Notice of Meeting

PLANNING COMMITTEE

Monday, 10 December 2018 - 7:00 pm
Council Chamber, Town Hall, Barking

Members:  Cllr Peter Chand (Chair), Cllr Muhammad Saleem (Deputy Chair), Cllr Andrew Achilleos, Cllr Edna Fergus, Cllr Irma Freeborn, Cllr Cameron Geddes, Cllr Kashif Haroon, Cllr Olawale Martins, Cllr Simon Perry and Cllr Dominic Twomey

Date of publication: 29 November 2018

Chris Naylor
Chief Executive

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Please note that this meeting will be webcast, which is a transmission of audio and video over the internet. Members of the public who attend the meeting and who do not wish to appear in the webcast will be able to sit in the public gallery on the second floor of the Town Hall, which is not in camera range.

To view webcast meetings, go to https://www.lbbd.gov.uk/council/councillors-and-committees/meetings-agendas-and-minutes/overview/ and select the meeting from the list.

Councillors who are not members of the Planning Committee may speak at a meeting with the agreement of the Chair but must sit separately from the Committee Members and must declare whether they have had any contact with the applicant / objector / property owner or their agents, and whether they are speaking on behalf of a third party and, if so, who (Councillors’ Code of Conduct for Planning Matters)

AGENDA

Use Classes and Planning Application Procedure

1. Apologies for Absence

2. Declaration of Members' Interests

   In accordance with the Council’s Constitution, Members are asked to declare any interest they may have in any matter which is to be considered at this meeting.

3. Minutes - To confirm as correct the minutes of the meeting held on 12 November 2018 (Pages 7 - 43)
New Planning Applications

4. Former Abbey Sports Centre, Axe Street, Barking-18/00331/FUL (Pages 45 - 107)  Abbey

5. Mellish Close Garages, Mellish Close, Barking-18/00770/FUL (Pages 109 - 147)  Eastbury

6. Former Sacred Heart Convent, 191 Goresbrook Road, Dagenham-18/01689/FUL (Pages 149 - 197)  Goresbrook

7. Thames Gateway Waste To Energy Ltd, Plot 2, London Sustainable Industries Park North, Clove Street, Dagenham-18/01501/FUL (Pages 199 - 241)  Thames

Advertisement Applications

8. Town Planning Appeals (Pages 243 - 256)  Heath; Village

9. Delegated Decisions (Pages 257 - 272)

10. Any other public items which the Chair decides are urgent

11. To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.

Private Business

The public and press have a legal right to attend Council meetings such as the Development Control Board, except where business is confidential or certain other sensitive information is to be discussed. The list below shows why items are in the private part of the agenda, with reference to the relevant legislation (the relevant paragraph of Part 1 of Schedule 12A of the Local Government Act 1972 as amended). There are no such items at the time of preparing this agenda.

12. Any confidential or exempt items which the Chair decides are urgent
Our Vision for Barking and Dagenham

ONE BOROUGH; ONE COMMUNITY; NO-ONE LEFT BEHIND

Our Priorities

A New Kind of Council

- Build a well-run organisation
- Ensure relentlessly reliable services
- Develop place-based partnerships

Empowering People

- Enable greater independence whilst protecting the most vulnerable
- Strengthen our services for all
- Intervene earlier

Inclusive Growth

- Develop our aspirational and affordable housing offer
- Shape great places and strong communities through regeneration
- Encourage enterprise and enable employment

Citizenship and Participation

- Harness culture and increase opportunity
- Encourage civic pride and social responsibility
- Strengthen partnerships, participation and a place-based approach
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<table>
<thead>
<tr>
<th>Use Class</th>
<th>Use/Description of Development</th>
<th>Permitted Change</th>
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<tbody>
<tr>
<td><strong>A1</strong> Shops</td>
<td>Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices (but not sorting offices), pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes.</td>
<td>State funded school for single academic year – see footnote 2. Some temporary uses – see footnote 4. A1 plus two flats above C3 residential use - see footnote 5 Bank, building society, credit union or friendly society (A2) but not for other purposes falling within A2 – see footnote 6 A2 A3 (up to 150 m2) see footnote 9 D2 (up to 200 m2) see footnote 10</td>
</tr>
<tr>
<td><strong>A2</strong> Financial and professional services</td>
<td>Financial services such as banks and building societies, professional services (other than health and medical services) including estate and employment agencies.</td>
<td>A1 (where this is a ground floor display window) plus two flats above A2 plus two flats above State funded school for single academic year – see footnote 2. Some temporary uses – see footnote 4. C3 residential use - see footnote 5 A3 (up to 150 m2) – see footnote 9. D2 (up to 200 m2) see footnote 10</td>
</tr>
<tr>
<td><strong>A3</strong> Restaurants and cafés</td>
<td>For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes.</td>
<td>A1 or A2 State funded school for single academic year – see footnote 2. Some temporary uses – see footnote 4.</td>
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<tr>
<td><strong>A4</strong> Drinking establishments</td>
<td>Public houses, wine bars or other drinking establishments (but not night clubs).</td>
<td>A1, A2 or A3 unless listed as an Asset of Community Value State funded school for single academic year – see footnote 2. Some temporary uses – see footnote 4.</td>
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<tr>
<td><strong>A5</strong> Hot food takeaways</td>
<td>For the sale of hot food for consumption off the premises.</td>
<td>A1, A2 or A3 State funded school for single academic year – see footnote 2. Some temporary uses – see footnote 4.</td>
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<tr>
<td><strong>B1</strong> Business</td>
<td>a) Offices, other than a use within Class A2 (Financial Services) b) Research and development of products or processes c) Light industry appropriate in a residential area</td>
<td>B8 (where no more than 500 sqm) B1a - C3 subject to prior approval -see footnote 1. State funded school for single academic year – see footnote 2. State funded school or registered nursery subject to prior approval - see footnote 3 Some temporary uses – see footnote 4.</td>
</tr>
<tr>
<td><strong>B2</strong> General industrial</td>
<td>General industry: use for the carrying out of an industrial process other than one falling in class B1. (excluding incineration purposes, chemical treatment or landfill or hazardous waste).</td>
<td>B1 or B8 [B8 limited to 500 sqm] State funded school for single academic year – see footnote 2.</td>
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<td><strong>B8</strong> Storage and distribution</td>
<td>Storage or distribution centre. This class includes open air storage.</td>
<td>B1 (where no more than 500 sqm) State funded school for single academic year – see footnote 2. C3 (where no more than 500 sqm) see footnote 7.</td>
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<td><strong>C1</strong> Hotels</td>
<td>Hotel, boarding house or guesthouse, where no significant element of care is provided. (Excludes hostels).</td>
<td>State funded school for single academic year – see footnote 2. State funded school or registered nursery subject to prior approval - see footnote 3</td>
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<tr>
<td><strong>C2</strong> Residential institutions</td>
<td>Hospital, nursing home or residential school, college or training centre where they provide residential accommodation or care to people in need of care (other than those within C3 dwelling houses).</td>
<td>State funded school for single academic year – see footnote 2. State funded school or registered nursery subject to prior approval - see footnote 3</td>
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<td><strong>C2A</strong> Secure residential institution</td>
<td>Secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks.</td>
<td>State funded school for single academic year – see footnote 2. State funded school or registered nursery subject to prior approval - see footnote 3</td>
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<td><strong>C3</strong> Dwelling houses</td>
<td>Use as a dwelling house by a single person or by people living together as a family or by not more than 6 residents living together as a single household</td>
<td>Article 4 direction removes permitted development right to convert to C4 House in Multiple Occupation. State funded school for single academic year – see footnote 2</td>
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<tr>
<td>Use Class</td>
<td>Description</td>
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<tr>
<td>D1</td>
<td>Non-Residential Institutions</td>
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<td>C4</td>
<td>Houses in multiple occupation</td>
<td></td>
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<tr>
<td>D2</td>
<td>Assembly &amp; Leisure</td>
<td></td>
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<tr>
<td>Sui – Generis</td>
<td>A use on its own, for which any change of use will require planning permission. Includes, theatres, nightclubs, retail warehouse clubs, amusement arcades, launderettes, petrol filling stations, casinos, taxi businesses, waste management facilities, motor car showrooms, betting offices and pay day loan.</td>
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**Footnotes**

1. B1a (Offices) can change use to C3 (Dwelling houses) provided development commenced before 30/06/16. Need to apply to Council for prior approval to confirm no significant transport and highway impacts, contamination risks and flood risks.

2. State funded schools can open without planning permission for a single academic year without planning permission from any existing use within the Use Classes Order. School must be approved by Secretary of State and school must notify Council before they open. School must revert to its previous use at end of year. Does not apply to listed buildings.

3. B1 (business), C1 (hotel), C2 (residential institution), C2A (secured residential institution) and D2 (assembly and leisure) can convert to a state funded school or registered nursery providing early years childcare without planning permission. Need to apply to Council for prior approval to confirm no significant transport and highways impact, noise impacts and contamination risks. D2 uses that have changed use from A1 or A2 using permitted development right (see footnote 10) cannot then change use to state funded school or registered nursery under this permitted development right.

4. A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (pubs), A5 (takeaways), B1a (offices), B1b (light industry), B1c (R&D), D1 (non-residential institutions) and D2 (assembly and leisure) can change to A1, A2, A3, B1a,b & c without planning permission. Change of use must be less than or equal to 150 m². Applies for single continuous period of two years. Can change to other permitted use within two year period. Must revert to original use at end of two year period and notify Council before use begins.

5. A1 (shops) and A2 (financial and professional services) can change to C3 (residential). Building operations and partial demolition works that are “reasonable necessary” are also permitted. Prior approval required for transport and highways impact, contamination, flooding, the design and external appearance of the building and undesirable impacts on shopping facilities. This right only applies to buildings of 150 m² or less and does not apply in Conservation Area or to listed buildings.

6. Does apply in Conservation Areas but not to listed buildings.

7. B8 (storage of distribution) to C3 (residential). Prior approval required for transport and highways impact, air quality impacts on intended occupiers, noise impacts of the developments, risks of contamination, flooding and the impact the change of use would have on existing industrial uses and store or distribution uses. Right only applies to buildings in B8 use on or before 19 March 2015 and development must be begun before 15 April 2018. Building must have been in B8 use for four years.

8. Prior approval required for transport and highways impact, flooding, contamination and where building works are to be carried out under the permitted development right, design.

9. A1 (shops), A2 (financial and professional services) and betting offices and pay day loans to A3 (restaurants and cafes). Prior approval required for noise, smell/odours, transport and highways, hours of opening as well as siting and design in relation to extraction, ventilation, waste management, storage and undesirable impacts on shopping facilities.

10. A1 (shops) and A2 (financial and professional services) can change to D2. Applies to premises in A1 or A2 use on 5 December 2013. Prior approval required for transport and highways impact, hours of opening, noise impacts of the development and undesirable impacts on shopping facilities. Does not apply to listed buildings.
Planning Application Procedure

1. The Chair introduces the Planning Officer who will present the item.

2. The Planning Officer presents the report to the Board and advises on any relevant additional information received after the completion of the report. The Planning Officer will also refer to the recommendation (it is assumed that Members will have read the report).

3. If clarification is required, DCB Members may, through the Chair, ask relevant (i.e. planning related) questions regarding an issue within the Planning Officer’s report.

4. Registered objectors may speak for up to three minutes.

5. DCB Members may, through the Chair, seek clarification of any relevant planning issue raised by the objectors.

6. Councillors who are not members of the Development Control Board may address the Board with the Chair’s permission. They are not permitted to take part in the discussions or question objectors, supporters, applicants or applicants’ representatives.

7. DCB Members may, through the Chair, seek clarification of any relevant planning issue raised by the councillors.

8. Registered supporters, applicants or applicants’ representatives for the application may speak for up to three minutes.

9. DCB Members may, through the Chair, seek clarification of any relevant planning issue raised by the supporters, applicants or applicants’ representatives.

10. DCB Members may, through the Chair, seek further clarification from Council officers on any relevant planning issue that may have arisen.

11. The Board shall debate the item. Where the application is considered to be straightforward and there are no speakers present, the Board may make a decision based on the report and without any debate.

12. The Board’s will vote on the matter (including any proposed supplementary conditions or recommendations). In the event that the Board’s decision is to refuse or allow an application contrary to the report’s recommendation, DCB Board Members must give valid reasons for the decision based on relevant planning policies.

13. The Chair shall announce the Board’s final decision.
Notes

- The opportunity to ask questions may not be used to make general or specific comments or observations. General comments can be raised at the discussion point of the proceedings.
- DCB Members must be present during the entire debate on an application in order to be allowed to participate in the deliberations and vote on the matter. Any DCB Member who is not present at the beginning of the consideration of an application, or who leaves the room at any stage during the consideration the application, shall be excluded from participating and voting on the application.
- If a DCB Member needs to leave during consideration of an application and wishes to take part in the deliberations and vote, they should seek the permission of the Chair for a short adjournment.
- Members should avoid expressing a view about an application until after the applicant has spoken to avoid the impression of bias.
- If there is a substantial point which needs to be clarified before a vote can take place, the Board may agree to defer the application.
- The Chair may ask members of the public and press to leave the room to enable the Board to consider information which is confidential or exempt (in accordance with Schedule 12A of the Local Government Act 1972).
MINUTES OF
PLANNING COMMITTEE

Monday, 12 November 2018
(7:00 - 8:48 pm)

Present: Cllr Muhammad Saleem (Deputy Chair in the Chair), Cllr Andrew Achilleos, Cllr Edna Fergus, Cllr Irma Freeborn, Cllr Cameron Geddes, Cllr Kashif Haroon, Cllr Olawale Martins, Cllr Simon Perry and Cllr Dominic Twomey

Apologies: Cllr Peter Chand

20. Declaration of Members’ Interests

There were no declarations of interest.

21. Minutes - To confirm as correct the minutes of the meeting held on 10 July 2018

The minutes of the meeting held on 10 July 2018 were confirmed as correct.

22. Land at Rear of 75-77 Wivenhoe Road, Barking- 18/00650/FUL

The Chief Planner introduced a report concerning the land at the rear of 75-77 Wivenhoe Road, Barking. This application sought planning permission for the erection of 8 blocks of 20 modular flats, a substation, a new access road, seven car parking spaces, a refuse store and cycle parking for twenty bikes. The 4 southernmost blocks would be two storeys in height and the four northern blocks would be three storeys.

As one of the Council’s Thames View Regeneration Sites, it had been designated as an infill housing development (reference SSA SM13 – Garage Site to the Rear of 75-77 Wivenhoe Road). This scheme was intended as temporary accommodation to house homeless households on the housing needs list before relocating these residents to more permanent housing elsewhere.

The application site was a cleared, overgrown and fenced off site with hard standing that previously accommodated garages and had an area of 0.1366 hectares. It is located to the south of the railway line and Mayes Brook and is surrounded by residential properties along Wivenhoe Road and Maybury Road.

The modular units would be arranged into eight blocks, comprising four two-storey buildings on the southern part and four three-storey buildings on the northern part of the site. Four covered metal external staircases would provide access to upper floors. All eight ground floor flats were designed to be fully wheelchair accessible.

The proposed design included a metal clad finish with UPVC windows. It was recommended that further details on external materials were submitted through
Vehicle access would be reinstated from Wivenhoe Road and 7 parking spaces were proposed along the eastern boundary with 75-77 Wivenhoe Road (ratio of 0.35 spaces per unit). One of the spaces was designed to be for wheelchair users. The secure cycle storage along the southern boundary would have space for 20 bikes, equivalent to 1 space per flat.

Apart from the tarmac providing access to cars on the eastern side of the modular buildings, the site would have a new tarmac pathway between the two-storey and three-storey blocks providing access to residents. Further permeable tarmac was proposed around the perimeters of the units, which would be available to the closest ground floor units. The site would be delineated by a 2.5 metre fence on the north and western boundaries, keeping the existing concrete fence on the southern and eastern boundaries. An access gate with a controlled entry system would be installed at the eastern boundary. It was recommended that a detailed soft and hard landscaping plan was submitted as part of a condition, ensuring that new trees are planted, along with other soft landscaping features.

The refuse store was located adjacent to the three-storey blocks along the northern boundary and the proposed sub-station and intake rooms would be located south of the vehicle entrance to the site, adjacent to the garden of 77 Wivenhoe Road.

It was recommended that the final Energy and Renewable Strategy was submitted as part of a planning condition.

Development of this site for 20 temporary modular homes would satisfy a number of the Borough’s and London Plan strategic objectives and policies: Strategic Objectives SO1, SO2, Policies CM1, CM2, CR1, CR2, CR4 and CP3 of the Core Strategy; Policies BR1, BR2, BR4, BR5, BR9, BR13, BR15, BC1, BC2, BC7, BP8, BP10 and BP11 of the Borough Wide Development Plan; and Policies 3.1, 3.3, 3.4, 3.8, 3.10, 3.13, 5.2, 5.3, 5.7, 5.9, 5.12, 5.13, 5.21, 6.9, 6.13 and 7.3 of the London Plan.

The Chief Planner advised that there would be an additional condition:

“No development above ground level shall take place until a scheme showing the provisions to be made for CCTV coverage has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented. Thereafter the approved measures shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to provide a good standard of security to future occupants and visitors to the site and to reduce the risk of crime in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.”

In answer to questions from the Chair prior to the meeting, the Chief Planner advised that the lifespan of the temporary units would be 25 years. It was not possible to determine the length of time that temporary residents would stay in
the proposed properties and this depended on their individual needs. The external appearance would be of containerised metal finish.

Mr Torapdor, an objector to the application, was invited to address the Committee. He advised that he lived just behind the proposed development. He accepted that temporary accommodation was needed but he felt Wivenhoe Road was not the right location. He was particularly concerned about the very low number of parking spaces within the proposed development and felt that there was a potential for anti-social behaviour. He also felt the area was becoming overpopulated and also the development would be harmful to the environment.

Ms N. Cole, an objector to the application, was invited to address the Committee. She and her family had moved to Wivenhoe Road two years ago and considered it was a close knit and friendly community. At the present time, she felt the road was safe for children. However, she and other residents were concerned about the implications and impact of this proposed development, which was creating unease amongst residents. She felt that the development would be detrimental with the potential for dumping of waste and arrival of vermin and considered the transient nature of temporary residents would not allow cohesion with the community. Also, she was concerned about parking issues which she felt would worsen considerably if this application were approved.

Mr J. Bull, an objector to the application, was invited to address the Committee. He was concerned about the potential for anti-social behaviour if this application were approved. He was satisfied that eighteen months ago, a board had been erected to block off the vacant land. In agreement with other speakers, he considered that Wivenhoe Road was a quiet and friendly community that looked out for each other and this development would be detrimental, leading to fly tipping and severe parking problems in the cul-de-sac which would have an impact. He also objected to the building of metal containers at the bottom of his garden.

Emma Thorpe from Be First, representing the applicant, was invited by the Chair to address the Committee. She advised that the proposed development would provide much needed temporary accommodation for those residents in need. At present 1,748 residents were currently in poor quality bed and breakfast accommodation and the proposed development would provide a cost effective and urgent need for their re-housing. These properties would be two-storey as with other homes in Wivenhoe Road and would be in keeping with the character of the area. They would be metal finish with PVC exteriors and low maintenance. In terms of parking, she expected that surplus spaces were available and there was also a bus stop nearby for usage. There was also a park nearby which provided amenities and space for residents. She sought to assure residents that the potential for anti-social behaviour would be assisted by the installation of CCTV cameras particularly at the gates entrance to the site and in addition to acoustics in the properties, rubber would be installed on the stairs.

In answer to a question, the Chief Planner assured Members that the Fire Brigade would be able to access the proposed development and that fire regulations would be followed.
Members were supportive of the urgent need for temporary accommodation, however were concerned that housing needed to be affordable. They were also concerned about the metal finish of the proposed development as they appeared to resemble storage containers. The Chief Planner responded that a balance needed to be struck with the need for temporary housing and officers were recommending that the application be approved.

In answer to a question, the Chief Planner advised that the area was in flood zone 3. He stated that the Environment Agency had raised no objections and a Flood Risk Assessment (FRA) had been completed. The proposed finish floor levels should not be set below 2.5m AOD.

Members enquired if the proposed development would have car parking for disabled people. The Chief Planner responded that one parking space would be accessible and available for disabled people.

Members noted that residents were proud of their community, however were concerned to ensure that those requiring urgent temporary accommodation would not face the risk of stereotyping. They were assured that CCTV would play a significant role in the potential for anti-social behaviour and had to be mindful of following planning considerations and welcomed the additional condition in this respect.

The Committee granted planning permission subject to the following conditions:

1. **Time Limit**

   The development permitted shall be begun before the expiration of three years from the date of this permission.

   Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. **Approved Drawings**

   The development hereby permitted shall be carried out in accordance with the following approved plans:

   Existing Site Location Plans and Surveys ref. 0-01 Rev-
   Proposed Ground Floor Plan ref. BE0033.02 REV A
   Proposed First Floor Plan ref. BE0033.03 REV A
   Proposed Second Floor Plan ref. BE0033.04 REV A
   Proposed Roof Plan ref. 0-05 Rev-
   Proposed Elevations (A-A; B-B; C-C; D-D) ref. 0-10 Rev-
   Proposed Elevations (E-E; F-F; G-G; H-H) ref. 0-11 Rev-
   Proposed Elevations Detail (B-B; C-C) ref. 0-12 Rev-

   Reason: For the avoidance of doubt and in the interests of proper planning.
3. Details of External Materials

Prior to commencement of above ground works details/samples of all materials to be used in the construction of the external surfaces including their colour and finish shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

Reason: Details of external materials are required prior to commencement of development because these have not been supplied already. These details are required in order to protect or enhance the character and amenity of the area in accordance with policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

4. Hard and Soft Landscaping

No development shall take place until a scheme of hard and soft landscaping for the site, including details of materials, species and a planting schedule have been submitted to and approved in writing by the Local Planning Authority. Specifically, a soft landscaping scheme should be detailed for: areas around the cycle storage, the areas annotated for soft landscaping along the western boundary, suitable buffer planting along the ground floor windows (particularly along the eastern elevation), and an appropriate tree planting scheme, including at least four new trees along the northern boundary at the entrance of the site.

The approved hard landscaping shall be carried out prior to the occupation of the development and thereafter permanently retained. The approved soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or completion of the development, whichever is the sooner. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard and improve the appearance of the area, where existing trees could be retained in the soft landscaping scheme, this information should be submitted pre-commencement of development in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.

5. Boundary Treatment

Prior to the occupation of the development a plan indicating the position, design, materials and type of boundary treatment to be erected around the dwellings shall be submitted to and approved in writing by the Local Planning Authority. Measures shall include fences that are wildlife friendly with hedgehog gravel boards at the bottom. The areas to the rear and sides of the units should be sub-divided and delineated to provide private amenity space; details of these boundary treatments should be provided as part of this condition.
No part of the development shall be occupied until the approved boundary
treatment has been constructed. The approved boundary treatment shall be
retained unless the Local Planning Authority gives prior written approval for its
removal.

Reason: To ensure the boundary treatment protects or enhances the
character and amenity of the area and to preserve and enhance the Borough’s
natural environment in accordance with policy CR2 of the Core Strategy, policy
BP11 of the Borough Wide Development Policies Development Plan Document
and policy 7.19 of the London Plan.

6. Tree Protection

Before any works hereby permitted are commenced and until all such works
are completed:

a) all trees to be retained within and adjacent to the boundary shall be
protected by secure, stout exclusion fencing erected at a minimum distance
equivalent to the branch spread of the trees and in accordance with BS.5837;

b) any works connected with the approved scheme within the branch spread
of the trees shall be by hand only. No materials, supplies, plant or machinery
shall be stored, parked or allowed access beneath the branch spread or within
the exclusion fencing. Any trees that are damaged or felled during construction
work must be replaced with semi mature trees of the same or similar species.

Reason: To ensure that retained trees are identified prior to the
commencement of development and adequately protected during the
construction phase in accordance with Policy CR2 of the Core Strategy and
policies BR3 and BP11 of the Borough Wide Development Policies
Development Plan Document and Section 197 of the Town and Country
Planning Act 1990

7. Root Protection

No development shall be carried out until a method statement identifying the
root protection areas of all trees on and around the site, and giving details of
any works to be carried out within the root protection areas of the trees and the
method to avoid damage to the trees during these works has been submitted to
and approved in writing by the Local Planning Authority.

Reason: To ensure that retained trees are identified prior to the
commencement of development and adequately protected during the
construction phase in accordance with Policy CR2 of the Core Strategy and
policies BR3 and BP11 of the Borough Wide Development Policies
Development Plan Document and Section 197 of the Town and Country
Planning Act 1990

8. Car Parking (Implementation)

The car parking areas, and electric charging point indicated on drawing No.
BE0033.02 REV A; shall be constructed and marked out prior to the occupation
of the development, and thereafter retained permanently for the
accommodation of vehicles of occupiers and visitors to the premises and not
used for any other purpose.

Reason: To ensure that sufficient off-street parking areas are provided and not to prejudice the free flow of traffic or conditions of general safety along the adjoining highway in accordance with policy BR9 of the Borough Wide Development Policies Development Plan Document.

9. Accessible Parking Bays

The accessible parking bay indicated on drawing No. BE0033.02 REV A; shall be clearly marked with a British Standard disabled symbol and permanently retained for the use of disabled persons and their vehicles and for no other purpose.


10. Cycle Parking (Implementation)

The cycle parking indicated on drawing No. BE0033.02 REV A; shall be implemented prior to the occupation of the development and thereafter retained permanently for the accommodation of bicycles of occupiers and visitors to the premises and not used for any other purpose.

Reason: In the interests of promoting cycling as a sustainable and non-polluting mode of transport and in accordance with policy BR11 of the Borough Wide Development Policies Development Plan Document.

11. Accessible Housing - M4 (2)

Before occupation the ground floor dwellings shall comply with Building Regulations Optional Requirement Approved Document M4(2) Category 2: Accessible and adaptable dwellings (2015 edition). Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure that accessible housing is provided in accordance with policy 3.8 of the London Plan.

12. Accessible Housing - M4 (3)

The wheelchair unit (Unit 1) identified on the approved drawings shall be constructed to, or capable of easy adaptation to, Building Regulations Optional Requirement Approved Document M4(3) Category 3: (Wheelchair user dwellings) (2015 edition). Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure that sufficient accessible housing is provided in accordance with policy 3.8 of the London Plan.
13. Energy and Overheating Strategy

Details of the proposed energy and overheating strategy shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any work above ground level. The development hereby permitted shall achieve as a minimum a 35% reduction in carbon dioxide emissions over Part L of the Building Regulations (2013).

Reason: To ensure the proposed design and energy strategy is sustainable in accordance with Policy 5.2 and 5.3 of the London Plan and Policy BR2 of the Borough Wide Development Policies Development Plan Document.

14. Renewable Energy

Details of the proposed renewable energy generating equipment shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any work above ground level. The equipment shall be installed before the development is occupied and shall be permanently maintained so as to provide energy for the development on a day-to-day basis for as long as the development remains.

Reason: In the interests of safeguarding the environment, to ensure that the development provides suitable renewable energy in accordance with policy BR2 of the Borough Wide Development Policies Development Plan Document and policies 5.2 and 5.7 of the London Plan.

15. Surface Water Drainage (Flooding)

No development shall commence until 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 and impact on the adjoining Mayesbrook Site of Importance for Nature Conservation, has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: The suitability of the approved Drainage Scheme should be tested prior to commencement of development in order to reduce the risk of flooding and in accordance with policy BR4 of the Borough Wide Development Policies Development Plan Document and policy 5.13 of the London Plan.

16. Breeding Birds Survey

No vegetation or site clearance shall take place between March and September without the submission of a breeding birds survey and subsequent written approval of the Local Planning Authority. The survey shall include a programme for implementation and mitigation measures where necessary and shall ensure a subsequent inspection is undertaken 2 days prior to commencement. The survey and inspections shall only be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: The survey is required prior to commencement of the development to protect the ecology of the area as nesting birds may be present on the site and in accordance with policy CR2 of the Core Strategy, policy BR3 of the Borough
17. Construction Method Statement

No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

i. the parking of vehicles of site operatives and visitors;
ii. details of access to the site;
iii. loading and unloading and the storage of plant and materials used in constructing the development;
iv. the erection and maintenance of security hoardings including decorative displays;
v. wheel washing facilities;
vi. measures to control the emission of noise, dust and dirt during construction;
vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
viii. measures to control the emission of dust, dirt and emissions to air during construction; such measures to accord with the guidance provided in the document “The Control of Dust and Emissions during construction and demolition”, Mayor of London, July 2014; including but not confined to, non-road mobile machinery (NRMM) requirements; and,
ix. details of a nominated developer/resident liaison representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer’s representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.

Reason: The construction method statement is required prior to commencement of development in order to reduce the environmental impact of the construction and the impact on the amenities of neighbouring residents, and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

18. Construction Hours

No deliveries, external running of plant and equipment or construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.
19. Construction Noise and Vibration Control

Construction work and associated activities are to be carried out in accordance with the recommendations contained within British Standard 5228:2009, “Code of practice for noise and vibration control on construction and open sites” Parts 1 and 2.

Reason: To minimise the transmission of noise and vibration and thereby safeguard the amenity of neighbouring residential occupiers and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

20. Internal Acoustic Levels

Construction work shall not begin until full details of a scheme of acoustic protection of habitable rooms against railway noise has been submitted to and approved in writing by the Local Planning Authority. The scheme of acoustic protection shall be sufficient to secure internal noise levels no greater than:

- 35 dB LAeq in living rooms and bedrooms (07.00 hours to 23.00 hours) with windows closed and;
- 30 dB LAeq in bedrooms (23.00 hours to 07.00 hours) with windows closed.

Additionally, where the internal noise levels will exceed 40 dB LAeq in living rooms and bedrooms (07.00 hours to 23.00 hours) or 35dB LAeq in bedrooms (23:00- 07.00 with windows open the scheme of acoustic protection shall incorporate a ventilator system which is commensurate with the performance specification set out in Schedule 1 (paragraphs 6 and 7) of The Noise Insulation Regulations 1975 (as amended). The approved scheme shall be fully implemented before the first occupation of the dwelling to which it relates and shall be maintained at all times thereafter.

Reason: To maintain reasonable levels of protection for the occupiers of the development from external noise and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

21. Noise from Plant

The rating level of noise from fixed plant installed pursuant to this permission shall not exceed the existing background noise level outside the window to any habitable room in residential accommodation in the vicinity. Any assessment of compliance with this condition shall be made according to the methodology and procedures presented in BS4142:2014.

Reason: In the interest of protecting neighbouring amenities in accordance with policies BR13, BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

22. External Lighting

The lighting of the development hereby permitted, is to be designed, installed and maintained so as to fully comply with The Association of Chief Police Officers - Secured by Design publication “Lighting Against Crime – A Guide for Crime Reduction Professionals”, ACPO SPD, January 2011. The design shall satisfy criteria to limit obtrusive light presented in Table 1, p25 of the guide,
relating to Environmental Zone E3 – Medium district brightness areas - small
town centre or urban locations.

Reason: In the interests of security and safety, to avoid light pollution and
safeguard neighbouring amenity and in accordance with policy BP11 of the

23. Land Contamination (Phase 2 Assessment)

A Phase 2 investigation and risk assessment, in addition to the Phase 1
assessment provided with the planning application, must be completed in
accordance with a scheme to assess the nature and extent of any
contamination on the site, whether or not it originates on the site. The contents
of the scheme are subject to the approval in writing of the Local Planning
Authority. The investigation and risk assessment must be undertaken by
competent persons and a written report of the findings must be produced. The
written report is subject to the approval in writing of the Local Planning
Authority. The report of the findings must include:

i. a survey of the extent, scale and nature of contamination;

ii. an assessment of the potential risks to:
   i. human health,
   ii. property (existing or proposed) including buildings, crops,
       livestock, pets, woodland and service lines and pipes,
   iii. adjoining land,
   iv. groundwaters and surface waters,
   v. ecological systems,
   vi. archaeological sites and ancient monuments;

iii. an appraisal of remedial options, and proposal of the preferred
    option(s).

iv. This must be conducted in accordance with DEFRA and the
    Environment Agency’s ‘Model Procedures for the Management of
    Land Contamination, CLR 11’.

24. Land Contamination (Remediation Scheme)

A detailed remediation scheme to bring the site to a condition suitable for the
intended use by removing unacceptable risks to human health, buildings and
other property and the natural and historical environment must be prepared,
and is subject to the approval in writing of the Local Planning Authority. The
scheme must include all works to be undertaken, proposed remediation
objectives and remediation criteria, timetable of works and site management
procedures. The scheme must ensure that the site will not qualify as
contaminated land under Part 2A of the Environmental Protection Act 1990 in
relation to the intended use of the land after remediation.
25. Implementation of Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

26. Land Contamination (Unexpected)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 24, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 25, which is subject to the approval in writing of the Local Planning Authority.

Reason for Conditions 24-27: Contamination must be identified prior to commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy BR5 of the Borough Wide Development Policies Development Plan Document and policy 5.21 of the London Plan.

27. Foundation Design (Shallow) (HS1)

Unless the maximum depth of any part of the foundations is less than two metres, details of the design of the foundations and other works proposed below existing ground level shall be submitted in writing prior to the start of construction and approved by the Local Planning Authority in consultation with HS1. Construction activity shall then be carried out in compliance with the approved details unless previously agreed in writing by the Local Planning Authority in consultation with HS1.

Reason: Details are required prior to the commencement of development in order to reduce the impact to ground works in proximity to HighSpeed1, and to ensure that loads on, and settlement of, HighSpeed1 tunnels, structures, track and other infrastructure do not prejudice the safety or operation of HighSpeed1.

28. Site Investigations near HS1 (in tunnel)

Prior to the start of site investigations involving a borehole or trial pit deeper than one metre, details of the location and depth of site investigations including a method statement shall be submitted in writing and approved by the Local Planning Authority in consultation with HS1. This activity shall be carried out only in compliance with the approved details unless previously agreed in writing by the Local Planning Authority in consultation with HS1.

Reason: No such information has been provided and is required in order that the borehole or trial pit is at an acceptable vertical and horizontal distance from the tunnel such that it does not compromise the integrity, safety or operation of HighSpeed1.
29. Excavations (HS1)

Prior to the start of construction activity engineering details of the size, depth and proximity to HighSpeed1 of any excavations shall be submitted in writing to and approved by the Local Planning Authority in consultation with HS1. Excavations shall then be carried out in accordance with the approved details unless the Local Planning Authority in consultation with HS1 has previously agreed in writing to any change.

Reason: Details are required prior to the commencement of development in order to reduce the impact to ground works in proximity to HighSpeed1, and to ensure that the stability HighSpeed1 tunnels, structures, track and other infrastructure is not prejudiced.

30. Imposed Loads (HS1)

Prior to the start of construction, details of the size, loading and proximity to HighSpeed1 of additional ground loads such as stockpiles shall be submitted in writing and approved by the Local Planning Authority in consultation with HS1. Works shall be carried out in conformity with the approved details unless the Local Planning Authority in consultation with HS1 has previously agreed in writing to any change.

Reason: Details are required prior to the commencement of development in order to reduce the impact to ground works in proximity to HighSpeed1, and to ensure that the stability of HighSpeed1 tunnels, structures, track and other infrastructure is not prejudiced.

31. Vibration (HS1)

Prior to the start of construction details of the plant and equipment proposed which are likely to give rise to vibration (such as pile driving, demolition and vibro-compaction of the ground) together with predicted vibration levels, shall be submitted in writing and approved by the Local Planning Authority in consultation with HS1. Activities likely to cause vibration in the vicinity of HighSpeed1 infrastructure such that a peak particle velocity (PPV) of 5mm/s may be exceeded at the railway boundary will be subject to agreement in advance.

Where activities could give rise to PPV of 5mm/s or greater, a vibration and settlement monitoring regime shall be submitted in writing to for approval by the Local Planning Authority in consultation with HS1. It shall be put in place prior to the start of works. HS1 shall be provided reasonable access to the results of monitoring.

Reason: Details are required prior to the commencement of development in order to reduce the impact to ground works in proximity to HighSpeed1, and to ensure that vibration does not prejudice safety, operation and structural integrity of HighSpeed1.

32. Finished Floor Levels

The development should be carried out in accordance with the submitted Flood Risk Assessment. The proposed finished floor levels should not be set below 2.5m AOD.
Reason: To prevent a risk to of flooding to properties at ground floor in accordance with Policy CR4 of the Core Strategy.

33. Air Quality Details

Details of mitigation or offsetting measures to meet the air quality neutral bench marks are to be submitted to and approved by the Local Planning Authority and are to be implemented before the first occupation of the development hereby permitted.

Reason: To ensure that appropriate measures are taken to minimise the air quality impacts of new development and in accordance with policy BR14 of the Borough Wide Development Policies Development Plan Document and policy 7.14 of the London Plan.

Additional condition

34. CCTV coverage

No development above ground level shall take place until a scheme showing the provisions to be made for CCTV coverage has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented. Thereafter the approved measures shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to provide a good standard of security to future occupants and visitors to the site and to reduce the risk of crime in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.

23. Former Garage Site, Sugden Way, Barking- 18/00777/FUL

The Chief Planner introduced a report concerning the former Garage site, Sugden Way, Barking. The application site comprised 0.12 hectares of land. The site was bound to the north by an area of vegetated land beyond which was Mayes Brook and a railway line. The site was bound to the east, south and west by existing residential properties within the Thames View estate.

The application sought permission for the erection of a part 3/part 4 storey building comprising of 1 one bedroom, 8 two bedroom and 4 three-bedroom flats and associated access, landscaping and ancillary works. The development proposed a prefabricated modular housing design with all 13 units intended for social rent.

The immediate locality was predominantly residential with nearby Charlton Crescent comprising of two storey terraced dwellings and 3 storey flatted buildings. Sugden Way comprised of two storey terraced dwellings. It was considered that the provision of a part 3/part 4 storey building would not be detrimental to the residential character of the surrounding area. The redevelopment of the site for residential purposes, particularly for much needed
social rented accommodation was considered acceptable.

The development would use prefabricated modular units assembled to form a single block. The siting and design of the proposed block would ensure that there will be no unacceptable loss of outlook, privacy or sunlight/daylight for neighbouring occupiers.

Each of the flats accorded with the Technical Housing Standards and would provide a good standard of internal amenity. All of the flats had access to a private amenity area and this was considered to be acceptable and in accordance with policy.

The development would provide 7 car parking spaces 2 of which would be accessible spaces, 28 cycle parking spaces and 2 electric vehicle charging points. The site had a PTAL (Public Transport Accessibility Level) of 1b which is low.

Parking surveys conducted as part of a detailed transport assessment had demonstrated that Sugden Way had capacity to accommodate overspill parking should this occur without increasing parking stress beyond practical capacity with less than 40% of available overnight parking currently utilised. The Council’s Transport Development Management Team had raised no objections and considered the proposed development to be acceptable with no adverse highway safety implications.

In answer to a question, the Chief Planner confirmed that the proposed development would be Council housing (HRA) with potentially 50% affordable rent available.

The Committee granted planning permission subject to the following conditions:

1 Time Limit

The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by S.51 of the Planning and Compulsory Purchase Act 2004)

2 Approved Drawings

The development hereby permitted shall be carried out in accordance with the following approved plans:

Reason: For the avoidance of doubt and in the interests of proper planning.

3 Details of External Materials

No development above ground level shall take place until details/samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

Reason: To protect or enhance the character and amenity of the area in accordance with policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

4 Details of Soft Landscaping

No development above ground level shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping for the site which shall include indications of all existing trees, shrubs and hedgerows on the site and details of those to be retained.

Reason: To safeguard and improve the appearance of the area in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document and Section 197 of the Town and Country Planning Act 1990.

5 Soft Landscaping Implementation

The landscaping scheme as approved in accordance with condition No 4 shall be carried out in the first planting and seeding seasons following the occupation of the building or completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To secure the provision and retention of the landscaping in the interests of the visual amenity of the area in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document and Section 197 of the Town and Country Planning Act 1990.

6 Hard Landscaping Details

No development above ground level shall take place until a scheme showing those areas to be hard landscaped and the details of that hard landscaping has been submitted to and approved by the Local Planning Authority in writing. The scheme as approved shall be carried out prior to the occupation of the development and thereafter permanently retained.
Reason: To safeguard and improve the appearance of the area and to provide safe movement throughout the site in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.

7 Details of Boundary Treatment

No development above ground level shall commence until there has been submitted to and approved by the Local Planning Authority a plan indicating the position, design, materials and type of boundary treatment to be erected. The submitted details shall include details of the front security gates. No property shall be occupied until the approved boundary treatment has been provided. The approved boundary treatment shall be retained unless the Local Planning Authority gives prior written approval for its removal.

Reason: To ensure the boundary treatment protects or enhances the character and amenity of the area in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.

8 Details of Refuse Enclosures

No development above ground level shall take place until details of refuse enclosure showing the design and external appearance have been submitted to and approved in writing by the Local Planning Authority. The approved enclosure shall be provided before the commencement of the use and thereafter permanently retained.

Reason: To provide satisfactory refuse storage provision in the interests of the appearance of the site and locality in accordance with policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

9 Electric Vehicle Charging Points

Electric charging points shall be provided for 2 of the car parking spaces shown on drawing No.BRK1-AST-SW-GF-DR-A-0250 REV P02. The spaces shall be constructed and marked out and the charging points installed prior to the occupation of the development, and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.

Reason: To encourage the use of electric cars in order to reduce carbon emissions, and in accordance with policy BR10 of the Borough Wide Development Policies Development Plan Document and policy 6.13 of the London Plan.

10 Accessible Parking Bays

The accessible parking bays indicated on drawing No. BRK1-AST-SW-GF-DR-A-0250 REV P02; shall be clearly marked with a British Standard disabled symbol and permanently retained for the use of disabled persons and their vehicles and for no other purpose.

Reason: To ensure and promote easier access for disabled persons to the development in accordance with policy BP11 of the Borough Wide

11 Cycle Parking Details

The approved development shall make provision for cycle parking in accordance with a scheme that shall have been previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the development and thereafter retained permanently for the accommodation of bicycles of occupiers and visitors to the premises and not used for any other purpose.

Reason: In the interests of promoting cycling as a sustainable and non-polluting mode of transport and in accordance with policy BR11 of the Borough Wide Development Policies Development Plan Document.

12 Privacy Screen Details

Details of privacy screens to the south facing balconies, and roof terraces which shall be a minimum height of 1.7 metres shall be submitted to and approved by the Local Planning Authority. The approved screens shall be installed prior to the occupation of the development and permanently retained.

Reason: To protect the residential amenities of neighbouring occupiers in accordance with policy BP8 of the Borough Wide Development Policies Development plan Document.

13 Accessible Housing M4(2)

The dwellings hereby permitted shall comply with the requirements of Building Regulation M4(2) 'accessible and adaptable dwellings'. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure that the house is accessible and adaptable in accordance with policy 3.8 of the London Plan 2016.

14 Accessible Housing M4(3)

One ground floor residential unit shall be constructed to Building Regulations Optional Requirement Approved Document M4(3) Category 3: (Wheelchair user dwellings) (2015 edition). Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure that sufficient accessible housing is provided in accordance with policy 3.8 of the London Plan.

15 Water Efficiency

Before occupation the proposed dwellings shall comply with the water
efficiency optional requirement in paragraphs 2.8 to 2.12 of the Building Regulations Approved Document G. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To minimise the use of mains water in accordance with policy 5.15 of the London Plan (March 2016).

16 Acoustic Protection Details

No development above ground level shall commence until full details of a scheme of acoustic protection of habitable rooms against transport noise has been submitted to and approved in writing by the Local Planning Authority. The scheme of acoustic protection shall be sufficient to secure internal noise levels no greater than 35 dB LAeq in living rooms and bedrooms (07.00 hrs to 23.00 hrs) with windows closed; and 30 dB LAeq in bedrooms (23.00 hrs to 07.00 hrs) with windows closed. Additionally, where the internal noise levels will exceed 40 dB LAeq in living rooms and bedrooms (07.00 hrs to 23.00 hrs) or 35dB LAeq in bedrooms (23:00 hrs to 07.00 hrs) with windows open the scheme of acoustic protection shall incorporate a ventilator system which is commensurate with the performance specification set out in Schedule 1 (paragraphs 6 and 7) of The Noise Insulation Regulations 1975 (as amended). The approved scheme shall be fully implemented before the first occupation of the residential unit to which it relates and shall be maintained at all times thereafter.

Reason: To maintain reasonable levels of protection for the occupiers of the development from external noise and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

17 Air Quality Details

Details of mitigation or offsetting measures to address the failure of the development to meet the air quality neutral bench marks for transport emissions identified in air quality assessment report “Sugden Way Barking, Air Quality Assessment” reference LO10556 Report No. R003, dated May 2018 are to be submitted to and approved by the Local Planning Authority and are to be implemented before the first occupation of the development hereby permitted.

Reason: To ensure that appropriate measures are taken to minimise the air quality impacts of new development and in accordance with policy BR14 of the Borough Wide Development Policies Development Plan Document and policy 7.14 of the London Plan.

18 Construction Hours

Demolition and construction work and associated activities are only to be carried out between the hours of 08:00 and 18:00 Monday to Friday and 08:00-13:00 Saturday with no work on Sundays or public holidays.

Reason: To ensure that the proposed construction work does not cause undue
nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

19 Codes of Practice

Demolition and construction work and associated activities are to be carried out in accordance with the recommendations contained within British Standard 5228:2009, “Code of practice for noise and vibration control on construction and open sites”. Parts 1 and 2.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

20 Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

a. a survey of the extent, scale and nature of contamination;
b. an assessment of the potential risks to:
i. human health,
ii. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
iii. adjoining land,
iv. groundwaters and surface waters,
v. ecological systems,
vi. archaeological sites and ancient monuments;
c. an appraisal of remedial options, and proposal of the preferred option(s).
d. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy BR5 of the Borough Wide Development Policies Development Plan Document.

21 Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared
and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy BR5 of the Borough Wide Development Policies Development Plan Document.

22 Remediation Scheme Implementation

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy BR5 of the Borough Wide Development Policies Development Plan Document.

23 Reporting Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 21 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 22 which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy BR5 of the Borough Wide Development Policies Development Plan Document.

24 External Lighting

The lighting of the development hereby permitted, is to be designed, installed
and maintained so as to fully comply with The Association of Chief Police Officers – Secured by Design publication “Lighting Against Crime – A Guide for Crime Reduction Professionals”, ACPO SPD, January 2011. The design shall satisfy criteria to limit obtrusive light presented in Table 1, p25 of the guide, relating to Environmental Zone E3 - Medium district brightness areas - small town centre or urban locations.

Reason: In the interests of security and safety, to avoid light pollution and safeguard neighbouring amenity and in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.

25 Construction Management Plan

No development shall commence, including any works of demolition, until a Construction Environmental Management Plan (CEMP) and a Site Waste Management Plan (SWMP) have been submitted to and approved in writing by the Local Planning Authority. These plans shall incorporate details of:

a. construction traffic management;
b. the parking of vehicles of site operatives and visitors;
c. loading and unloading of plant and materials;
d. storage of plant and materials used in constructing the development;
e. the erection and maintenance of security hoarding(s) including decorative displays and facilities for public viewing, where appropriate;
f. wheel washing facilities;
g. measures to control the emission of dust, dirt and emissions to air during construction; such measures to accord with the guidance provided in the document “The Control of Dust and Emissions during construction and demolition”, Mayor of London, July 2014.
h. a scheme for recycling/disposing of waste resulting from demolition and construction works;
i. the use of efficient construction materials;
j. methods to minimise waste, to encourage re-use, recovery and recycling, and sourcing of materials; and a nominated Developer/Resident Liaison Representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer’s representatives. This person will act as first point of contact for affected persons who have any problems or questions related to the ongoing development.

Reason: The construction method statement is required prior to commencement of development in order to reduce the environmental impact of the construction and the impact on the amenities of neighbouring residents, and in accordance with policyBP8 of the Borough Wide Development Policies Development Plan Document.

26 Energy Strategy

The development hereby permitted shall achieve as a minimum a 35% reduction in carbon dioxide emissions over Part L of the Building Regulations
Reason: To ensure compliance with the proposed energy strategy in accordance with Policy 5.2 of the London Plan and Policy BR2 of the Borough Wide Development Policies Development Plan Document.

27 Flood Risk Assessment

The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment compiled by Heyne Tillett Steel dated July 2018.

Reason: To prevent the increased risk of flooding in accordance with policy CR4 of the Core Strategy and policy BR4 of the Borough Wide Development Policies Development Plan Document.

24. 37 Gordon Road, Chadwell Heath, Romford RM6 7DD- 18/00786/FUL

The Principal Development Management Officer (PDMO) (Be First) introduced a report concerning 37 Gordon Road, Chadwell Heath. The proposed demolition of an existing bungalow and erection of a two-storey block of 4 flats would optimise the use of this site for residential purposes in accordance with the development plan.

The existing building did not contribute positively to the appearance of the street scene, and the proposed development was considered to be well designed and appropriate to its context in terms of scale and massing.

The proposed dwellings would provide an acceptable standard of accommodation for future occupiers and are designed to meet the accessibility, internal space and external amenity space standards set out within the development plan. The scheme would not cause harm to the amenities of neighbouring occupiers.

Three off street parking spaces were proposed within the rear garden to serve the development. The proposed level of parking provision was considered acceptable.

There had been an application submitted to the previous Development Control Board in 2016 which was recommended for approval but was refused by the Board as owing to concerns about the issue of off-street parking. That application was also refused on appeal. This new application sought to address the issue of off-street parking. Nineteen nearby occupiers had been consulted and they had objected on the grounds of parking and removal of yellow lines as well as them regarding the proposed development as out of character also potential disturbance with the construction. The PDOM advised that he Access and Transport Officers had not provided any objections to the application and the Recycling Officer had recommended an amendment to the scheme which had been incorporated into the application.

The PDMO advised that a resident adjacent to the proposed development had been due to address the Committee as an objector and was unable to attend owing to illness. The resident had requested that his objections were read out
to the Committee at this meeting. These had related to inadequate car parking and removal of yellow lines which he felt would exacerbate car parking problems. These objections had also been raised in 2016 in terms of the previous application. In addition, lack of daylight and sunlight and disturbance were of concern to the resident.

The PDMO advised that the development would not have its own external amenity space and it was deemed that in this case as reasonable to make an exception. Balconies could have caused overlooking but there was access to a shared garden at the rear of the premises.

The PDMO stated that in terms of parking, this was not a significant issue and was considered to be in line with Planning guidance and the London Plan.

Members asked about whether the application was in a conservation area. In response, the PDMO advised that although there had been objections raised about the character of the proposed development, officers had judged that this was acceptable as it was in an “Edwardian” style and fitting in with its surroundings. 37 Gordon Road was not in a conservation area. The applicant has agreed for building of a private terrace for the first two floors and this would be underlined by an applicable condition. Access to the garden was a little difficult in this case although on balance this was acceptable for a communal garden. He underlined that there were three car parking spaces and there was on-street parking also available as well.

Following questions, the PDMO advised that the policy on adaptations applied as it was for less than ten units along with the London Plan and condition N42 of building regulations. A unit has a layout for wheelchair users to be in line and parking could be adapted for use by wheelchair users. Two conditions were applicable for widening spaces for wheelchair users, these were condition 5 (landscaping) and condition 4 (building treatment) and could be addressed in the conditions.

The Committee granted planning permission subject to the following conditions:

1 Time Limit

The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by S.51 of the Planning and Compulsory Purchase Act 2004).

2 Approved Drawings

The development hereby permitted shall be carried out in accordance with the following approved plans: FOZ-200C; FOZ201D; FOZ250C

Reason: For the avoidance of doubt and in the interests of proper planning.
3 Details of External Materials

No development above ground level shall take place until details/samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

Reason: To protect or enhance the character and amenity of the area in accordance with policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

4 Details of Landscaping

No above ground development shall take place until a scheme of hard and soft landscaping for the development (that shall if feasible provide a replacement hedgerow), including details of materials, species and a planting schedule and details of refuse storage, has been submitted to and approved by the Local Planning Authority in writing. The approved hard landscaping shall be carried out prior to the occupation of the development and thereafter permanently retained. The approved soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or completion of the development, whichever is the sooner. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the development is satisfactorily landscaped in order to improve the visual appearance of the area and in accordance with policies BR3 and BP11 of the Borough Wide Policies Development Plan Document.

5 Details of Boundary Treatment

No development above ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, design, materials and type of boundary treatment to be erected. The details shall be designed to provide a secure boundary to the site, to provide a private terrace to serve each of the ground floor flats, and to enhance the privacy of the kitchen/living rooms of the ground floor flats. The development shall not be occupied until the approved boundary treatment has been provided. The approved boundary treatment shall be retained unless the Local Planning Authority gives prior written approval for its removal.

Reason: To ensure the boundary treatment protects or enhances the character and amenity of the area in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.

6 Accessible Housing

Before occupation all of the dwellings shall comply with Building Regulations Optional Requirement Approved Document M4(2) Category 2: Accessible and adaptable dwellings (2015 edition) with the exception that the entrance to Flats
3 and 4 will be accessed via a staircase. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure that accessible housing is provided in accordance with policy 3.8 of the London Plan.

7 Tree Planting

No development above ground level shall take place until a scheme of tree planting (providing a minimum of 3 trees) for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be designed to promote bio-diversity, and details shall be provided of the species, maturity, planting schedule, soil depth and quality, and maintenance schedule. The scheme shall be implemented in accordance with the approved details and shall be carried out in the first planting season following the occupation or the completion of the development, whichever is the sooner. Any trees which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To secure the provision and retention of the landscaping in the interests of the visual amenity of the area and in order to comply with Section 197 of the Town and Country Planning Act 1990 and policy BR3 of the Borough Wide Development Policies Development Plan Document.

8 Construction Method Statement

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

i. the parking of vehicles of site operatives and visitors;
ii. details of access to the site;
iii. loading and unloading and the storage of plant and materials used in constructing the development;
iv. the erection and maintenance of security hoardings including decorative displays;
v. measures to control the emission of noise, dust and dirt during construction that shall accord with the guidance provided in the document “The Control of Dust and Emissions during construction and demolition”, Mayor of London, July 2014; including but not confined to, non-road mobile machinery (NRMM);
vi. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: The construction method statement is required prior to commencement of development in order to reduce the environmental impact of the construction and the impact on the amenities of neighbouring residents, and in accordance with policy BP8 of the Borough Wide Development Policies.
Development Plan Document.

9 Hours of Construction

No deliveries, external running of plant and equipment or construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

10 Car Parking

The car parking area indicated on drawing No. FOZ-200C shall be constructed and marked out prior to the occupation of the development, and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.

Reason: To ensure that sufficient off-street parking areas are provided and not to prejudice the free flow of traffic or conditions of general safety along the adjoining highway in accordance with policy BR9 of the Borough Wide Development Policies Development Plan Document.

11 Water Efficiency

Before occupation the proposed dwellings shall comply with the water efficiency optional requirement in paragraphs 2.8 to 2.12 of the Building Regulations Approved Document G. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: In order to conserve water and to reduce the demand on the mains drainage system and in accordance with policy BR4 of the Borough Wide Development Policies Development Plan Document and policy 5.15 of the London Plan.

12 Cycle Storage

The approved development shall provide secure covered cycle storage facilities for the use of residents in accordance with a scheme that shall have been previously submitted to and approved in writing by the Local Planning Authority. The approved cycle storage facilities shall be installed prior to occupation of the development and shall thereafter be maintained.

Reason: In the interests of promoting cycling as a sustainable and non-
polluting mode of transport and in accordance with policy BR11 of the Borough Wide Development Policies Development Plan Document.

25. **Planning Performance Update report**

The report advised the Committee of how well the planning authority was performing in relation to Government targets.

The Committee noted the report.

26. **Town Planning Appeals**

The Committee noted details of the following appeals:

**Appeals Lodged**

The following appeals have been lodged:

- **a)** *Conversion of garage and erection of single storey side and rear extension – 117 Tallow Close, Dagenham (Reference: 17/01740/FUL – Goresbrook Ward)*
  
  Application refused under delegated powers 23 April 2018

- **b)** *Erection of part single/part two storey side extension and single storey rear extension – 45 Leys Avenue, Dagenham (Reference: 18/00229/FUL – Village Ward)*
  
  Application refused under delegated powers 5 April 2018

- **c)** *Application for a certificate of lawfulness for an existing development: Loft conversion involving construction of gable end roof, rear dormer windows and front rooflights – 2 Melford Avenue, Barking (Reference: 17/00408/CLU_E – Longbridge Ward)*

  Application refused under delegated powers 11 August 2018

- **d)** *Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 3.0 metres and maximum height: 3.2 metres) – 24 Foxlands Road, Dagenham (Reference: 18/00357/PRIOR6 – Eastbrook Ward)*

  Application refused under delegated powers 6 April 2018

- **e)** *Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 2.9 metres and maximum height: 3.0 metres) – 26 East Road, Chadwell Heath (Reference: 18/00433/PRIOR6 – Chadwell Heath Ward)*

  Application refused under delegated powers 18 April 2018
f) Application for prior approval: Notification of a proposed change of use of first floor from B1(a) office use to C3 residential use (3 one-bedroom flats and 5 two-bedroom flats – Creekmouth Industrial Estate, 57 River Road, Barking (Reference: 17/01959/PRIOFF – Thames Ward)

Application refused under delegated powers 16 January 2018

g) Application for removal of condition 3 (to be occupied by a person dependent on the occupiers of the main dwelling) following grant of planning permission 05/01070/FUL - 4 Marks Gate Cottages, Whalebone Lane North, Romford (Reference: 17/01321/FUL – Chadwell Heath Ward)

Application refused under delegated powers 13 November 2017

h) Conversion of existing dwelling into one 1-bedroom and one 2-bedroom self-contained flats and conversion of bed-sit in rear garden to one 1-bedroom self-contained flat – 86 Faircross Avenue, Barking (Reference: 18/00392/FUL – Abbey Ward)

Application refused under delegated powers 2 May 2018

i) Application for variation of condition 1 of Appeal Reference APP/Z5060/W/14/3000510 to allow restaurant to open 8.00am to 11.30pm Monday to Thursday and 8.00am to 1.30am Fridays, Saturdays, Sundays and Bank Holidays, Christmas Eve and New Year's Eve – 99 Longbridge Road, Barking (Reference: 18/00584/FUL – Abbey Ward)

Application refused under delegated powers 14 June 2018

j) Installation of windows, blocking up of windows and erection of external staircase in connection with conversion of house into one 2 bedroom and one 4-bedroom flats – 4 Fuller Road, Dagenham (Reference: 17/01719/FUL – Becontree Ward)

Application refused under delegated powers 19 December 2017

k) Application for outline planning permission: Erection of eight storey side/rear extension to Spectrum Building to provide 16 flats (4 two bedroom and 12 one bedroom) - Spectrum Building - 22 Freshwater Road, Dagenham (Reference: 17/01011/OUT – Valence Ward)

Application refused at Development Control Board 19 March 2018

l) Construction of a bungalow within rear garden – 19 Ashbrook Road, Dagenham – (Reference:17/01252/FUL – Heath Ward)

Appeal made against non-determination within 8 weeks
m) Application for prior approval of proposed single storey rear extension (depth: 5.0 metres; height to eaves: 3.0 metres and maximum height: 3.2 metres) – 23 Southwold Drive, Barking (Reference: 18/00393/PRIOR6 – Longbridge Ward)

Application refused under delegated powers 6 April 2018

n) Application for a certificate of lawfulness for a proposed development: Construction of swimming pool and gymnasium to be housed within proposed rear garden outbuilding – 45 Melford Avenue, Barking (Reference: 17/01864/CLU_P – Longbridge Ward)

Application refused under delegated powers 13 March 2018

o) Change of use to house in multiple occupation – 10 St Erkenwald Road, Barking (Reference: 16/01928/FUL – Abbey Ward)

Application refused under delegated powers 28 November 2017

p) Erection of single storey rear extension, and loft conversion involving construction of rear dormer window and installation of front roof lights in connection with conversion of property into 2 one-bedroom flats – 20 Southwold Drive, Barking (Reference: 18/00426/FUL - Longbridge Ward)

Application refused under delegated powers 8 May 2018

q) Erection of two storey 2-bedroom dwelling – 2 Review Road, Dagenham (Reference: 18/00694/FUL – River Ward)

Application refused under delegated powers 21 June 2018

r) Erection of two storey 1-bedroom house in side garden – 265 Sheppey Road, Dagenham (Reference: 18/00110/FUL – Eastbury Ward)

Application refused under delegated powers 29 March 2018

s) Erection of two storey 3-bedroom end terrace house – 36 Crabtree Avenue, Marks Gate, Romford (Reference: 18/00061/FUL – Chadwell Heath Ward)

Application refused under delegated powers 26 March 2018

t) Erection of two storey side/rear extension to create new 3-bedroom end of terrace house within existing side garden – 16 Marston Avenue, Dagenham (Reference: 18/00138/FUL – Heath Ward)

Application refused under delegated powers 4 May 2018

u) Conversion of dwelling house to two 1-bedroom flats and one studio flat (retrospective) – 195 Morley Road, Barking (Reference: 18/00892/FUL – Gascoigne Ward)
v) Application for outline planning permission: Demolition of existing house and redevelopment of site to provide 3 three-bedroom houses and associated car parking – 808 Rainham Road South, Dagenham (Reference: 18/00026/OUT – Village Ward)

Application refused under delegated powers 6 August 2018

w) Demolition of existing garages in rear compound and erection of 2 two-bedroom houses and installation of timber cladding affixed to the exterior of the walkway balustrades of the existing flat block – Edgefield Court, Edgefield Avenue, Barking (Reference: 18/00931/FUL – Longbridge Ward)

Appeal made against non-determination within 8 weeks

x) Retention of loft conversion involving construction of gable end roof, rear dormer window and installation of front rooflight – 197 Church Elm Lane, Dagenham (Reference: 18/00193/FUL – Village Ward)

Application refused under delegated powers 8 August 2018

Appeals Determined

The following appeals have been determined by the Planning Inspectorate:

a) Retention of single storey side extension – The Bull Inn, Rainham Road South, Dagenham (Reference: 17/01450/FUL – Village Ward)

Application refused under delegated powers 7 November 2017 for the following reason:

1. The proposed development, by reason of its siting and design, appears out of character with the application property and fails to protect the character and amenity of the local area contrary to policy CP3 of the Core Strategy and Policies BP8 and BP11 of the Borough Wide Development Policies DPD (March 2011).

Planning Inspectorate’s Decision: Appeal allowed 29 June 2018

b) Demolition of existing garage and erection of two storey, two-bedroom detached house – 50 Sandown Avenue, Dagenham (Reference: 17/00878/FUL – Village Ward)

Application refused under delegated powers 14 September 2017 for the following reasons:

1. The proposed development by virtue of its design, scale and siting,
would represent a cramped and incongruous form of development and significantly close the gap between numbers 50 and 52 Sandown Avenue and as such would materially reduce the open and spacious character of the side garden of the application property and of the area, contrary to Policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

2. The proposed dwelling would not provide adequate floor area for a double/twin bedroom (minimum 11.5m² required) and no in-built storage provision has been provided (minimum 2.0m² required) and as such the development would have a sub-optimal internal layout detrimental to the living standards and amenities enjoyed by future occupants of the dwelling and as such would be contrary to Policy 3.5 of the London Plan (March 2016).

3. The application has not demonstrated that access to both the proposed off-street car parking spaces can be adequately and safely provided and as such the proposal would result in potentially hazardous manoeuvres to the detriment of pedestrian and vehicular safety, contrary to Policy BR10 of the Borough Wide Development Policies Development Plan Document.

Planning Inspectorate’s Decision: Appeal dismissed 3 July 2018

c) Enforcement appeal – Material change of use of a single-family dwelling house to a house in multiple occupation - 19 Cowbridge Lane, Barking (Abbey Ward)

Planning Inspectorate’s Decision: Appeal dismissed, and enforcement notice upheld 10 July 2018

d) Enforcement appeal – Use of rear outbuilding as an independent residential dwelling house – 21 Lindisfarne Road, Dagenham (Becontree Ward)

Planning Inspectorate’s Decision: Appeal dismissed, and enforcement notice upheld 10 July 2018

e) Alterations to external appearance in connection with subdivision to provide one 1 bedroom and one 2-bedroom houses – 19 Rowdowns Road, Dagenham (Goresbrook Ward)

Application refused under delegated powers 16 May 2018 for the following reason:

1. The proposed development would result in the loss of a family sized house that would exacerbate a shortage of such accommodation within the Borough contrary to policy BC4 of the Borough Wide Development Policies Development Plan Document.
Planning Inspectorate’s Decision: Appeal dismissed 18 July 2018

f) Erection of single storey front, side and rear extension – 21 Hunters Hall Road, Dagenham (Reference: 17/02064/FUL – Alibon Ward)
Application refused under delegated powers 6 February 2018 for the following reason:

1. The proposed development would result in an unduly dominant, disproportionate and poorly detailed addition which would be detrimental to the character and appearance of the host dwelling, street scene and the Becontree Estate and reduce the openness of the corner plot. The proposal would be contrary to Policies CP2 of the Core Strategy (July 2010) and Policies BP2, BP8 and BP11 of the Borough Wide Development Policies DPD (March 2011).

Planning Inspectorate’s Decision: Appeal dismissed 1 August 2018

g) Erection of two storey side/rear extension to provide new dwelling, and erection of part single/part two storey rear extension to existing dwelling – 1 North Road, Chadwell Heath (Reference: 17/01851/FUL – Chadwell Heath Ward)

Application refused under delegated powers 26 January 2018 for the following reasons:

1. The proposed development would result in an uncharacteristic and unduly dominant addition which would be detrimental to the character and appearance of the street scene and reduce the openness of the corner plot. Additionally, the front gable design and poorly sited first floor front window would be unsympathetic to the symmetrical appearance of the host pair of semi-detached houses. These aspects would be contrary to Policies BP8 and BP11 of the Borough Wide Development Policies DPD (March 2011).

2. The proposed development, by reason of the under-provision of private external amenity space for the proposed dwelling, would result in a lack of outdoor garden space detrimental to the living standards and amenities enjoyed by future occupiers of the development. The proposal is therefore contrary to policy BP5 of the Borough Wide Development Policies DPD 2011.

Planning Inspectorate’s Decision: Appeal dismissed 15 August 2018

h) Erection of part single/part two storey side extension and single storey rear extension – 45 Leys Avenue, Dagenham (Reference: 18/00229/FUL – Village Ward)

Application refused under delegated powers 5 April 2018 for the following reason:

1. The proposed two storey side extension, by reason of its siting and
excessive scale, would result in a significant loss to the spaciousness of a prominent corner plot harmful to the character of the local area and contrary to policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document (March 2011) and the Residential Extensions and Alterations Supplementary Planning Document (February 2012).

Planning Inspectorate’s Decision: Appeal allowed 15 August 2018

i) Conversion of garage and erection of single storey side and rear extension – 117 Tallow Close, Dagenham (Reference: 17/01740/FUL – Goresbrook Ward)

Application refused under delegated powers 23 April 2018 for the following reasons:

1. The proposed rear extension with a depth of between 4.6 metres and 5.0 metres adjacent to the boundary with No. 118 Tallow Close would have an overbearing impact on the outlook from neighbouring houses, result in a loss of daylight and cause overshadowing to the rear garden of No. 118 harmful to residential amenity and contrary to policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document and the Council’s Supplementary Planning Document (SPD) for Residential Extensions and Alterations.

2. The submitted drawings contain discrepancies and are inconsistent with one another and therefore prevents the Local Planning Authority from making a full determination until accurate information can be provided.

Planning Inspectorate’s Decision: Appeal dismissed 15 August 2018

j) Conversion of single storey side extension to form one bedroom self-contained flat – 1070 Green Lane, Dagenham (Reference: 17/01769/FUL – Valence Ward)

Application refused under delegated powers 5 February 2018 for the following reason:

1. The proposed development fails to provide sufficiently useable or functional external amenity space for the proposed new dwelling and would not maintain adequate space for the existing dwelling to the detriment of the amenity of existing and future occupiers contrary to Policy BP5 of the Borough Wide Development Policies DPD (March 2011).

Planning Inspectorate’s Decision: Appeal dismissed 15 August 2018
k) Change of use of ground floor from D1 (training centre) use to A1 (retail)/A3 (restaurant/café) use; conversion of the upper floors from D1 use to C3 (dwellings) use to provide 8 two bedroom flats; including first, second and third floor rear extensions, installation of front rooflights, provision of a new residential entrance on Green Lane and associated car and cycle parking – 714-720 Becontree Avenue, Dagenham (Reference: 17/01496/FUL – Becontree Ward)

Application refused under delegated powers 30 November 2017 for the following reasons:

1. The proposed second and third floor rear extension, by reason of its excessive size, siting and flat roof design, would appear unsympathetic to the character of the existing building and local area and result in harm to the visual rhythm of the existing roofscape and the removal of characterful dormers and chimneys in the roof slope, contrary to Policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document (March 2011).

2. The gross internal area of Flat 7 is insufficient resulting in a substandard unit of accommodation detrimental to the living standards and amenities enjoyed by its occupiers, contrary to Policy 3.5 of the London Plan (March 2016) and the Technical Housing Standards - nationally described space standards (March 2015).

Planning Inspectorate’s Decision: Appeal dismissed 15 August 2018

l) Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 3.0 metres and maximum height: 3.2 metres) – 24 Foxlands Road, Dagenham (Reference: 18/00357/PRIOR – Eastbrook Ward)

Application refused under delegated powers 6 April 2018 for the following reason:

1. The proposed extension would have an unacceptable impact on the amenities of neighbouring occupiers at No. 22 Foxlands Road by virtue of its siting on the boundary and its excessive depth which would result in a loss of light and outlook contrary to Policies BP8 and BP11 of the Borough Wide Development Polices DPD and the Residential Extensions and Alterations SPD.

Planning Inspectorate’s Decision: Appeal allowed 24 August 2018

m) Erection of first floor rear extension – 40 Somerby Road, Barking (Reference: 17/01821/FUL – Abbey Ward)

Application refused under delegated powers 6 February 2018 for the following reason:
1. The proposed first floor rear extension, due to its scale and siting, is contrary to paragraph 5.3.3(b) of the Residential Extensions and Alterations Supplementary Planning Document (SPD) because it would project beyond a 45-degree angle taken from the nearest corner of the adjoining building at 38 Somerby Road. The extension would be overbearing and significantly reduce outlook from number 38, detrimental to the residential amenity of the occupants of the neighbouring property and contrary to policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document (March 2011).

Planning Inspectorate’s Decision: Appeal allowed 24 August 2018 (see attached)

n) Enforcement appeal – The making of a material change of use from a single dwelling house to two separate dwellings – 83 Fanshawe Avenue, Barking (Abbey Ward)

Planning Inspectorate’s Decision: Appeal dismissed, and enforcement notice upheld with variations 28 August 2018

o) Enforcement appeal – Construction of an extension to the side of the property – 18 Kennedy Road, Barking (Gascoigne Ward)

Planning Inspectorate’s Decision: Appeal dismissed, and enforcement notice upheld 24 August 2018

p) Application for a certificate of lawfulness for an existing development: Loft conversion involving construction of gable end roof, rear dormer windows and front rooflights – 2 Melford Avenue, Barking (Reference: 17/00408/CLU_E – Longbridge Ward)

Application refused under delegated powers 11 August 2018 for the following reason:

1. The applicant has failed to provide sufficient evidence to prove that the rear dormer window existed before the works carried out under planning ref.14/01170/FUL and is therefore not immune from enforcement action in accordance with Section 171B of the Town and Country Planning Act 1990.

Planning Inspectorate’s Decision: Appeal dismissed 30 August 2018

q) Change of use from single dwelling house to house in multiple occupation (HMO) to accommodate up to 6 people (retrospective) – 103 Fanshawe Avenue, Barking (Reference: 17/01382/FUL – Abbey Ward)

Appeal against non-determination within 8 weeks

Planning Inspectorate’s Decision: Appeal dismissed 2 October 2018
r) Costs application against the local authority in respect of above appeal at 103 Fanshawe Avenue, Barking (Abbey Ward)

Planning Inspectorate’s Decision: Award of costs refused 2 October 2018

s) Change of use of ground floor shop from retail (Use Class A1) to hot food takeaway (Use Class A5) and erection of associated extraction flue to rear – 205 Oxlow Lane, Dagenham (Reference: 17/01980/FUL – Heath Ward)

Application refused under delegated powers 15 February 2018 for the following reason:

1. The proposed change of use would increase the amount of Class A5 hot food takeaways above the maximum 5% limit of the total measured frontage of the neighbourhood centre. This is contrary to Implementation Point 2 of the Saturation Point Supplementary Planning Document (SPD) and would be likely to have a detrimental impact upon the vitality and viability of the neighbourhood centre and health and well-being of residents of the Borough, contrary to policies Policies CE1 and CM5 of the Core Strategy DPD, Policy BC10 of the Borough Wide Development Policies DPD, and Policies 3.2D and 4.8 of the London Plan.

Planning Inspectorate’s Decision: Appeal dismissed 8 October 2018

27. Delegated Decisions

The Committee noted details of delegated decisions for the period 3 September- 31 October 2018.

Minutes agreed as a true record.

Chair: ………………………………………

Date: ………………………………………
Former Abbey Sports Centre, Axe Street, Barking
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Barking and Dagenham Council Planning Committee

Date: 10 December 2018

Application No. 18/00331/FUL
Ward: Abbey

Reason for Referral to Planning Committee as set out in Part 2, Chapter 9 of the Council Constitution:
The application is a strategic development which is of a scale and importance that should be determined at Planning Committee.

Address: Former Abbey Sports Centre, Axe Street, Barking

Development:
Demolition of existing building and redevelopment of site, including erection of buildings ranging in height from 1 to 13-storeys to provide 170 residential units together with the provision of a cinema (Class D2), flexible commercial floor space (Classes A1, A2, A3, A4, B1, D1 and D2), and office accommodation (Class B1) with associated landscaping and public realm improvements.

Applicant: Lindhill and London Borough of Barking and Dagenham

Summary:
The application proposes the demolition of the former Abbey Sports Centre and the erection of new buildings ranging in height from 1 to 13-storeys to provide a two screen cinema, ground floor office space (Class B1), two ground floor commercial units with a flexible use (Classes A1, A2, A3, A4, B1, D1 and D2) and 170 residential units at first floor level and above, including associated landscaping and public realm improvements.

233 neighbouring occupiers were consulted and 4 objections have been received. The issues raised by the objectors relate to impacts on the amenities of neighbouring occupiers arising from noise disturbance and loss of outlook, privacy and sunlight/daylight; impacts on the amenities of the proposed occupiers from noise and smoke from the adjacent public house; lack of public and welfare amenities to deal with the population increase, including school places and play places; matters of design in relation to height; devaluation of properties; lack of car parking; and that they didn’t feel a cinema was necessary. A response to these objections is set out at section 3 of this report. Officers do not consider that any of these objections amount to a reason for refusal in this case.

The principle of a mixed-use development on the site is supported by officers and meets the requirements of the wider Barking Town Centre Site Specific Allocation Area 5 (BTCSSA5) (Axe Street / Abbey Sports Centre).

The proposed development would provide 65% private rented sector (PRS) units (110 units) and 35% sub-market housing on a habitable room basis (60 units) comprising London Living Rent and Discount Market Rent at 70% and 75% of market rent.

The application proposes a mix of 87 one-bedroom/two-person units, 2 two-
bedroom/three-person units, 77 two-bedroom/four-person units and 4 three-bedroom/five-person units. The mix and tenure of the development is in keeping with the Council’s strategy for the town centre, the aim of which is to support a widening of the town centre’s retail and leisure offer and in particular help support the evening economy, which is little developed.

The application site comprises public land and therefore in accordance with the Mayor’s viability guidance, the scheme should seek to provide 50% sub-market housing subject to viability. The developer’s full viability assessment has been independently assessed during the application process. The provision of 35% sub-market housing is supported by officers as being the maximum level of sub-market housing that the scheme can afford. The GLA has also confirmed that the sub-market housing offer is acceptable. Early and late stage viability review mechanisms will be secured by S106 Agreement to assess, at the relevant stage, whether the scheme can afford any additional sub-market housing units up to a maximum of 50% provision.

The developer also proposes to construct 525 square metres of ground floor office space as an in-kind contribution. This will be leased back to the Council for community initiatives at a peppercorn rent and is likely to be occupied by the NHS / Care City.

The materials strategy for the development proposes the use of a yellow multi-stock brick for the 8, 11 and 13-storey blocks and a brown multi-stock brick for the smaller blocks. Brick detailing is also proposed to break up and add further interest to the elevations. The materials strategy is consistent with the high-quality expectations of the development. In the event of planning permission being granted, a condition would require the developer to work closely with officers in order to ensure that an exemplar standard of architectural detailing and facing materials is achieved.

Officers consider that the design of the development is a well-considered response given the mixed-use nature of the site. The architectural and residential quality is considered to be high throughout and would make for an interesting addition to the town centre built form. Overall the proposed development is considered to be of an exemplar design and quality, which in turn justifies the higher density and the tall building heights.

The design of the proposed development is not anticipated to be detrimental to local heritage assets.

All residential units would benefit from a private balcony or terrace in keeping with London Plan policy. The development also includes two landscaped communal roof gardens, as well as dedicated children’s play space which meets London Plan requirements. The proposed level of amenity space is supported by officers given the town centre location and the limited provision of family-sized accommodation on the site.

The submitted Sunlight and Daylight Report concludes that the proposed development would not have a significant impact on sunlight and daylight received by neighbouring properties. It is also considered that the proposed residential units would benefit from acceptable levels of sunlight and daylight.
The development is car-free due to its high level of public transport accessibility. Eight new on-street blue badge parking spaces are to be provided as part of the development, however these would not be allocated to occupiers of the development. The development also includes the provision of loading bays on Axe Street and St Ann’s Road to accommodate servicing of the development.

The proposed cycle storage for the residential, cinema, commercial and office elements of the development are compliant with London Plan standards.

The proposed development is anticipated to achieve a 39.2% reduction in carbon dioxide (CO\textsubscript{2}) emissions beyond Part L of the Building Regulations 2013. A carbon offset payment is to be secured in the S106 Agreement to achieve the policy requirement for zero carbon homes.

The application is referable to the Mayor of London. If the Council resolves to make a draft decision on the application, it must consult the Mayor again and allow him 14 days to decide whether to allow the draft decision to proceed unchanged, or direct the Council to refuse the application, or issue a direction that he is to act as the Local Planning Authority for the purpose of determining the application and any connected application.

**Recommendation:**

That the Planning Committee grants planning permission subject to:

1. No Direction from the Mayor of London;

2. A Section 106 legal agreement to secure the matters set out in section 5.9 of this report; and

3. The following conditions (with any amendments that might be necessary up to the issue of the decision, including any other conditions or S106 obligations that may be required as a result of referral to the Mayor of London).

**Conditions**

Time Limit

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

Plan Numbers

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Reason: For the avoidance of doubt and in the interests of proper planning.

Contamination – Investigation and Risk Assessment

3. No development shall commence, excluding demolition of above ground structures, until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;
(ii) an assessment of the potential risks to human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments; and
(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency’s 'Model Procedures for the Management of Land Contamination, CLR 11'.

Contamination – Remediation Scheme

4. No development shall commence, excluding demolition of above ground structures, until a detailed remediation scheme, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared and submitted to the Local Planning Authority for approval in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Contamination – Verification Report

5. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, excluding demolition of above ground structures and other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.
Contamination – Previously Unidentified Contamination

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 3, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 4, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason for Conditions 3 to 6: Contamination must be identified prior to commencement of development, excluding demolition of above ground structures, to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy BR5 of the Borough Wide Development Policies Development Plan Document and policy 5.21 of the London Plan.

Construction Environmental Management Plan and Site Waste Management Plan

7. No development shall commence, including any works of demolition, until a Construction Environmental Management Plan (CEMP) and a Site Waste Management Plan (SWMP) have been submitted to and approved in writing by the Local Planning Authority. These Plans shall incorporate details of:

a) construction traffic management;
b) the parking of vehicles of site operatives and visitors;
c) loading and unloading of plant and materials;
d) storage of plant and materials used in constructing the development;
e) the erection and maintenance of security hoarding(s) including decorative displays and facilities for public viewing, where appropriate;
f) wheel washing facilities;
g) measures to control the emission of dust, dirt and emissions to air during construction; such measures to accord with the guidance provided in the document “The Control of Dust and Emissions during Construction and Demolition”, Mayor of London, July 2014; including but not confined to, non road mobile machinery (NRMM) requirements;
h) noise and vibration control;
i) a scheme for recycling/disposing of waste resulting from demolition and construction works;
j) the use of efficient construction materials;
k) methods to minimise waste, to encourage re-use, recovery and recycling, and sourcing of materials; and
l) a nominated Developer/Resident Liaison Representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer’s representatives. This person will act as first point of contact for residents who have any problems or questions related to the
ongoing development.

Once approved the Plans shall be adhered to throughout the construction period.

Reason: The CEMP and SWMP are required prior to commencement of development in order to reduce the environmental impact of the construction and the impact on the amenities of neighbouring residents, and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

**Construction Logistics Plan**

8. No development shall commence, including any works of demolition, until a Construction Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be designed to minimise deliveries of materials and export of any waste materials within the times of peak traffic congestion on the local road network. The Plan shall be implemented in accordance with the approved details and thereafter maintained.

Reason: The Construction Logistics Plan is required prior to commencement of development in order to minimise the impact of construction on the free flow of traffic on the local highway network and in the interests of highway safety, and in accordance with policy BR10 of the Borough Wide Development Policies Development Plan Document and policy 6.3 of the London Plan.

**Archaeological Works**

9. A) No development other than site clearance and demolition to existing ground level shall take place until the developer has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme which has been submitted to and approved in writing by the Local Planning Authority and a report on that evaluation has been submitted to the Local Planning Authority.

B) If heritage assets of archaeological interest are identified by the evaluation under A), then before development commences, other than site clearance and demolition to existing ground level, the developer shall secure the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted to an approved in writing by the Local Planning Authority.

C) No development, other than site clearance and demolition to existing ground level, shall subsequently take place other than in accordance with the Written Scheme of Investigation approved under Part B).

D) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part B), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest may survive on the site. The Local Planning Authority wishes to secure appropriate archaeological investigation
prior to development, followed by the publication of results, in accordance with policies BP2 and BP3 of the Borough Wide Development Policies Development Plan Document.

**Surface Water Drainage Scheme**

10. No development shall commence, except any works of site clearance and demolition, until a Surface Water Drainage Scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: The Drainage Scheme is required prior to commencement of development in order to reduce the risk of flooding and in accordance with policy BR4 of the Borough Wide Development Policies Development Plan Document and policy 5.13 of the London Plan.

**Construction Working Hours**

11. Demolition and construction work and associated activities, other than internal works not audible outside the site boundary, are only to be carried out between the hours of 08.00 and 18.00 Monday to Friday and 08.00 and 13.00 Saturday, with no work on Sundays or public holidays without the prior written permission of the Local Planning Authority. Driven piling or ground improvement work which will generate perceptible off-site ground borne vibration is only to be carried out between the hours of 08.00 and 18.00 Monday to Friday only.

Reason: To ensure that the proposed demolition and construction work does not cause nuisance and disturbance to neighbouring occupiers and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

**External Materials**

12. No above ground new development shall commence until the developer enters into detailed discussions with the Local Planning Authority around the external facing materials for the development, including providing on-site sample boards. Full details, including samples, specifications, annotated plans and fire safety ratings, of all external facing materials shall then be submitted to the Local Planning Authority for approval in writing. The development shall only be implemented in accordance with the approved details and to the satisfaction of the Local Planning Authority.

Reason: To protect or enhance the character and amenity of the area and to ensure an exemplar finish to the building in accordance with policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document and policies 7.1, 7.4 and 7.6 of the London Plan.

**Hard Landscaping**
13. The development hereby permitted shall not be occupied until full details of the hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include, but not be limited to, details of the following:

   a) surface materials;
   b) communal roof terraces, including details of balustrading and screening to ensure a secure and sheltered environment;
   c) play spaces and any related equipment;
   d) street furniture, including on-street cycle stands;
   e) boundary treatment; and
   f) management and maintenance.

The hard landscaping scheme shall be implemented prior to occupation of the development in accordance with the approved details and thereafter permanently maintained, to the satisfaction of the Local Planning Authority.

Reason: In the interests of design quality, residential amenity, walking, accessibility and public safety, in accordance with policy CP3 of the Core Strategy and policy BP11 of the Borough Wide Development Policies Development Plan Document.

Soft Landscaping

14. The development hereby permitted shall not be occupied until a detailed scheme of soft landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. All trees, shrubs, plants and seeds introduced to the site should generally be native (except for fruit trees) and of local provenance, unless otherwise agreed. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation or completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To secure the provision of the landscaping in the interests of the visual amenity of the area and in accordance with policy CP3 of the Core Strategy and policies BR3 and BP11 of the Borough Wide Development Policies Development Plan Document.

Measures to Reduce the Risk of Crime

15. No above ground new development shall commence until a scheme showing the provisions to be made for external lighting, CCTV coverage, access control and any other measures to reduce the risk of crime, has been submitted to and approved in writing by the Local Planning Authority. The external lighting of the development is to be designed, installed and maintained so as to fully comply with The Association of Chief Police Officers Secured by Design publication “Lighting Against Crime – A Guide for Crime Reduction Professionals”, ACPO SPD, January 2011. The design shall satisfy criteria to limit obtrusive light presented in Table 1, p25 of the guide, relating to Environmental Zone E3 – medium district brightness areas. The development shall not be occupied until the approved scheme has been
installed. Thereafter the approved measures shall be permanently retained.

Reason: In the interests of security and safety, to avoid light pollution and safeguard neighbouring amenity and in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.

Refuse Strategy

16. No above ground new development shall commence until a detailed residential and commercial refuse strategy, including the design and location of the refuse stores, has been submitted to and approved in writing by the Local Planning Authority. The approved refuse stores shall be provided before the occupation of the development and thereafter permanently retained.

Reason: To provide satisfactory refuse storage provision in the interests of the appearance of the site and locality in accordance with policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

Cycle Parking

17. No above ground new development shall commence until details of the cycle parking facilities shown on drawing Nos. D-04 Rev A and D-05 Rev A have been submitted to and approved in writing by the Local Planning Authority. The submission should include details of the security, monitoring and access arrangements for the cycle parking facilities. The development shall not be occupied until the approved details have been implemented. Thereafter, the cycle parking facilities shall be permanently retained.

Reason: In the interests of promoting cycling as a safe, efficient and non-polluting mode of transport and in accordance with policy BR11 of the Borough Wide Development Policies Development Plan Document and policy 6.9 of the London Plan.

Scheme of Acoustic Protection

18. No above ground new development shall commence until full details of a scheme of acoustic protection of habitable rooms against road traffic noise has been submitted to and approved in writing by the Local Planning Authority. The scheme of acoustic protection shall be sufficient to secure internal noise levels no greater than 35 dB LAeq in living rooms and bedrooms (07.00 hrs to 23.00 hrs) with windows closed; and 30 dB LAeq in bedrooms (23.00 hrs to 07.00 hrs) with windows closed. Additionally, where the internal noise levels will exceed 40 dB LAeq in living rooms and bedrooms (07.00 hrs to 23.00 hrs) or 35dB LAeq in bedrooms (23:00 hrs to 07.00 hrs) with windows open the scheme of acoustic protection shall incorporate a ventilator system which is commensurate with the performance specification set out in Schedule 1 (paragraphs 6 and 7) of The Noise Insulation Regulations 1975 (as amended). The approved scheme shall be fully implemented before the first occupation of the residential unit to which it relates and shall be maintained at all times thereafter.

Reason: To ensure that the proposed residential units are adequately protected from noise and in accordance with policy BR13 of the Borough Wide Development
Blue Badge Car Parking

19. The 8 proposed blue badge car parking spaces, as indicated on drawing No. D-04 Rev A, shall be constructed and marked out prior to the occupation of the development as accessible parking bays (to be clearly marked with a British Standard disabled symbol).

Reason: To ensure and promote easier access for disabled persons in accordance with policies BC2, BR9 and BR10 of the Borough Wide Development Policies Development Plan Document and policy 6.13 of the London Plan.

Revised Energy Statement and Details of Photovoltaic Panels and Pipework to Link to District Heating Network

20. Within 3 months of the commencement of the development a revised Energy Statement shall be submitted to the Local Planning Authority for approval in writing in consultation with GLA officers. The revised Energy Statement shall take into consideration any distribution losses associated with the extension of the District Heating pipework to the development’s heat substation/plate heat exchanger and provide revised calculations for the carbon savings in order to demonstrate that there will be a 35% reduction in carbon emissions over Part L of the Building Regulations 2013. Details of the location and quantum of any photovoltaic panels and a scheme showing the provisions to be made for interconnecting pipework to link into the District Heating Network shall also be submitted to and approved in writing by the Local Planning Authority. In the event that the development is unable to source heating from the District Heating Network any alternative arrangement to heat the scheme shall remain Air Quality Neutral and details shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved details have been implemented.

Reason: In the interests of safeguarding the environment and providing sustainable development in accordance with policies BR1 and BR2 of the Borough Wide Development Policies Development Plan Document and policies 5.2, 5.3, 5.5, 5.6 and 5.7 of the London Plan.

Bird Nesting and Bat Roosting Bricks/Boxes

21. The development hereby permitted shall not be occupied until bird nesting and bat roosting bricks/boxes have been installed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The details shall accord with the advice set out in 'Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build' (Published by RIBA, March 2010) or similar advice from the RSPB and the Bat Conservation Trust.


Noise from Plant
22. The combined rating level of the noise from any plant installed pursuant to this permission (other than plant which is only to be operated in emergency circumstances) shall not exceed the existing background noise level outside the window to any noise-sensitive room. Any assessment of compliance with this condition shall be made according to the methodology and procedures presented in BS4142:2014.

Reason: To ensure that noise-sensitive rooms within the proposed development and neighbouring developments are adequately protected from noise and in accordance with policy BR13 of the Borough Wide Development Policies Development Plan Document and policy 7.15 of the London Plan.

London City Airport Safeguarding – Details of Cranes

23. Prior to the erection of any crane on the site details of the construction methodology and the use of the crane(s) shall be submitted to the Local Planning Authority for approval in writing in consultation with London City Airport. The details shall include the proposed location(s) and maximum operating height(s) of the crane(s) and the start/finish dates for use of the crane(s).

Reason: To ensure that construction activities will not adversely affect the operation of London City Airport.

Flexible Uses

24. Following the first occupation of each of the two ground floor flexible use commercial units, identified as Commercial 1 and Commercial 2 on drawing No. D-04 Rev A, any further change of use to another use specifically permitted by this permission must be carried out within a period of 10 years from the date of this permission.

Reason: To accord with the provisions of Class E, Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015.

Delivery/Collection of Goods – Commercial Units and Cinema

25. The delivery/collection of goods associated with the commercial units, identified as Commercial 1 and Commercial 2 on drawing No. D-04 Rev A, and the cinema is only permitted to take place between the hours of 07.00 hrs and 21.00 hrs on any day.

Reason: To prevent any undue disturbance to residential occupiers and occupants of neighbouring properties at unreasonable hours and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

Handling of Bottles and/or Movement of Bins and Rubbish – Commercial Units, Cinema and Office Use

26. The handling of bottles and/or the movement of bins and rubbish associated with the commercial units, identified as Commercial 1 and Commercial 2 on drawing No. D-04 Rev A, and the cinema is only permitted to take place between the hours of 07.00 hrs and 21.00 hrs on any day.

Reason: To prevent any undue disturbance to residential occupiers and occupants of neighbouring properties at unreasonable hours and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.
No. D-04 Rev A, the cinema and the office use are not permitted to take place outside the premises between the hours of 23.00 hrs on one day and 07.00 hrs the following day.

Reason: To prevent any undue disturbance to residential occupiers and occupants of neighbouring properties at unreasonable hours and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

Details of Any Commercial Kitchen Extract Ventilation System

27. Prior to occupation of any of the commercial units or the cinema cafe hereby permitted details of the appearance of any kitchen extract ventilation system and associated equipment (which shall include measures to alleviate fumes and odour and incorporating activated carbon filters where necessary), and any other plant or equipment on the roof, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the first use of the relevant commercial unit/cinema cafe and shall thereafter be permanently retained in an efficient manner.

Reason: To safeguard the appearance of the premises and minimise the impact of cooking smells and odours in accordance with policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

Structure Borne Noise Emissions from Any Commercial Kitchen Extract Ventilation System

28. Any commercial kitchen extract ventilation system shall be designed to ensure that structure borne (re-radiated) noise emissions from the kitchen ventilation system do not exceed 35 LAeq dB (5 min) when measured in any habitable room in adjoining residential premises.

Reason: To ensure that the proposed residential units are adequately protected from noise and in accordance with policy BR13 of the Borough Wide Development Policies Development Plan Document and policy 7.15 of the London Plan.

Noise from Entertainment

29. Noise from entertainment including live and amplified music associated with the commercial uses and cinema hereby permitted shall be controlled so as to be inaudible inside adjoining and other noise-sensitive premises in the vicinity of the use. The initial test for compliance with the ‘inaudibility’ criterion will be that noise should be no more than barely audible outside those noise-sensitive premises. In the event there is disagreement as to whether entertainment noise is or is not audible the following numerical limits shall be used to determine compliance with this condition:

- the LAeq (EN) shall not exceed LA90 (WEN); and
- the L10 (EN) shall not exceed L90 (WEN) in any 1/3 octave band between 40Hz and 160Hz.

EN = entertainment noise level, WEN = representative background noise level without the entertainment noise, both measured 1 metre from the façade of the
noise-sensitive premises.

Reason: To ensure that the proposed residential units and office space and surrounding residential properties are adequately protected from noise and in accordance with policy BR13 of the Borough Wide Development Policies Development Plan Document and policy 7.15 of the London Plan.

Building Regulations M4 (2)

30. 149 of the residential units hereby permitted shall meet Building Regulations Approved Document M Volume 1 (2015 Edition) M4 (2) ‘accessible and adaptable dwellings’. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure that accessible housing is provided in accordance policy BC2 of the Borough Wide Development Policies Development Plan Document and policy 3.8 of the London Plan.

Building Regulations M4 (3)

31. The 21 proposed wheelchair accessible units shall meet Building Regulations Approved Document M Volume 1 (2015 Edition) M4 (3) ‘wheelchair adaptable dwellings’. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure that sufficient accessible housing is provided in accordance with policy BC2 of the Borough Wide Development Policies DPD and policy 3.8 of the London Plan.

Communal Television and Satellite System

32. The development hereby permitted shall not be occupied until details of a communal television and satellite system have been submitted to and approved in writing by the Local Planning Authority. The approved system shall be provided prior to occupation of the development and be made available to each residential unit. No antennae or satellite dishes may be installed on the exterior of the building, with the exception of a single antennae or satellite dish per block to support the communal television and satellite system. The proposed antennae or satellite dishes shall be designed to minimise their visual impact and shall not be mounted on any publicly visible façade.

Reason: To safeguard the external appearance of the buildings in accordance with policy CP3 of the Core Strategy and policies BP2 and BP11 of the Borough Wide Development Policies Development Plan Document.

Delivery and Servicing Plan

33. Prior to the occupation of the development a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority in conjunction with Transport for London. The Plan shall identify efficiencies and
sustainability measures to be undertaken once the development is operational and
should incorporate details of deliveries to the site and servicing arrangements,
including the size of vehicles, routing and tracking of vehicles and times of
deliveries and servicing. The approved Plan shall be implemented and adhered to
thereafter.

Reason: In order to minimise the impact of the development on the local highway
network and traffic congestion and in accordance with policy BR10 of the Borough
Wide Development Policies Development Plan Document and policy 6.3 of the
London Plan.

Scheme of Highway Works

34. No above ground new development shall commence until the developer has
submitted to the Local Planning Authority for approval in writing, in consultation with
the Local Highway Authority, a scheme of highway works associated with the
development. The approved works shall be carried out prior to the occupation of
the development, or as otherwise agreed in writing with the Local Planning
Authority, in consultation with the Local Highway Authority.

Reason: In the interests of highway safety and in accordance with policies BR9 and

Bat Surveys

35. Prior to demolition of the existing building at least three nocturnal emergence
and/or dawn re-entry surveys during the bat activity season which extends from
May to September shall be undertaken to establish whether bats are using the
building in accordance with the recommendations contained in the submitted
Daytime Bat Survey dated November 2015.

Reason: To protect the ecology of the area in accordance with policy CR2 of the
Core Strategy.

Piling

36. No piling shall take place until a piling method statement, detailing the depth
and type of piling to be undertaken and the methodology by which such piling will be
carried out, including measures to prevent and minimise the potential for damage to
subsurface sewerage infrastructure, and the programme for the works, has been
submitted to and approved in writing by the Local Planning Authority in consultation
with Thames Water. Any piling must be undertaken in accordance with the terms of
the approved piling method statement.

Reason: The proposed works will be in close proximity to, and have the potential to
impact on, local underground sewerage utility infrastructure.

Vibration

37. If piling or other ground improvement work is undertaken pursuant to this
permission then the 95% level of vibration attributable to these activities shall not
exceed a peak particle velocity of 1.5mm/sec when measured at the point of entry
to any adjoining residential development. In the event of reasonable complaint of vibration nuisance and at the request of the Local Planning Authority monitoring to evaluate compliance with this condition is to be carried out and the results submitted to the Local Planning Authority.

Reason: In order to reduce the impact of construction on the amenities of neighbouring residents, and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

Green Roofs

38. No above ground new development shall commence until a detailed scheme for the green roofs to the two podium terraces at sixth floor level has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority prior to occupation of the development. The green roofs shall comprise at least 50% native species, not including Sedum species, seeded with an annual wildflower mix or local seed source.

Reason: To protect and enhance the biodiversity of the site and contribute towards sustainable drainage in accordance policy BR3 of the Borough Wide Development Policies Development Plan Document.

Restriction on Uses

39. The two ground floor commercial units hereby permitted, identified as Commercial 1 and Commercial 2 on drawing No. D-04 Rev A, shall only be used for purposes falling within Classes A1, A2, A3, A4, B1, D1 (excluding places of worship and schools and colleges) and D2, and for no other purpose.

Reason: To protect the locality by avoiding the introduction of a use unsuited to the premises in accordance with policies BP8 of the Borough Wide Development Policies Development Plan Document.

Scheme Responding to Climate Change Adaptation

40. No above ground new development shall commence until a detailed scheme responding to London Plan strategic policies regarding climate change adaptation, including use of low energy lighting and energy efficient appliances, metering, high levels of insulation and low water use sanitary-ware and fittings, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Greater London Authority (GLA). The approved scheme shall be implemented to the satisfaction of the Local Planning Authority prior to occupation of the development.

Reason: In the interests of safeguarding the environment and providing sustainable development in accordance with policies 5.9, 5.10, 5.11 and 5.15 of the London Plan.

Water Efficiency

41. The development hereby permitted shall comply with the water efficiency
optional requirement in paragraphs 2.8 to 2.12 of the Building Regulations Approved Document G. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To minimise the use of mains water in accordance with policy BR4 of the Borough Wide Development Policies Development Plan Document and policy 5.15 of the London Plan.

Car Park Design and Management Plan for Blue Badge Car Parking

42. Prior to occupation of the development, a car park design and management plan shall be submitted to the Local Planning Authority for approval in writing setting out how additional demand for blue badge parking bays beyond the 8 blue badge parking bays shown on drawing No. D-04 Rev A can be met and the approved details shall be implemented prior to occupation of the development.

Reason: To ensure and promote easier access for disabled persons in accordance with policies BC2, BR9 and BR10 of the Borough Wide Development Policies Development Plan Document and policy 6.13 of the London Plan.

Inclusive and Unhindered Access

43. No above ground new development shall commence until details have been submitted to the Local Planning Authority for approval in writing demonstrating that inclusive and unhindered access will be provided to each of the entrances safely, including details of levels, gradients, provision of accessible seating and widths of the paths.

Reason: To ensure inclusive and unhindered access for all within the development in accordance with policy 3.8 of the London Plan.

Arboricultural Assessment

44. No development shall commence until an Arboricultural Assessment to protect any existing trees which are to be retained on and adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The Assessment shall accord with British Standard 5837:2012, 'Trees in relation to design, demolition and construction'.

Reason: The Arboricultural Assessment is required prior to commencement in order to ensure the safety and well-being of the existing trees on and adjacent to the site that are to remain after building works are completed and in accordance with policies BR3 and BP11 of the Borough Wide Development Policies Development Plan Document.

Fire Statement

45. A Fire Statement shall be submitted and approved in writing by the Local Planning Authority before the commencement of any work above ground level. The Fire Statement shall be produced by an independent third party suitably qualified
assessor which shall detail the building’s construction, methods, products and materials used; the means of escape for all building users including those who are disabled or require level access together with the associated management plan; access for fire service personnel and equipment; ongoing maintenance and monitoring and how provision will be made within the site to enable fire appliances to gain access to the building. The development shall be carried out in accordance with the approved details.

Reason: In order to provide a safe and secure development in accordance with policy CP3 of the Core Strategy.

BREEAM

46. The development hereby permitted shall achieve a BREEAM ‘Excellent’ rating for the non-residential elements, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development is constructed in an environmentally sustainable manner and in accordance with policy CR1 of the Core Strategy and policy BR1 of the Borough Wide Development Policies Development Plan Document.

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1.0 Introduction and Description of Development

Existing Site

1.1 The application site (0.31 hectares) is bounded by Axe Street to the north, St Ann’s Road to the east, St Pauls Road to the south and the Broadway to the west. The site is located within the Barking Town Centre boundary and the Barking Town Centre Area Action Plan (AAP) area and comprises the former Abbey Sports Centre which has been replaced by a new leisure centre on the opposite side of Axe Street.

1.2 The surrounding area includes a mix of retail, commercial, residential and community uses.

1.3 The site is located in close proximity to the Barking Abbey Scheduled Ancient Monument and falls just outside the Abbey and Barking Town Centre Conservation Area. There are also a number of other heritage assets in close proximity to the site including the Grade I Listed Parish Church of St Margaret, the Grade II Listed Tomb of Captain John Bennett at St Margaret’s Church, the Grade II Listed remains of Barking Abbey and the old churchyard walls and the Grade II* Listed Fire Bell Gate (Curfew Tower).

Proposal
1.4 The application proposes the demolition of the existing building and redevelopment of the site, including erection of buildings ranging in height from 1 to 13-storeys to provide 170 residential units at first floor level and above, together with the provision of a cinema (Class D2), flexible commercial floor space (Classes A1, A2, A3, A4, B1, D1 and D2) and office accommodation (Class B1) at ground floor level, with associated landscaping and public realm improvements. The proposed residential tenure comprises 65% private rented sector (PRS) units (110 units) and 35% sub-market housing on a habitable room basis (153 habitable rooms, 60 units in total).

1.5 The Council issued a formal Environmental Impact Assessment (EIA) Screening Opinion on 22 March 2018 confirming that an EIA was not required for the proposed development.

1.6 The application is referable to the Mayor of London under Categories 1A, 1B and 1C of the Schedule to The Town and Country Planning (Mayor of London) Order 2008. The Greater London Authority (GLA) issued their Stage 1 report for the application on 14 May 2018 and their comments are set out in the ‘Consultation’ section of this report. If the Council resolves to make a draft decision on the application, it must consult the Mayor again and allow him 14 days to decide whether to allow the draft decision to proceed unchanged, or direct the Council to refuse the application, or issue a direction that he is to act as the Local Planning Authority for the purpose of determining the application.

2.0 Background

2.1 The most relevant history of note is:

16/00634/REG3 - Demolition of existing building and redevelopment of site, including erection of buildings ranging in height from 2 to 13-storeys to provide 150 residential units together with the provision of a cinema (Class D2), flexible commercial floor space (Classes A1, A2, A3, A4, D1 and D2), and office accommodation (Class B1) with associated landscaping and public realm improvements. Recommendation to approve following Development Control Board meeting on 10 October 2016 subject to a Stage 2 Referral to the Mayor of London and a S106 Agreement. A draft S106 Agreement was subsequently prepared but delayed due to negotiations. Given the time that has passed since the original Stage 1 Referral to the Mayor and the changes to the Mayor’s viability policies since that time, the GLA require a fresh viability assessment to be submitted prior to any Stage 2 Referral. The application is currently on hold pending the outcome of the current application.


3.0 Consultations
3.1 Neighbours / Publicity

4 site notices were posted on 27 March 2018 and expired on 20 April 2018. A press notice was also published in the Barking and Dagenham Post on 11 April 2018 and expired on 5 May 2018.

233 neighbouring occupiers were consulted on 27 March 2018 and the 24-day consultation period expired on 20 April 2018.

There have been 4 objections to the proposed development from the following addresses, namely 54 Lighterman Court, 104 Axe Street, Barking; Flat 001 87 Axe Street, Barking; Flat 301 87 Axe Street, Barking; and one unknown address. The objections are summarised below:

- Concerned about the provision of 170 more flats on Axe Street where public amenities are already congested.
- We don’t want another tower block.
- There is no planning for basic welfare amenities to cope with the number, or the prospective number, of residents that will be moving in.
- Schools are under-performing and oversubscribed and there are no plans to increase and improve schools for the prospective growth in the number of residents.
- There are no plans shown to increase the number of hospitals, GP surgeries or healthcare facilities to cope with the increase in population.
- Loss of views from existing residential properties.
- Loss of privacy.
- Devaluation of property because of the proposed development.
- Loss of sunlight/daylight into Axe Street and surrounding properties.
- No car parking proposed for the development in an area which already has parking problems. Concerns that the street will become blocked.
- Where is the decent football/basketball play park for kids to play in? The kids in the area already have nothing and crime is high.
- Who would pay for 4 hours parking to watch a movie and also pay to watch it?
- Concerns that noise and smoke from the existing adjacent public house will adversely affect the residential amenity of the proposed occupiers.
- It would be appropriate to include a big name (chain) restaurant which we appear to lack in the area, however, we do not feel a cinema is necessary. One room with a screen may be useful for businesses or leisure but we already have three big cinemas within easy reach.
- We currently struggle with late night noise from a busy road and a public house. Concerned that the noise would increase with the proposed development.

Officer Note: Barking Town Centre has Housing Zone status and the proposed development will contribute to the new housing that the Borough is expected to deliver to meet demand. The site is also considered to be suitable for a building of the heights proposed.

The town centre provides good facilities for the existing population and future residents. Welfare facilities such as GP surgeries and hospitals are
It is not expected that noise would increase significantly as part of the proposed development. The proposed uses are those which you would
expect to find in a town centre. Noisy activities such as deliveries and the handling of bottles and refuse are proposed to be restricted by condition to more sociable hours.

Officers do not consider that any of the above objections amount to a reason for refusal in this case.

3.2 Consultees

a) Greater London Authority (GLA) - The GLA issued their Stage 1 Report on 14 May 2018. This concluded as follows:

London Plan policies on Opportunity Areas, retail and town centre uses, employment, housing, sub-market housing, urban design, inclusive access, sustainable development and transport are relevant to this application. The below issues must be addressed to ensure the proposal complies with the London Plan:

- **Sub-market housing** - All 170 units are to be provided as Private Rented Sector (PRS) units, without any on-site or cash-in-lieu contribution offered towards sub-market housing. The lack of any sub-market housing contribution is wholly unacceptable and not adequately supported by the submitted Financial Viability Assessment (FVA). GLA Officers will work with the Council to robustly interrogate viability and secure the maximum amount of sub-market housing. All PRS homes must be held in a 15-year covenant, with an appropriate clawback mechanism secured within the S106 Agreement. Early and late stage review mechanisms must be secured in line with the Affordable Housing and Viability Supplementary Planning Guidance (SPG).

- **Urban design and heritage** - The applicant should amend the scheme to provide a revised ground floor layout with better activated frontages and reconsider the placement of residential units on the first floor where they will be impacted by poor outlook to surrounding major roads, in line with London Plan policies 7.1, 7.4 and 3.5.

- **Inclusive access** - Further detail should be provided to demonstrate inclusive and unhindered access is provided to each of the entrances safely, including details of levels, gradients, provision of accessible seating and widths of the paths. The Council should secure compliance with appropriate standards in policy 3.8 of the London Plan via condition.

- **Climate change** - Further revisions and information are required before the proposals can be considered acceptable and the carbon dioxide savings verified, in line with London Plan policy 5.2.

- **Transport** - The applicant should improve long-stay cycle parking where possible and set out how additional demand for blue badge parking spaces can be met. A car park design and management plan, travel plan, Delivery and Servicing Plan and Construction Logistics Plan should be secured through conditions and the S106 agreement, in line with London Plan policies 6.9, 6.13 and 6.14.
Officer Note: The GLA Officer has confirmed that the majority of matters raised in the Stage 1 Report have now been satisfactorily addressed, including the sub-market housing offer which is discussed in detail later in this report. The exception to this relates to energy calculations in regards to the District Heating Network that the GLA Energy Team are still verifying. This matter will be confirmed as part of the GLA Stage 2 process, if not before. All of the conditions / S106 obligations requested by the GLA will be secured as part of any planning permission granted.

b) Historic England (Archaeology) - The site lies in the Barking Archaeological Priority Area, which relates to the potential for evidence of the historic development of the town to be present. Medieval and post-medieval remains similar to those found at the neighbouring new sports centre site can be expected to have survived modern impacts. There is also potential for Roman and prehistoric evidence, as borne out by past finds made nearby. A condition is proposed echoing advice given by this office in relation to the earlier application 16/00634/REG3.

A condition should secure a two-stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

Officer Note: The recommended condition will be imposed on any planning permission granted.

c) Historic England (Buildings) - The application site is located within 50 metres of the south-eastern extent of the Barking Abbey Scheduled Monument. The monument includes a Benedictine Abbey surviving as upstanding stone remains and archaeological remains. It is situated on low-lying flat ground within a park, east of the River Roding. St Margaret’s Church (Grade I) and graveyard occupy the area immediately south of the monastic ruins but are excluded from the scheduling. The upstanding remains include parts of the foundations and walls of the Abbey which are of ragstone rubble with dressings of Reigate, Binstead and Caen stone. These have been exposed during excavation and other parts have been restored in modern ragstone according to the re-constructed layout. A 15th century gate tower with upper chapel, known as the Fire Bell Gate, also survives but is excluded from the scheduling and is Grade II* listed. The site is also located close to the Abbey and Barking Town Centre Conservation Area.

The Heritage Statement provided does not adequately consider the impact of the new development on the Scheduled Monument and no view assessment has been provided from the location of the Abbey remains. As such it is not possible to meaningfully assess the level of harm the new development will have on the monument, in particular with respect to the taller buildings. We also lament the continual encroachment on the setting of the Abbey and Barking Town Centre Conservation Area that this new development represents, particularly with the addition of a 13-storey building so close to the Town Hall which, although not listed, remains a positive contributor to the Conservation Area.
We would urge you to address the above issues and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

**Officer Note:** In response to the above comments, the applicant submitted wireline images to Historic England. The Assistant Inspector of Ancient Monuments responded as follows:

The images provided by the applicant demonstrate the need for stringent procedures with regard to the assessment of impact on the setting of nationally important heritage assets such as Scheduled Monuments (and indeed also, Listed Buildings and Conservation Areas). The wintertime outline clearly shows an impact on the setting of the Abbey Church remains within the scheduled area. Taking into account the combined impact of other, already approved schemes, closer to and more imposing on the Abbey remains, I am unable to consider this scheme as ‘substantial harm’ to the setting but clearly harm is caused. As such I would expect to see this mitigated in the form of a heritage gain for the Barking Abbey Scheduled Monument. One suggestion would be to ensure that Section 106 funds are allocated for improvements to the monument, in the form of a refresh of the paths and seating which are showing signs of age and neglect. In particular, it should be an aspiration for the Local Authority to procure high specification, resin bonded gravel paths in the area of the Abbey remains and, as such, a S106 allocation could go some way to achieving this. Such improvements to the Scheduled Monument would be seen to balance the harm caused to the setting by the ever-increasing encroachment of insensitive modern development that this latest application site represents.

**Further Officer Note:** Officers have considered Historic England’s request for a S106 contribution and do not consider that there is justification for it in this case given the previous planning application for this site, which had a recommendation to approve, did not include such a contribution.

d) **Designing Out Crime Officer** – No response.

e) **London Fire and Emergency Planning Authority (LFEPA)** - Access at ground floor is considered acceptable. Each of the core stairs will require the installation of a fire main complying with BS 9990:2015 with outlets at all floor levels including the ground and mezzanine floors. Inlets to the mains should be located on the face of the block which they serve, within 18 metres of where a pump appliance can approach and be visible from the appliance. There should be a fire hydrant within 90 metres of the inlet to each fire main. Any block with a floor more than 18 metres above fire and rescue service entry level should be provided with a fire fighting shaft containing a fire fighting lift. Fire fighting shafts should serve all floors through which they pass.

**Officer Note:** The above matters will be dealt with as part of Building Regulations approval.
f) **London Fire Brigade – Water Team** – No additional hydrants are required.

g) **London City Airport** - No safeguarding objection.

h) **Essex and Suffolk Water** – We have apparatus located within the proposed development. Consent is given to this development on the condition that new metered water connection is made onto the Company’s network for the new dwellings for revenue purposes.

i) **Thames Water** – General advice provided, along with a request to impose an informative relating to working near Thames Waters’ assets.

j) **National Grid** – General advice provided, along with a request to impose an informative relating to operational gas apparatus.

k) **UK Power Networks** – No response.

l) **Sustainable Transport in Barking and Surrounding Areas (STIBASA)** - Improvements to Axe Street should be considered to make it better for cycling. As a minor road it would be a good cycling alternative to St Pauls Rd if it were reconfigured to better suit that role.

The southward curve at its junction with Broadway was put in when it was required to turn south (left) at that point because of a one-way flow, which no longer applies. This junction should be reordered to enable cycling into and out of the junction from both north and south.

The remainder of the road should be two-way for cycling as far as the junction with Short Street (i.e. the Stag Island gyratory) if it is not already.

*Officer Note:* The comments above are noted, however, some of the improvements suggested are outside of the scope of this application. As part of the development there will be some general improvements to the layout of Axe Street directly in front of the development and this will be overseen by the Local Highway Authority.

m) **Environmental Health Team** – The following comments which were provided in respect of the earlier application 16/00634/REG3 are still considered relevant.

**Local Air Quality** - The concentrations of pollutants as identified in the Air Quality Assessment Report will comfortably satisfy national standards set to safeguard health and no air quality mitigation measures will need to be implemented.

With regard to the mitigation of potential odour emissions from any commercial floor space that is fitted out as a restaurant, the developer has submitted a kitchen extract strategy document. This document demonstrates that risers are provided up through the building to roof level where there is space for any necessary abatement plant. To safeguard the
situation and ensure that any necessary mitigation is implemented I recommend the imposition of a suitable condition.

**Noise** - I concur with the methodological approach, conclusions drawn and proposed noise mitigation measures outlined in the Noise Impact Assessment and the BREEAM Acoustic Assessment and recommend the imposition of conditions to ensure the implementation of the various proposed acoustic design measures, including the provision of acoustically treated mechanical ventilation.

Noise affecting external amenity areas (balconies) around the building perimeter will be significantly greater than the upper guideline value to secure residential amenity. It is not feasible to reduce noise affecting these areas. However, subject to the provision of a 2 metre high boundary screen 95% of the communal gardens will satisfy the normal design criteria and so, on balance, I am satisfied that in this urban area adjoining the strategic transport network there will be satisfactory provision for relatively quiet relaxation outside the building.

With regard to the mitigation of noise arising from the new ground floor commercial uses I recommend the imposition of a condition to require the submission, approval and implementation of a scheme of acoustic treatment of the party construction. I also recommend the imposition of conditions to limit the times of deliveries and collections and the handling of bottles and rubbish associated with the commercial uses.

**Potential Light Pollution** - I recommend the imposition of a condition requiring the design and implementation of a lighting scheme which conforms to The Association of Chief Police Officers (ACPO) guidance for lighting.

**Construction Phase Impact** - The Air Quality Assessment Report provides a detailed risk assessment of the potential for construction phase dust emissions and outlines appropriate mitigation measures. The report also refers to the need to comply with the Mayor of London requirement relating to the control of emissions from non-road mobile machinery. I concur with this assessment and recommend the imposition of a condition to require the submission of a Construction Environmental Management Plan to secure the implementation of the mitigation measures.

In my view construction noise/vibration impacts can be suitably mitigated by way of the imposition of conditions. I note that a piled foundation may be required. Because of the close proximity of neighbouring residential and other sensitive development, I anticipate that any piling that might be needed is likely to have to be by way of a continuous flight auger technique (Officer Note - a process which is virtually vibration free and one of the quietest forms of piling making it ideal for environmentally sensitive areas).

**Land Quality** - I have reviewed the submitted Phase 1 Geo-Environmental Desk Study Report and accept the conclusion that, whilst in principle the site may be safely developed and securely occupied, an intrusive site investigation will be required to be carried out. I therefore recommend that
any permission that might be granted be subject to the standard land contamination conditions.

**Officer Note:** The recommended conditions will be imposed on any planning permission granted.

n) **Transport Development Management Team** - There are no apparent adverse highway implications arising from the proposed development. If the Local Planning Authority is minded to approve the development we recommend that the following matters, as per the previous application 16/00634/REG3, are secured by condition or S106 Agreement:

- To encourage and promote the use of electric cars in accordance with the London Plan two existing car parking spaces in the town centre should be installed with electric vehicle charging points (EVCP). It is recommended that this obligation be in the form of a financial contribution of £10,000 (£5,000 per EVCP).
- As the site is proposed as a car-free development it is recommended that any future occupiers of the development are restricted from obtaining car parking permits within local Controlled Parking Zones (excluding blue badge holders).
- In order to support the car-free development ethos, the developer should provide free membership of a local club car club for the first two years.
- The existing highway will need to be modified beyond the extent of the application red line boundary. To ensure that the proposed on-street parking areas provided will not impede the free flow of traffic to the adjacent roads, nor compromise any mitigating measures needed (e.g. Traffic Management Orders (TMO’s)), we suggest in the interest of highway safety that the appropriate highway consent (s278/38 agreement, Highways Act 1980) is entered into by the developer prior to construction taking place on site.

**Officer Note:** The recommended conditions/S106 obligations will be imposed on any planning permission granted.

o) **Arboricultural Officer** – I have no serious objections to this scheme. There is little in the way of significant vegetation around this block. The proposal of new trees and roof gardens is not offensive in species choice or position. I anticipate an improvement in tree presence after this.

The new sports centre opposite in Axe Street has some trees on the street that were retained as part of that scheme but I see no reason they should be affected. However, I would like to be sure they are not impacted by any part of the demolition or build operation. I would expect an impact assessment from an Arboriculturalist unless the site boundary line of work (i.e. fenceline) is outside 12 x the stem diameters (refer BS 5837), in which case a statement it is clear would be acceptable.

The proposed tree planting excludes the St Pauls Road side. I would have liked to have seen some greenery there.
I accept there is little opportunity for large canopy planting with the design offered. I would be looking for around 10 square metre canopies so not massive but medium to large trees like alders and acers if the design opportunity had been presented to secure it. I understand the difficulties to make space for such trees.

The general objective is to try and secure some greenery along the boundary lines of public highways with our developments in the town centre. Mature canopies are the best but, failing that, visible hedges or screening trees should be provided to create tree-lined streets.

4.0 Local Financial Considerations

4.1 The developer would be liable for a Mayoral Community Infrastructure Levy (CIL) contribution based on a rate of £20 per square metre of chargeable floorspace, with indexation applied. Officers have calculated a Mayoral CIL charge of £456,109.78.

4.2 A Borough CIL contribution would be payable based on a rate of £70 per square metre of residential floorspace and assuming a rate of £10 per square metres of commercial space, with indexation applied. The exception to this is the office space which is charged at a nil rate under the Borough’s CIL. It should also be noted that the Borough has differing CIL rates for commercial floorspace and given the flexible uses sought there is the potential for the commercial rate of £10 to increase or decrease depending on the end use. Officers have calculated a Borough CIL charge of £1,294,703.02.

4.3 A discount for the sub-market housing units within the development could be applied, thus reducing these charges, subject to an acceptable application for social housing relief being submitted and approved prior to commencement of the development. It should be noted that these charges have been based on 2018 indexation rates. Indexation rates will change from 1 January 2019 and therefore if any planning permission is granted in 2019 then the new indexation rates will need to be applied.

5.0 Analysis

5.1 Principle of the Development

5.1.1 Barking Town Centre is a key development area within the London Riverside Opportunity Area. The London Riverside Opportunity Area Planning Framework (OAPF) states that the town centre is suitable for high density, mixed-use developments with the potential for tall buildings.

5.1.2 Policy CM1 of the Core Strategy states that residential development (particularly higher density development) will be focussed in the key regeneration areas, which includes Barking Town Centre. Policy CM2 of the Core Strategy sets a target of 6,000 new homes in Barking Town Centre.
5.1.3 As well as falling within the Barking Town Centre Area Action Plan (AAP) area, the proposal site is located within the wider Barking Town Centre Site Specific Allocation Area 5 (BTCSSA5) (Axe Street / Abbey Sports Centre) which proposes a mixed-use development comprising improvements to the Abbey Sports Centre together with commercial and leisure uses such as a cinema, new homes and a multi-storey town centre car park.

5.1.4 Barking Town Centre has been awarded Housing Zone status by the Greater London Authority (GLA) and the application site is one of 10 initial schemes totalling 2,295 homes. A further 12 schemes have been identified in the zone. The Council’s role in each varies from just assessing planning applications through to leading the delivery.

5.1.5 The proposed cinema is in accordance with the uses identified under Site Allocation BTCSSA5 and the proposed commercial units have been designed in accordance with BTCSSA5 which seeks active street frontages and vibrant ground floor uses to enhance the existing town centre offer and complement the existing civic functions of this part of the town centre. The proposed uses would provide a boost to the leisure offer and the poorly developed evening economy in the town centre. It should be noted that the sports centre has already been re-provided on the opposite side of Axe Street and opened in 2015 and there is no longer a need to provide a multi-storey town centre car park as part of policy BTCSSA5 due to the provision of a new car park as part of the ASDA development at London Road.

5.1.6 The provision of B1 office space for the NHS / Care City would also meet the Council’s aspirations for the site and contribute to the strategic aim of providing over 4,000 new jobs in Barking Town Centre.

5.1.7 Overall the principle of a mixed-use development on the site is welcomed and supported, subject to the matters discussed below being satisfactorily addressed.

5.2 Housing

5.2.1 Housing Mix

The application proposes 170 residential units across three blocks (A, B and C) at first floor level and above. 65% of the units would be private rented sector (PRS) units and 35% would be sub-market housing units. The overall proposed mix of 87 one-bedroom/two-person units, 2 two-bedroom/three-person units, 77 two-bedroom/four-person units and 4 three-bedroom/five-person units reflects the nature of the private rented sector which provides rental accommodation of predominantly one and two beds.

5.2.2 The proposed units have been designed to be compliant with the nationally described space standards and the minimum space standards set out in the London Plan.

5.2.3 Barking Town Centre and its environs have a high proportion of social rented housing including larger units and the Council’s strategy which informed the successful Housing Zone bid is to provide additional one and
two bedroom flats (private for sale, private rented sector (PRS) and shared ownership) which attract working residents who can help support a widening of the town centre’s retail and leisure offer and in particular help support the poorly developed evening economy.

5.2.4 Policy CC1 of the Core Strategy states that major housing developments will generally be expected to provide a minimum of 30% family accommodation (3-bedrooms or larger) in Barking Town Centre. The policy goes on to state that not all sites will be suitable for family-sized accommodation, for example in town centre locations where the size and form of the site is too tight, and where it would not be possible to provide a satisfactory environment for young children, particularly in respect of access to external amenity space. For these reasons, officers accept that the development cannot deliver further family-sized units beyond the four proposed.

5.2.5 Overall the proposed housing mix and tenure is considered to be in keeping with the strategy for new housing in Barking Town Centre.

Density

5.2.6 The density matrix in the London Plan identifies that a site with a PTAL of 6 in a central setting should provide 140-405 units per hectare (u/ha) or 650-1,100 habitable rooms per hectare (hr/ha). The Barking Town Centre Area Action Plan identifies a similar density for the site.

5.2.7 The proposed density is 1,377 habitable rooms per hectare which therefore exceeds the density guidance in the London Plan.

5.2.8 It is accepted, however, in the Mayor’s ‘Housing’ SPG that there may be exceptional circumstances where densities outside the ranges may occur. In such scenarios the test for acceptability is about the quality of the proposal – the requirement being that housing should be of exemplary design quality. As discussed later in this report, officers consider that the proposed development meets this test. It should be noted that the Draft New London Plan moves away from using the density matrix and focuses instead on matters of design quality, public transport accessibility and surrounding infrastructure as informing the proposed density of developments.

Sub-Market Housing

5.2.9 Policy 3.12 of the London Plan and Policy BC1 of the Borough Wide Development Policies DPD seek to achieve the maximum reasonable amount of sub-market housing for individual private residential and mixed-use schemes. Developers will normally be expected to provide their sub-market housing on site, but exceptional circumstances may allow for partial off-site provision and/or commuted payments.

5.2.10 The application site is public land and therefore in accordance with the Mayor’s viability guidance, the scheme should seek to provide 50% sub-market housing subject to viability. The developer’s full viability assessment
has been independently assessed during the application process, as well as by the GLA. As a result of discussions during the application process the sub-market housing offer has increased. The provision of 35% sub-market housing on a habitable room basis, which is to be delivered on-site, is supported by officers as being the maximum level of sub-market housing that the scheme can afford. The GLA has also confirmed that the sub-market housing offer is acceptable. It should be noted that the sub-market housing offer for the previously recommended development on this site (16/00634/REG3) comprised of a financial contribution which could fund approximately 30 off-site sub-market housing units. Accordingly, the current proposal represents a greatly improved sub-market housing offer.

5.2.11 Specifically, the development proposes 35% sub-market housing provision as follows:

- London Living Rent – 20 residential units at first floor level (9 x one-bedroom and 11 x two-bedroom units). This equates to 33% provision by habitable room;
- Discount Market Rent (70% of Market Rent) - 20 residential units at second floor level (9 x one-bedroom units and 11 x two-bedroom units). This equates to 33.5% provision by habitable room; and
- Discount Market Rent (75% of Market Rent) – 20 residential units at third floor level (9 x one-bedroom units and 11 x two-bedroom units). This equates to 33.5% provision by habitable room.

5.2.12 The sub-market housing provision is to be secured in the S106 Agreement. In accordance with the Mayor’s viability guidance, it will also be necessary to secure early and late stage viability review mechanisms in the S106 Agreement. These review mechanisms will be used to assess, at the relevant stage, whether the scheme can afford any additional sub-market housing units up to a maximum of 50% provision.

5.2.13 It should be noted that the ground floor NHS office space would be constructed by the developer as an in-kind contribution and leased back to the Council for community initiatives at a peppercorn rent. This is an additional cost to the developer and therefore has an impact on sub-market housing provision. It is understood that Care City, a research, education, training and innovation venture (part Council and part North East London Foundation Trust) aimed at improving the delivery of health and social care, will occupy the office space.

Accessible and Adaptable Dwellings

5.2.14 In accordance with Policy 3.8 of the London Plan, 90% of the proposed residential units are to meet Building Regulation requirement M4(2) ‘accessible and adaptable dwellings’.

Wheelchair User Dwellings

5.2.15 The two-bedroom/four-person units in Blocks A and C identified on the drawings as Flat Type T07 are easily adaptable to one-bedroom/two-person wheelchair accessible units and the three-bedroom/five-person units in
Block A identified on the drawings as Flat Type T14 are easily adaptable to two-bedroom/four-person wheelchair accessible units. The developer has advised that overall 14 wheelchair accessible units can be accommodated in Block A and 7 in Block C. In total, 21 wheelchair accessible units are proposed and this exceeds the 10% wheelchair housing requirement set out in Policy 3.8 of the London Plan and Building Regulation M4(3).

5.3 Design and Heritage

5.3.1 Policy BP4 of the Borough Wide Development Policies DPD defines a tall building as any building which is significantly taller than its neighbours, and/or which significantly changes the skyline. The proposed building is considered to meet the definition of a tall building.

5.3.2 Policy BTC17 of the Barking Town Centre Area Action Plan (AAP) states that the Council considers certain locations in the AAP area ‘sensitive’, but as potentially suitable for tall buildings. The proposal site is not one of the locations identified for a tall building. Policy BTC17 goes on to state that elsewhere in the AAP area, tall buildings will be resisted unless particular proposals can demonstrate significant regeneration or townscape benefits and do not cause harm to the historic significance of Barking Town Centre and its component parts. Any tall building should be of exemplary high-quality design and preserve and enhance important views and skylines.

5.3.3 The building height strategy set out in the London Riverside Opportunity Area Planning Framework (OAPF) identifies a cluster of tall buildings around Barking Station and a secondary cluster of tall buildings to the west of the town centre along the River Roding, on the axis from Barking Park to Canary Wharf. The proposal site does not fall within these areas. The OAPF advises that proposals for tall buildings or high density development outside of the identified areas will be considered case by case on individual merit with consideration given to the specific proposals, the location and context and detailed design and layouts.

5.3.4 Site Specific Allocation BTCSSA5 (Axe Street / Abbey Sports Centre) sets out that emerging proposals should provide active street frontages and vibrant ground floor uses; provide a creative design solution and iconic building; in its building heights and design, respect and avoid visual impacts on the nearby Town Hall and Broadway Theatre; use the Barking Code for associated public realm work; and reflect the London Plan density of between 215 and 405 units per hectare in any housing element.

5.3.5 The proposed development comprises three main blocks of 8, 11 and 13-storeys and these would be separated by two podium blocks of 6-storeys and two communal gardens at first floor level. The 13-storey element of the development would be positioned at the Broadway end of the site and the 11 and 8-storey blocks would step down to the east. The 13-storey block would be three sided and have curved ends at its southern and western edges. This arrangement seeks to create a distinctive landmark with high visibility from the southern part of Barking. The development has been designed to interact with the Barking skyline of contemporary buildings but
is not considered to dominate the Town Hall Clock Tower or the 18-storey Lemonade Building.

5.3.6 A two screen cinema (555 square metres GIA) providing 140 seats (Screen 1: 80 seats and Screen 2: 60 seats) is proposed at ground floor level. The cinema would be located within the most prominent part of the development along the curved edge of the site that fronts onto Axe Street, Broadway and St Pauls Road. The entrance to the cinema would be located at the corner of Broadway and Axe Street and the entrance foyer would include a café, seating area, ticket kiosks and a removable performance stage.

5.3.7 The proposed cinema tenant is Arthouse who currently have one other cinema in Crouch End. Arthouse have been consulted throughout the design process to ensure the design and layout meets their needs.

5.3.8 Two commercial units (65 and 62 square metres GIA respectively) are proposed at ground floor level. Flexible planning permission is sought for these units in respect of A1, A2, A3, A4, B1, D1 and D2 uses. One unit would have active frontages onto Axe Street and St Ann’s Road while the other would have active frontages onto St Pauls Road and St Ann’s Road.

5.3.9 The 525 square metres of ground floor B1 office space for the NHS / Care City would have its main entrance on Axe Street. The office space would have its own dedicated refuse store and would share a cycle store with the two commercial units.

5.3.10 The 170 residential units would be located over floor levels 1 to 13 and would be accessed from Axe Street (Blocks A and B) and St Ann’s Road (Block C).

5.3.11 The concierge for all of the residential units would be accessed through the residential entrance to Blocks A and B.

5.3.12 A maximum of eight residential units per floor would be accessed from a single core in accordance with the best practice set out in the Mayor’s ‘Housing’ SPG.

5.3.13 The proposed residential units have been articulated to maximise daylight and sunlight. The application proposes 44 (26%) single aspect units and 126 (74%) dual or triple aspect units. The site plot is orientated south-west to north-east so none of the flats would have an exclusively northern aspect.

5.3.14 The proposed development is considered to be sufficiently separated from surrounding residential developments and suitably designed to ensure that the amenities of neighbouring residential occupiers are not significantly affected by the development. The closest relationship between residential properties and the proposed development is approximately 20 metres and this is a building corner to corner relationship rather than direct facing.

5.3.15 The three main residential blocks have been designed with a 15-metre separation distance between facing residential units. This separation
distance is considered to be acceptable to protect the residential amenities of future occupiers of the development.

5.3.16 Paragraph 192 of the National Planning Framework (NPPF), Policy CP2 of the Core Strategy, Policy BP2 of the Borough Wide Development Policies DPD and Policy BTC19 of the Barking Town Centre AAP seek to protect and enhance the historic environment.

5.3.17 The proposed development would be visible from within the Abbey and Barking Town Centre Conservation Area, despite not being located in the Conservation Area itself. Officers have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the proposal is not considered to cause harm to the character and appearance of the Conservation Area.

5.3.18 As set out in the ‘Consultation’ section of this report, Historic England (Buildings) commented that taking into account the combined impact of other, already approved schemes, closer to and more imposing on the Abbey remains, they are unable to consider this scheme as ‘substantial harm’ to the setting of the Scheduled Ancient Monument and Conservation Area but clearly harm is caused. It is, however, considered that the scheme, which would be located opposite St Joseph’s Primary School on its western frontage, and which would be sited approximately 165 metres from St Margaret’s Church and over 200 metres from the Abbey grounds, would not have a significant adverse impact on neighbouring heritage assets.

5.3.19 The proposed development is not considered to significantly affect the setting of the Barking Abbey Scheduled Ancient Monument, the Grade I Listed Parish Church of St Margaret, the Grade II Listed Tomb of Captain John Bennett at St Margaret’s Church, the Grade II Listed remains of Barking Abbey and the old churchyard walls and the Grade II* Listed Fire Bell Gate (Curfew Tower). In reaching this conclusion, officers have paid special attention to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5.3.20 The proposed design has sought to maximise active frontage to the ground floor of the building by incorporating large windows to the cinema fronting the Broadway, Axe Street and St Pauls Road and glazing to the proposed office, commercial and residential entrances fronting Axe Street, St Ann’s Road and St Pauls Road.

5.3.21 The proposed development incorporates improvements to the public realm and highway, including a widening of the pavement adjacent to the site in Axe Street. The landscaping proposals also include new tree planting and street furniture, along with provisions to accommodate outdoor seating for the commercial unit on Axe Street and vehicular servicing of the site.
5.3.22 The materials strategy for the development proposes the use of a yellow multi-stock brick for the 8, 11 and 13-storey blocks and a brown multi-stock brick for the smaller blocks. Brick detailing is also proposed to break up and add further interest to the elevations. It is proposed that doors, windows, metal cladding and other elements such as louvres and rainwater pipes would be grey so as to contrast with the brickwork.

5.3.23 Officers consider that the materials strategy is acceptable in principle and consistent with the high-quality expectations of the development. In the event of planning permission being granted, a condition would require the developer to work closely with officers in order to ensure that an exemplar standard of architectural detailing and facing materials is achieved.

5.3.24 Officers consider that the design of the development is a well-considered response given the mixed-use nature of the site. The architectural and residential quality is considered to be high throughout and would make for an interesting addition to the town centre built form. Overall the proposed development is considered to be of an exemplar design and quality, which in turn justifies the higher density and the tall building heights.

5.3.25 The proposal is considered to be in keeping with the relevant policies of the National Planning Policy Framework, Policies CP2 and CP3 of the Core Strategy, Policies BP2, BP8 and BP11 of the Borough Wide Development Policies DPD, Policies 7.1, 7.2, 7.3, 7.4 and 7.6 of the London Plan, Policies BTC16, BTC17, BTC19 and BTCSSA5 of the Barking Town Centre AAP and the London Riverside Opportunity Area Planning Framework.

5.4 External Amenity Space

5.4.1 All residential units would benefit from a private balcony or terrace designed in accordance with the space requirements set out in the Mayor’s ‘Housing’ SPG.

5.4.2 Two landscaped communal roof gardens (186 and 200 square metres) are proposed at first floor level. These incorporate a total of 107 square metres of dedicated children’s play space which just exceeds the minimum London Plan requirement in this case of 103.2 square metres.

5.4.3 Due to the town centre location and the constraints of the site, the proposed external amenity space does not meet the quantity requirements sought under Policy BP5 of the Borough Wide Development Policies DPD. Policy BP5 acknowledges, however, that it will not always be possible in town centre locations and strategic regeneration proposals to meet the quantity requirements.

5.4.4 The proposed level of amenity space is supported by officers given the town centre location and the proposed mix of units.

5.5 Amenity Issues

Sunlight / Daylight
5.5.1 Overall the scheme demonstrates very good levels of compliance with Building Research Establishment (BRE) guidance in terms of sunlight/daylight amenity to surrounding properties.

5.5.2 A separate Scheme Internal Daylight Report considered the expected quality of sunlight/daylight to the proposed residential units within the development. The analysis identifies a high degree of compliance with current BRE guidance with any minor detraction from BRE guidance solely as a result of the presence of inset balconies.

Noise

5.5.3 The submitted Noise Impact Assessment and BREEAM Acoustic Assessment have been reviewed by the Council’s Environmental Health Officer. It is considered that suitable noise environments could be created for the various uses within the development subject to the imposition of noise conditions as detailed in the Environmental Health Officer’s comments in the ‘Consultation’ section of this report. Subject to those conditions, the proposal is considered to be in keeping with the relevant noise policies, being Policies BR13 and BP8 of the Borough Wide Development Policies DPD and Policy 7.15 of the London Plan.

5.6 Transport / Parking

5.6.1 The proposed development will be car-free given the high public transport accessibility of the site.

5.6.2 However, the application proposes 8 on-street blue badge car parking spaces (6 on Axe Street and 2 on St Ann’s Road), but these will not be allocated specifically to the proposed development, but rather available for all blue badge holders.

5.6.3 The proposed cycle parking provision for the development is in keeping with London Plan standards.

5.6.4 The development includes the provision of loading bays on Axe Street and St Ann’s Road to accommodate servicing of the development.

5.6.5 As set out in the ‘Consultation’ section of this report the Transport Development Management Officer has confirmed that the development is acceptable as car-free and there are no apparent adverse highway implications arising from the proposed development.

5.6.6 The conditions and S106 obligations recommended by the Transport Development Management Officer and the GLA relating to transport and parking matters will be secured on any permission granted.

5.7 Energy and Sustainability

5.7.1 Policy 5.2 of the London Plan sets a zero-carbon target for new residential development. The ‘Housing’ SPG defines ‘zero carbon’ homes as homes forming part of major development applications where the residential
element of the application achieves at least a 35% reduction in regulated carbon dioxide (CO₂) emissions (beyond Part L of the Building Regulations 2013) on-site. The remaining regulated CO₂ emissions, to 100%, are to be off-set through a cash in-lieu contribution to the Council, to be ring-fenced to secure delivery of carbon dioxide savings elsewhere.

5.7.2 The London Plan sets a price for carbon off-setting based either on local conditions or a nationally recognised carbon price such as the ‘Zero Carbon Hub’ price of £60 per tonne of carbon over 30 years.

5.7.3 The submitted Energy Statement applies the Mayor of London’s energy hierarchy design approach of ‘Be Lean’, ‘Be Clean’ and ‘Be Green’.

5.7.4 The proposed development features improved insulation and air tightness standards compared to the compliance requirements of Part L of the Building Regulations 2013 and in addition energy efficient lighting is to be provided throughout the residential units in excess of the Part L requirements.

5.7.5 It is proposed to connect to the Borough’s district heating network in order to provide heat to all residential and commercial units, the cinema and the office space. It has been estimated that the proposed district heating network connection would reduce the annual carbon dioxide emissions of the site by 18.6%.

5.7.6 Photovoltaic panels are also proposed at roof level in order to generate electricity for the site. It has been estimated that the proposed photovoltaic panels would reduce the annual carbon dioxide emissions of the site by 8.4%.

5.7.7 The incorporation of the energy efficiency measures, connection to the district heating network and photovoltaic panels equates to a reduction in carbon dioxide emissions of 39.2% over Part L of the Building Regulations 2013.

5.7.8 Through a combination of on-site energy measures and a carbon off-set payment to be secured in the S106 Agreement, the proposed development is considered to be in keeping with the relevant policies.

5.7.9 A BREEAM pre-assessment has also been undertaken for each of the non-residential elements within the proposed development and this has identified how an ‘excellent’ rating could be achieved.

5.8 Biodiversity and Ecology

5.8.1 The introduction of new tree planting and soft landscaped areas as part of the development is welcomed and will improve the biodiversity of the site. The proposed landscaping strategy indicates the provision of larger trees along Axe Street, smaller trees to St Ann’s Road and individual feature shrubs to create defensible planting along St Pauls Road. Two landscaped communal roof garden spaces are also proposed at first floor level and the two podium terraces at sixth floor level are indicated as potential extensive
green roof areas, with maintenance access only. A condition would secure the provision of bird and bat boxes within the development.

5.8.2 The application is supported by a Daytime Bat Survey produced by Middlemarch Environmental wherein further survey work is recommended prior to demolition of the existing building. A condition is proposed accordingly.

5.9 S106 Developer Contributions

5.9.1 Having regard to Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and Policy CC3 of the Core Strategy, a S106 Agreement is required to secure:

Sub-market Housing

Secure 35% sub-market housing (on a habitable room basis) on site comprising:

- London Living Rent – 20 residential units at first floor level (9 x one-bedroom and 11 x two-bedroom units).
- Discount Market Rent (70% of Market Rent) - 20 units at second floor level (9 x one-bedroom units and 11 x two-bedroom units).
- Discount Market Rent (75% of Market Rent) - 20 units at third floor level (9 x one-bedroom units and 11 x two-bedroom units).

Secure early and late stage viability reviews in accordance with the Mayor of London’s Affordable Housing and Viability SPG.

Private Rented Sector Units

Secure matters pertaining to the provision of Private Rented Sector (PRS) units as set out below:

1. The Owners shall:

1.1 construct the Private Rented Sector Units in accordance with the Private Rented Sector Unit Mix; and

1.2 provide the units as Private Rented Sector Units for a minimum of 15 (fifteen) years and the Private Rented Sector Units shall not be occupied for any other use other than Private Rented Sector Units within that 15 year period unless otherwise agreed in writing with the Council.

2. The Owners shall not Occupy any Private Rented Sector Unit until the Private Rented Sector Marketing Strategy has been submitted to the Council for approval and the Private Rented Sector Marketing Strategy has been approved and is implemented.

3. The Owners shall not Occupy any Private Rented Sector Unit until the Private Rented Sector Management Plan has been submitted to the Council
for approval and the Private Rented Sector Management Plan has been approved and is implemented.

4. The Private Rented Sector Management Plan shall:

4.1 Cover the length of the initial lease which shall be a minimum of 12 months and on renewal if the Owners agree (at their discretion) up to 5 years;

4.2 Demonstrate that a consistent and quality level of housing management will be offered that meets appropriate standards (e.g. set out in the London Mayor’s Rental Standard, required by regulatory and/or voluntary bodies such as the Homes and Communities Agency);

4.3 Cover provision for rent increases (which shall reflect the market) provided always that there can be no more than one rent increase per 12 calendar months.

5. The Private Rented Sector Marketing Strategy shall cover:

5.1 Prioritisation of residents who live and or work in the Borough when marketing and identifying suitable tenants for the scheme. (For avoidance of doubt, this will not require the Owners to exclusively market only to Borough residents but will require that such residents are prioritised for the Private Rented Sector Units available in circumstances where equally acceptable prospective tenants wish to rent a Private Rented Sector Unit, one prospective tenant lives or works in the Borough and others do not);

5.2 Local marketing in the Borough (including in Council publications etc):

PROVIDED THAT the Owners will be able to select the tenants on the basis that the Private Rented Sector Units will be available to working households with a good track record of managing a tenancy (with no history of anti-social behaviour or significant rent arrears).

NHS / Care City Office Space

Secure the provision of the ground floor office space to the Council for community initiatives at a peppercorn rent.

Same Calibre Architects for Construction Drawings

Secure that the architects of the same calibre as BPTW Partnership are retained to produce all construction drawings, or that a budget is allocated to allow them to review these when they are produced.

Public Realm / Highway Works

Secure enhancements to the public realm/highway works in the vicinity of the site (scheme to be agreed).

Local Labour / Local Supply
Secure a commitment to local labour/local supply so that residents and businesses in the Borough will benefit from the proposed development.

*Restrictions on Controlled Parking Zone (CPZ) Permits*

Secure restrictions preventing future residents from obtaining parking permits for any controlled parking zone (CPZ).

*Contribution for New Car Club Space*

Secure a contribution of £5,000 towards a new car club space in the town centre.

*Car Club Membership for Residents*

Secure a commitment to provide two years’ membership to the local car club scheme per residential unit (on their request).

*Contribution for Electric Vehicle Charging Points*

Secure a contribution of £10,000 towards the installation of two electric vehicle charging points in the town centre.

*Travel Plan*

Secure the submission, implementation and monitoring of a Travel Plan for the development.

*Carbon Offset*

The development shall achieve a minimum 35% reduction in carbon emissions over Part L of the Building Regulations 2013 through on-site provisions and the remaining carbon emissions to zero carbon should be offset through a monetary contribution to the Local Authority’s carbon offset fund calculated on the basis of £60 per tonne over 30 years.

*S106 Legal Fees*

Pay the Council’s professional fees associated with the preparation and completion of the S106 Agreement.

**6.0 Equalities**

6.1 The Equality Act 2010 requires the Council to advance equality of opportunity in the exercise of its functions. In this respect, conditions are proposed to ensure that the residential units are accessible and adaptable, with 10% of residential units having a layout and size specifically enabling ease of use by a wheelchair user. The commercial, cinema and office uses would also be fully accessible and provision made for additional parking bays for blue badge holders in the locality.
7.0 Conclusion

7.1 The proposed development is considered to be an interesting addition to the town centre skyline and of an exemplar design quality to justify its location, height and residential density.

7.2 The proposed development would provide 170 high-quality residential units (110 PRS units and 60 sub-market housing units), as well as a cinema, office space and flexible commercial space. The PRS element would help to rebalance the tenure mix in the town centre and the other uses would contribute to the strategic aim of providing new jobs in the town centre. The commercial elements and cinema would also increase the town centre’s leisure offer and, in particular, help grow the poorly developed evening economy. Overall the development has significant regeneration benefits for the town centre.

7.3 The proposal complies with the relevant policies set out in the National Planning Policy Framework, the London Plan and the Local Plan.

7.4 It is recommended that the Planning Committee grants planning permission subject to any direction from the Mayor of London, a S106 Agreement to secure the matters set out in Section 5.9 of this report and the conditions listed in this report (with any amendments that might be necessary up to the issue of the decision, including any other conditions that may be required as a result of referral to the Mayor of London).

Background Papers

- Planning Application File  
  http://paplan.lbld.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P4LZ32BLIF800

- Local Plan Policy


  Policy BR1 – Environmental Building Standards
  Policy BR2 – Energy and On-Site Renewables
  Policy BR3 – Greening the Urban Environment
  Policy BR4 – Water Resource Management
  Policy BR5 – Contaminated Land
  Policy BR9 – Parking
  Policy BR10 – Sustainable Transport
  Policy BR11 – Walking and Cycling
  Policy BR13 – Noise Mitigation
  Policy BR14 – Air Quality
  Policy BR15 – Sustainable Waste Management
  Policy BC1 – Delivering Affordable Housing
  Policy BC2 – Accessible and Adaptable Housing
  Policy BC7 – Crime Prevention
Policy BC8 – Mixed Use Development
Policy BE2 – Development in Town Centres
Policy BE4 – Managing the Evening Economy
Policy BE5 – Offices – Design and Change of Use
Policy BP2 – Conservation Areas and Listed Buildings
Policy BP3 – Archaeology
Policy BP4 – Tall Buildings
Policy BP5 – External Amenity Space
Policy BP8 – Protecting Residential Amenity
Policy BP10 – Housing Density
Policy BP11 – Urban Design

Core Strategy (July 2010):

Policy CM1 – General Principles for Development
Policy CM2 – Managing Housing Growth
Policy CM5 – Town Centre Hierarchy
Policy CR1 – Climate Change and Environmental Management
Policy CC1 – Family Housing
Policy CC3 – Achieving Community Benefits Through Developer Contributions
Policy CE1 – Vibrant and Prosperous Town Centres
Policy CP1 – Vibrant Culture and Tourism
Policy CP2 – Protecting and Promoting Our Historic Environment
Policy CP3 – High Quality Built Environment

Barking Town Centre Area Action Plan (BTCAAP) (February 2011):

Policy BTC1 – Additional Shopping Floorspace
Policy BTC5 – Leisure Uses and the Evening Economy
Policy BTC13 – Housing Supply
Policy BTC16 – Urban Design
Policy BTC17 – Tall Buildings
Policy BTC19 – Heritage and the Historic Environment
Policy BTC22 – Sustainable Energy
Policy BTC23 – Developer Contributions

Site Specific Allocation BTCSSA5 – Axe Street / Abbey Sports Centre

Other Guidance:

Planning Advice Note - Waste and Recycling Provisions in New and Refurbished Residential Developments (10 February 2013)

- The London Plan (March 2016):

Policy 3.3 – Increasing Housing Supply
Policy 3.4 – Optimising Housing Potential
Policy 3.5 – Quality and Design of Housing Developments
Policy 3.6 – Children and Young People’s Play and Informal Recreation Facilities
Policy 3.8 – Housing Choice
Policy 3.10 – Definition of Affordable Housing
Policy 3.11 – Affordable Housing Targets
Policy 3.12 – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
Policy 3.13 – Affordable Housing Thresholds
Policy 5.2 – Minimising Carbon Dioxide Emissions
Policy 5.3 – Sustainable Design and Construction
Policy 5.5 – Decentralised Energy Networks
Policy 5.6 – Decentralised Energy in Development Proposals
Policy 5.7 – Renewable Energy
Policy 5.9 – Overheating and Cooling
Policy 5.10 – Urban Greening
Policy 5.11 – Green Roofs and Development Site Environs
Policy 5.12 – Flood Risk Management
Policy 5.13 – Sustainable Drainage
Policy 5.14 – Water Quality and Wastewater Infrastructure
Policy 5.15 – Water Use and Supplies
Policy 5.18 – Construction, Excavation and Demolition Waste
Policy 5.21 – Contaminated Land
Policy 6.3 – Assessing Effects of Development on Transport Capacity
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 7.7 – Location and Design of Tall and Large Buildings
Policy 7.8 – Heritage Assets and Archaeology
Policy 7.13 – Safety, Security and Resilience to Emergency
Policy 7.14 – Improving Air Quality
Policy 7.15 – Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
Policy 8.2 – Planning Obligations

Draft London Plan (consultation draft December 2017)
Draft new London Plan showing Minor Suggested Changes (13 August 2018)

Mayor of London’s Supplementary Planning Guidance:

Shaping Neighbourhoods: Character and Context (June 2014)
Accessible London – Achieving an Inclusive Environment (October 2014)
Sustainable Design and Construction (April 2014)
Town Centres (July 2014)
Housing (March 2016)
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
Affordable Housing and Viability (August 2017)

London Riverside Opportunity Area Planning Framework (September 2015)

• National Planning Policy Guidance
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First floor residential internal layout:

NOTE: Drawing not to scale, for feasibility purpose.
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Second to fifth floor residential internal layout:

NOTE:
Drawing not to scale, for readability purpose.
Seventh & above floors residential internal layout:

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Drawing not to scale. For readability purpose.
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Sixth floor residential internal layout:
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Axe Street Ground Floor entrances:
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AGENDA ITEM 5

Location of Site

Mellish Close Garages, Barking
### Summary:

The application site comprises 0.1 hectare of land to the west of Mellish Close, Barking. The site is bound to the north by Blake Avenue and to the east by Mellish Close. The surrounding residential estate is typically characterised by two storey terraced and semi-detached dwellings. The site is bound immediately to the south by a railway line, providing services to London Overground and C2C train lines.

The application relates to the demolition of the existing garages and erection of a part single/part 3 storey block comprising of 1 one bedroom, 2 two bedroom and 3 three-bedroom flats, and associated parking and landscaping. The proposed development will consist of a prefabricated modular housing design with all 6 flats intended for social rent. The immediate locality is predominantly residential with nearby Blake Avenue comprising of two-storey terraced and semi-detached dwellings and Mellish Close comprising of short terraces of 2 storey dwellings. It is considered that the provision of a 3-storey building would not be detrimental to the residential character of the surrounding area. The redevelopment of the site for residential purposes, particularly for much needed social rented accommodation, is considered acceptable.

The development will use prefabricated modular units assembled to form a part single storey/part 3 storey block. The siting and design of the proposed block would ensure that there will be no unacceptable loss of outlook, privacy or sunlight/daylight for neighbouring occupants.

Each of the flats accords with the Technical Housing Standards and would provide a good standard of internal amenity. All of the flats have access to a private balcony or garden in accordance with the Mayor’s standards. Residents would also have access to a small communal amenity area. The proposed level of amenity space is considered to be acceptable given the constraints of the site.

The development will provide 6 car parking spaces, 1 of which will be an accessible space, 7 cycle parking spaces and 2 electric vehicle charging points. The site has a PTAL (Public Transport Accessibility Level) of 1b which is low.
The Council’s Transport Development Management Team has raised no objections and considers the proposed development to be acceptable with no adverse highway safety implications.

**Recommendation:**

That the Planning Committee grant permission subject to the following conditions:

**1 Time Limit**

The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by S.51 of the Planning and Compulsory Purchase Act 2004)

**2 Approved Drawings**

The development hereby permitted shall be carried out in accordance with the following approved plans:


Reason: For the avoidance of doubt and in the interests of proper planning.

**3 Details of External Materials**

No development above ground level shall take place until details/samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

Reason: To protect or enhance the character and amenity of the area in accordance with policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

**4 Details of Soft Landscaping**

No development above ground level shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping for the site which shall include indications of all existing trees, shrubs and hedgerows on the site and details of those to be retained.

Reason: To safeguard and improve the appearance of the area in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document and Section 197 of the Town and Country Planning Act 1990.
5 Soft Landscaping Implementation

The landscaping scheme as approved in accordance with condition No 4 shall be carried out in the first planting and seeding seasons following the occupation of the building or completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To secure the provision and retention of the landscaping in the interests of the visual amenity of the area in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document and Section 197 of the Town and Country Planning Act 1990.

6 Hard Landscaping Details

No development above ground level shall take place until a scheme showing those areas to be hard landscaped and the details of that hard landscaping has been submitted to and approved by the Local Planning Authority in writing. The scheme as approved shall be carried out prior to the occupation of the development and thereafter permanently retained.

Reason: To safeguard and improve the appearance of the area and to provide safe movement throughout the site in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.

7 Details of Boundary Treatment

No development above ground level shall commence until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, design, materials and type of boundary treatment to be erected. No property shall be occupied until the approved boundary treatment has been provided. The approved boundary treatment shall be retained unless the Local Planning Authority gives prior written approval for its removal.

Reason: To ensure the boundary treatment protects or enhances the character and amenity of the area in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.

8 Electric Vehicle Charging Points

Electric charging points shall be provided for 2 of the car parking spaces shown on drawing No. BRK1-AST-MC-GF-DR-A-0200 P01. The spaces shall be constructed and marked out and the charging points installed prior to the occupation of the development, and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.

Reason: To encourage the use of electric cars in order to reduce carbon emissions, and in accordance with policy BR10 of the Borough Wide Development Policies Development Plan Document and policy 6.13 of the London Plan.

9 Accessible Parking Bays
The accessible parking bay indicated on drawing No. BRK1-AST-MC-GF-DR-A-0200 P01 shall be clearly marked with a British Standard disabled symbol and permanently retained for the use of disabled persons and their vehicles and for no other purpose.


10 Cycle Parking Details

The approved development shall make provision for cycle parking in accordance with a scheme that shall have been previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the development and thereafter retained permanently for the accommodation of bicycles of occupiers and visitors to the premises and not used for any other purpose.

Reason: In the interests of promoting cycling as a sustainable and non-polluting mode of transport and in accordance with policy BR11 of the Borough Wide Development Policies Development Plan Document.

11 Privacy Screen Details

Details of privacy screens to the balconies which shall be a minimum height of 1.7 metres shall be submitted to and approved in writing by the Local Planning Authority. The approved screens shall be installed prior to the occupation of the development and permanently retained.

Reason: To protect the residential amenities of neighbouring occupiers in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

12 Accessible Housing M4(2)

The dwellings hereby permitted shall comply with the requirements of Building Regulation M4(2) ‘accessible and adaptable dwellings’. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure that the dwellings are accessible and adaptable in accordance with policy 3.8 of the London Plan 2016.

13 Accessible Housing M4(3)

One ground floor dwelling shall be constructed to Building Regulations Optional Requirement Approved Document M4(3) Category 3: (Wheelchair user dwellings) (2015 edition). Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure that sufficient accessible housing is provided in accordance with policy 3.8 of the London Plan.

14 Water Efficiency
Before occupation the proposed dwellings shall comply with the water efficiency optional requirement in paragraphs 2.8 to 2.12 of the Building Regulations Approved Document G. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To minimise the use of mains water in accordance with policy 5.15 of the London Plan.

15 Acoustic Protection Details

No development above ground level shall commence until full details of a scheme of acoustic protection of habitable rooms against transport noise has been submitted to and approved in writing by the Local Planning Authority. The scheme of acoustic protection shall be sufficient to secure internal noise levels no greater than 35 dB LAeq in living rooms and bedrooms (07.00 hrs to 23.00 hrs) with windows closed; and 30 dB LAeq in bedrooms (23.00 hrs to 07.00 hrs) with windows closed. Additionally, where the internal noise levels will exceed 40 dB LAeq in living rooms and bedrooms (07.00 hrs to 23.00 hrs) or 35dB LAeq in bedrooms (23.00 hrs to 07.00 hrs) with windows open the scheme of acoustic protection shall incorporate a ventilator system which is commensurate with the performance specification set out in Schedule 1 (paragraphs 6 and 7) of The Noise Insulation Regulations 1975 (as amended). The approved scheme shall be fully implemented before the first occupation of the dwelling to which it relates and shall be maintained at all times thereafter.

Reason: To maintain reasonable levels of protection for the occupiers of the development from external noise and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

16 Construction Hours

Demolition and construction work and associated activities, other than internal works not audible outside the site boundary, are only to be carried out between the hours of 08.00 and 18.00 Monday to Friday and 08.00 and 13.00 Saturday, with no work on Sundays or public holidays without the prior written permission of the Local Planning Authority.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

17 Codes of Practice

Demolition and construction work and associated activities are to be carried out in accordance with the recommendations contained within British Standard 5228:2009, “Code of practice for noise and vibration control on construction and open sites”. Parts 1 and 2.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.
18 Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

a. a survey of the extent, scale and nature of contamination;
b. an assessment of the potential risks to:
   i. human health,
   ii. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
   iii. adjoining land,
   iv. groundwaters and surface waters,
   v. ecological systems,
   vi. archaeological sites and ancient monuments;
c. an appraisal of remedial options, and proposal of the preferred option(s).
d. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

19 Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

20 Remediation Scheme Implementation

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

21 Reporting Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 18 and where remediation is necessary a
remediation scheme must be prepared in accordance with the requirements of condition 19 which is subject to the approval in writing of the Local Planning Authority.

Reason for Conditions 18 to 21: Contamination must be identified prior to commencement of development, excluding demolition of above ground structures, to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy BR5 of the Borough Wide Development Policies Development Plan Document and policy 5.21 of the London Plan.

22 External Lighting

The lighting of the development hereby permitted is to be designed, installed and maintained so as to fully comply with The Association of Chief Police Officers – Secured by Design publication “Lighting Against Crime – A Guide for Crime Reduction Professionals”, ACPO SPD, January 2011. The design shall satisfy criteria to limit obtrusive light presented in Table 1, p25 of the guide, relating to Environmental Zone E3 - Medium district brightness areas - small town centre or urban locations.

Reason: In the interests of security and safety, to avoid light pollution and safeguard neighbouring amenity and in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.

23 Construction Management Plan

No development shall commence, including any works of demolition, until a Construction Environmental Management Plan (CEMP) and a Site Waste Management Plan (SWMP) have been submitted to and approved in writing by the Local Planning Authority. These plans shall incorporate details of:

a. construction traffic management;
b. the parking of vehicles of site operatives and visitors;
c. loading and unloading of plant and materials;
d. storage of plant and materials used in constructing the development;
e. the erection and maintenance of security hoarding(s) including decorative displays and facilities for public viewing, where appropriate;
f. wheel washing facilities;
g. measures to control the emission of dust, dirt and emissions to air during construction; such measures to accord with the guidance provided in the document “The Control of Dust and Emissions during construction and demolition”, Mayor of London, July 2014.
h. a scheme for recycling/disposing of waste resulting from demolition and construction works;
i. the use of efficient construction materials;
j. methods to minimise waste, to encourage re-use, recovery and recycling, and sourcing of materials; and a nominated Developer/Resident Liaison Representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer's representatives. This person will act as first point of contact for affected persons who have any problems or questions related to the ongoing
Reason: The CEMP and SWMP are required prior to commencement of development in order to reduce the environmental impact of the construction and the impact on the amenities of neighbouring residents, and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

24 Highspeed1 (HS1) - Foundation Design

Prior to the start of construction, details of the design of the foundations and other works proposed below existing ground level shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highspeed1 (HS1). Construction activity shall then be carried out in compliance with the approved details unless previously agreed in writing by the Local Planning Authority in consultation with HS1.

Reason: Details are required prior to the commencement of development in order to reduce the impact of ground works in proximity to HS1, and to ensure that loads on, and settlement of, HS1 tunnels, structures, track and other infrastructure do not prejudice the safety or operation of HS1.

25 Site Investigations near to High Speed1 (HS1)

Prior to the start of site investigations involving a borehole or trial pit deeper than one metre, details of the location and depth of site investigations including a method statement shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highspeed1 (HS1). This activity shall then be carried out only in compliance with the approved details unless previously agreed in writing by the Local Planning Authority in consultation with HS1.

Reason: Details are required prior to the commencement of development in order that the borehole or trial pit is at an acceptable vertical and horizontal distance from the tunnel such that it does not compromise the integrity, safety or operation of HS1.

26 Highspeed1 (HS1) - Excavations

Prior to the start of construction activity, engineering details of the size, depth and proximity to HighSpeed1 (HS1) of any excavations shall be submitted to and approved in writing by the Local Planning Authority in consultation with HS1. Excavations shall then be carried out in accordance with the approved details unless the Local Planning Authority in consultation with HS1 has previously agreed in writing to any change.

Reason: Details are required prior to the commencement of development in order to ensure that the stability HS1 tunnels, structures, track and other infrastructure is not prejudiced.

27 Highspeed1 (HS1) - Imposed Loads

Prior to the start of construction, details of the size, loading and proximity to HighSpeed1 (HS1) of additional ground loads such as stockpiles shall be submitted to and approved in writing by the Local Planning Authority in consultation with HS1. Works shall be carried out in conformity with the approved details unless the Local Planning Authority in consultation with HS1 has previously agreed in writing to any change.

Reason: Details are required prior to the commencement of development in order to ensure that the stability of HS1 tunnels, structures, track and other infrastructure is not
28 Highspeed1 (HS1) - Vibration

Prior to the start of construction, details of the plant and equipment proposed which are likely to give rise to vibration (such as pile driving, demolition and vibro-compaction of the ground) together with predicted vibration levels, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highspeed1 (HS1). Activities likely to cause vibration in the vicinity of HS1 infrastructure such that a peak particle velocity (PPV) of 5mm/s may be exceeded at the railway boundary will be subject to agreement in advance.

Reason: Details are required prior to the commencement of development in order to ensure that vibration does not prejudice safety, operation and structural integrity of HS1.

<table>
<thead>
<tr>
<th>Contact Officer</th>
<th>Title: Urban Design Officer</th>
<th>Contact Details: Tel: 020 8227 3067 E-mail: <a href="mailto:Ian.Drew@befirst.london">Ian.Drew@befirst.london</a></th>
</tr>
</thead>
</table>

1. Introduction and Description of Development

1.1 The application site comprises 0.1ha of land to the west of Mellish Close, Barking. The site is bound to the north by Blake Avenue and to the east by Mellish Close. The surrounding residential estate is typically characterised by two storey terraced and semi-detached dwellings. The site is bound immediately to the south by a railway line, providing services to London Overground and C2C train lines.

1.2 The site currently accommodates 26 garages and an area of area of hardstanding bound by a metal fence with a gated access. It is understood that these garages are no longer in use with most being vacant or being used for storage purposes.

1.3 The application relates to the demolition of the existing garages and erection of a part single/part 3 storey block comprising of 1 one bedroom, 2 two bedroom and 3 three-bedroom flats, and associated parking and landscaping. The proposed development will consist of a prefabricated modular housing design with all 6 flats intended for social rent.

2. Background

2.1 No planning history

3. Consultations

3.1 44 neighbouring occupiers were consulted, 2 site notices were displayed. 9 responses were received objecting to the proposal on the following grounds:

- Loss of daylight/sunlight to neighbouring gardens
- Overbearing impact on neighbouring properties
- Appearance is out of character with the surrounding area
- Overlooking from windows and balconies into neighbouring gardens
- Noise and disturbance
- Impact on parking
- Concern regarding the boundary line indicated on the site plan

**Officer Note:** *The above matters are addressed in the main body of this report.*

Following the receipt of revised plans (the originally submitted scheme proposed 8 flats), 44 neighbouring occupiers were re-consulted on 21 November 2018. The consultation period expires on 5 December 2018 and Members will be updated at Planning Committee as to whether any responses have been received to the re-consultation process.

### 3.2 Environmental Health Officer

The environmental protection issues raised by this application are noise and vibration, air quality, construction phase impacts and land contamination.

**Noise**
To reduce external noise to the flats, some form of acoustically treated mechanical ventilation will be required. To safeguard the situation, I recommend that any permission that might be granted be subject to a noise mitigation condition. I also recommend the imposition of conditions to limit the times when noisy construction work may be carried out and to require the use of best practice in minimising construction phase noise emissions.

**Vibration**
I concur with the methodological approach and assessment criteria and am satisfied that the measured vibration levels are below the relevant lowest observable effect level and so there is no requirement for the mitigation of ground borne vibration in this case.

**Air Quality**
The report addresses local air quality as it affects the development and the impact of the operational phase of the development on local air quality. The report also considers construction phase dust impact. Because the development comprises less than 10 dwellings there is no need for the preparation of an air quality neutral assessment.

Overall, I concur with the consultant’s conclusions that:

- When tested against relevant policy and technical guidance, operational phase emissions will have a negligible air quality impact on existing and new sensitive receptors.
- Exposure of new residents to relevant pollutants (NO2, PM10 and PM2.5) is predicted to be below the relevant annual mean objectives and target levels.
- Site specific mitigation will need to be implemented to ensure dust effects from construction phase activities are not significant.

Therefore, I do not wish to object to the application in relation to air quality considerations but recommend that any permission is subject to a condition to require the implementation of best practice regarding the management of construction phase dust emissions.
Land Contamination

I have reviewed the submitted Preliminary Risk Assessment report and concur with the conclusion that a Phase 2 intrusive investigation will be required. I therefore recommend that any permission that might be granted be subject to the standard land contamination conditions.

Officer Note: The above matters are the subject of conditions regarding the acoustic protection of dwellings (condition 15), control of construction activities (conditions 16, 17 and 23) and land contamination (conditions 18-21).

3.3 Transport Development Management Team

The current Public Transport Accessibility Level (PTAL) rating has been determined at a poor level 1b, on a scale of 1 to 6 where 6 is excellent.

We find the parking arrangement workable. However, the north eastern car parking space has a restricted sight line because of the boundary fence so the boundary treatment at this location should be detailed to provide adequate visibility. Since there is no segregated access for pedestrians entering the site, we recommend that the road surface treatment should promote a shared surface use. We are given to understand that these garages are not used anymore. However, the existing carriageway markings suggest that the parking within Mellish Close is in demand. The proposed development is to have a 1:1 parking ratio to protect on-street parking for existing residents. We welcome the provision of cycle spaces and electric vehicle charging points.

We believe there should be no adverse highway implications resulting from this proposal and we have no objections.

Officer Note: The above matters will be secured by conditions 6 (hard landscaping), 7 (boundary treatment), 8 (electric vehicle charging points) and 10 (cycle provision).

3.4 London Fire Brigade

The Commissioner will be satisfied with the proposals subject to compliance with Approved Document B of the Building Regulations.

Officer Note: This matter will be formally considered as part of the consideration of the corresponding Building Regulations application.

3.5 London Fire Brigade Water Team

It will be necessary to install one new hydrant in accordance with the details supplied by the London Fire Brigade.

4. Local Finance Considerations

4.1 The application is subject to both the Mayor of London and Council’s Community Infrastructure Levy and would generate a Mayoral CIL contribution of £12,969.15 and a Council CIL contribution of £5,670.82. It should be noted, however, that subject to an application for CIL social housing relief being submitted and agreed
prior to commencement of the development then the CIL contributions could be reduced to nil.

5. **Equalities Considerations**

5.1 The proposed new dwellings will provide suitable accessibility provision in accordance with Buildings Regulations M4(2) and would help enable future occupants to remain living in the properties regardless of age and/or disability.

6. **Analysis**

6.1 **Principle of Development**

6.1.1 At the national level the National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development. Policy 3.3 of the London Plan emphasises that there is a pressing need for more homes in London in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford. At the local level Policy CM2 of the Core Strategy supports the principle of increasing housing supply within the Borough.

6.1.2 The site has been allocated as a Minor Housing Site within the Council’s Site Specific Allocations Development Plan Document of the Local Development Framework where the Council considered the site to have potential to provide new housing.

6.1.3 The immediate locality is predominantly residential with nearby Blake Avenue comprising of two storey terraced and semi-detached dwellings and Mellish Close comprising of short terraces of 2 storey dwellings. It is considered that the provision of a 3-storey building would be in keeping with the residential character of the surrounding area subject to not appearing overbearing and having an acceptable impact on residential amenity.

6.1.4 Therefore the redevelopment of the site for residential purposes is acceptable in principle and would contribute to the Borough’s supply of residential accommodation as required by Policy CM2 provided that the development does not materially conflict with other relevant policies within the Local Plan.

6.2 **Design and Layout**

6.2.1 At the national level the NPPF emphasises the importance of design in the built environment and stipulates that in determining planning applications, permission should be refused for development of obviously poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

6.2.2 At the local level Policy CP3 of the Core Strategy and Policy BP11 of the Borough Wide Development Policies DPD emphasise that all development proposals will be expected to achieve high quality standards in relation to the design and layout of new buildings and spaces.

6.2.3 The development will comprise 1 one bedroom, 2 two bedroom and 3 three
bedroom flats constructed using prefabricated modular units assembled to form a part single storey/part 3 storey block.

6.2.4 The proposed block will measure a width of 36.7 metres, with a maximum depth of 11.85 metres and a maximum height of 10.4 metres.

6.2.5 The building will be situated to the south of the site. The location of the building will allow adequate access and vehicle circulation space around the site entrance from Mellish Close.

6.2.6 The single storey element of the building will be set in a minimum distance of 5 metres from the eastern site boundary. The 3-storey element will set back 5 metres from the main northern site boundary and 1 metre at its narrowest point where the boundary line angles in towards the building, however, at this point a distance of 20.8 metres separates the proposed development from the closest property in Blake Avenue. A distance of 7.1 metres will be retained between the proposed development and the western site boundary. The linear building arrangement aligns with the railway to the south with a 1.5 metre buffer zone.

On the original plans submitted the proposed building was situated within 1 metre of the ‘main’ northern boundary at its narrowest point. Whilst it is noted that the new layout moves the building closer to the eastern site boundary, given that this end of the building is single storey the siting is considered acceptable.

6.2.7 It is acknowledged that there is a potential for the proposed balconies on the eastern and western elevations to overlook the private amenity areas of properties in nearby Blake Avenue and Mellish Close. A minimum distance of 11 metres will be retained between the corner of the closest balcony to the eastern site boundary. A minimum distance of 5 metres will be retained between the corner of the closest balcony to the western site boundary, and a distance of 2 metres will be retained between the edge of the balcony and the northern site boundary. However, the orientation of properties in nearby Blake Avenue would reduce the extent to which rear gardens would be overlooked and the balconies would be at least 21 metres away from the nearest house.

6.2.8 It is considered that in order to avoid direct overlooking of adjacent properties, particularly in Mellish Close, it will be necessary to ensure that the balconies include 1.7 metre high side screens and this would be secured by condition.

6.2.9 Following the submission of amended drawings all windows on the northern elevation have been removed in order to avoid overlooking of private amenity areas belonging to neighbouring properties in Blake Avenue. 2 small windows will be inserted on the eastern elevation at first and second floor level and 6 small windows inserted on the western elevation serving communal hallways in addition to glazed access to each balcony. Given the secondary nature of these windows and the distance from the closest neighbouring properties the extent to which rear gardens would be overlooked is not considered to be unacceptable.

6.2.10 In terms of potential overshadowing (loss of daylight and sunlight) on neighbouring properties, whilst it is acknowledged that there would be some degree of overshadowing of neighbouring rear gardens, it is considered that the orientation of properties in Blake Avenue and the length of rear gardens reduces the degree of
overshadowing and the impact on outlook. A minimum distance of 12.7 metres separates the 3-storey element of the proposed development from the eastern site boundary shared with the rear gardens of properties in Mellish Close. This distance reduces the degree of overshadowing and is considered acceptable. Overall it is considered that the bulk, scale, massing and height of the proposed block is acceptable in this location and that the proposed development achieves an appropriate relationship with neighbouring buildings.

6.2.11 In terms of appearance the steel frame modules which connect together to form the part single storey/part 3 storey building will be wrapped in a brick skin in order to respect the traditional materiality of the surrounding properties. A contemporary grey brick finish is proposed.

6.2.12 In terms of impact on the amenity of neighbouring occupiers from construction works it should be noted that the modular design enables the units to be constructed in factories off-site with only the assembly process taking place on-site, thereby significantly reducing the noise, dust and disturbance associated with traditional building methods. Furthermore, in addition to a more efficient on-site construction process the modular units are designed to touch the ground lightly with pad foundations and therefore do not require the drilling of deep pile foundations.

6.3 Internal Design

6.3.1 In accordance with the Technical housing standards – nationally described space standard for single storey dwellings; 1 bedroom, 2-person dwellings require a minimum gross internal floor area of 50sqm, 2-bedroom, 4-person dwellings require a minimum gross internal floor area of 70sqm, 3-bedroom, 4-person dwellings require a minimum gross internal floor area of 74sqm, and 3-bedroom 6-person dwellings require a gross internal floor area of 95sqm.

6.3.2 The proposed flats each have gross internal floor areas ranging from 58sqm to 115.5sqm with adequate built-in storage provision. It is therefore considered that the proposed new dwellings would provide sufficient space for daily living.

6.3.3 All flats are dual aspect and would be provided with adequate daylight/sunlight and outlook. The linear arrangement maximises benefit of the south facing aspect, giving improved light and thermal quality through passive solar gains. It is noted that the upper floor flats will enjoy greater benefit in this regard than the ground floor flats given the proximity of the building to the site boundary. Whilst the building will be exposed to noise from passing rail traffic, this will be minimised by suitable acoustic protection measures.

6.3.4 In addition, one 3-bedroom ground floor flat will be fully wheelchair accessible designed to be compliant with M4(3) regulations. All flats have entry from a communal corridor which extends through the building and upper floors will be accessed by a circulation core which includes a stairwell and a lift.

6.4 External Amenity Space

6.4.1 Policy BP5 of the Borough Wide Development Policies DPD seeks to ensure that appropriate external private and/or communal amenity space to meet the needs generated by this development is provided. In this regard it is normally expected
that a minimum of 20sqm is provided for 1-bedroom flats and 40sqm is provided for 2 bedroom or more flats. This equates to 220sqm of private amenity provision for this development.

6.4.2 The provision of amenity space comprises of private balconies for each of the upper floor units and private gardens for each of the ground floor units accessed via living/kitchen/dining areas, in addition to a communal garden area fronting the site. The total amenity provision provided by this development equates to approximately 176sqm of amenity space including approximately 143sqm of private balconies/gardens.

6.4.3 This falls below the minimum provision required, however, the site comprises of an irregular shaped plot and as such it would be difficult to achieve the required private amenity provision. All of the proposed flats would benefit from a balcony or garden area providing between 9.7sqm and 92sqm of private amenity space in accordance with the Mayor’s ‘Housing’ Supplementary Planning Guidance (SPG) in addition to a communal garden which equates to a further 33sqm of amenity space.

6.4.4 It is considered that suitable measures have been taken to incorporate amenity space wherever possible through a range of means. It is considered that the proposed amenity space provision is satisfactory.

6.5 Parking and Transport

6.5.1 Policy BR9 of the Borough Wide Development Policies DPD states that the car parking standards set out in the London Plan will be used as maximum parking standards. Policy BR9 goes on to say that TfL’s cycle parking standards will be used as minimum parking standards for new developments.

6.5.2 Policy 6.13 of the London Plan emphasises the need to achieve an appropriate balance between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use. The London Plan advocates maximum car parking standards and advises that for units of 1/2 bedrooms, less than 1 car parking space per unit should be achieved and for 3 bedroom units, 1.5 to 1 car parking spaces per unit should be achieved.

6.5.3 The application site has a Public Transport Accessibility Level (PTAL) rating of 1b which represents a low level of access to public transport links.

6.5.4 The proposal will provide 6 car parking spaces including 1 blue badge space. Two electric charging points are proposed. Secure cycle storage facilities will be provided internally at ground floor level with direct access from outside of the building and internally via the communal hallway. The site as a whole will provide for 7 cycle spaces. This provision is considered to be appropriate and acceptable in this location.

6.5.5 Policy BR10 of the Borough Wide Development Policies DPD requires proposals for new development to assess their impact on the surrounding transport and road network. In respect of vehicular access, the development will utilise an existing access point off Mellish Close which is suitable in size to accommodate refuse and emergency vehicles.
6.5.6 As there is no segregated access for pedestrians entering the site the Council’s Transport Development Management Team has recommended that the scheme incorporates shared surface principles defined through surfacing materials, highways design and landscaping that requires vehicles to proceed with caution. Given that the access road only serves the development site and would be relatively lightly trafficked, the shared surface approach is considered acceptable.

7. Conclusion

7.1 The proposed development is considered an appropriate re-use of a former garage site and should provide a decent quality environment for future residents. The principle of residential development at the application site is acceptable and in line with the relevant Local Plan and London Plan policies.

7.1.1 In taking all matters into account it is considered that the proposed development complies with the aims and objectives of the relevant national, regional and local planning policy requirements and is therefore recommended for approval subject to conditions.

Background Papers

- Planning Application File [http://paplan.lbbd.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P85TWJBLGDE00](http://paplan.lbbd.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P85TWJBLGDE00)

- Local Plan Policy

  Core Strategy (July 2010)
  - Policy CM2 – Managing Housing Growth
  - Policy CM12 – General Principles for Development
  - Policy CR3 – Sustainable Waste Management
  - Policy CP3 – High Quality Built Environment

  Borough Wide Development Policies Development Plan Document (March 2011)
  - Policy BC7 – Crime Prevention
  - Policy BR9 – Parking
  - Policy BR10 – Sustainable Transport
  - Policy BR11 – Walking and Cycling
  - Policy BR13 – Noise Mitigation
  - Policy BR14 – Air Quality
  - Policy BR15 – Sustainable Waste Management
  - Policy BP8 – Protecting Residential Amenity
  - Policy BP11 – Urban Design

  The London Plan (2016)
  - Policy 3.3 – Increasing Housing Supply
  - Policy 3.5 – Quality and Design of Housing Developments
  - Policy 3.8 – Housing Choice
  - Policy 6.9 – Cycling
  - Policy 6.10 – Walking
  - Policy 6.13 – Parking
Policy 7.14 – Improving Air Quality
Policy 5.51B – Water Use and Supply

Draft London Plan (consultation draft December 2017)
Draft new London Plan showing Minor Suggested Changes (13 August 2018)

*Mayor of London’s Supplementary Planning Guidance:*

Housing (March 2016)

**National Policy and Guidance**

National Planning Policy Framework (July 2018)
Planning Practice Guidance
Technical Housing Standards – Nationally Described Space Standard (March 2015)
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AGENDA ITEM 6

Former Sacred Heart Convent, Dagenham
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**Barking and Dagenham Council**  
**Planning Committee**  
**Date:** 10 December 2018

<table>
<thead>
<tr>
<th><strong>Application No:</strong></th>
<th>18/01689/FUL</th>
<th><strong>Ward:</strong></th>
<th>Goresbrook</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Reason for Referral to Planning Committee as set out in Part 2, Chapter 9 of the Council Constitution</strong></td>
<td>This is a major/Be First application</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Address:</strong></td>
<td>Former Sacred Heart Convent, 191 Goresbrook Road, Dagenham RM9 6XD</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Development:</strong></td>
<td>Alterations and external refurbishment works including replacement of north and south facing dormer windows in connection with the change of use of former Sacred Heart Convent (Class C2) to 9 x residential units (2 x studio flats, 4 x one bed flats, 2 x two bed flats and 1 x three bed flat) (Class C3), demolition of ancillary buildings and construction of 20 x residential units (4 x one bed houses, 7 x two bed houses, 8 x three bed houses and 1 x four bed houses) (Class C3) together with associated works</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>London Borough of Barking and Dagenham</td>
<td></td>
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</tbody>
</table>

**Summary:**

This application seeks to convert the former Sacred Heart Convent, demolish its outbuildings and provide 29 residential units in the form of 9 flats in the old convent building and 20 new houses to the rear and side of the existing building.

The proposed development comprises 100% sub-market housing, with all units available at affordable rents (up to 80% of the market value). The scheme proposes a mix of 2 x studio, 4 x 1-bedroom, 2 x 2-bedroom and 1 x 3-bedroom flats in the converted Sacred Heart building, and a further 4 x 1-bedroom, 7 x 2-bedroom, 8 x 3-bedroom and 1 x 4-bedroom houses in the new build elements to the east and south of the convent building.

The former Sacred Heart Convent and its outbuildings were in use as a convent (Use Class C2) until 2012 when it was identified as surplus and sold in 2016 to London Borough of Barking and Dagenham. The 0.4 hectare site includes a three-storey convent building which is set back from Goresbrook Road. The site includes tree-lined paths around a courtyard to the rear.

As part of the renovation of Sacred Heart, it is proposed to repair external features with like-for-like materials and improve the thermal performance, as well as replace the 1960s dormer windows with smaller dormer windows. Internally, the historic features will be retained in the sub-division of the building to create residential flats.

The new residential buildings will be located around internal courtyards to the east of the existing building, and around a large communal amenity space to the rear. The buildings along Goresbrook Road are proposed at three storeys, and the rear buildings with barrel
The site is covered by a site-wide Tree Preservation Order (TPO, no. 19). The submitted tree survey categorised 13 trees, 4 groups of trees and 3 hedges. The Tree Survey assessed 1 group of Strawberry trees as Category A (highest retention quality and value), 4 trees and 2 groups under Category B (moderate quality and value), and 9 trees, 1 group and 3 hedges under Category C (low quality and value).

Off-street vehicle parking is proposed on the north-western part of the site along Goresbrook Road. The vehicle and pedestrian access are proposed to be amended to create a one-way vehicle access road with two accesses and two pedestrian access points.

The energy strategy includes solar photovoltaic (PV) panels on the flat part of the roof of the Sacred Heart building and some of the new buildings with flat roofs. As a result of the proposed renovations, a large part of the carbon emission (CO₂) savings will come from the improvement of the existing building’s efficiency to keep flats warm and better insulated from the heat.

This proposed residential development would satisfy a number of the Borough’s and London Plan strategic objectives and policies: Strategic Objectives SO1, SO3, SO8, SO9 and SO12, Policies CM1, CM2, CR1, CR2, CR4, CP2 and CP3 of the Core Strategy; Policies BC1, BP3, BP8, BP11, BR2, BR3, BR4, BR5, BR10 and BR11 of the Borough Wide Development Plan; and Policies 3.3, 3.4, 3.9, 3.10, 3.11, 5.2, 5.4, 5.7, 5.13, 6.9, 6.10, 6.13, 7.2, 7.3, 7.4, 7.6, 7.8, 7.19 and 7.21 of the London Plan.

**Recommendation:**

That Planning Committee grant planning permission subject to the planning conditions listed below and the completion of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure 100% sub-market housing, an Employment and Skills Plan, payment of a Carbon Offset Contribution and payment of the Council’s legal costs.

**Conditions:**

1. **Time Limit**

The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. **Approved Drawings**

The development hereby permitted shall be carried out in accordance with the following approved plans:

SH_P_001 Site Location Plan Rev P04
SH_P_002 Existing Context Plan Rev P02
3. Details of External Materials

Prior to commencement of development details/samples of all materials to be used in the construction of the external surfaces, their finish and any resulting treatment of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

Reason: Details of external materials, their finish and treatment are required prior to commencement of development because these have not been supplied already. These details are required in order to protect or enhance the character and amenity of the area in accordance with Policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

4. Hard and Soft Landscaping

No development above ground level shall take place until a scheme of hard and soft landscaping for the site, including details of materials, species and a planting schedule have been submitted to and approved in writing by the Local Planning Authority.

The scheme should include:
- Tree pit details to provide adequate protection to the trees adjacent to the car parking spaces;
- A detailed tree planting scheme that provides high quality replacements for the removal of the trees as part of this application. The proposed trees must provide an equal or higher value in biodiversity, amenity and screening. Specifically, a replacement of the G4 (three Strawberry) trees should be provided on site (as mature as is available), and where not available, like-for-like species to be provided instead;
- Consideration of opportunities for dedicated communal food growing beds within the communal amenity areas;
- Increase in soft landscaping for the private amenity and courtyard spaces than what is currently shown on plan No. SH_P_100 Rev 18.

The approved hard landscaping shall be carried out prior to the occupation of the development and thereafter permanently retained. The approved soft landscaping shall be
carried out in the first planting and seeding seasons following the occupation of the building or completion of the development, whichever is the sooner. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: This information should be provided prior to the commencement of above ground works to safeguard and improve the appearance of the area in accordance with Policy BP11 of the Borough Wide Development Policies Development Plan Document and Policies 7.19, 7.21 and 7.22 of the London Plan.

5. Landscape Maintenance

No development above ground level shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation and the development shall be carried out in accordance with the approved schedule.

Reason: To secure the provision and retention of the landscaping in the interests of the visual amenity of the area and in accordance with Policy BP11 of the Borough Wide Development Policies Development Plan Document and Section 197 of the Town and Country Planning Act 1990.

6. Boundary Treatment

No development above ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, design, materials and type of boundary treatment to be erected. No part of the development shall be occupied until the approved boundary treatment for that part has been provided. The approved boundary treatment shall be retained unless the Local Planning Authority gives prior written approval for its removal. Measures shall include fences that are wildlife friendly with hedgehog gravel boards at the bottom.

Reason: To ensure the boundary treatment protects or enhances the character and amenity of the area in accordance with Policy BP11 of the Borough Wide Development Policies Development Plan Document.

7. Recreation & Play Strategy

The development shall not be occupied until a recreation and play strategy has been submitted to and approved in writing by the Local Planning Authority. The scheme should include details on how the courtyard areas will be managed, what kind of recreation is envisioned on the communal amenity areas to the front and rear of the development and should incorporate sufficient active play facilities for a range of ages. The development must provide active and passive play space at 10 sqm per child, where the majority of under 5s play space can be provided within private gardens and the remaining doorstep play space provided within the communal areas.

Reason: To ensure the amenity spaces are well-used and well-designed, in accordance with Policy 3.6 of the London Plan and the Mayor’s Shaping Neighbourhoods SPG.
8. Tree Protection

Before any works hereby permitted are commenced and until all such works are completed:

a) all trees to be retained shall be protected by secure, stout exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with BS.5837; and

b) any works connected with the approved scheme within the branch spread of the trees shall be by hand only. No materials, supplies, plant or machinery shall be stored, parked or allowed access beneath the branch spread or within the exclusion fencing. Any trees that are damaged or felled during construction work must be replaced with semi-mature trees of the same or similar species.

Reason: To ensure that retained trees are identified prior to commencement of development and adequately protected during the construction phase in accordance with Policy CR2 of the Core Strategy and Policies BR3 and BP11 of the Borough Wide Development Policies Development Plan Document and Section 197 of the Town and Country Planning Act 1990.

9. Root Protection

No development shall be carried out until a method statement identifying the root protection areas of all trees on and around the site, and giving details of any works to be carried out within the root protection areas of the trees and the method to avoid damage to the trees during these works has been submitted to and approved in writing by the Local Planning Authority.

Reason: The method statement is required prior to commencement of development to ensure that retained trees are adequately protected during the construction phase in accordance with Policy CR2 of the Core Strategy and Policies BR3 and BP11 of the Borough Wide Development Policies Development Plan Document and Section 197 of the Town and Country Planning Act 1990.

10. Nesting Birds Survey

No vegetation or site clearance shall take place between 1 March and 30 September without a nesting bird survey being carried out by a suitably qualified ecologist no more than 2 days prior to commencement of the development.

If nesting birds are found, a strategy should be agreed with the Local Planning Authority to ensure the nesting birds are not disturbed by works taking place on the site.

Reason: The survey is required prior to commencement of the development to protect the ecology of the area as nesting birds may be present on the site and in accordance with Policy CR2 of the Core Strategy, Policy BR3 of the Borough Wide Development Policies Development Plan Document and Policy 7.19 of the London Plan.

11. Bird and Bat Boxes

The development shall not be occupied until bird nesting and bat roosting boxes have
been installed within or on the buildings or in any trees on the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The details shall accord with the advice set out in "Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build" (Published by RIBA, March 2010) or similar advice from the RSPB and the Bat Conservation Trust.


12. Bat Survey

No development shall take place on the Sacred Heart Convent building to be retained until a bat survey comprising a dusk emergence and dawn re-entry survey has been undertaken. An internal survey should also be carried out for all existing buildings prior to commencement of development. The reports should be submitted to and approved in writing by the Local Planning Authority. Any actions arising from the surveys shall be implemented prior to commencement of any relevant works.

Reason: The bat surveys are required prior to commencement of the relevant development to ensure that protected species are surveyed and mitigation measures proposed at an appropriate point in the development process in accordance with Policy CR2 of the Core Strategy, Policy BR3 of the Borough Wide Development Policies Development Plan Document and Policy 7.19 of the London Plan.

13. Access (Details)

The vehicular and pedestrian accesses to the site shall be constructed in accordance with the siting, size, dimensions and other details shown on drawing No. SH_P_100 P18 prior to the occupation of the development.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the adjoining highway and in accordance with Policy BR10 of the Borough Wide Development Policies Development Plan Document.

14. Car Parking (Implementation)

The car parking areas indicated on drawing No. SH_P_100 P18 shall be constructed and marked out prior to the occupation of the development, and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose. The parking spaces should be clearly delineated with raised kerbs to avoid encroachment on surrounding footpaths and damage to trees.

Reason: To ensure that sufficient off-street parking areas are provided and not to prejudice the free flow of traffic or conditions of general safety along the adjoining highway in accordance with Policy BR9 of the Borough Wide Development Policies Development Plan Document.

15. Electric Vehicle Charging Points

Active electric charging points shall be provided for 20% of the car parking spaces shown on drawing No. SH_P_100 P18 and a further 20% shall be provided for passive electric
vehicle charging points. The spaces shall be constructed and marked out and the charging points installed prior to the occupation of the development, and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.

Reason: To encourage the use of electric cars in order to reduce carbon emissions, and in accordance with Policy BR10 of the Borough Wide Development Policies Development Plan Document and Policy 6.13 of the London Plan.

16. Cycle Parking (Details)

Details of the proposed cycle parking for residents shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. Cycle storage for residents should be safe and secure and provided in dedicated cycle storage units where possible, and provision should be made for short-term visitor cycle parking in the form of Sheffield stands. The approved scheme shall be implemented prior to the occupation of the development and thereafter retained permanently for the accommodation of bicycles of occupiers and visitors to the premises and not used for any other purpose.

Reason: In the interests of promoting cycling as a sustainable and non-polluting mode of transport and in accordance with Policy BR11 of the Borough Wide Development Policies Development Plan Document.

17. Future CPZ Permits

The residential occupiers of the proposed development shall not be eligible for a parking permit within any future adjoining Controlled Parking Zones (CPZ).

Reason: To prevent residential occupiers of the proposed development from taking up parking spaces in any future adjoining CPZs which are already in high demand by existing local residents in accordance with Policies BR9 and BR10 of the Borough Wide Development Policies Development Plan Document.

18. Highways Works

No above ground new development shall commence until the developer has submitted to the Local Planning Authority for approval in writing, in consultation with the Local Highway Authority, a scheme of highway works associated with the development. The approved works shall be carried out prior to the occupation of the development, or as otherwise agreed in writing with the Local Planning Authority, in consultation with the Local Highway Authority.

Reason: In the interests of highway safety and in accordance with Policies BR9 and BR10 of the Borough Wide Development Policies Development Plan Document.

19. Construction and Logistics Plan

Prior to the commencement of development a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be designed to minimise deliveries of materials and export of any waste materials within the times of peak traffic congestion on the local road network. The Plan shall be implemented
in accordance with the approved details and thereafter maintained.

Reason: The Construction Logistics Plan is required prior to commencement of development in order to minimise the impact of construction on the free flow of traffic on the local highway network and in the interests of highway safety, and in accordance with Policy BR10 of the Borough Wide Development Policies Development Plan Document and Policy 6.3 of the London Plan.

20. Construction Method Statement

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

i. the parking of vehicles of site operatives and visitors;
ii. details of access to the site;
iii. details of how wildlife will be protected during the clearance and construction of the site;
iv. loading and unloading and the storage of plant and materials used in constructing the development;
v. the erection and maintenance of security hoardings including decorative displays;
vi. wheel washing facilities;
vii. measures to control the emission of noise, dust and dirt during construction;
viii. a scheme for recycling/disposing of waste resulting from demolition and construction works; and,
ix. details of a nominated developer/resident liaison representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer’s representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.

Reason: The Construction Method Statement is required prior to commencement of development in order to reduce the environmental impact of the construction and the impact on the amenities of neighbouring residents, and in accordance with Policy BP8 of the Borough Wide Development Policies Development Plan Document.

21. Construction Hours

No deliveries, external running of plant and equipment or construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with Policy BP8 of the Borough Wide Development Policies Development Plan Document.

22. Noise and Dust

The development shall not be commenced until a scheme specifying the provisions to be
made to control noise and dust emanating from the site during construction works has been submitted to, and approved in writing by, the Local Planning Authority. This scheme should include details of the construction methods to be employed and the equipment to be used. The works are to be carried out in accordance with the recommendations contained within British Standard 5228:2009 ‘Code of practice for noise and vibration control on construction and open sites’ (Parts 1 and 2) and the Mayor of London/London Council’s publication ‘The control of dust and emissions from construction and demolition, Best Practice Guidance’, 2006.

Reason: The Noise and Dust Scheme is required prior to commencement of development in order to reduce the environmental impact of the construction and the impact on the amenities of neighbouring residents in accordance with Policy BP8 of the Borough Wide Development Policies Development Plan Document.

23. External Lighting

A lighting strategy, for construction and occupation, should be provided prior to above ground development and approved in writing by the Local Planning Authority. The lighting strategy should seek to minimise upwards light and obtrusive light, and avoid light spill onto trees and bird and bat boxes. The lighting is to be designed, installed and maintained so as to fully comply with The Association of Chief Police Officers - Secured by Design publication “Lighting Against Crime – A Guide for Crime Reduction Professionals”, ACPO SPD, January 2011. The design shall satisfy criteria to limit obtrusive light presented in Table 1, page 25 of the guide, relating to Environmental Zone E3 – Medium district brightness areas - small town centre or urban locations. Any lighting, either temporary or permanent, along the site boundaries should be kept to a minimum and avoid an impact on birds and bats.

The relevant part of the development shall not be occupied until the approved scheme for that part of the development has been implemented. Thereafter the approved measures shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of security and safety, to avoid light pollution and safeguard neighbouring amenity and in accordance with Policy BP11 of the Borough Wide Development Policies Development Plan Document.

24. Crime Prevention Measures

No development above ground level shall take place until a scheme showing the provisions to be made for external lighting, CCTV coverage, access control, and any other measures to reduce the risk of crime, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented. Thereafter the approved measures shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to provide a good standard of security to future occupants and visitors to the site and to reduce the risk of crime in accordance with Policy BP11 of the Borough Wide Development Policies Development Plan Document.

25. Accessible Housing - M4 (2)
Before occupation, all new build dwellings (other than the 3 wheelchair housing units identified in condition 26) shall be constructed to comply with Building Regulations Optional Requirement Approved Document M4(2) Category 2: Accessible and adaptable dwellings (2015 edition) as a minimum. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure that accessible housing is provided in accordance with Policy 3.8 of the London Plan.

**26. Accessible Housing - M4 (3) (Implementation of Scheme)**

The three wheelchair units identified on the approved drawings shall be constructed to, or capable of easy adaptation to, Building Regulations Optional Requirement Approved Document M4(3) Category 3: (Wheelchair user dwellings) (2015 edition). Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure that sufficient accessible housing is provided in accordance with Policy 3.8 of the London Plan.

**27. Accessible Parking Bays**

The accessible parking bays indicated on drawing No. SH_P_100 P18; shall be clearly marked with a British Standard disabled symbol and permanently retained for the use of disabled persons and their vehicles and for no other purpose. If the need for more bays arises, car parking spaces within the development should be converted into accessible parking bays.


**28. Renewable Energy (Implementation)**

The renewable energy scheme indicated on Figure 7 of the Energy Statement shall be installed before the development hereby approved is occupied and shall be permanently maintained so as to provide energy for the development on a day-to-day basis for as long as the development remains.

Reason: In the interests of safeguarding the environment, to ensure that the development provides renewable energy in accordance with Policy BR2 of the Borough Wide Development Policies Development Plan Document and Policy 5.2 of the London Plan.

**29. Energy Strategy**

The development hereby permitted shall achieve as a minimum a 54% reduction in carbon dioxide emissions over Part L of the Building Regulations (2013), as proposed in the Energy Strategy by XCO2.
Reason: To ensure compliance with the proposed energy strategy in accordance with Policy 5.2 of the London Plan and Policy BR2 of the Borough Wide Development Policies Development Plan Document.

### 30. Surface Water Drainage (Implementation of Submitted Details)

No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To prevent an increased risk of flooding and to prevent pollution of the water environment and in accordance with Policy BR4 of the Borough Wide Development Policies Development Plan Document.

### 31. Archaeology Field Evaluation

a) No demolition or development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with the Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority.

b) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part a).

c) If heritage assets of archaeological interest are identified by Stage 1 then for those parts of the site which have archaeological interest a Stage 2 WSI shall be submitted to and approved in writing by the Local Planning Authority. For land that is included within the Stage 2 WSI, no development shall take place other than in accordance with the agreed Stage 2 WSI which shall include:

   i. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and

   ii. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the Stage 2 WSI.

d) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part a), and if relevant under Part c), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Archaeology must be identified prior to the commencement of development to ensure that archaeological investigation is initiated at an appropriate point in the development process and that any areas of archaeological preservation are identified and appropriately recorded/preserved and the results published in accordance with Policies BP2 and BP3 of the Borough Wide Development Policies Development Plan Document and section 12 of the National Planning Policy Framework.

### 32. Water Efficiency

Before occupation the proposed dwellings shall comply with the water efficiency optional requirement in paragraphs 2.8 to 2.12 of the Building Regulations Approved Document G.
Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To minimise the use of mains water in accordance with Policy 5.15 of the London Plan.

33. Air Quality Details

Details of mitigation or offsetting measures to meet the air quality neutral bench marks are to be submitted to and approved in writing by the Local Planning Authority and are to be implemented before the first occupation of the development hereby permitted.

Reason: To ensure that appropriate measures are taken to minimise the air quality impacts of new development and in accordance with Policy BR14 of the Borough Wide Development Policies Development Plan Document and Policy 7.14 of the London Plan.

34. Remediation Scheme

Following the approval of the Phase 1 Risk Assessment and Phase 2 Ground Investigation Reports prepared by Site Analytical Services, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

35. Remediation Scheme (Implementation)

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

36. Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be prepared in accordance with the requirements of condition 34 which is subject to the approval in writing of the Local Planning Authority.

Reason for Conditions 34-36: Contamination must be identified prior to commencement of
development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy BR5 of the Borough Wide Development Policies Development Plan Document and Policy 5.21 of the London Plan.

37. Landscaping Remediation

A capping system, including the placement of “clean” topsoil, should be incorporated in areas of soft landscaping. Any buried plastic services should be protected.


<table>
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<tr>
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1. Introduction and Description of Development

1.1 The application site comprises 0.4 hectares with a roughly square shape and an existing vehicular access from Goresbrook Road. It is bounded by two-storey residential dwellings directly to the north, east and west, and a community building (Harmony House) to the south.

1.2 The site was formerly used by the Sacred Heart Convent. The existing, three-storey, neo-Georgian style convent building has local heritage value, and is on the Council’s Local List of Buildings of Special Architectural or Historic Interest.

1.3 The scheme proposes to retain the existing three-storey building, demolish its outbuildings and build new two-storey homes on the grounds to the east and south of the convent building. A total of 29 new London Affordable Rented residential units are proposed on the site, with car parking, cycle spaces, refuse storage and communal amenity space. The existing building is proposed to be converted into 9 flats, retaining many of its significant heritage features. Car parking is proposed to the front of the site, with new vehicular accesses, and two communal amenity spaces would be located to the front and rear of the convent building. The new buildings are designed around the large communal amenity space to the rear, whilst creating an additional two shared courtyards between the buildings to the east.

2. Background

Planning History

2.1 The former Sacred Heart Convent was constructed in the 1930s and sits in the middle of the site, significantly set back from the building line along Goresbrook Road. The building was in use as a convent until 2012 (Use Class C2). The site
was sold to London Borough of Barking and Dagenham in 2016 and has since been occupied by property guardians.

2.2 The site’s relevant planning history is listed below.

15/01423/FUL: Construction of a two-storey side and rear extension remodelling of front and rear dormer windows in connection with conversion of the existing building to provide a 60-bedroom elderly persons care home. Application approved.

13/00624/FUL: Demolition of existing convent building and construction of 20 semi-detached houses. Application refused and dismissed on appeal.

Site Context

2.3 The site is located on the south side of Goresbrook Road, in the southern part of the Becontree Estate, with separate existing vehicle and pedestrian access points. It is surrounded by two-storey houses to the west, north and east. Harmony House to the south of the site is a community centre and church. Local amenities, leisure facilities, services and supermarkets are located to the south of the site on Cook Road and to the east in the Goresbrook Road neighbourhood shopping centre.

2.4 The existing, three-storey convent building was built in the 1930s in neo-Georgian style with red and plum brick, a hipped roof and chimneys. The building is on the Council’s Local List of Buildings of Special Architectural or Historic Interest (a non-designated heritage asset). Notable features include the Cupola affixed with a crucifix, the chapel, wooden floor boards, wooden panelled wall and staircase features. The original layout included the chapel, dining room, meeting rooms, kitchen and bathroom facilities at ground floor level with 20 single bedrooms and shared kitchen and bathroom facilities at first and second floor levels.

2.5 The site falls within a Tier 2 Archaeology Priority Area and the existing trees are subject to a Tree Preservation Order (TPO).

2.6 The site is designated as Flood Zone 1 on the Environmental Agency Flood Map. It therefore has a low probability of flooding.

2.7 The public transport accessibility level (PTAL) rating is 0, where 0 is the lowest and 6b is the highest. The closest bus routes include 173 and 287 on Cook Road (600 metre walk), and 173, 174, 175 and 673 on Heathway (800 metre walk). Rail links include Becontree Underground Station (District line, 1.2km walk) and Dagenham Dock National Rail Station (C2C services, 1.3 km walk). The site is 1.2 km walk from the nearest District Centre – Dagenham Heathway. These routes provide access to Barking, Rainham, Fenchurch Street, Essex, Becontree Heath, Rush Green, Dagenham Ford’s and Beckton.

2.8 Part of the Sustrans National Cycle Network route 13 passes adjacent to the development via Goresbrook Road.
3. Consultations

Publicity

3.1 37 properties within the wider area were consulted by individual letter. Two site notices were displayed on the gates outside of the Convent on 3 October 2018 and a press notice was published in the Barking and Dagenham Post on 10 October 2018.

3.2 1 objection and 1 comment have been received. The responses have been summarised below.

3.3 One local resident enquired how to get a flat or house when the development is built.

*Officer Note:* The dwellings will be transferred to the Council’s housing company, Reside, following completion.

3.4 A second local resident provided the following comments:

- Support the conversion of the convent building for flats;
- Objection to construction of houses on land that could be used for parking or gardens for the flats;
- Issues of parking on Goresbrook Road. The development would exacerbate this problem;
- The proposed design is not in keeping with the ‘flow of the convent, nor the area, but have a resemblance to a Hobbit House’.

3.5 In summary, this committee report deals with the following issues in the sections below:

- Principle of residential within the grounds of the convent;
- Car parking; and,
- Proposed design of the houses.

Historic England - Greater London Archaeology Advisory Service (GLAAS)

3.6 GLAAS reviewed the proposals and welcome the retention of the locally listed building as the heritage value of the convent should be considered as part of the planning decision.

3.7 In line with the Desktop Archaeology Assessment, GLAAS advised that the remaining development could cause harm to archaeological remains. They recommend field evaluation is undertaken to assess the necessary mitigation. A pre-commencement condition is recommended for the submission of a two-stage Written Scheme of Investigation.

*Officer Note:* This condition has been recommended as Condition 31 (Archaeology Field Evaluation).
Essex & Suffolk Water

3.8 Essex & Suffolk Water confirmed they do not have apparatus located in the proposed development and have no objection.

Metropolitan Police

3.9 The Designing Out Crime Officer (DOCO) confirmed that a meeting was held with the design team after the application was submitted. The DOCO stated that regarding units 1, 3 and 4, some boundary treatment should be incorporated between the footpath and units’ doors and windows. Furthermore, the cycle storage should be lockable and secure, and not be visible from the public realm.

3.10 The officer was satisfied that most of the recommendations could be incorporated and recommended that a suitable condition is added to achieve secure by design standards, ideally achieving a Certificate of Compliance.

*Officer Note: A condition has been recommended to submit a scheme for crime prevention measures under Condition 24 (Crime Prevention Measures). It is considered that this is sufficient to achieve a scheme that is secure, without the need to achieve a Certificate of Compliance. However, the applicant has confirmed the detailed design will aim to achieve a ‘Silver’ level of compliance, where possible.*

Arboricultural Officer (Trees)

3.11 The Tree Officer stated that the trees’ value is in their collective around the site. The officer had provided advice on the site’s trees from an early point, recommending that the three Category A Strawberry Trees (*Arbutus unedo*) were worth retaining for their biodiversity, amenity and cultural value. With an estimated age of 80-120 years, the trees have a lifespan of 100-400 years, and function well as a screening hedge line along the western boundary of the site. Strawberry trees are not native to the UK but they are widespread naturally in parts of Ireland (mainly a Mediterranean tree and likely require more Mediterranean conditions for them to reach their real size and age potential). The Tree Officer stated that the Category A trees are the strongest trees worth retaining, largely due to their infrequency in the Borough and the architecturally interesting feature they provide on the site. As these trees are on a boundary, they present a lower constraint on the land use and could be included with the forethought in the design as a small, screening hedgeline; they grow close enough together to do so.

3.12 As the majority of existing trees are proposed to be removed, the new design must allow recompense. The officer would prefer to see open space at the front utilised to show off new trees with public amenity to the road rather than space at the back. There is little of individual value for trees on the site, but it is still a large loss of open green and trees in one go. There must be a good landscape plan presented in green space retained within this site, visible from the Highway.

*Officer Note: The strawberry trees are proposed to be removed, despite early advice from the Tree Officer. A condition has been included to request a high quality tree planting scheme that includes the replanting of the strawberry trees.*
where available, and otherwise replaced with like-for-like species (Condition 4 (Hard and Soft Landscaping)).

Transport Development Management (TDM)

3.13 The TDM Officer is satisfied with the proposals, following some amendments and clarifications. The vehicle tracking and landscape layout was amended to accommodate sufficient space for fire trucks. The management strategy for the parking spaces (first come first served) was found acceptable. A suitable condition was recommended to ensure the proposed access arrangements outside the site are implemented via a separate highways agreement (Section 278).

Officer Note: A highway works condition (Condition 18) is proposed.

Access Officer

3.14 The Access Officer provided comments to ensure that the proposed development maximises the accessibility of individual residential units and communal areas, including recommendations on the internal fit-out. Some issues regarding the compliance of Building Regulations Part M(4) were raised. The applicant has confirmed that these will be picked up in the detailed design stage of the development.

Urban Design

3.15 The Urban Design Officer provided an overall positive response to the application. The proposed architectural style and urban design of the scheme is supported. Some concern is raised around the rear boundary relationship with the southern units, which appear to create an awkward relationship in terms of the building line and amenity space.

Officer Note: These concerns have been addressed through amendments in the layout of the development.

Environmental Health Officer (EHO)

3.16 The EHO concurred with the conclusion in the Phase 1 and 2 Ground Investigation Reports. The EHO recommended a condition is included for the placement of clean topsoil in areas of landscaping and protection of buried plastic services to safeguard the amenity of residents.

3.17 The application should comply with the air quality neutral requirements for major developments, in line with the London Plan. Further details should be submitted in a planning condition to mitigate and/or offset any air quality impacts.

Officer Note: Suitable contamination conditions have been recommended under Conditions 34 to 37. An air quality condition has been recommended under Condition 33.
4. **Local Finance Considerations**

4.1 As the proposed development comprises 100% sub-market housing, it would qualify for full Social Housing Relief under Section 49 of the Community Infrastructure Levy Regulations 2010 (as amended) subject to an acceptable application for relief being submitted and approved prior to commencement of development.

5. **Analysis**

5.1 **Principle of Use**

5.1.1 The site is not allocated for any type of development. Be First is bringing forward the site for residential uses on behalf of the London Borough of Barking and Dagenham.

5.1.2 The proposed residential units will be let through the Council’s housing company, Reside, on affordable rents at up to 80% of the market rate. The scheme therefore proposes a 100% sub-marketing housing scheme which will help boost the supply of sub-market housing in Barking and Dagenham.

5.1.3 The principle of converting the former Sacred Heart Convent from Use Class C2 (residential institutions) to Use Class C3 (residential dwellings) is acceptable as the former convent building has been empty since 2012. The site will provide sub-market housing which will help deliver the current housing target for Barking Dagenham of 1,236 new homes annually between 2015 and 2025. It would satisfy a number of the Borough’s and London Plan strategic objectives and strategies: SO1, SO8, Policies CM1, CM2 of the Core Strategy, Policy BC1 of the Borough Wide Development Plan, and Policies 3.3, 3.4 and 3.9 of the London Plan.

5.2 **Sub-market Housing**

5.2.1 This development proposes 100% affordable rented homes (29 units in total at up to 80% of market value). The scheme will satisfy the needs of a range of household sizes, including 34% 1-bedroom units/studios, 31% 2-bedroom units, and 35% 3+-bedroom units. The site forms part of the Council’s programme to deliver 50,000 new homes in the next 20 years. The delivery of sub-market housing on the site is part of a portfolio of sites being brought forward, which aims to deliver half of the units at sub-market rents and tenures across all sites. The tenure mix on this site is considered to be acceptable.

5.2.2 The development provides 34% family housing which is slightly short of the 40% family housing which is generally expected in policy CC1 of the Core Strategy. However, the proposed units will provide high quality accommodation for larger households, especially in the units that are larger than the Mayor’s minimum space standards. It is also accepted that the proposal to refurbish the locally listed building is a significant benefit to the site but creates a constraint in delivering sufficient family housing with dedicated private amenity space as the existing building does not feature balconies and it is considered to be inappropriate on design grounds to include them.
5.2.3 The principle of providing a singular, affordable tenure on this site within the wider portfolio for 50,000 new homes is considered acceptable, in line with Draft Policy H5 of the London Plan. The development would provide a range of homes that would meet the requirements of households in need. It would satisfy a number of the Borough’s and London Plan policies: BC1 of the Borough Wide Development Plan, and Policies 3.10, 3.11 and Draft Policy H5 of the London Plan.

5.3 Design

5.3.1 Policies CM1 and CP3 of the Core Strategy and Policy BP11 of the Borough Wide Development Policies DPD set out the principles which should be applied to the design and layout of new development in order to avoid harm to the character of the local area.

Layout, Height, Scale and Massing

5.3.2 The safeguarding and re-use of an important locally listed building is welcomed, and the retention and restoration of existing architectural features that are integral to the existing building are key.

5.3.3 All of the new build houses will be a maximum of two storeys in height. In addition, the use of barrel roofs (within which the first floor of accommodation is located) reduces the proposed massing and ensures that the new units will be shorter than the existing residential properties. The two-storey buildings are sized to allow the convent building to retain its prominence, and their layout generally helps retain the building’s overall visual quality and its local distinctiveness. The proposed scale and massing comprising of two-storey terraced blocks around the perimeter of the site is considered acceptable and achieves an appropriate relationship with the existing building and neighbouring properties in the surrounding area. The proposed two-storey buildings along Goresbrook Road will be located in front of the Sacred Heart Convent on the green space to the north-east of the existing buildings. This is considered acceptable as the proposed buildings will roughly follow the established building line by neighbouring dwellings and will respect the setting and views of the Sacred Heart Convent.

5.3.4 The relationship with the southern boundary is tight. Following officer comments, the southern buildings were moved north by 1 metre to ensure a better depth of rear garden. This has ensured the gardens are in line with the Mayor’s minimum depth for private amenity space.

5.3.5 Following officer comments, the pedestrian access point from Goresbrook Road has been amended to retain the existing access point. This ensures that an important view and appreciation of the setting of the locally listed building is retained, and it will increase legibility of the main entrance. Overall the layout is considered to strike a suitable balance between achieving permeability through the site and a sense of enclosure within.

Appearance

5.3.6 The only external change proposed to the Sacred Heart building is the removal of the intrusive 1960s dormer windows and replacement with smaller dormers which will be more in-keeping with the neo-Georgian style of the building. Key external
features such as the windows, cupola and door frames of the convent will be repaired and/or replaced where in need of maintenance.

5.3.7 The new build units have been arranged around a series of courtyards and gardens, to create communal open spaces. This creates a modern, domestic character. A rustic brick will be used throughout the new houses to complement the former convent building and surrounding residential properties. To bring variation and interest to the design, the north-facing elevations will be constructed with a waved parapet, hiding a flat roof and photovoltaic (PV) panels, while the east and west-facing facades will have barrel roofs and dormers. The proposed barrel roofs will be finished in a green patina copper, linking to the existing cupola on the convent building.

5.3.8 The waved parapet roof design and circular window features on the southern boundary block provide a suitable distinction between the ‘old and new’ adding character and identity to the new buildings which will contribute towards creating a sense of place. Similarly, the distinctive barrel roofs and projecting dormer windows on the eastern and western blocks add character and interest. The arched entrances facing the central courtyard are suitably proportioned and provide a strong architectural feature.

5.3.9 The large recessed window openings alongside the more playful quirky elements appear to be well-considered and the focus should be on the smaller details with the existing building remaining the grander architectural statement. The use of traditional brick alongside copper cladding on the dormer windows and barrel roofs is considered acceptable and would appear suitably sympathetic to the existing building whilst also providing a high quality contemporary finish.

5.3.10 The quality of materials and architectural detailing is key given the modern form of the new buildings which should complement the existing building and the surrounding context. Physical samples should be provided in order to gain a better understanding of how the proposed external finishes will work together and a suitable condition has been recommended (please refer to Condition 3 (External Materials).

Internal Design

5.3.11 The design of the refurbished convent building is generous, retaining key historical features such as the staircase, oak panelling, parquet flooring and vaulted ceiling in the chapel. Some of the layouts include quirky features in an attempt to retain such features, such as ‘island’ bathrooms.

5.3.12 All units are dual or triple aspect in accordance with London Plan guidelines, with the primary aspect of the terraces to the east and west facing the communal garden thereby avoiding any undue overlooking. The Sunlight and Daylight report confirms that all windows pass the required Building Research Establishment (BRE) tests.

5.3.13 The scheme proposes high quality units that will have good internal daylighting and meet, but in many cases generously exceed, the minimum space standards.
Neighbouring Amenity

5.3.14 This is a suburban site, with a degree of mutual overlooking between the site and surrounding residential properties at present. A separation distance between residential dwellings is not set by local policy. The London Plan SPG for Housing references that a separation distance of 18-21 metres was often considered a reasonable yardstick. However, it also states that adhering rigidly to these distances can limit the variety of urban spaces and housing types and can sometimes unnecessarily restrict density. The closest separation distance is with the existing bungalow to the east, at 11.5 metres from the nearest proposed unit. The existing hedges will be cut back but will largely be retained along the eastern boundary which will provide an element of screening. Further distances are wider, with around 15 metres along the eastern boundary and 26 metres between the western neighbours and the new build houses. On balance, it is considered that the amenity of neighbouring properties is unlikely to be impacted significantly in terms of overshadowing and overlooking.

Design Conclusion

5.3.15 The proposed design strategy would satisfy a number of the Borough’s and London Plan policies and strategic objections: SO3 and Policies CP2 and CP3 of the Core Strategy, Policies BP8, BR9 and BR11 of the Borough Wide Development Plan, and Policies 7.2, 7.3, 7.4, 7.6 and 7.8 of the London Plan.

5.4 Landscaping and Amenity Space

5.4.1 The landscaping scheme has not been developed as part of the planning submission and is expected to be submitted as part of a planning condition.

5.4.2 No play space has been proposed for this scheme at this point. A minimum of 324m$^2$ of play space should be provided, in line with the Mayor’s requirement for 10m$^2$ per child (using the child yield calculator). This should be focused on the rear amenity space, with active and passive play features, considering different age groups. Most play space for the youngest children (under 5 years old) can be provided in rear gardens as doorstep play, however the rest must be provided in the communal areas for the benefit of all future children.

5.4.3 Residents in the locally listed building will also have access to the communal amenity spaces. It is considered that private amenity space in the form of balconies is not suitable for this building in order to retain its historic features.

5.4.4 Most residents in the new build houses will have access to private amenity space, in the form of rear gardens or terraces. Whilst the rear gardens for many units do not comply with the Local Plan external amenity standards for 2 bedroom houses of 50m$^2$ or 3 bedroom houses of 60m$^2$, it is considered that the communal amenity spaces have potential to be well-used and provide a meaningful amenity space for residents. Officers requested that access to the first floor terraces was changed from the units that have gardens along the eastern boundary, to Units 4 and 6 to ensure they have access to a larger private amenity area.

5.4.5 The central communal amenity space (411m$^2$) to the rear would function as the primary amenity area for residents, to provide a high quality space in terms of
landscaping and features. The rear amenity space will receive good levels of sunlight, which will enable a mixture of activities to take place throughout the year.

5.4.6 A communal amenity space (262m²) has been provided to the north as well, and would function predominantly to provide a setting to the locally listed convent and the new dwellings. It is unlikely that residents will use this space to sit and enjoy, however it is recommended that the function of this space is further developed through the landscaping and recreation strategies.

5.4.7 The houses to the east are designed around two courtyard spaces (northern space: 53m² and southern space: 121m²). The overshadowing report shows that the courtyards will receive sunlight; during the Spring equinox the space will predominantly receive sunlight in the northern areas. Further soft landscaping should be added to the courtyards and opportunities for seating and communal planting (horticultural or food growing) could be considered for these spaces. Officers consider that these spaces may be underutilised, therefore it is recommended that a recreation strategy is submitted as part of the planning conditions to provide a detailed proposal for how these spaces will be landscaped, used, managed and maintained.

5.4.8 The total usable communal amenity space is 847m². The total communal amenity space including the footpaths and circulation areas between buildings but excluding the car parking area and the vehicle access road areas is 1,275m². The total of 1,473m² of amenity space (847m² of communal and 626m² of private) complies with the minimum amenity requirement of 1,225m² for this proposed mix of residential units.

5.4.9 In summary, a recreation and play space strategy condition has been recommended to provide full details of the landscaping scheme specifically aimed at ensuring the communal amenity spaces are fully utilised for recreation and play.

5.5 Transport

5.5.1 The application site has a poor Public Transport Accessibility Level rating of 0. This means that the access to public transport is low compared with other areas of the Borough. In terms of other sustainable modes of travel which will be available to any prospective occupiers of the development, part of the Sustrans National Cycle Network route 13 passes adjacent to the development via Goresbrook Road.

5.5.2 Policy BR9 of the Borough Wide Development Policies DPD follows the guidance set out in London Plan Policy 6.13 with respect to parking. The applicable maximum residential parking standard in the Parking Addendum of the London Plan is less than 1 space per unit for a scheme with a proposed density of 72 units per hectare (and 247 habitable rooms per hectare).

5.5.3 16 car parking spaces are proposed to the front of the development, of which 3 are accessible spaces. The accessible parking bays condition has been worded to ensure that car parking spaces are converted into accessible spaces if the need arises for more. This will be managed by Reside. The parking ratio to proposed units is 0.55.
5.5.4 A Parking Stress Survey was undertaken during the nights of 11, 12 and 15 September 2018 at 1am. The surveys were done on two weekday nights and a weekend night within 200 metres of the site. The survey found that the average capacity of surrounding streets is 83%, with 31 available parking spaces. Whilst it is considered that occupancy above 80% is normally ‘at capacity’, there would be a potential need for only 13 parking spaces if all units had a car. The transport consultants considered the area would have sufficient capacity to accommodate these vehicles.

5.5.5 Whilst the ratio is low for a development in an area with poor public transport accessibility (PTAL 0), it is considered that the parking survey provides suitable evidence that there is sufficient on-street parking available. A condition has been proposed to prevent any future occupiers from a parking permit if a Controlled Parking Zone (CPZ) is implemented in this area.

5.5.6 Cycle parking is provided within the gardens of the new build units, where appropriate. Sufficient cycle parking is provided, in line with the adopted London Plan standards of 1 space per studio/1-bedroom and 2 spaces for 2+-bedroom units. However, it has been requested that lockable, secure cycle parking is provided for units with gardens adjacent to the public realm. Details of all shared, secure cycle provision should be submitted via a planning condition.

5.5.7 The existing vehicle and pedestrian access will be removed. Two new vehicular access points will be created, with an additional pedestrian access. The proposed pedestrian access has been altered since the submission of the application to maintain the strong visual connection to the Sacred Heart Convent from the street. This would create a more legible design, in line with Policies CP2 and CP3 and will help ensure that the eastern pedestrian access point will become a secondary access, resulting in lower footfall along the habitable room windows of Units 1, 3 and 4.

5.5.8 The front gates are likely to be managed by a fob system. A one-way system for cars and fire/refuse trucks has been created to the front of the Sacred Heart building, around the shared amenity space. The Transport Development Management team have confirmed this is acceptable.

5.5.9 The proposed transport strategy would satisfy a number of the Borough’s and London Plan policies and strategic objections: SO3 and Policies CP2 and CP3 of the Core Strategy, Policies BR9 and BR11 of the Borough Wide Development Plan, and Policies 6.9, 6.10 and 6.13 of the London Plan.

5.6 Trees and Biodiversity

5.6.1 The Tree Survey and Arboricultural Impact Assessment (AIA) were submitted following the application submission. The Tree Survey identified 4 groups of trees and 13 individual trees, as well as three hedgerows. One group of trees has been categorised as A (highest value), with 4 trees and 2 groups falling within Category B, and the rest in Category C. The site contains a range of different species of different diameters and heights, including crab apple, lime, holly, sycamore, elder, cedar, birch, willow, and ash.
5.6.2 The application proposes to remove ten individual trees, three groups of trees and one hedgerow, including the group of Category A trees along the western boundary. The loss of the Category A trees is regrettable and should have been considered for retention from the outset when the scheme was first designed. The strawberry trees (Group 4) provide high biodiversity value, are estimated to be around 80 to 100 years old, with a long potential further life span, and provide a good screen to the adjacent dwellings on the western boundary. A Statement of Intent has therefore been submitted to provide an indication as to how the landscaping scheme will be dealt with, to replace the strawberry trees with the same species of trees or which like-for-like species could be considered.

5.6.3 With the removal of the Category A and B trees, it is considered that the replacement tree and planting strategy should provide a very high quality, diverse, native range of species that provide high biodiversity value on site. A detailed strategy with proposed species, age and location of trees will be secured via a condition.

5.6.4 Following submission of the application, officers requested that the trees located between the parking spaces were moved further back to avoid collisions with cars. The tree locations have been moved but the exact position should be assessed as part of the Landscaping Strategy (Condition 4 (Hard and Soft Landscaping)).

5.6.5 In terms of biodiversity, the Ecology Survey did not identify any protected species, except for seven protected and notable bird species. The site is also not located within the direct vicinity of any protected nature reserves. The Bat Survey found no evidence of bats on site and the Dusk Emergence and Dawn Re-Emergence Survey recorded no bats either. However, it is considered the survey undertaken was out of season and needs refreshing. A further survey should be undertaken at the start of the bat season before works can commence. Condition 12 (Bat Survey) has been included to safeguard any existing animals on the site, and to provide habitat-friendly landscaping in the proposed scheme.

5.6.6 Following the submission of a high quality landscaping plan via a planning condition, the development would satisfy a number of the Borough’s and London Plan policies and strategic objections: SO10 and Policy CR2 of the Core Strategy, Policy BR3 of the Borough Wide Development Plan, and Policies 7.19 and 7.21 of the London Plan.

5.7 Sustainability and Energy Matters

5.7.1 Policy 5.2 of the London Plan requires major developments to follow the Energy Hierarchy to reduce regulated and unregulated carbon dioxide (CO$_2$) emissions, which relate respectively to how the building is built and how the building is used. Residential applications submitted after 1 October 2016 should be zero carbon, resulting in no net release of CO$_2$ into the atmosphere from the development. Policy BR2 in the Borough Wide Development Plan further supports the requirement for zero carbon major developments and requires at least 20% of saving in CO$_2$ emissions to be met through the use of on-site renewable energy generation.

5.7.2 The proposed energy savings of the new build and refurbishment elements combined is 54% of CO$_2$ emissions against the Building Regulations Part L 2013
baseline. This includes a reduction of 69.3% emissions for the Sacred Heart building and 35.1% for the new build houses.

5.7.3 The Energy Report states that the Mayor’s Energy Hierarchy has been followed by reducing the CO\textsubscript{2} emissions through:

- **Be Lean**: 0% improvements for the new build, and 63.7% for the refurbishment;
- **Be Clean**: 0% improvements across the site;
- **Be Green**: 35.2% improvements for the new build, and 5.6% improvements for the refurbishment.

5.7.4 Measures taken in the proposed development include improvements to the energy efficiency of walls, windows, roofs and floors in the existing building, broadly in line with Building Regulations Part L1B. Energy reduction measures within the new build houses have been proposed, however these reductions are limited due to the large number of outside walls and the need to ensure the houses will not overheat. As a result, a negligible/slight overheating risk was found for all representative unit types modelled.

5.7.5 Space heating will be provided by high efficiency gas boilers. On-site renewable energy production is proposed for lighting and small-scale energy use in the form of solar photovoltaic panels (PVs), with 18.8% CO\textsubscript{2} reductions. PVs are proposed on the flat part of the roof of the Sacred Heart building (obscured from the street), the new buildings along Goresbrook Road, the houses along the southern boundary and the highest elements of the barrel roofs on the eastern side. Any excess PV power will be exported to the grid.

5.7.6 The proposed energy strategy ensures significant improvements to the building fabric will be achieved through the refurbishment of the Sacred Heart Convent. Less ambitious results are achieved on the new build element, just achieving 35% reduction in CO\textsubscript{2} emissions through the renewable sourcing of energy alone. However, on balance, it is considered that the development is achieving reasonable levels of CO\textsubscript{2} emission reduction with the proposed design which can be further offset through the carbon offset fund, to be secured through the Section 106.

5.7.7 The energy strategy would satisfy a number of the Borough’s and London Plan policies: SO9 and Policy CR1 of the Core Strategy, Policies BR2 and BP11 of the Borough Wide Development Plan, and Policies 5.2, 5.4 and 5.7 of the London Plan.

5.8 **Flood Risk and Sustainable Urban Drainage**

5.8.1 The site is in Flood Zone 1 and there is no risk of tidal and fluvial flooding, and low to negligible risk of pluvial, sewers, groundwater and reservoirs flooding.

5.8.2 Any major development should provide sustainable urban drainage, in line with the drainage hierarchy set out in London Plan Policy 5.13.

5.8.3 In terms of surface water, the Flood Risk and Sustainable Urban Drainage (SUDS) report confirms the site will not increase flood risk to the site itself or surrounding sites as a result of the increase in flood storage capacity and a net decrease in the
run-off rate. The total impermeable area on the existing site is 1,501m$^2$ which would increase to 2,966m$^2$ in the proposed scheme.

5.8.4 Following the Mayor’s hierarchy, rainwater harvesting should be considered within the landscaping strategy for use in the private and communal gardens (which would also be in line with London Plan Policy 5.15 to reduce the use of water). Infiltration strategies were found unrealistic, such as soakaways, ponds, swales and basins due to the London Clay and made ground formation of the ground. The development proposes to attenuate the surface water through permeable paving into a 208 cubic metre crate attenuation system, covering 210m$^2$ of space under the car parking spaces and circulation space on the north eastern part of the site. Filter drains from roofs will be connected directly to this tank. Greenfield runoff rates of 1.78 litres per second will be achieved on the site, taking into account a 40% climate change allowance for a 1 in a 100 year storm event.

5.8.5 The proposed SUDS strategy is considered acceptable for the site and would satisfy a number of the Borough’s and London Plan policies: SO9, SO12, and Policies CR1 and CR4 of the Core Strategy, Policy BR4 of the Borough Wide Development Plan, and Policy 5.13 of the London Plan.

5.9 Archaeology

5.9.1 In terms of archaeology, the site is located within an archaeological priority area. The Borough Wide Development Policies DPD Policy BP3 requires assessments and evaluation of sites of archaeological interest to ensure new development has no adverse impact on any archaeological remains. In this regard, a desktop assessment Written Scheme of Investigation was submitted with the planning application identifying the risk of assets located within the development site.

5.9.2 As part of the consultation, Historic England (GLAAS) considered the proposal with reference to information held in the Greater London Historic Environment Record. They conclude that the site is close to finds of significant Roman remains and the development could therefore cause harm to the archaeological remains. A suitable condition has been recommended to undertake further field work to identify any archaeological remains on the site.

5.10 Contamination

5.10.1 The application included a Phase 1 and Phase 2 Geo-technical report on potential contamination at the site. The desktop study concluded the risk of contamination is low on the site as little to no industrial properties have been evident within the surrounding areas or on the site. The Phase 2 report outlined that the borehole samples taken on the site confirmed the ground conditions were consistent with the geological records and known history of the area. The ground is comprised of Made Ground up to 0.60m thickness, underlain by London Clay Formation. A potential contamination source is asbestos found in a borehole location. Recommendations in the reports include that areas of hardstanding will not need further remedial measures. For any soft landscaping areas, it is recommended that soils are excavated down to at least 0.6m and replaced with a layer of mesh, concrete, or geotextile with clean topsoil above.
5.10.2 In line with the report recommendations and Policy BR5 of the Borough Wide Development Policies DPD, a number of contamination conditions have been proposed to provide details on the remediation strategy and cover any unexpected contamination sources that may be found during construction works.

6. **Section 106/Planning Obligations**

6.1.1 The following heads of terms will be included in a Unilateral Undertaking:

- Secure 100% Sub-market Housing;
- Secure an Employment and Skills Plan (local jobs and provision of services and goods);
- Carbon offset contribution; and
- Payment of the Council’s legal costs associated with the preparation of the S106 Agreement.

7. **Equalities Considerations**

7.1 The Equality Act 2010 requires the Council to advance equality of opportunity in the exercise of its functions. In this respect, the scheme will be designed such that all new build units comply with the Building Regulations Part M4(2) ‘Accessible and adaptable dwellings’ standard. Units 4, 6 and 11 (10%) will comply with Part M4 (3) ‘Wheelchair user dwellings’, enabling easier access for people with disabilities or impaired mobility.

7.2 Units in the refurbished Sacred Heart building do not fall under these regulations. However, the scheme will be able to adapt Units 1-3 and 5-7 to comply with Building Regulations Part M4(2) in the refurbished building.

8. **Conclusion**

8.1 The proposed scheme is of a high architectural quality. The internal amenity for new residents is good, with units being dual or triple aspect and meeting, and in many cases exceeding, the minimum space standards. The retention of the important locally listed building is welcomed and the proposed refurbishment of the building into residential flats is supported. The different architectural styles proposed for the new build elements add character and identity to the site.

8.2 The landscaping proposal has not considered the retention of the high value strawberry trees on the western boundary which is regrettable. However, the proposal to replace the high number of trees to be removed with an extensive tree planting scheme should provide an equal, if not higher, quality landscape scheme on the site. Detailed proposals will need to be signed off by the Council through the recommended planning conditions.

8.3 On balance, it is considered that the proposal for 29 new affordable rented homes will make a meaningful contribution to the housing targets for Barking and Dagenham and will provide high quality affordable rented units.

8.4 This application has an officer recommendation for approval, subject to suitable conditions and a Unilateral Undertaking under S106 of the Town and Country Planning Act 1990.
Background Papers

- Planning Application File
  
  Search 18/01689/FUL via: [http://paplan.lbbd.gov.uk/online-applications/](http://paplan.lbbd.gov.uk/online-applications/)

- Core Strategy (2010):
  
  Policy CM1 - General Principles for Development
  Policy CM2 – Managing Housing Growth
  Policy CR1 – Climate Change and Environmental Management
  Policy CR4 – Flood Management
  Policy CP2 – Protecting and Promoting Our Historic Environment
  Policy CP3 – High Quality Built Environment

  
  Policy BR2 – Energy and On-Site Renewables
  Policy BR3 – Greening the Urban Environment
  Policy BR4 – Water Resource Management
  Policy BR5 – Contaminated Land
  Policy BR9 – Parking
  Policy BR10 – Sustainable Transport
  Policy BR11 – Walking and Cycling
  Policy BC1 – Delivering Affordable Housing
  Policy BC7 – Crime Prevention
  Policy BP3 – Archaeology
  Policy BP8 – Protecting Residential Amenity
  Policy BP11 – Urban Design

- The London Plan (2016):
  
  Policy 3.3 – Increasing Housing Supply
  Policy 3.4 – Optimising Housing Potential
  Policy 3.9 – Mixed and Balanced Communities
  Policy 3.10 – Definition of Affordable Housing
  Policy 3.11 – Affordable Housing Targets
  Policy 5.2 – Minimising Carbon Dioxide Emissions
  Policy 5.4 – Retrofitting
  Policy 5.7 – Renewable Energy
  Policy 5.13 – Sustainable Drainage
  Policy 6.9 – Cycling
  Policy 6.10 – Walking
  Policy 6.13 – Parking
  Table 6.2 – Car Parking Standards
  Table 6.3 – Cycle Parking Standards
  Policy 7.2 – An Inclusive Environment
  Policy 7.3 – Designing Out Crime
  Policy 7.4 – Local Character
  Policy 7.6 – Architecture
  Policy 7.8 – Heritage Assets and Archaeology
  Policy 7.19 – Biodiversity and Access to Nature
Policy 7.21 – Trees and Woodlands

- Draft New London Plan

Draft Policy H5 – Delivering Affordable Housing

- Other Guidance:

  National Planning Practice Guidance
  Technical Housing Standards
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AGENDA ITEM 7

Thames Gateway Energy from Waste Plant, Dagenham
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<th>Barking and Dagenham Council Planning Committee</th>
<th>Date: 10 December 2018</th>
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<td>Application No:</td>
<td>18/01501/FUL</td>
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<td>Ward:</td>
<td>Thames</td>
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<tr>
<td>Reason for Referral to Planning Committee as set out in Part 2, Chapter 9 of the Council Constitution</td>
<td>The application is a major development which is of a scale and importance that should be determined at Planning Committee.</td>
</tr>
<tr>
<td>Address:</td>
<td>Thames Gateway Waste To Energy Ltd, Plot 2 London Sustainable Industries Park North, Clove Street, Dagenham</td>
</tr>
<tr>
<td>Development:</td>
<td>Application for variation of conditions following grant of planning permission 13/01134/FUL: Variation of conditions 2 (plan numbers); 3 (maximum waste throughput); 20 (hard landscaping) and 21 (car parking).</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Thames Gateway Waste To Energy Ltd</td>
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</table>

**Summary:**

This application seeks a variation of conditions 2, 3, 20 and 21 to the planning permission granted in 2014 for: “Erection of a building (8,925m² internal area) incorporating 55 metre high stack and associated plant to be used as an energy generation facility to generate electricity from residual waste along with car parking, boundary treatment and landscaping”. This Section 73 application seeks to increase the waste throughput capacity by 11% (from 180,000 tonnes to 200,000 tonnes per year).

Pre-commencement conditions have been discharged and the planning permission has been implemented. Construction works to date include the approved foundation and drainage infrastructure.

The development falls within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and is therefore accompanied with an updated Environmental Statement (ES). The application site is located within the London Sustainable Industries Park (LSIP), Dagenham Dock and forms part of the Green Enterprise District which focuses on high technology ‘green’ environmental businesses.

Renewable energy is generated in this facility through the processing of commercial and industrial waste that is non-recyclable. This Section 73 application seeks to increase the throughput of waste for two reasons:

1. Significant improvement to the energy efficiency of the combustion process which will result in a higher level of energy output for export: from 19.6 Mega Watts (MW) to 33.6 MW.
2. The process will significantly reduce the input of natural gas required – by around 50%. It has been identified that certain calorific value wastes (‘alternative waste feedstock’) will be used.

As a result, the increase of 20,000 tonnes of waste per annum will be used as follows:
a. Up to 15,000 tonnes for alternative waste feedstock;
b. Up to 5,000 tonnes to form part of the standard throughput to reflect the increase in size of the plant.

The benefits include reducing the amount of waste that would otherwise go to landfill and the generation of renewable energy for export into the grid. This application is of strategic importance and will contribute to the vision of a more sustainable circular economy where resources are not wasted but re-purposed and re-used in the form of energy.

The facility would operate 24 hours a day, 7 days a week and would generate around 11 additional jobs (66 full time in total, roughly 52 of these will be production based and 14 office based).

The proposed increase of waste throughput for this development would satisfy a number of the Borough’s and London Plan strategic objectives and policies: Strategic Objectives SO6, SO8, SO9, SO12, Policies CM1, CR1, CR3, CR4 and CC3 of the Core Strategy; Policies BR1, BR2, BR4, BR5, BR9, BR10, BR11, BR13, BR14, BR15 and BP8 of the Borough Wide Development Plan; and Policies 2.17, 4.4, 4.10, 5.1, 5.2, 5.3, 5.8, 5.12, 5.13, 5.16, 5.17, 5.21, 6.3, 6.9, 6.10, 6.13, 7.14 and 7.15 of the London Plan.

**Recommendation:**

That the Planning Committee grant planning permission subject to conditions and the completion of a Deed of Variation to the agreement under Section 106 of the Town and Country Planning Act 1990 in respect of a financial contribution of £15,000 (index linked) for a feasibility study to improve the Goresbrook Interchange.

**Conditions:**

**1. Time Limit**

The development permitted on 5 November 2014 under permission 13/01134/FUL was implemented before the expiration of three years from the date of the 13/01134/FUL permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

**2. Approved Drawings**

The development hereby permitted shall be carried out in accordance with the following approved plans:

CPMG 20-002 Rev 001 16/12/13
CPMG 7487-20-111 Rev P01 07/08/2018
CPMG 7487-70-001 Rev - 16/12/13
CPMG 7487-70-002 Rev - 16/12/13
CPMG 7487-70-011 Rev 02 04/09/2018
CPMG 7487-70-103 Rev P05 23/07/2018
CPMG 7487-70-104 Rev P03 23/07/2018
3. Maximum Annual Throughput

The development hereby permitted shall not exceed a total annual throughput of 200,000 tonnes per annum. The applicant shall keep such records as may be required to permit the Local Planning Authority to determine compliance or otherwise with this condition. Those records shall be made available to the Local Planning Authority on request.

Reason: To accord with the submitted scheme and ensure that all planning related impacts are adequately considered.

4. External Materials

No development shall take place following the piling stage until full details, including samples, specifications and annotated plans of all external materials and plant have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure a satisfactory standard of external appearance, in accordance with Policy CP3 of the Core Strategy (July 2010) and Policy BP11 of the Borough Wide Development Policies DPD (March 2011).

5. Open Storage

No open storage shall be permitted on site unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of external appearance, in accordance with Policy CP3 of the Core Strategy (July 2010) and Policy BP11 of the Borough Wide Development Policies DPD (March 2011).
6. Travel Plan (Implementation)

The development hereby permitted shall only be occupied in accordance with the Travel Plan prepared by Thames Gateway Waste to Energy Ltd (March 2014). The approved Travel Plan shall be implemented and monitored in accordance with the approved scheme.

Reason: In order to encourage the use of sustainable transport and in accordance with policy BR10 of the Borough Wide Development Policies DPD (March 2011).

7. BREEAM Rating

The development hereby permitted shall achieve as a minimum a BREEAM 'Excellent' rating. A certificated BREEAM Post Construction Review, or other verification process agreed with the Local Planning Authority, shall be provided, confirming that the agreed standards have been met.

Reason: To ensure that the proposed development is constructed in an environmentally sustainable manner and in accordance with Policy BR1 of the Borough Wide Development Policies DPD (March 2011).

8. Noise and Vibration

No development shall take place until a scheme to control noise and vibration emanating from the completed development has been submitted to and approved in writing and implemented to the satisfaction of the Local Planning Authority.

Reason: To protect the amenity of adjoining occupiers, in accordance with Policy BP8 of the Borough Wide Development Policies DPD (March 2011).

9. Noise Level

The rating level of the noise from the combined operation of plant installed pursuant to this permission shall not exceed the existing background noise level at the outside of noise sensitive buildings. Any assessment of compliance with this condition shall be made according to the methodology and procedures presented in BS4142:2014.

Reason: To protect the amenity of adjoining occupiers, in accordance with Policy BP8 of the Borough Wide Development Policies DPD (March 2011).

10. Nitrogen Dioxide Limit

The development shall achieve a daily average nitrogen dioxide (NO\textsubscript{2}) limit of no greater than 150 mg/Nm\textsuperscript{3} at the conditions set out in the Industrial Emissions Directive Annex VI Part 3. The applicant shall keep such records as may be required to permit the Local Planning Authority to determine compliance or otherwise with this condition. Those records shall be made available to the Local Planning Authority on request.

Reason: To protect the amenity and air quality of existing and future residents and neighbours, in accordance with Policy BP8 and BR14 of the Borough Wide Development Policies DPD (March 2011).
11. Odour Mitigation

In the event that complaints regarding smell/odour are received by the Local Planning Authority during construction or once the development is operational, from any sensitive receptor, and thereafter notified to the operator, an immediate assessment of the complaint shall be undertaken. A report on the findings, with proposals for removing, reducing or mitigating identified adverse effects resulting from the operation, and a programme for the implementation of remedial measures to be undertaken shall be submitted to the Local Planning Authority no later than 5 working days from the receipt of the complaint, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity and air quality of existing and future residents and neighbours, in accordance with Policy BP8 and BR14 of the Borough Wide Development Policies DPD (March 2011).

12. Hydrogeological Risk Assessment

Development shall take place in accordance with the Hydrogeological Risk Assessment (Rev B) prepared by Enzygo and dated June 2014, as approved under planning permission 14/01252/CDN. Minor amendments may be agreed in writing from time to time by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies BR4 and BR5 of the Borough Wide Development Policies DPD (March 2011).

13. Contamination Verification Report

No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies BR4 and BR5 of the Borough Wide Development Policies DPD (March 2011).

14. Soft Landscaping Cover Soil

All areas of soft landscaping are to be provided with 300mm clean cover soil as a barrier. The screening criteria for a commercial use presented in Page 33 of the Geoenvironmental report, CRM.035.006.R.002.B, dated October 2013, are to be used as
minimum soil acceptance criteria.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies BR4 and BR5 of the Borough Wide Development Policies DPD (March 2011).

15. Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and implemented to the satisfaction of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies BR4 and BR5 of the Borough Wide Development Policies DPD (March 2011).

16. Piling Risk Assessment

Development shall take place in accordance with the Risk Assessment for Piling Works prepared by Balfour Beatty Ground Engineering and with reference 33741, as approved under planning permission 15/00002/CDN. Minor amendments may be agreed in writing from time to time by the Local Planning Authority.

Reason: To protect the quality of the water environment and to accord with Policy BR4 of the Borough Wide Development Policies DPD (March 2011).

17. Surface Water Infiltration

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To protect the quality of the water environment in accordance with Policy BR4 of the Borough Wide Development Policies DPD (March 2011).

18. Construction Environmental Management Plan

Development shall take place in accordance with the Construction Environmental Management Plan prepared by Volker Fitzpatrick and with reference C11579 – TWG2E, as approved under planning permission 14/01253/CDN. Minor amendments may be agreed in writing from time to time by the Local Planning Authority.

Reason: In the interest of pollution and residential amenity, in accordance with Policy BP8 of the Borough Development Policies DPD (March 2011).
19. Soft Landscaping (Implementation)

The soft landscaping plan TGP-LP-01-Rev C prepared by Design with Nature dated August 2018, hereby approved shall be implemented in the first planting season following first occupation. Any plants or trees required as part of the implementation of the condition that die or are removed, damaged or diseased within a period of FIVE years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent for a variation.

Reason: In the interest of design quality, public safety and biodiversity, in accordance with Policy CP3 of the Core Strategy (July 2010) and Policy BR3 of the Borough Wide Development Policies DPD (March 2011).

20. Hard Landscaping (Implementation)

The hard landscaping plan TGP-LP-01-Rev C prepared by Design with Nature shall be implemented in accordance with the approved details and thereafter permanently maintained. All external lighting shall be designed to prevent light spill into the Goresbrook.

Reason: In the interest of design quality, amenity, walking, accessibility, public safety and biodiversity, in accordance with Policy CP3 of the Core Strategy (July 2010) and Policy BR3 of the Borough Wide Development Policies DPD (March 2011).

21. Car Parking (Implementation)

The car parking areas indicated on drawing CPMG 7487-70-103 Rev P05 shall be constructed and marked out prior to the occupation of the development, and thereafter retained permanently for the accommodation of vehicles of employees and visitors to the premises and not used for any other purpose.

Reason: To ensure that sufficient car parking areas are provided and not to prejudice the free flow of traffic or conditions of general safety along the adjoining highway in accordance with Policies BR9 and BR11 of the Borough Wide Development Policies DPD (March 2011).

22. Electric Vehicle Charging Points

The development hereby permitted shall not be occupied until details of the electric vehicle charging points and passive provision have been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that at least 20% of all spaces are for electric vehicles with an additional 10% passive provision (as defined in the London Plan March 2016) for future use. The scheme shall be implemented in accordance with the approved details, prior to the occupation of the development, and permanently retained thereafter.

Reason: In order to encourage the use of electric cars as a sustainable mode of transport, in accordance with Policy BR10 of the Borough Wide Development Policies DPD (March 2011) and Policy 6.13 in the London Plan.
23. Cycle Parking Details

The development hereby permitted shall not be occupied until full details of cycle parking, including its external appearance, location and the means of secure storage proposed, have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided prior to the occupation of the development, and shall be retained thereafter, and used for no other purpose.

Reason: In order to encourage the use of cycling as a sustainable mode of transport, in accordance with Policy BR10 of the Borough Wide Development Policies DPD (March 2011).

24. Deliveries and Servicing Plan

The development hereby permitted shall not be occupied until a Deliveries and Servicing Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be designed to minimise deliveries and export of materials within the times of peak traffic congestion on the local road network. The Plan shall be implemented in accordance with the approved details and thereafter maintained.

Reason: In order to minimise the impact of the development on the free flow of traffic on the local highway network during peak periods and in the interests of highway safety and in accordance with Policy BR10 of the Borough Wide Development Policies DPD (March 2011).

25. Construction Vehicle Circulation

Development shall take place in accordance with the details of vehicle circulation as set out in the statement prepared by Amberley Consulting Ltd and on drawings ‘TGW2E – 01 Traffic Management’ and ‘TGW2E – 02 Traffic Management Proposal’, as approved under planning permission 14/01253/CDN. Minor amendments may be agreed in writing from time to time by the Local Planning Authority.

Reason: To ensure the maintenance and operation of High Speed 1 is not prejudiced.

26. Buried Services

Development shall take place in accordance with the measures to identify and protect High Speed 1 and/or UK Power Networks buried services as set out in the statement prepared by Amberley Consulting Ltd and on drawings 0812-VOL-5952 Sheet 1 of 5, Sheet 2 of 5, Sheet 3 of 5, Sheet 4 of 5 and Sheet 5 of 5 prepared by Surveys, as approved under planning application 14/01253/CDN. Minor amendments may be agreed in writing from time to time by the Local Planning Authority.

Reason: To ensure the maintenance and operation of High Speed 1 is not prejudiced.

27. Risk Assessment to HS1 Transformer

Development shall take place in accordance with the risk assessment of the impact of the development on the High Speed 1 isolating transformer statement prepared by Amberley Consulting Ltd, as approved under planning permission 14/01253/CDN. Minor amendments may be agreed in writing from time to time by the Local Planning Authority.
Reason: To ensure the maintenance and operation of High Speed 1 is not prejudiced.

28. Assessment of Electromagnetic Compatibility

No development above ground shall take place until an assessment of Electromagnetic Compatibility (EMC) for the occupation of the site has been submitted to and approved in writing by the Local Planning Authority in consultation with High Speed 1. The assessment shall ensure that the design is compatible with EMC regulations.

Reason: To ensure the maintenance and operation of High Speed 1 is not prejudiced.

29. Drainage Layout

Development shall take place in accordance with the drainage details prepared by Millward and dated 17 April 2015 and with references MA9580-200 F and MA9580-201 F, as approved under planning permission 15/00555/CDN. Minor amendments may be agreed in writing from time to time by the Local Planning Authority.

Reason: To ensure the maintenance and operation of High Speed 1 is not prejudiced.

30. Hazardous Materials Storage

No development above ground shall take place until details of the materials and arrangements for the storage of combustible gases or hazardous materials for the operation phase of the development within 200m of High Speed 1 infrastructure have been submitted to and approved in writing by the Local Planning Authority in consultation with High Speed 1. No such materials shall be introduced to the site without the prior approval of the Local Planning Authority in consultation with High Speed 1.

Reason: To ensure the maintenance and operation of High Speed 1 is not prejudiced.

<table>
<thead>
<tr>
<th>Contact Officer</th>
<th>Title: Senior Development Management Officer</th>
<th>Contact Details: Tel: 020 8227 2822 E-mail: <a href="mailto:suzanne.kimman@befirst.london">suzanne.kimman@befirst.london</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Suzanne Kimman</td>
<td></td>
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</tr>
</tbody>
</table>

1. Introduction and Description of Development

1.1 The application site is located on land to the north of Choats Road, west of Choats Manor Way in Dagenham. The site forms part of the larger Dagenham Dock area, an area of some 133 hectares (329 acres) of industrial and warehousing land bounded to the south by the River Thames and to the north by the Goresbrook and beyond that the London-Tilbury-Southend railway line and the High Speed 1/Channel Tunnel Rail Link (CTRL). The western boundary of the area is formed by the Goresbrook as it sweeps south towards the Thames and beyond that the Barking Riverside site, which will accommodate 10,800 new homes, along with the services, community facilities and open space needed to deliver a sustainable community.
1.2 The application site and the wider area around is owned by the Greater London Authority (GLA) who are promoting the area as a London Sustainable Industries Park (LSIP) with an emphasis on the environmental business sector. The proposed facility will be developed on land which forms part of the northern area of the LSIP.

1.3 The application site is rectangular in shape, measures approximately 3.35 hectares and is relatively flat in nature, with ground levels ranging from 1.8 metres Above Ordnance Datum (AOD) in the western part of the site to 1.5 metres AOD on the eastern boundary. The site is currently vacant and principally made up of semi-rough ground with earth bunds forming the perimeter to the site. The site is dominated by a series of high voltage pylon lines which cross the site and the surrounding industrial and commercial buildings to the immediate north, east and south. The proposed site previously formed the main part of a wider area which was used for construction purposes in connection with the building of the Channel Tunnel Rail Link (CTRL). The wider LSIP has been developed in recent years to provide new infrastructure in the form of roads, drainage, flood compensation and landscaping which has created a number of development plots. The application site forms Plot 2 of the LSIP.

1.4 A variation of Conditions 2 (plan numbers), 3 (maximum waste throughput), 20 (hard landscaping) and 21 (car parking) of Planning Permission 13/01134/FUL is sought for the following amendments:

- Increase in throughput of commercial and industrial waste from 180,000 tonnes to 200,000 tonnes per annum (11% increase);
- Orientation of the four power island modules changed from approximately north-south to east-west, and relocation of the associated switch room to maintain its proximity to the equipment;
- Amendments to the roof and elevations of the RODECS® (gasification plant) and waste reception buildings;
- Addition of dosing and storage equipment for up to 15,000 tonnes of alternative waste feedstock in the north-east part of the site;
- Nitrogen bulk storage tanks relocated from the north-west corner to the east of the site close to the power island modules with an associated improvement in vehicular access;
- Movement of a number of elements, e.g. flue stack, offices / control room, emissions control and energy generation equipment to improve access and / or avoid underground obstructions;
- Reduction in size of the substation compound;
- Amendments to the interior of the waste reception building to reflect current best practice with consequent amendments to the location of the doors on the western elevation;
• Amendments to the drainage strategy as a result of the layout changes; and
• Amendments to the landscape design as a result of the layout changes.

1.5 As a result, staffing numbers are expected to increase by 20%, from 55 to 66 staff in total.

2. Background

Planning History

2.1 Planning permission was granted for the Thames Gateway Waste to Energy facility on 5 November 2014. The permission allowed 8,925m² of industrial floorspace, processing 180,000 tonnes of non-recyclable commercial and industrial waste per annum to produce ‘syngas’ (ref. 13/01134/FUL). The development included a 768m² two storey office building and a range of plant and infrastructure, including a 55 metre high flue stack, to provide a gasification (waste to energy) facility.

2.2 A subsequent Non-Material Amendment application was approved to amend the layout of the development, permitted on 21 April 2015 (ref. 15/00361/NMA). Changes were approved to the following elements of the scheme: retaining wall and embankment around (majority of) site; increase in site base level to approximately 75 cm above the approved scheme’s finished floor levels; perimeter road terminating on north side; relocation of equipment on roofs; weighbridge design to accommodate longer vehicles; increase in size of substation building; additional equipment adjacent to northern elevation; change in orientation of (to north-south) and reduction of power island modules from six to four; and landscape design. Amendments to conditions 19 (Soft Landscaping), 20 (Hard Landscaping) and 21 (Car Parking) were approved as part of this application.

2.3 Development has since commenced and the following pre-commencement conditions have been discharged: 4 (External Materials), 8 (Noise and Vibration), 12 (Contamination Risk Assessment), 16 (Piling Risk Assessment), 18 (Construction Environmental Management Plan), 25 (Construction Vehicle Circulation), 26 (Buried Services), 27 (Assessment of Impact on Highspeed 1 (HS1) Transformer), 28 (Assessment of Electromagnetic Compatibility (Construction Phase)), 29 (Drainage Details), and 30 (Hazardous Materials Storage (Construction Phase)).

2.4 An earlier permission was also granted for a sustainable waste management facility producing low carbon energy, which approved the processing of 120,000 tonnes of waste per annum (ref. 10/00287/FUL). This permission lapsed in 2014.

Site Context

2.5 The plant forms part of the London Sustainable Industries Park (LSIP) which is located within the Mayor’s Green Enterprise District.

2.6 There are no statutory heritage assets within the vicinity. The site falls within the Tier 3 Barking Level and Dagenham Marsh Archaeology Priority Area. The site is
designated as Flood Zone 3 on the Environment Agency Flood Map (highest probability of flooding). This area also benefits from flood defences.

2.7 The public transport accessibility level (PTAL) rating is 1a, where 1 is the lowest and 6b is the highest. Nearby transport links include bus route EL2 (East London Transit) with a bus stop on Choats Road, to the south of the site. This route provides access to Barking Town Centre, Dagenham Dock and Dagenham Heathway. Part of the Sustrans National Cycle Network route 13 passes via Goresbrook Road to the north of the development.

2.8 The Joint Waste Development Plan (JWDP) for the East London Waste Authority Boroughs has allocated the LSIP for two medium scale facilities and one small scale facility for In-Vessel Composting / Anaerobic Digestion / Recovery. The ReFood anaerobic plant is located to the south of the application site.

3. Consultations

3.1 Publicity

326 properties within the wider area were consulted by individual letter. A press notice was published in the Barking and Dagenham Post on 19 September 2018.

To date, letters of objection have been received from 3 individuals (one individual, noted to be representing the Scrattons Farm Residents’ Association, provided 3 separate letters of objection). One neutral response has also been received. It is noted that the responses have been received from residents on Scrattons Farm Estate and an unknown address. The responses have been summarised below:

- Principle of industrial waste facility within this location;
- Obstruction of the landscape;
- Additional air pollution, noise and obtrusive odours from the stacks and traffic congestion;
- Concerns over an alleged explosion by the same company in 2017;
- Traffic has increased on Choats Road and the Goresbrook Interchange since the previous permission;
- Concerns regarding the volume of additional traffic from the Section 73 which will cause a major problem to a congested area;
- Safety issues for cars and pedestrians on the Goresbrook Interchange: roundabouts too small for size and number of Heavy Goods Vehicles (HGVs), damaged rail guards, difficulty for pedestrians to cross, and general safety issues for cars and pedestrians to share this space with HGVs;
- Incorrect address used for the application, misleading residents about the planning application due to the lack of a map which would inhibit responses; and
- Query regarding the improvement of electricity by more than 70%, with an increase of waste by only 11%.

*Officer Note:* This committee report deals with the issues listed above in the subsequent sections.

The street name used in the planning application is Clove Street. This is a new street which has been built and is officially recognised by the Post Office. The
address on the neighbour consultation letters and press notice further referred to the London Sustainable Industries Park which can be located when searching for this location online.

3.2 Environmental Health Officer

The Environmental Health Officer (EHO) responded to the air quality, odour and noise environmental protection issues raised.

**Air Quality**

The air quality assessment dated August 2018 is an update of a previous report submitted in support of planning permission 13/01134/FUL. It presents an evaluation of the impact of emissions to atmosphere in terms of the development permitted pursuant to 13/01134/FUL, the proposed development and the incremental change between the permitted scheme and the proposed development. Further information has also been provided in response to queries during the consultation process.

**Stack Emissions**

The principal pollutant emitted from the plant will be Nitrogen Dioxide (NO$_2$). Modelling of multiple pollutants emitted from the stacks, demonstrates that it is the concentration of this pollutant which, in combination with the existing ambient concentration, will be closest to the corresponding environmental assessment level, which in this case is the Statutory UK National Air Quality Objective. Therefore, in terms of local air quality, the significance of emissions to air from the stacks can be determined by reference to the impacts of NO$_2$.

The EHO generally agreed with the policy assessment and methodological approach presented in the report. However, the EHO had some reservations regarding the baseline concentration of NO$_2$.

Within London, the London air quality management system includes London-specific policy and technical guidance for local authorities to provide tools such as the London Atmospheric Emissions Inventory (LAEI). The LAEI provides, interalia, modelled concentrations of NO$_2$, PM$_{10}$ and PM$_{2.5}$ at 20 metre grid level for the base year 2013 and projected forward to 2020, 2025, and 2030. The predictions take into account both background and local sources. The 2020 modelled concentrations provide a more robust indication of baseline ambient air quality than the baseline concentration maps published by the Department for Environment, Food & Rural Affairs (Defra). Defra’s maps provide background concentration of a pollutant to be that which would remain if all local sources of pollution such as roads, chimney stacks etc. were removed, on a 1 kilometre grid basis.

The EHO used the LAEI 2020 modelled concentrations to identify ambient baseline concentrations for existing residential areas and schools located closest to the development. The EHO was satisfied that the application of LAEI modelled concentrations does not affect the veracity of the report’s conclusions regarding these locations that "emissions to atmosphere from the 55 metre main stack are
predicted to not significantly affect air quality at ground level and the impact is considered to be insignificant”.

The report does not evaluate air quality at three yet to be constructed residential development sites located in the vicinity of the Waste to Energy plant which either have, or are in the process of, securing planning permission. These are:

- 17/02144/FUL: Department Of Employment Chequers Lane Dagenham Essex RM9 6PS. Application Permitted.

National Air Quality Standards will be satisfied at all receptors. Judged by the criteria provided in the Institute of Air Quality Management (IAQM) document, “Land-Use Planning & Development Control: Planning for Air Quality”, January 2017, the impact of the facility at all receptors is “negligible”.

Officer Note: Another planning application, 17/01502/OUT, which was identified in the EHO’s full response, relating to the Gill Aggregates site, was finally disposed of on 23 November 2018 and is therefore no longer relevant to the assessment of this application. However, if any future residential development is proposed at that site, the 17/01502/OUT air quality assessment was considered and the EHO concluded that this application would satisfy National Air Quality Standards.

It is the EHO’s view that the impact on local air quality, of emissions from the stacks associated with the proposed increase in throughput, is not so significant as to lead to an objection to the approval of the application.

**Odour**

The EHO evaluated this aspect of the air quality assessment report and concurred with the conclusion that the potential for annoyance due to emissions of odours from the ventilation stack is predicted to be negligible.

**Traffic-related emissions**

The air quality assessment concludes that emissions from HGV movements to and from the plant will have an insignificant effect on air quality. The roadside predicted annual average pollutant concentrations associated with 74 HGV movements per day are very low and this would not change materially if the calculations were re-worked to reflect 82 movements per day.

In the context of the local highway network, Choats Manor Way and Choats Road which carry daily traffic flows of some 2,780 and 2,219 HGVs respectively. The total HGV traffic associated with the operation of the waste to energy plant is approximately 3% of the total level of movements and so will not contribute significantly to the totality of pollutant emissions from those roads.
Construction phase impacts

There is no reason to suggest that construction phase impacts will differ from those that would be associated with the construction of the facility permitted pursuant to permission 13/01134/FUL. The EHO noted that that consent is subject to a condition to address construction phase dust and noise emissions.

Noise

Whilst Condition 8 (Noise Management Plan) was previously approved under planning permission 14/01252/CDN, the EHO considers that this condition should be resubmitted to reassess the appropriate noise mitigation for the amended scheme.

The EHO noted that regarding Condition 9 (Noise Level), BS4142:1997 has now been superseded by BS4142:2014 but the noise limit criterion set out in Condition 9 remains apposite.

Officer Note: Condition 9 (Noise Level) has been updated to reflect the latest British Standard.

The EHO noted that there is a discrepancy between the two reports with regard to the maximum outdoor noise level. The applicant responded that the EHO’s calculations did not consider the noise mitigation within the outer layer of the stack. This mitigation was included in the applicant’s modelling, which reduces the noise levels from the sides and makes the noise levels directional. The EHO accepted this point and that this will reduce the noise levels off-site, at points like Shaw Gardens. The EHO noted it is for the applicant to undertake detailed design and put in place sufficient noise mitigation to ensure compliance with the noise condition, and having revisited this aspect, the applicant has confirmed their confidence in their noise assessment.

In summary, the EHO does not wish to object to this application.

3.3 Transport Development Management

The facility has permission currently to process up to 180,000 tonnes of household waste and the permitted use allows the processing plant with annual lorry loads of 10,725. In support of this application, a Transport Statement (TS) dated August 2018 was submitted with the application and has been based on the 2013 Environmental Statement approach accepted for planning application 13/01134/FUL that the predicted number of HGV movements has been compared against those accepted for the site.

Highway Observations

Access to the site is approved via the A13/Goresbrook Interchange, Choats Manor Way and Choats Road. Whilst the Borough roads are subject to 30mph speed limits, it is evident and confirmed in the TS that traffic speeds are generally above the signed speed limit. The waste material for processing would be brought onto site by HGVs from several locations which haven’t been identified in the TS and some clarity of the source and distance should be sought.
The routes that the HGVs would take to reach Dagenham would be dependent on the source of waste materials; however, once they exit off the A13 trunk road, entrance to the LSIP is restricted to the use of one route on the local network. This is because HGVs are not permitted to use the western end of Choats Road due to a width restriction which permits "bus access only". Staff travelling by car would be staggered across 24 hours because of shift patterns and this would mean they would not all be concentrated at peak times. The additional 1,561 HGV loads a year, added to the 10,725 loads predicted for the 2013 permission, would take the total annual HGV loads to 12,286 loads per year. However, due to the efficiencies in the process, less residue ash will be produced, so fewer loads will need to be exported from the site. The predicted total HGV loads per year have therefore reduced to 11,573. This translates to a total of 82 HGV movements (41 HGV loads) per day, and an increase of approximately 8 HGV movements per day.

**Officer Note:** The applicant confirmed in response that feedstock contracts have not yet been agreed but detailed discussions have been held with a number of potential suppliers. These discussions are commercially sensitive and no further detail at this stage has been provided. It is expected that over half of the additional 20,000 tonnes will come from London itself, with the remainder being delivered from a number of locations, potentially up to 100 miles away. Thames Gateway Waste to Energy Ltd will not be operating its own transport fleet and so cannot control where a vehicle goes on leaving the site.

The London Plan advises that sites selected for waste management should seek to maximise the potential for rail and water transport. This application does not propose to use the river for transportation to handle the proposed increase in waste materials. It should be noted that the river option has been explored previously under application 13/01134/FUL that was approved. It is understood that the two main reasons why this did not happen were insufficient local waste streams to service the facility and because of the lack of availability of these sources, it was not considered feasible to utilise the river once the facility was operational. Also, there were local concerns associated with transportation of waste material by river which relates to the geographical location of the material and controlling where the waste material arises from.

**Car and Cycle Parking**

The car and cycle parking provisions are consistent with the London Plan and there is a potential for additional spaces for visitors and cycle parking in the communal hub for the wider LSIP. The application includes blue badge spaces and electric vehicle charging points with passive provision in accordance with the London Plan.

**Public Transport Accessibility Level and Sustainable Transport**

The location of the proposed development provides a Public Transport Accessibility Level (PTAL) rating of 1a, determined using the standard methodology issued by TfL, demonstrating the site is located in an area of very poor public transport links and therefore, there is a greater reliance on car use for commuting to this site.
In respect of bus connections, there are two bus stops along Choats Road served by the East London Transit Route (ELT). The ELT service runs at a frequency of 1 service approximately every 12 minutes. TfL has advised that there is enough capacity on existing local buses to serve the needs of the site. This service provides direct access to Dagenham Dock C2C Station.

In terms of sustainable modes of travel which will be available to this site, there is a network of footways in the general locality to a good standard and these are well lit, creating safe walking routes to the local bus stops and locally there are a few cycle routes signed or marked.

**Concluding Comments**

Given that the application site forms part of the wider LSIP which is being promoted and developed as an environmentally friendly, sustainable industries park, it is considered that the development should help to contribute to connections and movement within the locality to help provide and improve the transport infrastructure necessary to sustain sustainable new development. It should therefore follow that the application site and future occupiers of the wider LSIP should be able to travel by a variety of public transport means to reduce traffic congestion.

The main mode of transport accountable for nearly all the trips to the development will be via both private motor vehicles and HGVs both arriving and dispersing via Choats Road with all the HGVs passing through the Goresbrook Interchange and, as a consequence, an increase in traffic in this area. The TS conclusion suggests that the proposed additional trips handling the increase in waste would not give rise to any significant adverse transport impact and the percentage changes on the roads serving the site would be extremely low, less than 0.5% in the peak hours and less than 0.1% daily. However, even though this is low, there is a localised impact when the predicted daily traffic from the development is added to the cumulative transport growth that has already taken place within LSIP and Dagenham Dock since the last permission. During the peak times, Goresbrook Interchange is close to its capacity so with even a slight increase it is probable for further delay and congestion occurring to the local network during these times with the potential to affect the local traffic flows, journey times and air quality.

Table 9 in the TS shows the change in the predicted daily traffic profile for the proposed 200,000 tonnes per annum plant and we are advised this will be managed by having a Delivery and Servicing Plan in place. To encourage staff to make a modal switch to a more sustainable mode of transport instead of a greater reliance on car use for commuting, a Travel Co-ordinator will be appointed to implement the Travel Plan. This is accepted as adequate mitigation.

The Transport Development Management Officer considered it appropriate and necessary that the applicant makes a financial contribution to a more detailed assessment and feasibility study for improvements to Goresbrook Interchange. This is necessary to put in place the resources to monitor and audit the documents to be used for the purpose of mitigating measures to ensure their objectives and targets are achieved relating to a modal switch of transport from private vehicle car travel and the level of HGV movements do not exceed the number proposed.
**Officer Note:** A contribution for £15,000 (index linked) towards a feasibility study to improve Goresbrook Interchange Junction has been included in the draft Heads of Terms for the Deed of Variation to the Section 106 Agreement.

3.4 **Greater London Authority (GLA)**

The GLA confirmed that this Section 73 application was assessed and found to be of “No Strategic Importance”. In this instance, the application does not need to be referred back to the GLA for a Stage 2 report.

3.5 **Transport for London (TfL)**

No objections.

3.6 **Environment Agency (EA)**

No objections.

3.7 **Natural England (NE)**

No objections.

3.8 **Greater London Archaeology Advisory Service (GLAAS)**

No objections.

3.9 **High Speed 1 (HS1)**

No objections.

4. **Local Finance Considerations**

4.1 This Section 73 application does not present a change in floor areas and is therefore not subject to a change in the Community Infrastructure Levy.

5. **Analysis**

5.1 **Principle of Uses**

5.1.1 The principle of a waste to energy scheme was found acceptable in this location in the original permission 13/01134/FUL. Current policies continue to support the principle of the use in this location.

5.1.2 The application site is located within a Strategic Industrial Location (SIL), the Dagenham Dock Employment Area, as identified in the London Plan (Policy 2.17, Annex 3 and Map 2.7) and is identified as a Strategic Industrial Location within Policy CE3 of the Core Strategy. London Plan Policy 4.10 advises that the Mayor will support the establishment of green enterprise districts such as that being proposed in the Thames Gateway as London is well-positioned to accommodate the expansion of green industries and green practices, with opportunities in renewable energy, low carbon technology, waste reduction and recycling.
5.1.3 Policy CM1 of the Core Strategy outlines that employment growth will be focussed on Dagenham Dock as well as other designated SIL and Locally Significant Industrial Sites. Policy CE4 of the Core Strategy advises that proposals to establish recycling and reprocessing activities and other industries in the environmental business sector are encouraged within the Dagenham Dock employment area.

5.1.4 Policy 5.16 of the London Plan advises that London should be self-sufficient in terms of dealing with its own waste and Boroughs must allocate sufficient land and identify waste management facilities to provide capacity to manage the tonnages of waste apportioned in the London Plan.

5.1.5 The Council has produced a Joint Waste Development Plan Document (JWDPD) up to 2021 for the East London Waste Authorities of Barking and Dagenham, Havering, Redbridge and Newham. The JWDPD refers to the European Union Waste Framework Directive as the principal legislation for waste. A key principle of the directive is the waste hierarchy - reduce, re-use, recycling and composting, energy recovery and disposal - and the objective to manage waste as near to the top of the hierarchy as possible, consistent with Policy CR3 of the Core Strategy and Policy BR15 of the Borough Wide Development Policies DPD.

5.1.6 Schedule 2 of the JWDPD identifies the location of new sites to manage this waste. Specifically, in relation to Barking and Dagenham, the only site listed is the Dagenham Dock LSIP where there is capacity for 3 new waste management facilities. The JWDPD identified a gap of 270,000 tonnes per annum (tpa) recovery capacity in the area. This capacity has been surpassed by the original permission 13/01134/FUL by 120,000 tonnes. This Section 73 application will add a further 20,000 tpa to the area’s capacity. The permission for TEG Dagenham on Plot 7A (ref. 11/00460/FUL) for a 50,000 tpa anaerobic digestion and 20,000 tpa in-vessel composting facility is operational. The Anaerobic Digestion Plant, run by ReFood Ltd to the south of the site, has become operational since the grant of the original permission, processing 160,000 tonnes of food waste per annum and 55,000 tonnes per annum of animal by-products (ref. 13/00649/FUL).

5.1.7 Draft New London Plan Policy SI8 requires proposals to increase the capacity of existing waste sites to be evaluated against five criteria. When assessing the increase in capacity against the above criteria, the development will be consistent in the nature of the activity, scale, location and number of jobs created. The amended scheme will result in further greenhouse gas savings from the 13/01134/FUL permission and achieve a positive carbon outcome. As discussed in the sections below, it is considered that the impact on surrounding areas will not be significantly more as a result of this application and a financial contribution has been sought to mitigate the impacts of additional vehicle movements.

5.1.8 In addition it is worth noting that whilst anaerobic digestion and gasification are both classed as recovery, they would take different waste streams. The anaerobic digestion process typically utilises food/garden waste and wet organic waste, whereas the applicant’s gasification facility utilises drier mixed residual waste. The waste to be treated by the applicant would not be suitable for the anaerobic digestion process nor would the wet organic waste streams used by the anaerobic digestion operators be suitable for the applicant. In view of this, and given the extant planning permission for a similar gasification plant at the application site, it
is considered that the principle of increasing the throughput at this facility is acceptable.

5.2 Waste Management

5.2.1 Policy BR15 of the Borough Wide Development Policies DPD advises that waste should be handled in the most sustainable manner, without endangering human health or harming the natural environment; and by ensuring sufficient and timely provision of waste management in appropriate locations, including waste disposal to meet the needs of communities and accommodate waste management capacity requirements for at least the next 10 years; and by ensuring new waste management facilities do not detract from the quality or the character of distinct areas.

5.2.2 In terms of the process, the proposed facility would utilise commercial and industrial residual waste as a fuel source to generate a synthetic gas ‘syngas’ which is used to generate power in the form of electricity. The process involves combusting the waste product within the presence of oxygen to produce a syngas and a solid residue of non-combustible material (ash). The gasification process takes place in the primary chamber where the waste material is gasified, at temperatures of some 550-600ºC to produce the syngas. Within the secondary chamber, the syngas is then combusted at temperatures of 850-1400ºC. Energy is generated as the syngas is combusted and the hot exhaust gases are fed through a waste heat boiler where steam is produced. Steam drives a turbine which turns the generator producing electricity which would be exported to the grid via a dedicated substation. The residual hot gases leave the boiler at a reduced temperature of approximately 200ºC and are drawn through an Air Pollution Control (APC) system aided by a draft fan and then discharged to atmosphere via the 55 metre flue stack. The APC system consists of a ‘barrier type’ particulate filter and the injection of sodium bicarbonate sorbent and powdered activated carbon to neutralise acid gases and absorb dioxins and furans.

5.2.3 The application proposes to increase the throughput of waste from 180,000 tonnes per annum (tpa) to 200,000 tpa, with associated changes to the site layout, elevations and plant equipment. This represents an 11% increase over the capacity approved in 2014. 75% of the additional 20,000 tonnes will be alternative waste feedstock to replace natural gas and 25% of the 20,000 tonnes will be used to increase the standard throughput.

5.2.4 The site will be used as an energy generation facility to generate 33.6 Mega Watts (MW) of electricity per year (an increase of 14 MW), with the potential for 28 MW exported from the site on a 24/7 basis which would create sufficient power to supply approximately 64,000 homes per year. However, some of this power may be taken by local industrial end-users rather than exported to the grid, or it may feed into a district heating network (e.g. potentially Barking Riverside as an end-user). The waste would comprise residual commercial and industrial waste that is not re-used, recycled or composted and remains to be treated through the recovery of energy and/or through disposal to landfill. The facility would not accept any hazardous waste.

5.2.5 In respect of the waste hierarchy (reduce/re-use/recycling and composting/energy recovery/disposal) the facility is a form of energy recovery and therefore sits in the
last but one solution in the hierarchy. The facility will divert an additional 20,000 tonnes per annum away from landfill to generate electricity.

5.2.6 As part of this, the applicant is required to comply with the duty of care regulations and the site’s Environmental Permit (which requires amongst other things, waste documentation, waste carrier certificates and transfer notes to be available for inspection).

5.2.7 In light of the above, it is considered that the application satisfactorily demonstrates and justifies a more efficient management of waste, by using non-recyclable waste as a resource, promoting the generation of additional renewable energy and diversion of additional waste from landfill.

5.3 Transport Matters

5.3.1 Policy BR10 of the Borough Wide Development Policies DPD requires proposals for new development to assess their impact on the surrounding transport and road network. Policy W5 of the JWDPD advises, inter-alia, that assessments should be made of the transport impact of all movements, including opportunities for use of sustainable transport modes, traffic generation, access and the suitability of the highway network in the vicinity, and access to and from the primary route network.

5.3.2 The vehicle access point is consistent with the approved access point. The internal vehicle routes have been modified around the different site layout. However, the vehicle tracking plans have been found acceptable.

HGV Traffic Generation

5.3.3 The site is accessed via the A13/Goresbrook Interchange, Choats Manor Way and Choats Road. As a result of increased traffic from existing sites and developments being brought forward, there are impacts on the surrounding highways network. While the Borough roads are subject to 30mph speed limits, it is evident and confirmed in the Transport Statement (TS) that traffic speeds are generally above the signed speed limit.

5.3.4 Independent traffic surveys were commissioned and carried out with Automatic Traffic Count surveys on Choats Manor Way and Choats Road over the period from 5th to 11th June 2018 to establish the baseline traffic in Annual Traffic/Daily Traffic and the figures are included in appendix 2 of the TS and all traffic movements for these roads shown in Table 5 of the TS.

5.3.5 The waste material for processing would be brought onto site by HGVs from several locations. The applicant has stated that the source of throughput materials is yet to be confirmed. The site would operate 24 hours a day, seven days a week, with HGV deliveries between 07:00 and 22:00 Monday to Friday and 07:00 to 17:00 on Saturdays, over the equivalent of 304 days a year.

5.3.6 In respect of traffic generation arising from the operational phase with the proposed increase in material to the development, officers sought clarification on the number of HGV movements per year and day. Following clarification from the applicant, officers were advised that Table 9 in the Transport Statement used the 13/01134/FUL approved number of 10,725 HGV loads per year. However, the
process has since become more efficient, (and as part of this Section 73 application), the amount of ash residue will reduce, resulting in less HGV movements to export this residue. The revised number is therefore lower at 11,573 HGV loads per year (taking into account the increase of 1,561 loads per year as a result of the 20,000 tonnes of waste imported and 1,224 tonnes of waste exported per year).

5.3.7 Members are advised of the difference between the number of HGV loads per year and the number of HGV movements per year; the number of HGV loads per year results in double the amount of vehicle movements, as the movements are counted for both import and export. The figures currently use a conservative assumption that HGVs bringing in feedstock waste will not take recycling or residue away from the site. Contracts are yet to be finalised around the ‘backfilling’ arrangements where the number of HGV movements could be reduced to import and export loads within the same trip. This will be managed by the Deliveries and Servicing Plan which will be submitted as part of Condition 24.

5.3.8 The increased amount of feedstock and residue would therefore give rise to approximately 160 vehicular movements per day (78 movements in / 78 movements out). This is broadly broken down to 82 HGV movements for the facility per day (41 movements in / 41 movements out) and 78 movements associated with staff and visitors per day (39 movements in / 39 movements out). The routes that the HGVs would take to reach Dagenham would be dependent on the source of waste materials, however, once they exit off the A13 trunk road, the entrance to the LSIP is restricted to the use of one route as HGVs are not permitted to use the western end of Choats Road that is bus or car access only.

5.3.9 The additional 1,561 HGV loads a year, increasing HGV movements by approximately 8 per day. This daily average is an indication and the number of movements will be spread out over 15 hours during working days.

Staff Travel – Public Transport and Car & Cycle Parking

5.3.10 The location of the proposed development provides a Public Transport Accessibility Level (PTAL) rating of 1a, determined using the standard methodology issued by TfL, demonstrating the site is located in an area of very poor public transport links and therefore, there is a greater reliance on car use for commuting to this site.

5.3.11 However, in respect of bus connections, there are two bus stops along Choats Road which form part of the East London Transit Route (ELT) from Ilford to Dagenham Dock Station via Barking Town Centre and the Thames View Estate. The ELT service runs at a frequency of 1 service approximately every 12 minutes. TfL has advised that there is enough capacity on existing local buses to serve the needs of the site. This service provides direct access to Dagenham Dock C2C Station which provides direct links to Barking Station, as well as regular services into Central London and from Barking Station additional C2C services to Essex and London Underground and Overground services.

5.3.12 In terms of sustainable modes of travel which will be available to this site there is a network of footways in the general locality to a good standard and these are well lit, creating safe walking routes to the local bus stops and locally there are a few
cycle routes signed or marked. The contribution secured as part of the original Section 106 Agreement for local infrastructure (£290,000) will contribute to improvements to local pedestrian and cyclist routes.

5.3.13 The amended site layout makes provision for 17 car parking spaces, including 2 blue badge spaces, 4 active and 2 passive electric vehicle charging points, motor cycle parking, mini bus parking and 20 secure cycle storage spaces. The car and cycle parking provision is consistent with the approved application and in accordance with the London Plan. There is a potential for additional spaces for visitors and cycle parking in the communal hub for the wider Sustainable Industries Park.

5.3.14 Staff travelling by car would be staggered across 24 hours because of shift patterns and this would mean they would not all be concentrated at peak times. To encourage staff to make a modal switch to a more sustainable mode of transport instead of a greater reliance on car use for commuting, a Travel Co-ordinator will be appointed to implement the Travel Plan accepted as an adequate mitigation measure for the previous permission.

Highways Considerations

5.3.15 In consultation with the Transport Development Management and Transport Policy teams, a financial contribution of £15,000 (index linked) has been sought to pay towards a feasibility study for improving the Goresbrook Interchange Junction. This contribution reflects the nature of this application, a Section 73 application. However, a lot has changed since 2013, especially in terms of the current and proposed cumulative uplift of vehicle numbers. It is therefore considered reasonable to seek a contribution to mitigate the additional cumulative HGV numbers that have an impact on the highway network and air quality.

5.4 Air Quality

5.4.1 The whole of the Borough has been designated an Air Quality Management Area (AQMA) as there are exceedances of the air quality strategy for both nitrogen dioxide (NO\textsubscript{2}) and small particulate matter (PM\textsubscript{10}). The main air quality issues therefore relate to the impact of the construction phase and any permanent adverse impacts when the development is operational.

5.4.2 London Plan Policy 7.14 advises that development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality and be at least ‘air quality neutral’ so as not to lead to a further deterioration of existing poor air quality. In addition, Policy BR14 of the Borough Wide Development Policies DPD advises that where development is likely to have a significant negative impact on air quality, the Council will only grant permission where mitigation measures are introduced which brings the levels of air pollution to an acceptable level.

5.4.3 Once the development is operational, in day to day terms, there would be an increase in vehicular traffic as discussed above, both as a result of the increase in waste throughput and cumulatively with other (forthcoming) developments. A financial contribution has been sought to mitigate this air quality impact on the highways.
5.4.4 Aside from operational traffic, direct emissions from the gasification process within the facility are the main source of pollutant emissions. The air quality assessment advises that oxides of nitrogen (NO$_x$) are the principal pollutant released from the process. When NO$_x$ is released into the atmosphere, it reacts with ozone (O$_3$) to create oxygen and NO$_2$. Detailed atmospheric dispersion modelling has been undertaken to assess the effects of emissions from the proposed development.

5.4.5 The updated Air Quality Assessment was interrogated in detail, in consultation with the Environmental Health Officer (EHO). The EHO has concurred that the results of the dispersion modelling and assessment demonstrate that, with a flue stack height of 55 metres, the maximum predicted concentrations of all substances emitted comply with relevant air quality objectives at nearby sensitive locations, including residential areas and nature conservation sites.

5.5 Noise

5.5.1 Policy 7.15 of the London Plan states that development proposals should seek to minimise noise by inter-alia, minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of, development proposals and should separate new noise-sensitive development from major noise sources wherever practicable through the use of distance, screening or internal layout and promote new technologies that reduce noise at the source. Policy BR13 of the Borough Wide Development Policies DPD advises that where it is not possible to fully separate noise-sensitive and noise-generating land uses, planning permission will only be granted if there will be no exposure to noise above an acceptable level.

5.5.2 The nearest residential properties are located approximately 350 metres to the north-west (Shaw Gardens, Scrattons Farm). In addition, over time as the Barking Riverside development continues, there will be residential occupiers approximately 500 metres south-west of the application site. In addition, there will be adjacent buildings that will contain offices and meeting rooms, etc. Both during the construction and operational phase of the facility, there is potential to emit noise.

5.5.3 The updated Noise Impact Assessment was interrogated in detail, in consultation with the EHO. The EHO concurred that with the implementation of appropriate mitigation measures, in terms of building design, and external plant controlled to reasonable design limits, noise from the operation of the proposed development would be of less than marginal significance at the nearest dwellings. A construction noise and vibration monitoring plan has been prepared to address and control noise during the construction phase.

5.6 Design and Visual Amenity

5.6.1 Policy CP3 of the Core Strategy and Policy BP11 of the Borough Wide Development Policies DPD requires all new development to demonstrate high quality standards in relation to the design and layout of new buildings and spaces. A substantial amount of equipment is located externally. There are three main components on the site comprising (1) the waste reception and post-processed materials handling building which includes the RODECS gasification machines; (2) the two-storey office building; and (3) the energy conversion and plant infrastructure (such as the 55 metre high flue stack, external energy conversion, emissions treatment and control equipment).
5.6.2 The principle of the waste to energy plant has been found acceptable in visual terms. This includes the external equipment, height of the flue stack at 55 metres, and buildings. Additional equipment was approved under the Non-Material Amendment permission 15/00361/NMA. Whilst the development will be highly visible from nearby locations included within the Visual Impact Assessment, the rearrangement of the site layout will not significantly change this appearance. The quality of the proposed facility will ultimately be dependent upon materials and detail to ensure elevations are robust and solid. In this regard, sample materials will be required by condition.

5.7 Sustainability and Energy Matters

5.7.1 Policy 5.2 of the London Plan, Policy CR1 of the Core Strategy and Policy BR1 of the Borough Wide Development Policies DPD requires all major and strategic developments to meet a high standard of sustainable design and construction.

5.7.2 The permission under 13/01134/FUL included a condition that requires the development to achieve Building Research Establishment Environmental Assessment Method (BREEAM) rating of ‘Excellent’. The BREEAM assessment provides environmental and sustainability ratings for new non-residential developments (such as offices, industrial buildings, schools etc.) ranging from pass (30%), good (45%), very good (55%), excellent (70%) and outstanding (85%). A BREEAM Pre-Assessment report was submitted as part of the planning application and indicates that the proposal will achieve a rating of 72.6% (Excellent). A Certificate of Compliance will need to be submitted as part of the planning condition.

5.7.3 The facility makes provision for export of heat, both in terms of technology and space on site for equipment, and calculations have been undertaken to demonstrate that they can meet the GLA’s requirements for heat export. The submitted calculations shows that the carbon intensity floor of 400 grams of CO$_2$ equivalent generated per kilowatt hour (kWh) of electricity generated can be met. The carbon intensity floor measures the direct burden emissions associated with generating energy from residual waste and assesses the emissions created from the combustion digestion of waste to produce a kWh of energy. However, amount of heat exported would naturally depend on the existence of a suitable end-user(s), but the applicant has confirmed that the plant is CHP-ready.

5.7.4 The Energy Strategy was approved under the original permission.

5.7.5 Overall, the facility is designed to generate renewable energy in the form of electricity from non-recyclable waste destined for landfill which in itself is a significant environmental benefit. In light of this, it is considered that the Energy Strategy is acceptable and actually demonstrates the facility to be carbon negative over the lifetime of the development in accordance with Policies 5.1, 5.2, 5.3, 5.5, 5.7, 5.8 and 5.17 of the London Plan; Policy CR1 of the Core Strategy; and Policies BR1 and BR2 of the Borough Wide Development Policies DPD.
5.8 **Biodiversity**

5.8.1 The application site is located adjacent to the Goresbrook and the Ship & Shovel Site of Importance for Nature Conservation (SINC) which is a designation of local importance.

5.8.2 Natural England responded to the original application stating that the development would have a significant effect on the Epping Forest Site of Special Scientific Interest (SSSI) which is a designation of national importance. As it was considered that the development would result in further degradation of the Goresbrook and Ship & Shovel SINC s, a financial contribution of £10,000 was secured to mitigate this.

5.8.3 The update to the original Extended Phase 1 Habitat Survey found similar results to the 2014 surveys, although slightly less biodiverse the site is now developing from pioneer vegetation into shrub and stable grassland vegetation. The report further concluded that the development would have a permanent negative effect on the open mosaic habitats (locally) if no mitigation or compensation measures are undertaken. The financial contribution of £10,000 will still be paid as part of the original S106 Agreement. In light of the above, Natural England has confirmed that they have no comments on the proposed amendments.

5.9 **Flood Risk**

5.9.1 The site is located in Flood Zone 3, with protection from flood defences. The site is therefore liable to flood, having a 1 in 100 or greater annual probability of flooding. The principle of development has already been established through the original permission 13/01134/FUL.

5.9.2 The Environment Agency (EA) has been consulted on this application and does not object to the proposal. The scheme proposes to raise the ground floor units to 2.80 metres AOD which is above the required minimum finished floor level of 1.625 metres AOD and above the breach level of a 1 in 200 year flood at 2.582 metres AOD.

5.9.3 A Drainage Strategy was approved under conditions permissions 14/01252/CDN and 15/00555/CDN. The amount of hard standing area will be 26,500m². The updated Flood Risk Assessment by Millward states that the approved drainage scheme has not materially changed. The proposals include a pumped system, 1,013m³ of cellular/concrete storage tanks and further storage within the pipes of the system. The site has been intensely developed and there is no lateral room adjacent to the circulatory roads and buildings to introduce swales on this site. As approved under the conditions, the site’s drainage will ‘plug into’ the area-wide drainage system with a network of pipes and swales and an attenuation pond, which then treats the water before it falls out into the wider sustainable urban drainage (SUDS) system.

5.10 **Archaeology**

5.10.1 In terms of archaeology, the site is located within an archaeological priority area. The Borough Wide Development Policies DPD Policy BP3 requires assessments and evaluation of sites of archaeological interest to ensure new development has
no adverse impact on any archaeological remains. In this regard, a Written Scheme of Investigation was submitted with the previous planning permission (ref: 10/00287/FUL) which was approved by Historic England (formerly English Heritage).

5.10.2 As part of the consultation exercise for this application, Historic England has advised that having considered the proposal with reference to information held in the Greater London Historic Environment Record, they conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest and no further assessment or conditions are required.

5.11 Land Contamination

5.11.1 Condition 12 (hydrogeological report) of 13/01134/FUL was approved under permission 14/01252/CDN. Further conditions regarding the verification report for remediation measures and unexpected contamination will still require approval.

5.12 Section 106 / Planning Obligations

5.12.1 The original permission 13/01134/FUL sought financial contributions in the Section 106 Agreement for local infrastructure (£290,000), mitigation in relation to impacts on the SINC (£10,000), monitoring (£12,000) and professional and legal fees (£1,200).

5.12.2 A further contribution is being sought as part of this Section 73 application under a Deed of Variation to the signed Section 106 Agreement to mitigate the cumulative impact on the highways network. £15,000 (index linked) is being sought to undertake a feasibility study for improvement works to the Goresbrook Interchange Junction.

6 Conclusion

6.1 The proposed development relates to minor material amendments to the layout and design of an energy generation facility at the LSIP in Dagenham, originally permitted under 13/01134/FUL. The increased throughput and further process efficiency improvements result in a considerable increase in the amount of gross power produced for potential export from approximately 19.6 MW to up to 33.6 MW.

6.2 The proposed development will help manage the waste apportionment to the ELWA Boroughs required by the London Plan and will divert additional waste from landfill.

6.3 On balance, the application is recommended for approval subject to the applicant entering into a Deed of Variation to the Section 106 legal Agreement to secure monies towards a feasibility study for improvements to the Goresbrook Interchange Junction, and subject to the conditions outlined above.
Background Papers

- Planning Application File

Search 18/01501/FUL via: http://paplan.lbbd.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PE9KY1BLK9Y00

- Core Strategy (2010):

  Policy CM1 - General Principles for Development
  Policy CM4 - Strategic Transport Links
  Policy CR1 - Climate Change and Environmental Management
  Policy CR3 - Sustainable Waste Management
  Policy CR4 - Flood Management
  Policy CC3 - Achieving Community Benefits through Developer Contributions
  Policy CE3 - Safeguarding and Release of Employment Land
  Policy CE4 - Mix and Balance of Uses within Designated Employment Areas
  Policy CP3 - High Quality Built Environment


  Policy BR1 - Environmental Building Standards
  Policy BR2 - Energy and On-Site Renewables
  Policy BR3 - Greening the Urban Environment
  Policy BR4 - Water Resource Management
  Policy BR5 - Contaminated Land
  Policy BR9 - Parking
  Policy BR10 - Sustainable Transport
  Policy BR11 - Walking and Cycling
  Policy BR13 - Noise Mitigation
  Policy BR14 - Air Quality
  Policy BR15 - Sustainable Waste Management
  Policy BC7 - Crime Prevention
  Policy BP3 - Archaeology
  Policy BP8 - Protecting Residential Amenity
  Policy BP11 - Urban Design

- The London Plan (2016):

  Policy 2.17 - Strategic Industrial Locations
  Policy 4.4 - Managing Industrial Land and Premises
  Policy 4.10 - New and Emerging Economic Sectors
  Policy 5.1 - Climate Change Mitigation
  Policy 5.2 - Minimising Carbon Dioxide Emissions
  Policy 5.3 - Sustainable Design and Construction
  Policy 5.5 - Decentralised Energy Networks
  Policy 5.7 - Renewable Energy
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  Policy 5.10 - Urban Greening
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  Policy 5.13 - Sustainable Drainage
  Policy 5.16 - Waste Self Sufficiency
Policy 5.17 - Waste Capacity
Policy 5.21 - Contaminated Land
Policy 6.3 - Assessing Effects of Development on Transport Capacity
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Policy 7.2 - An Inclusive Environment
Policy 7.5 - Public Realm
Policy 7.6 - Architecture
Policy 7.14 - Improving Air Quality
Policy 7.15 - Reducing Noise and Enhancing Soundscapes
Table 6.2 - Car Parking Standards
Table 6.3 - Cycle Parking Standards


  Policy SI8 - Waste capacity and net waste self sufficiency

- Other Guidance:

  National Planning Practice Guidance
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Title: Town Planning Appeals

Report of the Chief Planner

Open Report

Wards Affected: Heath, Village

Key Decision: No

Report Author: Dave Mansfield, Chief Planner

Tel: 020 8227 3999
E-mail: dave.mansfield@lbbd.gov.uk

Summary:

This report advises Members of recent appeals that have been lodged and the outcomes of decisions made.

Recommendation:

The Planning Committee is asked to note this report.

1. Appeals Lodged

The following appeals have been lodged:

None.

2. Appeals Determined

The following appeals have been determined by the Planning Inspectorate:

a) Construction of a bungalow within rear garden – 19 Ashbrook Road, Dagenham (Reference: 17/01252/FUL – Heath Ward)

Appeal against the failure to issue a decision within 8 weeks.

Planning Inspectorate’s Decision: Appeal dismissed 5 November 2018 (see attached)

b) Enforcement appeal - unauthorised erection of containers being used for commercial purposes (A1 use) - Land and premises at the former Bull Inn, Rainham Road South, Dagenham (Village Ward)

Planning Inspectorate’s Decision: Appeal dismissed and enforcement notice upheld (with variations) 7 November 2018 (see attached)

c) Costs application by appellants in respect of the appeal referenced in (b) above.
Planning Inspectorate's Decision: The application is refused 7 November 2018 (see attached)

d) Retention of loft conversion involving construction of gable end roof, rear dormer window and installation of front rooflight – 97 Church Elm Lane, Dagenham (Ref: 18/00193/FUL – Village Ward)

Application refused under delegated powers 8 August 2018 for the following reason:

1. The gable end roof design, by reason of its design and bulk, coupled with its proximity to the eastern site boundary, has an overbearing impact on the outlook and amenities of neighbouring occupiers at No.s 9 and 10 Crane Close contrary to policy BP8 of the Borough Wide Development Policies DPD (March 2011) and the Supplementary Planning Document for Residential Extensions and Alterations (February 2012).

Planning Inspectorate’s Decision: Appeal dismissed 22 November 2018 (see attached)
Appeal Decision

Site visit made on 29 October 2018

by Patrick Whelan  BA(Hons) Dip Arch MA MSc ARB RIBA RTPI
an Inspector appointed by the Secretary of State

Decision date: 5 November 2018

Appeal Ref: APP/Z5060/W/17/3191916
19 Ashbrook Road, Dagenham RM10 7ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr A Jones against the Council of the London Borough of Barking & Dagenham.
- The application Ref 17/01252/FUL, is dated 14 July 2017.
- The development proposed is the construction of a bungalow on land to the rear of 19 Ashbrook Road.

Decision

1. The appeal is dismissed and planning permission for the construction of a bungalow on land to the rear of 19 Ashbrook Road, Dagenham RM10 7ED is refused.

Main Issues

2. Though the Council did not determine the application, its putative reasons for refusal concern the following matters which are the main issues in the appeal:
   - the effect of the development on the character and appearance of the area;
   - its effect on the living conditions of surrounding occupiers with particular regard to privacy, noise and outlook at Nos 17, 19 and 21 Ashbrook Road; and,
   - whether it would result in an unsafe and insecure environment.

Reasons

The character and appearance of the area

3. Ashbrook Road is a narrow street with tight corners, where 2-storey houses with pitched roofs have their frontages set close to the footway. The terraced houses occupy deep plots, and the houses on the external corners, with short back gardens, are set substantially apart. Despite the enclosed profile of the street, this layout gives the area a spacious character. It has a consistent pattern of development in both its layout and the form of its buildings.

4. I appreciate that No 19 occupies a plot on an internal corner, and has as a consequence, a large back garden. However, the undeveloped back gardens in Ashbrook Road make a significant contribution to the spacious character of the area. The proposal would disrupt the pattern of development which is
distinctive for its spaciousness and for its layout of houses fronting directly onto the street rather than behind it. In addition, in the context of the surrounding buildings which have pitched roofs, the flat roof of the development would appear at odds.

5. I saw that the back garden is overlooked by the flats behind the site. This is not unusual in the built-up area, and does not reduce the amenity of the garden to the degree where it justifies this proposal. In any event, the screening trees in this proposal could be planted without the development. I appreciate that the back garden demands maintenance, but this does not justify the harm identified above.

6. The modest height of the building and the screening trees would reduce its conspicuity. However, the building, its access, its drive, and its incompatibility with the pattern of development in Ashbrook Road would remain visible to surrounding occupiers. I acknowledge the environmental benefit of a sedum roof in terms of drainage, heat distribution and ecology. However, similar benefits could be attained by a more sensitive roof form.

7. I acknowledge the lawful development certificate for a garage, games room and hobby area under permitted development, which is claimed as a fallback position. Class E relates to buildings required for a purpose incidental to the enjoyment of a dwelling rather than a separate dwelling, as in this case. The effects of occupation on the distinctive pattern of development would be quite different.

8. Moreover, outbuildings under permitted development are not an unusual feature of gardens in this area, whereas houses and drives in back gardens are less a part of its character. The permitted development would have a pitched roof. This would better reflect the characteristic roofscape of surrounding development. The permitted development seems to me to be less harmful than this proposal. This limits the weight I can accord the fallback position. This proposal has addressed many of the shortcomings identified in the more recent appeal\(^1\) on this site. However, my findings on character in this case are similar to those of the Inspector in that appeal.

9. I conclude that the proposed development would harm the character and appearance of the area. It would conflict with London Plan 2016 (LP) policy 3.5, policies BP8 and BP11 of the Council’s Borough Wide Development Policies Development Plan Document adopted 2011 (DPD) and policy CP3 of its Core Strategy adopted 2010. These require development to enhance the quality of local places, to protect and strengthen the character of an area, to provide attractive, high quality architecture, and to create a sense of local identity, distinctiveness and place.

10. It would be at odds too with the design advice in the National Planning Policy Framework which says that developments should be sympathetic to local character, and that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

*The living conditions of surrounding occupiers*

11. Being set away from the site boundaries and only 2.5m high, the building would not reduce the outlook of surrounding occupiers by a harmful degree.

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\(^1\) Appeal Ref: APP/Z5060/W/15/3019441
The additional planting and fencing proposed would reduce the opportunity for any overlooking into neighbouring dwellings and gardens. The access drive would introduce the potential for noise from access and from manoeuvring. However, given that the development is for only one bedroom, the number of trips would be limited. A condition for appropriate fencing along the boundaries could mitigate any residual risk of disturbance.

12. I conclude that the proposed development would not harm the living conditions of surrounding occupiers with particular regard to privacy, noise and outlook at Nos 17, 19 and 21 Ashbrook Road. There would be no conflict with DPD policies BP8 and BP11 which protect the residential amenity of existing occupiers.

Unsafe and insecure environment

13. While the proposal would have less street surveillance than neighbouring houses, its street entrance would be sufficiently visible from the street not to make access unsafe. The access gates would be close to the neighbouring houses on both sides, which would give them some passive surveillance. These factors suggest that the access would not be unsafe or feel insecure. The house would be enclosed by boundary fencing and surrounding development which would overlook the site to varying degrees. It would be constructed to Secure by Design Standards. In these circumstances the house would be no less secure than neighbouring houses.

14. I conclude on this issue that the proposed development would not result in an unsafe and insecure environment. There would be no conflict with CS policy CP3 and DPD policy BC7 which require development to address the means of reducing the opportunities for crime and anti-social behaviour and to reduce the potential for the fear of crime.

Conclusion

15. The proposal would provide the modest social benefit of one additional house, in single-storey form, to local housing supply. It would bring economic benefits too, from the spending in the local economy of future occupiers who would have access to a range of local amenities and public transport which would have environmental advantages.

16. However, it would harm the character and appearance of the area, which would place it in clear conflict with the development plan. It would conflict too with the environmental dimension of sustainable development set out in paragraph 8 of the Framework, and there are no considerations which outweigh the harm identified. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR
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Appeal Decision

Site visit made on 19 November 2018

by J L Cheesley BA(Hons) DIPTP MRTP

an Inspector appointed by the Secretary of State

Decision date: 22 November 2018

Appeal Ref: APP/Z5060/D/18/3210792

97 Church Elm Lane, Dagenham RM10 9RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Pellumb Mazreku against the decision of the Council of the London Borough of Barking and Dagenham.
- The application Ref 18/00193/FUL was refused by notice dated 8 August 2018.
- The development proposed is a loft conversion with rear dormer and front skylight.

Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue to be the effect of the development on the living conditions of occupiers of Nos 9 and 10 Crane Close, with particular reference to visual impact.

Reasons

3. The appeal property is a modern two-storey end of terrace dwelling. It lies at the end of a row of properties in Church Elm Lane and adjacent to the rear gardens of properties in Crane Close.

4. Planning permission was granted for the erection of a two storey dwelling, Ref.16/00535/FUL, and subsequently planning permission was granted to vary Condition 2 to add a two storey rear extension, front porch and alterations to the front windows of the previously approved scheme. The appeal is to retain a loft conversion involving the construction of a gable end roof, rear dormer window and installation of a front rooflight.

5. The development includes a wide gable end facing the rear of properties in Crane Close. The neighbouring properties at Nos 9 and 10 Crane Close have short rear gardens and windows facing this flank wall.

6. From my observations, the gable end roof has resulted in the creation of an imposing flank wall elevation creating a significant bulk which coupled with the proximity to the site boundary results in an overbearing impact on the occupants of Nos 9 and 10 Crane Close. It makes their rear gardens less
pleasant places to use and has an unacceptably imposing impact on outlook from rear windows. For these reasons, I consider that the development has a significant material impact on the living conditions of these neighbours, which does not help create a positive sense of local identity. Therefore, the development is contrary to Policy BP8 in the London Borough of Barking & Dagenham Borough Wide Development Policies Development Plan Document (2011) and supporting guidance in the Council’s Residential Extensions and Alterations Supplementary Planning Document (2012), where they seek to protect residential amenity. Policy BP8 is broadly consistent with the National Planning Policy Framework where the Framework seeks to protect residential amenity.

7. In reaching my conclusion, I have had regard to all matters raised that I have not specifically commented upon, including examples elsewhere. I have determined the proposal before me on its individual merits.

J L Cheesley

INSPECTOR
Appeal Decision

Site visit made on 17 October 2018

by D A Hainsworth LL.B(Hons) FRSA Solicitor
an Inspector appointed by the Secretary of State

Decision date: 07 November 2018

Appeal Ref: APP/Z5060/C/18/3193963

Land and premises at the former Bull Inn, Rainham Road, South Dagenham, Essex RM10 8AQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 by Serv Group London Ltd, trading as Tyre Serv, against an enforcement notice issued by the Council of the London Borough of Barking and Dagenham on 19 December 2017 (ref: 18/00035/ENF).
- The breach of planning control alleged in the notice is “the unauthorised erection of containers being used for commercial purposes (A1 use)”.
- The requirements of the notice are as follows:
  - Cease the use as A1 business use operating from the containers
  - Remove the unauthorised containers from the site
  - Remove all waste material from the site.
- The period for compliance with these requirements is two weeks.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) and (g).

Application for costs

1. The appellants’ application for costs against the Council is dealt with by a separate decision.

Appeal decision

2. It is directed that the enforcement notice be varied (i) by adding after the word “plan” in paragraph 2 the words “(hereinafter referred to as “the site”)”, (ii) by deleting from paragraph 5 “• Cease the use as A1 business use operating from the containers” and “• Remove all waste material from the site” and (iii) by replacing “2 weeks” in paragraph 6 by “1 month”.

3. Subject to these directions, the appeal is dismissed, the enforcement notice is upheld as varied and planning permission is refused on the application deemed to be made by section 177(5) of the Town and Country Planning Act 1990.

Reasons for the appeal decision

Ground (a)

4. The main issue in deciding whether planning permission should be granted for the containers concerns their effect on the appearance and amenity of the site and its surroundings.
5. Policies BP8 and BP11 of the Barking and Dagenham Borough Wide Development Policies Development Plan Document are relevant to this issue. Policy BP8 seeks to protect residential amenity. It states that all developments are expected to have regard to the local character of the area and help to create a sense of local identity, distinctiveness and place. Policy BP11 deals with urban design. It states that, having regard to their layout and function, the design of buildings and layout of new development should comply with a set of principles. These include the protection or enhancement of the character and amenity of the area and the maintenance of residential amenity.

6. The containers are large, both in length and height. They are positioned side by side towards the rear of the parking and servicing area on the site. One of them has a side facing this area and the road; the other has a side facing residential properties. Other parts of the parking and servicing area are being used as a public car park and for vehicle hire. The former public house building is now in use for various retail purposes. The surroundings as a whole contain a mixture of residential, commercial and retail premises in a main road location near to a roundabout.

7. This is clearly not a location where it is normal to find containers of this size and positioning. They seriously detract from the appearance of the former public house building and its current retail function, from the view from the road and from the outlook from residential properties. As a result, they are very much in conflict with Policies BP8 and BP11. They are also in conflict with principles set out in section 12 of the National Planning Policy Framework, relating to achieving well-designed places, and there is no support for them elsewhere in the Framework.

8. In my opinion, the harmful appearance of the containers could not be masked by any acceptable means of landscaping or screening. I have considered the suggestion that a temporary planning permission might be granted for the containers, but I do not consider that this would be appropriate: it would not reduce the impact of the containers, except by limiting its duration, and that would not be a sufficient benefit to outweigh the serious continuing harm to the appearance and amenity of the site and its surroundings that would take place during the temporary period.

9. I have also considered all other matters raised by the appellants on ground (a), but there is nothing that indicates that my decision should not be in accordance with the policies to which I have referred. The appeal has therefore failed on ground (a) and planning permission for the containers has been refused.

Grounds (c) and (f)

10. These grounds have both been put forward on the same basis and as a precaution. Concern is raised about the requirement in the notice to cease the A1 use of the containers because, it is maintained, it could be construed as limiting lawful retail use of the site.

11. I do not consider that it would have this effect, but I have in any event deleted the requirement because it exceeds what is necessary to remedy the breach of planning control and the injury to amenity. The notice is directed at the unauthorised erection of the containers and the reasons for its issue relate to their effect on appearance and amenity, not their retail use. The breach and
the injury to amenity will be remedied simply by the removal of the containers from the site. I have made it clear when varying the notice that “the site” means the area shown edged red on the plan attached to the notice, namely the whole of the former Bull Inn land and premises.

12. I have also given consideration to the requirement in the notice to “Remove all waste material from the site”. It is not clear what waste material this is intended to refer to. There is a small amount of waste material in the vicinity of the containers, but it does not appear to arise from the appellants’ activities, which have ceased in compliance with the stop notice served in December 2017. The breach relates to the erection of the containers, not to waste material on the site, and no waste material will arise as a result of the removal of the containers from the site. I have therefore deleted this requirement, since it is excessive as well.

13. The appeal has therefore succeeded in part on ground (f).

Ground (g)

14. The appellants seek an extension of the compliance period to three months at least, in order to give them more time to find alternative A1 premises and to sell the containers or move them to an authorised location. The stop notice served in December 2017 required the A1 use to cease and I do not consider that the appellants should be allowed more time to find alternative premises. Nor do I consider that it would be reasonable to extend the compliance period to assist with a sale, in view of the harm to amenity that the containers are causing. Two weeks is, however, too short a time to allow for the necessary arrangements to be made for the removal of the containers from the site. One month is a reasonable period to allow for this to take place and I have varied the notice accordingly. The appeal has therefore succeeded on ground (g) to this extent.

D.A.Hainsworth

INSPECTOR
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Costs Decision

Site visit made on 17 October 2018

by D A Hainsworth LL.B(Hons) FRSA Solicitor

an Inspector appointed by the Secretary of State

Decision date: 07 November 2018

Costs application relating to Appeal Ref: APP/Z5060/C/18/3193963

Land and premises at the former Bull Inn, Rainham Road, South Dagenham, Essex RM10 8AQ

- The application is made by Serv Group London Ltd, trading as Tyre Serv, under the Town and Country Planning Act 1990, sections 174 and 322 and Schedule 6, and the Local Government Act 1972, section 250(5), for a full award of costs against the Council of the London Borough of Barking and Dagenham.
- The appeal was against an enforcement notice alleging “the unauthorised erection of containers being used for commercial purposes (A1 use)”.

Costs decision

1. The application is refused.

Reasons for the costs decision

2. The Government’s Planning Practice Guidance (“the Guidance”) indicates that the parties to an appeal are expected to behave reasonably to support an efficient and timely process and that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.

3. The applicants claim, firstly, that the Council’s actions, taken as a whole, were disproportionate and, secondly, that the Council failed to substantiate the reasons for issuing the enforcement notice or to support those reasons by objective analysis. As a result, the applicants state that they have incurred unnecessary expense.

4. The first of these claims seeks consideration as a whole of the Council’s actions in serving a temporary stop notice, followed by the enforcement notice and a permanent stop notice. This costs application, however, can only relate to the enforcement notice and the appeal against it. The second of the claims relates to the Council’s choosing not to produce a substantive appeal statement and to rely on the reasons they gave in the enforcement notice for its issue.

5. The National Planning Policy Framework in force at the time the enforcement notice was issued stated: “207. Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control”.

www.planningportal.gov.uk/planninginspectorate
6. The Guidance indicates that Councils are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. Examples in an enforcement appeal could include a failure to show that the issue of the enforcement notice was reasonable or the making of assertions about the impact of the development enforced against that could not be supported on an objective analysis.

7. I described in the appeal decision how the containers caused serious harm to the appearance and amenity of the site and its surroundings and how their presence conflicted with planning policies. This was clearly a case where effective enforcement action was needed and the issue of an enforcement notice requiring the containers to be removed was without doubt a proportionate response. It would have been helpful if during the appeal process the Council had added to the reasons given for the issue of the enforcement notice but they did not act unreasonably, in this instance, by failing to do so, since the reasons were sufficient on their own to withstand objective analysis and the applicants were able to conduct their appeal thoroughly without further material from the Council.

8. Accordingly, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated. An award of costs is not justified. The application has therefore been refused.

D.A.Hainsworth

INSPECTOR
### BE-FIRST WORKING ON BEHALF OF LONDON BOROUGH OF BARKING AND DAGENHAM
### PLANNING COMMITTEE

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<td>18/01547/FUL</td>
<td>02-Nov-18</td>
<td>Mr M Islam</td>
<td>Application Refused</td>
<td>Erection of two storey side extension, part single/part two storey rear extension and conversion of garage to habitable room.</td>
<td>34 Melford Avenue Barking Essex IG11 9HT</td>
<td>Longbridge</td>
</tr>
<tr>
<td>18/01653/PRIOR6</td>
<td>02-Nov-18</td>
<td>Mr R Lal</td>
<td>Prior approval required and refused</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 3.0 metres and maximum height: 3.0 metres).</td>
<td>118 Park Avenue Barking Essex IG11 8QX</td>
<td>Abbey</td>
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<td>Application Reference</td>
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<tr>
<td>18/01655/PRIOR6</td>
<td>02-Nov-18</td>
<td>Mr V Cocu</td>
<td>Permission Not Required</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 3.0 metres and maximum height: 3.5 metres).</td>
<td>10 Langley Gardens Dagenham Essex RM9 4RR</td>
<td>Goresbrook</td>
</tr>
<tr>
<td>18/01657/PRIOR6</td>
<td>02-Nov-18</td>
<td>Mr P Claire</td>
<td>Permission Not Required</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres in total comprising 3.5 metres existing and 2.5 metres proposed; height to eaves: 2.8 metres and maximum height: 3.0 metres).</td>
<td>14 West Park Close Chadwell Heath Romford Essex RM6 6XT</td>
<td>Chadwell Heath</td>
</tr>
<tr>
<td>18/01683/PRIOR6</td>
<td>02-Nov-18</td>
<td>Mr M Ocran</td>
<td>Permission Not Required</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 3.0 metres and maximum height: 4.0 metres).</td>
<td>17 Manor Road Barking Essex IG11 9JA</td>
<td>Longbridge</td>
</tr>
<tr>
<td>18/01686/PRIOR6</td>
<td>02-Nov-18</td>
<td>Mr P Cheema</td>
<td>Permission Not Required</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres in total comprising 3.0 metres existing and 3.0 metres proposed; height to eaves: 2.85 metres and maximum height: 3.5 metres).</td>
<td>65 Ilchester Road Dagenham Essex RM8 2YT</td>
<td>Mayesbrook</td>
</tr>
<tr>
<td>18/01803/CLU_P</td>
<td>02-Nov-18</td>
<td>Spectacularkids Day Nursery</td>
<td>Certificate Refused</td>
<td>Application for a certificate of lawfulness for a proposed development: Change of use of Pharmacy (Class A1) to a Day Nursery (Class D1).</td>
<td>Britannia Pharmacy 6 Farr Avenue Barking Essex IG11 0NZ</td>
<td>Thames</td>
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<td>Application Reference</td>
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<td>18/01867/FAST</td>
<td>02-Nov-18</td>
<td>Spectacular Kids Day Nursery</td>
<td>Certificate Refused</td>
<td>Application for a certificate of lawfulness for a proposed development: Change of use of Pharmacy (Class A1) to a Day Nursery (Class D1).</td>
<td>Britannia Pharmacy 6 Farr Avenue Barking Essex IG11 0NZ</td>
<td>Thames</td>
</tr>
<tr>
<td>18/00496/CDN</td>
<td>05-Nov-18</td>
<td>Be-First - Mr D Wright</td>
<td>Application Permitted</td>
<td>Application for approval of details reserved by conditions 4 (soft landscaping), 6 (hard landscaping), 9 (Renewable Energy), 10 (archaeological written scheme of investigation), 14-18 (Land Contamination), 22 (Secure by Design accreditation), 24 (lighting management plan), and 26 (nesting bird survey) in respect of planning permission 17/01467/REG3.</td>
<td>Barking Abbey Comprehensive School Sandringham Road Barking Essex IG11 9AG</td>
<td>Longbridge</td>
</tr>
<tr>
<td>18/01104/TPO</td>
<td>05-Nov-18</td>
<td>Church Of England</td>
<td>Application Permitted</td>
<td>Application for tree works subject to a tree preservation order: Reduction of branches, removal of deadwood by a maximum 2 metres and crown reduction to 2 x Cherry Tree, 2 x Oak Tree and 1 x Hazel Tree.</td>
<td>St Albans Vicarage Vincent Road Dagenham Essex RM9 6AL</td>
<td>Goresbrook</td>
</tr>
<tr>
<td>18/01622/CDN</td>
<td>06-Nov-18</td>
<td>Southern Housing Group Ltd</td>
<td>Application Permitted</td>
<td>Confirmation that all planning conditions in respect of planning decision notice number 88/00467/TP in respect of properties 60, 62 and 72 Burdetts Road, flats 2-16 (even) Butteridges Close and 27 Blossom Close have been discharged.</td>
<td>Goresbrook Playing Fields Ripple Road Dagenham Essex</td>
<td>Thames</td>
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<tr>
<td>Application Reference</td>
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<td>18/01567/CLU_P</td>
<td>06-Nov-18</td>
<td>Mr D Allen</td>
<td>Certificate Issued</td>
<td>Application for a certificate of lawfulness for a proposed development: Erection of single storey rear extension.</td>
<td>77 Haydon Road Dagenham Essex RM8 3RR</td>
<td>Valence</td>
</tr>
<tr>
<td>18/01568/FUL</td>
<td>06-Nov-18</td>
<td>Mr A Rahman</td>
<td>Application Refused</td>
<td>Erection of first floor rear extension.</td>
<td>102 Stratton Drive Barking Essex IG11 9HD</td>
<td>Longbridge</td>
</tr>
<tr>
<td>18/01109/REM</td>
<td>07-Nov-18</td>
<td>Barking Riverside Ltd</td>
<td>Application Permitted</td>
<td>Application for the approval of reserved matters pursuant to Condition 38 following outline approval 18/00940/FUL for Plots 206B and 207A within Stage 2 North. The proposed development comprises the erection of 482 dwellings (Use Class C3) and 405 sqm (GEA) of retail and commercial floorspace (Use Classes A1 and A3) with associated parking, landscaping and tertiary roads.</td>
<td>Barking Riverside Area Renwick Road Barking Essex</td>
<td>Thames</td>
</tr>
<tr>
<td>18/01488/FUL</td>
<td>07-Nov-18</td>
<td>Ms S Bruce</td>
<td>Application Permitted</td>
<td>Erection of front porch and single storey rear extension, revised roof to existing rear extension, loft conversion involving construction of rear dormer window and installation of rooflights.</td>
<td>102 King Edwards Road Barking Essex IG11 7TW</td>
<td>Gascoigne</td>
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<td>Application Reference</td>
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<td>18/01544/FUL</td>
<td>07-Nov-18</td>
<td>Ryme Ltd</td>
<td>Application Refused</td>
<td>Erection of two storey side extension to provide two 1 bedroom flats with associated parking and landscaping.</td>
<td>Former Sanofi Aventis Yewtree Avenue Dagenham Essex</td>
<td>Village</td>
</tr>
<tr>
<td>18/01570/CLU_P</td>
<td>07-Nov-18</td>
<td>Mr A Miah</td>
<td>Certificate Issued</td>
<td>Application for a certificate of lawfulness for a proposed development: Loft conversion involving the construction of rear dormer and two side dormer windows.</td>
<td>30 Park Avenue Barking Essex IG11 8QU</td>
<td>Abbey</td>
</tr>
<tr>
<td>18/01684/PRIOR6</td>
<td>07-Nov-18</td>
<td>Mr H Miah</td>
<td>Prior approval required and permission refused</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 3.0 metres and maximum height: 3.4 metres).</td>
<td>7 Sheringham Drive Barking Essex IG11 9AL</td>
<td>Longbridge</td>
</tr>
<tr>
<td>18/01685/PRIOR6</td>
<td>07-Nov-18</td>
<td>Mrs Monica Maria Moga Nicolae Moga</td>
<td>Permission Not Required</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 2.7 metres and maximum height: 3.0 metres).</td>
<td>61 Ivyhouse Road Dagenham Essex RM9 5RL</td>
<td>Alibon</td>
</tr>
<tr>
<td>18/01695/PRIOR6</td>
<td>07-Nov-18</td>
<td>Mrs K Mala</td>
<td>Permission Not Required</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 3.0 metres and maximum height: 3.23 metres).</td>
<td>26 Waverley Gardens Barking Essex IG11 0BH</td>
<td>Thames</td>
</tr>
<tr>
<td>18/01694/PRIOR6</td>
<td>08-Nov-18</td>
<td>Mr D Ciobanu</td>
<td>Permission Not Required</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 3.0 metres and maximum height: 3.0 metres).</td>
<td>57 Meadow Road Dagenham Essex RM9 5PR</td>
<td>Alibon</td>
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<tr>
<td>18/01714/PRIOR6</td>
<td>08-Nov-18</td>
<td>Mr Tammy</td>
<td>Permission Not Required</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 4.5 metres; height to eaves: 2.9 metres and maximum height: 3.0 metres).</td>
<td>74 Oxlow Lane Dagenham Essex RM9 5XD</td>
<td>Alibon</td>
</tr>
<tr>
<td>18/00516/FUL</td>
<td>09-Nov-18</td>
<td>Mr D Cooper</td>
<td>Application Permitted</td>
<td>Conversion of dwelling into 1 two bedroom flat and 1 one bedroom flat, including erection of two storey side extension and re-positioning of front door.</td>
<td>406 Heathway Dagenham Essex RM10 8NS</td>
<td>Alibon</td>
</tr>
<tr>
<td>18/00546/CDN</td>
<td>09-Nov-18</td>
<td>Countryside Properties (UK) Ltd</td>
<td>Application Permitted</td>
<td>Application for approval of details reserved by conditions 6 (levels), 7 (external materials), 8 (boundary details), 9 (hard landscaping) and 12 (nesting bird survey) in respect of planning permission 16/01975/FUL.</td>
<td>Becontree Heath Development Althorne Way Dagenham Essex</td>
<td>Heath</td>
</tr>
<tr>
<td>18/00995/CDN</td>
<td>09-Nov-18</td>
<td>Mears New Homes</td>
<td>Application Permitted</td>
<td>Application for approval of details reserved by condition 7 (materials) in respect of planning permission 16/02007/FUL.</td>
<td>The Short Blue Bastable Avenue Barking Essex IG11 0QG</td>
<td>Thames</td>
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<td>Application Reference</td>
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<td>18/01315/FUL</td>
<td>09-Nov-18</td>
<td>Mr B Singh</td>
<td>Application Refused</td>
<td>Erection of a two storey 1 bedroom house and first floor rear extension to existing dwelling.</td>
<td>33 Temple Avenue Dagenham Essex RM8 1LP</td>
<td>Whalebone</td>
</tr>
<tr>
<td>18/01482/CLU_P</td>
<td>09-Nov-18</td>
<td>Mr Y S Butt</td>
<td>Certificate Issued</td>
<td>Application for a certificate of lawfulness for a proposed development: Loft conversion involving construction of gable end roof, rear dormer window and installation of front rooflights.</td>
<td>19 Laneside Avenue Dagenham Essex RM8 1JD</td>
<td>Whalebone</td>
</tr>
<tr>
<td>18/01616/CDN</td>
<td>09-Nov-18</td>
<td>Southern Housing Group</td>
<td>Certificate Issued</td>
<td>Confirmation that all conditions which require discharging in respect of planning permission 92/00310/TP. 1-49 Kingston Close Chadwell and 3-9 and 13-47 Gibbfield Close Chadwell Heath (formerly known as the east side of Rose Lane Dagenham)</td>
<td>Warren School Annex Rose Lane Romford Essex</td>
<td>Chadwell Heath</td>
</tr>
<tr>
<td>18/01516/FUL</td>
<td>09-Nov-18</td>
<td>Mr E Dunlea</td>
<td>Application Permitted</td>
<td>Erection of part single/part two storey side and rear extension.</td>
<td>56 Mill Lane Chadwell Heath Romford Essex RM6 6UP</td>
<td>Whalebone</td>
</tr>
<tr>
<td>18/01563/CLU_E</td>
<td>09-Nov-18</td>
<td>Miss S Kaur</td>
<td>Certificate Issued</td>
<td>Application for a certificate of lawfulness for an existing use: Conversion of single dwelling house to two self-contained flats.</td>
<td>19 Kent Road Dagenham Essex RM10 8HA</td>
<td>Eastbrook</td>
</tr>
<tr>
<td>18/01702/PRIOR6</td>
<td>09-Nov-18</td>
<td>Mr D Terrelange</td>
<td>Permission Not Required</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 5.0 metres; height to eaves: 2.8 metres and maximum height: 3.0 metres).</td>
<td>210 Longbridge Road Barking Essex IG11 8SY</td>
<td>Longbridge</td>
</tr>
<tr>
<td>Application Reference</td>
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<tr>
<td>18/01703/PRIOR6</td>
<td>09-Nov-18</td>
<td>Mr E Ganiste</td>
<td>Prior approval required and permission refused</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 3.0 metres and maximum height: 3.15 metres).</td>
<td>176 Beam Avenue Dagenham Essex RM10 9BL</td>
<td>River</td>
</tr>
<tr>
<td>18/01711/PRIOR6</td>
<td>09-Nov-18</td>
<td>Mr M A Zaman</td>
<td>Prior approval required and permission refused</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 2.85 metres and maximum height: 3.0 metres).</td>
<td>45 Sandringham Road Barking Essex IG11 9AF</td>
<td>Longbridge</td>
</tr>
<tr>
<td>18/01715/PRIOR6</td>
<td>09-Nov-18</td>
<td>Mr N Singh</td>
<td>Prior approval required and permission refused</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 2.74 metres and maximum height: 2.83 metres).</td>
<td>5 Walnut Tree Road Dagenham Essex RM8 3JB</td>
<td>Valence</td>
</tr>
<tr>
<td>18/00786/FUL</td>
<td>12-Nov-18</td>
<td>VNM Property</td>
<td>Application Permitted</td>
<td>Demolition of bungalow and erection of two storey building</td>
<td>37 Gordon Road Chadwell Heath Romford Essex RM6 6DD</td>
<td>Whalebone</td>
</tr>
<tr>
<td>18/01021/FUL</td>
<td>12-Nov-18</td>
<td>Mr S Kuka</td>
<td>Application Permitted</td>
<td>Change of use to the existing ground floor premises from A3/D2 use (mixed) to a part A3 use (restaurant) and part A1 use (shop), alterations to the shop front and extension of the opening hours of existing restaurant.</td>
<td>236 - 238 High Road Chadwell Heath Romford Essex RM6 6AP</td>
<td>Whalebone</td>
</tr>
<tr>
<td>18/01291/CLU_P</td>
<td>12-Nov-18</td>
<td>Ms J Odenigbo</td>
<td>Certificate issued</td>
<td>Application for a certificate of lawfulness for a proposed development: Loft conversion involving the construction of rear and side dormer window and two front rooflights.</td>
<td>22 North Road Romford Essex RM6 6XU</td>
<td>Whalebone</td>
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<tr>
<td>Application Reference</td>
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<td>18/01341/CDN</td>
<td>12-Nov-18</td>
<td>Maypark Limited</td>
<td>Application Permitted</td>
<td>Application for approval of details reserved by conditions 3 (external materials), 5 (landscaping), and 8 (construction environmental management plan) in respect of planning permission 18/00540/FUL.</td>
<td>569 Gale Street Dagenham Essex RM9 4TS</td>
<td>Goresbrook</td>
</tr>
<tr>
<td>18/01594/FUL</td>
<td>12-Nov-18</td>
<td>Ms A Zahid</td>
<td>Application Refused</td>
<td>Erection of two storey side and single storey rear</td>
<td>43 Stansgate Road Dagenham</td>
<td>Heath</td>
</tr>
<tr>
<td>17/02047/CDN</td>
<td>13-Nov-18</td>
<td>Chatham Place Development Ltd</td>
<td>Application Permitted</td>
<td>Application for approval of details reserved by conditions 3 (external materials), 4 (hard/soft landscaping), 5 (green roofs), 6 (refuse enclosures), 8 (boundary details), 10 (arboricultural method statement), 11 (crime prevention measures), 16 (site levels), 17 (bat survey), 21 and 22 (land remediation), and 27 (construction method statement) in respect of planning permission 15/01099/FUL.</td>
<td>Elim Pentecostal Church 194 Ripple Road Barking Essex IG11 7PR</td>
<td>Gascoigne</td>
</tr>
<tr>
<td>18/01519/FUL</td>
<td>13-Nov-18</td>
<td>Mr L Muca</td>
<td>Application Permitted</td>
<td>Retention of awning and outdoor seating area.</td>
<td>349 Ripple Road Barking Essex IG11 9PN</td>
<td>Eastbury</td>
</tr>
<tr>
<td>18/01591/FUL</td>
<td>13-Nov-18</td>
<td>Mr Sood</td>
<td>Application Refused</td>
<td>Erection of first floor rear extension to existing house, and erection of two storey side/ rear extension to create additional 2 bedroom house.</td>
<td>167 Bennetts Castle Lane Dagenham Essex RM8 3YJ</td>
<td>Parsloes</td>
</tr>
<tr>
<td>18/01607/FUL</td>
<td>13-Nov-18</td>
<td>Ms C Granzulea</td>
<td>Application Permitted</td>
<td>Erection of front porch (retrospective).</td>
<td>113 Hunters Hall Road Dagenham</td>
<td>Alibon</td>
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<td>Application Reference</td>
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<tr>
<td>18/01612/CLU_P</td>
<td>13-Nov-18</td>
<td>Mrs &amp; Miss Santosh &amp; Anne Jerath</td>
<td>Certificate Issued</td>
<td>Application for a certificate of lawfulness for a proposed development: Loft conversion involving construction of rear dormer window and installation of front rooflights.</td>
<td>57 Hulse Avenue Barking Essex IG11 9UP</td>
<td>Longbridge</td>
</tr>
<tr>
<td>18/01718/PRIOR6</td>
<td>13-Nov-18</td>
<td>Mr K Manik</td>
<td>Permission Not Required</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 2.8 metres and maximum height: 3.0 metres).</td>
<td>35 Winifred Road Dagenham Essex RM8 1PP</td>
<td>Whalebone</td>
</tr>
<tr>
<td>18/01719/PRIOR6</td>
<td>13-Nov-18</td>
<td>Mr D Petel</td>
<td>Prior approval required and permission refused</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 2.87 metres and maximum height: 4.0 metres).</td>
<td>145 Salisbury Avenue Barking Essex IG11 9XR</td>
<td>Abbey</td>
</tr>
<tr>
<td>18/01255/FUL</td>
<td>14-Nov-18</td>
<td>Mr A Malsori</td>
<td>Application Permitted</td>
<td>Erection of single storey rear extension.</td>
<td>6 Jackson Road Barking Essex IG11 7UE</td>
<td>Gascoigne</td>
</tr>
<tr>
<td>18/01483/CLU_P</td>
<td>14-Nov-18</td>
<td>Mr Y S Butt</td>
<td>Application Permitted</td>
<td>Application for a certificate of lawfulness for a proposed development: Demolition of conservatory and erection of single storey rear extension.</td>
<td>19 Laneside Avenue Dagenham Essex RM8 1JD</td>
<td>Whalebone</td>
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<td>18/01489/FUL</td>
<td>14-Nov-18</td>
<td>Mr D Da Silva</td>
<td>Application Refused</td>
<td>Erection of two storey side extension with gable end roof and loft conversion involving construction of second floor rear roof addition and installation of front rooflights, erection of single storey rear extension, and pitched roof over existing porch.</td>
<td>35 Elstow Road Dagenham Essex RM9 6AX</td>
<td>Goresbrook</td>
</tr>
<tr>
<td>18/01527/CLU_P</td>
<td>14-Nov-18</td>
<td>Mr K Salahuddin</td>
<td>Certificate issued</td>
<td>Application for a certificate of lawfulness for a proposed development: Loft conversion involving the construction of rear dormer window, hip to gable roof alteration, one side window and two front rooflights.</td>
<td>15 Manor Road Barking Essex IG11 9JA</td>
<td>Longbridge</td>
</tr>
<tr>
<td>18/01579/CLU_E</td>
<td>14-Nov-18</td>
<td>Miss S Kaur</td>
<td>Certificate issued</td>
<td>Application for a certificate of lawfulness for an existing use: Conversion of single dwelling house to two self-contained flats.</td>
<td>1 Kent Road Dagenham Essex RM10 8HA</td>
<td>Eastbrook</td>
</tr>
<tr>
<td>18/01722/PRIOR6</td>
<td>14-Nov-18</td>
<td>Mrs A Thaqi</td>
<td>Permission not required</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 4.5 metres; height to eaves: 3.0 metres and maximum height: 3.0 metres).</td>
<td>12 Church Elm Lane Dagenham Essex RM10 9QS</td>
<td>River</td>
</tr>
<tr>
<td>18/01723/PRIOR6</td>
<td>14-Nov-18</td>
<td>Miss D Mars</td>
<td>Permission not required</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 3.0 metres and maximum height: 3.0 metres).</td>
<td>84 Stevens Road Dagenham Essex RM8 2QL</td>
<td>Becontree</td>
</tr>
<tr>
<td>Application Reference</td>
<td>Date Of Decision</td>
<td>Applicant</td>
<td>Decision</td>
<td>Proposal</td>
<td>Address</td>
<td>Ward</td>
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<tr>
<td>18/01726/PRIOR6</td>
<td>14-Nov-18</td>
<td>Miss X Guan</td>
<td>Prior approval required and permission refused</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 2.85 metres and maximum height: 3.0 metres).</td>
<td>286 Howard Road Barking Essex IG11 7DN</td>
<td>Gascoigne</td>
</tr>
<tr>
<td>18/01727/PRIOR6</td>
<td>14-Nov-18</td>
<td>Mr A Singh</td>
<td>Permission not required</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 3.0 metres and maximum height: 3.0 metres).</td>
<td>18 Meadow Road Barking Essex IG11 9QS</td>
<td>Eastbury</td>
</tr>
<tr>
<td>18/01751/PRIOR6</td>
<td>14-Nov-18</td>
<td>Mr D Correia</td>
<td>Permission not required</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 3.0 metres and maximum height: 3.0 metres).</td>
<td>196 Stamford Road Dagenham Essex RM9 4ER</td>
<td>Eastbury</td>
</tr>
<tr>
<td>18/01528/CDN</td>
<td>15-Nov-18</td>
<td>Mrs E Bikatova</td>
<td>Application Permitted</td>
<td>Application for approval of details reserved by condition 4 (Terrace Details) in respect of planning permission 18/00655/FUL.</td>
<td>9 Agnes Gardens Dagenham Essex RM8 3BS</td>
<td>Parsloes</td>
</tr>
<tr>
<td>Application Reference</td>
<td>Date Of Decision</td>
<td>Applicant</td>
<td>Decision</td>
<td>Proposal</td>
<td>Address</td>
<td>Ward</td>
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<tr>
<td>18/01552/CDN</td>
<td>15-Nov-18</td>
<td>LBBD</td>
<td>Application Permitted</td>
<td>Application for approval of details reserved by conditions 14 (Verification Report) and 15 (Verification Report Unexpected Contamination) in relation to Blocks E, H1 and H2 in respect of Phase 2 of planning permission 13/00229/FUL.</td>
<td>Leys Redevelopment Site Wellington Drive Dagenham Essex</td>
<td>Village</td>
</tr>
<tr>
<td>18/01618/FUL</td>
<td>15-Nov-18</td>
<td>Edgaras Kadziulis</td>
<td>Application Permitted</td>
<td>Erection of two storey side extension and single storey rear extension.</td>
<td>22 Romsey Road Dagenham Essex RM9 6BL</td>
<td>Goresbrook</td>
</tr>
<tr>
<td>18/01755/PRIOR6</td>
<td>15-Nov-18</td>
<td>Mr T Netto</td>
<td>Permission not required</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 5.0 metres in total comprising 1.9 metres existing and 3.1 metre proposed; height to eaves: 2.9 metres and maximum height: 3.6 metres).</td>
<td>51 Naseby Road Dagenham Essex RM10 7JR</td>
<td>Heath</td>
</tr>
<tr>
<td>18/01761/PRIOR6</td>
<td>15-Nov-18</td>
<td>Mr S Ahmed</td>
<td>Prior approval required and permission refused</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 4.5 metres; height to eaves: 2.67 metres and maximum height: 2.97 metres).</td>
<td>26 Eliot Road Dagenham Essex RM9 5XT</td>
<td>Parsloes</td>
</tr>
<tr>
<td>Application Reference</td>
<td>Date Of Decision</td>
<td>Applicant</td>
<td>Decision</td>
<td>Proposal</td>
<td>Address</td>
<td>Ward</td>
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<tr>
<td>18/01763/PRIOR6</td>
<td>15-Nov-18</td>
<td>Mr M Smith</td>
<td>Application Permitted</td>
<td>Application for approval of details reserved by condition 4 (hard and soft landscaping scheme) in respect of planning permission 16/01442/FUL.</td>
<td>80 Verney Road Dagenham Essex RM9 5JJ</td>
<td>Parsloes</td>
</tr>
<tr>
<td>18/01771/PRIOR6</td>
<td>15-Nov-18</td>
<td>Mr S Gulshan</td>
<td>Application Permitted</td>
<td>Erection of first floor side and single storey rear extensions.</td>
<td>23 Verney Road Dagenham Essex RM9 5LL</td>
<td>Parsloes</td>
</tr>
<tr>
<td>18/01777/PRIOR6</td>
<td>15-Nov-18</td>
<td>Mr N Polthel</td>
<td>Certificate Issued</td>
<td>Application for a certificate of lawfulness for a proposed development: Loft conversion involving construction of gable end roof, rear dormer window to extended roof, and change to roof profile of existing two storey rear projection.</td>
<td>7 South Road Chadwell Heath Romford Essex RM6 6YD</td>
<td>Chadwell Heath</td>
</tr>
<tr>
<td>18/01528/CDN</td>
<td>16-Nov-18</td>
<td>Mrs E Bikatova</td>
<td>Application Permitted</td>
<td>Application for approval of details reserved by condition 4 (Terrace Details) in respect of planning permission 18/00655/FUL.</td>
<td>9 Agnes Gardens Dagenham Essex RM8 3BS</td>
<td>Parsloes</td>
</tr>
<tr>
<td>18/01552/CDN</td>
<td>16-Nov-18</td>
<td>LBBD</td>
<td>Application Permitted</td>
<td>Application for approval of details reserved by conditions 14 (Verification Report) and 15 (Verification Report Unexpected Contamination) in relation to Blocks E, H1 and H2 in respect of Phase 2 of planning permission 13/00229/FUL.</td>
<td>Leys Redevelopment Site Wellington Drive Dagenham Essex</td>
<td>Village</td>
</tr>
</tbody>
</table>