



**Havering**  
LONDON BOROUGH

**Strategic Planning  
Committee  
23 June 2022**

<b>Application Reference:</b>	<b>P2438.21</b>
<b>Location:</b>	<b>Freightmaster Estate, Coldharbour Lane Rainham, RM13 9BJ.</b>
<b>Ward:</b>	<b>Rainham &amp; Wennington</b>
<b>Description:</b>	<b>Application for reserved matters seeking approval of access, appearance, landscaping, layout and scale in respect of Phase 1 of the site pursuant to Condition 1 of Outline Planning Permission Reference P1904.18 dated 16 March 2020 for the demolition of all existing buildings (13.21 Hectares) and redevelopment to provide up to 43,000sqm (GIA) of commercial floor space for Use Classes B1/B2/B8, enhancements to strategic landscaping fronting the Thames foot/cycle path and associated landscaping. Details are provided to partially satisfy Conditions 4, 8, 13, 14, 19, 20, 26, 29, 31 and 32 for Phase 1 of the site of Outline Planning Permission Reference P1904.18.</b>
<b>Case Officer:</b>	<b>John Kaimakamis</b>
<b>Reason for Report to Committee:</b>	<ul style="list-style-type: none"><li><b>• A Councillor call-in has been received which accords with the Committee Consideration Criteria</b></li></ul>

---

## **1 BACKGROUND**

- 1.1 The application relates to the development site in the south of the Borough, which is bordered by the Veolia landfill site to its north and east and the River Thames to its south. The site currently comprises five large warehouses and a number of smaller storage units and warehouses. It has a PTAL rating of 0; falls within Flood Zone 1; borders the Wennington Marsh Site of Special Scientific Interest (SSSI); and the Green Chain cycle route crosses the site. However the site does not fall within a conservation area and there are no listed buildings. The site is designated as Strategic Industrial Land (SIL) in the Havering Local Plan.
- 1.2 An outline planning application was presented to Havering's Strategic Planning Committee in August 2019 and it was resolved to grant planning permission subject to conditions and a section 106 legal agreement.
- 1.3 The application was originally called-in to committee by a ward Councillor for a member decision, however, subsequent to the recent local elections the Councillor was not re-elected. Officers consider it still appropriate to bring the application for Member determination, even though the Member will not be able to attend the meeting as required by the Committee Procedure Rules.

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

- 2.1 The proposed reserved matters under Condition 1 of the outline planning permission with regard to access, appearance, landscaping, layout and scale of Phase 1 of the site which covers the majority of the site other than the area in the northeast that is subject to an Environmental Agency environmental permit would accord with a series of key documents, parameter plans and Design Principles Document that were secured under Condition 4 of the outline planning permission and future reserved matters applications.
- 2.2 Furthermore, information submitted for the approval of details regarding Conditions 4 (Compliance with Documents), 8 (Secured by Design), 13 (Site Specific Flood Risk Assessment), 14 (Sustainability Drainage Statement), 19 (Sustainable Energy Statement), 20 (Dynamic Overheating Assessment), 26 (Drainage Strategy), 29 (Delivery and Servicing Plan), 31 (Disabled Spaces and Electrical Vehicle Charging Points) and 32 (Commercial Travel Plan) would also accord with the matters requested under the outline planning permission.
- 2.3 The reserved matters submission does not result in any significant additional impact, compared to the outline approval nor does the submission raise any other significant issues.

## **3 RECOMMENDATION**

- 3.1 That the Committee resolve to GRANT CONSENT for the reserved matters application and approval of details in relation to Conditions 4 (Compliance with Documents), 8 (Secured by Design), 13 (Site Specific Flood Risk Assessment), 14 (Sustainability Drainage Statement), 19 (Sustainable Energy Statement), 20 (Dynamic Overheating Assessment), 26 (Drainage Strategy), 29 (Delivery and Servicing Plan), 31 (Disabled Spaces and Electrical Vehicle Charging Points) and 32 (Commercial Travel Plan)

(Dynamic Overheating Assessment), 26 (Drainage Strategy), 29 (Delivery and Servicing Plan), 31 (Disabled Spaces and Electrical Vehicle Charging Points) and 32 (Commercial Travel Plan) for Phase 1 of the site of Outline Planning Permission Reference P1904.18

- 3.2 That the Assistant Director Planning is delegated authority to issue the reserved matters consent and impose conditions [and informatives] to secure the following matters:

### **Conditions**

1. Approval of Materials (Samples)

### **Informatives**

1. Accordance with the plans
2. Notification of conditions discharged with this notice

## **4 PROPOSAL AND LOCATION DETAILS**

### **Site and Surroundings**

- 4.1 The application site comprises a broadly rectangular-shaped industrial parcel located approximately 3km south of Rainham Village, on the northern edge of the River Thames. The Freightmaster Estate measures approx. 13.21 hectares and is comprised of five large industrial / commercial units, a number of smaller ancillary buildings, storage containers, HGV and car parking, yard areas and access roads throughout. The site lies approximately 2km south and south-west of the A13 Thames Gateway, which is a key route as part of the Transport for London (TfL) Road Network.
- 4.2 To the north and east of the site lies Veolia Rainham Landfill, which benefits from planning permission (Ref No. P1566.12) for the continuation of waste inputs and operation of other waste management facilities until 2024 and restoration. Further north and east, lie the Inner Thames Marshes Site of Special Scientific Interest (SSSI) and Rainham Marshes Local Nature Reserve (LNR). These are somewhat bounded by the A13 and railway (HS1 and C2C lines) to the north which both extend in a north-west to south-east direction. The Purfleet Industrial Park lies between the Inner Marshes and the A13 to the east with the western-most edge of Purfleet and Aveley lying beyond.
- 4.3 To the south the site is defined by the River Thames and beyond lies the northern edge of Erith in the London Borough of Bexley and the Erith Industrial Estate. To the west of the site is an existing jetty, which forms part of the waste management terminal for the transfer of material related to the marshes and landfill site. Beyond the River Thames lies the northern edge of Belvedere in Bexley and the Belvedere Industrial Area.

## Development Plan Context

- 4.4 The London Plan identifies the site as lying within the London Riverside Opportunity Area. An Opportunity Area Planning Framework (OAPF) was adopted in September 2015 which identified the site as a potential designation as new Strategic Industrial Land (SIL). It specifically states that: *“the designation of new Strategic Industrial Land at Coldharbour (the Freightmaster site) in Havering, with a small reduction on Thames Road and Creekmouth. This will facilitate the expansion of the residential district west and south of Barking Town Centre to integrate sites along the River Roding and at Barking Riverside. The strategy envisages extension of Rainham Village west to integrate key sites on the A1306, and the establishment of a new community at South Dagenham/South Hornchurch around Beam Park. It also supports the intensification of retail uses in existing centres at Barking, Dagenham Heathway and Rainham and in emerging centres at Barking Riverside, Chequers Corner and in the new developments along the A1306; and mixed-use developments to provide local shopping, services and employment in existing and emerging centres.”*
- 4.5 Planning policy for the London Borough of Havering is set out within the Havering Local Plan, which was adopted in November 2021. The Havering Policies Map November 2021 identifies the site as lying within the Thames Policy Area and is designated as a Strategic Industrial Location.

## Proposal

- 4.6 The Reserved Matters Application (RMA) relates to Phase 1 of the overall wider site and seeks approval of details relating to access, appearance, landscaping, layout and scale for the following proposal.
- 4.7 The reserved matters propose three buildings on the site comprising a total of 35,472 square metres of industrial floorspace along with ancillary office areas. The proposed heights of two buildings would be a maximum of 18.5 metres, whilst the third building would have a maximum height of 21.5 metres. A total of 282 car spaces are proposed including disabled spaces and electrical vehicle charging points, whilst a total of 150 cycle parking spaces are also proposed. Access into the site is from the east along Coldharbour Lane and the proposal has two main access routes into the site to the north and south to accommodate different users. The proposal includes landscaping with a minimum 10 metre landscape zone to the Thames walkway as well as the minimum 6 metre landscape buffer to the northern boundary.
- 4.8 Consent is also sought for the partial approval of Conditions 4 (Compliance with Documents), 8 (Secured by Design), 13 (Site Specific Flood Risk Assessment), 14 (Sustainability Drainage Statement), 19 (Sustainable Energy Statement), 20 (Dynamic Overheating Assessment), 26 (Drainage Strategy), 29 (Delivery and Servicing Plan), 31 (Disabled Spaces and Electrical Vehicle Charging Points) and 32 (Commercial Travel Plan) for Phase 1 of the site of Outline Planning Permission Reference P1904.18, as the wording of each of these conditions requires submission alongside an RMA application.

## Planning History

4.9 The following planning decisions are relevant to the application:

- **Q0252.21:** Approval of details pursuant to Condition 5 (Phasing Plan) of Planning Permission Reference: P1904.18 dated 16 March 2020. – **Approved 26<sup>th</sup> January 2022**
- **P1904.18:** Outline planning application for the demolition of all existing buildings (13.21 Hectares) and redevelopment of the site to provide up to 43,000sqm (GIA) commercial floor space for Use Classes B1/B2/B8, enhancements to strategic landscaping fronting the Thames foot/cycle path and associated landscaping. – **Approval with conditions and S106 legal agreement 16<sup>th</sup> March 2020.**
- **Z0011.18:** Environmental Impact Assessment (EIA) Screening Opinion. – **Screening issued 21<sup>st</sup> January 2019**
- **Z0009.18:** Screening opinion for an Environmental Impact Assessment. – **Screening issued 9<sup>th</sup> November 2018**
- **Z0002.18:** Screening opinion for an Environmental Impact Assessment. – **Screening issued 7<sup>th</sup> June 2018**
- **U0015.06:** Construction of a 400m long x 3m wide shared use footpath/cycle/path to the south of the Freightmaster Estate, to include a 2.1m high chain-link fence and motorcycle barriers. – **Approved with conditions 19<sup>th</sup> March 2007**
- **P1410.04:** Erection of 2.4 metre high palisade security fencing to replace broken chain-link and barbed wire fence (extends 326 metres along boundary). – **Approved with condition 10<sup>th</sup> September 2004**
- **P1324.98:** Storage, recycling and provision of recovered electrical equipment, paper & household co-mingled recyclable materials. – **Approval with condition 5<sup>th</sup> February 1999**

## 5 CONSULTATION RESPONSE

5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

5.2 The following were consulted regarding the application:

- **Thames Water:** No comment and is happy for LBH to determine it as it sees fit.
- **London Fire Brigade:** No comments received.
- **Royal Society for the Protection of Birds:** No comments received.
- **LBH Waste and Recycling:** No objections.
- **Place Services (Landscaping):** Has requested further mitigation in the form of planting and vegetation to both northern and southern landscape buffer zones, as well as within the site. Conditions recommended seeking further details with regard to hard and soft landscaping.
- **LBH Urban Design:** No objections to the materials being proposed and design of buildings in conformity with the parameter plans and Design Principles Document. Similar matters relating to landscaping as raised by Place Services.

## 6 LOCAL REPRESENTATION

- 6.1 The application was advertised via a Press Notice and Site Notice displayed at the site for 21 days between 06 January and 27 January 2022.
- 6.2 A formal neighbour consultation was also undertaken with neighbouring properties being notified of the application and invited to comment. No comments have been received.
- 6.3 The following local groups/societies made representations:
- None
- 6.4 The following Councillor made representations:
- The application has been called in by Councillor Durrant – ‘to ensure that it accords with the views expressed by members and the outline approval granted consent at Havering’s Strategic Planning Committee in August 2019 in so far as it won’t adversely impact on the planned Conservation Park’.

### Material Representations

- 6.5 No material, non-material or procedural issues were raised through neighbour notification of the proposed development’

## **7 MATERIAL PLANNING CONSIDERATIONS**

7.1 The main planning issues raised by the application that the committee must consider are:

- Principle of Development
- Consideration of Reserved Matters
  - Access;
  - Appearance;
  - Landscaping;
  - Layout; and
  - Scale,
- Conditions
- Financial and Other Mitigation
- Equalities and Diversity
- Conclusion

### **Principle of Development**

7.2 The principle of development has already been established under outline planning permission Ref: P1904.18.

7.3 As such, the present reserved matters submission does not necessitate a consideration of the principle of development as this was fully considered previously, for which this reserved matters application relates. The proposed development is in line with the approved phasing plan and the proposal does not raise any concerns regarding the principle of the development.

### **Consideration of Reserved Matters**

7.4 A series of key documents, parameter plans and Design Principles Document codes are secured under Condition 4 of the outline planning permission and future reserved matters applications are required to be in compliance with these. The parameter plans control land use, scale, access and movements, landscape and amenity, and riverside enhancement works, whilst Design Principles Document sets out further guidance principles relating to the above matters.

7.5 Condition 1 of the outline planning permission states the following:

*“No development except for demolition and site clearance shall take place within any part of the site of the outline permission until reserved matters have been submitted to and approved in writing by the local planning authority. These details shall include access, appearance, landscaping, layout, scale and confirmation of compliance with the Design Principles Document. The development shall be implemented in accordance with the approved details.*”

*Reason: - To ensure that the development is carried out in an appropriate sequence in accordance with the range and scale of impacts measured and assessed in the Environmental Statement.”*

7.6 Therefore, the following matters reserved under the outline consent will be considered in turn:

- Access;
- Appearance;
- Landscaping;
- Layout; and
- Scale.

## **Access**

### Outline planning consent requirements

7.7 The parameter plans control access into the site, proposing an access route from the east of the site from Coldharbour Lane, whilst a future connection to the Jetty is shown from the west. Additionally, public pedestrian and cycle site access is shown from the west and southeast of the site. The Design Principles Document sets out further guidance principles relating to the above matters.

### Assessment of proposals

7.8 The parameter plans dictate access into the site along the eastern perimeter along Coldharbour Lane and the proposal proposes two main access routes into the site to the north and south to accommodate different users. To the north, the access road is primarily for the use of heavy goods vehicles that provides access into each yard of the three buildings and avoids the larger type vehicle movements taking place alongside the Thames walkway. Additionally, the northern access road allows for future connection to the jetty, which is one of the requirements under the parameter plans. The southern access provides for access to the car parking areas, whilst also encouraging direct pedestrian and cycle access through linked pathways.

7.9 With regard to parking, a total of 282 car spaces are proposed which complies with the maximum 1 space per 100 sq.m. (GIA) for B8 uses set out in the London Plan, and this also includes the requisite amount of disabled spaces and electrical vehicle charging points as required by Condition 31 of the outline planning permission. Further, a total of 150 cycle parking spaces are proposed which complies with London Plan requirements for B2-B8 uses to provide min 1 space per 500sqm.

7.10 Finally, the reserved matters submission would not vary or inhibit the provision of legal obligations secured by the outline planning permission whereby the site would continuously provide unobstructed cycle and pedestrian access along the public cycle way and footpath at all times and to also allow access from the site to the Riverside cycle way, and to permit access from the site to



the jetty for current and future uses of the jetty at all times in perpetuity.

- 7.11 As such, the access arrangements comply with both the parameter plans and the guidance within the Design Principles Document.

## **Appearance**

### Outline planning consent requirements

- 7.12 None of the parameter plans strictly relate to the appearance of the development; however, the Design Principles Document provides detailed commentary on the expected architectural approach of the outline phases. In terms of appearance, the Design Principles Document sets out an intention that the design and layout of the buildings will create a shared character identity for the development.

### Assessment of proposals

- 7.13 The proposed three units would be of a consistent material palette. The main warehouse structure would have a dark grey horizontal cladding with the warehouse doors also using the same dark grey colour. The dock shelters would be in black with the dock wall made of pre-cast concrete. Additionally, the feature corner of Unit 3 in the southwest corner of the site opposite the Thames River would also have feature cladding squares in a Heritage Green colour. As such, the appearance of the warehousing elements would align with the Design Principles Document in creating buildings with a shared character identity and the location of office spaces mainly to the south aids activation towards the river frontage. The single storey scale openings are also minimised so that in long distance views the help reduce the impression of scale and mass.
- 7.14 The office component of each unit would consist of a light grey horizontal cladding and brise soleil glazing louvre system in vertical and horizontal forms while a feature soffit would be in heritage green. Therefore, the appearance of the office elements would align with the Design Principles Document in creating a suitable appearance for inboard and outboard offices, which sit comfortably within the new setting and responding to a need for passive design and optimizing full height where possible. The brise soleil system would protect the glazing from summer sun but still allow winter sun through to the full depth of the offices. The office element would be a reduced scale compared to the warehouse element of the buildings and through the use of lighter colours would result in a modern appearance. The buildings are to be designed to create a strong visual focus on the office component and to use materials and colours to complement the surrounding context.
- 7.15 The proposed appearance has also been reviewed by the Council Urban Design officers who have advised that the building details are appropriate, i.e. the colour palette, cladding materials and concealed gutter/drainage are positive. There is no condition attached to the original outline planning permission seeking materials samples and further details on the glazing/louvre system, and as such, it is considered important to capture this outstanding information on any decision notice to the reserved matters.

- 7.16 In summary, the appearance of the three unit buildings would align with the Design Principles Document.

## **Landscaping**

### Outline planning consent requirements

- 7.17 The approved parameter plans control the extent of landscaping with a minimum 10 metre landscape zone to the Thames walkway as well as the minimum 6 metre landscape buffer to the northern boundary. Further guidelines regarding landscaping and associated character areas are contained within the Design Principles Document.

### Assessment of proposals

- 7.18 The Landscape Consultant (Place Services) on behalf of the Council was consulted on the application as originally submitted and advised that further soft landscaping treatment is required along the northern boundary of the site and its relationship with the Inner Thames Marshes SSSI, Rainham Marshes LNR and the future restoration of Veolia Rainham Landfill site. They welcome the submitted 'General Arrangement' drawings currently proposing a mix of native scrub species, but with limited tree planting throughout. They consider that the landscape edge would over rely on the adjacent site as a landscape buffer and needs addressing. The parameter plans constrain soft landscaping and result in the creation of thin linear landscaping strip to the north-east along the access road and as such the presence of a lorry access road to the north would be a significant detracting feature on the development to the future restoration of Veolia Rainham Landfill site, and the Inner Thames Marshes. It is therefore considered that greater mitigation is proposed by exploring the creation of a substantial 'eco-tone' with additional tree and shrub planting in this buffer zone.
- 7.19 With regard to the the southern boundary, the treatment relies heavily on the existing landscaping as a buffer which needs to be improved. The 'General Arrangement' plans show a predominance of wildflower planting which would provide limited mitigation owing to the topography of the site and therefore, a greater provision of soft landscaping along the southern boundary including a higher proportion of native riparian shrub and tree planting would be required.
- 7.20 Notwithstanding the submitted 'General Arrangement' plans, soft landscaping is generally limited within the site, particularly within the parking areas where hard landscaping/surfacing dominates. It is expected that a greater level of landscape mitigation to car parking areas, through a combination of native tree and native shrub planting be provided. The linear wildflower strip (north-to-south) to the centre of the site would be inadequate as it would offer little mitigation and contains no tree planting. Furthermore, soft landscaping/amenity planting to the elevations/facades of the buildings is generally limited and it is expected soft landscaping is added to the following locations and in addition to locations currently shown including: the northern and eastern elevations of Unit 1A and 1B, the northern, south-eastern and western elevations of Unit 2, and the eastern, southern and western elevations of Unit 3.
- 7.21 Finally, details of hard landscaping/surfacing have not been fully provided and

limited reference to such features have been made within the submitted Design and Access Statement. Further information will also be required with regards to the materials, specification, manufacturer information and installation of furniture, surfacing materials and proposed boundary treatments, fencing, gates and / or other means of enclosure to be erected at the site with particular focus on the boundary near the river, which have not been provided.

- 7.22 In response to the above comments, the applicant has amended the submitted documents in order to incorporate the above suggestions with additional vegetation and planting to the north and south buffer zones as well as within the site. Whilst the submitted information (including the additional landscaping provisions) would be adequate in so far as the general principles of the landscaping strategy is concerned in terms of the reserved matter consideration under Condition 1, further detailed information with regard to the specifics of mitigation is still required. These details are to be submitted under Condition 10 (a detailed scheme of hard and soft landscaping) of the outline planning permission that does not form part of this submission.
- 7.23 It is considered that the outstanding concerns raised by the Council's Landscape consultant can be addressed when full details are submitted for approval of details under Condition 10. On the basis of the information contained within the reserved matters submission, including the amendments provided, it is considered that the general principles of the landscaping strategy with regard to the reserved matter consideration under Condition 1 would be adequate, as it would generally accord with the parameter plans and Design Principles Document.

## **Layout**

### Outline planning consent requirements

- 7.24 The parameter plans control land use, scale, access and movements, landscape and amenity, and riverside enhancement works, whilst Design Principles Document sets out further guidance principles relating to the above matters.

### Assessment of proposals

- 7.25 The effect of the parameter plans results in a number of design and structuring elements such as ecology issues, locations from amenity, landscaping zones and routes into the site that have a bearing on the layout of any building(s) put forward under the reserved matters. At outline planning application stage three scenarios were put forward as part of an illustrative masterplan to demonstrate how the proposal could come forward.
- 7.26 The submitted reserved matters loosely follows the example set out in scenario 2 whereby three separate buildings are proposed on the site area (excluding the area subject to an EA Environmental Permit in the northeast corner of the site). The proposed siting of the three buildings would maintain the minimum 10 metre landscape zone to the Thames walkway as well as the minimum 6 metre landscape buffer to the northern boundary as required by the parameter plans. These landscape buffer zones would allow for adequate

screening from low level vehicle movements as well as providing a buffer between the proposed buildings and the Thames public walkway.

- 7.27 The arrangement of the three buildings allows for various development sizes and the option of a prospective occupier taking up two of the units instead of all three relying on individual occupants. The parameter plans dictate access into the site along the eastern perimeter along Coldharbour Lane and the proposal proposes two main access routes into the site to the north and south to accommodate different users. To the north the access road is primarily for the use of heavy goods vehicles that provides access into each yard of the three buildings and avoids the larger type vehicle movements taking place alongside the Thames walkway. Additionally, the northern access road allows for future connection to the jetty, which is one of the requirements under the parameter plans. The southern access provides for access to the car parking areas, whilst also encouraging direct pedestrian and cycle access through linked pathways.
- 7.28 The siting and form of the layout of the three buildings allow for sightlines through the site to take place between the Thames River and the landfill site to the north, which is earmarked to be a future conservation park, however also accounting for a scale across the site to meet potential occupier demand.
- 7.29 The layout of the three individual buildings comprises of a large warehouse space with ancillary offices that account for no more than approximate 8~10% of the total proposed floorspace. Given these ancillary areas are spread out within in each of the buildings they would not form standalone office floorspace and as such would comply with the provision relating to land use set out in Condition 7 of the outline planning permission.
- 7.30 In summary, the layout arrangements comply with both the parameter plans and the guidance within the Design Principles Document.

## **Scale**

### Outline planning consent requirements

- 7.31 The parameter plan relating to scale set a maximum building height of 23 metres whilst the building footprint was not to exceed 39% of the total site area (excluding access road). The Design Principles Document provides further guidance on the form of each building typology.

### Assessment of proposals

- 7.32 The reserved matters propose three buildings on the site that consist of 10,161 square metres (GEA) for Unit 1, 9,387 square metres (GEA) for Unit 2, and 15,924 square metres (GEA) for Unit 3 for a total of 35,472 square metres. This represents a total of 33% relative to the site area of 10.77 hectares, and it should be noted that the 10.77 hectare figure does not include the access road. Further, the overall figure of 35,472 includes some floorspace at first floor level and as such the overall building footprint would also be slightly less than 33% figure quoted above. As such, the overall building footprint would not exceed 39% of the total site area.

- 7.33 With regard to heights, Unit 1 would have a maximum height of 18.5 metres, Unit 2 would also have a maximum height of 18.5 metres, whilst Unit 3 would have a maximum height of 21.5 metres. As such, the proposed maximum heights of all three buildings would accord with the parameter plans that set a maximum height of 23 metres across the site.
- 7.34 As indicated above, the proposed layout of three building units would loosely follow scenario 02 of the illustrative masterplan contained within the Design Principles Document whereby three separate buildings have been proposed so as to allow for the opportunity for more soft landscaping across the site. The typologies put forward for the three buildings would accord with the 'side on' (Units 1 and 2) and 'front on' (Unit 3) warehouse/industrial plot typologies contained within the Design Principles Document, whereby the positioning is alongside or in front of primary circulation routes and the building entrances (and offices contained within) are orientated towards the relevant route in order to create an active frontage.
- 7.35 In summary, the scale of the three unit buildings would accord with the parameter plans and the typology responds to the bulk and massing set out within the approved Design Principles Document.

### **Conditions**

- 7.36 Consent is also sought for the partial approval of Conditions 4 (Compliance with Documents), 8 (Secured by Design), 13 (Site Specific Flood Risk Assessment), 14 (Sustainability Drainage Statement), 19 (Sustainable Energy Statement), 20 (Dynamic Overheating Assessment), 26 (Drainage Strategy), 29 (Delivery and Servicing Plan), 31 (Disabled Spaces and Electrical Vehicle Charging Points) and 32 (Commercial Travel Plan) for Phase 1 of the site of Outline Planning Permission Reference P1904.18, as the wording of each of these conditions requires submission alongside an RMA application.

#### Condition 4 – (Compliance with Documents)

- 7.37 Condition 4 of the outline planning permission states that “...*The reserved matters submissions should include a statement of compliance against each of the Parameter Plans and the individual sections of the Design Principles Document.*

*The development shall be implemented in accordance with such details as approved. No variations to the parameter plans shall take place save where the applicant can demonstrate that it is unlikely to give rise to any new or significant environmental effects in comparison with the development as approved.”*

- 7.38 The submission is accompanied by a Compliance Statement that demonstrates compliance and compatibility with the various details, strategies, drawings and other documents approved pursuant to the outline planning permission. Further, no variations to the approved parameter plans are proposed as part of the reserved matters submission.

#### Condition 8 – (Secured by Design)

- 7.39 Condition 8 of the outline planning permission requires that “*Any application for*

*reserved matters 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. These should be in line with Secured by Design Commercial Development 2015 or any update...”*

- 7.40 The proposal was considered acceptable at outline planning application stage by the Met Police subject to a condition stipulating that future details regarding how the development would meet the principles and practices of Designing Out Crime shall come forward as part of any reserved matters application. The reserved matters submission contains information to that effect and is considered acceptable. However, it should be noted that in complying with the above condition, this cannot be used as justification with regard to the acceptability of any information to be later submitted with regards to landscaping under Condition 10 of the outline planning permission.

Condition 13 – (Site Specific Flood Risk Assessment)

Condition 14 – (Sustainability Drainage Statement)

Condition 26 – (Drainage Strategy)

- 7.41 Condition 13 of the outline planning permission states:

*“Reserved matters applications shall include a statement setting out how the development of that phase permitted by this planning permission is in accordance with the approved Site Specific Flood Risk Assessment (FRA) (December 2018). The mitigation measures shall be fully implemented prior to occupation.”*

- 7.42 Condition 14 of the outline planning permission states:

*“Any application for reserved matters shall be accompanied by a Sustainability Drainage Statement for that phase 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;”*

- 7.43 Condition 26 of the outline planning permission states:

*“Any application for reserved matters shall be accompanied by a drainage strategy for both surface water and foul water. The strategy shall be based on the Drainage Scheme, and sustainable drainage systems outlined in drawing no. 581361-MLM-ZZ-XXDR- C-0003 (Rev P01) 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.”*

- 7.44 The application was referred to Thames Water, who have raised no objections to the proposals. Further, the submissions were referred to the Council’s Flood Risk and Drainage officer, who has no comments to make on the proposals. The information requested by the conditions was due to insufficient information being submitted at outline planning application stage. The information submitted as part of this submission would accord with the approved Site

Specific Flood Risk Assessment and the sustainable drainage systems outlined at planning application stage. As such, it is considered that the information submitted satisfies the requirements of Conditions 13, 14, and 26.

Condition 19 – (Sustainable Energy Statement)

Condition 20 – (Dynamic Overheating Assessment)

7.45 Condition 19 of the outline planning permission states:

*“All reserved matters applications for any phase shall be accompanied by a Sustainable Energy Statement detailing potential energy efficiency measures as well as a full feasibility assessment of renewable energy technologies for that phase of development. Details for the last phase should include a comprehensive Sustainable Energy statement that details the complete technologies and the total CO2 for the whole development. This should demonstrate that at least 35% CO2 would be met. The resulting energy methods should look to maximise the regulated carbon emissions achieved from renewal technologies...”*

7.46 The submission is accompanied by an Energy Assessment that demonstrates the development would comply with the requirement to achieve a reduction in carbon emissions of 35% when compared to Part L of the Building Regulations 2013 as detailed in the above conditions. The proposal would incorporate a combination of renewable energy measures, which would achieve a minimum 35% reduction in carbon emissions as set out by the condition. As such, it is not considered that a carbon offset payment would be required and the information submitted satisfies the requirements of the conditions.

7.47 Condition 20 of the outline planning permission states:

*“Any application for reserved matters shall be accompanied by a Dynamic Overheating Assessment for that phase using CIBSE TM52 assessment methodology demonstrating the overheating risk when assessed under TM49 weather files DSY1, DSY2 and DSY3 to be approved in writing by the Local Planning Authority in consultation with the Greater London Authority. The details shall be implemented in full as approved.”*

7.48 The submitted Energy Assessment also includes an Overheating Assessment that demonstrates how overheating will be dealt with through a combination of opening windows and/or mechanical ventilation where windows are unavailable. The risk of overheating is minimal and as such it is considered that the information submitted satisfies the requirements of the conditions.

Condition 29 – (Delivery and Servicing Plan)

Condition 31 – (Disabled Spaces and Electrical Vehicle Charging Points)

Condition 32 – (Commercial Travel Plan)

7.49 Condition 29 of the outline planning permission states:

*“Any application for reserved matters 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."*

7.50 Condition 14 of the outline planning permission states:

*"Any application for reserved matters shall be accompanied by a plan in line with the Design Principles Document (May 2019) that shall include the allocation of disabled spaces and provision of electrical vehicle charging points at 20% active and 20% passive".*

7.51 Condition 32 of the outline planning permission states:

*"Any application for reserved matters shall be accompanied by a Commercial Travel Plan for that phase that meets the most recent Transport for London criteria as detailed in the document 'Travel Planning for new development in London incorporating deliveries and servicing' and is ATTrBuTE and TRAVL compliant"*

7.52 The submission provides detailed plans setting out the number of disabled car spaces as well as the number of car spaces that would provide for electrical vehicle charging, and these would meet the requirements set out in the condition. Additionally, a commercial Travel Plan has been submitted whereby measures and initiatives are proposed to encourage employees of the proposed development to travel in a sustainable manner by promoting and securing initiatives and incentives which would minimise the need to travel by private car, and which would accord with the criteria set out in TfL's guidance to be ATTrBuTE and TRAVL compliant. Finally, a delivery and servicing plan has also been submitted setting out how the proposal would reduce the impacts of delivery and servicing movements on the local highway network, facilitate sustainable movement for delivery and servicing to the Site where possible; and manage delivery and servicing activities to reduce the number where possible, and ensure they take place in an appropriate and logistical manner. These measures have been put forward based on TfL's best practice guidance and endeavour to ensure deliveries are carried out outside of peak hours.

### **Financial and Other Mitigation**

7.53 A full s106 agreement was secured as part of the outline planning permission. The present reserved matters application is also controlled by the s106 agreement, and none would be amended or varied by the current submission. In summary, the obligations are:

- Employment and Skills: 4 Apprenticeships for every 10,000sqm + Job Brokerage (Job Brokerage is a dedicated skills, training and employment service for local people).
- Up to £350,000 (£8.14 per square metre floorspace) Conservation Park/Wildspace Contribution – For park facilities
- Up to £100,000 (£2.33 per square metre floorspace) Contribution for Environmental/Highway Improvements to adopted part of Coldharbour Lane and Ferry Lane south of the A13 junction



- Parking Review after Completion – TfL requested parking review to determine the level of demand for parking spaces.
- Reasonable/Best endeavours Improvement and Maintenance Scheme for Coldharbour Lane
- Jetty access – Access to be allowed in perpetuity
- Permit – Restriction on developing land the subject of the Environment Agency permit until such time as the permit has been withdrawn or revoked (wording to be agreed with EA before completing agreement).
- Shuttle bus – Transport for London provision between the site and the station. To be reviewed annually for 5 years.
- Travel Plan with £5000 monitoring fee
- Carbon offset fund contribution (amount TBC), such sum calculated at sixty pounds (£60.00) per tonne that falls below the 35% threshold, for a period of 30 years, duly Indexed
- Land reserved for riverside footpath/cycleway

7.54 As assessed at outline planning application stage, the proposal would attract the following Community Infrastructure Levy contributions to mitigate the impact of the development:

7.55 Pursuant to Table 2: Mayoral CIL Charging Rates of the Mayor's April 2019 SPG 'Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy', a flat rate charge of £25 per square metre applies to LB Havering developments. The exact amount of CIL will be determined at a later date subject to any demolition credit as per regulation 40(7)(2014).

7.56 The LB Havering charging rates specify £0 charge for industrial uses, so a CIL payment would not be necessary.

### **Equalities and Diversity**

7.57 The Equality Act 2010 provides that in exercising its functions (which includes its role as Local Planning Authority), the Council as a public authority shall amongst other duties have regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

7.58 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.

7.59 Policy CG1 of the London Plan also seeks to support and promote the creation of an inclusive city to address inequality. In view of the stakeholders affected

by the development proposals, the most significant impacts in this case relate to the protected characteristics of age, disability and gender. It is considered that there would be no communities falling under the list of “protected characteristics” that would be significantly or unduly harmed by the proposals.

- 7.60 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 consent for this proposed development would comply with the Council’s statutory duty under this important legislation.
- 7.61 In light of the above, the proposals are considered to be in accordance with national regional and local policy by establishing an inclusive design and providing an environment which is accessible to all.

### **Conclusions**

- 7.62 All other relevant policies and considerations have been taken into account. Reserved matters consent should be granted for the reasons set out above as well as approval of details in relation to Conditions 4 (Compliance with Documents), 8 (Secured by Design), 13 (Site Specific Flood Risk Assessment), 14 (Sustainability Drainage Statement), 19 (Sustainable Energy Statement), 20 (Dynamic Overheating Assessment), 26 (Drainage Strategy), 29 (Delivery and Servicing Plan), 31 (Disabled Spaces and Electrical Vehicle Charging Points) and 32 (Commercial Travel Plan) for Phase 1 of the site of Outline Planning Permission Reference P1904.18. The details of the decision are set out in the RECOMMENDATION.