

Plots 1-6 and 8-12 Beam Reach 5, Rainham

London Thames Gateway Development Corporation (in the London Borough of Havering)

planning application no.U0007.10

Strategic planning application stage II referral (new powers)

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

The proposal

A hybrid planning application (part detailed, part outline) for:

- Phase 1: The redevelopment (full details) of plots 1-5 and 9 of Beam Reach 5 Business Park to provide a Regional Distribution Centre (class B8) with ancillary accommodation, an associated vehicle maintenance unit), a processing facility and associated works, for occupation by Tesco Stores Ltd.
- Phase 2: A speculative redevelopment (outline) of plots 6, 8 and 10-12 to provide four business units for flexible light industrial (B1c), general industrial (B2), or storage and distribution purposes (B8); with ancillary car parking, HGV parking and circulation space and associated access roads.

The applicant

The applicant is **Spenhill Developments Ltd**, and the architect is **Ashton Smith Associates**.

Strategic issues

The issues carried over from the previous referral are **inclusive design** and **access, energy and transport**. Those issues have subsequently been resolved to allow an officer recommendation for **approval**.

The Development Corporation's decision

In this instance the London Thames Gateway Development Corporation has resolved to **grant** planning permission.

Recommendation

That the be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal.

Context

1 On 10 August 2010, the Mayor of London received documents from Havering Council, on behalf of the London Thames Gateway Development Corporation (LTGDC) notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Categories 1B and 3F of the Schedule to the Order 2008:

1B- *"Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings— (c) outside Central London and with a total floorspace of more than 15,000 square metres."*

3F- *"Development for a use, other than residential use, which includes the provision of more than 200 car parking spaces in connection with that use."*

2 On 13 September 2010, the Mayor considered planning report PDU/2604a/01, and subsequently advised the Corporation that the application did not comply with the London Plan, for the reasons set out in paragraph 101 of the above-mentioned report; but that the possible remedies set out in paragraph 102 of that report could address those deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, the application has been revised in response to the Mayor's concerns (see below).

4 On 11 November 2010, the LTGDC resolved to grant planning permission for the revised application and on 4 January 2011, it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged or direct the LTGDC under Article 6 to refuse the application. The Mayor has until 17 January 2011 to notify the LTGDC of his decision and to issue any direction.

5 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 has been taken into account in the consideration of this case.

6 The decision on this case, and the reasons will be made available on the GLA's website www.london.gov.uk.

Update

7 At the consultation stage the Corporation was advised that the application did not comply with the London Plan, for the reasons set out in paragraph 101 of the above-mentioned report; but that the possible remedies set out in paragraph 102 of that report could address these deficiencies:

Inclusive design and access

8 Concern was expressed that the disabled parking spaces, the proportion of which was little more than 3%, were remotely sited in the north-eastern corner with poor proximity to the building entrance points.

9 The applicant has since clarified that the nature of the business is such that the operational lanes for heavy goods vehicles needed to be located adjacent to the distribution centre building for loading/unloading purposes, which meant siting of parking spaces some distance away from the building. Those HGV lanes needed to be physically separated (in this instance by a high metal fencing with carefully sited access gates) from the general pedestrian/wheelchair-user lane in the interests of pedestrian/wheelchair-user safety.

10 The applicant provided photographs of similar site arrangements at its other distribution centres to illustrate the above explanation, which seems reasonable enough to resolve the outstanding concern.

11 There are no other issues relating to access provisions for the proposed development.

Biodiversity

12 The application boundary encompasses the Mudlands Site of Interest for Nature Conservation of borough importance, which the London Plan and Havering Core Strategy policies seek to protect and enhance. The site also encompasses the Beam Reach Wetlands, which is situated within the coverage of the East London Green Grid and is subject to site-specific proposals, including habitat conservation and enhancement, new areas of open green space and the provision of pedestrian and cycle ways. The principal issues of concern raised at the consultation stage were the potential loss, isolation and degradation of both habitat and species during the construction and operational phases of the development.

13 Although the developer had indicated that measures to manage the areas created would be included in an ecology site management plan, which was still in preparation during the stage 1 consideration, it was considered expedient to secure the implementation of those measures by an appropriate planning condition.

14 To this end, the LTGDC's draft decision notice provides (as condition 5) that the developer should submit a construction environment management plan for approval of the local planning authority in consultation with the Environment Agency. The plan should include measures to protect the Mudlands SINC from pollution; to mitigate flooding and drainage risks; and an agreed method of protecting and dewatering excavations.

15 The draft decision notice also provides (as condition 29), in relation to the outline component of the application, that no works should commence on any of the relevant plots until an ecological mitigation and management plan, including details of how the proposed mitigation and enhancement measures would be monitored, managed and funded in the future, had been submitted to and approved by the local planning authority in consultation with Natural England.

16 These conditions fulfil the recommendations made in the biodiversity section of the stage 1 report and the requirements of London Plan policy 3D.14 (*Biodiversity and nature conservation*).

Energy issues

17 The applicant has provided a breakdown of the regulated and unregulated carbon emissions after energy efficiency. These equate to 4,783 tonnes CO₂ per annum for the regulated and 3,126 tonnes CO₂ per annum for the unregulated. No additional information is required.

18 Further information on the technical constraints to establishing a site wide heat network in this case has been provided. The applicant highlights that the heat loads of the other buildings forming the detailed element of the application would be very low. Taking into account the nature of the buildings and the additional information provided by the applicant, it is accepted that a site wide heat network is not appropriate in this case.

19 The applicant has provided heat load profiles to support the sizing of the CHP for the processing facility. These illustrate the relatively constant year round demand required for the process heat loads, which the CHP will serve, and that the CHP has been sized in relation to these loads. No further information is required.

20 The applicant has provided information on the source of the bio-fuel supply, including its sustainability credentials. Information on the fuel storage arrangements has also been provided. No further information is required.

21 Further information on the cooling strategy has been submitted. Taking into account the specific nature of the buildings, the design of the buildings will incorporate a range of passive measures to minimise the requirement for active cooling. Where active cooling is required, this will be delivered by efficient chiller plant.

22 On this basis, the applicant has addressed all outstanding issues relating to energy.

Transport for London's comments

23 At Stage 1, the impact of the proposed development on the potential delivery of an inter-modal rail freight facility south of the site was considered to be the key strategic transport issue in relation to the application. As a result, TfL requested that the applicant consider safeguarding a strip of land along the western boundary of the site, in order to allow the provision of a new rail connection from HS1 in the near future, which would facilitate the development of a rail freight facility. TfL also raised concerns in relation to the level of car parking proposed on site, alongside the potential impact of the development on the operation of the Marsh Way/A13 junction. The travel plan was however considered to be of a good quality, and it was recommended that this, alongside a Construction Logistics Plan, be secured for the site either by condition or through the s106 agreement.

24 TfL has recently met with the applicant to discuss the issue of land safeguarding, and as a result, is satisfied that the issues raised at Stage 1 in relation to this matter, have now been adequately resolved, subject to satisfactory s106 wording and drawing. TfL is therefore very supportive of the applicant's commitment to amend the initial site layout in order to safeguard an 8m wide strip of land along the western boundary of the site at nil cost to TfL, and to also extend this safeguarding further north than TfL's initial alignment indicates. This safeguarded land will subsequently be transferred to the developer of the rail spur once needed at a market price, which is considered appropriate and will require the applicant not to carry out any permanent development thereon. The s106 agreement is currently being revised to incorporate this latest requirement, which is supported, although TfL would request the opportunity to review the wording of this before the document is finalised to reflect the above.

25 Additional information has also been submitted by the applicant to address the other transport issues raised, and as such, TfL is satisfied that its previous concerns have now been adequately dealt with. While car parking levels have not been reduced, further justification for the number of spaces proposed has been received, and as a result TfL now accepts that given the characteristics of the site, the number of spaces proposed could be considered acceptable.

26 TfL supports the transport related conditions contained within the LTGDC's committee report dated 11 November 2010, which require the submission of: (i) a methodology for reviewing, monitoring, maintaining and developing the travel plan, (ii) a programme for implementing the approved travel plan, (iii) a construction environment management plan, (iv) a construction logistics plan) and (v) details of the new pedestrian/cycleway link onto the site onto Marsh Way, all to be approved by the Local Planning Authority prior to commencement or occupation on site.

27 TfL also supports the transport related contributions secured in the s106 Heads of Terms. These will all be payable to the borough and include (i) £50,000 towards public realm

improvements on the route between bus stops on Marsh Way, (ii) £40,000 towards the provision of two replacement bus stops on Marsh Way, in accordance with TfL's bus stop accessibility guidance and (iii) £500,000 towards the provision of a new railway station at Beam Park (on the C2C London-Southend Line), or other public transport measures that enhance the PTAL (public transport accessibility level) of the site. A capped contribution of £150,000 has also been secured towards any necessary capacity/civils improvements at the Marsh Way/A13 junction, and while this is welcomed, TfL will need to be consulted on any suggested improvement measures before they are implemented.

28 In summary, TfL is very supportive of the applicant's commitment to now safeguard the required 8-metre strip of land on the western boundary of the site. This will help to facilitate the future delivery of an inter-modal rail freight facility on land to the south of the site, and is compliant with Mayoral policy on strategic rail freight interchanges. In addition, TfL is satisfied that all of the other transport issues raised at Stage 1 have now been adequately addressed as part of the LTGDC's committee report, and as a result consider the application to now be in general conformity with the transport policies of the London Plan.

The proposed legal agreement

29 The LTGDC resolution to grant permission was subject to a legal agreement to secure the following:

- A capped contribution of £150,000 towards any necessary improvements to the junction capacity/civil works at the Marsh Way/ A 13 junction as a result of the development, including a mechanism to reimburse the applicant where funds are not spent.
- A £50,000 commitment to fund all necessary public realm improvements on the routes between the bus stops on Marsh Way and the entrance to the development site at the junction with the A13/ Marsh Way roundabout, meaning the provision of safe, designated cycle ways and the provision of dropped kerbs to allow safe and convenient access for disabled people.
- £40,000 for the provision of two replacement bus stops on Marsh Way, in line with TfL's bus stop accessibility guidance.
- £500,000 contribution towards the provision of a new railway station at Beam Park, or other public transport measures that enhances the public transport accessibility level of the site.
- £80,000 contribution towards public art.
- £100,000 contribution and commitments to Jobnet/Jobcentre Plus/Havering Council's local labour clause (applicable to the detailed component of the application only).
- A £2,000 contribution towards the local planning authority monitoring of the s.106 agreement.

Response to consultation

30 The application was advertised by press and site notices in line with the procedure for major applications and departures from the development plan. Consultation letters were also despatched to five hundred and four (504) neighbouring addresses.

31 On 23 June 2010, the applicant held a private exhibition of the development proposals, to which only local councillors, the local MP, local London Assembly Members and key community

groups were invited. The application was also publicised at a two-day exhibition on 24 and 25 June 2010, at the Markdyke Community Centre, South Street, Rainham.

32 The applicant's Statement of Community Engagement indicates that 46 responses were given at the exhibition, all supporting and none objecting to the proposal. Several residents expressed concern, however, that the development would add to existing traffic problems, especially on the A13. The majority of positive responses welcomed the potential for local job opportunities.

33 Six written replies had been received by LTGDC at the time of consideration by its planning committee. Those replies were from an individual resident, the Centre for Engineering and Manufacturing Excellence (CEME), Freight on Rail, the Campaign for Better Transport, and Newham Council.

34 The points raised were as follows:

Local Resident

35 Objected on grounds that the location is unsuitable for a distribution centre, would generate additional heavy goods traffic and should be refused. If granted permission, the development should include rainwater-harvesting systems for vehicle washing and other non-potable uses.

CEME

36 Supported the development subject to a training and skills obligation being included in a legal agreement.

Newham Council

37 Objected on grounds that the proposals would compromise the opportunity to provide an inter-modal facility at the former Ford land/Beam Reach. The Council noted that the location offered the only viable rail access from HS1 to the Ford lands and, as stated by Freight on Rail, is a strategic site for rail freight operations to serve East London and the Thames Gateway; and the facility to enable goods to come from and go to mainland Europe.

Freight on Rail

38 Did not object to the regional distribution centre in principle but noted that Beam Reach offered the only viable rail connection and access from High Speed One in London. FOR considered that the rail link needed to be safeguarded by a condition requiring the applicant to cooperate in protecting the proposed rail alignment on the western edge of the application site.

Campaign for Better Transport

39 Objected for reasons similar to those expressed by Newham Council and Freight on Rail.

Rail Freight Group

40 Objected for reasons similar to those expressed by Newham Council, Freight on Rail and the Campaign For Better Transport.

Newham Council

41 Havering Council considered the application on 28 October 2010 and resolved to recommend that the LTGDC should grant planning permission, subject to conditions and a Section 106 agreement.

Legal considerations

42 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice.

Financial considerations

43 If the Mayor were to direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance in Circular 03/2009 (*'Costs Awards in Appeals and Other Planning Proceedings'*) emphasises that parties usually pay their own expenses arising from an appeal.

44 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

Conclusion

45 The revised scheme is compliant with the relevant policies of the London Plan. Its implementation would offer a significant amount of new employment to the relatively deprived Riverside Opportunity Area and is, therefore, in the interest of good strategic planning in London.

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Plots 1-6 and 8-12 Beam Reach 5, Rainham.

London Thames Gateway Development Corporation

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planning application no.U0007.10

Strategic planning application stage 1 referral (new powers)

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

The proposal

A hybrid planning application (part detailed, part outline) for:

- Phase 1: The redevelopment (full details) of plots 1-5 and 9 of Beam Reach 5 Business Park to provide a Regional Distribution Centre (class B8) with ancillary accommodation, an associated vehicle maintenance unit), a processing facility and associated works, for occupation by Tesco Stores Ltd.
- Phase 2: A speculative redevelopment (outline) of plots 6, 8 and 10-12 to provide four business units for flexible light industrial (B1c), general industrial (B2), or storage and distribution purposes (B8); with ancillary car parking, HGV parking and circulation space and associated access roads.

The applicant

The applicant is **Spenhill Developments Ltd**, and the architect is **Ashton Smith Associates**.

Strategic issues

The scheme offers a significant amount of **employment** in the deprived London Riverside Opportunity Area, which in conjunction with a potential **rail freight facility**, would make an immense contribution to the overall **regeneration** of the area. Other detailed issues for consideration are the **design** quality of the buildings, **inclusive access** provision, **energy** and climate change issues, the risk of **flooding** and **biodiversity/nature conservation**.

Recommendation

That Havering Council, on behalf of the London Thames Gateway Development Corporation, be advised that whilst the principle of development is acceptable in strategic planning terms, the application does not fully comply with the London Plan for the reasons set out in paragraph 101 of this report, but that the potential remedies set out in paragraph 102 could address these deficiencies. The application does not need to be referred back to the Mayor if the Corporation resolves to refuse permission, but it must be referred back if the Corporation resolves to grant permission.

Context

1 On 10 August 2010, the Mayor of London received documents from Havering Council, on behalf of the London Thames Gateway Development Corporation (LTGDC), notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 20 September 2010 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Categories 1B and 3F of the Schedule to the Order 2008: 1B- *"Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings— (c) outside Central London and with a total floorspace of more than 15,000 square metres."*

3F- *"Development for a use, other than residential use, which includes the provision of more than 200 car parking spaces in connection with that use."*

3 Once the LTGDC has resolved how to determine the application, it is required to refer it back to the Mayor for his decision, as to whether to direct refusal or allow the Corporation to determine it itself, unless otherwise advised. In this instance if the LTGDC resolves to refuse permission it need not refer the application back to the Mayor.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 has been taken into account in the consideration of this case.

5 The Mayor of London's statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

6 The site, presently owned by the London Development Agency, is in the London Borough of Havering, adjacent to the borough boundary with Barking & Dagenham. Part of the former Ford car plant, the Beam Reach 5 site comprises 12.10 hectares of vacant land within the Beam Reach Business Park in the Rainham Employment Area.

7 It is bounded on the north by the C2C London-Tilbury-Southend /Channel Tunnel Rail Link railway lines, separated from the site by a chain link fence; on the south by the dual-carriage A13 road; on the west by Thames Avenue; and on the east by Manor Way. The A1311 Marsh Way bisects the centre of the site, providing a link between the A13 to the south and the A1306 New Road to the north; whilst Consul Avenue meanders from east to west through the centre of the site and along its south-western boundary.

8 The surrounding area includes extensive areas of industrial and commercial buildings, many of which are dilapidated, but add to the character of an old industrial landscape. Directly north of the site boundary is Beam Park, which is identified in the Council's site-specific allocations for residential and ancillary education, community, leisure, recreation and retail uses. Further north of the A1306 is a large residential area.

9 No London Underground or National Rail services are located within a reasonable walking distance. Although the site is served by three bus routes, only the 174, with bus stops located on Marsh Way, is considered to be within an acceptable walking distance of the site. As such, it has been estimated that the site records a poor public transport accessibility level (PTAL) of 1/2, on a scale of 1-6, where 1 is the very lowest.

Details of the proposal

10 The detailed proposal is for a redevelopment of plots 1-5 and 9 of Beam Reach 5 Business Park to provide:

- A temperature-controlled Regional Distribution Centre (class B8) with ancillary accommodation, a gross external area of 43,784 sq.m. and a maximum height of 11.5 metres, to handle Tesco's frozen and refrigerated produce prior to packaging and distribution. The building would be supported by 124 trailer parking bays, 466 car, 32 motorcycle and 90 bicycle parking spaces.
- A processing facility with gross external area of 10,635 sq.m. and a maximum height of 12.5 metres, to recycle packaging materials. The facility would be supported by 80 car, 4 motorcycle and 22 bicycle parking spaces.
- A vehicle maintenance unit (1,795 sq.m. in size).
- Associated works.

11 The outline proposal is for a redevelopment of plots 6, 8 and 10-12 to provide four business units totalling 37,770 sq.m. of floorspace for flexible use within classes B1c (light industry), B2 (general industry) and B8 (storage and distribution); with HGV parking and circulation areas, a total of 299 car parking spaces and associated access roads.

12 The unit sizes (by gross external area) would be as follows:

- Unit 1-19,065 sq.m. on a 3.84 hectare plot.
- Unit 2- 9,611 sq.m. on a 2.79 hectare plot.
- Unit 3- 6,534 sq.m. on a 1.57 hectare plot.
- Unit 4- 1,560 sq.m. on a 0.57-hectare plot.

13 Outline permission is sought for the layout, scale and access arrangements. Details of the external appearance and landscaping are reserved for future consideration.

Case history

14 On 17 March 2010, Savills requested a pre-planning application meeting with the Greater London Authority to discuss its proposals and seek advice for a redevelopment of the site for the above uses.

15 On 26 April 2010, a pre-application meeting was held. In the advice note subsequently issued to Savills, the GLA observed that the use of the site as a regional distribution centre was supported by the London Plan and the Havering Core Strategy. It was also associated with the

creation of a significant number of new jobs and would make a positive contribution to the regeneration of a deprived part of east London.

16 In principle, therefore, an application to develop the site for that purpose was likely to receive favourable consideration from a strategic planning perspective, subject to the submission of satisfactory details in relation to design and inclusive access; climate change, energy and sustainable development; biodiversity, flood risk, transport and parking; and the reaching of a satisfactory resolution to the siting of an inter-modal freight facility on part, or within the vicinity, of the proposed application site.

Strategic planning issues and relevant policies and guidance

17 The relevant issues and corresponding policies are as follows:

- Employment *London Plan; PPS4; Industrial Capacity SPG*
- Regeneration *London Plan; the Mayor's Economic Development Strategy*
- Urban design *London Plan; PPS1*
- Access *London Plan; PPS1; Accessible London: achieving an inclusive environment SPG; Planning and Access for Disabled People: a good practice guide (ODPM)*
- Equal opportunities *London Plan; Planning for Equality and Diversity in Meeting the spatial needs of London's diverse communities SPG; Diversity and Equality in Planning: A good practice guide (ODPM)*
- Transport/parking *London Plan; the Mayor's Transport Strategy; PPG13; Land for Transport Functions SPG*
- Sustainable development *London Plan; PPS1, PPS1 supplement; PPS3; PPG13; PPS22; draft PPS Planning for a Low Carbon Future in a Changing Climate; the Mayor's Energy Strategy; Mayor's draft Climate Change Mitigation and Adaptation Strategies; Mayor's draft Water Strategy; Sustainable Design and Construction SPG*
- Flooding *London Plan; Mayor's draft Water Strategy; PPS25, RPG3B*
- Biodiversity *London Plan; the Mayor's Biodiversity Strategy; PPS9; draft PPS Planning for a Natural and Healthy Environment*

18 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Havering Core Strategy & Development Control Policies DPD adopted in July 2008 and the London Plan (Consolidated with Alterations since 2004).

19 The following are relevant material considerations:

- The draft replacement London Plan, published in October 2009 for consultation.
- The proposals maps (north and south) adopted in October 2008

Land use policy and the principle of an employment use of the site

20 The site forms part of the Dagenham Dock/Havering Riverside strategic industrial location ('preferred industrial' category) identified in Annex 2 of the London Plan. Policy 2A.10 (paragraph 2.40) of the plan (and 2.17 of the Mayor's consultation draft replacement London Plan) describe those locations as London's main reservoirs of industrial and related capacity, including logistics, waste management, utilities, wholesale markets and some transport functions. The industrial designation of the application site is reiterated further in Annex 3 of the consultation draft

replacement London Plan, wherein Dagenham Dock/Rainham Employment Area is confirmed as a strategic industrial location.

21 The site is also situated within the London Riverside Opportunity Area identified in maps 2A.1 and 2.4 of the London Plan and its consultation draft replacement document respectively. Opportunity Areas are London's principal brownfield opportunities to accommodate the kind of large-scale developments that would generate substantial new employment and housing, each typically more than 5000 jobs and/or 2,500 homes, with a mixed and intensive use of land assisted by good public transport accessibility.

22 The London Riverside Opportunity Area has an identified potential of 14,000 additional jobs, but despite persistent efforts by the LDA to market and encourage deliverable development, it was described in the Havering Employment Land Review (2006) as the largest area of vacant employment land in the borough.

23 Havering Council retains the historical designation of the proposal site and the area to its south as a strategic industrial location in its Core Strategy document, wherein policy DC9 identifies the Rainham Employment Area as one of three areas in which planning permission would be granted for uses within classes B1(b), B1(c), B2 and B8. The policy further states that, given its wide choice of small, medium and large premises, high environmental quality, proximity to a Centre for Engineering and Manufacturing Excellence (CEME), and its local and strategic importance; advanced manufacturing uses within classes B1(b), B1 (c) and B2 would be prioritised in the Beam Reach Business Park, together with other B1(b), B1(c) and B2 uses that provide a similar quality and intensity of employment and a high standard of design.

24 In principle, the application proposals are in line with the strategic and local policy aspirations for the site and, therefore, acceptable. The proposed development is particularly attractive, given the significant number and range of potential employment opportunities the scheme would deliver to help regenerate one of the deprived areas of east London.

Employment, regeneration and economic development

25 Policy 3B.11 of the London Plan (and policy 4.12 of the consultation draft replacement London Plan) state the Mayor's commitment to work with strategic partners to provide the spatial context and coordinate the initiatives necessary to improve employment opportunities for Londoners, to remove barriers to employment and progression, and to tackle low participation in the labour market.

26 Beam Reach 5 enjoys the benefits of proximity to the high-speed rail link (CTRL), a safeguarded wharf at Dagenham Dock on the River Thames, the A.13 and A.1306 road network and the extensive old Ford Motors site, with its potential for commercial and freight-related development.

27 At present, however, no employment is supported on the application site. The only functional part of Beam Reach 5 is plot 7, with employment activity provided by Newsfax, the independent printing contractor that occupies the building on that site. The latter is located north-west of the Consul Avenue Roundabout and excluded from the current application boundary.

28 An analysis of the Office of National Statistics (ONS) indices of multiple deprivation, reported in the environmental statement accompanying the application, indicated that the area within 2km radius of the application site was in the 26-50% most deprived areas in the country, with a number of 'hotspots' in employment, income and crime indices falling within the 25% most deprived areas in England.

29 Although unemployment levels in the borough of Havering are not particularly high, relative to the adjoining borough of Barking & Dagenham or London as a whole, there is evidence to suggest that the applicant's study area has been affected by the current economic downturn to a worse degree than has been the case nationally. Data for March 2010 indicated that there were 2,050 job seekers within the study area, but only 430 vacancies to meet that demand. The number of job seekers in Havering is also said to have doubled in the 36 months to July 2010¹.

30 To buck that trend, the proposed development would attract an estimated 2,086 new jobs, comprising a confirmed 1,219 jobs in the regional distribution centre and its associated recycling and vehicle maintenance facilities, due to begin operating towards the end of 2012; and a further 867 jobs in the four speculative business units, the breakdown of which would be as follows:

- Unit 1-457
- Unit 2-229
- Unit 3-147
- Unit 4- 34

31 In addition, the development has the potential for indirect generation of employment opportunities off site. Based on methodologies developed by English Partnerships and endorsed by the Homes & Communities Agency (of which it is now part), HM Treasury² and the Department of Communities & Local Government,³ the environmental statement predicts the creation of a further 1,567 jobs within the local community. Overall, the employment potential of the scheme would amount to 3,653 jobs, representing 26% of the targeted 14,000 jobs within the London Riverside Opportunity Area.

32 The development would provide a wide range of jobs to suit a variety of skills, from manual to managerial positions, and will offer opportunities for flexible working arrangements and shifts to suit a variety of personal circumstances. The client operator (Tesco Ltd) has indicated its commitment to recruit as much of its workforce as possible from the local community and is ready to sign a local labour clause as part of a legal agreement to be attached to a grant of planning permission for the development.

33 Most significantly, given the vast amount of vacant employment land, due in part to the sharp scaling down of local operations by Ford Motors, the proposed development is expected to restore investor confidence in the area and increase the likelihood of other local sites being taken up by potential employers.

Urban design and architectural quality

34 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained within Chapter 4B which address both general design principles and specific design issues. London Plan Policy 4B.1 sets out a series of overarching design principles for development in London. Other design policies in this chapter and elsewhere in the London Plan include specific design requirements relating to maximising the potential of sites, the quality of new housing provision, tall and large-scale buildings, built heritage, views, and the Blue Ribbon Network.

¹ Socio-economic chapter of the applicant's Environmental Statement, Savills, para. 13.11 to 13.19

² HM Treasury. (January 2003). Appraisal and Evaluation in Central Government.

³ ODPM. (September 2003). Assessing the Impacts of Spatial Interventions: Regeneration, Renewal and Regional Development.

35 The distribution centre is located on the western side of the site and is a six metre single storey, low bay building made out of structural steel. The size and form of the building is based on industrial operational needs, which is acceptable.

36 The vehicle maintenance centre is located on the eastern side of the site is a garage facility of the Tesco fleet and has been specifically design to meet these needs. The building is 5.8 metres in height and would be clad with white composite cladding panels to match the main warehouse buildings.

37 The location of these two detailed buildings is set back from the A13 and is separated from the new development plots to the north by the railway line. In this regard, views to these buildings would be minimal and would help to reduce the visual impact on the surrounding areas.

38 Outline permission is sought for the remaining four buildings on site. The applicant is seeking a range of design parameters in terms of scale and height for these buildings, however, in general these buildings would range between 115 to 203 metres in length, 37 to 89 metres in depth and up to 15 metres in height.

39 The masterplan has been designed to accommodate the needs of the distribution and maintenance centres, with the remaining industrial units fitting in around those buildings. The general form and layout of the proposed buildings would not have an adverse impact on the surrounding area and is acceptable.

40 The applicant has sought to improve connections with the surrounding area and has included public footpaths into the surrounding nature reserve. The applicant should provide further detail as to the location, design and management of these footpaths as well as detail on how access through these footpaths would be secured as part of this application.

Inclusive access

41 Policy 4B.5 of the London Plan requires all new development to meet the highest standards of accessibility and inclusion, and to ensure from the outset that the design process takes all potential users of the proposed places and spaces into consideration, including disabled and deaf people, older people, children and young people. This, together with the Supplementary Planning Guidance '*Accessible London: achieving an inclusive environment*', underpins the principles of inclusive design and aims to achieve an accessible and inclusive environment across London. These policies are supported by policy 7.2 of the Mayor's consultation draft replacement London Plan.

42 A 3.5-metre wide combined pedestrian/cycle link would be created from the site access on Marsh Way, along the car park of the regional distribution warehouse. The applicant would ensure provision of a level or ramped surface approach with lighting and an unobstructed pedestrian width of 1.2 metres, from the accessible car parking spaces to the principal entrance of the building, including dropped kerbs where necessary. There is some concern, however, that the disabled parking spaces, the proportion of which is little more than 3%, are remotely sited in the north-eastern corner with poor proximity to the building entrance points.

43 Whilst the main entrance into the building is designed with stepped access, a combined passenger and goods lift would be installed adjacent to that entrance to provide access from the external yard to the ground floor and the first floor mezzanine.

44 Internally, the main reception/security area would be suitable for both standing and seated visitors. The reception desk would be provided with an induction loop for people with hearing impairments and the relevant staff would receive disability awareness training. All internal doors would be of single leaf design with a minimum width of 800mm. In addition, separate male and

female changing, shower and wider, wheelchair accessible toilets, would be provided for staff and visitors within the main facilities block.

45 Overall, the small-scale plans lack clarity in illustrating the exact location of facilities for people with impaired mobility, in and addressing how the differentials in surface levels throughout the site would be overcome.

Transport for London's comments

46 TfL along with the LTGDC have, over the last two years, commissioned a series of studies to look at opportunities to develop rail and water accessible freight terminals in the area between Barking and Rainham, centred on Dagenham. This was primarily triggered by Mayoral policy to achieve a modal shift of freight from road to more sustainable modes, in compliance with policy 3C.26 '*Strategic Rail Freight Interchange*', 3C.5 '*London's international, national and regional transport links*' and 5C.1 '*The Strategic priorities for North East London*', of the London Plan; and policy 6.15 '*Strategic Rail Freight Interchanges*' and table 6.3 of the draft replacement London Plan.

47 As part of this, a number of potential sites in the London Riverside area, where provision of an inter-modal rail freight facility could be envisaged, were looked at. However, due to a variety of planning and infrastructure constraints, the sites identified subsequently proved very limited. Whilst the Beam Reach 5 site was itself considered as a potentially suitable location for such a facility; this has not been pursued further due to the emergence of another site as being a more realistic location for accommodating such a facility, and for the reasons further identified in TfL's detailed letter to the applicant.

48 The presence of a rail freight facility located so close to a distribution centre would offer a real opportunity for the site to deliver modal shift away from road, and for goods to be received at and delivered from the site by rail, both domestically and internationally. This is strongly supported by London Plan policies 3C.5, 3C.26 and 3C.25 '*Freight Strategy*' and draft replacement London Plan policy 6.15. Given that the high-speed rail (HS1) was built to accommodate freight, but is currently under-utilised, this proposed rail facility provides an excellent opportunity to address that, in line with the London Plan policies detailed above.

49 In order to facilitate a new rail freight facility in such a location, a corridor of land would be required along the western edge of the Beam Reach site. TfL has, therefore, provided an indicative alignment for a rail access to the neighbouring site, which ensures very little or no impact at all on the applicant's site. Such an alignment would allow both developments to proceed, thus meeting the transport policy objectives of the London Plan, and potentially generating a significant number of new jobs for the area.

50 Whilst work is in progress to finalise the exact alignment, it would be necessary to consider safeguarding a strip of land along the western boundary of the site, at nil cost to TfL, by means of a legal agreement. TfL would welcome further discussions in relation to the detailed technicalities of providing a rail access through the site, and also to better understand how both development proposals would be accommodated on the site.

51 Clarification is required of the exact number of car parking spaces proposed as part of the current detailed application, however, TfL strongly recommends that the current level of provision be reduced in accordance with London Plan policy 3C.23 '*Parking strategy*' and draft replacement London Plan policy 6.13 '*Parking*'. Given the applicant's intention is to recruit locally, staff should be able to make use of local bus services, as well as walking and cycling networks to access the site. Further reasons are detailed in TfL's letter, but it is requested that parking levels do not

exceed the projected demand of the regional distribution centre, taking into account any measures to be implemented under the travel plan to encourage staff to travel by non-car based modes of transport.

52 Due to the Centre for Engineering and Manufacturing Excellence (CEME) development located to the south of the A13, it was agreed to signalise the A13 slip road and Marsh Way junction. As part of this, a transport assessment was undertaken in relation to the improvement works needed under s278, where the CEME site and other committed developments were taken into consideration. It now appears, however, that the traffic predicted from this site, would be higher in the morning (am) peak and lower in the evening peak (pm) than what was previously assumed, resulting in a significant (23%) increase in traffic over that previously anticipated on the A13 westbound off-slip, which is already operating close to saturation.

53 As it would be inappropriate to revisit the Marsh Way improvement works before they have been fully implemented or have had time to settle in, it is requested that within one year of the regional distribution centre becoming fully operational, the development's impact on the Marsh Way/A13 junction should be reviewed. This requirement should be secured by condition. If further improvement measures are subsequently proven to be necessary, they should be agreed between the applicant, Havering Council and TfL at that time, although a capped contribution would need to be secured through the s106 agreement, to enable the implementation of the required works.

54 Whilst no trip generation figures for buses have been provided, given the nature and quantum of development proposed, it is accepted that the impact on the bus network is likely to be negligible; therefore, no changes to the bus network are requested to mitigate the impact of the development.

55 The submitted travel plan is a well-written document that has passed its ATTrBuTE assessment. As such, it is considered acceptable in its current form, and should be secured, managed, monitored and enforced through the section 106 agreement. A construction logistics plan should also be secured for the site by condition, in accordance with London Plan policy 3C.25 '*Freight strategy*' and draft replacement London Plan policy 6.14 '*freight*'. Whilst the provision of a delivery and servicing plan may not be wholly appropriate, consideration should be given to how deliveries to the site are managed, in order to limit any impact on the highway network.

56 In conclusion, the interface of the development site with the potential delivery of an 'inter-modal rail freight facility' nearby remains the key strategic transport issue in relation to the application, and therefore further discussions are required in order to ensure compliance with policies 3C.5, 3C.25, 3C.26 and 5C.1 of the London Plan, and policy 6.15 of the draft replacement London Plan. Further consideration needs to be given to the proposed level of parking, to ensure compliance with London Plan policy 3C.23 and draft replacement London Plan policy 6.13.

Climate change mitigation

57 The London Plan climate change policies as set out in chapter 4A collectively require developments to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions, adopting sustainable design and construction measures, prioritizing decentralised energy supply, and incorporating renewable energy technologies with a target of 20% carbon reductions from on-site renewable energy. The policies set out ways in which developers must address mitigation of and adaptation to the effects of climate change.

Energy

58 Policies 4A.1 to 4A.8 of the London Plan focus on how to mitigate climate change, and the carbon dioxide reduction targets that are necessary across London to achieve it.

Be Lean

Baseline carbon emissions (policy 4A.4)

59 The regulated carbon dioxide emissions of the proposed development, based on a 2006 Building Regulations compliant development, have been estimated to be 7,340 tonnes of CO₂ per annum. Unregulated emissions are estimated to be 3,290 tonnes of CO₂ per annum. Combined regulated and unregulated carbon dioxide emissions are, thus, 10,630 tonnes of CO₂ per annum.

Energy efficiency standards

60 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum requirements set by building regulations. Other features include use of thermal mass, high efficacy fittings and sensor-operated controls.

61 The development is estimated to emit approximately 4,780 tonnes of regulated carbon dioxide emissions per annum after the application of passive design and energy efficiency measures. A reduction in CO₂ emissions of 35% compared to the Target Emissions Rate of a 2006 Building Regulations compliant development would be achieved through this first element of the energy hierarchy. This equates to a reduction of 24% expressed on a whole energy basis.

62 For the detailed element of the planning application, the applicant should provide a breakdown of the regulated and unregulated annual carbon emissions after energy efficiency has been taken into account.

Be Clean

District heating (policies 4A.5 and 4A.6)

63 The proposed development is within the vicinity of the proposed Thames Gateway Heat network (TGHN). However the applicant states that the timescales are incompatible with the proposed development so connection to the network is deemed unviable at this time for the detailed part of this application. The applicant has however provided a commitment to ensuring the development is designed to allow connection to the TGHN once operational, where applicable.

64 The applicant identifies difficulties associated with a site-wide heating network given the nature of the hybrid application and the nature of the buildings forming the outline application. Further information on the technical constraints to developing a site wide network should be provided.

Combined Heat and Power (policy 4A.6)

65 A 315kWe bio-fuel CHP unit is proposed to provide heating and cooling for the proposed processing facility. For information, the applicant should provide load profiles to support the sizing of the CHP installation.

66 The applicant should also provide further details on the proposed use of bio-fuel as per the GLA energy guidance, including information on the supplier, storage, fuel sustainability and air quality impacts.

Cooling (policy 4A.6)

67 The applicant should provide further details of the cooling strategy, which sets out measures that aim to minimise the need for active cooling systems. Where the use of natural and/or mechanical ventilation is not enough to maintain comfort levels, the applicant should identify areas where active cooling will be provided and should provide further details of how this will be provided.

Be Green

Renewable energy technologies (policy 4A.7)

68 The applicant proposes to install a 2,860m² PV array on the roof able to generate 214,500kWh of electricity per annum. This is estimated to reduce emissions by 90 tonnes per annum.

69 Taking into account both the biofuel CHP (described in the section above) and the PV, a further reduction in regulated CO₂ emissions of approximately 34% will be achieved through the second and third elements of the energy hierarchy.

Overall Acceptability

70 The estimated regulated carbon emissions of the development are 2,290 tonnes of CO₂ per year after the cumulative effect of energy efficiency measures CHP and renewable energy has been taken into account. This equates to a reduction of approximately 69% compared to a [2006] Building Regulations compliant building.

71 Further information is required before a conclusion can be reached in relation to whether the energy aspects of the application are acceptable.

Climate change adaptation

72 Developments are required to be adaptable to the climate they will face over their lifetime and to address the five principles set out in policy 4A.9 of the London Plan. These are: to minimise overheating and contribution to heat island effects; minimise solar gain in summer; contribute to flood risk reductions, including the application of sustainable drainage principles; minimise water use; and protect and enhance green infrastructure. Specific policies cover overheating, living roofs and walls, and water conservation.

73 Chapter 5 of the consultation draft replacement London Plan also considers climate change adaptation, specifically in policies 5.9 to 5.15.

Overheating/urban heat islands/solar gain

74 Whilst it is important to design for rising summertime temperatures, there remains a need to minimise heat loss and the use of fuel for winter heating. As such, much consideration has been given to the design of the external envelope and structural frame of the proposed buildings and the use of materials with high levels of insulation and thermal mass.

75 To reduce the need to heat or ventilate individual buildings, the applicant has opted to use materials that provide a level of natural attenuation of heat gains during hot weather and the positive effect of retaining heat during cold weather. The distribution warehouse, its ancillary parts and vehicle maintenance unit would be constructed with white or light-coloured long span composite cladding panels that are effective in minimising solar gain.

76 In addition, the low-lying flood plain in the north-western corner of the warehouse site and the area around the proposed processing facility on plot 9, would be intensively cultivated with soft landscaping, to reduce the development's contribution to urban heat islands.

77 These measures accord with the essential standard provided in the Mayor's supplementary planning guidance on sustainable design and construction.

Flood risk

78 London Plan policies 4A.12 and 4A.13 reaffirm the national advice provided in PPS25, which requires developments to contribute to flood risk reduction, including the application of sustainable drainage principles. Its objectives are supported by policies 5.12 and 5.13 of the draft replacement London Plan.

79 The site lies approximately one kilometre to the north of the River Thames. A small portion of the north-west corner of the application site is within the functional flood plain (Zone 3B of the Environment Agency Flood Map), which has a high i.e. a 1 in 20 or greater (> 5%) annual probability of flooding from the Beam River. However, most of the site is within Zone 3A, also with a high i.e. 1 in 100 or greater (>1%) annual probability of river flooding.

80 Whilst the proposed regional distribution centre is in the 'less vulnerable' category of developments at risk from flooding, the London Plan accords with PPS25 in requiring all applicants for development in those zones to submit a flood risk assessment, together with firm proposals to mitigate the risk. In particular, proposals should ensure that the risk of flooding is minimised through the form and layout of the scheme, and the adoption of sustainable drainage techniques.

81 The Environment Agency has been consulted in relation to the proposed development. The applicant has also submitted a level 3 flood risk assessment in line with the requirements of PPS25 and addressed the potential impact of local sources of flooding in the environmental statement accompanying the application.

82 Based on that assessment, the Environment Agency is content not to object on flood risk grounds, provided that the LTGDC includes two conditions if it proposes to grant planning permission. The conditions require that:

- The development shall not commence until an acceptable flood storage compensation scheme, on a level for level and volume for volume basis, has been submitted to and approved in writing by the local planning authority. The fluvial flood storage compensation area shall be constructed prior to construction of any buildings to ensure that there is no loss of flood storage compensation at any point during the construction.
- The development shall not commence until a surface water drainage scheme, based on sustainable drainage principles and an assessment of hydrological and hydro-geological context of the scheme, has been submitted to and approved in writing by the local planning authority. The scheme should include the specifications listed in the Environment Agency letter of 26 July 2010 and be implemented in accordance with details subsequently approved by the local planning authority.

Sustainable urban drainage

83 London Plan policy 4A.14 (and 5.13 of its draft replacement) relate to sustainable drainage. The policies require the use of sustainable urban drainage systems in all developments, unless there are practical reasons for not doing so. Developers should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible, in line with the hierarchy set out within the policies. The options to achieve such discharge restrictions include the use of above-ground storage facilities, over-sized sewers, below-ground storage tanks and permeable surfacing.

84 The applicant proposes to incorporate sustainable drainage systems into the design of the scheme, to minimise the impact of constructing new impermeable areas on the surrounding areas and the river flows. An overall strategy has subsequently been developed as part of the flood risk assessment to include infiltration drainage to the car parks, surface water attenuation to the service yards and rainwater harvesting.

85 Taking the site constraints into account, the use of underground tanks was considered the most suitable attenuation system for the main distribution warehouse area. This is also the most preferred option listed in the London Plan hierarchy.

86 It is proposed that the warehouse site would outfall into the River Beam and the Havering New Sewer at a rate between the existing brownfield flow and Greenfield run-off rates. Further details, including the precise volumes, levels and other characteristics will be confirmed at the detailed stage of design.

87 Surface water from all other plots, including the processing facility on the eastern part of the site would discharge into the Havering New Sewer at greenfield run-off rates, with the remainder attenuated by sustainable urban drainage.

88 The type of attenuation systems to be incorporated in the design of the plots subject to outline permission would be confirmed at the "reserved matters" stage.

Biodiversity

89 The application boundary encompasses the Mudlands Site of Interest for Nature Conservation of borough importance, which the Havering Core Strategy policies seek to protect and enhance. The site also encompasses the Beam Reach Wetlands, which is situated within the coverage of the East London Green Grid and is subject to site-specific proposals, including habitat conservation and enhancement, new areas of open green space and the provision of pedestrian and cycle ways, that allow residents and visitors to experience the natural habitats on the eastern half of the site, and connect to other attractors to the east of the site.

90 From a strategic planning perspective, London Plan policy 3D.14 (*Biodiversity and nature conservation*) adopts a sequential approach to development potentially affecting species or sites of importance for nature conservation. The approach aims to avoid any significant adverse impact on the nature conservation value of the site in the first instance. Where such impact is inevitable, the approach is to minimise such impact and seek mitigation of the residual impact. Where exceptionally development is to be permitted because the reasons for it are judged to outweigh significant harm to nature conservation, appropriate compensation should be sought.

91 Policy 3D.14 also provides that authorities considering proposals for development are requested to accord the highest protection to existing and proposed internationally designated sites, then to nationally designated sites, and to Sites of Metropolitan Importance for Nature Conservation. Sites of Borough or Local Importance for Nature Conservation should be accorded a

level of protection commensurate with their borough or local significance. This general approach is reiterated by policy 7.19 (*Biodiversity and access to nature*) of the Mayor's consultation draft replacement London Plan.

92 The principal issues of concern are the potential loss, isolation and degradation of both habitat and species during the construction and operational phases of the development. In general, habitat loss is irreversible, though opportunities exist within the built environment to provide limited amounts of compensatory habitat.

93 Construction disturbance can and should be controlled by appropriate methods of working, best construction practice and statutory controls, including the prevention of accidental spillages, the protection of water receptors and the restriction of noise and lighting to levels and locations to be agreed with the relevant planning authority. The impact on the local water vole population is a potential long-term negative impact. Contractors should undertake a search to capture and implement a translocation programme for reptiles prior to works commencing, and observe due diligence if works are carried out in the bird breeding season (April to August inclusive).

94 Similarly, there are operational impacts such as the spillage from street lighting, buildings, car parks, and the pollution from traffic noise and exhaust emissions into the air and to ground and surface waters. The significant impact is loss of brown field mosaic that provides nesting sites for birds and habitat for invertebrates. Whilst such impact is long-term cannot be fully mitigated, there are opportunities to create compensatory habitat in the form of nectar-rich plant species within the newly landscaped areas, replacement bird nesting, insect foraging habitat and native tree planting along the perimeter of the site.

95 Enhancement measures could include the provision of a wetland link between the Mudlands site and the eastern boundary abutting Manor Way, with the ultimate objective of creating a link to the neighbouring Riverside Treatment Works, to provide support for the water vole.

96 Measures to manage the areas created would be included in an ecology site management plan still in preparation. Its submission and implementation should be secured by an appropriate planning condition.

Local planning authority's position

97 Officers of Havering Council have previously expressed support for the principle of this development and welcomed the significant employment it is likely to generate for the benefit of the area. However, at the time of writing, it could not be ascertained when the application would be reported to the Council's planning committee, or what the officers' recommendation on the details was likely to be.

Legal considerations

98 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Corporation must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged or direct the Corporation under Article 6 of the Order to refuse the application. There is no obligation at this present stage for the Mayor to indicate his intentions

regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

99 There are no financial considerations at this stage.

Conclusion

100 London Plan policies on employment, regeneration, design, inclusive access, transport, energy, climate change, biodiversity and nature conservation are relevant to this application.

101 Whilst the application is broadly acceptable in strategic planning terms, on balance, it does not fully comply with the London Plan policies, for the following reasons:

- **Transport:** Some issues relating to the delivery of a Mayoral priority i.e. a strategic 'inter-modal rail freight facility' nearby remain unresolved and require further discussion between TfL and the applicant to ensure compliance with policies 3C.5, 3C.25, 3C.26 and 5C.1 of the London Plan, and policy 6.15 of the draft replacement London Plan. Further consideration needs to be given to the excessive level of parking, to ensure compliance with London Plan policy 3C.23 and draft replacement London Plan policy 6.13.
- **Inclusive access:** There are concerns about the remoteness and low proportion of disabled car parking spaces for the scheme, whilst the small-scale plans lack clarity in illustrating the exact location of the ancillary offices and facilities for people with impaired mobility, and in addressing how the differentials in surface levels throughout the site would be overcome.
- **Energy:** As indicated in paragraphs 58 to 71 additional information is required to enable GLA energy advisors to ascertain full compliance with the energy policies of the London Plan.

102 The following changes might, however, remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:

- The car parking provision should be reduced in line with the standards provided in the London Plan and discussions progressed with TfL to resolve outstanding issues relating to the proposed rail-freight facility.
- The applicant should provide a detailed, larger-scale access plan integrating the disabled parking spaces more closely with the built development and illustrating the facilities proposed for people with impaired mobility to enable better assessment of the development's compliance with London Plan policy 4B.5 (and policy 7.2 of the draft replacement London Plan).
- The applicant should provide a full response to the additional information requested in the energy section (paragraphs 58 to 71) of this report.

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