

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0614.20

WARD : Mawneys

Date Received: 5th May 2020

ADDRESS: 5 King George Close
Romford

PROPOSAL: New data storage development consisting of new data storage warehouse and new emergency energy centre building P1137.11 (Condition 4)

DRAWING NO(S): A010
A110.00
A110.01
A212
A210
A211
A110.02

RECOMMENDATION : It is recommended that **planning permission be GRANTED** subject to the Unilateral Undertaking detailed above and the condition(s) given at the end of the report

SITE DESCRIPTION

The site comprises 1.53 hectares, located due north west of the A12 Eastern Avenue West, adjacent to Hainault Road and King George Close. The site is currently vacant however, it was previously occupied by a large, central brick built building of approximately 8000sq.m and which comprised industrial and warehouse accommodation.

To the south east, south west and north west, the site is surrounded by other commercial, industrial and warehouse premises. The site and its non-residential surroundings are identified as a Strategic Industrial Location (SIL). Opposite the site to the north east are a number of residential properties along Hainault Road.

Vehicular access to the site is from King George Close. There used to be a former access from Hainault Road however, this access does not appear to be in use anymore.

The site is located within Flood Risk Zones 1.

DESCRIPTION OF PROPOSAL

The applicant proposes a S73 application to vary condition 4 of planning permission P1137.11 for New data storage development consisting of new data storage warehouse and new emergency energy centre building.

Amendment proposed:

- change in level across the site to achieve the 40% climate criteria for drainage.
- Lifting the ground levels of the site and therefore the ground levels of the data hall building and the plant building (the proposed level change would be 450mm).
- Relocate the data hall building to 1m further away from the residential dwellings on Hainault Road and 1m closer to the Plant building within the site.
- Internal reconfiguration of the warehouse to decrease the office space and space for technical and data storage centre.

RELEVANT HISTORY

P1137.11 - New data storage development consisting of new data storage warehouse and new emergency energy centre building - Granted 23-01-12 with Agreement (S106).

N0013.19 - Minor Amendment to P1137.11

Conditions 2, 3, 6, 9,12,13 and 15 - discharged

CONSULTATIONS/REPRESENTATIONS

64 neighbouring owner/occupants were notified of the proposal and a site notice was erected within close proximity to the application site. Two representations received, raising the following points:

Will proposal increase traffic in Hainault? will there be landscaped frontage at Hainault Road? Who will be responsible for tree maintenance? Will access be from King George Close?

Plans not clearly visible; how close to property no. 70 Hainault and how high? Concerned about light; Will gate on Hainaut Road be used as access?

Officer's comments: No changes to the approved access on site under the original permission, therefore no additional impact envisaged.

RELEVANT POLICIES

PRINCIPLE OF DEVELOPMENT

Section 73 of the Town and Country Planning Act 1990 allows for an application to be made to develop land without compliance with conditions previously attached or to grant planning permission subject to conditions that differ from those previously imposed. S73 states that on receipt of such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted. As such, in determination of any application for amendments, officers do not revisit the principle of the development and only consider the potential impact of proposed changes.

There is no statutory definition for a 'minor material amendment' and it is therefore left to the planning authority to use its discretion in each particular case. However, the guidance provided by CLG suggests that a minor material amendment should be an amendment whose scale and nature results in a development which is not substantially different from the one which has been approved. And the 2019 appeal court judgement states that S73 application can not be used to vary description of development.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Confirmation letter was sent to the applicant on 27/04/2015 to confirm the material start of the approved development (see civica), therefore the application is valid.

Current proposals would lead to the lifting in the ground levels of site and therefore the ground slab levels of the data hall building and the plant building would be lifted.

In the consented scheme, the slab level of the data hall would be DATUM +0.0m (19.000m), with 13.00m level and height of 13m. For the plant room, it was DATUM -0.35m (18.650m), with 11.650m level and height of 12m.

As currently proposed, the slab level of the data hall would be DATUM +0.0m (19.450m), with 13.450m level and height of 13m. For the plant room, it was DATUM -0.20m (19.250m), with

12.250m level and height of 12m.

The amendment entails the re-configuration of the internal layout of the warehouse to decrease the office space and increase space for technical and data storage centre. Minor external changes are also proposed including the re-siting of the air-conditioning paraphernalia on the roof of the western building in order to accommodate the internal changes proposed (as approved under N0013.19).

The floorplan and the elevations have been updated to show the proposed changes.

Given there are no significant changes to the design of the buildings, the proposed marginal lifting in the ground levels would not result in increase in the height of buildings from the new ground level, therefore no significant impact in the street scene.

IMPACT ON AMENITY

The proposal would include relocating the data hall building further away from the residential buildings in Hainault Road by approximately 1m, and move closer to the plant room by 1m. With the proposed relocation, the overshadowing line illustrated on the consented scheme would be similar to as previously approved as illustrated on drawing A212 with no additional amenity impact on nearby residents.

The design, height from the new ground levels and materials of the approved would remain unaltered, and the proposal would not result in additional impact on the residential amenity beyond that which was considered under the consented application.

In terms of the drainage, currently the site is drained via trunk sewers in King George Close and surrounding roads. Climate change measures proposed to be adopted which measures +40% additional rainfall under current EA guidelines and will be adopted for the 1 in 100 return storm.

It is believed that the 8.5m above AOD in the original condition 12 may have been a typing error as this would have put the building 10metres into the ground and therefore suggest this was intended to be 18.5m AOD.

It is acknowledged that conditions 12 & 13 were discharged under planning reference Q0070.12, however, based on the proposed changes in the level of the ground slabs and the passage of time since when the previous conditions were discharged with the current 40% climate change criteria. It is considered appropriate to introduce new conditions for the finished floor levels, drainage and energy efficiency to accommodate the changes proposed and in favour of climate change. In addition, details of the proposed drainage scheme and energy efficiency proposed were not provided with the application.

Paragraph 4.7 of the submitted FRA references topographical levels of 18.8m at the western end and 20.0m at the eastern end of the site, therefore, the finished floor levels should be achieved via condition.

The site is located within Flood Zone 1, although in close proximity to Flood Zone 2, a Flood Risk Assessment was submitted with the application which concludes that the proposals would be acceptable subject to the implementation of the measures proposed in the assessment, this will be achieved via condition.

Based on current proposals, the number of vehicular movements during the construction of the building would reduce, due to the quantity of materials proposed to be retained on site. The net

volume of materials for the consented scheme was 12000 and the lorry movements of 2308, the current scheme would have a net volume of 5750 and lorry movement of 1106. Therefore, no additional impact on highways network.

No changes proposed to the existing access points on Hainault Road and King George Close, therefore no additional impact is envisaged other than as previously assessed under the original application.

HIGHWAY/PARKING

There are no changes to the approved scheme in terms of highway/parking. The highway improvement payment requirement in the S106 agreement under the original permission has been paid (see civilica).

KEY ISSUES/CONCLUSIONS

The application has been considered to ensure that the permitted development is able to satisfactorily achieve the 40% climate criteria for drainage. The development would accord with development plan policies and is recommended for grant subject to variation of the section 106 planning agreement (highways improvement and apprenticeship scheme).

The application to vary planning condition 4 will necessitate a change to the original unilateral undertaking dated 16 January 2012 to ensure that the undertaking remains binding. It is therefore recommended that a deed of variation (DOV) is approved to amend the unilateral undertaking. The deed of variation is authorised under section 3.8.4 of the Councils constitution.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the following conditions:

1. Non standard condition

Save where varied by the other planning conditions and the approved plans and documents comprising this planning permission, the development hereby permitted shall be carried out in accordance with the approved plans and documents under planning permission ref: P01137.11 granted on 23 January 2012.

2. M SC09 (Materials)

No above ground works shall take place until samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:-

To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

3. M SC11 (Landscaping)

The development hereby permitted shall be implemented in accordance with the landscaping details received on 28.10.14 and approved under planning permission Q0233.14.19 dated 16.12.14, and shall thereafter be retained unless otherwise agreed in writing with the local planning authority.

4. S SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

5. M SC62 (Hours of construction)

No construction works or deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

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

6. Non standard condition

The development hereby permitted shall be implemented in accordance with the Construction Method Statement received on 28.10.14 and approved under planning permission Q0233.14 unless otherwise agreed in writing with the local planning authority. The development shall be carried out in accordance with the approved details.

7. Non standard condition

Before the building(s) hereby permitted is first occupied, provision shall be made within the site for 36 car parking spaces, 5 disabled car parking spaces, 5 motorcycle spaces and 24 bicycle spaces and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that adequate car parking provision is made off street in the interests of highway safety.

8. Non standard condition

The development hereby permitted shall be implemented in accordance with details of Remedial Strategy approved under planning permission Q0031.12 dated 13.3.12 & 17.5.2012 unless otherwise agreed in writing with the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

Following completion of the remediation works a "Validation Report" must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA ; and

e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, "Land Contamination and the Planning Process".

Reason:

To protect those engaged in construction and occupation of the development from potential contamination. Also in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC53.

9. Non standard condition

The development hereby permitted shall be implemented in accordance with details of Acoustic report from Norman Disney & Young, received 12.3.12 and approved under planning permission Q0070.12 dated 17.5.12 unless otherwise agreed in writing with the local planning authority.

10. Non standard condition

No occupation of the development shall take place until the developer provides a copy of the final Building Research Establishment (BRE) certificate confirming that the development design and final construction achieves the minimum BREEAM (Data Centre) rating required of "Very Good". The development shall be carried out in full accordance with the agreed Sustainability Statement and a BREEAM Post Construction Assessment shall be carried out on all or a sample of the development to ensure that the required rating has been achieved.

Reason:

In the interests of energy efficiency and sustainability in accordance with DC49 Sustainable Design and Construction and Policy 5.3 of the London Plan (2016).

11. Non standard condition

No above ground works shall take place until details of the proposed energy efficiency measures for the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. The renewable energy system shall be installed in strict accordance with the agreed details and operational to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development.

Reason:

In the interests of energy efficiency and sustainability in accordance with DC50 Renewable Energy and Policy 5.2 of the London Plan (2016).

12. Non standard condition

No above ground works shall take place until such time as a scheme to ensure finished floor levels are set no lower than 19.45m and 19.25m above Ordnance Datum (AOD) has been submitted to, and approved in writing by, the Local Planning Authority. The

approved scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason:

To reduce the risk of flooding to the proposed development and future occupants in accordance with DC48 Flood Risk, Policy 5.12 of the London Plan (2016) and the NPPF.

13. Non standard condition

No superstructure works shall take place until a Sustainable Urban Drainage Scheme (SUDS) including on-going maintenance provisions has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Environment Agency and Thames Water.

The approved SUDS scheme shall be completed prior to the first occupation of the development and thereafter maintained in operational condition for the lifetime of the development.

Reason:

To minimise the risk of flooding, to protect water quality and in the interest of sustainability in accordance with DC51 Water Supply, Drainage and Quality, Policy 5.12 of the London Plan (2016) and the NPPF.

14. Non Standard Condition 31

The development hereby permitted shall only be carried out in accordance with the Flood Risk Assessment (FRA) prepared by RPS Consulting Services Ltd, Ref: HLEF70816/001H, March 2019, and implementing the mitigation measures detailed within the FRA.

Reason:

To prevent flooding by ensuring the satisfactory storage/disposal of water from the site, in accordance with DC48 Flood Risk, Policy 5.12 of the London Plan (2016) and the NPPF.

15. Non standard condition

No development involving the construction/installation of external fuel facilities/tanks shall take place until details of the location of the fuel tanks and their design and external appearance shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason:

In the interests of visual amenity and to accord with Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

INFORMATIVES

1 Highways Informatives

Changes to the public highway (including permanent or temporary access)

Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If new or amended access as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant or highway authority assets and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

Highway legislation

The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development.

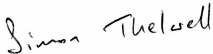
Please note that unauthorised work on the highway is an offence.

Temporary use of the public highway

The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Street Management should be contacted make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.

Surface water management

The developer is advised that surface water from the development in both its temporary and permanent states should not be discharged onto the highway. Failure to prevent such is an offence.

Authorising Officer:	Simon Thelwell		12-01-2021
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