Policy C8 of the LDF and 3A.15 of the London Plan both reflect this advice and recognise the needs of the community in the area. However, neither policy suggests that such needs should legitimately be provided for on land which has been specifically allocated for other purposes. Moreover, the needs of KICC are specific to the needs of its members and its need for a new site; they do not reflect the needs of the local community in Havering nor those arising from population growth in London Riverside. Much emphasis is placed upon the availability of the facilities and services that KICC would provide to the local community as well as their members. However, it is considered that any case for the community benefits that might be derived from the services

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that KICC can offer are undermined by the location distant from both the local community and more importantly the core of the community that it serves.

6.5.10 In dismissing the Hackney appeal the Inspector noted that the greatest concentration of members of the Waterden Road site were in the immediate inner London Boroughs surrounding it. The applicants have identified that there are a considerable number of members from the RM postcode area and it will therefore be providing for a demand local to the area. However, the RM postcode area extends westwards well beyond Havering and is beyond the areas of main concentration of members. This is demonstrated by Appendix 5 which shows the initial area of search excluded Havering and Barking and Dagenham. The applicants acknowledge that the site is not within the core catchment area but indicate that it maximises convenience within the constraint of site availability for the vast majority of members. However, it could equally be argued that if KICC were to relocate to Havering it would be serving the needs of the minority of members who live in Havering far better than the vast majority who do not. On this basis it is open to debate whether the proposed site would be meeting the needs of London's diverse population in a manner which is advantageous to the wider population it is intended to serve.

6.5.11 Members may agree that the need for KICC to relocate is genuine and accept that even in this location it would fulfil a very important function for the members of KICC. Members need to consider whether they are satisfied that the search for sites undertaken by the applicants has categorically demonstrated that the application site is the only one which is capable of meeting its needs. In considering this Members may reflect on whether the applicants have adequately considered other ways in which their requirements could be met. It is staff's view that the potential for disaggregation of uses and the potential for alternative means of delivery of the services they provide have not been fully evaluated. Moreover, the key locational requirements for a use of this nature to be located where there is good accessibility and real potential for the use of a range of transport modes including public transport, is not achieved.

6.6 Transportation and highways issues

6.6.1 The need to reduce reliance upon the motor car, to integrate planning and transport and to ensure that developments that are major generators of travel demand are located in accessible locations that are well served by public transport and accessible by walking and cycling, are enshrined in National Planning Policy Statements, Planning Policy Guidance notes, the London Plan and the Policies of the Core Strategy and Development Control Policies of the LDF. The London Plan, (in particular policy 3C.1 – Integrating transport and development) seeks to match and link new development with transport infrastructure, with high trip generating development only normally being

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supported in areas with high public transport accessibility. LDF Core Policy CP9 – Reducing the need to travel, and CP8 - Community facilities, both follow this theme.

- 6.6.2 In terms of traffic impact the main issues are the Marsh Way/A13 junction and the Marsh Way/New Road junction. For the Marsh Way/A13 junction the LDA is promoting a signalisation that has local Area Committee consent and is tentatively programmed to be operational by July 2008, although this date is not certain. The LDA's proposal has taken KICC into account and capacity would therefore exist if the scheme is built. If it does not get built there would be peak issues coinciding with the peaks of KICC use of the junction as it exists. For the Marsh Way/ New Road junction it is not envisaged that there would be any major capacity issues, assuming that any Travel Plan has a mitigating effect.
- 6.6.3 The closest railway stations to the site are at Rainham and Dagenham Dock which are over 2km away and served by only 2 trains per hour. Bus links to the site are limited, with only one route the 174 running along Marsh Way which provides connectivity to the underground at Dagenham Heathway. This does not currently run on a Sunday and would have limited capacity even if extended. The potential usefulness of other routes along the A1306 are inhibited by the limited pedestrian access to the site which is restricted to the route along Marsh Way and to the site via the entrance from the Marsh Way/A13 roundabout. The site is not therefore in a location which could be described as highly accessible to a range of transport modes and has a low public transport accessibility level (PTAL) of 1. This could be improved if a new station were to be built on the C2C rail line close to Beam Reach and should the East London Transit be extended. However, although the new station is agreed by the London Riverside partners as being imperative to serve the Beam Park area as set out Policy SSA 11 of the LDF, neither the station nor East London Transit (ELT) is currently funded or programmed.
- 6.6.4 The Transport Assessment therefore promotes a travel plan (TP) to mitigate the impacts of the development on the transport network and specifically to minimise the use of the private car, details of which are set out the description of the proposal. The TP would also incorporate monitoring to assess its operation and effectiveness. The most significant element of the TP is the proposal to use a fleet of up to 20 private buses to transport members and users of the facility to and from the site. The buses would pick up from Abbey Road in Barking which is approximately 650m (10 minutes walk) from Barking Station with a journey to the site of approximately 15 minutes via Gascoigne Road and the A13. It is anticipated that the service would run for 90 minutes before and after Sunday services allowing, it is suggested, 2.5 trips per bus or one bus every two minutes in order to transport the number of members required once the development is completed. This service would run alongside an enhanced mini-bus service which is envisaged to extend the current fleet from 30 to 50 mini-buses.

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6.6.5 KICC state that they run a free mini-bus service for their members to their now vacated site in Hackney as well as achieving high levels of car occupancy for those using the car park. They advise that policing and running of these services has been achieved through the large number of volunteers that offer their services to KICC as part of their obligation to the church. The scale of the operation proposed for the Beam Reach site however, is of a different magnitude. The modal split achieved for their operation at Waterden Road still resulted in over 60% of those attending arriving by car, 25% by mini-bus and between 10 and 19% by public transport and other modes. At Beam Reach the requirement would be that car use would equate to 35% of the attendees for the final development, and less for the early phases, with this being dependent upon achieving a car occupancy of 3 per car. The private bus system would be required to handle 55% of those attending with a capacity of 3,750 people for the bus shuttle service and the mini-bus system would need to be capable of transporting 1,900 people.

6.6.6 Staff consider that the scale of the private shuttle bus operation proposed by the Travel Plan and other measures to reduce the use of the private car are extremely ambitious and fraught with potential problems. The modal shift proposed is considered to be at or beyond the possibilities for a Travel Plan identified in the Department of Transport's Best Practice Guide which suggests that a 30% shift may be achievable. The applicants cite examples of the mass transit bus system operated before and after matches and special events at Twickenham. In that instance, however, the venue is also within easy reach of other public transport facilities which offer a real choice for the public. Furthermore, at the end of the event the road is closed where the alighting point for buses is, and they are only transporting a relatively small proportion of the overall number of attendees. Members should note that PPG13 advises at paragraph 89 that unacceptable development should never be permitted because of the existence of a travel plan.

6.6.7 Potential difficulties with the reliance upon the Travel Plan are identified as follows:

- Overspill parking. The management and operation of the available parking on site (1200 spaces for the final scheme and less than 500 for phases before the multi-storey car park is constructed) would be controlled by KICC. It is variously mentioned in the accompanying statements that an occupancy of 3 people or 2 – 3 people per car would be required and that a new car sharing database would be set up and a permit to park scheme may be introduced. Whilst it is acknowledged that KICC have achieved relatively high vehicle occupancy at Waterden Road, the enforcement of this would be wholly dependent upon the applicants under the terms of any Travel Plan and S106 Agreement. The LDA could exercise control over parking on the estate roads, but there is considered to be potential that if the car park

is full or members are turned away for reasons of low vehicle occupancy that this would potentially give rise to parking both on the estate, in residential roads to the north of the A1306 and Manor Way north and south of the A13 which are estimated to be within a 20 minute walk from the entrance to the KICC plot. Such area could also be more extensive should a walking link to the Estate be created to the east from Manor Way via the bridge and pedestrian level crossing. Such parking could cause operational problems for the business park and also be detrimental to residential amenity and highway safety. Monitoring of such parking is identified as a requirement in the Interim Travel Plan, but would be a potential source of enforcement difficulty for the Council and LDA should such problems arise. The capacity of interim parking arrangements on site during the phased development are also of significant concern. During both the phase of the temporary auditorium and first operation of the main auditorium the car parking capacity on site would be restricted to less than 500 spaces. The capacity of the temporary auditorium would be 5,000 and the main auditorium 8,000. In both cases the car parking would be less than half that previously available at Waterden Road. It would be possible to restrict the capacity of the auditorium as a measure built into a legal agreement and linked to the operation of various elements of the Travel Plan, but the potential for overspill parking is nonetheless considered to be even more significant during these early phases. Furthermore, there is no guarantee that any restriction in capacity would lead immediately to a reduction in traffic generated.

- Inadequate public transport facilities – The Transport assessment identifies the likely modal share for walking, bus and other modes as 10% or 1,000 people. It is acknowledged that the numbers accessing the site by walking or cycling is likely to be low therefore the majority of such attendees are anticipated to use public transport. The 174 service does not currently run on Sundays so would need to be extended to run on that day which would require a financial contribution. However even then that service could not meet the potential demand so services along New Road would need to carry additional passengers who would have to walk over 1km to get to the site. The access along Manor Way would need to be available to ensure maximum accessibility of the site from New Road which is not proposed as part of the development.
- Shuttle bus service – Staff would question whether the proposed service from Barking is capable of handling the numbers of attendees that would be required to use the service in order to achieve the modal split identified for the Travel Plan. The applicants estimate that it would be possible for each bus to on average complete 2.5 round trips taking a minimum of 30 minutes for a round trip. It is suggested that such estimate is based upon the operation of other shuttle bus

services. Nevertheless, if there is any delay in this rapid turn round of buses it would not allow for any of the buses to make three trips unless a longer period is allowed prior to and after each service or occasion when the facility is used. As the final buses would need to leave Barking 20 minutes before the start of any service this further reduces the time available or alternatively means that the service would need to be provided for a longer period or the number of buses would need to be increased further. Such eventualities could be provided for within a Travel Plan. However, given the popularity of the main KICC services and some of its other events, and that the shuttle bus service is required to transport in the region of 4,000 people it is anticipated that there could be significant crowds gathering and arriving at Abbey Road and walking to and from the station. This would need to be very carefully controlled and would potentially be more disruptive at times other than Sundays when Barking Town Centre and the routes to be used may be far busier e.g. when West Ham FC are playing at home. KICC advise that the nature of their services are such that people arrive at various points in the service and do not all arrive or leave at the same time and that people come for the whole “experience” so the operation of the shuttle bus is likely to be far longer than 90 minutes either side of the service. Nevertheless, the successful operation of such a scheme would remain dependent upon the degree of control that KICC can exercise over the provision of the buses and the strength of their ability to influence the travelling preferences and habits of their members. Whilst provisions could be built into any S106 agreement linking capacity to the operation of the shuttle bus, elements of its operation would potentially present enforcement difficulties for both Havering and Barking and Dagenham.

The scheme is also potentially dependent upon the availability and /or relaxation of the use of the parking bays in Abbey Road, or their special designation for KICC use at the necessary times, and this is not assured, nor can it be guaranteed into the future. Whilst it is acknowledged that KICC does have significant influence over the behaviour of its members it is considered that in light of the dependency upon such control, the willingness of members to have far longer journeys and to arrive in Barking 90 minutes or more before a service or event, that the successful operation of the shuttle bus service cannot be guaranteed.

- Bus waiting areas – The plans appear to make no provision for waiting areas for buses and no provision for bus dropping off during the temporary auditorium phase of development, although such matters could be dealt with by condition. It is acknowledged in the submitted documents that there would only be room for five buses on site at any one time when the final auditorium is complete and that further buses would have to be called from a waiting area. However, no area has

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been identified in either Havering or Barking for the shuttle buses to lay up during the service or whilst waiting to either be called to the site or the Abbey Road bays. The applicants have advised that discussions are underway with CEME about the principle of using their car park for such purposes. and other nearby units to look into the potential for areas outside of the site to be available for such use with their agreement. Such measures would require either a Grampian condition or to be written into a legal agreement to be enforceable.

- Extended mini bus service - If KICC were to relocate to Beam Reach it is suggested that the mini-bus service would be redeployed to other routes, key community centres and as a “dial a ride” service. Given that the key concentrations of KICC members are to the west of the site and most more distant than Barking it considered unlikely that many of the fleet would achieve more than one trip. As the drivers of the mini-buses are volunteers it is likely that the last mini-buses to the site would be earlier than shuttle buses as the drivers would also want to attend the service. The potential contribution of the mini-bus service to the Travel Plan is therefore considered to have been over-estimated.

6.6.8 Members may acknowledge the degree of planning and effort that has gone into the travel plan and the various measures that are proposed to try and ensure that members and other users are able to attend services and other events. However, Members will also recognise that the need for such extensive measures is dictated by the site location and the distance from the main cores of KICC’s congregation. Staff are concerned that the enforceability of such measures is not certain and it is unclear what sanction the LPA would have to secure compliance. Moreover, should such measures fail to deliver their optimistic targets, the adverse impact on the area in terms of traffic, residential amenity and the viability of the employment area would be significant. It is accordingly suggested that an objection to the proposals be made on the basis of conflict with Core Policies CP8 Community Facilities and CP9 Reducing the need to Travel, together with Policy 3C.1 of the London Plan and the advice of PPG13.

6.7 **Exceptional circumstances**

6.7.1 KICC claim to be the fastest growing church in the country and have seen the size of their membership increase from 1,000 in 1993 a year after it was established to 12,000 now, of whom 8,000 regularly attended services at Waterden Road. The need for a collective act of worship enabling a large congregation to hear the founder of the Church is seen as an essential requirement for the movement. They argue that the need to continue this provision to the local community via counselling, youth work and other activities would also be curtailed if they were not able to relocate as proposed. KICC’s case is largely based upon the uniqueness of their situation whereby

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they need to relocate because of the Olympics and have particular requirements for a site of this size in order to accommodate their expanding needs and all of the facilities proposed and have been unable to find any alternative acceptable, equivalent or more accessible location.

- 6.7.2 Members are advised, however, that KICC never had a permanent planning permission for their main headquarters at Waterden Road. As a result of the enforcement action taken by Hackney Council against their continued religious use and the dismissal of the appeal KICC were obliged to move from that site regardless of the Olympics. Olympic relocation could be considered to have forced the matter as a result of compulsory purchase, but it is a matter of judgement whether this should be seen as presenting any exceptional circumstance which would provide a case to override established policies designating the Beam Reach site for specific employment uses. Furthermore, it is not accepted that as a result of moving from Waterden Road, that SEL/SIL land will be freed up in that location to compensate for any loss of SEL/SIL land at Beam Reach. KICC's religious services would have had to cease at Waterden Road irrespective of the Olympics, although their B1 operations could potentially have remained, so the site would have returned to acceptable employment use in due course anyway. It is understood that KICC are currently operating from a refurbished former cinema in Walthamstow, which although not fully meeting their needs and requiring them to hold several services every Sunday, nevertheless demonstrates that they are not homeless.
- 6.7.3 An argument is also presented that Havering has previously considered the loss of employment land at Ferry Lane to be acceptable when promoting the use of that site for a Regional Casino. It is contended that proposals should be considered in a similar light as offering a key economic anchor and contribution to the area's identity. However, in that case there was no proposal to de-designate the site and half of the site would have been used to b2/B8 uses. Moreover, unlike the current proposals it would have generated high quality full time paid employment, replaced existing poor quality low employment uses, was not on the Borough's prime employment site and did not jeopardise the use of other land in the area for employment uses. Staff consider that the Casino would have acted as a catalyst to the regeneration of the area, including the employment areas whereas KICC is likely to have the opposite impact as it undermines the strategy of CP3 and would send the wrong signal to the market.
- 6.7.4 The applicants contend that London Plan Policy 3A.14 which deals with addressing the needs of London's diverse population, is directly applicable to this application and provides a case for considering exceptions to policy where such needs are being provided for. The case presented is that the proposal will be providing directly for a faith group which are identified in the Draft London Plan SPG on Planning for Equality and Diversity in London as a group at which the policy is aimed. It is suggested that as LDF policies do not

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make provision at a scale commensurate with KICC's needs that it is appropriate to consider that the requirements of Policy 3A.14 should be considered as exceptional to any provisions in statutory and other local policies and guidance.

- 6.7.5 Staff do not agree that this policy is intended to provide a case for making exceptions to policies and guidance as suggested. Policy 3A.14 requires UDPs to provide for developments meeting the needs of diverse groups in their area. Firstly, the proposals are not primarily directed towards meeting the needs of diverse groups in Havering. The main concentrations of KICC's members are in the inner London Boroughs and there is only a significant minority of members in Havering which would not require the Local Planning Authority to plan for a facility of the size required. Secondly, applying the logic of the applicants argument would enable any development which was addressing the needs of a "diverse group" to override any other Development Plan Policy. Staff's view is that the London Plan is saying that UDPs should ensure that general policies take account of the needs of diverse groups in the Borough and meet them wherever possible, and should also include policies which meet their needs. At no point does it say that proposals which meet the needs of diverse groups should be permitted even if they directly conflict with development plan policies.

6.8 Visual impact

- 6.8.1 Notwithstanding any other conflict and reason for objection the proposed development is considered by staff to offer a high quality of design which would fulfil that requirement for developments on the Beam Reach Business Park set out in Policy DC9 as well as the general requirements relating to urban design set out in Policy DC61.
- 6.8.2 The Design and Access Statement submitted in support of the application demonstrates how the current proposals have evolved through a range of design concepts and discussions. The permanent auditorium and multipurpose building are largely consistent with the Mayor's design and architectural polices and offer an interesting and modern approach to designing buildings with the primary purpose of worship which would be in accordance with London Plan Policy 4B.1, 'Design principles for a compact city'.
- 6.8.3 At over 30m high to its peak the main auditorium needs to be considered against policy DC66 which identifies exceptional circumstances where tall buildings may be considered acceptable outside of Romford Town Centre. The complex proposed, in particular the main auditorium, would offer an iconic piece of architecture which would provide a landmark to compliment the architecture of the CEME on the opposite side of the A13. The differences in ground level of the CEME and the Beam Reach site are such that the proposal would not dominate the CEME structure. Staff consider that together

the buildings would provide a key landmark at a gateway location. Staff do not consider that other criteria in relation to high buildings relating to acting as a catalyst for regeneration and being appropriate to the local transport infrastructure and capacity in the area would be satisfied. However, such issues are more appropriately dealt with in previous sections of the report and staff do not consider that an objection to the proposal on design grounds could be substantiated.

6.9 Assessment of environmental issues

- 6.9.1 The planning application is accompanied by an environmental statement (ES) that considers the main potential impacts of the development. Subject to the mitigation measures identified and residual impacts it is concluded that no significant environmental effects are predicted.
- 6.9.2 Socio-economic impacts – whilst the ES predicts an overall beneficial impact from the development this is based upon envisaged employment opportunities and community benefits. Whilst there would be some potential benefits from the services that KICC would provide and some employment prospects, Members will recall earlier sections of the report which present an alternative view of such findings.
- 6.9.3 Noise and Vibration – construction traffic associated with the development is expected to introduce only negligible increase in road traffic noise at nearby receptors compared to current baseline conditions. Operational road traffic noise and noise associated with the use of the car park is not considered to be significant given high ambient noise levels from the adjacent A13 and given the screening influence of commercial buildings on the A1306. Staff are satisfied that any issues about noise break out could be adequately by addressed by condition.
- 6.9.4 Ecology – the survey area assessed comprised the development site and adjoining habitats, including Mudlands SINC. Surveys undertaken include an extended Phase 1 habitat survey, desk study and surveys for protected species including invertebrates, great crested newts, reptiles and ground nesting birds. The proposed development would result in the loss of brown field habitat including existing trees and vegetation/bare ground with possible implications for invertebrate species. However, in mitigation the proposals include provision for brown roofs, green walls, ditches and hedgerows which will provide new habitat. Staff are satisfied that such matters could be adequately safeguarded by appropriate conditions.
- 6.9.5 Water Resources – impacts on groundwater, surface water, sewers, water supply and flood risk are considered by the application. The ES includes a flood risk assessment. Measures are proposed to mitigate any adverse effects and the scheme would slightly reduce surface water runoff which would have a beneficial impact. Staff are satisfied that issues have

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been addressed and could be adequately safeguarded by appropriate conditions.

- 6.9.6 Air Quality – A number of receptors were tested to assess baseline conditions for air quality and the potential impact of the development. The assessment concludes that the effect on surrounding air quality is negligible.
- 6.9.7 Microclimate – an analysis of reflected glare from the proposed building facades both within the site and in the locality has been undertaken. Adverse impacts identified have been designed out through the design process.
- 6.9.8 Soils – the site has a history of industrial uses although these only affect part of the site. There is evidence of low to moderate levels of contamination in the north-eastern part of the site. Staff are satisfied that such matters could be adequately safeguarded and remediated by appropriate conditions.
- 6.9.9 Townscape – The ES predicts a slight adverse impact during construction and from some of the temporary buildings. A beneficial visual impact is predicted from the appearance of the completed development.
- 6.9.10 Landscape – During the construction phase an adverse effect is predicted for views of and including the site. No change is predicted from the completed development other than the contribution that the proposed landscaping for the site within which the building would sit. Conditions could require the agreement and implementation of a landscaping scheme.
- 6.9.11 Waste – the development would create waste from the construction phase requiring disposal off-site. Mitigation measures are proposed to reduce the quantity of waste disposed to landfill, but there would remain a slight adverse effect to which no objection would be raised.
- 6.9.12 Sustainability – The applicant has committed to go beyond the Council's own requirements for sustainable construction and renewable energy by committing to BREEAM excellent and 20% on-site renewable energy generation by the use of biomass. Staff are satisfied that this could be assured by the imposition of appropriate conditions.

7.0 Conclusions:

- 7.1 As set out within the body of the report the proposed development would be located within a Strategic Industrial Location earmarked as a Business Park prioritised for advanced manufacturing uses B1 (b) (c) and B2. The proposal would therefore be in conflict with this allocation and would undermine the strategy of CP3 of the LDF and conflict with CP3 compatible uses together with the relevant strategic employment policies of the London Plan and its Alterations resulting in the loss of a significant site set aside for a particular sector of employment use.

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- 7.2 The proposal would not be well located to serve the majority of its client population being relatively inaccessible to a range of transport modes contrary to Policy CP8 and DC26 of the LDF and 3A.15 of the London Plan.
- 7.3 The choice of site location, site search and sequential testing undertaken is not considered to have given sufficient regard to the potential for the disaggregation of uses and alternative means by which the applicants could effectively meet the needs of their members.
- 7.4 The reliance upon a comprehensive Travel Plan to address the poor availability of public transport and other transport modes serves to underline the site's remote location. As a result extensive measures would be required to address the transport needs of the development, the control and success of which would be largely dependent upon the ability of KICC to influence the behaviour of its members. Staff have concerns that the development would result in overspill parking in the area and present enforcement difficulties for the relevant authorities. It is therefore considered that the development would conflict with Policies CP3 and CP9 of the LDF together with Policy 3C.1 of the London Plan and the advice of PPG13.
- 7.5 Notwithstanding the above objections, Members need to consider carefully whether the case presented by the applicants provides exceptional circumstances which would justify consideration of the proposal as an exception to policy, in particular the SIL location and the strategic employment implications that arise. In this respect Members should recognise that provision for the needs of KICC as a faith based group are supported, in principle by LDF and London Plan policies. As a group which draws its members from a wide area and with the requirements for the size of facility proposed which they advocate as being essential, Members may also recognise that it is most unlikely that any Local Planning Authority would make provision for a facility of the size proposed in any Local Development Framework.
- 7.6 Members will therefore wish to consider whether the following constitute very special circumstances:
- the case for the need for relocation arising in part from the development of the Olympic Park;
 - that the requirements of KICC are unique and the site search undertaken by the applicants has demonstrated that this site is the only one available which can meet its needs;
 - that the development would provide for the needs of an equality group identified by strategic policy as having particular spatial needs;
 - that the comprehensive travel plan arrangement, including monitoring proposed could potentially overcome the inadequacies of public transport to the area;

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- the provision of significant investment in the area and the provision of an iconic building as a landmark;
 - that significant community benefits may flow from the development.
- 7.7 If Members were minded to take the view that the proposal would be acceptable as an exception to policy, then this could form the basis of a no objection response to the LTGDC subject to a legal agreement and conditions.
- 7.8 Nevertheless, staff consider that the proposal is unacceptable and suggest that objections be raised on the basis of the above conclusions and as set out in the report. In the event that Members decide that objections should be raised it would be open to the LTGDC to grant planning permission, subject to GLA and Secretary of State referral. Should this be the case staff consider that various matters would need to be addressed by a S106 agreement together with conditions. These are set out in the Appendix to the report.

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CHERYL COPPELL
Chief Executive

Background Papers

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.

U0006.07**APPENDIX – LEGAL AGREEMENT AND CONDITIONS**

It is suggested that the following matters be addressed through a S106 agreement.

- Appropriate financial contributions to enable improvements to public transport in the area including contributions towards the provision of a new rail station and a subsidy of approximately £150,000 to pump prime the introduction of operation of the 174 bus route on Sundays ;
- To implement, review and maintain a travel plan(s) throughout the life of the development or as appropriate to cover staff, visitors and construction. The monitoring of the Travel Plan to be linked permanently to the capacity of the auditorium and other facilities. The Travel Plan to be applicable to all users of the development;
- The scale of the shuttle bus service to be linked to the capacity of the venue and the level of parking available on site;
- The temporary auditorium to be removed within one month of the main auditorium becoming operational;
- Annual financial contribution to local community groups and appointment of Community Liaison Officer;
- An appropriate financial contribution to enable improvements to the local policing infrastructure;
- The availability of facilities for use by the local public;
- A restriction on the number of events that the facility can be hired for external use for;
- An appropriate financial contribution towards the improvement of local sustainable transport links including footway and cycleway improvements.
- A financial contribution for the introduction of controlled parking measures and restrictions in the area should these be found to be necessary.
- The phasing of the development:
- A local labour agreement.

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It is suggested that the following matters would need to be covered by conditions

- Assessing and dealing with any site contamination including ground water;
- Measures to minimise the environmental impacts on surrounding areas, including ground water and nature conservation interests;
- Carrying out the development in accordance with the environmental standards, mitigation measures, requirements and methods of implementing the development contained in the environmental statement;
- Materials and details of external appearance;
- Hard and soft landscaping, including management plan;
- Requirement to achieve BREEAM excellent and post construction certification:
- External lighting;
- Sound insulation and noise limits;
- Construction methodology and management plan;
- Security details, fencing, gates and CCTV:
- Details of levels, surface water and foul water drainage;
- Piling details and methods;
- Restriction of capacity until multi-storey car park is constructed and operational.