Purpose of Report / Proposal

The purpose of this report is to set out the Officer recommendations to Strategic Development Committee regarding an application for planning permission to vary conditions relating to the following proposal.

Section 73 application to vary Condition 3 (Permission Expiry) and Condition 4 (Alternatives sites scheme) to allow the highways depot to continue to operate and provide highways maintenance and repair for Newham and London attached to planning permission 15/03067/FUL dated 29th March 2016 which granted permission for:

"Time limited planning permission until the 31st December 2020 for the construction of a TfL highways compound including the erection of a salt store, stores, offices and parking for cars and operational vehicles, the storage of engineering and construction materials and street lighting equipment. (This proposal does not accord with the development plan)"

Recommendations

The Strategic Development Committee is asked to resolve to:

1. agree the reasons for approval as set out in this report; and
2. delegate authority to the Director of Planning and Development (Chief Planner) to have regard to and consider the results of the ongoing consultation with the Secretary of State and Department of Transport which is due to end on 21st October 2019, and report back to committee should objections be raised, and if not;

3. grant planning permission based on the Conditions listed in Appendix 1 and summarised below.

Conditions – Summary

A summary of the proposed condition is set out below. Please refer to Appendix 1 for the proposed conditions in full.

1. Permission Expiry
2. Approved Drawings and Documents
3. Code of Construction Practice
4. Surface Water Drainage Tank Details
5. Unexploded Ordnance Strategy
6. Land Remediation
7. Surface Water Drainage Details
8. Dust Management Strategy
9. Sustainability Features
10. Perimeter Fencing
11. Vehicle Washing Station
12. BREEAM Certification
13. Crane and Scaffolding Heights
14. Alternatives Site Scheme

NAME OF LEAD OFFICER: Amanda Reid
POSITION: Director of Planning and Development, Chief Planning Officer

Originator of report: Rajvinder Kaur
E-mail address: Rajvinder.Kaur@newham.gov.uk

Human Rights Act

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equalities

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.
Environmental Impact Assessment

For the purposes of this application, this proposal has been screened and assessed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and considered not to warrant the need for Environmental Impact Assessment.

Local Government (Access to Information) Act 1985
Background papers used in preparing this report:
- Planning Application
- Statutory Register of Planning Decisions
- Correspondence with Adjoining Occupiers
- Correspondence with Statutory Bodies
- Correspondence with other Council Departments
- National Planning Policy Framework
- London Plan
- Local Plan
- Other relevant guidance
Contents

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1.0 SITE & SURROUNDINGS
2.0 PROPOSAL
3.0 RELEVANT HISTORY
4.0 CONSULTATION
5.0 PLANNING POLICIES AND GUIDANCE
6.0 THE COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATIONS 2010 (AS AMENDED)
7.0 ASSESSMENT
8.0 APPENDIX 1: CONDITIONS AND INFORMATIVES
9.0 APPENDIX 2: HEADS OF TERMS
10.0 APPENDIX 3: PROPOSED PLANS AND IMAGES
11.0 APPENDIX 4: HABITAT REGULATION ASSESSMENT: EPPING FOREST SPECIAL AREA OF CONSERVATION (SAC)
# PLANNING APPLICATION FACT SHEET

## The Site

<table>
<thead>
<tr>
<th>Address</th>
<th>TFL Highway Compound, 14 Armada Way, Beckton, E6 7AB</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Transport for London (TfL)</td>
</tr>
<tr>
<td>Ward</td>
<td>Beckton</td>
</tr>
<tr>
<td>Local Plan allocation</td>
<td>S19 Albert Basin, Strategic Industrial Location (SIL)</td>
</tr>
<tr>
<td>Conservation Area</td>
<td>n/a</td>
</tr>
<tr>
<td>Listed Building</td>
<td>n/a</td>
</tr>
<tr>
<td>Setting of Listed Building</td>
<td>n/a</td>
</tr>
<tr>
<td>Building of Local Interest</td>
<td>n/a</td>
</tr>
<tr>
<td>Tree Preservation Order</td>
<td>n/a</td>
</tr>
<tr>
<td>Flood Risk Zone</td>
<td>3</td>
</tr>
<tr>
<td>Other</td>
<td>Thames Gateway Bridge Safeguarding Area Beckton Archaeological Priority Area</td>
</tr>
</tbody>
</table>

## Housing

<table>
<thead>
<tr>
<th>Density</th>
<th>Proposed Density hr/ha</th>
<th>n/a</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Proposed Density u/ph</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>PTAL</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>London Plan Density Range</td>
<td>n/a</td>
</tr>
<tr>
<td>Dwelling Mix</td>
<td>Studio (no. / %)</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>1 bed (no. / %)</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>2 bed (no. / %)</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>3 bed (no. / %)</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>4 bed (no. / %)</td>
<td>n/a</td>
</tr>
<tr>
<td>Affordable Housing / Tenure split</td>
<td>Overall % of Affordable Housing</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>Social Rent (no. / %)</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>Intermediate / Shared Ownership (no. / %)</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>Private (no. / %)</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>Commuted Sum</td>
<td>n/a</td>
</tr>
<tr>
<td>Internal Space Standards</td>
<td>Comply with London Housing SPG?</td>
<td>n/a</td>
</tr>
<tr>
<td>Amenity Space</td>
<td>Comply with London Housing SPG?</td>
<td>n/a</td>
</tr>
<tr>
<td>Accessibility</td>
<td>Comply with Lifetime Homes?</td>
<td>n/a</td>
</tr>
</tbody>
</table>

## Non-residential Uses

<table>
<thead>
<tr>
<th>Existing Use(s)</th>
<th>Existing Use / Operator</th>
<th>Transport Maintenance Compound / Transport for London</th>
</tr>
</thead>
</table>

London Borough of Newham
<table>
<thead>
<tr>
<th><strong>TfL Highway Compound</strong></th>
<th><strong>London Borough of Newham</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing Use Class(es) sqm</strong></td>
<td>Sui Generis (7,800sqm)</td>
</tr>
<tr>
<td><strong>Proposed Use(s)</strong></td>
<td><strong>Proposed Use / Operator</strong></td>
</tr>
<tr>
<td></td>
<td>Transport Maintenance Compound / Transport for London</td>
</tr>
<tr>
<td><strong>Proposed Use Class(es) sqm</strong></td>
<td>Sui Generis (7,800sqm)</td>
</tr>
<tr>
<td><strong>Employment</strong></td>
<td><strong>Existing number of jobs</strong></td>
</tr>
<tr>
<td></td>
<td>114 Office Staff 50 Operations Staff (Time Limited)</td>
</tr>
<tr>
<td><strong>Proposed number of jobs</strong></td>
<td>114 Office Staff 50 Operations Staff (Time Limited)</td>
</tr>
</tbody>
</table>

**Transportation**

| **Car Parking** | **No. Existing Car Parking spaces** | 73 (including 3 spaces for disabled users) comprising: |
| - | - | - 25 operational spaces to accommodate HGV’s and vans. |
| - | - | - 51 staff spaces serving the block. |
| - | - | - 6 motor cycle parking spaces. |
| **No. Proposed Car Parking Spaces** | 73 (including 3 spaces for disabled users) comprising: |
| - | - | - 25 operational spaces to accommodate HGV’s and vans. |
| - | - | - 51 staff spaces serving the block. |
| - | - | - 6 motor cycle parking spaces. |
| **Proposed Parking Ratio** | 0.3 |

| **Cycle Parking** | **No. Existing Cycle Parking spaces** | 24 |
| **No. Proposed Cycle Parking Spaces** | 24 |
| **Cycle Parking Ratio** | 0.1 |

<p>| <strong>Public Transport</strong> | <strong>PTAL Rating</strong> | 2/3 |
| <strong>Closest Rail Station / Distance (m)</strong> | Gallions Reach DLR (350 metres) |
| <strong>Bus Routes</strong> | 101, 262, 366, N551 |
| <strong>Parking Controls</strong> | Residents Parking Zone? | Beckton RPZ |</p>
<table>
<thead>
<tr>
<th><strong>TfL Highway Compound</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>London Borough of Newham</strong></td>
<td></td>
</tr>
<tr>
<td><strong>(implemented August 2017)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>RPZ Hours</strong></td>
<td>10am – 2pm Monday to Friday</td>
</tr>
<tr>
<td><strong>Previous RPZ Consultation (if not in RPZ)</strong></td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Other on-street controls</strong></td>
<td>Double yellow lines on both sides of Armada Way, Double red lines.</td>
</tr>
<tr>
<td><strong>Parking Stress</strong></td>
<td>Area/streets of parking stress survey</td>
</tr>
<tr>
<td><strong>Dates/times of parking stress survey</strong></td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Summary of results of survey</strong></td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Refuse/Recycling Collection</strong></td>
<td>Summary of proposed refuse/recycling strategy</td>
</tr>
<tr>
<td><strong>Education</strong></td>
<td></td>
</tr>
<tr>
<td><strong>No. of Pupils</strong></td>
<td></td>
</tr>
<tr>
<td>Existing</td>
<td>n/a</td>
</tr>
<tr>
<td>Proposed</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>No. of Forms of Entry</strong></td>
<td></td>
</tr>
<tr>
<td>Existing</td>
<td>n/a</td>
</tr>
<tr>
<td>Proposed</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>No. of Staff</strong></td>
<td></td>
</tr>
<tr>
<td>Existing</td>
<td>n/a</td>
</tr>
<tr>
<td>Proposed</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>No. of Classrooms</strong></td>
<td></td>
</tr>
<tr>
<td>Existing</td>
<td>n/a</td>
</tr>
<tr>
<td>Proposed</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Out door space (m²)</strong></td>
<td></td>
</tr>
<tr>
<td>Existing</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Sustainability / Energy</strong></td>
<td></td>
</tr>
<tr>
<td><strong>BREEAM Rating</strong></td>
<td>Excellent – modular Officer accommodation</td>
</tr>
<tr>
<td><strong>Renewable Energy Source / %</strong></td>
<td>35% CO2 emissions reduction from regulated energy uses compared to Building Regulations Part L 2013. Air source heat pumps (ASHP), roof mounted photovoltaic panels - As existing.</td>
</tr>
<tr>
<td>Public Consultation</td>
<td></td>
</tr>
<tr>
<td>---------------------------------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Number of properties consulted</td>
<td>760</td>
</tr>
<tr>
<td>Expiry of consultation period</td>
<td>4th September 2019</td>
</tr>
<tr>
<td>Number of responses</td>
<td>0</td>
</tr>
<tr>
<td>Number in support</td>
<td>0</td>
</tr>
<tr>
<td>Number of objections</td>
<td>0</td>
</tr>
<tr>
<td>Number of other representations (neither objecting or supporting)</td>
<td>0</td>
</tr>
</tbody>
</table>
1.0 SITE & SURROUNDINGS

1.1 The application site is irregular shaped and approximately 0.78 hectares in area. The site is on the west side of Armada Way in Beckton. The site previously comprised vacant scrubland and may have previously been used as a yard that served Beckton Gas Works. It is currently in use as a TfL Highways Compound for operational works and storage of road salt and equipment. The site also contains a two storey modular building and associated parking for staff and operational vehicles. Access to the site is via Armada Way. The site does not contain any buildings subject to a statutory listing and the site does not fall within a conservation area.

1.2 The surrounding area is predominantly undeveloped land. The parcel is situated to the north of BDM Kesslers Logistics building at 16 Armada Way. A vacant parcel lies to the north of the site and to the east on the opposite side of Armada Way. The Gallions Reach DLR station is located to the southwest of the site and a DLR service depot is located further the northeast of site.

1.3 Within the Local Plan (2018) the site is located within Strategic Site S01 (Beckton Riverside). The site also falls within the Thames Gateway Bridge Safeguarding Area. The site is also located within the Beckton Archaeological Priority Area, HSE Outer Hazard Consultation Zone and within Flood Risk Zone 3.

1.4 The site is currently occupied by the TfL Highways Compound. The depot's location supports the maintenance of the Transport for London and Newham's Road Network, the maintenance of traffic signals across London, bus infrastructure as well as supporting the cycle route network.

1.5 The compound serves the requirement of the London Highways Alliance Contract ('The LoHac'). The London Highways Alliance is a joint initiative between Transport for London (TfL) and London’s boroughs to collaborate on highway management and road maintenance.

1.6 The LoHAC is a contractual arrangement that provides essential highway maintenance services, including gritting and emergency response. The proposal will allow for contract delivery for a designated service area within the London LoHAC Central Area (a service area within the TfL Road Network covering an area of 1,160 km²). The depot replaced an existing highways compound in Newham located at Crescent Wharf in Royals Docks area.

1.7 In terms of operation, it operates 24 hours a day 365 days per year in order to provide the essential highway maintenance services, including gritting and emergency response services, although most transportation movements generated by non-operational staff will be at peak times. The depot employs the staff relocated from the Crescent Wharf location.
2.0 PROPOSAL

2.1 On the 29th March 2016 planning permission was granted (Planning reference: 15/03067/FUL) for the TfL Highway Compound site to provide “Temporary planning permission including the erection of a salt store, stores, offices and parking for cars and operational vehicles, the storage of engineering and construction materials and street lighting equipment”.

2.2 This application under Section 73 of the Town and Country Planning Act 1990 (as amended) seeks to vary Condition 3 (Permission Expiry) and 4 (Alternatives Site Scheme) attached to planning permission 15/03067/FUL dated 29th March 2016.

2.3 Condition 3 attached to planning permission 15/03067/FUL states;

“The development hereby permitted is restricted to a time-limited period expiring on 31st December 2020. After this date, the use shall cease, the modular buildings stationed on the land any associated equipment and materials shall be removed, and the land shall be reinstated to a condition prior to the grant of time-limited planning permission.

Reason: To safeguard the land and ensure the delivery of strategic planning objectives and in accordance with the provisions of section 72(2) of the Town and Country Planning Act 1990 (as amended).”

2.4 Condition 4 attached to planning permission 15/03067/FUL states;

“Prior to 31st December 2019 (one calendar year before the expiry of the time-limited planning permission hereby approved) the application shall submit details of an alternatives sites scheme in writing to the Local Planning Authority. The scheme shall propose alternatives sites for the highway maintenance depot here by approved and provide logistical details of relocation of the depot to prescribed timescales.

Reason: To safeguard the land and ensure the delivery of strategic planning objectives.”

2.5 This application proposes to vary the wording of condition 3 to continue operation on the site for an additional 5 years, as set out below;

“The development hereby permitted is restricted to a time-limited period expiring on 31st December 2025. After this date, the use shall cease, the modular buildings stationed on the land any associated equipment and materials shall be removed, and the land shall be reinstated to a condition prior to the grant of time-limited planning permission.
Reason: To safeguard the land and ensure the delivery of strategic planning objectives and in accordance with the provisions of section 72(2) of the Town and Country Planning Act 1990 (as amended).”

2.6 This application proposes to vary the wording of condition 4 to continue operation on the site for an additional 5 years, as set out below;

“The development hereby permitted is restricted to a time-limited period expiring on 31st December 2025. After this date, the use shall cease, the modular buildings stationed on the land any associated equipment and materials shall be removed, and the land shall be reinstated to a condition prior to the grant of time-limited planning permission.

Reason: To safeguard the land and ensure the delivery of strategic planning objectives and in accordance with the provisions of section 72(2) of the Town and Country Planning Act 1990 (as amended).”
3.0 RELEVANT HISTORY

3.1 Planning Application History

3.2 Prior to the below application there is no relevant planning history relevant to the application site in the Council’s record. The previous report confirmed that Officers were in broad agreement with the applicant’s assessment that the site was historically used in conjunction with the Beckton Gas Works. A summary of the relevant planning application history is set out in the table below:

<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>15/03067/VAR</td>
<td>Temporary planning permission until the 31st December 2020 for the construction of a TfL highways compound including the erection of a salt store, stores, offices and parking for cars and operational vehicles, the storage of engineering and construction materials and street lighting equipment. THIS PROPOSAL DOES NOT ACCORD WITH THE DEVELOPMENT PLAN</td>
<td>Application approved 4th April 2016.</td>
</tr>
</tbody>
</table>

3.3 Planning Enforcement History

3.4 A summary of the relevant planning enforcement history is set out in the table below:

<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>15/01101/ENFC</td>
<td>Change of use to a depot.</td>
<td>Case closed – No breach of planning control. Only site works being undertaken.</td>
</tr>
</tbody>
</table>

3.5 Planning Appeal History

3.6 A search revealed there is no appeal history relevant to the application site.
4.0 CONSULTATION

4.1 Application Publicity

4.2 A Site Notice was erected on Armada Way on 9th August 2019, expiring on 30th August 2019.


4.4 The application was advertised as a major application and a departure from the development plan.

4.5 A total of 760 consultation letters were sent to neighbouring properties regarding this application on 8th August 2019. The public consultation period expired on 4th September 2019.

4.6 Adjoining Properties

<table>
<thead>
<tr>
<th>Number of Letters Sent</th>
<th>760</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Responses Received</td>
<td>0</td>
</tr>
<tr>
<td>Number in Support</td>
<td>0</td>
</tr>
<tr>
<td>Number of Objections</td>
<td>0</td>
</tr>
<tr>
<td>Number of other Representations (neither objecting or supporting)</td>
<td>0</td>
</tr>
</tbody>
</table>

4.7 No representations were received from neighbours.

4.8 Statutory and Non Statutory Consultation

4.9 The following consultations have been undertaken:

LBN Environmental Health - Pollution General
LBN Transportation
LBN Strategic Design
LBN Highways Team
LBN Waste Management
London City Airport
Environment Agency
Greater London Authority
Historic England - GLAAS
Natural England
Transport for London
LBN Landscape Architects

London Borough of Newham
4.10 **External Consultation**

4.11 A summary of the consultation responses received along with the Officer comments are set out in the Table below.

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>Natural England</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>16(^{th}) August 2019</td>
</tr>
<tr>
<td><strong>Summary of consultation response:</strong></td>
<td></td>
</tr>
<tr>
<td>Natural England currently has no comment to make on the variation of conditions 3 and 4. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural and Rural Communities Act 2006, natural England should be consulted again.</td>
<td></td>
</tr>
<tr>
<td><strong>Officer comments on consultation response:</strong></td>
<td>Noted. The application proposes no changes to the site or its operation.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>Historic England GLAAS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>28(^{th}) August 2019</td>
</tr>
<tr>
<td><strong>Summary of consultation response:</strong></td>
<td></td>
</tr>
<tr>
<td>On the basis of the information provided, we do not consider that it is necessary for this application to be notified under the GLAAS Charter.</td>
<td></td>
</tr>
<tr>
<td><strong>Officer comments on consultation response:</strong></td>
<td>Noted.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>Transport for London (TfL)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>29(^{th}) August 2019</td>
</tr>
<tr>
<td><strong>Summary of consultation response:</strong></td>
<td></td>
</tr>
<tr>
<td>Note that the use proposed of safeguarded land for a Thames river crossing is only temporary and the length of time sought is compatible with any need for future delivery of a river crossing. As such TfL would not object to a grant of planning permission.</td>
<td></td>
</tr>
<tr>
<td><strong>Officer comments on consultation response:</strong></td>
<td>Noted.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>Greater London Authority (GLA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>12(^{th}) August 2019</td>
</tr>
<tr>
<td><strong>Summary of consultation response:</strong></td>
<td></td>
</tr>
<tr>
<td>Have assessed the details of the application and, given the scale and nature of the proposals, conclude that the amendments do not give rise to any new strategic planning issues. Therefore, under article 5(2) of the above Order the Mayor of London does not need to be consulted further on this</td>
<td></td>
</tr>
</tbody>
</table>

London Borough of Newham
4.12 Internal Consultation

4.13 A summary of the consultation responses received along with the Officer comments are set out in the Table below.

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Date received</th>
<th>Summary of consultation response</th>
</tr>
</thead>
<tbody>
<tr>
<td>LBN Transportation</td>
<td>27th September 2019</td>
<td>Have considered the submitted information with the original application 15/03067/FUL in regards to Transportation which is still valid for this application. As per my previous comments and the fact this application is for temporary permission there are no concerns in regards to Transportation. Recommend that the Council’s Highway should be consulted in view of any highway changes in the area.</td>
</tr>
<tr>
<td>LBN Highways</td>
<td>27th September 2019</td>
<td>Highways have no objections to the variation.</td>
</tr>
<tr>
<td>LBN Strategic Design</td>
<td>30th September 2019</td>
<td>At design surgery Officer confirmed no objection given temporary nature of proposal.</td>
</tr>
<tr>
<td>LBN Environmental Health</td>
<td>30th September 2019</td>
<td>No objections but conditions are recommended given that it appears the previous were not discharged.</td>
</tr>
</tbody>
</table>

Officer comments on consultation response:
Noted.
approval.
5.0 PLANNING POLICIES AND GUIDANCE

5.1 The Local Development Plan comprises:

- the London Plan (the spatial development strategy for London consolidated with alterations since 2011 and published March 2016);


- the London Borough of Newham Local Plan (2018)


- the Joint Waste Development Plan for the East London Waste Authority Boroughs (adopted 27th February 2012);

5.2 Material weight has been given to the National Planning Policy Framework (Feb 2019) and the National Planning Practice Guidance.

5.3 The following policies are relevant to the assessment of this application:

5.4 National Planning Policy Framework (February 2019):


Policy 1.1 Delivering the strategic vision and objectives for London
Policy 2.17 Strategic Industrial Locations
Policy 4.1 Developing London’s Economy
Policy 4.4 Managing Industrial Land and Premises
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.9 Overheating and cooling
Policy 5.21 Contaminated Land
Policy 6.1 Strategic Approach
Policy 6.2 Providing Public Transport Capacity and Safeguarding Land for Transport
Policy 6.3 Assessing effects of development transport capacity
Policy 6.4 Enhancing London’s Transport Connectivity
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking
Policy 7.1 Lifetime Neighbourhoods
Policy 7.2 An Inclusive Environment
Policy 7.3 Designing Out Crime
Policy 7.4 Local Character
Policy 7.5 Public Realm
Policy 7.6 Architecture
Policy 7.8 Heritage Assets and Archaeology
Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
Policy 7.19 Biodiversity and access to nature

5.6 The London Plan: The Spatial Development Strategy for Greater London (Draft for public consultation December 2017) with minor suggested changes July 2018

Policy GG1 Building strong and inclusive communities
Policy GG2 Making the best use of land
Policy GG3 Creating a healthy city
Policy D1 London’s form and characteristics
Policy D2 Delivering good design
Policy D10 Safety, security and resilience to emergency
Policy D12 Agent of change
Policy D13 Noise
Policy E1 Offices
Policy E4 Land for industry, logistics and services to support London’s economic function
Policy E5 Strategic Industrial Locations (SIL)
Policy G6 Biodiversity and access to nature
Policy SI Improving air quality
Policy SI3 Energy Infrastructure
Policy SI12 Flood risk management
Policy SI13 Sustainable drainage
Policy T1 Strategic approach to transport
Policy T3 Transport capacity, connectivity and safeguarding
Policy T4 Assessing and mitigating transport impacts
Policy T5 Cycling
Policy T6 Car parking
Policy T6.2 Office parking

5.7 The London Borough of Newham Local Plan (2018)

Policy S1 Spatial Strategy and Strategic Framework
Policy S3 Royal Docks
Policy S5 Beckton
Policy SP1 Borough-wide Place-making
Policy SP2 Healthy Neighbourhoods
Policy SP3 Quality Urban Design within Places
Policy SP5 Heritage and other Successful Place-making Assets
Policy SP8 Ensuring Neighbourly Development
Policy J1 Business and Jobs Growth
Policy J2 Providing for Efficient Use of Employment Land
Policy SC1 Environmental Resilience
5.8 Additional Guidance

The London Borough of Newham ‘Interim Habitats Funding Statement’ (April 2019)

5.9 London Plan Review

Through the course of this application, the Mayor of London’s London Plan: The Spatial Development Strategy for Greater London (Draft for public consultation December 2017) was published for public consultation. Having regard to NPPF paragraph 216 the emerging document is now a material consideration and limited weight has been given to the emerging document in decision-making, unless other material considerations indicate that it would not be reasonable to do so.
6.0 THE COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATIONS 2010 (AS AMENDED)

6.1 From 1st of April 2019 Mayoral CIL2 (Permissions granted on or after 1 April 2019).

6.2 The Mayor has adopted a new Charging Schedule MCIL2, which came into effect 1st of April 2019. Like MCIL1, MCIL2 will be charged on all development except for education and health.

6.3 The Mayoral rate for Newham has increased within Band 3 to £25 per sqm from £20 per sqm.

6.4 The Mayoral CIL Charging Schedule (MCIL1) (adopted 2012) and the Section 106 Crossrail Funding from Planning Obligations Supplementary Planning Guidance (adopted 2016) is superseded by the revised MCIL Charging Schedule.

6.5 The Newham Community Infrastructure Levy is chargeable in line with the Newham CIL Charging Schedule, which came into effect on 1st January 2014.

6.6 The Newham Community Infrastructure Levy was adopted by full Council on 30th September 2013, which came into effect on 1st January 2014. The Newham CIL Charging Schedule per gross internal sq. m is as follows:

<table>
<thead>
<tr>
<th>Use Class</th>
<th>Charging Zone1 – Post codes E15 (exclusive of the LLDC area), E16 and E3 (part)</th>
<th>Charging Zone 2 – Post codes E6, E7, E12, E13 and IG11 (part)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>£80</td>
<td>£40</td>
</tr>
<tr>
<td>Retail</td>
<td>£30</td>
<td>£30</td>
</tr>
<tr>
<td>Office</td>
<td>£0</td>
<td>£0</td>
</tr>
<tr>
<td>Hotel</td>
<td>£120</td>
<td>£120</td>
</tr>
<tr>
<td>Industrial</td>
<td>£0</td>
<td>£0</td>
</tr>
<tr>
<td>Student Accommodation</td>
<td>£130</td>
<td>£130</td>
</tr>
</tbody>
</table>

6.7 Under Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended), the London Borough of Newham has published a list of infrastructure projects or types of infrastructure that it intends to be funded in whole or in part by the Newham CIL. This allows the continued use of planning obligations (S.106 agreements) for other projects or types of infrastructure. Individual developments will not be charged for the same items through S106 and CIL. The Newham Regulation 123 list can be viewed on the Council’s website.
7.0 ASSESSMENT

7.1 The key issues relevant to this application are:
- Principle of Development (7.2);
- Design (7.3);
- Impact upon Amenity (7.4);
- Transport and Travel (7.5);
- Flood Risk Management (7.6);
- Major Hazard Installation (7.7);
- Habitat Regulation Assessment: Epping Forest Special Area of Conservation (SAC) (7.8);
- Reasons for Approval (7.9)

7.2 Principle of Development

Safeguarded Area

7.2.1 The National Planning Policy Framework (NPPF) paragraph 104 indicates that Boroughs within their planning policies should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development.

7.2.2 London Plan Policy 6.2 of the adopted plan indicates that release of safeguarded transport land should only occur in consultation with the relevant transport organisations. The Mayor’s Supplementary Planning Guidance (SPG) Land for Industry and Transportation states that in implementing London Plan policies the Mayor will and boroughs, TfL and other partners should retain safeguarded alignments for proposed river crossings and consult with TfL to determine the latest status of any such crossings. It further states that in taking planning decision development proposals that do not provide adequate safeguarding for the schemes outlined in Table 6.1 should be refused.

7.2.3 Local Plan Policy INF1 Strategic Transport indicates that land has been safeguarded by the Secretary of State for the construction of a river crossing on the site at Gallions Reach, the Thames Gateway Bridge. This safeguarding has not been revised since the previous permission was granted.

7.2.4 Table 6.1 to the London Plan Policy 6.1 (strategic approach) sets out an indicative list of transport schemes and denotes funded and unfunded schemes, with an indicative timeline for anticipated completion. At the time of the previous decision the Thames Gateway Bridge was not programmed on this list of planned transport scheme under the 2015 London Plan. The list does include reference to a new vehicle ferry between Gallions Reach and Thameside in advance of a potential fixed line, with an anticipated completion of this item post 2022.
7.2.5 Since the previous decision the London Plan (2015) was superseded by the current London Plan (2016) and a Draft London Plan has been published for consultation following examinations. It is now a material consideration and gains more weight as it moves through the process to adoption.

7.2.6 Officers note that at the time of the previous decision, the Mayor was planning a new crossing over the river Thames connecting Beckton with Thamesmead. The Mayor had consulted on the new river crossing and the consultation concluded 12th February 2016. As noted within INF1 of the Local Plan the crossing is proposed to be for road traffic, local public transport, pedestrians and cyclists and would support the new jobs and homes planned in East London. The current adopted London Plan (2016) notes that a new and enhanced road vehicle river crossing(s) in east London (package of measures) is anticipated. It details the programme of works under development to improve cross - Thames Road links in east London including Silvertown tunnel with a timescale of anticipated completion 2017 – post 21/22. This aligns with the previous officer report that noted that the indicative timeline for the award of contract to construct the bridge, based on the consultation documentation, would not occur until 2021.

7.2.7 The Draft London Policy T1 carries forward the thrust of London Plan policy 6.2 in that development plans and development proposals should support proposed transport schemes set out in Table 10.1 (the revised version of Table 6.1). Draft London Plan Policy T3 notes under part C that development proposals that do not provide adequate protection for the schemes outlined in Table 10.1 (indicative list of transport schemes) or which otherwise seek to remove vital transport functions or prevent necessary expansion of these, without suitable alternative provision being made to the satisfaction of transport authorities and service providers, should be refused. The indicative list of transport schemes have been updated with new timescales and anticipate that a river crossing at Gallions Reach and/or Belvedere (subject to further assessment) is 2030 – 2041.

7.2.8 Having regard to the adopted London Plan and the indicative timescales provided within the Draft London Plan, Officers envisage that construction of the bridge will commence prior to 2030. The Council has consulted with the Mayor of London and he has not objected to the proposal, and does not consider the proposal is referable pursuant to the criteria set out in the Town and Country Planning (Mayor of London) Order 2008 for applications of Potential Strategic Importance (PSI). The Council has consulted with the Secretary of State and Department for Transport and await their response. Should the Secretary of State or Department of Transport raise concerns the application will be reported back to committee.

7.2.9 The development proposal therefore does not accord with the provisions of the development plan in force in the area as the development will occur on land safeguarded from development by the Secretary of State and because the proposal has the potential to prejudice the delivery of a road bridge ink from
Beckton Riverside to Thamesmead in the Borough of Bexley contrary to Policy INF1 of the Newham Local Plan.

7.2.10 However, material considerations indicate that the proposal is acceptable in planning terms as the applicant seeks only the extension to the time limited planning permission for the development which would expire 31st December 2025, prior to the draft indicative timetable for delivery of any Thames River Crossing on or in the vicinity of the site that is the subject of consultation. On balance and in consideration of the trajectory of development for which the land is safeguarded, and in light of the lack of objection from consultees, the current development proposal is acceptable, subject to a condition requiring the cessation of the use and the restoration of the land prior to the development occurring within three months of the expiry of the permission. A condition also requiring proactive engagement from the applicant around proposed alternatives sites one calendar year prior to expiry of the time-limited permission is also included at Appendix 1 which the applicant is extending in line with the temporary permission.

Local Plan – Strategic Site Allocation

7.2.11 The Royal Albert Basin is a mixed use business and residential area comprising the sites at the eastern end of the Royal Docks. Many of the sites are already developed but there are a number of development sites which are in differing stages of development. Great Eastern Quays, Gallions 3A and Gallions Quarter all benefit from the grant of planning permission for mixed or residential uses, or are in a variety of stages of construction. Armada 2 is a vacant sites and Gallions 3B has received a resolution from committee to grant.

7.2.12 Policy S1 of the Local Plan notes that Strategic Sites in particular should be masterplanned and the Council will resist the development of any sites in a piecemeal way, particularly where this would prejudice the realisation of the overall vision for the area or where timing of delivery would be unsupported by infrastructure.

7.2.13 At the time of the previous permission the site sat partly within Strategic Site S19 and between adjacent plots of Strategic Industrial Location (SIL), itself being outside of the SIL designation and was found to be overall inconsistent with the aspirations of the strategic site due to its location and noted that it was employment led and generally consistent with a use that may be located within SIL.

7.2.14 Since then the Core Strategy (2012) was superseded and the Local Plan (2018) was adopted. The site now forms part of the wider Beckton Riverside Strategic Site (S01) where the allocation identifies the area for mixed-use delivering new neighbourhoods centred on a Major town centre and new station and wider transport hub, new and expanded Strategic Infrastructure and other SIL uses. It further indicates that SIL uses would be protected for further development but could be managed, intensified (as per Policy J2) or re-located to accommodate other mixed uses on sites that could also provide
adequate buffering of the remaining SIL. The quantum and functionality of other SIL south of the river crossing safeguarding will be protected, but could be relocated to better effect, securing improved land use transitions and integration given potential compatibility with the DLR depot, neighbouring SIL and bridge footprints. The allocation shows the application site within the SIL under the current adopted Local Plan.

7.2.15 Given the above Officers consider that whilst the proposal now falls within SIL and is broadly consistent in terms of its use to the Strategic Site, it has not demonstrated the principles of masterplanning as expected of sites that fall within the designated strategic sites.

7.2.16 However given the time-limited nature of the proposal and the general trajectory of consented development that would accord with the delivery of strategic designation material considerations indicate the subject development may be approved conditional to the time limit noted above and the conditions noted in Appendix 1 that would mitigate any impacts of the development on a temporary basis.

Employment Hub

7.2.17 Local Plan Policy J1 (Business and Jobs Growth) allocated Employment Hubs within the locality. The application site is located within Employment Hub 1 (E1 Beckton) which allocates suitable uses as B Class Uses (SIL) especially distribution and logistics, plus engineering (transport depot) and utilities and waste/green industries, Retail and associated supply chain as compatible. Whilst it is acknowledged the proposed use of the site is Sui Generis, the proposal is still considered to be broadly in line with policy aims to make efficient use of underutilised land and transport connections on a temporary basis. This was established by the previous planning permission for temporary use. It is further noted that the proposal previously relocated an existing highway maintenance depot from the Crescent Wharf location within Newham and the proposal will not generate new employment in the locality. On balance, the time limited proposal is considered broadly compatible with the Local Plan aim of the promotion of the Employment Hub as a high quality business environment.

Principle of provision of highway depot

7.2.18 The NPPF states that Local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development. London Plan Policy 6.4 seeks to ensure effective transport projects to support the sustainable development of the London city region. In terms of the principle of development, this has been established under the temporary planning permission 15/03067/FUL dated 16th March 2016. This application seeks to extend the time limited permission. The applicant has previously provided information that the proposal results in savings in vehicle miles covered to service the LOHAC contract (see reference in Site and Surroundings section above). Its location will also optimise TfL’s and its contractor’s ability to
respond to emergencies, particularly during the winter months. The provision of the depot is considered broadly in line with the NPPF and London Plan policy objectives to ensure transport infrastructure necessary to support sustainable development in London, including the winter servicing of the road network. The provision of the depot is considered acceptable in principle.

7.2.19 Under Section 72 of the Town and Country Planning Act 1990 the Local Planning Authority may grant planning permission for a specified period. Officers consider that a temporary planning permission is appropriate to enable the use of buildings and land for a temporary period prior to any longer term regeneration plans coming forward (a ‘meanwhile use’). Further whilst the National Planning Policy Guidance at Paragraph:014, (Reference ID: 21a-014020140306) dated 6th March 2014, states that it will rarely be justifiable to grant a secondary temporary permission, Officers are of the view that in this instance a secondary temporary planning permission would be acceptable as a ‘meanwhile’ use. As noted above the land is subject of a safeguard for a potential bridge link with an anticipated timescale of 2031-2040. Notwithstanding this the site would otherwise remain vacant until the works for such a crossing are consented and implemented. As such, this extension of the existing temporary planning permission and associated alternative sites condition would continue to constitute a ‘meanwhile’ use and benefit the area by increasing activity of an otherwise vacant site and provide a hub for the operational vehicles required to maintain the highways of the Borough and wider area. It would further optimise TfL and its contractor’s ability to respond to emergencies, particularly during the winter months.

7.2.20 The applicant has already delivered the operational compound as such the principle of development has already been established on site. In extending the time-limited permission the site will continue to provide highways maintenance and operational support as noted above as a meanwhile use, prior to any longer term vision of the wider Beckton Riverside regeneration and bridge link coming forward. Officers are therefore supportive of the extension of time in this instance.

7.2.21 During the assessment of this application Offices have noted that the site is currently in operation in breach of its planning conditions as part of its current permission (see relevant history- 15/03067/FUL). LBN Officers have written to the applicant in relation to this breach.

7.2.22 Notwithstanding the above all matters are considered below.

7.3 Design

7.3.1 The NPPF, London Plan Policies 3.5, 7.4, 7.5 and 7.6 and Local Plan Policies S1, SP3 and SP5 expect all development proposals to be designed to a high quality of urban design and promote attractive environments by creating well-designed buildings in terms of appropriate massing, bulk, materials and details, and in doing so, raising the profile of the borough in a positive way.
7.3.2 The design of the office accommodation was previously found to be utilitarian but considered acceptable given the time-limited nature of the permission and the comparatively isolated location of the development site. The design and siting of the modular building stationed on the land is considered to not impact the amenity of any adjoining occupier. The proposed storage buildings, salt store and fencing are considered acceptable in design terms in so far as they are temporarily located on the site.

7.3.3 This application does not propose any changes to the previously consented buildings. The proposal is therefore considered acceptable in this regard. Conditions previously attached in relation to wheel washing and fencing will be carried through to this permission should permission be recommended for approval.

7.4 Impact upon amenity

7.4.1 The NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at an unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution.

7.4.2 Policy 7.6 of the London Plan outlines that building and structures should not cause unacceptable harm to the amenity of the surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.

7.4.3 Policy D1 of the Draft London Plan states that development design should deliver appropriate outlook, privacy and amenity. Policy D13 of the Draft London Plan seeks to reduce, manage and mitigate noise to improve health and quality of life. The Draft London Plan is at the examination in public stage and whilst material and relevant, Officers apportion lesser weight to these requirements than those within adopted polices outlined above which are accorded full weight.

7.4.4 Policy SP8 of the Local Plan states that all development is expected to achieve neighbourliness. The objective of the policy is to ensure the environmental, social, and design impacts of all development are neighbourly. This can be achieved through ensuring developments in relation to privacy, noise, overshadowing, access to daylight amongst other concerns.

7.4.5 During consultation 750 properties were consulted and no representations were received. Further since the operation commenced on site no nuisance complaints have been received.

7.4.6 The proposal has previously been found to be acceptable with conditions in terms of amenity. The site conditions have not altered since the previous grant of temporary permission. The closest residential properties remain those located south of the site on Gallions Quarter Phase 1 site which is currently not complete and is located approximately 120 metres to the south of the site on the opposite side of the BDM Kessler building.
7.4.7 The previous application noted that all operational vehicles used in conjunction with the depot would meet Euro VI standard for exhaust emissions covering oxides of nitrogen (NOX), hydrocarbons (HC), carbon monoxide (CO) and particulate matter (PM) emissions. Further impacts of dust are to be mitigated by the imposition of planning conditions for monitoring.

7.4.8 In terms of odour the salt handling operations are odourless. In terms of noise all plant machinery was fitted with efficient silencers which will be maintained in accordance with manufacturer’s specifications. The site is comparatively isolated and not in the immediate vicinity of residential properties. The noise and odour impacts of the development are considered to be acceptable given the location of the site and the time limited nature of the application. Whilst the development proposal gave rise to additional comings and goings from the site at the time of implementation of the original permission, these were largely displaced from another site in the locality and considered in keeping with the Strategic Industrial Location the site is within.

7.4.9 Having regard to the above Officers consider that the proposal is acceptable on a time limited basis. Conditions attached to the original grant of planning permission will be attached should permission be given.

7.5 Transport and Travel

7.5.1 The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. In particular it offers encouragement to developments which support reductions in greenhouse gas emissions and those which reduce congestion. The NPPF also outlines that developments which generate significant vehicle movements should be located where the need to travel will be minimised and the use of sustainable transport options can be maximised. It is also expected that new development will not give rise to the creation conflicts between vehicular traffic and pedestrians.

7.5.2 Policy 6.3 of the London Plan states that development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network.

7.5.3 Policy INF2 of the Newham Local Plan aims to secure a more sustainable pattern of movement in Newham, maximising the efficiency and accessibility of the Borough’s transport network on foot, cycle and public transport in order to reduce congestion, enable development, improve the health, fitness and well-being of residents and make necessary car journeys easier.

7.5.4 The applicant previously submitted a Transport statement in support of the use which was relocated from Crescent Wharf within the Borough. Officers previously found the cumulative residual impacts of the development to be
7.5.5 The application seeks an extension to the existing time limit for the use on the site that is currently in situ. The application proposed no changes to the operation on site nor to the number of vehicular movements.

7.5.6 During consultation LBN Transportation, LBN Highways and TfL were consulted and raised no objections to the current application. Taking the above into consideration Officers find the extension to the temporary planning permission acceptable in this regard. Any transport related conditions imposed on the original permission will be attached should permission be recommended for approval.

7.6 Flood Risk Management

7.6.1 The NPPF states that inappropriate development in areas of flooding should be avoided by directing development away from areas at highest risk of flooding, but where development is necessary, making it safe without increasing flood risk elsewhere. Objective 103 continues by stating that when determining planning applications, local planning authorities should only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

7.6.2 Policy 5.12 of the London Plan states that development proposals must comply with flood risk assessment and management requirements set out in national policy. The development must also have regard to measures proposed in Thames Estuary 2100 and Catchment Flood Management Plans. Developments which are required to pass exception testing will need to address flood resilient design and emergency planning.

7.6.3 Policy SC3 of the Local Plan states the Strategic Flood Risk Assessment will inform spatial planning and development management decisions and flood risk will be reduced by a number of measures (listed within the policy document). The objective being that development must be shown to be flood resistant and regeneration should improve the resilience of those parts of the borough at risk of flooding. It additionally states that developments should aim to reduce surface run-off to greenfield rates through the maximisation of the use of SuDS (Sustainable urban Drainage Systems), to provide sustainable design for new major developments and those within a Critical Drainage Area (CDA).
7.6.4 A flood Risk assessment was previously submitted with the scheme. The site is in existence and operating. No changes have been proposed to the site as a result of this application. Should permission be granted the conditions previously imposed in relation to underground tanks will be attached to the decision notice. Having regard to the above Officers consider the proposal acceptable in respect of flood risk.

7.7 Energy/ Sustainability

7.7.1 The NPPF, London Plan Policies 5.1, 5.2, 5.3, 5.7, 5.8 and 5.11, Polices SC1 and SC2 of the Local Plan detail the aim of mitigating and adapting to climate change by transforming the Borough into a more sustainable place. It must be noted that it outlines how all major applications that are not solely residential new build will be required to be assessed against the Building Research Environmental Assessment Method (BREEAM) and will be expected to achieve a rating of ‘Excellent’ as a minimum.

7.7.2 The applicant has previously submitted information detailing how the development proposed to meet the relevant policy guidelines at the time through the provision of mechanical ventilation, air source heat pumps and photovoltaic panels.

7.7.3 The submitted information details that the building was to provide a ‘Very Good’ rating in line with previous policy however as noted above the application seeks a variation to retain use on the site for a further five years. Policy SC1 notes that development will achieve at least the standards noted above or equivalent within updated/replacement schemes.

7.7.4 To ensure this requirement is met, Officers have recommended a condition requiring the submission of a final BREEAM Certificate prior to the occupation of the development to ensure that the relevant target of ‘Excellent’ (as a minimum) is met.

7.7.5 Given the above the development proposal, on balance, is considered to be acceptable with respect to energy and sustainability.

7.8 Major Hazard Installation

7.8.1 The National Planning Practice Guidance requires that Local Planning Authorities (LPAs) consult the Health and Safety Executive (HSE) on applications in consultation zones around the location of hazardous installations, including for proposals for office or industrial development. LPAs must also consult the HSE on applications which are likely to result in an increase in the number of people working in or visiting a subject area.

7.8.2 London Plan Policy 5.22 indicates that when assessing developments near hazardous installations, site specific circumstances and proposed mitigation measures should be taken into account when applying the HSE’s Planning Advice Developments near Hazardous Installations (PADHI) methodology.
Local Plan Policy SP9 indicates that within the Health and Safety Executive Consultation Zones, proposals are required to account for the cumulative risk of developments and ensure that risk from potential hazards to residents/users is not increased, in accordance with Local Plan Policy SP2.

7.8.3 The application site falls within an Outer HSE Consultation Zone given the proximity of the proposed development to gas holders in Beckton. The site has been operational since the grant of the previous permission. The proposal has therefore been considered using HSE's Planning Advice Web Application, based on the details inputted by the Council. Officers previously found that the HSE does not advise, on safety grounds, against the granting of planning permission. The location of the development in relation to a major hazard site is therefore considered acceptable.

7.9 Habitat Regulation Assessment: Epping Forest Special Area of Conservation (SAC)

7.9.1 Officers have considered the development type and proximity to Epping Forest Special Area of Conservation (SAC) and conclude that the application is outside the scope of the Epping Forest Mitigation Strategy and outside of the Epping Forest Special Area of Conservation. The application will generate no likely significant effect to Epping Forest Special Area of Conservation in terms of increased recreational pressure.

7.10 Reasons for Approval

7.10.1 A temporary highways depot in this location will result in a savings in the vehicle miles covered in the provision of highway maintenance services in London. The re-location of the depot from the Crescent Wharf location in Newham will optimise TfL’s and its contractor’s ability to respond to emergencies, particularly during the winter months.

7.10.2 While the site is located in a safeguarded area, the time-limited proposal is not envisaged to prejudice the delivery of the Thames Gateway Bridge given the trajectory of the proposed bridge development.

7.10.3 The cumulative residual transportation impacts of the development are considered to be less than severe and the access to the site is judged to be acceptable. The sustainability features of the modular office block may be secured by the imposition of planning conditions. The application has been circulated to the Environment Agency, and no objection to the proposal on Flood Risk grounds or sustainable drainage has been raised. With regard to the impacts to amenity, a condition around dust monitoring is included for Committee's consideration. No undue impacts in respect of noise, odour or additional comings and goings to the site are anticipated. The location of the development in relation to a Major Hazard Site (Beckton Gas Works) is considered acceptable based on the consultation response from the Health and Safety Executive. The risks of land contamination and any unexploded
ordinance are able to be mitigated by the imposition of planning conditions. The site does not support any protected or otherwise notable species.

7.10.4 In recommending Strategic Development Committee grant the extension to the time-limited planning permission in this instance, Officers consider the proposal to be acceptable following careful consideration of the relevant provisions of the National Planning Policy Framework, National Planning Practice Guidance, the Development Plan and all other relevant material considerations. The Council is satisfied that any potential material harm in terms of the proposals impact on the surrounding area would reasonably be mitigated through compliance with the suggested conditions.
7 APPENDIX 1: CONDITIONS AND INFORMATIVES

Conditions

1. **Time Limited Permission**

   The development hereby permitted is restricted to a time-limited period expiring on 31st December 2025. After this date, the use shall cease, the modular buildings stationed on the land any associated equipment and materials shall be removed, and the land shall be reinstated to a condition prior to the grant of time-limited planning permission.

   Reason: To safeguard the land and ensure the delivery of strategic planning objectives and in accordance with the provisions of section 72(2) of the Town and Country Planning Act 1990 (as amended).

2. **Approved documents**

   The development hereby approved shall be in accordance with the drawing number(s) below, prepared by Transport for London dated August 2015:

   - Drawing C11808-100-01 Site Application Plan
   - Drawing C11808-100-02 Existing Site layout
   - Drawing C11808-100-03 Existing Services
   - Drawing C11808-100-04 Spot Levels Plan
   - Drawing C11808-100-05 Future Site Layout
   - Drawing C11808-100-06 Main Office Building Layout Plan
   - Drawing C11808-100-07 Main Office Building Elevations
   - Drawing C11808-100-08 Loose Aggregate Bays
   - Drawing C11808-100-09 Salt Shed Elevation
   - Drawing C11808-100-10 Swept Path Analysis 1
   - Drawing C11808-100-11 Swept Path Analysis 2
   - Drawing C11808-100-12 Swept Path Analysis 3
   - Drawing C11808-100-13 Swept Path Analysis 4
   - Drawing C11808-100-14 Access onto Compound
   - Drawing C11808-100-15 Drainage Layout
   - Drawing C11808-100-16 Cycle Shelter

   And approved documents:

   - Design and Access Statement - Prepared by Transport for London (October 2015)
   - Phase 1 Geo-Environmental Desk Study Report - Prepared by Aecom (October 2015)
   - Planning Statement - Prepared by Transport for London (October 2015)
   - Flood Risk Assessment - Prepared by Aecom (November 2015)
   - Preliminary Ecological Appraisal - Prepared by Aecom (August 2015 [revised October 2015])
   - Transport Statement - Prepared by Aecom (September 2015)
3. **Code of Construction Practice**

a) Within 3 months of the date of this decision hereby permitted a Code of Construction Practice to control the adverse impact of the development on the amenity of the public and nearby occupiers has been submitted to and approved in writing by the Local Planning Authority. The Code of Construction Practice shall include details of:

i. methods of demolition;
ii. parking of vehicles of site personnel and visitors;
iii. dust management controls, which shall include wheel washing;
iv. smoke control measures;
v. odour management controls;
vi. measures to ensure public access to the highways and footways adjoining the
vii. site at all times during construction;
viii. cleaning of the highways and footways adjoining the site;
ix. predicted noise and vibration levels for construction using methodologies agreed with the Local Planning Authority;
x. a scheme for monitoring noise and if appropriate, vibration levels using methodologies agreed with the Local Planning Authority;
xii. measures of minimising the impact of noise and, if appropriate, vibration arising from construction activities; and
xii. a scheme for security fencing / hoardings, depicting a readily visible 24-hour contact number for queries or emergencies.

b) The development shall be constructed in accordance with the approved Code of Construction Practice, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the locality. Reason for pre-commencement: To secure the details of the mitigation before construction begins. This requirement is fundamental to the development permitted and it would have been otherwise necessary to refuse planning permission.

4. **Underground Surface Water Storage Tank**
a) Within 3 months of the date of this decision details of the underground surface water storage tank to be located beneath the car park shall be submitted in writing to and approved by the Local Planning Authority.

b) The tank shall be constructed in accordance with details approved prior to the use of the site as a highways maintenance depot and maintained thereafter.

Reason: to mitigate the surface water drainage risk at the development site and to secure the details of the development before construction begins. This requirement is fundamental to the development permitted and it would have been otherwise necessary to refuse planning permission.

5. Unexploded Ordnance Strategy

Within 3 months of the date of this decision an unexploded ordnance strategy, incorporating the recommendations contained in the approved document Explosive Ordnance Desktop Threat Assessment (prepared by Dynasafe - October 2015) is submitted to and approved by the Local Planning Authority. The development shall be undertaken in accordance with the approved strategy and the strategy shall be maintained for as long as the development endures.

Reason: in the interest of safety and to ensure a full safety assessment of the site before works occur. This requirement is fundamental to the development permitted and it would have been otherwise necessary to refuse planning permission.

6. Land Remediation

a) Within 3 months of the date of this decision an investigation into ground conditions shall be undertaken in accordance with the Model Procedures for the Management of Land Contamination, Environment Agency, Contaminated Land Report 11. The report of the investigation and proposals for any remediation required shall be submitted to and approved in writing by the Local Planning Authority.

b) All works approved shall be undertaken to the satisfaction of the Local Planning Authority.

c) As soon as reasonably practicable, and before the occupation of any remediated area of the site, a validation report shall be submitted and approved by the Local Planning Authority in writing, stating what works were undertaken and that the remedial scheme was completed in accordance with the approved remediation strategy.

Reason: To safeguard the public, the environment and surface and groundwater as this site may have or is known to have been used in the past for activities that are likely to have resulted in it being contaminated with material that is potentially harmful to humans, or the environment. Reason for pre-commencement of Part A: to ensure a full assessment of the land before works occur. This requirement is fundamental to the development permitted and it would have been otherwise necessary to refuse planning permission.
7. **Surface Water Drainage Scheme**

   a) Within 3 months of the date of this decision a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority.

   b) Detail of the proposed drainage scheme shall include completing and submitting 'Newham Surface Water Drainage Pro-forma for new developments'.

   c) The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 years plus Climate Change event return period critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event.

   d) Proposed 'brownfield' redevelopments classed as major development are required to reduce post development runoff rates for events up to and including the 1 in 100 year return period, with an allowance for climate change, to not more than three times the calculated greenfield rate for the site (calculated in accordance with IoH124) or to 50% of the existing site runoff rate where a pumped discharge would be required to meet the above standard.

   e) The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

   f) Detail of how the drainage scheme will be maintained post development shall be submitted for approval.

   **Reason:** To safeguard the public from surface water flood risk, protect the environment and respond to climate change and to ensure flood surface water drainage issues are addresses prior to the commencement of the development.

8. **Dust Management Strategy**

   a) Within 3 month of the date of this decision hereby approved, the operator of the highway maintenance depot shall submit details of a dust management strategy in writing to and for approval by the Local Planning Authority. The strategy shall detail dust monitoring measures and mechanical sweeping frequencies.

   b) The strategy shall be implemented as approved prior to the operation of the site as a highway maintenance depot, and maintained for the duration of the time-limited planning permission.

   **Reason:** To protect the amenity of the locality.

9. **Sustainability Enhancements**
a) Within 3 month of the date of this decision hereby approved, the operator of the highway maintenance depot shall submit site-specific details of the sustainability features for the proposed modular office accommodation (including Air Source Heat Pumps [ASHPs], and roof-mounted photovoltaic panels) in writing to and for approval by the Local Planning Authority.

b) The details shall be implemented as approved prior to the use of the modular office for purposes ancillary to the use of the site as a highways depot, and shall be maintained for the duration of the permission.

Reason: In the interest of energy efficiency and sustainability.

10. **Fencing Details**

a) Within 3 month of the date of this decision hereby approved, the operator of the highway maintenance depot shall submit details of the perimeter fencing surrounding the site. The details shall include the type and height of fencing.

b) The fencing shall be erected in accordance with approved details prior to the use of the site as a highway maintenance depot.

Reason: To protect the amenity of the locality and ensure an appropriate boundary treatment.

11. **Vehicle Washing Station**

a) Within 3 month of the date of this decision hereby approved, the operator of the highway maintenance depot shall submit details of the proposed vehicle washing station in writing to and for approval by the Local Planning Authority. The details shall demonstrate compliance with Environmental Agency standards for wastewater collection and recycling.

b) The strategy shall be implemented as approved and be maintained for the duration of the permission.

Reason: To protect the water environment.

12. **BREEAM**

Within 3 months of the date of this decision, the developer shall provide a copy of the final Building Research Establishment (BRE) certificate (confirming that the development design for the modular building has achieved a minimum BREEAM rating of Excellent) in writing to the Local Planning Authority.

Reason: In the interest of energy efficiency and sustainability.

13. **Alternatives Sites Scheme**

Prior to 31st December 2025 (one calendar year before the expiry of the time-limited planning permission hereby approved) the applicant shall submit details of an alternatives sites scheme in writing to the Local Planning Authority. The scheme shall propose alternatives sites for the highway maintenance depot here
by approved and provide logistical details of relocation of the depot to prescribed timescales.

Reason: To safeguard the land and ensure the delivery of strategic planning objectives.

14. Cranes / Scaffolding

No cranes or scaffolding above the higher elevation than that of the planned development shall be erected on the Site unless construction methodology and details of the use of cranes in relation to location, maximum operating height of crane and start/finish dates during the development has been submitted to, for approval in writing by, the Local Planning Authority in consultation with London City Airport.

Reason: in the interest of airport safety.
Informatives

1. In dealing with this application, Newham Council has implemented the requirements of the National Planning Policy Framework and of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner. As with all applicants, we have made available detailed advice in the form of our statutory policies in the relevant constituent parts of the Local Plan and London Plan, Supplementary Planning documents, and all other Council guidance, as well as offering a full pre-application advice service, so as to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably.

2. For advice and information upon contaminated land site investigation, risk assessment and implementing a remediation strategy it is recommended that the developer contacts the Environmental Health Pollution Control Unit, Housing & Public Protection, Third Floor, West Wing, Newham Dockside, Dockside Road, London E16 2QU Tel 020 3373 0643. The Unit has produced a leaflet 'The development of contaminated sites' which can be downloaded free from www.newham.gov.uk. The developer shall notify the Council’s Development Control and the Environmental Health Pollution Control Unit of the start dates and programme of site investigations and any subsequent remediation works.

For the site investigation, risk assessment and remediation strategy reference should be made to:
- BS 10175: Investigation of potentially contaminated sites - Code of Practice
- Building Regulations 2000 APPROVED DOCUMENT C Site preparation and resistance to contaminants and moisture: C1 Site preparation and resistance to contaminants.

If the site investigation reveals land contamination the associated report must include the results of a source-pathway-receptor environmental risk assessment with regard to the current use and proposed development.

If the site investigation discovers organic containing natural soils or made ground then monitoring of potential ground gases, over a suitable period of time, will be required in order to determine the requirement for gas mitigation measures in the development.

If the site is located in a groundwater protection zone or if groundwater is encountered during the site investigation then the groundwater should also be tested for contamination. The Local Planning Authority may require more detailed groundwater monitoring to be undertaken on the advice of the Environment Agency.

A remediation scheme should include, where necessary, a long-term commitment to maintenance of any works and measures required by the Local Planning Authority or the Environment Agency.

London Borough of Newham
Remediation capping layers based upon 'Cover systems for land regeneration' BR 465 by the Building Research Establishment will not be accepted, as this is not approved by the Environment Agency.

No soils, or infill materials should be imported onto the site unless they have been satisfactorily proven to be uncontaminated and present no risks to human health, planting and the environment. A declaration to this effect, together with acceptable documentary evidence to confirm the origin of all imported soils and infill materials, supported by appropriate chemical analysis test results, should be obtained and copies may be requested by the Local Planning Authority.

Anyone procuring analytical services must ensure that the data supplied to the Local Planning Authority meets the requirements in the Monitoring Certification Scheme (MCERTS). Laboratories undertaking the chemical testing of soil must be accredited, the analytical methods should be appropriate and fit for the purpose of the parameter being investigated and the sampling procedures and the audit trail should also conform.

Supporting reports should be prepared by appropriately qualified professionals. All reports should be sent directly to the planning case officer in the Development Control Unit. For each application at least two copies of each report should be submitted in hard copy format plus a further copy in electronic format. The planning case officer will forward the reports on to the appropriate consultees for comment. Applicants are advised against entering into direct negotiation with either the Pollution Control Unit, Environment Agency or any other Council department consultees without notifying the planning case officer.

3. Bonfires should not be used on any construction or demolition sites. Burning materials causes smoke that will contain carbon monoxide, particles and a range of noxious compounds. A bonfire will add to the background level of air pollution, which can cause adverse health effects to persons on site and beyond the site boundary. The smoke, smell and smuts from bonfires can also cause annoyance to neighbours and bonfires may get out of control and become dangerous.

The Clean Air Act 1993 makes it an offence to burn any material that results in the emission of dark smoke on industrial or trade premises (including demolition sites), with a maximum fine of £20,000.

The Environmental Protection Act 1990 gives Local Authorities and the Environment Agency the power to control smoke arising from burning waste on site. In cases where complaints have been received, or the Council has reason to believe that burning is to take place and nuisance is likely to occur, an Abatement Notice may be served prohibiting nuisance and specifying steps to be taken to minimise further problems. If the requirements of the notice are not satisfied the local authority can enforce by taking legal proceedings.

4. Dust from demolition and construction work can also damage health and impact upon quality of life by leaving deposits on cars, windows and property. These impacts can be reduced through using measures such as:
- Using water sprays or sprinklers to suppress dust during dust generating activities such as filling skips, breakout of concrete and managing stock piles
- Washing the wheels of vehicles leaving the site if they are carrying mud or debris.
- Erecting solid barriers to the site boundary.
- Ensuring that lorries leaving the site carrying debris or waste are properly covered.
- Cleaning the road and footpath near the site entrance as required.

Where disk cutters are to be used they should have a dust bag, have water suppression or the working area should be wet prior to use of the machinery. Where demolition or construction is due to occur over greater than one week the contractor should provide the local authority with a dust management protocol. This should detail the identification of dust generating activities, their location, duration and the means by which the dust shall be suppressed.

Under the Environmental Protection Act 1990 dust from a demolition or construction sites may, like smoke, be a statutory nuisance. As above the local authority may serve an abatement notice on the person responsible and take legal proceedings if the notice is not complied with.

Detailed guidance on dust issues relating to construction sites can be found in the Building Research Establishment documents 'Control of dust from construction and demolition activities' and 'Improving air quality in urban environments: Guidance for the construction industry'.

In addition, the GLA Best Practice Guide for dust, currently in draft format, is seen as the most comprehensive dust management protocol. Contractors should be aware of its details regarding the efficient management of dust and particulate on site.

http://www.london.gov.uk/mayor/environment/air_quality/construction-dust.jsp

5. The redevelopment of a site involving demolition and construction activities will inevitably cause some noise that affects neighbouring residential or commercial properties. You can reduce or avoid annoyance for neighbours by informing the neighbours before demolition or construction work starts telling them about the work and what to expect. Give the neighbours a contact name and telephone number and keep them informed. If a neighbour does makes a complaint try to resolve the matter straight away.

Complaints are often made in relation to noise at unsociable hours of the day. We recommend working hours of 8 AM - 6 PM Monday to Friday and 8 AM - 1 PM on Saturdays. No noisy works should be carried out on Sundays and Bank/Public Holidays.

The Control of Pollution Act 1974 gives the council the power to serve a Notice upon contractors or developers which sets out how works should be carried out in order to minimise noise arising from demolition or construction activities. This may involve restricting the hours of noisy operations audible beyond the site boundary, the provision of noise barriers and precluding the use of certain plant. Developers and contractors have the option of applying to the Council for approval of their works prior to commencement.
Detailed guidance on noise issues relating to construction sites can be found in BS 5228 Noise control on construction and open sites. In particular, Part 1, "Code of Practice for basic information and procedures for noise control" will be useful because as well as giving general advice, it describes a method for predicting noise from construction sites.

6. Developers should be aware that there are likely to be other Acts or legislation that are not covered in this document and that acts and regulations identified within the document may have been superseded. Please note that if you are carrying out demolition works you may need to notify the council as required by the Building Act 1984. This enables the council to protect public safety and ensure that adjoining premises and the site are made good on completion of the demolition. For further information contact London Borough of Newham Council Building Control Service on 020 8430 2000 or Email: reception.bco@newham.gov.uk
   If you have any queries about air pollution or noise from construction or demolition sites please telephone or email Public Protection on 020 3373 0643 or pollution.inquiry@Newham.gov.uk.

7. For the purposes of this decision notice, works have the meaning of material operations as defined in S56(4) of the Town and Country Planning Act 1990 as amended.

8. Contact the Case Officer for a copy of the pro forma document 'Newham Surface Water Drainage Pro-forma for new developments'
9. APPENDIX 2: PROPOSED PLANS AND IMAGES

Site Location Plan
Proposed Layout
Existing / Proposed Elevations

View from Armada Way looking north west
View from Armada Way looking south west