

**MINUTES OF
PLANNING COMMITTEE**

Monday, 25 April 2022
(7:00 - 8:09 pm)

Present: Cllr Muhammad Saleem (Chair), Cllr John Dulwich (Deputy Chair) and Cllr Cameron Geddes

Apologies: Cllr Kashif Haroon and Cllr Dominic Twomey

37. Declaration of Members' Interests

There were no declarations of interest.

38. Minutes (14 March 2022)

The minutes of the meeting held on 14 March 2022 were confirmed as correct.

39. Unit 0 Lyon Business Park, River Road, Barking - 22/00160/FULL

The application was withdrawn at the request of the applicant.

40. Energy Centre, Land off the A124, Barking IG11 8JH- 21/02125/FULL

The Deputy Chief Planning Officer, Be First Development Management Team, introduced a report on an application from B&D Energy seeking a planning permission on a site on land off the A124 in Barking. The application sought the construction of a new above ground decentralised Energy Centre and Visitor Centre and associated buried heat network piping within the site, landscaping, parking, new site access, boundary treatments and illuminated external display. The Energy Centre building and site compound would house mechanical and electrical services equipment to produce heat and power.

In addition to internal and external consultations, a total of 560 notification letters were sent to neighbouring properties together with the requisite statutory press notice. Eight responses of objection were received, the full material planning considerations of which were addressed within the planning assessment set out in the report.

A representation was made at the meeting by a local resident who objected to the application for the following reasons:

Parking – Whilst recognising that the application had made provision for staff and operational parking at the Energy Centre, it was evident from the number of PCN's issued in the area that there would be insufficient parking for the Visitors Centre.

Noise – Although a noise condition has been added, given the Energy Centre will be operational 24 hours a day, it was questioned whether this would be adequate.

Air Quality – Concerns that the development would impact negatively on current air quality.

De-carbonisation – Whilst the plan was to create a new low carbon energy network in Barking, it was disappointing that the overall aim of achieving a carbon neutral Council was not envisaged until 2030. Also given that the Energy Centre was estimated to supply low-cost carbon energy to over 10,000 new homes across Barking Town Centre, it was also disappointing that existing residents in the vicinity of the Energy Centre would not benefit from the development.

Responding to the objector's comments Andy Pepler, planning consultant on behalf of the applicant (B&D Energy) made the following comments:

Parking – The over provision of parking was mainly to accommodate staff working at the Energy Centre on the assumption that most attending the Visitor Centre would come via public transport

Noise – Although the Energy Centre would be operational 24 7 it was anticipated that noise levels generated at night would be significantly lower as less energy is used. In addition, sound proofing measures would be incorporated in the construction of the building.

De-carbonisation - Acknowledging the points raised by the objector there was a wider commitment from the Council and B&D Energy to reach a zero-carbon goal. Additionally, it was important to note that the construction of the Centre would incorporate modern technics to support that aim.

As for the point about current residents not realising the benefits, Paul Newton, B&D Energy stated there the company had plans in the longer term to extend the heating networks, but he recognised this would be some years away, in part to enable economies of scale to be achieved, so as to reduce implementation costs for residents.

The DCPO concluded his report that the proposed application sought planning permission for a decentralised low carbon Energy Centre and associated Visitor Centre, to deliver low carbon and affordable energy to approximately 10,000 new homes in Barking Town Centre, a number of which had already been identified for a secure connection to a District Heat Network through a Section 106 Agreement.

There was clearly an evident need for alternative/local energy in the Borough and within Barking Town Centre in particular, that was not currently being met, and consequently the principle of development was considered acceptable, in line with the presumption in favour of sustainable development, and local and regional policies.

It was recognised that the low carbon energy produced would contribute towards helping the Council meet its carbon neutral goals, albeit not as effectively as a renewable energy source. To assist the Council in meeting this goal, planning obligations had been secured through the application for studies to be undertaken for the future partial or complete decarbonisation of the site/ energy network.

Officers had noted the concerns regarding the addition of the Visitor Centre as part of the application, however the overriding need of the Centre and its public benefits were considered to outweigh these concerns, and as such the development of a Visitor Centre at this location would not result in officers recommending refusal of the application, subject to its exact siting being determined by way of condition at a later date.

Officers had however raised concerns in relation to harm to the local character of the area resulting from the loss of the greenspace which provided visual relief to the A124 and surrounding built up areas, to be replaced with an industrial style development of a substantial height, size and massing. However, it was recognised that whilst industrial in form/use, the proposed development by its nature was required to be accessible to the residential development it would serve, which in this case required it to be located in reach of Barking Town Centre's new residential developments.

The site selection process undertaken by the applicant had shown that there were no suitable and available sites to accommodate the needs of the development. On balance, the public benefits and need for a local energy centre to connect a heat network to 10,000 homes in Barking outweighed the harm identified in terms of the appearance of the development and impact on local character. Securing the high-quality architecture and materiality of the scheme was considered critical in ensuring acceptability of the scheme, alongside the importance of a robust soft and replacement landscaping.

Consideration had also been given throughout the report to the objections received from a number of neighbouring properties, and those raised at the meeting. Officers acknowledged that the proposed site was constrained and in close proximity to residential properties which would not benefit from the energy output. However, in terms of impact on the amenity of neighbouring residents, this was considered acceptable, particularly given the overriding need to meet climate change commitments.

Overall considering the wide-reaching public benefits of the development, officers had found on balance that subject to the planning obligations and conditions set out in the report the application accorded with the NPPF, London Plan and draft and adopted local policies, and was supported.

Therefore, the Committee **RESOLVED:**

1. To agree the reasons for approval as set out in the report,

2. To delegate authority to the Head of Planning and Assurance in consultation with the Head of Legal Services to grant planning permission subject to the completion of a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended) based on the Heads of Terms identified at Appendix 6 and the conditions listed in Appendix 5 of the report; and
3. That, if by 23 October 2022 the legal agreement has not been completed, the Head of Planning and Assurance was delegated authority to refuse planning permission or extend this timeframe to grant approval.

41. Abbey Retail Park North, Abbey Road, Barking - 21/02087/VAR

The Principal Development Management Officer (PDMO), Be First Development Management Team, introduced a report on an application from Weston Homes at the former Abbey Retail Park, Abbey Road, Barking to vary approved drawings listed under Condition 2 and amends the wording of Conditions 22 (Air Quality), 24 (Car Parking), 25 (Cycle Parking), 26 (Energy & Sustainability) and 39 as attached to a planning consent 18/02013/FUL granted on 7 January 2020.

The amendments to the proposed ground floor arrangement of all blocks and the change of use to a number of non-residential units (currently approved as Use Classes A1/ A2/ A3/A4/ D1) to residential units (Use Class C3), similarly relate to the planning permission 18/02013/FUL for the phased comprehensive redevelopment of the site via clearance of the remaining structures and the erection of new buildings ranging from 2 to 29-storeys in height to provide 1,089 residential dwellings comprising a mix of 1, 2 and 3 bedroom flats and associated private amenity space, 2,070 sqm flexible commercial floorspace (Use Classes A1/A2/A3/A4/D1), 1,071 sqm employment floorspace (Use Class B1(a), (c)), 637 sqm gymnasium (Use Class D2) and 470 sqm community facility (Use Class D1); together with ancillary management and residents facilities, plant rooms and refuse storage areas. Provision of new vehicular access points, car and cycle parking, a public realm with hard and soft landscaping including riverside walk, and other associated works.

The PDMO also outlined the various non-material planning applications which had been approved since the planning permission was granted as set out in Appendix 2 to the report.

In addition to internal and external consultations, a total of 835 notification letters were sent to neighbouring properties together with the requisite statutory press notice. No responses had been received.

There being no issues or questions raised by Members, the PDMO concluded that the proposed development would result in changes to the original consent to the extent of a reduction in the non-residential floorspace, and an increase of 29 residential units. The percentage of 3 bed units would

continue to be over 10%, in accordance with the original consent, and as a consequence the proposed development would continue to contribute towards local housing need, delivering a sustainable development, including the provision of 35% affordable housing on a habitable room basis with a tenure mix split in accordance with London Plan fast track route.

The proposed amendments had been assessed thoroughly by officers and were considered to be within the scope of the proposed Section 73 application, and would comply with the NPPF, London Plan, adopted development plan documents and Draft Local Plan (Regulation 19 submission version 2021).

All conditions and obligations imposed on the original planning permission (18/02013/FUL) would be brought forwards, with amendments as necessary.

The scope of the current application was not considered to generate a requirement for any new obligations or conditions, and therefore,

The Committee **RESOLVED:**

1. To agree the reasons for approval as set out in this report,
2. To delegate authority to the Head of Planning and Assurance in consultation with the Head of Legal Services to grant planning permission subject to the completion of a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended) for the Deed of Variation based on the Heads of Terms identified at Appendix 7 and the Conditions listed in Appendix 6 of the report; and
3. That, if by 25 October 2022 the legal agreement has not been completed, the Head of Planning and Assurance be delegated authority to refuse planning permission or extend this timeframe to grant approval.

42. Gascoigne Estate East - Phase 3B, King Edwards Road, Barking - 21/01076/FULL

The Development Management Officer (DMO), Be First Development Management Team, introduced a report on an application from LBBB seeking a planning permission for the demolition of existing buildings and the construction of 334 homes, cycle parking, new public streets, amenity space and ancillary works (in relation to Phase 3B – development parcels L and M) at Gascoigne Estate East, King Edwards Road, Barking.

In addition to internal and external consultations, a total of 976 notification letters were sent to neighbouring properties together with the requisite statutory press notice. No responses were received. The Health & Safety Executive (HSE) being a statutory consultee were unable to provide a formal response due to a backlog in determination time. Consequently, following discussions with the HSE it was proposed that should Members be mindful to

approve the application, it be subject to any subsequent representations from the HSE relating to the gateway ONE fire statement.

The DMO explained that the proposal included the construction of residential units of varying size, scale and tenure with 53% of all units being affordable. The development would result in a net increase in affordable floor spaces including ample provision of 3- and 4-bedroom units meeting the needs of local residents on the Council's housing waiting list.

All dwellings would have high quality internal spaces standards and private external amenity in the form of rear gardens and private balconies. All units would be accessible and adaptable with a minimum of 10% being wheelchair accessible. The majority of units would be dual aspect providing high quality living accommodation. Additionally, shared private amenity was proposed within each perimeter block along with two new public spaces, a Garden Square and Linear Park. These spaces would provide play space for children aged 5-11 with a financial contribution sought to improve play space provision off-site.

The development had been designed to knit in with the emerging townscape that would come forward in the Gascoigne Estate whilst maintaining an acceptable impact on neighbouring amenity. Similarly, the development would encourage the use of more sustainable modes of transport through being car free in nature, hosting ample provision of cycle storage and improving public transport connectivity linked to the re-routing of the no.62 London bus route. The development would provide sustainable development, sustainable drainage and contribute to protecting and enhancing biodiversity on-site.

Given therefore the above and subject to the imposition of conditions and obligations, officers were of the opinion that the benefits arising from the scheme would outweigh any significant harm significantly and demonstrably, and to this end the proposal was considered acceptable and in keeping with development policies.

There being no issues or questions raised by Members,

The Committee **RESOLVED:**

1. To agree the reasons for approval as set out in this report,
2. To delegate authority to the Director of Inclusive Growth in consultation with the Head of Legal Services to consider any representations from the HSE relating to (gateway ONE fire statement review) and subject to there being no substantive objections, to grant planning permission subject to any direction from the Mayor of London, and the completion of a S106 of the Town and Country Planning Act 1990 (as amended) based on the Heads of Terms identified at Appendix 7 and the Conditions listed in Appendix 6 of the report; and

3. That, if by 25 October 2022 the legal agreement has not been completed, the Director of Inclusive Growth was delegated authority to refuse planning permission or extend this timeframe to grant approval.

43. Roycraft House, 15 Linton Road, Barking - 22/00249/FULL

The Principle Development Management Officer (PDMO), Be First Development Management Team, introduced a report on an application from Make It, London for a change of use of existing car park to Class E, erection of 'Makers Yard' comprising 16 container units (Use Class E), single storey walkway, outdoor seating, landscaping, cycle storage, external lighting and boundary treatment; change of use of rooftop to Sui Generis to create outdoor bar, comprising single storey roof extensions, single storey canopy and perimeter railings; and erection of entrance door to south-eastern elevation; and ancillary works at Roycraft House, 15 Linton Road, Barking.

In addition to internal and external consultations, a total of 164 notification letters were sent to neighbouring properties together with the requisite statutory site & press notices. No responses were received.

In respect to neighbouring occupiers the Chair hoped the planned development would not be to the detriment of the adjoining Church activities. The PDMO confirmed that the applicant had commissioned a Noise Impact Assessment, the result of which had concluded that the cumulative noise impact of the proposed development including amplified music was not considered to have any adverse impact on neighbouring occupiers including the nearby Church. Added to this a condition on any approval had been recommended limiting the operation of all functions on site between the hours of 7am and 11pm seven days a week. Furthermore, the use of the roof bar would be subject to licensing which would impose operating hours.

There being no other comments or questions from Members, the PDMO concluded that the proposals were considered acceptable and would result in the utilisation of a vacant site, offering visual improvements and economic benefits. It had been successfully demonstrated that the development would have no adverse impacts on the amenity of nearby users and residents. Transport, access, and servicing arrangements would be satisfactory.

Subject to the imposition of a number of conditions the application as presented would accord with the Development Plan, and therefore,

The Committee **RESOLVED** to:

1. Agree the reasons for approval as set out in the report, and
2. Delegate authority to the Head of Planning & Assurance to grant planning permission based on the Conditions & Informatives listed in Appendix 5 to the report.

44. Planning Performance Review Sub-Committee Report

The Committee noted a report from the Deputy Chief Planning Officer, Be First detailing the findings from the evaluation of a random sample of delegated planning decisions as discussed at the Planning Performance and Review Sub-Committee on 20 April 2022, the minutes of which were presented for information.

The Committee placed on record its thanks to the Planning Officers from Be First and the Council for the overall performance in relation to the timely determination of planning applications in the context of the Key National Performance Indicators published by the Department for Levelling Up, Housing & Communities, which indicated that when the performance data for Q4 is included to March 2022, LBBD will by comparison be placed 1st both nationally and in London for both 'major' and 'non-major' planning applications.