



# REGULATORY SERVICES COMMITTEE

30 June 2016

# REPORT

**Subject Heading:**

P0191.16 Denver Industrial Estate, Ferry Lane, Rainham

Outline planning application for the construction of a new industrial estate (B1, B2 and B8 use classes)  
(Application received 15<sup>th</sup> February 2016)

**Ward:**

Rainham & Wennington

**Report Author and contact details:**

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**Policy context:**

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

**Financial summary:**

Not relevant

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

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

## **SUMMARY**

This is an outline planning application for the construction of a new industrial estate (B1c, B2 and B8 use classes). An indicative re-development plan has been submitted with this application and this suggests that 13 light industrial/warehouse distribution units ranging between 9,660 and 101,845 square foot, together with associated vehicle parking areas and areas of landscaping, would be constructed/created on-site. The re-development of the industrial estate, as a whole, is predicted to take between five and ten years.

This site forms part of a strategic industrial designation within the Council's Proposals Map. Whilst the site functions, in this regard, staff consider the area to be in a declining condition. It is considered that a complete re-development of the site would therefore improve the designation, its desirability and allow the local planning authority to better control uses. Exact design details would be considered at reserved matters stage however, in principle, in context of the above, staff consider that the development complies with the land use designation in the Proposals Map and no such policy reason therefore exists to prevent the development coming forward.

In terms of the locality, this site is located within close proximity to a number of nearby ecological designations and whilst it is accepted that any development coming forward would have the potential to result in ecological impact, it is considered that this application also offers the opportunity to improve existing circumstances and linkages. Subject to the imposition of appropriate conditions it is considered that undue impacts could be suitably mitigated so that any temporary harm, during the construction phase of the development, would be suitably outweighed by improvements and public benefits. With an over-arching legal agreement, to secure improved accessibility, staff consider that the proposal would help realise a number of strategic aspirations for the London Riverside area.

## **RECOMMENDATIONS**

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following:

- A scheme to improve pedestrian links along Ferry Lane or a commuted sum, agreed with the Local Planning Authority up to £150,000 in value, to undertake such improvements and/or improve public transport accessibility; and
- A local employment, skills and supply-chain opportunities framework or a commuted sum, agreed with the Local Planning Authority up to £100,000 in value, to provide alternative local employment initiatives if the applicant is unable to provide an appropriate level of opportunities on-site.

- All contribution sums shall include interest to the due date of expenditure and all contribution sums shall be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the legal agreement, prior to the completion of the agreement, irrespective of whether the agreement is completed; and
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

Subject to no direction to the contrary from the Mayor for London (under the Town and Country Planning (Mayor of London) Order 2008) it is therefore recommended that the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement grant planning permission subject to the conditions covering:

1. Reserved Matters - No development shall take place until details of the scale, layout and appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called the 'reserved matters') have been submitted to and approved in writing by the Local Planning Authority and approved in writing. The development shall be implemented in accordance with the approved details.

Reason:-

To comply with section 92 of the Town and Country Planning Act 1990 (as amended).

2. Phasing Plan - The development shall not commence and no reserved matters submissions or submissions of details to comply with conditions shall be made until a plan is submitted to and approved in writing by the Local Planning Authority, clearly identifying the different phases of the development to which reserved matters applications and details required pursuant to condition(s) shall subsequently be made. No phase of the development shall commence until all relevant reserved matters and details prior to commencement conditions are approved in respect of that phase.

Reason:-

To ensure that full details of the relevant phase of the development are submitted for approval. This is a pre-commencement condition as a phasing plan for the re-development of this site is considered pivotal in assessing the individual merits of the separate reserved matters applications.

3. Reserved Matters Submission (8 years) - Applications for the approval of reserved matters, referred to in condition 1, shall be made to the Local Planning Authority before the expiration of eight years from the date of this permission.

Reason:-

To comply with section 92 of the Town and Country Planning Act 1990 (as amended). An extended time frame for submission has been suggested given the complexity of the re-development and the different time frames at which plots (and phases) will become vacant.

4. Reserved Matters for Each Phase – All reserved matters in relation to any phase of the development, referred to in condition 1, shall be submitted at the same time.

Reason: -

Given the sensitive nature of the site it is important that all aspects of the development are considered together.

5. Reserved Matters Implementation (10 years) - The development hereby permitted shall be begun before the expiration of 10 years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters referred to in condition 1 to be approved, whichever is the later.

Reason:-

In order to comply with section 92 of the Town and Country Planning Act 1990 (as amended). An extended time frame for implementation has been suggested given the complexity of the re-development and the different time frames at which plots (and phases) will become vacant.

6. Accordance with Development Parameters - The development hereby permitted shall be informed by the principles detailed within the submitted:
  - Design and Access Statement, dated January 2016;
  - Design Guide, dated January 2016;
  - Indicative Proposed Site Plan, drawing no. SK005 (Rev D);
  - Proposed Site Accesses, drawing no. 152022/A/01;
  - Indicated Proposed Site Plan Permeation, drawing no. SK022 (Rev A);
  - Sustainable Design and Construction Statement, dated February 2016;
  - Framework Energy Strategy, dated April 2016;
  - Landscape Strategy, dated January 2016 inclusive of drawing nos. 15-127-01 and 15-127-02; and
  - Drainage Scheme, outlined in drawing no. 15-125/300 (Rev P1)

No application for approval of reserved matters (or other matters submitted for approval pursuant to planning condition) which would entail any material deviation from the above shall be made unless otherwise provided for by conditions elsewhere within this permission.

Reason:-

To ensure that the development is carried out in accordance the plans, design guide and other documents that form the basis of consideration of this scheme. To furthermore comply with the development plan policies in which this outline planning application has been considered.

7. Finished Floor Levels - The finished floor level of the proposed development shall be no lower than 1.76m above ordnance datum.

Reason:-

To prevent internal flooding, ensure the safety of future occupiers of the development and to comply with policies CP15, CP17, DC48, DC49 and DC61 of the Development Control Policies Development Plan Document and policies 5.3, 5.12 and 7.13 of the London Plan.

8. Maximum Building Height (Units 12 and 13) - Units 12 and 13, as labelled on the drawing titled 'Indicative Proposed Site Plan', drawing no. SK005 (Rev D), shall be no higher than 16.2m above ordnance datum.

Reason:-

In the interest of ensuring a sufficient clearance to the overhead power lines in this locality and in accordance with National Grid guidelines for development with proximity to such assets.

9. Restriction of Use - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the development shall only be occupied by B1c, B2 and B8 uses, as detailed within the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

Reason:-

The application has been assessed in context of these suggested uses and in view that this is a strategic industrial designation it is considered appropriate to restrict the permitted uses as such. This restriction is furthermore to comply with policy DC9 of the Development Control Policies Development Plan Document. Applications for alternative uses would be considered on their individual merits.

10. Car Parking - Any application for reserved matters in relation to any phase of the development (as identified in accordance with condition 2) shall be accompanied by a plan showing provision of car parking spaces for that phase, to be agreed in writing with the Local Planning Authority, but no more than the appropriate maximum standard detailed within policy DC33 of the Development Control Policies Development Plan Document. The car parking size, provision of Blue Badge spaces and provision of electric vehicle charging points shall

comply with the stipulations of policy 6.13 and table 6.2 of the London Plan. Thereafter such provision shall be made permanently available for use, unless otherwise agreed in writing with the Local Planning Authority.

Reason:-

To ensure that car parking accommodation is made permanently available within the development and appropriate provision is made for Blue Badge parking and electric vehicle charging points, in the interests of highway safety and that the development accords with development accords with policy DC33 of the Development Control Policies Development Plan Document and policy 6.13 of the London Plan.

11. Cycle Parking - Any application for reserved matters in relation to any phase of the development (as identified in accordance with condition 2) shall be accompanied by a plan showing provision of cycle parking and facilities for cyclists to use. The cycle parking provision shall accord with the maximum standards outlined within table 6.3 of the London Plan and comply with the stipulations of policy 6.9. Thereafter such provision shall be made permanently available for use, unless otherwise agreed in writing with the Local Planning Authority.

Reason:-

To ensure that cycle parking accommodation is made permanently available within the development and that the development accords with policy DC35 of the Development Control Policies Development Plan Document and policy 6.9 of the London Plan.

12. Travel Plan - Any application for reserved matters in relation to any phase of the development (as identified in accordance with condition 2) shall be accompanied by a travel plan. The travel plan shall seek to promote sustainable travel to and from site and shall consider the development to which the reserved matters relate and also the re-development of the site as a whole. The travel plan shall be submitted to the Local Planning Authority for approval in writing and implemented as approved. The travel plan shall be updated on a yearly basis in discussion with the Highway Authority and Transport for London.

Reason:-

The applicant as part of this application has submitted a Framework Travel Plan which includes a number of initiatives and mitigation measures to ease the potential impact on highway safety and efficiency. Submission and approval of a formal travel plan will seek to ensure that such measures are actively encouraged. The submission of the travel plan is to ensure compliance with policies CP10, DC32 and DC61 of the Development Control Policies Development Plan Document and policies 2.8, 6.1, 6.3, 6.11 and 6.12 of the London Plan.

13. Delivery & Service Plan (Construction Methodology) - Any application for reserved matters in relation to any phase of the development (as identified in accordance with condition 2) shall be accompanied by a delivery and service plan for that phase to be agreed in writing with the Local Planning Authority. The plan shall aim to effectively manage the impact of vehicles accessing the development site and should follow TfL's best practice guidance and endeavour to ensure deliveries are carried out outside of peak hours. The plan shall also include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) a piling method statement (detailing the depth and type of piling proposed)
- d) siting and design of temporary buildings;
- e) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- f) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

The plan shall be implemented as approved.

Reason:-

In the interests of highway safety and efficiency, nearby amenity, ecology and to comply with policies CP10, DC32 and DC61 of the Development Control Policies Development Plan Document and policies 2.8, 6.1, 6.3, 6.11 and 6.12 of the London Plan.

14. Construction Logistics Plan - Any application for reserved matters in relation to any phase of the development (as identified in accordance with condition 2) shall be accompanied by a construction logistics plan for that phase to be agreed in writing with the Local Planning Authority. The plan shall aim to identify the cumulative impacts of construction traffic for the area in terms of likely additional trips and mitigation required. The plan should show that construction vehicle movements would be optimised to avoid the am and pm traffic peaks and reduce highway impact on the TLRN in the vicinity of the site. The plan shall be implemented as approved.

Reason:-

In the interests of highway safety and efficiency and to comply with policies CP10, DC32 and DC61 of the Development Control Policies Development Plan Document and policies 2.8, 6.1, 6.3, 6.11 and 6.12 of the London Plan.

15. Vehicle Cleansing - Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during operations shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction

works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed. The submission shall provide:

- a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway.
- c) A description of how vehicles will be checked before leaving the site - this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles; and
- f) A description of any contingency plan to be used in the event of a breakdown of the wheel washing arrangements or evidence that approved practices are failing.

Reason: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area and to comply with policies CP10, CP15, DC32 and DC61 of the Development Control Policies Development Plan Document and policies 2.8, 6.1, 6.3, 6.11, 6.12 and 7.4 of the London Plan.

16. Hours of Construction - All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason:-

To protect nearby residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

17. Highway Agreement - The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the occupation of development.



Reason:-

In the interests of ensuring good design and ensuring public safety and to comply with Development Control Policies Development Plan Document Policies CP10, CP17 and DC61.

18. Ecological Management Plan - Any application for reserved matters in relation to any phase of the development (as identified in accordance with condition 2) shall be accompanied by an ecological management plan for that phase to be agreed in writing with the Local Planning Authority. The plan shall outline the measures which are proposed to protect habitat and species, during the construction phase of the development. Particular consideration should be given to Rainham Creek and the Inner Thames Marshes Site of Special Scientific Interest and measures to protect these areas from run-off and damage. The plan shall include details of times and periods of working, additional ecological surveys to be undertaken, proposed protective fencing, dust and noise suppressions measures and training which will be given to on-site personnel with regard to ecology. The plan shall be implemented as approved.

Reason:-

In the interests of ecology and preventing undue impact on nearby ecological designations and to comply with policies CP15, CP16, DC58, DC59, DC60 and DC61 and policies 7.19 and 7.21 of the London Plan.

19. Ecological Enhancement Plan - Any application for reserved matters in relation to any phase of the development (as identified in accordance with condition 2) shall be accompanied by an ecological management/enhancement plan for that phase to be agreed in writing with the Local Planning Authority. The plan shall outline the measures which are proposed, to support the landscaping scheme for the phase, to maximise biodiversity value. The plan shall be implemented as approved.

Reason:-

In the interests of ecology and landscape value and to comply with policies CP15, CP16, CP17, DC58, DC59, DC60 and DC61 and policies 7.19 and 7.21 of the London Plan.

20. Air Quality Assessment - Any application for reserved matters in relation to any phase of the development (as identified in accordance with condition 2) shall be accompanied by an air quality assessment. The assessment shall assess the existing air quality in the study area (baseline) and include a prediction of future air quality without the development in place (future baseline). The assessment shall then predict and assess the air quality with the development in place and identify mitigation measures, as appropriate. The assessment shall include a review of impacts in context of national, regional and local policies, the basis of determining the significant of impacts, details of assessment methods, model verification and identification of sensitive locations assessed. Any mitigation and/or monitoring proposed and thereafter approved shall be implemented on-

site. The assessment shall be submitted to the Local Planning Authority for approval in writing and any mitigation measures suggested, implemented as approved.

Reason:-

In the interests of public amenity, ensuring that the development does not result in significant environmental impacts and to comply with polices CP15, CP16, CP17, DC52, DC58, DC59, DC60 and DC61 of the Development Control Policies Development Plan Document and policies 7.4, 7.14, 7.19 and 7.21 of the London Plan.

21. Lighting Plan - Any application for reserved matters in relation to any phase of the development (as identified in accordance with condition 2) shall be accompanied by a scheme for the lighting of all external areas of the site including parking areas and pedestrian routes within and at the entrances to the site. The plan shall include details to show that consideration has been given to nature conservation interests as well as highway safety and public amenity and shall be submitted to the Local Planning Authority for approval in writing. The lighting plan shall be implemented as approved.

Reason:-

In the interests of public amenity, ensuring that the development does not result in significant environmental impacts and to comply with polices CP15, CP16, CP17, DC56, DC58, DC59 and DC61 of the Development Control Policies Development Plan Document and policies 7.3, 7.4, 7.5 and 7.19 of the London Plan.

22. Drainage Strategy - Any application for reserved matters in relation to any phase of the development (as identified in accordance with condition 2) shall be accompanied by a drainage strategy for both surface water and foul water to be approved in writing by the Local Planning Authority. The strategy shall be based on the Drainage Scheme, and sustainable drainage systems outlined in drawing no. 15-125/300 (Rev P1) and information presented with the submitted Flood Risk Assessment. The strategy shall detail all on and/or off site drainage works proposed. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred in the strategy have been completed. The strategy shall be implemented as approved.

Reason:-

Insufficient information has been supplied with the application to demonstrate how foul and surface water drainage would be managed. Submission of a strategy prior to the commencement of the development will ensure that sewage flooding does not occur, that sufficient capacity is made available to cope with the new development and to ensure that the development accords with policies CP15, DC48, DC49, DC51, DC58, DC59 and DC61 of the Development Control Policies Development Plan Document and policies 5.3, 5.12, 5.13, 5.14, 7.13 and 7.19 of the London Plan.

23. Sustainability and Energy Strategy - Any application for reserved matters in relation to any phase of the development (as identified in accordance with condition 2) shall be accompanied by a sustainability and energy statement to be approved in writing by the Local Planning Authority. The strategy shall provide details of how the development would meet the highest standards of sustainable design and construction and incorporate measures identified in policy 5.3 of the London Plan. The strategy shall furthermore seek to make the fullest contribution to minimising carbon dioxide emission, including energy calculations based on the proposed site use, in accordance with policy 5.2 of the London Plan. The development shall be implemented in accordance with the approved details.

Reason:-

In the interests of sustainable development, achieving aspirations for a reduction in carbon dioxide emissions and to ensure that the development accords with policies CP15, CP17, DC49, DC50, DC52 and DC61 of the Development Control Policies Development Plan Document and policies 5.2, 5.3, 5.7 and 7.14 of the London Plan.

24. Secure by Design - Any application for reserved matters in relation to any phase of the development (as identified in accordance with condition 2) shall be accompanied by a scheme/details of how principles and practices of the Secured by Design award scheme are proposed to be adopted within the development. The scheme shall include, but not be limited to, details on proposed boundary treatments and site security measures and shall be submitted to the Local Planning Authority for approval in writing. The development shall be implemented in accordance with the approved details.

Reason:-

Insufficient information has been supplied with the application to determine whether the proposals meet Secured by Design standards. Submission of such details is in the interest of crime prevention and community safety and guidance contained in policies CP17, DC49, DC61 and DC63 of the Development Control Policies Development Plan Document and policies 5.3, 7.3, 7.4, 7.5 and 7.13 of the London Plan.

25. Land Contamination - No development shall take place until the following contaminated land reports (as applicable) are submitted to and approved in writing by the Local Planning Authority:

- a) A Phase II (Site Investigation) Report as the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

- b) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedures for dealing with previously unidentified contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- c) Following completion of the measures identified in the approved remediation scheme, a 'Validation Report' that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced and submitted to the Local Planning Authority for approval in writing.
- d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To protect those engaged in construction and occupation of the development from potential contamination and in order that the development complies with policy DC53 of the Development Control Policies Development Plan Document.

#### Informative(s)

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.

3. Due to the presence of National Grid apparatus in proximity to the application site, the applicant is advised to contact National Grid before any works are carried out to ensure that the aforementioned apparatus is not affected by the development.
4. In aiming to satisfy the secure by design condition of this permission, the applicant should seek the advice of the Police's Designing Out Crime advice service. This service is available free of charge and officers can be contacted on 02082173813 or at [docomailbox.ne@met.police.uk](mailto:docomailbox.ne@met.police.uk).
5. The site is closely linked to areas containing Giant Hogweed (*Heracleum mantegazzianum*), an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act. Due care should be taken to prevent its spread during operations relating to the proposals.
6. Request is made that the applicant works with RSPB Rainham Marshes to ensure that issues of water quality and water level management, which have a bearing on the management of the SSSI, are addressed as detailed plans and drainage strategies for the site are developed.
7. A Groundwater Risk Management Permit from Thames Water would be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures would be proposed to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team on 02035779483 or at [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk).
8. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
  - a) Necessary to make the development acceptable in planning terms;
  - b) Directly related to the development; and
  - c) Fairly and reasonably related in scale and kind to the development.

9. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

## REPORT DETAIL

### **1.0 Site Description**

- 1.1 The Denver Industrial Estate is located in the south of the Borough, to the north of the A13, and the site is allocated as a Strategic Industrial Location within the Proposals Map of the LDF.
- 1.2 To the east of the site, on the opposite side of Ferry Lane, is the Inner Thames Marshes Site of Special Scientific Interest (SSSI), also partially designated as a Local Nature Reserve (Rainham Marshes). In terms of importance, the Inner Thames Marshes form the largest remaining expanse of wetland bordering the upper reaches of the Thames Estuary. The site is of particular note for its diverse ornithological interest and especially for the variety of breeding birds and the numbers of wintering wildfowl, waders, finches and birds of prey, with wintering teal populations reaching levels of international importance. The Marshes also support a wide range of wetland plants and insects with a restricted distribution in the London area, including some that are nationally rare or scarce. This site, to confirm, lies within the boundary of the SSSI Impact Risk Zone.
- 1.3 In terms of the locality, a second SSSI (Ingrebourne Marshes) is located approximately 800m north-east of the site and there are several local wildlife designations, including an area to the west of Rainham Creek, nearby. Furthermore there are a few listed buildings and structures within the wider locality, but no such heritage assets within the immediate vicinity of the site.
- 1.4 Rainham Creek, as alluded to above, is located adjacent (to the west) to the site, and the River Thames is 800m south-west. The site in its entirety is located within Flood Zone 3. However, it is understood that existing sea defences reclassify the site as low risk (between 1 in 1000 (0.1%) and 1 in 100 (1%) risk of flooding). The site is furthermore located within the Borough's Air Quality Management Area and a Nitrate Vulnerable Zone (NVZ) for surface water exists adjacent to Ferry Lane, to the east, and beyond the A13 to the south.
- 1.5 The nearest residential properties to the application site are approximately 500m to the north of the site, on the opposite side of the Channel Tunnel Rail Link.

## **2.0 Description of Proposal**

- 2.1 This is an outline planning application for the proposed re-development of Denver Industrial Estate for B1c (business: light industry), B2 (general industrial) and B8 (storage and distribution) uses. The site would be re-developed in stages and in this regard it is proposed that all existing structures would be cleared/removed as development progresses in a phased manner. An indicative re-development plan has been submitted with this application and it is suggested that 13 light industrial/warehouse distribution units ranging between 9,660 and 101,845 ft<sup>2</sup> together, with associated vehicle parking areas and areas of landscaping, would be constructed/created on-site. The buildings are proposed to be single storey portal framed buildings, with office undercrofts, and would in their entirety provide circa 476,400ft<sup>2</sup> (44,258m<sup>2</sup>) of floorspace across the site. Ridge heights of the buildings are proposed to range between 9m and 18m with all units proposed to be clad in profiled steel sheets with fine vertical elements used to frame glazed opening and loading bay doors. Composite colour panels would be used to break down the scale of the building and add architectural interest.
- 2.2 Access to the area would remain, as existing, off Ferry Lane. However, this is proposed to be improved as part of the development, although exact details of the improvement works have not been provided as part of this application. The maximum number of crossovers would however be two.
- 2.3 It has been suggested by the applicant that the current buildings and structures on-site are in a state of disrepair and are uneconomic to maintain. Re-developing the site it is considered would realise a more suitable and sustainable use of the site. In terms of employment use, it has been suggested that, when fully occupied, the development would provide employment in the region of 1000 jobs.
- 2.4 The re-development of the industrial estate, as a whole, is predicted to take between five and ten years.

## **3.0 What is an outline planning application?**

- 3.1 An application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions and the subsequent approval of one or more 'reserved matters'.
- 3.2 Reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application (i.e. they can be 'reserved' for later determination). These are defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as:
- Access - the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

- Appearance - the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- Landscaping - the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- Layout - the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- Scale - the height, width and length of each building proposed within the development in relation to its surroundings.

3.3 This application, to confirm, has been submitted with all matters (access, appearance, landscaping, layout and scale) proposed to be reserved.

#### **4.0 Relevant History**

4.1 There is an extensive planning history relating to the current uses on the Denver Industrial Estate. As this application seeks the complete re-development of the site, the historical permissions issued to various units are not considered overly relevant in this instance.

#### **5.0 Consultations/Representations**

5.1 93 properties were directly notified of this application. The application was also advertised by way of site notice and press advert. One letter of public representation was received and this was in support of the proposals suggesting that the re-development proposals would transform the area for the better.

5.2 Consultation was also undertaken with the following:

Anglian Water - No comments received.

Environment Agency - No objection although with regard to flood risk it is suggested that finished floor levels across the site should be no lower than 1.76m AOD.

Essex and Suffolk Water - No comments received.

Greater London Authority - The Mayor supports the principle of the development, although require more information on energy and commitments within the design code to make passive provision for improved connectivity. In order to ensure full compliance with the London Plan, the application is required



to be reported back at stage 2. With regard to this, if the Council resolves to make a draft decision on the application, it must consult the Mayor again and allow him 14 days to decide whether to allow the decision to proceed unchanged, to direct refusal or take over determination of the application. Overall, it is nevertheless suggested that the principle of redeveloping this site for continued industrial activities in an intensified, flexible and improved form is strongly supported strategically.

Highway Authority - No objection subject to the necessary agreement, notice or license to enable the proposed alterations to the public highway being entered into prior to commencement of the development. Conditions with regard to vehicle cleansing is also suggested.

London Borough of Havering Energy Management - No comments received.

London Borough of Havering Environmental Health - No objection subject to the imposition of conditions relating to land contamination. A condition with regard to the production and submission of an Air Quality Assessment is also recommended.

London Borough of Havering Lead Local Flood Authority - Flood risk assessment and outline drainage strategy acceptable.

London Fire Brigade - No objection. Access should comply with Section 16 of Approved Document B Volume 2 of the Building Regulations 2010, in particular Table 19 and paragraphs 16.8 - 16.11.

London Riverside BID Ltd - No comments received.

Metropolitan Police (Designing Out Crime): No objection subject to the imposition of a condition to ensure that a scheme of principles and practices relating to Secure by Design is submitted to and approved, in writing, by the local planning authority, prior to commencement of the development.

National Grid - No objection.

Natural England - No objection subject to conditions. This application is in close proximity to the Inner Thames Marshes SSSI. However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on the site as a result of the proposal.

Network Rail - No objection.

Rainham Conservation & Improvement Society - No comments received.

RSPB - No objection in principle although it is requested that the applicant works with RSPB Rainham Marshes to ensure the issues of water quality and water level management, which have a bearing on the management of the SSSI, are addressed as detailed plans are developed.

Thames Water - No objection subject to condition. It is the responsibility of the developer to make proper provision for drainage to ground, waters courses or a suitable sewer. Thames Water would advise that with regard to sewerage infrastructure capacity, the existing waste water infrastructure is not capable of accommodate the needs of this application. A condition requiring the submission of a drainage strategy is therefore recommended.

Transport for London (TfL) - The site has a poor public transport accessibility level (PTAL) of 1b. Public transport services are limited. The site is located within walking distance to a number of public transport destinations however links within the site and on surrounding roads are limited. Additional zebra crossings would benefit the site and it is suggested that these be secured via a s278 Agreement. A s106 contribution towards bus service enhancements should also be considered. TfL confirms that the vehicle trip generation methodology is appropriate. It is not considered that the development would have a significant impact on the A13 although further advice will be offered on the two new proposed junctions once the reserved matters application is submitted. It is suggested that cycle parking should be proposed in accordance with the London Plan standards rather than the standards within the Council's Core Strategy. Recommendation is also made that the Blue Badge parking spaces be increased in size and 20% of all spaces be fitted with EVCPs, with an additional 10% being suitable for adaption in the future. Conditions should furthermore seek to ensure the submission of a travel plan, delivery and servicing plan and construction logistics plan.

## **6.0 Relevant Polices**

- 6.1 LDF Core Strategy and Development Control Policies Development Plan Document: CP3 (Employment), CP9 (Reducing The Need To Travel), CP10 (Sustainable Transport), CP15 (Environmental Management), CP16 (Biodiversity and Geodiversity), CP17 (Design), DC9 (Strategic Industrial Locations), DC12 (Offices), DC13 (Access To Employment Opportunities), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste Recycling), DC48 (Flood Risk), DC49 (Sustainable Design and Construction), DC50 (Renewable Energy), DC51 (Water Supply, Drainage and Quality), DC52 (Air Quality), DC53 (Contaminated Land), DC55 (Noise), DC56 (Light), DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity In New Developments), DC60 (Trees and Woodland), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places), DC65 (Advertisements) and DC72 (Planning Obligations)
- 6.2 London Plan: 1.1 (Delivering The Strategic Vision And Objectives For London), 2.1 (London In Its Global, European and United Kingdom Context), 2.2 (London And The Wider Metropolitan Area), 2.3 (Growth Areas And Co-Ordination Corridors), 2.6 (Outer London: Vision and Strategy), 2.7 (Outer London: Economy), 2.8 (Outer London: Transport), 2.13 (Opportunity Areas And Intensification Areas), 2.14 (Areas For Regeneration), 2.17 (Strategic Industrial Locations), 4.1 (Developing London's Economy), 4.2 (Offices), 4.3 (Mixed Use Development and Offices), 4.4 (Managing Industrial Land And Premises), 5.2 (Minimising Carbon Dioxide Emissions), 5.3 (Sustainable Design and

Construction), 5.7 (Renewable Energy), 5.12 (Flood Risk Management), 5.13 (Sustainable Drainage), 5.14 (Water Quality And Wastewater Infrastructure), 5.21 (Contaminated Land), 6.1 (Strategic Approach), 6.3 (Assessing Effects Of Development On Transport Capacity), 6.9 (Cycling), 6.10 (Walking), 6.11 (Smoothing Traffic Flow And Tackling Congestion), 6.12 (Road Network Capacity), 6.13 (Parking), 7.2 (An Inclusive Environment), 7.3 (Designing Out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture), 7.7 (Location and Design Of Tall And Large Buildings), 7.13 (Safety, Security and Resilience to Emergency), 7.14 (Improving Air Quality), 7.15 (Reducing And Managing Noise, Improving And Enhancing The Acoustic Environment And Promoting Appropriate Soundscapes), 7.19 (Biodiversity And Access To Nature), 7.21 (Trees And Woodlands), 8.2 (Planning Obligations) and 8.3 (Community Infrastructure Levy)

6.3 London Riverside Opportunity Area Planning Framework (2015)

6.4 National Planning Policy Framework and National Planning Practice Guidance

## **7.0 Mayoral CIL Implications**

7.1 This development is CIL liable, however until the actual amount of floorspace which would be created is known the actual liability is unknown. The applicable CIL would therefore be calculated, should outline planning permission be granted, on receipt of the reserved matters.

## **8.0 Appraisal**

### **Principle of Development**

8.1 Policy CP3 of the Core Strategy and Development Control Policies Development Plan Document states that a range of employment sites will be available to meet the needs of business and provide local employment opportunities by:

- Ensuring sufficient land is allocated with Strategic Industrial Locations and Secondary Employment Areas and protecting this for business, industrial and some warehousing uses;
- In the Beam Reach Business Park, prioritising advanced manufacturing uses and other modern industries in the B1 (b) (c) and B2 use classes which provide a similar quality and intensity of employment;
- Focusing office development within Romford Town Centre and the district centres;
- Maximising the potential of creative industry in Hornchurch; and
- Seeking contributions towards the provision of employment training and support, and local employment access schemes.

8.2 This site forms part of a strategic industrial location. Policy DC9 of the Core Strategy states that planning permission will only be granted for B1 (b+c), B2 and B8 uses in the Rainham Employment Area, Harold Hill Industrial Estate and King George Close Estate Strategic Industrial Locations. The supporting

text to this policy states that the Rainham Employment Area provides for the needs of all industrial businesses by offering a choice of small, medium and large premises and is considered to be a strategically and locally important area.

- 8.3 This application proposes the re-development of this existing industrial area. The site is however proposed to be redeveloped for uses which are deemed acceptable in strategic industrial locations and accordingly no principle land use objection is raised to the development coming forward. Staff consider that this site as existing, whilst functioning and providing industrial floorspace, is in a declining condition and it is considered that a complete re-development of the site would improve the designation, its desirability and allow the local planning authority to better control uses. As existing, it is noted that a number of non-conforming uses have been lawfully established on the industrial estate, through the passing of time, and this application it is considered provides the local planning authority an opportunity to re-align the site within the aspirations of the area.
- 8.4 With regard to the above, this site form part of the London Riverside Opportunity Area. The Planning Framework for this area seeks to intensify and promote the employment areas as strategically important industrial locations, in view of planned residential development nearby.
- 8.5 In respect of this, whilst this development would result in a more intense use of the site, it is not considered that this would be fundamentally harmful to other industrial locations. This area within the Employment Land Review, undertaken by the Council in 2015, was identified as a strategic industrial area which should be protected to ensure that there is sufficient capacity to meet projected demand for industrial land until 2031. The re-development proposals of this site would seek to promote a more efficient use of the site and accordingly allow it to better function as a strategic industrial location.

#### **Layout, Scale, Mass and Design**

- 8.6 As an outline application with all matters reserved only limited details have been provided with regard to design. An indicative site layout has been submitted together with a 'Design Guide' for development across the site. These allude to creating an industrial estate that gives suitable flexibility to achieve a range of medium sized plots and one or two larger units. The maximum height of buildings would vary with eave heights between 9m and 16m (externally) and a maximum ridge height of 18m. Office elements of the buildings are proposed to the front of the buildings, facing the main or access road, with staff and visitor car and cycle parking proposed close to the building entrances.
- 8.7 In terms of the site layout, as outlined in the response received from the GLA, it is considered important that opportunities are taken to improve permeability and legibility so that members of the public can pass through the industrial area and that routes are pleasant and safe. In this instance, it is considered particularly

important that access to Rainham Marshes, Rainham Creek and nearby transport interchanges are promoted and improved where possible.

- 8.8 Staff note that the indicative layout shows two access points off Ferry Lane, one serving a large unit and the other serving the rest of the estate. Access is discussed in greater detail within the highway section of this report, however initially staff consider that the layout appears logical. Loading areas and car parking areas are proposed off main circulation roads and sufficient servicing yards are shown to allow HGVs to appropriately manoeuvre without blocking the highway.
- 8.9 The applicant has submitted a plan which shows potential permeability which could be achieved through the site and this includes both vehicular and pedestrian connectivity to the north; public accessibility to Rainham Creek via a proposed boundary footpath; and the provision of a zebra crossing on Ferry Lane to connect to Rainham Marshes and the existing public footpath network. Landscape proposals seek to ensure native and indigenous trees and plants are planted and local character, in context of the nearby Marshes, is reinforced.
- 8.10 Policy DC61 details that planning permission will only be granted for development which maintains, enhances or improved the character and appearance of the local area. In respect of this, development must (only criteria relevant to this application have been detailed) harness the topographical and ecological character of the site; respond to distinctive local building forms and patterns; compliment or improve the amenity and character of the area; provide structure by utilising and protecting existing views; reinforce, define and embrace the street; create or enhance and clearly define public and private realms; and be durable, flexible and adaptable. The aforementioned details outlined in the submitted design code it is considered seek to support the aspirations of policy DC61.
- 8.11 With regard to the above, it is suggested by the applicant that the estate would benefit from a strong unified building form, with materials and material colours complementing each other and creating a uniform modern design code across the site. The material palette proposed is a proprietary metal cladding system with composite cladding panels to the office elevations and around loading doors and entrances. The colour palette proposed is silver, greys and blues which it is considered would represent a modern, clean design which would furthermore be sufficiently hard-wearing in context of the industrial uses. Roofs to the buildings are proposed with up 6 degree pitches, of which up to 10% may be covered by rooflights. Roofs are proposed in a similar proprietary metal cladding system, aluminium or grey in colour. The design approach proposed is considered largely utilitarian. That being said, it is considered that the proposed flexibility which the applicant seeks to achieve could only be secured in this form. The proposed material and colour palette would be akin to many industrial estates in the Borough but it is considered that the detailing around buildings entrances and glazing would help achieve a sense of quality. It is proposed that materials for roads, paths, hard landscaping works and lighting will be designed for a minimum 30 year life cycle and sustainable forms of

construction with reclaimed or locally sourced components utilised where possible.

- 8.12 The applicant acknowledges, within the submitted design code, that signage and external graphics will make an important contribution to the overall character of area. With regard to this, staff consider that the existing London Riverside signage helps distinguish the area and add to a sense of place. Replicating this approach and having a design standard for signage within the estate it is considered would help unite the buildings and likely mix of uses.
- 8.13 Subject to suitable conditions to ensure that the principles of the design guide are carried forward through to the reserved matters staff are content that the development would comply with policy DC61 of the Core Strategy. With regard to site permeability, with a suitable obligation to secure the proposed zebra crossing on Ferry Lane it is furthermore considered that the proposed layout complies with policies DC61 and DC62.

### **Impact on Amenity**

- 8.14 Policy DC61, in addition to that detailed above, states that planning permission will not be granted should development result in an unacceptable amount of overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties.
- 8.15 This is an existing industrial estate and in context that the proposed uses represent appropriate uses within strategic industrial areas it is not considered that the proposed site use would, in itself, give rise to significant amenity impacts. The scale of the built form is considered appropriate to the uses and the separation distances will suitably safeguard against overshadowing.
- 8.16 As a strategic industrial location it is considered that a noise limiting condition could reduce the ability of some industrial uses to operate which overrides the principle of allocating such areas. That being said, it is considered that an air quality assessment could be secured by condition in the interests of protecting the amenity of future occupants and neighbours and the Air Quality Management Area in which this site is situated.
- 8.17 A more detailed assessment of potential amenity impacts would be undertaken on receipt of reserved matters. However, at this stage, staff do not consider that potential amenity impacts represent a principle reason to refuse this application. If anything, this application should improve the local environment as the buildings and area would be brought up to modern, more efficient standards.

### **Highway Impact & Car Parking Provision**

- 8.18 As existing, this site can be accessed from four junctions along Ferry Lane. Ferry Lane provides a single carriageway in each direction, running from the junction with Coldharbour Lane to the south, to the junction with Lamson Road to the north via the dumbbell junction which passes under the A13 flyover. In

the proximity of the site there are double yellow line parking restrictions on both sides of Ferry Lane.

- 8.19 Whilst access is proposed as a reserved matter it has been suggested that the site access junctions would be consolidated to two new junctions. These it has been confirmed would be designed in accordance with relevant standards and with appropriate visibility splays. With regard to parking, parking requirements would be worked out on the overall gross floor area of the buildings, formulated at reserved matters. The parking provision it is suggested would comply with those detailed in the Core Strategy and would be maximum standards.
- 8.20 A review of the existing trip generation from the site against that predicted from the new industrial estate suggests that an additional 20 two-way vehicles would result during the peak morning hours (one vehicle trip every three minutes). A reduction of 12 two-way trips, in the evening peak hours, is however predicted. Forecasting the above onto the A13, it has been suggested that a 13% increase in use of the eastbound off-slip and 8% increase in westbound off-slip would result at peak hours. A 6% increase is also predicted for the Ferry Lane roundabout (northbound).
- 8.21 In context of the actual number of movements to which this increase relates (+19 for the A13 and +28 for Ferry Lane) it is not considered that the development would result in significant congestion on the affected roads at a level to warrant refusal.
- 8.22 The applicant in acknowledging that the site is reasonably accessible via all modes of transport has sought to submit a Framework Travel Plan to encourage sustainable travel and limit any impacts in terms of congestion. This includes measures to promote car sharing and travel awareness schemes such as car-free days, commuter challenges and participation in events like national bike week.
- 8.23 In principle, subject to conditions, neither the Highway Authority nor Transport for London has raised an objection to this development coming forward. The suitability of the exact details of the proposed access points would be assessed at the reserved matters stage. However, with conditions attached, to any planning permission granted, seeking to ensure that appropriate vehicle and cycle parking is secured it is not considered that the development would give rise to significant adverse impacts on highway safety and efficiency. This is an existing industrial area and whilst the intensity of use may increase it is noted that as existing the local planning authority have very little control over the uses and level of vehicle movements to and from the estate.

## **9.0 Other Considerations**

### **Ecology**

- 9.1 Policy CP16 of the Core Strategy states that Council will seek to protect and enhance the Borough's rich biodiversity and geodiversity, in particular priority

habitats, species and sites. This is a position supported by policy DC42 and DC58.

- 9.2 The submitted Ecological Survey suggests that the proposed development has the potential to result in adverse impacts on a number of ecological receptors. The site itself holds limited value and it is generally suggested, within the Survey submitted, that it is actually the surrounding landscape which particularly supports the nearby Marshes. The proposed development would be situated on land previously occupied almost entirely by buildings and hardstanding, which currently experiences high levels of human and vehicular activity, noise and lighting. Whilst the existing environment would likely remain similar, should this development be implemented, it is acknowledged within the submitted Survey that activities during the construction phase of the development, particularly piling activities, could give rise to impacts. In context of this, it is recommended that 'soft-start' procedures should be implemented for such activities by which noise levels progressively increase.
- 9.3 To secure the above, and prevent any undue impact on the nearby ecological designations it is suggested that a construction environmental management plan could be secured by condition. This plan would seek to ensure due regard is given to the nearby ecological designations and appropriate construction management techniques are undertaken to limit the potential impact. A further ecological management or enhancement plan could also be secured by condition which would seek to ensure that the landscaping proposed seeks to maximise potential linkages with nearby ecological designations.
- 9.4 A condition requiring the submission of a lighting strategy for the site could also be imposed to ensure that any floodlighting proposed is the minimum necessary and includes appropriate safeguards to limit light spill.
- 9.5 Natural England and the RSPB have been consulted on this application and subject to the aforementioned conditions being attached, together with other conditions relating to hydrology (discussed below), have raised no objection to the development coming forward. Accordingly, it is considered that the development would not result in ecological impacts sufficient to warrant refusal.

### **Flood Risk & Drainage**

- 9.6 Policy CP15 of the Core Strategy, in-part, details that new development should reduce and manage fluvial, tidal and surface water and all other forms of flood risk through spatial planning, implementation of emergency and other strategic plans and development control policies; have a sustainable water supply and drainage infrastructure; and avoid an adverse impact on water quality. Expanding on this policy DC48 states that development must be located, designed and laid out to ensure that the risk of death or injury to the public and damage from flooding is minimised whilst not increasing the risk of flooding elsewhere and ensuring that residual risks are safely managed. Policy DC51 goes on detailing that planning permission will only be granted for development which has no adverse impact on water quality, water courses, groundwater, surface water or drainage systems unless suitable mitigation measures can be



secured through conditions attached to the planning permission or a legal agreement.

- 9.7 This site is located within Flood Zone 3, with the site being at risk of fluvial flooding from the Rainham Main Sewer during a 1 in 1000 year event. The site is protected by the Thames defences from tidal flooding and whilst there is a risk in the event of failure of these defences, the risk of flooding, in normal circumstances is therefore considered low. An industrial estate represents a less vulnerable use as per the NPPF and, in context of this, the Environment Agency has raised no objection to the development coming forward. The Agency has however recommended that the finished floor levels across the site should be at least 1.76m AOD to prevent internal flooding and ensure safety. Such a stipulation could be secured by condition in the event that planning permission is granted. With this and conditions attached requiring the submission of a drainage strategy, it is not considered that the development would give rise to any increase in flood risk. Accordingly it is considered that the development complies with policies CP15, DC48 and DC51 of the Core Strategy

### **Land Contamination**

- 9.8 Policy DC53 of the Core Strategy states that planning permission for development will only be granted where both of the following criteria are met:
- where the development is on or near a site where contamination is known, or expected to exist, a full technical assessment of the site's physical stability, contamination and/or production of landfill gas must be undertaken. Where the assessment identifies an unacceptable risk to human health, flora or fauna or the water environment, the applicant will be required to agree acceptable long term remediation measures before any planning permission is granted to ensure there is no future harm with regard to the future use of the site. Where feasible, on-site remediation, especially bio-remediation, is encouraged; and
  - the development does not lead to future contamination of the land in and around the site.
- 9.9 The applicant has submitted a Phase I Environment Assessment with this application and this suggested that existing soil and groundwater contamination, ground gas and associated liabilities mean that this site has a moderate to high risk contamination status. Intrusive investigations of the site are suggested to fully understand the risk and suggest appropriate mitigation. This opinion is supported by the Council's Environmental Health department who suggest that, should planning permission be granted, the applicant be required to submit a Phase II (Site Investigation) Report and Phase III (Remediation Strategy) Report. Following completion of the measures suggested within the Phase III Report a 'Verification Report' shall be submitted to demonstrate the effectiveness of the remediation carried out. With the above secured by planning condition it is considered that land contamination, in itself, is not a reason to prevent planning permission being granted in this instance.

## **Energy Requirements**

- 9.10 In context of the comments raised by the GLA, the applicant sought to submit a Framework Energy Strategy. Policies CP15, DC49 and DC50 of the Core Strategy supported by policies 5.3 and 5.7 of the London Plan seek to ensure an appropriate carbon reduction is achieved as part of development proposals.
- 9.11 The Energy Strategy submitted seeks to suggest that the development would seek to utilise passive and low energy technologies. Technologies proposed include high performance glazing, improved building fabric, a low building air leakage rate, variable speed fans and pumps, low energy lighting and automatic lighting control with occupancy and daylight dimming controls. Photovoltaic cells and air source heats pumps are also proposed on the industrial units. These mechanisms together would realise an approximate 40% reduction in CO2 emissions, compared to a development built to Building Regulations. Subject to a condition ensuring that the Framework Strategy is taken forward into the design detail of the reserved matters, it is considered that appropriate compliance has been demonstrated with relevant energy (sustainable design) policies of the Core Strategy and London Plan.

## **Employment**

- 9.12 The quantum of floorspace proposed is up to 44,258m<sup>2</sup>. This represents a significant increase in existing floorspace. The current employment density is unknown but based on the increase in floorspace, and more efficient overall site layout, it is considered that the area would likely give rise to additional job opportunities. It is considered that in the interest of supporting local jobs, a commitment towards employment, skills and supply-chain opportunities for Havering residents and businesses could be secured via legal agreement. If the applicant is unable to provide an appropriate level of opportunity for operational reasons a commuted sum, based on a formula agreed with the Council's Economic Development department, could be secured. Such an obligation is considered appropriate in this instance, in context of the policy position outlined in DC13 of the Core Strategy.

## **Environmental Impact Assessment**

- 9.13 This development is not representative of a Schedule 1 project as detailed within the Town and Country Planning (EIA) Regulations 2011 (as amended). The development does however fall within Schedule 2 under Paragraph 10 (Infrastructure Projects), Class a (Infrastructure Projects – Industrial estate development projects). In view of this, a Screening Opinion was issued by the Local Planning Authority on 29/01/2016. The conclusion of the Opinion issued was that the development would not result in any impacts of more than local significance and accordingly need not be accompanied by an Environmental Statement (EIA).

## 10.0 Conclusion

- 10.1 The principle of redeveloping this site for continued industrial activities is supported within the Core Strategy and the London Plan. Staff consider that the re-development of this site will furthermore help realise a number of aspirations of the London Riverside area.
- 10.2 As an outline planning application with all matters reserved only limited details have been provided on the re-development plans. That being said staff are content that the principles established within the submitted Design Guide comply with relevant planning policies. Subject to the imposition of conditions which seek to ensure that these principles therefore carry forward through to the reserved matters it is not considered that the development would give rise to significant undue impacts.
- 10.3 As noted within the body of this report, it is recommended that any planning permission granted also be subject to a legal agreement to secure the pedestrian link improvements and a commitment towards employment, skills and supply-chain opportunities for Havering residents and businesses.

### IMPLICATIONS AND RISKS

**Financial implications and risks:** None

**Legal implications and risks:** Legal resources would be required to prepare and complete the required Section 106 legal agreement. The s106 obligations are nevertheless required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

**Human Resources implications and risks:** None

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

### BACKGROUND PAPERS

1. Application form, plans and associated documents received 15/02/2016.