Present: 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

Also Present: Cllr John Dulwich

Apologies:

42. Declaration of Members’ Interests

There were no declarations of interest.

43. Minutes - To confirm as correct the minutes of the meeting held on 12
February 2019

The minutes of the meeting held on 12 February 2019 were confirmed as
correct.

44. Crown House and Linton Road Car Park, Linton Road, Barking-
18/01972/FUL

(Councillor Geddes had declared a prejudicial interest and left the meeting
before discussion of this item.)

The Development Management Team Leader introduced a report concerning a
planning application by Be First regarding Crown House and Linton Road Car
Park, Barking. The application proposed the demolition of the existing 15-
storey Crown House building and the phased redevelopment of the Crown
House site and Linton Road car park site to provide 396 residential units and
430 square metres of flexible commercial floorspace within two buildings,
associated highway works, servicing facilities, cycle parking, disabled persons
car parking and public realm improvements.

Building A comprises of a lower ‘shoulder’ building of 9-storeys, located at the
corner of Cambridge Road and Linton Road which then steps up to a 16-storey
tower to the centre of the site. The tallest part of Building A fronting Cambridge
Road extends to 20-storeys and then steps down again to a lower ‘shoulder’
building of 10-storeys high adjacent to Building B.

Building B comprises of a lower ‘shoulder’ building of 10-storeys high fronting
Linton Road which then steps up to a 25-storey tower to the centre of the site.
The tallest element of Building B is 29-storeys high fronting Cambridge Road.

562 neighbouring occupiers were consulted on the application in total
objections have been received by or on behalf of 21 individual neighbouring occupiers or interested parties. Multiple objections have been received from some individuals or interested parties. The issues raised by the objectors generally relate to excessive development, concerns about the proposed building heights, loss of the Linton Road car park, loss of the existing Crown House building, impacts on sunlight, daylight, privacy and outlook, impacts on the development potential of adjoining sites and construction phase activities.

The Development Management Team Leader referred to an addendum report, which included details of late objections from and on behalf of neighbouring occupiers. She also referred to 14 late objections from the tenants of Cambridge House that had been received after the addendum report had been prepared and provided a response to the concerns raised by the Barking Enterprise Centre.

Barking Town Centre had 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 residential-led scheme is therefore supported on the application site.

The principle of a mixed-use development on the site was supported by officers and met the requirements of the wider Barking Town Centre Site Specific Allocation Area BTCSSA3 (Barking Station).

The loss of the existing office space at Crown House and the loss of the Linton Road car park was justified as part of the application and officers were satisfied with the justification given.

The proposed development would provide 43% sub-market housing on a habitable room basis (169 units), all within Building A, comprising 30% low cost rented units, 35% affordable rented units and 35% shared ownership units. The remaining 227 units (57%), all within Building B, would be private rented sector (PRS) units.

The proposed unit mix for Building A comprised 80 one-bedroom units, 71 two-bedroom units and 18 three-bedroom units and the proposed unit mix for Building B would comprise 95 one-bedroom units and 132 two-bedroom units. Overall, the development would comprise 175 (44%) one-bedroom units, 203 (51%) two-bedroom units and 18 (5%) three-bedroom units.

The mix and tenure of the development was in keeping with the Council’s strategy for the town centre, the aim of which was to support a widening of the town centre’s retail and leisure offer, and in particular, help support the evening economy, which had been little developed.

The application site comprised part private and part public owned land and therefore, in accordance with the Mayor’s viability guidance, the scheme had a blended threshold target for sub-market housing based on 35% provision for private land and 50% provision for publicly owned land, subject to viability. The blended sub-market housing threshold for the development was 42% sub-market housing on a habitable room basis. The proposed 43% sub-market housing offer on a habitable room basis therefore qualified the development for the Mayor’s fast-track viability route and there was no requirement for the
developer to submit a financial viability assessment in this case. An early stage viability review mechanism would be secured by Section 106 (S106) Agreement, which would require a new viability assessment to be undertaken if the development was not substantially implemented within two years of any planning permission being granted.

A new public pedestrian route linking Cambridge Road and Linton Road was proposed along the northern side of Building B. The public route also included a public square at the Linton Road end.

The facades of the tower elements within the development comprised of folded aluminium frames which would be taupe-coloured with a matt, stone-like appearance. The proposed red brick frame of the lower ‘shoulder’ buildings provided a contrast with the facades of the tower and had been chosen to reflect the local material palette. Officers considered that the materials strategy is acceptable in principle and consistent with the high-quality expectations of the development. Overall, officers considered that the proposed development was of an exemplar design and quality, which in turn justified the higher density and the tall building heights.

Historic England (HE) had considered that the proposed development would result in ‘less than substantial harm’ to the Abbey and Barking Conservation Area which the Crown House site partly falls within. Pursuant to paragraph 196 of the National Planning Policy Framework (NPPF), this harm has been weighed against the public benefits of the proposal and officers considered that the regeneration benefits of the proposal, including new private and sub-market housing and new public realm, outweighed any harm to local heritage assets and the Conservation Area.

All residential units would benefit from a private balcony or terrace, in keeping with London Plan policy. The development also included private communal amenity space in Buildings A and B. The proposed level of amenity space was supported by officers given the town centre location and the limited provision of family-sized accommodation on the site.

Doorstep play was a key component of the communal amenity space and the whole area was playable with pieces of equipment and play features integrated with the seating and planting. A 58 square metre indoor play space is also located within Building A, providing the opportunity for all-weather play. The proposed development had an on-site shortfall in play space of 232 square metres. The Greater London Authority (GLA) had advised that given the local availability of play space at Northbury Primary School, Barking Park and Abbey Green, on balance, the provision of play space was considered to be acceptable. Officers also support the GLA’s stance on play space.

The submitted Sunlight and Daylight Report concluded that the significant majority of residential rooms in the surrounding properties met the Building Research Establishment (BRE) Guidelines for daylight and sunlight with the proposed scheme in place, although there were some reductions in sunlight/daylight to neighbouring residential properties. In this regard, officers drew the Committee’s attention to a recent appeal decision relating to the Whitechapel Estate development where the Inspector’s decision letter stated “The BRE document offers guidance on generally acceptable standards of
daylight and sunlight but advises that numerical values are not to be rigidly applied and recognises the importance of the specific circumstances of each case. Inner city development is one of the examples where a different approach might be justified”. The Mayor’s ‘Housing’ Supplementary Planning Guidance (SPG) stated that an appropriate degree of flexibility needed to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time. Officers have applied a similar flexible approach to the proposed development.

It was considered that reductions in sunlight/daylight were unavoidable given the existing open nature of those parts of the site opposite the affected properties and the clear desire for high-density development around Barking Station. The site was located within a central urban location where significant regeneration is proposed. In order to maximise the development potential of regeneration sites there would be some impact on sunlight/daylight to existing neighbouring properties. Officers were satisfied that the proposed impacts of the development on sunlight/daylight to neighbouring properties were justified in this case and it was considered that the proposed residential units would generally receive good levels of internal daylight and sunlight.

The proposed development was car-free given the high public transport accessibility of the site and this was supported by officers. The exception to this was the provision of 5 on-site blue badge parking spaces and one car club space for Building A and 2 on-site blue badge parking spaces for Building B. The number of blue badge parking spaces fell short for Building B, however, officers were satisfied that the proposed provision has been maximised to its full extent having regard to site constraints. A condition to be secured would consider whether there was any opportunity for blue badge parking as part of the proposed highway re-alignment works.

The proposed cycle storage for the development was compliant with draft London Plan standards.

The application also included provision to re-align the existing layout of Cambridge Road, with the removal of the sub-standard mini-roundabout currently present to the north of the site. The re-alignment also included the provision of a zebra crossing facility on Linton Road and a dropped kerb/tactile paving pedestrian crossing on Cambridge Road. The Transport Development Management Officer and Transport for London (TfL) had confirmed that the proposed re-alignment was acceptable in principle.

The proposed development was anticipated to achieve a 37% reduction in carbon dioxide (CO₂) emissions beyond Part L of the Building Regulations 2013. A carbon offset payment would be secured by S106 Agreement to achieve the policy requirement for zero carbon homes.

The application was referable to the Mayor of London. If the Council resolved
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.

Paul Scott, an objector to the application, was invited to address the Committee. He advised he was speaking on his own behalf and on behalf of the Barking and Dagenham Heritage Community Group. They had great concerns about the high-rise nature of the proposed development and density levels and felt that the application would have a detrimental effect on the borough and quality of life. They were also concerned about the overshadowing of properties in the locality. It would, in their view create greater traffic congestion and lead to reduced emergency service access. They were also concerned about the potential loss of car parking within the town centre area. Additionally, they considered that any new housing developments should be low-rise.

John Cutler was invited to address the Committee, on behalf of applicants at Cambridge House and Kings Lounge who objected to the application. Mr Cutler supported the redevelopment of the Crown House site but considered that the application should be amended owing to the density levels, overlooking, lack of daylight and sunlight for adjoining premises and the layout of the proposed development. He felt that the application was contrary to the London Plan and that the owners of Cambridge House and Kings Lounge had offered to work with the applicant in order to change the design of the proposed development.

Luke Challenger, the agent for the applicant, was invited to address the Committee. He considered that the application and redevelopment of Crown House was a key benefit in the regeneration of the area, providing 396 new homes, of which 169 would be provided at affordable levels, with commercial space being provided on the ground floor of the proposed development. He stated that the buildings would be high quality and there would also be the benefit of the building of a new public square, with a link between Cambridge and Linton Roads. Mr Challenger added that Crown House at present was a “negative contributor” to the local area and that the proposed development would help regenerate the area. These proposals and the application had been submitted following extensive consultation in the locality and this included a community event at Barking Station in July 2018 following a mailshot. He added that the GLA supported the scheme and as the applicant’s agent, he rebutted the objections against the proposed development.

Members were concerned that there were only five disabled car parking spaces. The Development Management Team Leader stated that although the proposed development was car free, as supported by Transport for London and the Transport Management Officer, the draft London Plan stated that 3% of residential units should benefit from blue badge car parking spaces. In terms of building B, she acknowledged that there was a shortfall in disabled car parking provision owing to site constraints; however, officers advised that condition 45 which related to the Car Parking Design and Management Plan for Blue Badge Car Parking would consider whether there was any opportunity to provide additional blue badge parking as part of the highway realignment works.
Members were also concerned about the removal of car parking for market traders in the vicinity of the proposed development; however, it was confirmed that parking would be available to them in Vicarage Field.

Members expressed concern about the development’s impact on daylight and sunlight to other buildings in the vicinity as well as overlooking and density. In response, the Development Management Team Leader stated that the town centre was subject to new and significant regeneration proposals and opportunities, particularly in the provision of new homes needed and some flexibility in these matters was needed. She also confirmed that the London Plan allowed for high density if the building was of an exemplar design, which this application showed. In addition, the draft London Plan removed the previous “density matrix” and considered other factors such as the proximity to public transport and infrastructure.

Members enquired about the potential for affordable rents within the proposed development and whether rents were fixed and, whether accommodation could be offered to local residents at a low rent rate. The applicant’s representative advised that the London Affordable Rent and London Living Rent levels were fixed by the Greater London Authority (GLA) and these were revised each year and published on the GLA website.

The Committee granted planning permission, subject to:

1. No Direction from the Mayor of London;

2. Section 106 legal agreements to secure the matters set out in section 5.11 of the 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:

   30005 CJCT ZZ XX DR A 0105 Rev P01;
   30005 CJCT ZZ ZZ DR A 0101 Rev P01;
   30005 CJCT ZZ ZZ DR A 0102 Rev P01;
Reason: For the avoidance of doubt and in the interests of proper planning.

**Phasing Plan**

3. No development shall take place until a Phasing Plan showing how the development will be implemented in a comprehensive manner has been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented only in accordance with the approved Phasing Plan.

Reason: The Phasing Plan is required prior to commencement of development to allow the community infrastructure levy (CIL) liability to be calculated for each Phase and for any relief to be determined.

**Contamination – Investigation and Risk Assessment**

4. No development shall commence in a Phase until an investigation and risk assessment for the relevant Phase, 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

5. No development shall commence in a Phase until a detailed remediation scheme for the relevant Phase, 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

6. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development in the relevant Phase, 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

7. 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 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 5, 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 4 to 7: Contamination must be identified prior to commencement of development in each Phase 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

8. No development shall commence in a Phase, including any works of demolition, until a Construction Environmental Management Plan (CEMP) and a Site Waste Management Plan (SWMP) for the relevant Phase 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.

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.

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

Reason: The CEMP and SWMP are required prior to commencement of development in each Phase 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**

9. No development shall commence in a Phase, including any works of demolition, until a Construction Logistics Plan for the relevant Phase 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 each Phase 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**

10. A) No development other than site clearance and demolition to existing ground level shall take place in a Phase until the developer has secured the implementation of a programme of archaeological evaluation for the relevant Phase 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 in a Phase, other than site clearance and demolition to existing ground level, the developer shall secure the implementation of a programme of archaeological investigation for the relevant Phase 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 in a Phase other than in accordance with the Written Scheme of Investigation approved under Part B).

D) The relevant Phase of the development shall not be occupied until the site investigation and post investigation assessment for the Phase 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 in each Phase, 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

11. No development shall commence in a Phase, except any works of site clearance and demolition, until a Surface Water Drainage Scheme for the relevant Phase, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall comply with the drainage hierarchy and greenfield run-off rate in the London Plan. The Scheme shall subsequently be implemented in accordance with the approved details before the relevant Phase of the development is completed.

Reason: The Surface Water Drainage Scheme is required prior to commencement of development in each Phase 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

12. 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. Any works which are associated with the generation of ground borne vibration are only to be carried out between the hours of 08.00 and 18.00 Monday to Friday.

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

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

14. No Phase of the development hereby permitted shall be occupied until full details of the hard landscaping for the relevant Phase 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) play spaces and any related play equipment;
c) street furniture, including on-street cycle stands;
d) boundary treatment; and
e) management and maintenance.

The hard landscaping scheme shall be implemented prior to occupation of the relevant Phase 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

15. No Phase of the development hereby permitted shall be occupied until a detailed scheme of soft landscaping for the relevant Phase 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 relevant Phase, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the relevant Phase 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

16. No Phase of the development hereby permitted shall be occupied 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 within the relevant Phase, 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 relevant Phase 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

17. No Phase of the development hereby permitted shall be occupied until a detailed residential and commercial refuse strategy for the relevant Phase, 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 relevant Phase 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

18. No Phase of the development hereby permitted shall be occupied until details of the cycle parking facilities for the relevant Phase, as shown on drawing Nos. 30005 CJCT ZZ 00 DR A 0200 Rev P01 and 30005 CJCT ZZ M1 DR A 02M1 Rev P01, 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 relevant Phase of 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

19. No Phase of the development hereby permitted shall be occupied until full details of a scheme of acoustic protection of habitable rooms against transport noise for the relevant Phase 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 in the relevant Phase 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 Policies Development Plan Document and policy 7.15 of the London Plan.

Blue Badge Car Parking and Electric Vehicle Charging Points

20. The 5 blue badge car parking spaces for Building A and the 2 blue badge car parking spaces for Building B shall be constructed and marked out prior to the occupation of the relevant Phase as accessible parking bays (to be clearly marked with a British Standard disabled symbol). One blue badge car parking space for Building A and one blue badge car parking space for Building B shall be fitted with active electric vehicle charging points and the remainder shall have passive provision.

Reason: To ensure and promote easier access for disabled persons, to ensure sufficient off-street parking, and to encourage the use of electric cars in order to reduce carbon emissions, 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.

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

21. The development hereby permitted shall be carried out in accordance with the submitted Energy Statement prepared by IN2 Engineering Design Partnership (Ref: IN2 Project No.: L18055 Rev.01 dated September 2018). Minor amendments to the Energy Strategy may be agreed in writing from time to time by the Local Planning Authority. No above ground new development shall commence in a Phase until 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 (if and when a connection becomes available) for the relevant Phase have been submitted to and approved in writing by the Local Planning Authority. The relevant Phase of 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

22. No Phase of the development hereby permitted shall be occupied until bird nesting and bat roosting bricks/boxes for the relevant Phase 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

23. 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 and Scaffolding

24. No cranes or scaffolding shall be erected on the site unless, and until, construction methodology and diagrams clearly presenting the location, maximum operating height, radius and start/finish dates for the use of cranes during the development have been submitted to and approved in writing by the Local Planning Authority in consultation with London City Airport.

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

Flexible Uses

25. Following the first occupation of each of the ground floor commercial units, as identified on drawing No. 30005 CJCT ZZ 00 DR A 0200 Rev P01, 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 provide flexibility of use between the approved uses in accordance with Class V, Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Delivery/Collection of Goods – Commercial Units

26. The delivery/collection of goods associated with the ground floor commercial units, as identified on drawing No. 30005 CJCT ZZ 00 DR A 0200 Rev P01, 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.
Handling of Bottles and/or Movement of Bins and Rubbish – Commercial Units

27. The handling of bottles and/or the movement of bins and rubbish associated with the commercial units, as identified on drawing No. 30005 CJCT ZZ 00 DR A 0200 Rev P01, is 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

28. Prior to occupation of any commercial unit hereby permitted with a commercial kitchen, details of any ventilation system for the removal and treatment of cooking odours from any commercial catering, including its appearance and measures to mitigate system noise, are to be submitted to and approved in writing by the Local Planning Authority. The measures shall have regard to and be commensurate with guidance and recommendations in:

- The current edition of publication "Specification for Kitchen Ventilation Systems", DW/172, Heating and Ventilating Contractors Association, or other relevant and authoritative guidance; and

The approved details shall be fully implemented before the first use of the relevant commercial unit 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, odours and noise in accordance with policies BR13, BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

Noise from Ground Floor Commercial Uses

29. Noise from the ground floor commercial uses hereby permitted, including, but not limited to, live and amplified music 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 such noise is or is not audible the following numerical limits shall be used to determine compliance with this condition:

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

CUAN = Commercial Use Activity Noise Level, WCUAN = representative background noise level without commercial use activity noise, both measured 1 metre from the façade of the noise-sensitive premises.

Reason: To ensure that the proposed and surrounding residential properties and other noise-sensitive premises in the vicinity of the use 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.

Structure Borne Noise Emissions

30. Any machinery and equipment installed pursuant to this permission shall be designed and installed to ensure that structure borne (re-radiated) noise emissions shall 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 Insulation of Party Construction

31. No above ground new development shall commence in a Phase until a scheme of noise insulation of party construction between the residential units and the Classes A1, A2, A3, B1, D1 and/or D2 use(s) in the relevant Phase has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of the commercial / residential unit(s) to which it relates in the relevant Phase.

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.

Acoustic Barrier to Play Area for Building A

32. The relevant Phase of the development incorporating Building A shall not be occupied until details of an imperforate acoustic barrier not less than 2.5 metres in height, to be positioned the full length of the boundary between the play area adjoining Building A and Linton Road, has been submitted to and approved in writing by the Local Planning Authority. The approved barrier shall be installed before the first use of the relevant play area and maintained at all times thereafter.

Reason: To ensure that the proposed play area is 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.

Green Wall to Play Area for Building A
33. The relevant Phase of the development incorporating Building A shall not be occupied until details of a green wall not less than 2.5 metres in height, to be positioned to the full length of the boundary between the play area adjoining Building A and Linton Road, has been submitted to and approved in writing by the Local Planning Authority. The approved green wall shall be installed before the first use of the relevant play area and maintained at all times thereafter.

Reason: To mitigate against air pollution and in accordance with policy BR14 of the Borough Wide Development Policies Development Plan Document and policy 7.14 of the London Plan.

Windows to Internal Play Area in Building A

34. The windows for the ground floor internal play area in Building A shall be fixed shut on the Linton Road façade.

Reason: To mitigate against air pollution and in accordance with policy BR14 of the Borough Wide Development Policies Development Plan Document and policy 7.14 of the London Plan.

Air Quality Neutral Assessment

35. No Phase of the development hereby permitted shall be occupied until an Air Quality Neutral Assessment for the relevant Phase has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include details of mitigation and/or offsetting measures to satisfy the air quality neutral benchmarks provided in the “Mayor of London Sustainable Design and Construction Supplementary Planning Guidance” April 2014. The approved mitigation/offsetting measures, which may include a financial commitment to finance off-site measures, are to be fully implemented before the first occupation of the relevant Phase of the development hereby permitted.


Building Regulations M4 (2)

36. 90% of the residential units hereby permitted in each of Buildings A and B 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)

37. 10% of the residential units hereby permitted in each of Buildings A and B
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

38. No Phase of the development hereby permitted shall be occupied until details of a communal television and satellite system for the relevant Phase have been submitted to and approved in writing by the Local Planning Authority. The approved system shall be provided prior to occupation of the relevant Phase and be made available to each residential unit with the Phase. 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

39. No Phase of the development hereby permitted shall be occupied until a Delivery and Servicing Plan for the relevant Phase has been 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 for the relevant Phase 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.

No Driven Piling

40. There shall be no use of driven piling in the construction of the development hereby permitted.

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.
Piling

41. No piling shall take place in a Phase until a piling method statement for the relevant Phase, 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 for the relevant Phase.

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

Vibration

42. If piling or other ground improvement work is undertaken pursuant to this permission then the 5% 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.

Restriction on Uses

43. The ground floor commercial units hereby permitted, as identified on drawing No. 30005 CJCT ZZ 00 DR A 0200 Rev P01, shall only be used for purposes falling within Classes A1, A2, A3, 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.

Water Efficiency

44. 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 Parking Design and Management Plan for Blue Badge Car Parking
45. No Phase of the development shall be occupied until a Car Parking Design and Management Plan for the relevant Phase has been submitted to the Local Planning Authority for approval in writing setting out how additional demand for blue badge parking spaces beyond the 5 blue badge parking spaces for Building A and the 2 blue badge parking spaces for Building B could potentially be accommodated on-street as part of the highway re-alignment proposals. Any approved details shall be implemented prior to occupation of the relevant Phase 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

46. No Phase of the development shall be occupied until details have been submitted to the Local Planning Authority for approval in writing demonstrating that inclusive and unhindered access for the relevant Phase will be provided to all 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 Impact and Method Statement

47. No development shall commence in a Phase until an Arboricultural Impact and Method Statement for the relevant Phase has been submitted to and approved in writing by the Local Planning Authority. The Statement should include a schedule of trees to be retained or removed; details of access facilitation pruning required to enable the construction works; an evaluation of the likely effects of the construction works on retained trees, including post development pressures; and recommendations on mitigation measures to be implemented. A dimensioned Tree Protection Plan should be included showing how retained trees will be protected whilst the development is constructed. The Statement shall accord with British Standard 5837:2012, 'Trees in relation to design, demolition and construction'.

Reason: The Arboricultural Impact and Method Statement is required prior to commencement of the relevant Phase 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

48. No above ground new development shall commence in a Phase until a Fire Statement for the relevant Phase has been submitted to and approved in writing by the Local Planning Authority. 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 relevant Phase of 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 and policy D11 of the Draft London Plan.

BREEAM

49. The development hereby permitted shall achieve a BREEAM 'Very Good' 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.

Indoor Play Space in Building A

50. The indoor play space in Building A, as identified on drawing No. 30005 CJCT ZZ 00 DR A 0200 Rev P01, shall be provided prior to first occupation of Building A and should be maintained as play space in perpetuity. The indoor play space shall be open to residents between the hours of 07.00 and 20.00, 7 days a week, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure adequate play space is provided within the development and that its use is not inappropriately restricted in accordance with policy 3.6 of the London Plan.

Wind Mitigation Measures

51. The development hereby permitted shall be carried out in accordance with the recommended wind mitigation measures set out in the submitted report ‘Crown House Pedestrian Level Wind Microclimate Assessment’ (Reference: RWDI #1804539 - Rev B dated 4 October 2018) prepared by RWDI Anemos Ltd. Minor amendments to the submitted report may be agreed in writing from time to time with the Local Planning Authority. Prior to occupation of the relevant Phase incorporating Building B, the detailed design of the extended façade wind mitigation measure on Building B shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the relevant Phase.

Reason: To ensure a safe pedestrian environment and 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 and policies 7.1, 7.4 and 7.6 of the London Plan.

Hours of Use of Commercial Units
52. Other than with the prior written approval of the Local Planning Authority, the proposed commercial units, as identified on drawing No. 30005 CJCT ZZ 00 DR A 0200 Rev P01, are permitted to trade between the hours of 07.00 and 23.00 on any day and at no other time.

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.

Vegetation Clearance and Tree Works

53. There shall be no vegetation clearance or tree works during the bird breeding season (February to September). If this is not possible the vegetation should be surveyed immediately prior to removal by a suitably qualified ecologist. If nests/nesting birds are present, the relevant works must be delayed until the nesting season is over and the fledglings have left the surrounding area.

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

(At the end of this item, the Chair adjourned the meeting for a short break between 8.00-8.05 pm)

45. Site of former Thames View Clinic, Bastable Avenue, Barking-18/00003/FUL

The Principal Development Management Officer (PDMO) introduced a report concerning the site of the former Thames View Clinic, Bastable Avenue, Barking. This application sought consent to erect a six-storey building to provide 54 new residential units and a ground floor community use (Class D1), and the widening of Samuel Ferguson Place in order to facilitate safe vehicular access to the proposed basement car park. The site is currently vacant and has been cleared of buildings.

The application was initially submitted as a proposed four-storey building comprising commercial uses (retail and office) and community centre at ground floor level plus 33 residential flats (21 x 1-bed and 12 x 2-bed) on the upper floors and a basement level car park. The proposed scheme was then amended in response to officer concerns.

The proposed use of the site for a community centre and residential development was acceptable in principle and the provision of the community use would provide an additional local facility to nearby residents.

In response to officer concerns about the initially submitted poor quality of design and that the initially proposed commercial units may not be viable, the need to optimise the housing potential of the site and the lack of proposed affordable housing, the applicant had made various amendments to the scheme resulting in the current proposal for a 6 storey building providing 21 additional units, that would provide a proportion of affordable housing and was
considered to provide an acceptable design quality.

The proposed affordable housing provision was 11 shared ownership flats (20% of the total by unit number). This relatively low level of affordable housing did not meet the requirements of the London Plan and was therefore contrary to the development plan. However, following testing of the applicant’s submitted development viability report by a viability consultant acting on behalf of Be First it was concluded that this was the maximum viable proportion of affordable housing that can be provided by the development. A Section 106 viability review mechanism was agreed to the effect that, if development values increased during implementation and a further affordable housing contribution would be triggered.

The design, scale and massing of the building was considered acceptable and the Bastable Avenue frontage would be activated by the ground floor community use.

The distance between the proposed building and its nearest residential neighbour, a 3-storey block of flats on the opposite side of Bastable Avenue, was 35 metres. The distance between the residential upper floors of the building and the school site to the rear was 14.7 metres. However, the school play areas lie to the rear of the school site, and the siting of the school buildings would largely prevent any views from the proposed development towards the play space which would be approximately 40 metres away from the site.

The design of the building would provide a good standard of residential amenity to future residents in accordance with London Plan internal and external space standards and would not cause harm to the amenities of existing neighbours. The relationship described above and the set back from neighbouring developments would maintain adequate privacy, and in respect of daylight and sunlight the impact of the development on flats within the adjacent block would remain within the recommended Building Research Establishment (BRE) guidelines.

The scheme has been designed to minimise its environmental impact through measures such as the provision of photovoltaic panels and an agreed Section 106 carbon offset payment.

The PDMO confirmed that he had received a late comment on the proposed development from Dr John, of the King Edwards Medical Group, a GP practice based at the Thames View Health Centre adjacent to the site. Dr John stated that the practice would need to accommodation of the proposed development and there was a possibility that this may impact on service provision.

The PDMO also confirmed that he had received a late comment from the NHS Barking and Dagenham, Havering and Redbridge Clinical Commissioning Groups. This stated that the existing Thames View Medical Centre is not over capacity and would be able to accommodate the additional population arising from the proposed development. The NHS Officer also pointed out that in due course there will be a new health centre within the Barking Riverside development that would be likely to attract some of the patients currently registered at Thames View.
The PDMO advised that if the application were agreed by the Committee, additional matters would need to be addressed through the proposed conditions and a section 106 agreement. A restriction on “buy to let” investors was proposed and it was recommended that the details of this section 106 clause be delegated to officers to negotiate with the applicant. In addition there would be a condition to secure the obscure glazing on the first, second and third floor windows within the east elevation of the building in order to prevent overlooking between the proposed development and the existing medical centre.

The PDMO also highlighted that one of the proposed conditions was a Community Use Strategy, the purpose of which was to secure that the community centre would be available for use by various local community groups.

Councillor Bill Turner, a Member for Thames Ward and an objector to the application, was invited to address the Committee. Councillor Turner considered that the revised application for a six-storey building was unacceptable as it would dwarf other buildings in the locality and be detrimental to the local identity of the area. Furthermore, Be First had not engaged with the headteachers at local schools and only 20% of the proposed development would be affordable. Additionally, he felt that the properties could be used in future on a “buy to let” basis. Finally, he was concerned about the exacerbation of parking problems in the locality, if this application were to be approved.

Allan Thacker, Chair of the Thames View Tenants and Residents Association and an objector to the application, was invited to address the Committee. He considered that the proposed development would overlook other properties in the locality and that it would lead to increased pressure on car parking, which was already an issue in Thames View. The proposed development would, in his view, have a severe impact on local health facilities where approximately 500 new patients would need to be catered for and also, there would be a negative impact on Thames View Primary School.

Mr Jawad Farooq, the applicant, was invited to address the Committee. He stated that the application was sufficiently detailed and had been thoroughly consulted on over an eighteen-month period. Moreover, the design of the proposed development was acceptable, with affordable housing provided and there were various conditions proposed which made the application acceptable. Mr Farooq stated that there had been no objections to the application from any of the statutory consultees. He advised that there had been three extensive consultation meetings held, which had sought to address residents’ concerns on the proposed development. It would offer financial benefits to the area, and include a new Community Centre, widening of Samuel Ferguson Place and a section 106 agreement, providing £247K to the Council and regeneration of the area. Mr Gunne-Jones, representing the applicant added that “buy to let” was not being considered and that there would not be any setting of planning precedent if this application were approved.

Members asked if the application was of benefit to the local community. The Principal Development Management Officer stated that the application would include affordable housing and aid regeneration of the area, with the provision
of a new community centre.

Members were concerned about the high density of the development. They felt it important that ward members concerns were noted. They were also concerned about the impact on the GP surgery which would face a massive increase in the number of patients.

It was noted that there would be a lot of increased noise with the construction of the site if the application were to go ahead. The Principal Development Management Officer advised that this matter was addressed by the proposed Construction Plan and other conditions.

Members were concerned about the lack of play space available in this application. The applicant would, however, provide £30K in S106 monies for off-site provision in Roxwell Road, approximately 7 minutes’ walk away.

The Committee refused planning permission for the following reasons:

1. The density of the proposed development would significantly exceed the relevant London Plan density range, in an area of low public transport accessibility, resulting in a building that would be out of context in design terms with its surroundings contrary to policy 3.4 of the London Plan.

2. The height of the building would be noticeably taller than existing buildings in the vicinity of the site, resulting in a development out of character with its context, thereby detracting from the character and appearance of the area contrary to policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document and policy 7.4 of the London Plan.

3. The proposed affordable housing provision would not include any low cost rent tenure, contrary to policy 3.12 of the London Plan and the Mayor of London Affordable Housing and Viability Supplementary Planning Guidance 2017.

(At the conclusion of this item, the Committee agreed that, in accordance with Part 2, Chapter 3, paragraph 7.1 of the Council Constitution, the meeting be extended for a reasonable period beyond the two-hour threshold to enable matters to be concluded.)

46. King Edwards Medical Centre, 1 King Edwards Road, Barking IG11 7TB-17/02151/FUL

The Principal Development Management Officer introduced a report concerning the existing medical centre, which was situated at the junction of King Edwards Road and St. Margaret’s and is surrounded by Phase 1 of the Gascoigne East redevelopment (Weavers Quarter).

The proposal comprised the demolition of the existing 2 storey medical centre and its replacement with a 7-storey mixed use building comprising ground floor pharmacy, first floor larger replacement medical centre, and 14 two-bedroom flats and 10 one-bedroom flats on the second to sixth floors.
The replacement medical centre would provide up to date facilities and additional space thereby enabling an improvement to this community facility to the benefit of local residents. The Pharmacy would also be a new facility which is not currently provided on the site.

In terms of the principle of the development, the proposed use of the site, housing density, and housing mix was acceptable. However, the development would not provide any on-site affordable (sub-market) housing contrary to policy 3.12 of the London Plan. The applicant had submitted a development viability report that initially claimed that it would not be financially viable for development to incorporate any affordable housing provision. Following a review of the submitted information by a viability consultant appointed by Be First, it was concluded and agreed by the applicant that the maximum viable affordable housing provision was a contribution of £215,000 towards off-site affordable housing. In addition, a viability review mechanism was incorporated within the S.106 that would secure a further contribution, in the event that the development values increased during the implementation of the scheme.

It was recommended that planning permission be granted as an exception to the policy, in order to enable the regeneration of the site, and the wider benefits that would accrue, including the improved medical centre provision, additional housing supply, and improved urban design.

The existing building had an austere appearance and did not provide an active street frontage. The proposed building would provide a high quality of design, of appropriate scale, and would provide an active street frontage.

The proposed development would provide a good and policy-compliant standard of accommodation for future residents and would not cause harm to the amenities of neighbouring residents within the adjacent existing buildings.

The scheme included measures to minimise its environmental impact including a connection to the Gascoigne Heat Network, a Section 106 carbon offset contribution, a surface water attenuation tank, and measures to improve the biodiversity of the site including the provision of a bio-diverse green roof.

The Committee granted planning permission subject to the completion of a legal agreement securing a £215,000 contribution towards offsite affordable housing plus a viability review mechanism to secure a further contribution in the event of an uplift in development value, a carbon offset contribution, a Local Labour and Business Agreement, connection of the development to the Gascoigne Heat Network, two years of free car club membership for new residents, and that future residents (excluding Blue Badge holders) will not be entitled to obtain parking permits for Controlled Parking Zones in the vicinity of the site, and 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: (08)01; (08)02; (08)03; (08)04; (08)05; (08)06; (08)07; (08)10; (08)11; and (08)12.

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

3. Details 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. Accessible housing

Two of the residential units hereby permitted shall be constructed to achieve Building Regulation M4 (3) 'Wheelchair user dwellings’ standards and the remaining 22 residential units shall be constructed to achieve Building Regulation M4 (2) ‘Accessible and adaptable dwellings’ standards.

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

5. Details hard and soft landscaping

No above ground development shall take place until a scheme of hard and soft landscaping for the site including the roof garden and roof terraces, that shall include details of materials, species and a planting schedule have 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.
6. Details 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 including access to the undercroft car park, 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.

7. Refuse and cycle storage implementation

The refuse and cycle storage enclosures indicated on drawings (08)01; 08(03); 08(04); 08(05) and 08(06) shall be constructed in accordance with the approved plans prior to the occupation of the development hereby approved and thereafter permanently retained for the use of the occupiers of the premises.

Reason: To provide satisfactory refuse and cycle storage provision in the interests of the appearance of the site and locality and in the interests of promoting cycling as a sustainable and non-polluting mode of transport in accordance with policies BP8, BP11 and BR11 of the Borough Wide Development Policies Development Plan Document.

8. Car parking implementation

Unless otherwise agreed in writing with the Local Planning Authority the car parking spaces indicated on Drawing No. (08) 01 shall be constructed and marked out prior to the occupation of the development, including the accessible parking bays (to be clearly marked with a British Standard disabled symbol), and a minimum of 2 active and 2 passive Electric Vehicle Charging Point bays shall be installed and the parking spaces and charging points shall thereafter be retained permanently for the use of visitors to the premises and not used for any other purposes and the accessible parking bays shall be 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 ensure sufficient off-street parking, and to encourage the use of electric cars in order to reduce carbon emissions, and 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.

9. BREEAM ‘Very Good’

The medical centre and pharmacy shall be implemented in accordance with the submitted BREEAM pre-assessment Revision 1 and shall achieve a minimum
‘Very Good’ BREEAM rating.

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 Development Plan Document and policy 5.3 of the London Plan.

10. Energy Strategy

The development shall be carried out in accordance with the submitted ‘Sustainability Statement and Energy Strategy’ which shall achieve as a minimum a 42% reduction in carbon dioxide emissions over Part L of the Building Regulations (2013), unless otherwise agreed in writing by the Local Planning Authority, and the renewable energy generating equipment shall thereafter be maintained.

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.

11. Bird/bat boxes

The development shall not be occupied until bird nesting and bat roosting boxes have been installed on the building 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.

Reason: In order to preserve and enhance the Borough’s natural environment and to comply 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.

12. Living roof details

Details of the proposed living roof including its type and specific purpose together with a maintenance schedule shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development above first floor level. The living roof shall be constructed in accordance with the approved details and thereafter maintained in accordance with the approved maintenance schedule.

Reason: In the interests of reducing the impact of the development on the mains drainage system, enhancing the insulation of the building and contributing to biodiversity and in accordance with policy CR1 of the Core Strategy and policies BR3, BR4 and BP11 of the Borough Wide Development Policies Development Plan Document.

13 – 17. Land contamination and remediation

13. 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 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).

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

14. 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.

15. 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.

16. 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.

17. 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 13, and where remediation is necessary a remediation scheme must
be prepared in accordance with the requirements of condition 14, which is
subject to the approval in writing of the Local Planning Authority.

Reason for conditions 13 to 17: 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.

18. External lighting standards

The external 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.

19. Construction hours

No deliveries, external running of plant and equipment or demolition works or construction work, 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. Any works which are associated with the generation of ground borne vibration are only to be carried out between the hours of 08:00 and 18:00 Monday to Friday.

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. 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: In order to protect the amenities of neighbouring residents and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

21. Dust control
Measures to control the emission of dust, dirt and emissions to air during construction which are 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 limited to non-road mobile machinery requirements (NRMM), are to be implemented throughout the works to which this permission relates.

Reason: In order to protect the amenities of neighbouring residents and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

22. Piling

There is to be no use of driven piling in the construction of the development hereby permitted, and any use of non-driven piling shall not 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 and such piling or any ground improvement works undertaken shall be carried out such that the 5% level of vibration attributable 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 protect the amenities of neighbouring residents and because the proposed works will be in close proximity to underground sewerage utility infrastructure and in accordance with policies BC11 and BP8 of the Borough Wide Development Policies Development Plan Document.

23. Archaeological investigation

No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

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 by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. 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.

B. The programme for post-investigation assessment and subsequent analysis, publication & 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.

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.

24. 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.

25. Drainage Strategy

The development shall be carried out in accordance with the submitted ‘Sustainable Drainage Strategy’ including the installation of the surface water attenuation tank indicated at Figure 4.1 which shall be installed prior to the occupation of the development and thereafter be permanently maintained.

Reason: 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.

26. Satellite dish restriction

With the exception of any roof mounted antennae or satellite dish designed for communal use by the occupiers of each development block, no antennae or satellite dishes shall be placed on any elevation of the buildings hereby approved unless previously approved in writing by the Local Planning Authority.

Reason: To safeguard the external appearance of the buildings in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.

27. Nesting bird protection
There shall be no vegetation clearance or tree works during the bird breeding season (February to September) except where a nesting bird survey is carried out by a qualified ecologist no more than 2 days prior to the works. If nesting birds are found:

i. works to that part of the site shall be delayed until the nesting season is over and the fledglings have left the area and a qualified ecologist’s report has been submitted to the Local Planning Authority to confirm this;

ii. a strategy shall be submitted to and approved in writing by the Local Planning Authority to ensure the nesting birds are not disturbed by any other works taking place on the site.

Reason: In order to prevent harm to wildlife habitats and in accordance with Policy BR3 of the Borough Wide Development Policies Development Plan Document.

28. 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. wheel washing facilities;
vi. measures to control the emission of noise, dust and dirt during construction;
vii. a scheme for recycling/reuse of materials and disposing of waste resulting from demolition and construction works; and
viii. 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;
ix. details of measures to safeguard the safety and health of children, parents and staff that attend nearby schools.

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.

29. Obscure glazing

The first-floor windows in the south-east elevation of the medical centre shall
be obscurely glazed to a minimum privacy level 3 and should not be capable of opening to an angle of more than 20 degrees. These qualities should thereafter be permanently maintained.

Reason: To avoid overlooking of the adjoining block of flats, and to protect the privacy of users of the medical centre, and in accordance with policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document and the Residential Extensions and Alterations Supplementary Planning Document.

47. Planning Committee Performance Review Sub-Committee

The Planning Committee Performance Review Sub-Committee met on 21 February 2019 and:

- Selected six delegated decisions, made since 1 January 2018, to evaluate. Appendix 1 shows the results of the evaluation. The Sub-Committee was satisfied with the results of the review and will convene in six months to repeat the exercise.
- Reviewed the 35 appeal decisions (listed in Appendix 2) which have been issued since 1 January 2018 and noted that that 80% of appeals have been won which maintains an exceptionally good appeal performance.
- The Sub-Committee reviewed the overturned decisions in the last 12 months. These comprised one refusal and one deferral and are included in Appendix 3 to the report.

The Committee noted the report.

48. Town Planning Appeals

The Committee noted details of the following appeals:

Appeals Lodged

The following appeals have been lodged:

a) Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 2.84 metres and maximum height: 3.0 metres) – 21 Western Avenue, Dagenham (Ref: 18/01398/PRIOR6 – Village Ward)

Application refused under delegated powers 19 September 2018

b) Change of use from single family dwellinghouse to house in multiple occupation (HMO) – 162 Eastbrook Drive, Rush Green (Ref: 18/00427/FUL – Eastbrook Ward)

Application refused under delegated powers 4 May 2018

c) 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 and change of use of the
annex building to residential accommodation for staff of The City Pavilion - 4 Marks Gate Cottages, Whalebone Lane North, Romford (Ref: 18/00595/FUL – Chadwell Heath Ward)

Application refused under delegated powers 1 August 2018

d) Installation of two 96 sheet digital advertisement signs mounted on a single pole, facing east and west adjacent to Thames Gateway (A13) - South Eastern Tanker Services Site, Breach Lane, Dagenham (Ref: 18/00708/ADV – River Ward)

Application refused under delegated powers 12 July 2018

e) Conversion of dwelling house to 1 one bedroom and 1 three bedroom flat with associated loft conversion involving construction of rear dormer window and installation of front rooflights – 59 Morley Road, Chadwell Heath (Ref: 18/01827/FUL – Whalebone Ward)

Appeal against failure to determine application within 8 weeks

f) Application for prior approval of proposed single storey rear extension (depth: 5 metres in total comprising 2.5 metres existing and 2.5 metres proposed; height to eaves: 2.7 metres and maximum height: 3.0 metres) – 29 Faircross Avenue, Barking (Ref: 18/01422/PRIOR6 – Abbey Ward)

Application refused under delegated powers 24 September 2018

Appeals Determined

The following appeals have been determined by the Planning Inspectorate:

a) 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 (Reference: 18/00584/FUL – Abbey Ward)

Application refused under delegated powers 14 June 2018 for the following reason:

1. The proposed extension of opening hours would result in increased noise and disturbance at unsocial hours, detrimental to the amenity of surrounding neighbouring properties and contrary to Policies BP8 and BR13 of the Borough Wide Development Policies DPD (March 2011).

Planning Inspectorate’s Decision: Appeal dismissed 11 February 2019

b) Application for prior approval: Notification of a proposed change of use from premises in light industrial use (Class B1(c)) and any land
within its curtilage to two dwellinghouses (Class C3) – 58 Winding Way, Dagenham (Ref: 18/00104/PRIIND – Becontree Ward)

Application refused under delegated powers 8 March 2019 for the following reason:

1. The application fails to meet the requirements of Schedule 2, Part 3, Class PA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the transport and highways impact of the development would be detrimental to the amenity of the neighbouring residential properties by reason of:

This site having pedestrian access only.
The site being restricted by its geometry to provide any vehicular access and parking.
There already is a high on-street parking demand in Winding Way and the proposed development will exacerbate the existing parking pressure at high demand times of morning, evening and night time which would be different in character to a day-time, employment, use and as such would result in an increase in existing parking pressures in Winding Way and access for emergency vehicles would be restricted by the increase in additional on-street parking and as such the proposal would be harmful and hazardous to pedestrian and highway safety and contrary to Policies BR9 and BR10 of the Borough Wide Development Policies Development Plan Document and Policy 6.13 of the London Plan 2016.

Planning Inspectorate’s Decision: Appeal allowed 15 February 2019

c) 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 (Ref: 17/01864/CLU_P – Longbridge Ward)

Application refused under delegated powers 13 March 2019 for the following reason:

1. The proposed rear outbuilding, due to its scale and siting close to the main dwellinghouse and lack of justification for its proposed usage is not considered to be incidental to the enjoyment of the dwellinghouse as such and fails to comply with Class E.4, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Planning Inspectorate’s Decision: Appeal allowed 14 February 2019

d) Costs application by appellant in respect of above appeal regarding 45 Melford Avenue

Planning Inspectorate’s Decision: costs refused 14 February 2019 (see attached)

e) Enforcement appeal - “The unauthorised material change of use of
a single-family dwelling house to a House of Multiple Occupation”
– 5 Sheringham Drive, Barking (Longbridge Ward)

Planning Inspectorate’s Decision: Appeal allowed 19 February 2019

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) – 57 River Road, Barking
(Ref: 17/01959/PRIOFF – Thames Ward)

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

1. The application fails to meet the requirements of Schedule 2, Part 3,
Class O of The Town and Country Planning (General Permitted
Development) (England) Order 2015 (as amended) as the impact of
noise from commercial premises on the intended occupiers of the
development would be detrimental to their amenity.

Planning Inspectorate’s Decision: Appeal dismissed 22 February
2019

g) Demolition of existing outbuildings and erection of 4 two-storey
plus basement 2-bedroom mews style semi-detached houses – 20-
30 Church Street, Dagenham (Ref: 18/01215/FUL – Village Ward)

Application refused under delegated powers 9 October 2018 for the
following reasons:

1. The level of privacy within the ground floor rooms of the dwellings and
associated garden spaces would be poor. Outlook within the ground
floor rooms will be significantly restricted. The width of the bedrooms in
all four dwellings at 2.5 metres would result in cramped living conditions.
The refuse arrangements for unit 4 would involve an unacceptably long
‘carry’ to the collection point. Overall, the proposed development would
result in substandard units 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) and Policies BP8
and BP11 of the Borough Wide Development Policies DPD.

2. The external amenity area for the proposed flats would not be sufficient
in size and would not be private, useable or functional detrimental to the
living standards and amenities enjoyed by future occupiers of the flats
contrary to Policy BP5 of the Borough Wide Development Policies
Development Plan Document (March 2011).

3. The proposed dwellings, due to their scale and siting, would significantly
reduce outlook from the rear facing windows of the first floor flats located
at Nos. 20-30 Church Street, detrimental to the residential amenity of the
existing occupants, and contrary to policies BP8 and BP11 of the
Borough Wide Development Policies Development Plan Document
(March 2011).
Planning Inspectorate’s Decision: Appeal dismissed 1 March 2019

Appeals Withdrawn

a) Conversion of dwelling house to 1 one bedroom and 1 three bedroom flat with associated loft conversion involving construction of rear dormer window and installation of front rooflights – 59 Morley Road, Chadwell Heath (Ref: 18/01827/FUL – Whalebone Ward)

49. Delegated Decisions

The Committee noted details of delegated decisions for the period 10 December 2018- 1 March 2019.

50. Vote of Thanks- Dave Mansfield

The Committee noted that this was the last meeting being attended by the Chief Planner (Dave Mansfield), who was retiring at the end of March 2019.

Dave had been an employee of the Council since 1983 and the Committee accorded their sincere thanks and appreciation to him for his hard work, support and advice over the years.