

 <b>Havering</b> LONDON BOROUGH	<b>Strategic Planning Committee 16 July 2020</b>
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<b>Application Reference:</b>	<b>P1510.19</b>
<b>Location:</b>	<b>Plot 22, Albright Industrial Estate, Ferry Lane Rainham,</b>
<b>Ward:</b>	<b>Rainham &amp; Wennington</b>
<b>Description:</b>	<b>The redevelopment of site for use as a waste management facility with a throughput of over 75,000 tonne per annum.</b>
<b>Case Officer:</b>	<b>Nanayaa Ampoma</b>
<b>Reason for Report to Committee:</b>	<b>The application is of strategic importance, is Greater London Authority triggering and therefore must be reported to the Committee.</b>

## **1 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 1.1 The application proposes redevelopment of Plot 22 of the Albright Industrial Estate at Ferry Lane. The applicant currently operates a waste operation at Unit 5, Albright Estate, Ferry Lane. However this has been found to be unsuitable for the applicant's (Excel Waste Management Limited) growing business. The development would allow for the continued employment use to be secured and would allow the use to be moved to a more suitable site where it would have less environmental effects compared to the present. It is also considered in keeping with the existing Strategic Industrial Land use given that it is existing use.
- 1.2 The development would result in a high level of waste recycling activity that is supported by the Greater London Authority (GLA), with throughput of around

100 tonnes a year. The proposed building design is also in keeping with the character of the area with suitable materials being used.

- 1.3 Lastly, the recommended conditions and Heads of Terms would secure future policy compliance by the applicant on the site and ensure any unacceptable development impacts are mitigated.

## **2 RECOMMENDATION**

### **2.1 That:**

- i) Subject to no significant objections received from Transport for London.
- ii) Subject to no direction from the Mayor of London to either refuse planning permission or take over the determination of the application

the Committee resolve to GRANT planning permission subject to planning conditions set out in this report (the precise wording of which is delegated to the Assistant Director of Planning) and to the completion of a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended) based on the below:

- Legal Agreement pursuant to s106 of the Town and Country Planning Act 1990 and other enabling provisions, with the following Heads of Terms:
  - Agreed closure of the existing waste site at Unit 5, Albright Estate with the authorised use of the site being revoked by agreement without compensation
  - Up to £10,000 towards highways improvements
  - Reasonable legal fees for the drafting and negotiation of the deed whether or not it goes to completion
  - Monitoring fee towards the Council costs of monitoring compliance with the deed

- 2.2 That the Assistant Director of Planning is delegated authority to negotiate the legal agreement indicated above and that if not completed by the 16<sup>th</sup> January 2021 the Assistant Director of Planning is delegated authority to refuse planning permission or extend the timeframe to grant approval.

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

### **Conditions**

1. Time Limit – Expiry after 3 years

2. In Accordance with Approved Drawings
3. Materials as submitted
4. Landscaping – Details for hard and soft planting for wider area
5. Restricted Use (Commercial waste facility only)
6. Non-Road Mobile Machinery – Compliance with reduction of emissions
7. Noise
8. Ecology – Management Plan for the preservation of wildlife
9. Site Investigation
10. Contaminated Land – Site remediation to be submitted and agreed
11. BREEAM – Development to meet ‘Very Good’
12. Surface Water Drainage – Sustainable surface runoff methods
13. Construction Environmental Management and Logistics Plan for Highways Safety
14. Delivery and Servicing Plan
15. Vehicle Cleansing/Wheel Washing – Methods to reduce mud on the road.
16. Green Travel Plan
17. Visibility Splay to confirm egress and ingress visibility from site
18. Vehicle Access
19. Car Parking Plan – To ensure compliance with TfL and Highways Officer
20. Electrical Charging Points – Secured at 20% passive and active
21. Disabled Parking Plan – Secured at 10%
22. Cycle Storage – To be secure and enclosed
23. Sustainable Drainage Systems (SUDS)
24. Archaeology details for the protection of any historic material found on site
25. Pilling condition in response to Thames Water
26. No waste processing activity in open areas of site

### **Informatives**

1. NPPF
2. Environment Agency – Giant Hogweeds
3. Change to Public Highway
4. Highways Legislation
5. Temporary Use of Public Highways
6. Surface Water Management
7. Community Infrastructure Levy (CIL).
8. Planning obligations

## **3. SITE AND SURROUNDINGS**

- 3.1 The application site comprises a brownfield site currently used primarily for storage purposes. There is also a small building on the site. The plot lies south of the Borough where there are a number of industrial estates. The site

is not located within any sensitive area within the meaning of the EIA regulations. The site falls within Flood Zone 1 (1 in 100 or greater annual probability of river flooding), it is close to Rainham Creek and Rainham Creek Marshes RSPB Nature Reserve, which are both a Metropolitan Site of Importance for Nature Conservation.

- 3.2 There are no statutory designations within the site itself. The site falls within a Strategic Industrial Location as designation under the Council's Adopted policy framework (DC09) and Emerging Local Plan.

## **4 PROPOSAL**

- 4.1 The application seeks planning permission for the redevelopment of the site to provide the erection of a large single storey, commercial waste building measuring 66.7metres in length, 33.9 metres in width and 14.5 metres in overall height. The application has suggested a throughput of 75,000 – 100,000 tonnes of waste. A small site office is also proposed to the southeast of the site, together with car parking areas and an empty skip storage area. The car parking spaces are divided as follows:

- 16 staff spaces
- 4 visitor spaces
- 2 Disabled parking spaces

## **5 PLANNING HISTORY**

- 5.1 The following planning decisions in regard to the site are relevant to the determination of the application:

- **Z0005.19:** Request for an EIA Screening Opinion. – **Screening Opinion Issued**

- 5.2 It is relevant to the determination of the application that the site where the current waste operations take place (Waste Management Site, Denver Industrial Estate) is subject to the following planning consent:

- **P0191.16** – Denver Industrial Estate - Outline planning application for the construction of a new industrial estate (B1, B2 and B8 use classes)
- **T/APP/B5480/A/90/148487/PS** - Creation of a waste transfer station - Approved, November 1990.

## 6 STATUTORY CONSULTATION RESPONSE

6.1 A summary of consultation response are detailed below:

- **LBH Environmental Health Noise:** No objection subject to conditions and a S106 Heads of term requiring the closure of the existing site at Unit 5, Albright Estate.
- **LBH Environmental Health Contaminated land:** No objection subject to conditions
- **LBH Highways:** No objection subject to conditions.
- **LBH Waste and Refuse:** No objection as no domestic waste proposed.
- **LBH Drainage and Flood Officer:** No objection
- **LBH Emergency Planning:** No objection subject to recommendations.
- **Transport for London:** No objection. However “In line with policy T1 of the intend to publish London Plan (ItPLP), all developments must support the Mayor’s strategic mode shift target, which for outer London boroughs is for at least 75 per cent of trips to be made by sustainable modes by 2041. The applicant has not demonstrated that staff would be unable to reach the site by sustainable modes or that it would affect their ability to work there. The onus will be on the applicant to demonstrate that any car parking beyond the maximum standard is required in order for staff to carry out their work.” Therefore further details are required.
- **Environment Agency:** Objection withdrawn following further details. The EA originally requested that the applicant submit an amended FRA to demonstrate that would adequate flood storage compensation arrangements. They have since revised their comments and requested a condition be attached instead.
- **Fire Safety Regulations:** No objection. However sprinklers should be considered.
- **Fire hydrants:** No objection
- **Travel Plan Officer:** No objection subject to condition.
- **Thames Water Development Control:** No objection subject to piling condition.
- **Natural England:** No objection, subject to conditions on Construction Environmental Management Plan and SUDS.

- **Historic England:** No objection subject to a condition on the protection of any archaeology materials found.
- **Designing Out Crime:** No objection
- **Greater London Authority:** Stage I comments state that further information is required in regards to the level of sustainability at the site, and the proposed use. In addition, conditions should be secured regarding, Construction Management Plan and Non-Road Mobile Machinery. Further justification is also required regarding cycle parking provision disabled parking and electrical parking.

## 7 COMMUNITY ENGAGEMENT

- 7.1 In accordance with planning legislation, the local industrial community have been consulted.

## 8 LOCAL REPRESENTATION

- 8.1 The application was advertised via a Site Notice displayed at the site for 21 days and also advertised via a Press Notice.

- 8.2 Direct neighbour letters were also sent to 76 neighbouring properties. One neighbour response has been received as follows:

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

- 8.3 A summary of neighbours comments are given as follows:

- Objection on environmental impact grounds.
- The existing site has causes a lot of damage to the environment and air within the industrial site. The additional, site is likely to exacerbate this. So it is important that officers consider the impact on air pollution.

- 8.4 *Officer's response: The proposed development would lead to the waste machinery and process being housed internally. The existing site would then be closed with a S106 ensuring that both sites could not in operation at the same time. The applicant has agreed to these provisions.*

- 8.5 The following local groups/societies made representations:

- None.

8.6 The following Councillors made representations:

- None.

#### **Procedural issues**

8.7 No procedural issues were raised in representations.

### **9 MATERIAL PLANNING CONSIDERATIONS**

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

- Principle of Development
- Design
- Impact on Neighbouring Amenity
- Environmental Issues
- Highways
- Cycle Storage
- Refuse Storage
- Sustainability
- Flooding and Drainage
- Security by Design

#### **Principle of Development**

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

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

- 9.4 The application site falls within the Strategic Industrial Location (SIL) allocation. The existing area around the site benefits from a mix of B Class uses together with ancillary offices and other sui generis employment land uses. The proposal would result in a new industrial unit on a site that is not being utilised at present, other than for occasional storage use. Under normal circumstances the Council would seek B2 and B8 uses for the allocation. Under policies CP3 and DC9, industrial sites within the Borough will be protected and allocated for particular employment and land use. Policies CP3 of the Core Strategy specifically states that Ferry Lane is an “*acceptable locations for B1 (b) + (c) research and development and light industrial uses, B2 general industrial, and B8 storage and distribution uses.*” While policy DC9 seeks to safeguard the provision of a range of industrial, storage and distribution uses stipulating that permission “will only be granted” for B1 (b) and (c), B2 and B8 uses within Rainham Employment Area. Policy W2 of the Joint Waste Development Plan identifies a series of existing sites which are safeguarded (Schedule 1 sites) and areas where future waste uses will be encouraged to meet predicted demand (Schedule 2 sites). The policy goes on by stating that where an applicant can demonstrate there are no opportunities within the identified areas (schedule 1 and 2 sites) for a new waste management facility, sites within designated industrial areas will be considered.
- 9.5 The applicant’s existing site is a waste use, falls under Sui Generis use and was granted permission via appeal. The existing site is within Schedule 2 of the current Waste Plan and is therefore safeguarded by policies within the Plan. The proposed waste facility would be in replacement of the existing facility but in contrast the current open air facility would be contained within the proposed building. As a replacement, the waste use would continue and in effect, the safeguarding requirement would be met. The proposal could be considered to be an employment use, which would be in keeping with the SIL site’s designation. This would be in keeping with site allocation of the area by providing employment land that would sit comfortably within the existing wider industrial estate. Therefore, there is no objection in principle as the development would accord with policies CS8 and DC9 detailed above.
- 9.6 The GLA have also been consulted at Stage I and have confirmed that the proposed use is acceptable in principle subject to a number of issues being resolved. The applicant has confirmed that the proposed throughput would be in keeping with the current volumes of between 75,000- 100,000 tonnes. As such, subject to the above and compliance with all other policies the development would be acceptable in principle.

## **Design**



- 9.7 The NPPF 2018 attaches great importance to the design of the built environment. Paragraph 124 states *‘The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’*.
- 9.8 Policies 7.4 and 7.6 of the London Plan states that new development should be complementary to the established local character and that architecture should make a positive contribution and have a design which is appropriate to its context. Policy 7.7 states that tall buildings should be limited to sites close to good public transport links and relate well to the scale and character of surrounding buildings, improve the legibility of an areas, have a positive relationship with the street and not adversely affect local character.
- 9.9 Policies CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. It is also required that these developments provide a high level of inclusion and accessibility.
- 9.10 As detailed above, the application site is currently vacant. However falls within a large industrial area. The existing buildings around the site are typical industrial units with no particular architectural merit. As such, the proposed building would have no adverse impact on the character of the area. The largest building proposed would be 66.7metres in length, 33.9 metres in width and 14.5 metres in overall height. The unit would be finished in grey aluminium powder cladding and a curved metal roof. The design of the unit has been informed by others nearby. Therefore is in keeping with the area.
- 9.11 A recent permission has been issued at Unit 5A Albright Estate (P0773.19) for a similar scale building. Taking this into consideration the proposed development would complement the existing pattern of development and wider design character. In light of this, it is considered that the development would comply with the above stated policies governing design subject to final confirmations regarding the appearance of the building materials.
- 9.12 No details have been submitted in relation to the proposed boundary treatment. These would be secured under condition.

#### **Impact on Neighbouring Amenity**

- 9.13 . Policies DC55, DC56 and DC61 state that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking, loss of privacy to existing properties or noise.

- 9.14 As the site is within an industrial estate there are no neighbouring residential properties in close proximity. The nearest residential properties are located over 100 metres away. It is considered to be appropriately sited and of sufficient distance so as not to appear visually overbearing or result in any adverse impact on the amenity of neighbouring properties in terms of light, privacy, outlook and noise and disturbances. As such, the proposal would be in accordance with policies DC55, DC56 and DC61 stated above.
- 9.15 Objections have also been submitted by neighbouring properties around the likely air quality issues at the existing site. The area is identified as being within an Air Quality Zone. Following these comments further evidence was sought from the applicant. In contrast to the existing facility which is an open air facility with problems in the past in regard to dust, as well as being unsightly, the containment of most of the activities within a building is considered to be a considerable improvement. It is especially important that confirmation be given from the applicant that the use of the existing site would cease once the applicant had fully transferred to the new site. Following discussions with the applicant and the Council's Environmental Health Officer it was decided a S106 or condition requiring the closure of the old site once the new one was ready should be required. The applicant has agreed to this.
- 10.16 In summary, it is considered that the impact of the development in its present form, in terms of neighbouring amenity would not be significant in terms of loss of residential amenity including daylight, overshadowing or loss of privacy. It would also help improve the existing air quality experienced by those commercial units within the estate.

### **Environmental Issues**

- 9.17 The Environmental Health Officer has raised no objections to any contaminated land issues. However a condition requesting the submission of a remediation strategy should contamination be found during construction has been recommended. This will be attached to any permission.
- 9.18 The proposed development is located within an area of poor air quality which suffers from high concentrations of nitrogen dioxide. Objections have been received from neighbouring commercial units on the grounds that the existing unit alone creates significant air pollution and as such an Air Quality Management Area (AQMA) Plan should be secured or submitted under the application. The Environmental Health Officer has reviewed these objections and the request for the development in some detail and has commented that as the proposed waste facility would be contained within the building, this would significantly help mitigate the existing issues. Taken into account with the closure of the existing site (Unit 5), would be unreasonable to argue that the

proposed development would in release the air pollution when compared to the existing unit. However given these comments officers do not wish to allow the possible operation of both sites at the same time. Therefore an agreement has been reached with the applicant and officers that a S106 ensuring the formal closure of the applicant's existing site be undertaken. This would significantly improve the environmental issues within the area and go some way to addressing objections raised by existing commercial units. In addition, environmental health condition will also be attached to deal with all other matters such as contamination.

- 9.19 The Environment Agency and the GLA have both been consulted on this matter and while additional details of clarification were raised, they have made no objections.
- 9.20 In light of the above and subject to the legal agreement and conditions, the proposal is not considered to give rise to any significant environmental issues.

### **Highways**

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

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

- 9.28 Discussions with the GLA, TfL and the Council's Highways Officer have not been completed as it pertains to cycle parking and other sustainable modes of transport. At present, Transport for London have commented that insufficient details have been submitted to justify the level of parking at the site. No real exploration of sustainable modes of transport have been submitted and therefore the application fails to comply with policy T1 of the emerging London Plan. "The onus will be on the applicant to demonstrate that any car parking beyond the maximum standard is required in order for staff to carry out their work." Therefore further details will be fourth coming at Stage II of the GLA consultation.
- 9.29 In addition, a contribution of £10,000 has been requested for the likely road works along Ferry Land while the development is being implemented. These include possible road closures and redirections as well as making good the public foot way or any other damage to the highways during the works.
- 9.30 Conditions ensuring that the proposed development is deliverable in an environmentally friendly and highways safe way will also be attached. This includes the provision of a Construction Management Plan and a Delivery and Servicing statement. Subject to these, the application is considered acceptable on highways grounds.

### **Cycle Storage**

- 9.31 Policy DC35 of the Council's adopted policy framework looks to encourage sustainable modes of transport through improved cycle routes and cycle parking within the Borough. Large scale major applications are required to create routes to link to any existing cycle ways and where appropriate contributions towards the management of cycle routes will be required. This is in particular regard to the London Cycling Action Plan 'Creating a chain reaction' and the London Cycle Design standards and other relevant documents.
- 9.32 In line with London Plan policy 6.13 and policy CP10 and DC35, the Council will require the provision of secure and adequate cycle parking spaces as identified in Annex 6 of the adopted Local Plan DPD. Details submitted with the application do not demonstrate where the cycle provision would be. This will be secured via condition and are subject to TfL comments.

### **Refuse Storage**

- 9.33 Under policies CP11 and DC40 it is required that new development ensure that waste is managed in the most environmentally friendly way in order to protect human health and the environment from pests and other environmentally damaging effects. Waste and recycling provisions should therefore be clearly stated on a plan.
- 9.34 The proposal is for a waste refuse facility site. Therefore it is considered that the waste could be managed on site. Therefore officers consider no further details are required.

### **Sustainability**

- 9.35 In recognising the importance of climate change and the need to meet energy and sustainability targets, as well as the Council's statutory duty to contribute towards the sustainability objectives set out within the Greater London Authority Act (2007), Policy 5.2 of the London Plan requires all major developments to meet targets for carbon dioxide emissions. This is targeted the eventual aim of zero carbon for all residential buildings from 2016 and zero carbon non-domestic buildings from 2019. The policy requires all major development proposals to include a detailed energy assessment to demonstrate how the targets for carbon dioxide emissions reduction outlined above are to be met within the framework of the energy hierarchy.
- 9.36 The Mayor of London's SPG on Sustainable Design and Construction (2014) provides guidance on topics such as energy efficient design; meeting carbon dioxide reduction targets; decentralised energy; how to off-set carbon dioxide where the targets set out in the London Plan are not met.
- 9.37 In terms of the LDF policy DC50 (Renewable Energy), there is a need for major developments to include a formal energy assessment showing how the development has sought to ensure that energy consumption and carbon dioxide emissions are minimized applying the principles of the energy hierarchy set out in the London Plan.
- 9.38 Following negotiation with the GLA the applicant has submitted an updated Sustainability and Energy Report that demonstrate that the development shall reduce its carbon emissions by at least 35% over in relationship to Building Regulations Part L1A 2013 as required by the London Plan.
- 9.39 The approach to sustainable development is to improve the energy efficiency of the building beyond the requirements of Building Regulations. This follows the most recognised method of achieving sustainability through the energy hierarchy:
- Energy conservation – changing wasteful behaviour to reduce demand.

- Energy efficiency – using technology to reduce energy losses and eliminate energy waste.
  - Exploitation of renewable, sustainable resources.
  - Exploitation of non-sustainable resources using CO2 emissions reduction technologies.
  - Exploitation of conventional resources as we do now.
- 9.40 Policy 5.3 of the London Plan seeks that developers utilise the highest standards of sustainable design and construction to be achieved to improve the environmental performance of new developments. Guidance of how to meet the requirements as presented from the above policy is further discussed within SPD Sustainable Design Construction (2009). This encourages developers to consider measures beyond the policy minimum and centred around development ratings, material choice, energy and water consumption.
- 9.41 However, the development would propose a large shell unit with no internal or structural heating arrangements. The applicant has argued that the proposal meets the “low energy” demand threshold in that it would like only generate very little heat if at all. Therefore, it is not required that the 35% CO2 emissions normally required under London Plan Policy 5.2, be applied. Comments received from the GLA have confirmed that they are satisfied that the proposal would fall under the East London Waste Plan and may not need to meet the 35% CO2 requirement. Additional details regarding urban greening has also been submitted and officers consider this acceptable. Officers will be led by the final comment from the GLA.
- 9.42 The development would normally be expected to achieve BREEAM ‘Very Good’ in accordance with the requirement of Policy 5.2 of the London Plan and policy DC49 of the Council’s adopted policies (See also Sustainable Construction SPD). This would be conditioned.

### **Flooding and Drainage**

- 9.43 The site is located close to the River Thames and a Flood Risk Assessment has been carried out and submitted with the application. This has been reviewed by the Council’s Flood Officer, the GLA and the Environment Agency.
- 9.44 The site is within Flood Zone 1 - having a low probability of flooding (1 in 1000 annual probability of flooding). The Environment Agency have confirmed that the development does not affect existing flood defences or increase the risk of flooding.
- 9.45 Submitted details state that currently, there are no sewers on site and surface water simply runs off towards the river. Foul water is currently managed

through collection in tanks which are regularly collected for off-site disposal. Policy 5.13 of the London Plan states that development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so and applicants should aim for greenfield run-off rates.

- 9.46 The applicant has not provided any details on SUDS and has argued that it is not necessary. These details have been assessed by the Council's SUDS officer as well as the GLA and Natural England. Natural England have requested that some level of SUDS be proposed at the site. This will be secured via condition. In addition, a condition is recommended to ensure a surface water strategy is in place prior to the completion of the development which incorporates measures such as rain water harvesting or other such provisions.

### **Secured by Design**

- 9.47 In terms of national planning policy, paragraphs 91-95 of the National Planning Policy Framework (NPPF) (2019) emphasise that planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion. In doing so, planning policy should emphasise safe and accessible developments, containing clear and legible pedestrian routes, and high-quality public space, which encourage the active and continual use of public areas.
- 9.48 The above strategic approach is further supported by Policy 7.3 of the London Plan which encompasses measures to designing out crime to ensure that developments reduce the opportunities for criminal and anti-social behaviour, instead contributing to a sense of security without being overbearing or intimidating. Adopted policies CP17 and DC63 are consistent with these national and regional planning guidance. The SPD on Designing Safer Places (2010), forms part of Havering's Local Development Framework and ensures adequate safety of users and occupiers by setting out clear advice and guidance on how these objectives may be achieved and is therefore material to decisions on planning applications.
- 9.49 In keeping with the above policy context, officers have consulted the Metropolitan Police to review the submitted application. They have commented that the application is acceptable.

## **10 COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 10.1 Given the scale of development a CIL payment is required at both local and Mayoral level. The application site area is 5300sqm.

*Mayoral CIL*

- 10.2 Policy DC72 of the Havering Adopted policies framework states that where appropriate the Council will use planning obligations to support the delivery of infrastructure; facilities and services to meet the needs generated by development and mitigate the impact of development. Furthermore, pursuant to Table 2: Mayoral CIL Charging Rates of the Mayor's April 2019 SPG 'Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy', a flat rate charge of £25 per square metre applies to LB Havering developments. Calculated this results in a CIL liability figure of £132,500.

*LB Havering CIL*

- 10.3 Under the LB Havering charging rates adopted on the 1<sup>st</sup> of September 2019 there is no CIL charge levied for these forms of developments. Therefore there a charge of £0.

**11. EQUALITIES AND DIVERSITY**

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

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

- 11.2 For the purposes of this obligation the term "protected characteristic" includes:- age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

- 11.3 The proposed development comes forward within the setting of an existing industrial site. The site is some distance away from the nearest residential unit and given the existing site context and uses, it is not considered that the development would unduly harm any particular groups protected by the above Act.

- 11.4 Therefore in recommending the application for approval, officers have had regard to the requirements of the aforementioned section and Act and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.



- 11.5 In light of the above, the proposals are considered to be in accordance with national regional and local policy by establishing an inclusive design and providing an environment which is accessible to all.

## **12 CONCLUSIONS**

- 12.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the Mayor's London Plan and the Havering Development Plan, as well as other relevant guidance and material considerations, have been carefully examined and taken into account by the Local Planning Authority in their assessment of this application.
- 12.2 Officers have fully reviewed the details submitted and concluded that as conditioned, the proposal would not compromise the locality of the industrial site and would accord with all relevant development plan policies and London Plan.
- 12.3 The design of the development is considered appropriate for its location and would not lead to an unacceptable impact on the character of the local or cause safety concerns to the highway as conditioned.
- 12.4 In light of the above, the application is **RECOMMENDED FOR APPROVAL** in accordance with the resolutions and subject to the attached conditions and completion of a legal agreement.