

**Notice of Meeting**

**PLANNING COMMITTEE**

**Monday, 17 July 2023 - 7:00 pm**  
**Council Chamber, Town Hall, Barking**

**Members:** Cllr Muhammad Saleem (Chair), Cllr Jack Shaw (Deputy Chair), Cllr Faruk Choudhury, Cllr Muhib Chowdhury, Cllr Alison Cormack, Cllr Edna Fergus, Cllr Cameron Geddes, Cllr Harriet Spoor, Cllr Dominic Twomey and Cllr Sabbir Zamee

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Fiona Taylor  
Chief Executive

Contact Officer: John Dawe  
Tel. 020 8227 2135  
E-mail: [john.dawe@lbbd.gov.uk](mailto:john.dawe@lbbd.gov.uk)

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Please note that this meeting will be webcast via the Council's website. Members of the public wishing to attend the meeting in person can sit in the public gallery on the second floor of the Town Hall, which is not covered by the webcast cameras. To view the webcast online, click [here](#) and select the relevant meeting (the weblink will be available at least 24-hours before the meeting).

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

**AGENDA**

- 1. Apologies for Absence**
- 2. Declaration of Members' Interests**

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

- 3. Minutes - To confirm as correct the minutes of the meeting held on 21 June 2023 (Pages 7 - 9)**

**New Planning Applications**

**Ward**

- 4. 13-15A Thames Road, Barking - 22/02211/FULL (Pages 11 - 121)** Thames View

5. Oxlow Bridge SEND School, Wantz Road, Dagenham - Alibon  
23/ 00631/FULL (Pages 123 - 193)
6. Any other public items which the Chair decides are urgent
7. To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.

### **Private Business**

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

8. Any confidential or exempt items which the Chair decides are urgent

Our Vision for Barking and Dagenham

**ONE BOROUGH; ONE COMMUNITY;  
NO-ONE LEFT BEHIND**

Our Priorities

- Residents are supported during the current Cost-of-Living Crisis;
- Residents are safe, protected, and supported at their most vulnerable;
- Residents live healthier, happier, independent lives for longer;
- Residents prosper from good education, skills development, and secure employment;
- Residents benefit from inclusive growth and regeneration;
- Residents live in, and play their part in creating, safer, cleaner, and greener neighbourhoods;
- Residents live in good housing and avoid becoming homeless.

To support the delivery of these priorities, the Council will:

- Work in partnership;
- Engage and facilitate co-production;
- Be evidence-led and data driven;
- Focus on prevention and early intervention;
- Provide value for money;
- Be strengths-based;
- Strengthen risk management and compliance;
- Adopt a “Health in all policies” approach.

The Council has also established the following three objectives that will underpin its approach to equality, diversity, equity and inclusion:

- Addressing structural inequality: activity aimed at addressing inequalities related to the wider determinants of health and wellbeing, including unemployment, debt, and safety;
- Providing leadership in the community: activity related to community leadership, including faith, cohesion and integration; building awareness within the community throughout programme of equalities events;
- Fair and transparent services: activity aimed at addressing workforce issues related to leadership, recruitment, retention, and staff experience; organisational policies and processes including use of Equality Impact Assessments, commissioning practices and approach to social value.



<b>Use Classes Order 1987 (as amended)</b>		
<b>Use Class</b>	<b>Use/Description of Development</b>	<b>Permitted Change</b>
<b>A1 Shops</b>	Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices (but not sorting offices), pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes.	State funded school for single academic year – <a href="#">see footnote 2</a> . Some temporary uses – <a href="#">see footnote 4</a> . A1 plus two flats above C3 residential use - <a href="#">see footnote 5</a> Bank, building society, credit union or friendly society (A2) but not for other purposes falling within A2 – <a href="#">see footnote 6</a> A2 A3 (up to 150 m2) <a href="#">see footnote 9</a> D2 (up to 200 m2) <a href="#">see footnote 10</a>
<b>A2 Financial and professional services</b>	Financial services such as banks and building societies, professional services (other than health and medical services) including estate and employment agencies.	A1 (where this is a ground floor display window) plus two flats above A2 plus two flats above State funded school for single academic year – <a href="#">see footnote 2</a> . Some temporary uses – <a href="#">see footnote 4</a> . C3 residential use - <a href="#">see footnote 5</a> A3 (up to 150 m2) – <a href="#">see footnote 9</a> . D2 (up to 200 m2) <a href="#">see footnote 10</a>
<b>A3 Restaurants and cafés</b>	For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes.	A1 or A2 State funded school for single academic year – <a href="#">see footnote 2</a> . Some temporary uses – <a href="#">see footnote 4</a> .
<b>A4 Drinking establishments</b>	Public houses, wine bars or other drinking establishments (but not night clubs).	A1, A2 or A3 unless listed as an Asset of Community Value State funded school for single academic year – <a href="#">see footnote 2</a> . Some temporary uses – <a href="#">see footnote 4</a> .
<b>A5 Hot food takeaways</b>	For the sale of hot food for consumption off the premises.	A1, A2 or A3 State funded school for single academic year – <a href="#">see footnote 2</a> . Some temporary uses – <a href="#">see footnote 4</a> .
<b>B1 Business</b>	a) Offices, other than a use within Class A2 (Financial Services) b) Research and development of products or processes c) Light industry appropriate in a residential area	B8 (where no more than 500 sqm) B1a - C3 subject to prior approval - <a href="#">see footnote 1</a> . State funded school for single academic year – <a href="#">see footnote 2</a> . State funded school or registered nursery subject to prior approval - <a href="#">see footnote 3</a> Some temporary uses – <a href="#">see footnote 4</a> .
<b>B2 General industrial</b>	General industry: use for the carrying out of an industrial process other than one falling in class B1. (excluding incineration purposes, chemical treatment or landfill or hazardous waste).	B1 or B8 (B8 limited to 500 sqm) State funded school for single academic year – <a href="#">see footnote 2</a> .
<b>B8 Storage and distribution</b>	Storage or distribution centre. This class includes open air storage.	B1 (where no more than 500 sqm) State funded school for single academic year – <a href="#">see footnote 2</a> . C3 (where no more than 500 sqm) <a href="#">see footnote 7</a> .
<b>C1 Hotels</b>	Hotel, boarding house or guesthouse, where no significant element of care is provided. (Excludes hostels).	State funded school for single academic year – <a href="#">see footnote 2</a> . State funded school or registered nursery subject to prior approval - <a href="#">see footnote 3</a>
<b>C2 Residential institutions</b>	Hospital, nursing home or residential school, college or training centre where they provide residential accommodation or care to people in need of care (other than those within C3 dwelling houses).	State funded school for single academic year – <a href="#">see footnote 2</a> . State funded school or registered nursery subject to prior approval - <a href="#">see footnote 3</a>
<b>C2A Secure residential institution</b>	Secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks.	State funded school for single academic year – <a href="#">see footnote 2</a> . State funded school or registered nursery subject to prior approval - <a href="#">see footnote 3</a>
<b>C3 Dwelling houses</b>	Use as a dwelling house by a single person or by people living together as a family or by not more than 6 residents living together as a single household	Article 4 direction removes permitted development right to convert to C4 House in Multiple Occupation. State funded school for single academic year – <a href="#">see footnote 2</a>

<b>C4 Houses in multiple occupation</b>	Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.	C3 (dwelling houses) State funded school for single academic year – <u>see footnote 2</u>
<b>D1 Non-Residential Institutions</b>	Clinics & health centres, crèches, day nurseries & day centres, museums, public libraries, art galleries & exhibition halls, law court, non-residential education & training centres. Places of worship, religious instruction & church halls.	Some temporary uses – <u>see footnote 4</u> . State funded school for single academic year – <u>see footnote 2</u> .
<b>D2 Assembly &amp; Leisure</b>	Cinema, concert hall, bingo hall, dance hall, swimming bath, skating rink, gymnasium, or area for indoor or outdoor sports or recreations, not involving motor vehicles or firearms.	State funded school for single academic year – <u>see footnote 2</u> . State funded school or registered nursery subject to prior approval - <u>see footnote 3</u> Some temporary uses – <u>see footnote 4</u> .
<b>Sui – Generis</b>	A use on its own, for which any change of use will require planning permission. Includes, theatres, nightclubs, retail warehouse clubs, amusement arcades, launderettes, petrol filling stations, casinos, taxi businesses, waste management facilities, motor car showrooms, betting offices and pay day loan.	Casino to Class D2 Amusement arcades/centres and casinos to C3 (up to 150 m2) <u>See footnote 8</u> Betting offices and pay day loan to A1 and A2 plus two flats above Betting offices and pay day loan plus two flats above Betting offices, pay day loan and casinos to A3 (up to 150 m2) <u>See footnote 9</u> . Betting offices and pay day loan to D2 (up to 200m2) – <u>see footnote 10</u> . Betting offices and payday loan to C3 residential use - <u>see footnote 5</u>

<b>Footnotes</b>	
<b>1</b>	B1a (Offices) can change use to C3 (Dwelling houses) provided development commenced before 30/06/16. Need to apply to Council for prior approval to confirm no significant transport and highway impacts, contamination risks and flood risks.
<b>2</b>	State funded schools can open without planning permission for a single academic year without planning permission from any existing use within the Use Classes Order. School must be approved by Secretary of State and school must notify Council before they open. School must revert to its previous use at end of year. Does not apply to listed buildings.
<b>3</b>	B1 (business), C1 (hotel), C2 (residential institution), C2A (secured residential institution) and D2 (assembly and leisure) can convert to a state funded school or registered nursery providing early years childcare without planning permission. Need to apply to Council for prior approval to confirm no significant transport and highways impact, noise impacts and contamination risks. D2 uses that have changed use from A1 or A2 using permitted development right (see footnote 10) cannot then change use to state funded school or registered nursery under this permitted development right
<b>4</b>	A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (pubs), A5 (takeaways), B1a (offices), B1b (light industry), B1c ( R&D), D1 (non-residential institutions) and D2 (assembly and leisure) can change to A1, A2, A3, B1a,b & c without planning permission. Change of use must be less than or equal to 150 square metres. Applies for single continuous period of two years. Can change to other permitted use within two year period. Must revert to original use at end of two year period and notify Council before use begins.
<b>5</b>	A1 (shops) and A2 (financial and professional services) can change to C3 (residential). Building operations and partial demolition works that are “reasonable necessary” are also permitted. Prior approval required for transport and highways impact, contamination, flooding, the design and external appearance of the building and undesirable impacts on shopping facilities. This right only applies to buildings of 150 square metres or less and does not apply in Conservation Area or to listed buildings.
<b>6</b>	Does apply in Conservation Areas but not to listed buildings.
<b>7</b>	B8 (storage of distribution) to C3 (residential). Prior approval required for transport and highways impact, air quality impacts on intended occupiers, noise impacts of the developments, risks of contamination, flooding and the impact the changer of use would have on existing industrial uses and or storage or distribution uses. Right only applies to buildings in B8 use on or before 19 March 2015 and development must be begun before 15 April 2018. Building must have been in B8 use for four years.
<b>8</b>	Prior approval required for transport and highways impact, flooding, contamination and where building works are to be carried out under the permitted development right, design.
<b>9</b>	A1 (shops), A2 (financial and professional services) and betting offices and pay day loans to A3 (restaurants and cafes). Prior approval required for noise, smell/odours, transport and highways, hours of opening as well as siting and design in relation to extraction, ventilation, waste management, storage and undesirable impacts on shopping facilities.
<b>10</b>	A1 (shops) and A2 (financial and professional services) can change to D2. Applies to premises in A1 or A2 use on 5 December 2013. Prior approval required for transport and highways impact, hours of opening, noise impacts of the development and undesirable impacts on shopping facilities. Does not apply to listed buildings.

## **Planning Application Procedure**

1. The Chair introduces the Planning Officer who will present the item.
2. The Planning Officer presents the report to the Committee and advises on any relevant additional information received after the completion of the report. The Planning Officer will also refer to the recommendation (it is assumed that Members will have read the report).
3. Registered objectors may speak for up to three minutes.
4. Councillors who are not members of the Planning Committee may address the Committee with the Chair's permission. They are not permitted to take part in the discussions or question objectors, supporters, applicants or applicants' representatives.
5. Registered supporters, applicants or applicants' representatives for the application may speak for up to three minutes.
6. Committee Members may, through the Chair, seek clarification from Council officers or any other speakers on any relevant planning issue that may have arisen.
7. The Committee shall debate the item. Where the application is considered to be straightforward and there are no speakers present, the Committee may make a decision based on the report and without any debate.
8. The Committee will vote on the matter (including any proposed supplementary conditions or recommendations). In the event that the Committee's decision is to refuse or allow an application contrary to the report's recommendation, Committee Members must give valid reasons for the decision based on relevant planning policies.
9. The Chair shall announce the Committee's final decision.

## Notes

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

**MINUTES OF  
PLANNING COMMITTEE**

Monday, 22 May 2023  
(7:00 - 7:30 pm)

**Present:** Cllr Muhammad Saleem (Chair), Cllr Faruk Choudhury, Cllr Muhib Chowdhury, Cllr Alison Cormack and Cllr Sabbir Zamee

**Apologies:** Cllr Jack Shaw, Cllr Edna Fergus, Cllr Cameron Geddes, Cllr Harriet Spoor and Cllr Dominic Twomey

**1. Declaration of Members' Interests**

There were no declarations of interest.

**2. Minutes (20 March 2023)**

The minutes of the meeting held on 20 March 2023 were confirmed as correct subject to the inclusion of Councillor Zamee in the list of attendees.

**3. Planning Performance Review Sub (28 March 2023)**

The minutes of the meeting of the Planning Performance Review Sub-Committee held on 28 March 2023 were noted.

**4. DHL, Shed A, Barking Logistics Centre, Box Lane - 22/01197/FULL**

The Principal Development Management Officer (PDMO), Be First Development Management Team, introduced a report and presentation on an application from Titan Waste Solutions for a change of use from industrial warehousing to a waste processing facility at DHL, Shed A, Barking Logistics Centre, Box Lane, Barking IG11 0SQ. This was a revised application, the previous one having been refused for the following reasons:

1. Principle of development, and
2. Failure to submit an up-to-date noise assessment, together with separate fire and energy statements.

In addition to internal and external consultations, a total of 376 notification letters were sent to neighbouring properties, in respect of which thirteen representations of objection were made from nine separate individuals, the material planning considerations of which were addressed in the planning assessment set out in the report and summarised by the PDMO.

Following the officer presentation Members asked a number of questions focusing on the environmental impact of the development on neighbouring properties, which the PDMO was satisfied that should the application be approved the proposed conditions set out in the report would mitigate the concerns raised by objectors.

The PDMO summed up that the revised application for the change of use from storage and distribution to a waste management operation had specified the type of waste that would be processed at the site, namely construction, demolition and excavation waste. Taking into account the submitted information, together with consultation responses from Planning Policy, and the proposed Section 106 legal agreement, would in the officer's view overcome the reason for the previous refusal, and that the principle of development could be supported.

The noise assessment and other supporting document demonstrated that the operation at the site would be fully enclosed, and this together with conditions restricting the use would ensure that the proposal would not have an unacceptable impact on the sensitive receptors in the local area and neighbouring properties in terms of noise, dust, and odour.

The fire statement has been prepared in line with Policy D12 of the London Plan and the proposal would be required to be delivered in line with the submitted report. This would be secured by a planning condition. In addition, it was noted that the applicant would have to make the building safe for their employees through other types of legislation.

The development would adopt a sustainable approach to transport whilst ensuring an acceptable impact on local highway and infrastructure. The Energy Strategy submitted as part of the proposed development demonstrated that the proposal would sufficiently reduce carbon dioxide emissions, and that it would be acceptable in terms of sustainability and impact on air quality.

In conclusion the officers found the proposed development to be acceptable following careful consideration of the relevant provisions of the NPPF, the Development Plan and all other relevant material considerations. Furthermore, they were satisfied that any potential material harm in terms of the impact of the proposal on the surrounding area would reasonably be mitigated through compliance with the listed conditions and associated legal agreement.

The Committee **RESOLVED** to:

- (i) Agree the reasons for approval as set out in the report,
- (ii) Delegate authority to the Strategic Director of Inclusive Growth (or authorised Officer) 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 5 and the Conditions listed at Appendix 4 of the report; and
- (iii) That, if by 23 November 2023 the legal agreement was not completed, the Strategic Director of Inclusive Growth (or other authorised officer),

be delegated authority to refuse planning permission, or extend the timeframe to grant approval, or refer the application back to the Planning Committee for determination.

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Working in partnership


**Barking &  
Dagenham**

## LONDON BOROUGH OF BARKING & DAGENHAM PLANNING COMMITTEE

**17<sup>th</sup> July 2023**
**Application for Planning Permission**

<b>Case Officer:</b>	Patricia Ploch	<b>Valid date:</b>	30/12/2022
<b>Applicant:</b>	Kenny Worrall (Zenith Land)	<b>Expiry date:</b>	31/03/2023
<b>Application number:</b>	22/02211/FULL	<b>Ward:</b>	Thames View
<b>Address:</b>	13-15a Thames Road, Barking, IG11 0HG		

The purpose of this report is to set out the Officer recommendations to Planning Committee regarding an application for planning permission relating to the proposal below at 13-15a Thames Road, Barking, IG11 0HG.

### Proposal:

Demolition of existing buildings and redevelopment of the site to provide a mixed-use development comprising industrial floorspace (falling within flexible Use Classes E(g), B2, and/or B8) and residential homes (falling within Use Class C3), together with associated landscaping, play space, access, car and cycle parking and other associated and ancillary works.

### Officer recommendation:

1. Agree the reasons for approval as set out in this report; and
  - ii) delegate authority to the London Borough of Barking & Dagenham's Director of Inclusive Growth (or authorised Officer) 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 5 of this report and the Conditions listed at Appendix 4 of this report; and
  - iii) that, if by 13<sup>th</sup> December 2023 the legal agreement has not been completed, the London Borough of Barking and Dagenham's director of Inclusive Growth (or other authorised Officer), be delegated authority to refuse planning permission, or extend this timeframe to grant approval, or refer the application back to the Planning Committee for determination.

### Summary of conditions and informative:

## **Compliance**

1. Time Limit
2. Approved Plans and Documents
3. Accessible Housing
4. Industrial Use of the Site
5. Hours of Use for Non-Residential Use
6. Vehicle Delivery Activity
7. Vents, Pipes and Extracts
8. Communal Television and Satellite System
9. Digital Connectivity
10. Urban Greening Factor
11. Landscape Implementation
12. Biodiversity
13. Construction Waste Management Plan
14. Residential Waste Management Plan
15. Water Efficiency
16. Fire Strategy
17. Noise Protection Scheme

## **Prior to any works starting on site**

18. Site Contamination
19. Piling Method Statement
20. Archaeology Written Scheme of Investigation
21. Archaeology Foundation design
22. Construction Environmental Management Plan (CEMP) and a Site Waste Management Plan (SWMP)
23. Construction Logistic Plan
24. Air Quality and Dust Management Plan (AQDMP)
25. Non-Road Mobile Machinery
26. Fire Evacuation Lift

## **Prior to any development above ground**

27. London City Airport
28. Materials
29. Details of Boundary Treatment
30. Bird Nesting and Bat Roosting Bricks/Boxes
31. Noise Transmission from Industrial Use to Noise Sensitive Receiver
32. Noise Transmission from Residential Use to Shared Space on the Roof
33. Mechanical & Building Service Noise Assessment
34. Cycle parking
35. Flood Risk Assessment and Flood Warning and Evacuation Plan
36. Sustainable Drainage

## **Prior to first occupation**

37. External lighting
38. Secure by Design
39. Green Roof System
40. Parking Design and Management Plan
41. Commercial Vehicle Transportation Noise Impact Assessment
42. Delivery and Servicing Plan
43. BREEAM
44. Whole life carbon (post-construction assessment in consultation with GLA)

45. Circular economy (post-construction monitoring report in consultation with GLA)

**Other**

46. Non-residential unit with a commercial kitchen

**Informative**

1. Permission subject to Section 106 Legal Agreement
2. Evidence of compliance with Section 106 Legal Agreement Obligations
3. Discharge of Planning Condition
4. Building Control
5. Community Infrastructure Levy
6. Street Naming and Numbering
7. London City Airport - Crane Methodology
8. Design out Crime
9. Contaminated Land
10. Thames Water - Discharging groundwater into a public sewer

**Summary of S106 Heads of Terms:**

**Schedule One – Administrative**

- Payment of the Council's professional and legal costs, whether the Section 106 Agreement completes or not.
- Payment of £17,500 for the Council fees for monitoring and implement the Section 106 Agreement, payable on completion of the deed

**Schedule Two – Affordable Housing**

- Provision of on-site affordable housing consisting of 40 units / 126 habitable rooms of London Affordable Rent consisting of all units in Block D alongside 6x duplex units in Blocks A and B.
- Submission of an Early-Stage Review.
- Submission of the Late-Stage Review.

**Schedule Three – Provision of Industrial Floorspace**

- Prior to First Occupation of any of the Residential Units within the Development:
  - the 2,714 square metres of the Industrial Gross Internal Area as shows on Proposed Ground Floor Plan (drawing number (20)\_100 Rev PL03), Proposed Upper Ground Floor Plan (drawing number (20)\_100 A Rev PL03), and Proposed 1st Floor Plan (drawing number (20)\_101 Rev PL04) shall be delivered to Shell and Core;
  - the 1,572 square metres of External Shared Amenity that is ancillary to the Industrial floorspace provided as shows on Proposed Ground Floor Plan (drawing number (20)\_100 Rev PL03) shall be provided in full; and
  - the provided industrial units shall be marketed at least three months prior to their completion to local businesses.

**Schedule Four – Employment, Skills, and Supplier Plan**

- At least six months Prior to Commencement of Development the owner shall submit an Employment, Skills, and Supplies Plan (ESSP) to Councils job brokerage team for their approval. The approved ESSP shall be cascaded to the owners' contractors and sub-contractors. The ESSP shall include information about:
  - Construction Phase Employment
  - Construction Phase Training
  - Supply Chain during the Construction Phase
  - End-user
- The owner shall appoint and employ a designated coordinator responsible for managing recruitment and training during construction.
- Before the Council approves owner's application for discharge of the employment and skills obligations relating to ESSP. The owner shall submit confirmation that all obligations have been met.
- If it is found that the obligations have not been met a contribution will be sought against failure to comply with targets.
- Information what is considered best endeavours when it comes to discharging Employment, Skills, and Supplies Plan obligation.

#### **Schedule Five – Right of Way**

- Following the receipt of a written request from the freehold owner of Number 11 and/or 17 Thames Road together with the grant and implementation of the Number 11 and/or 17 Development, the Owner agrees on Practical Completion of the Owner's Development at 7 Thames Road to provide a right of way in the following terms:
  - for the owners of the Number 11 and 17 Development, future residents of the Number 9 Development, and tenants of the Number 9 Development over the area shaded yellow on the Right of Way Plan, twenty-four hours a day and seven days a week throughout the calendar year in perpetuity for the lifetime of the Number 9 Development;
  - on foot and with or without private motor vehicles and for refuse collection and emergency vehicles but not (for the avoidance of doubt) any construction vehicles);
  - on terms that the cost of the maintenance and repair of the Right of Way would be shared equally between the Owners and the owner/occupiers of Number 9, provided that Number 9 shall be responsible for the reasonable legal costs of the Owner and on other terms which are reasonable and agreed between the Owner and Number 9.

#### **Schedule Six – Vehicle Parking Controls**

- Provision that the Development will be car free (except for blue badge holders) and that residents are not permitted to apply for a car parking permit in existing and any future Controlled Parking Zone or any car park owned by the Council in the local area.
- Securing the blue badge car parking spaces are lot leased or sold independently to those who do not live in the Development.

#### **Schedule Seven – Car Club Membership**

The Developer shall ensure that each household Occupying any Dwelling will be offered the opportunity of membership to a car club on the Development and that should that household take up such an offer the Developer will pay the full costs of

membership to the car club for a period of two years from the date of first membership of the car club.

#### **Schedule Eight – Travel plan**

- Prior to First Occupation of the Development, the Owner shall submit a Residential and Industrial Uses Travel Plan.
- The owner shall appoint and employ a Travel Plan Coordinator responsible for monitoring the approved Residential and Industrial Uses Travel Plan.
- The approved Travel Plan(s) will need to be monitored on the 1st, 3rd and 5th anniversary.
- Prior to First Occupation of the Development, the owner shall provide Residential and Industrial Travel Plan Welcome Packs to each new tenant and occupiers and display relevant information in the communal area(s).

#### **Schedule Nine – Highway**

- Prior to first Occupation of the Development the Owner shall submit to the Council a detailed highway design and enter into the Highway Agreement to undertake the Traffic Management and Highways Works which will include new Traffic Management Orders.
- On Practical Completion of the Development the Owner shall repair any damage to the public highways which the Council can reasonably demonstrate arose because of the construction of the Development at their own cost and at nil cost to the Council to the reasonable written satisfaction of the Council.

#### **Schedule Ten – Carbon Offset**

- Best Endeavours shall be used to ensure that the Development is constructed and delivered in accordance with the Energy & Sustainability Statement (prepared by The PES, dated 14/12/2022, version V2) and that the Development achieves a minimum of 76.87% reduction in carbon emissions over Part L of the Building Regulations 2021 (as at the date of this agreement) (when applying SAP 10 emission factors) through On-Site provisions. The remaining carbon emissions to achieve zero carbon of 23.13% shall be calculated at practical completion using Carbon Offset Contribution and they shall be paid to the Council upon Implementation of the Development.
- Prior to the Occupation of the Development, the Owners shall upload to the GLA Energy Monitoring Portal updated accurate and verified 'as-built' design estimates of the 'Be seen' energy performance.
- On the first anniversary of the Occupation Date the Owners shall upload to the Energy Monitoring Portal accurate and verified annual in-use energy performance data for all relevant indicators under each Reportable Unit(s) and Industrial Unit(s) of the Development.
- If the in-use energy performance information submitted under paragraph 37 and 38 demonstrate that the as-built energy performance estimates submitted under paragraph 36 have not been or are not being met, the Owner shall investigate and identify the causes of underperformance and the potential mitigation measures.
- If it is not possible to agree on the proposal set out Action Plan, the Council may require the Owners to pay a further Carbon Offset Contribution which shall be paid by the Owner to the Council in full within 28 days of written request for payment to be made.

#### **Schedule Eleven– District CHP**

- The Development shall be designed and built so that it will be capable of connection from the Site boundary to the District CHP.

#### **Schedule Twelve – Air Quality**

- Prior to Practical Completion of the Development the Owner shall submit the Revised Air Quality Report to the Council for approval in writing. In the event that the Revised Approved Air Quality Report concludes that the Development is not Air Quality Neutral as per the Approved Air Quality Report (prepared by Air Quality Assessment Ltd, dated 15/12/2022, number J0630/1/F2) to pay the Council the Air Quality Neutral Contribution within 30 working days.

#### **Schedule Thirteen – Education and Open Space**

- Prior to first Occupation of any part of the Development the Owner covenant to pay to the Council a financial contribution of £748,092.80 Index Linked towards the land need for the provision of: a secondary school, and two new primary schools; and open space improvements.

#### **Schedule Fourteen – Ripple Greenway Improvements**

- Prior to first Occupation of any part of the Development the Owner covenant to pay to the Council a financial contribution of £104,370.00 Index Linked towards improvements to the Ripple Greenway.

#### **Schedule Fifteen – Play Space**

- Prior to first Occupation of any part of the Development the Owner covenant to pay to the Council a financial contribution of £125,400.00 Index Linked towards the upgrading of the existing facilities and/or the provision of new play facilities within public parks located within a 2-mile proximity to the Site.

#### **Schedule Sixteen – NHS**

- Prior to first Occupation of any part of the Development the Owner covenant to pay to the Council a financial contribution of £61,250 (Index Linked) towards improvements to health care provision relating to existing and/or new General Practitioner and Primary Care Services located within a two 2 miles radius of the Site.

#### **Schedule Seventeen –Thames Road Improvements**

- Prior to first Occupation of any part of the Development the Owner covenant to pay to the Council a financial contribution of £61,250.00 Index Linked towards improvement and provision of public realm along Thames Road.

#### **Schedule Eighteen – Transport for London**

- Prior to first occupation of the development the owner shall pay a contribution of £112,210.00 to the Council that will be transferred to the Transport for London towards improvement and provision of public transport along Thames Road.

## Site, Situation, and relevant background information:

### The site and its use

The application site, which extends to 0.61 hectares, is located on the north side of Thames Road within the Thames View ward, and it is approximately 2.6km to the south of Barking town centre.

The application site contains both number 13 and number 15a Thames Road and as it stands there are three industrial warehouse buildings with large service yard.

The site is located within the River Road Employment Area (RREA) which is a Strategic Industrial Location (SIL). The site is also located within the London Riverside Opportunity Area. The site falls within an Air Quality Management Area.

**Figure 1: Google Earth screenshot of aerial view of the application site (marked red) and the surrounding area**



### Surrounding area and background

The site, as it can be seen from Figure 1 above, is bounded by industrial sites to the east, south, and west (along Thames Road). To the north there is 'Ripple Greenway' and an existing public green space which forms a linear park.

### Transport

The site's Public Transport Accessibility Level (PTAL) is 1b, indicating a poor level of access however a manual analysis taking full account of existing and proposed walking links may return a higher actual PTAL value.

There are no tube stations within the immediate vicinity of the site and Barking Riverside London Overground Station is the nearest station to the site, being a circa 20-minute walk away. The area is served by buses, with the EL3 service stopping around 100 metres to the west, and the EL1 and EL2 stopping at Bastable Avenue approximately 500 metres (5 minutes' walk) to the north, giving a combined daytime frequency of around 23 buses per hour. Barking rail station, which has Underground, Overground and National Rail services, is around 2.2km away and accessible by all three bus services. Barking Riverside

Overground Station, which opened in July 2022, is slightly nearer at 1.8km away, but all London Overground services go via Barking.

The surrounding roads are local roads, the nearest part of the Transport for London (TfL) Road network being the A13 around 900m to the north.

### **Flood risk**

The site sits within Flood Zone 3a (high probability of flooding) but it is also entirely in an area that benefits from flood defence.

### **Archaeology**

There are no heritage assets in proximity to the site. However, the site sits within an Archaeological Priority Area (APA). This designation is used to show where development might affect archaeological remains.

## **Relevant Planning History**

### **Application site**

There is no relevant planning history for the application site as shown in red outline in Figure 1 above.

### **Neighbouring site(s)**

#### **7 Thames Road (application reference 21/01232/FULL)**

No 7 Thames Road is located to the west of the application site and it benefits from a resolution to grant planning permission subject to any direction from the Mayor of London, conditions, and the completion of a S106. The application was for the demolition of existing buildings and structures and the construction of a building ranging from part 6 storeys to part 14 storeys to provide 131 residential units and industrial space (Use classes E(g), B2 and B8 at ground and first floor. The proposals include the delivery of landscaping and public realm, play space, access, car parking and other associated and ancillary works.

#### **12 Thames Road (application reference 19/01970/FUL)**

No 12 Thames Road is located to the south of the application site and it benefits from an approved planning application (subject to conditions and section 106 legal agreement). The application was for the construction of up to 5,086 sqm (GEA) of industrial floorspace (Classes B1c, B2 and B8); up to 156 residential units; up to 185 sqm (GIA) of cafe (Class A3); and associated works. The works on site have started.

#### **17-19 Thames Road (application reference 22/01701/FULL)**

Nos 17-19 Thames Road is located to the east of the application site and it benefits from a resolution to grant planning permission subject to any direction from the Mayor of London, conditions, and the completion of a S106. The application was for the demolition of existing buildings and structures (Use Class B8 and Sui Generis) and the comprehensive redevelopment on the site to provide a mixed use development comprising 2360sqm of industrial floorspace (falling within flexible Use Classes E(g), B2, and/or B8 ), together with 249 residential units (Use Class C3) in a range of unit sizes within buildings of up to 14 floors; the provision of an area of new north-south public realm within the site and the



facilitation of future pedestrian access across the Ripple; provision of car and cycle parking and revised access points, including access from and to adjoining sites; and the widening of the public realm to Thames Road.

### 3 Gallions Close (application reference 21/01180/FULL)

No 3 Gallions Close is located to the south-east of the application site and it benefits from a resolution to grant planning permission subject to any direction from the Mayor of London, conditions, and the completion of a S106. The application was for the demolition of existing buildings and structures, and the erection of buildings ranging from 2 storeys to 15 storeys to accommodate 233 residential units and 271 sqm non-residential floorspace (Use Class E). The proposals include the delivery of landscaping and public realm, play space, access, car parking and other associated and ancillary works.

**Figure 2: Google Earth screenshot showing the location of the neighbouring site with relevant planning history**



## Proposal Development

### Description of Proposed Development

The planning application was submitted and validated on 30/12/2022 and the proposal is for the demolition of existing buildings and the comprehensive redevelopment of the site to provide a mixed-use development, comprising residential units and industrial workspace (use classes E(g), B2, B8), together with associated landscaping, play space, car and cycle parking and other associated and ancillary works.

The eastern half of the site, at ground and first floor levels, would provide 2,714sqm of industrial floorspace in a series of spaces grouped around the newly formed “Rippleway Yard”. The yard has been designed to enable amalgamation in the future with the forthcoming development at No 17 Thames Road (application reference 22/01701/FULL).

The western half of the site would cater for the residential use. This part of the site would serve as the main access to two of the residential cores, as well as six individual duplex homes and blue badge car parking spaces. The development would deliver 245 new residential units across the whole site.

The height of the building would have from 9 storeys to 15 storeys.

**Figure 3: Proposed CGI showing view along Thames Road looking west (taken from submitted Design and Access Statement – Part 4)**



### **Amended Planning Application**

On 23/12/2022, the Department for Levelling Up, Housing and Communities (DLUHC) published 12 weeks long consultation about new rules to mandate second staircases in new residential building measuring over 30m in height. The department is also looking at mandating sprinklers in all new care homes, regardless of height, to improve the safety of vulnerable residents and help firefighters with evacuations.

On 14/02/2023, the Greater London Authority (GLA) has effectively pre-empted the government's proposed changes and announced, with immediate effect, that all planning applications for residential buildings over 30 metres must include at least two staircases to be considered by the Mayor of London for final approval (GLA Stage 2 referral).

As a result of this the applicant submitted amended drawings which included second staircase in each relevant core within the development. The need to provide the second staircase resulted in some changes to the submitted scheme. The amended drawings and addendum to supporting documents were uploaded to the application file on 11/04/2023. All drawings that were not relevant to the determination of this application have been superseded. The changes between the as submitted and amended drawings include:

- reduction of residential units from 253 to 245 (loss of 8 units);
- revisions to the proposed housing mix;
- reduction to amenity roof terrace on Block C and D;
- reduction to the total number of cycle spaces for the residential use to reflect the reduction of residential units as mentioned above; and
- reduction to waste and recycling requirement in Block A and D to reflect the reduction of residential units as mentioned above.

### Key issues to assess:

1. Principle of the development
2. Employment
3. Housing
4. Housing standards
5. Design
6. Wind assessment
7. Fire safety
8. Design out Crime
9. Trees
10. Public realm and landscape
11. Urban Greening Factor
12. Biodiversity
13. Archaeology
14. Impact to amenity of adjoining occupiers
15. Transport
16. Sustainable Development
17. Air Quality
18. Contamination
19. Flood risk and sustainable drainage
20. Community engagement
21. Delivery of the River Road (Thames Road) Masterplan SPD
22. Community Infrastructure Levy and s106 Planning Obligations

### Planning assessment:

#### 1. Principle of the development

##### **Opportunity Area**

- 1.1 The application site falls within the London Riverside Opportunity Area, which includes all of Barking and Dagenham and Havering's Thames riverside. London Plan Policy SD1 (Opportunity Areas) identifies an indicative capacity of 44,000 new homes and 29,000 new jobs here. The principle of the proposed land uses is considered within this context.

##### **Land designation**

- 1.2 The application site also falls within the designated Strategic Industrial Location (SIL) known as River Road Employment Area (RREA). The applicant has stated that the combined GIA of the existing buildings on site is approximately 3,985 sqm.

##### *Adopted Local Plan*

- 1.3 Core Strategy Policy CE3 (Safeguarding and release of employment land) under the Strategic Industrial Location heading states that designated areas will be safeguarded, promotes, and managed. Land within the designated location will not be released for other purposes.
- 1.4 London Plan Policies E4, E5 and E7 also seek to manage industrial land and premises and place a significant emphasis on the importance of retaining and increasing London's industrial capacity.

- 1.5 Policy E4 (Land for industry, logistics and services to support London's economic function) of the London Plan states that a sufficient supply of land and premises in different parts of London should be provided and maintained to meet current and future demands for industrial and related functions. Any release of industrial land should be facilitated through the processes of industrial intensification, colocation, and substitution. Industrial land release should also be focused on locations that either are, or are planned to be, well-connected by public transport, walking and cycling and able to contribute to other planning priorities including affordable housing, schools, and other infrastructure.
- 1.6 Policy E5 (Strategic Industrial Locations (SIL)) of the London Plan states that SIL sites should be managed pro-actively through a plan-led process to sustain them as London's largest concentrations of industrial, logistics and related capacity for uses that support the functioning of London's economy. Any substitution and release of SIL land must be carried out through a planning framework or Development Plan Document review process and adopted as policy in a Development Plan. Development proposals either within or adjacent to SIL should not compromise the integrity or effectiveness of these locations to operate on a 24-hour basis, or otherwise compromised or curtailed.
- 1.7 Policy E7 (Industrial intensification, co-location and substitution) provides principles by which industrial land may be substituted or intensified, including by co-locating it with other forms of development such as residential. This may be achieved through the introduction of smaller units; multi-storey schemes; basements; or more efficient use of land consolidating the same amount of floorspace within higher plot ratios (still having regard for operational yard and servicing requirements). This approach must meet the requirements of Part D of Policy E7, and in any event substitution, intensification or consolidation may only be considered in SIL as part of a plan-led process rather than ad hoc planning applications.
- 1.8 In 2018, the Mayor of London has released a Planning Practice Note on industrial intensification and co-location through plan-led and master planning approaches. The intention of the note is to set out good practice principles for plan-led or masterplan approaches to industrial intensification and co-location in the context of Policy E7.

*Draft Local Plan*

- 1.9 The Council prepared a draft Local Plan 2037 setting out strategy for delivery of the Council's visions and objectives for the borough in the coming years up to 2037. The plan is currently under the process of the examination in public by the Planning Inspectorate. The new draft plan identified RREA as one of the key locations for change in the borough.
- 1.10 Area Policy SPP2 (Thames Riverside) together with River Road (Thames Road) Masterplan Supplementary Planning Document (SPD) details the Council's aspiration in regenerating this part of borough by releasing parts of the SIL to co-location and residential uses. The masterplan follows a land-use zoning approach. There are three zone within the masterplan area and they are: a) intensified industrial zone to the west (blue); b) co-location zone in the middle (purple); and c) residential zone in the east (pink). The application site falls in the co-location zone.

***Figure 4: Extract from the emerging Thames Road Masterplan SPD showing proposed zoning approach***





- 1.11 The Greater London Authority (GLA) was consulted on two pre-submission (Regulation 19) versions of the draft Local Plan 2037, and they have raised concerns on both occasions that the plan and the SPD were not in general conformity with the adopted London Plan. These concerns related to the need for more evidence to demonstrate that the scale and ambition of the intensification in the western part of the SIL envisaged in the draft Local Plan and River Road SPD was indeed deliverable over the life of the plan, with clarity required on how it would be delivered and secured.
- 1.12 To resolve the issue mentioned above, a Statement of Common Ground (SCG) was agreed between the Council and the GLA in May 2022 following a series of meetings at officer level. Subject to the proposed modifications which are detailed within the SCG, the document states that the LBB Industrial Land approach will be in general conformity with the London Plan.
- 1.13 Stage One examination hearing sessions for the draft LBB Local Plan 2037 took place in the summer of 2022. The hearing focused on preliminary matters relating to significant drafting errors, legal compliance, and soundness concerns. The changes required by the GLA will be added to the later versions of the plan as agreed. The Inspector did not allow the Council to include them in the initial changes to the plan.
- 1.14 The GLA Stage 1 letter (issued on 22/05/2023) at paragraph 28 mentions that the modifications in the Statement of Common Ground could allow for the release of the application site and other sites in Thames Road to be released from SIL designation.

### **Proposed development**

- 1.15 The proposed development is for 245 new dwellings and 2,714sqm of industrial floorspace.

### **Industrial use**

- 1.16 The River Road (Thames Road) Masterplan SPD recommends that across the whole co-location zone suitable industrial uses should use a plot ratio of 0.45 (45%) to ensure that the levels of industrial capacity as identified in the Industrial Strategy are met.
- 1.17 The site has a total area of 0.61 hectares. The applicant has stated that the combined GIA of the existing buildings on site is approximately 3,985 sqm. That's 0.66 (66%) of industrial coverage across the site. The proposal includes 2,714sqm of industrial floor space. That's 0.44 (44%) of the proposed industrial coverage across the site. Overall, the plot ratio for the industrial use would be reduced by (-31.9%). Whilst this is the case it is noted that the proposal would nearly achieve plot ratio of industrial use that is required by the emerging SPD. The shortfall of -0.01, in this instance, is considered

acceptable because the spatial implications of providing a well-functioning ground floor level are an important material consideration in the decision making.

- 1.18 The application is supported by a Commercial Strategy Report, prepared by AND, dated December 2022. The report included the industrial demand assessment, which concluded that the local business community is predominantly micro-businesses but there is a lack of space for such occupiers. The proposed industrial floorspace has been divided to four larger industrial units ranging between 363 and 635sqm at ground floor and mezzanine, and twelve smaller industrial units ranging in size between 34 to 122sqm at first floor level. All industrial units have been designed to cater for a variety of uses and a range of potential occupiers considering the findings of the report.
- 1.19 The proposed industrial service yard will have shared access with the neighbouring site at 17-19 Thames Road (reference 22/01701/FULL) which recently received a resolution for a planning permission to be granted by planning committee subject to any direction from the Mayor of London, planning conditions and signing of the Section 106 legal agreement. Planning Officers have worked hard to ensure that the number of vehicles crossover from Thames Road are reduced and that the sites are working together to create the access point needed. The right of way for the development at 17-19 Thames Road and any future development at 11 Thames Road will be secured through a Section 106 legal agreement.

#### Residential use

- 1.20 All levels of the planning framework support and promote the delivery of new homes. Policy H1 (Increasing housing supply) and Table 4.1 of the London Plan places a strategic expectation that the borough will need to deliver 19,440 as a 10-year housing target (annualised to 1,944 per year) between 2019 and 2029. The emerging policy in the draft Local Plan reflect this target.
- 1.21 The provision of 245 new dwellings would positively contribute to the achieving borough housing stock and creating the planned mixed and inclusive community on Thames Road. The proposal would contribute 12.6% to our yearly target and 1.26% to our 10-year target. The principle for introducing housing on this site is therefore supporting and considered acceptable.

#### Summary of Principle of the Development

- 1.22 The proposed development is for mixed-use residential-led development. The applicant has stated that the combined GIA of the existing buildings on site is approximately 3,985 sqm. The proposal includes 2,714 sqm GIA of new internal commercial floorspace which is a reduction of 1,200 sqm (-31.9%). As it stands the development represents a departure from the adopted development plan Policy CE3 (Safeguarding and release of employment land) of the Core Strategy and E5 (Strategic Industrial Locations (SIL)) of the London Plan owing to the introduction of residential use in the designated SIL.
- 1.23 Whilst the development represents a departure from the adopted Local Plan, the Council is in the process of preparing draft Local Plan 2037 which is an ambitious and forward-looking vision for the borough which sets out how the housing, economic and social targets will be met. The draft Local Plan 2037 and the Thames Road Masterplan (albeit unadopted) guides the transformation of the strategic industrial land into a new community offering high quality housing addressing the local need and annual housing target. The proposal includes de-designation of parts of RREA through release of industrial land and intensification the lost employment capacity elsewhere within the designated area. The proposed development is line within the emerging development

plan (this includes the adopted London Plan) and the proposed transformation would be plan-led.

- 1.24 The loss of SIL to co-location (LSIS), therefore, needs to be weighed against the benefits of the mixed-use development. The benefits of the scheme include the provision of new high quality industrial floorspace that responded to the identified need, new housing that would include affordable housing, public realm improvements, active frontages and improved pedestrian access, provision of open space, and optimised use of the site. For these reasons, officers consider that the principle of the proposed mixed-use development is acceptable in the land use terms.

## 2. Employment

- 2.1 Policy E8 (Sector growth opportunities and clusters) of the London Plan seeks to ensure employment opportunities for Londoners across a diverse range of sectors are promoted and supported along with support for the development of business growth and sector-specific opportunities.
- 2.2 Policy CC3 (Achieving Community Benefits through Developer Contributions) of the Core Strategy seeks to ensure community benefits through developer contributions.
- 2.3 Strategic Policy SP 5 (Promoting inclusive economic growth) of the draft Local Plan seeks to ensure that at least 20,000 new jobs are delivered. The policy also seeks to ensure development provide high-quality employment and training opportunities for local people, and procurement opportunities for local businesses, focusing on investment in physical improvement, but also in the long-term social infrastructure and education required for producing, talented, entrepreneurial individual locally.
- 2.4 The proposed development has opportunities to contribute to job creation for residents of the Council area both in the construction and end-user phases. The job creation, employment and training opportunities will be secured via a Section 106 legal agreement where the applicant will be expected to:
- Submit the Employment, Skills, and Supplies Plan (ESSP) to Councils job brokerage team for their approval. The approved ESSP shall be cascaded to the owners' contractors and sub-contractors. The ESSP shall include information about:
    - Construction Phase Employment
    - Construction Phase Training
    - Supply Chain during the Construction Phase
    - End-user Employment
  - The owner shall appoint and employ a designated coordinator responsible for managing recruitment and training during construction.
  - Before the Council approves owner's application for discharge of the employment and skills obligations relating to ESSP. The owner shall submit confirmation that all obligations have been met.
  - If it is found that the obligations have not been met a contribution will be sought against failure to comply with targets.
  - Information as to what is considered best endeavours when it comes to discharging ESSP obligation shall be set out in the legal agreement.

### 3. Housing

#### Density

- 3.1 Paragraph 122 of the NPPF encourages the efficient use of land and it sets out the need to deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive, and mixed communities.
- 3.2 Policies D3 (Optimising site capacity through the design-led approach), D2 (Infrastructure requirements for sustainable densities) and D4 (Delivering good design) of the London Plan talk about effective use of land and the need for good infrastructure to support high density schemes. This is echoed by Policy CM1 (General Principle for development) of the Core Strategy, Policy BP10 (Housing density) of the Borough Wide DPD and Policy SP2 (Delivering homes that meet people's needs) of the draft Local Plan 2037.
- 3.3 The Thames Road Masterplan Area SPD (paragraph 3.8) states that higher density is desirable. The SPD predicts that the density for the co-location and residential zones would be approximately 160 units/ha.
- 3.4 The application site measures 0.61ha and the proposed development is for 245 dwellings. Therefore, the residential density of the proposed scheme is at 383.07 units per hectare ( $245 / 0.61 = 401.64$ ). The proposed density would be higher than that set within the masterplan SPD. Whilst this is the case, it is important to note the guidance allows for higher density. The application site is in a key transformation area and while the PTAL scores are low right now, they are expected to improve over time. Given the thrust of policy and the optimisation of the site demonstrated by the proposed development, officers have no objection in-principle to the proposed density.

#### Housing mix and tenure

- 3.5 Paragraph 62 of the NPPF expects planning policies to reflect the need for housing size, type, and tenure (including affordable housing) for different groups in the community.
- 3.6 Policy H10 (Housing size mix) of the London Plan states that the scheme should generally consist of a range of unit sizes.
- 3.7 Policy CC1 (Family Housing) of the Core Strategy states that the Council expects a minimum of 40% family accommodation, (i.e., three bedroom, four bedroom or larger units). This will apply to both affordable and market housing. However, it is recognised that not all sites will be suitable for family sized accommodation. In cases where it is not possible to meet the policy requirement for family housing, the applicant is expected to demonstrate why this cannot be achieved.
- 3.8 Policy DMH 2 (Housing Mix) of the draft Local Plan states that development proposal will be required to provide a range of unit sizes (including family homes) in accordance with the Council's preferred housing size mix as shown in table below:

Dwelling type	Private	Intermediate	Social
1-bed	39%	17%	10%
2-bed	26%	44%	40%
3-bed	25%	19%	40%
4+ bed	10%	19%	10%



3.9 The proposal would provide 245 self-contained dwellings. The table below provides the agreed breakdown of the proposed housing mix:

Unit type	No. of Private Housing	No. of London Affordable Rent	Total
Studio	12	7	<b>19 (7.7%)</b>
1B/2P	89	-	<b>89 (36.3%)</b>
2B/3P	48	13	<b>61 (25%)</b>
2B/4P	14	-	<b>14 (5.7%)</b>
3B/4P	8	-	<b>8 (3.3%)</b>
3B/5P	29	20	<b>49 (20%)</b>
4B/5P	5		<b>5 (2%)</b>
<b>TOTAL</b>	<b>211 (100%)</b>	<b>40 (100%)</b>	<b>245 (100%)</b>

3.10 This table shows the housing mix split in line with the Council's preferred housing table (arranged by bedroom size only):

Unit type	No. of Private Housing	No. of London Affordable Rent
1-bed	101 (49.3%)	7 (17.5%)
2-bed	62 (30.3%)	13 (32.5%)
3-bed	37 (18%)	20 (50%)
4-bed +	5 (2.4%)	-
<b>TOTAL</b>	<b>205 (100%)</b>	<b>40 (100%)</b>

3.11 With regards to private market housing mix, the scheme will provide 205 dwellings (that is 100% for this tenure):

- 101 dwellings would be 1-bed (equating to 49.3%), this represents over provision (+10.3%) against policy target of 39%.
- 62 dwellings would be 2-bed (equating to 30.3%), this represents over provision (+4.3%) against policy target of 26%.
- 37 dwellings would be 3-bed (equating to 18%), this represents under provision (-7%) against policy target of 25%.
- 5 dwellings would be 4-bed+ (equating to 2.4%), this represents under provision (-7.6%) against policy target of 10%.

3.12 With regards to the London Affordable Rent, the scheme will provide 40 dwellings (that is 100% for this tenure):

- 7 dwellings would be 1-bed (equating to 17.5%), this represents over provision (+7.5%) against policy target of 10%.
- 13 dwellings would be 2-bed (equating to 32.5%), this represents under provision (-7.5%) against policy target of 40%.
- 20 dwellings would be 3-bed (equating to 59%), this represents over provision (+19%) against policy target of 40%.
- There will be no 4-bed dwellings provided in this tenure.

3.13 The overall housing and tenure mix does not provide a policy compliant mix as requires by draft Local Plan Policy DMH 2. The scheme is heavily skewed towards private housing, representing 83:17 split in favour of private tenure. The lack of strict compliance with the desired housing mix and the lack of the provision of shared ownership unit is regrettable however the viability of the scheme and the need to provide substantial financial contribution that would help create the planned mixed neighbourhood does not

allow for higher mix. In this instance, the lack of provision of this affordable product is acceptable, nothing that LAR is a more affordable tenure and in greater need in the borough.

**Affordable housing**

- 3.14 Policy H4 (Delivering affordable housing) of the London Plan and the Mayor’s Affordable Housing and Viability Supplementary Planning Guidance (SPG) set a strategic target of 50% of all new homes delivered across London to be genuinely affordable.
- 3.15 Policy H5 (Threshold approach to applications) states that all major development is required to provide affordable housing. For area that are located within the Strategic Industrial Locations, Locally Significant Industrial Site and Non-Designated Industrial Sites the expectation is to provide 50% of affordable housing.
- 3.16 Policy H6 (Affordable housing tenure) of the London Plan details the Mayor’s preferred affordable tenure split, which consists of a minimum of 30% low-cost rented homes (including Social Rent and London Affordable Rent), a minimum of 30% intermediate products (including London Living Rent and London Shared Ownership) and the remaining 40% to be determined by the Local Authority based on identified need, provided they are consistent with the definition of affordable housing.
- 3.17 Policy BC1 (Delivering affordable housing) of the Borough Wide Development Management Policies DPD and Policy DMH1 (Affordable Housing) of the draft London Plan echoes the approach outlines in London Plan. In LBB, the remaining 40% determined by the borough are 20% for London Affordable Rent or Social Rent and 20% for London Living Rent and London Shared Ownership.
- 3.18 As previously mentioned, the application site is located within SIL and therefore 50% of affordable housing is expected to be delivered from the scheme. Overall, the scheme would deliver 245 new residential dwelling / 675 habitable rooms.

*Proposed number of affordable units*

- 3.19 Of 245 units / 675 habitable rooms, 40 units / 126 habitable rooms would be London Affordable Rent. This represents 16.3% by unit and 18.6% by habitable room. The table below provides a breakdown of the proposed affordable housing:

Unit type	No. of London Affordable Rent	
	No. of dwellings	No. of habitable rooms
Studio	7 (20.5%)	7 (6.5%)
2B/3P	13 (20.5%)	39 (19.5%)
3B/5P	20 (59%)	80 (74%)
<b>TOTAL</b>	<b>40 (100%)</b>	<b>126 (100%)</b>

- 3.20 The proposed affordable housing would be located within Block D (all units) and Block A and Block B as 6x duplex units. It is noted that the scheme has been designed to be tenure blind. There are no differences in the visual appearance of the building or the internal layout between the affordable and private tenure blocks.

*Viability report*

- 3.21 Viability Assessment (VA) is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. Key components include:
- The existing use value (EUV) – what is the site currently worth?
  - The gross development value (GDV) – what will the development be worth when it's completed?
  - The build costs (including all professional fees, marketing and legal costs)
- 3.22 To determine whether a scheme is viable, the costs (including the land value) are deducted from the GDV. Any identified surplus equates to the profit available to a developer at completion. Usually for a scheme to be considered deliverable, this level of profit will be between 15-20% of the GDV.
- 3.23 Under the Threshold Approach outlined in Policy H5, development proposals that provide 35% affordable housing and 50% on public and industrial land (where industrial floorspace capacity is not being re-provided), and that meet tenure, affordability, and other relevant requirements, can follow the Fast Track Route. The Fast Track Route enables developments to progress without the need to submit detailed viability information and without late viability review mechanisms which re-assess viability at an advanced stage of the development process.
- 3.24 Schemes that do not provide the threshold level of affordable housing or meet other relevant policy criteria, or that provide off-site or cash in lieu contributions, must follow the Viability Tested Route and are subject to viability scrutiny and late, as well as early, review mechanisms. To ensure that the information provided by planning applicants is as accessible and transparent as possible the Local Planning Authority has committed to publishing viability assessments publicly and recouping the cost of independent viability assessment carried out by BNP Paribas from the applicant.

*Submitted viability assessment*

- 3.25 In this case, the application has submitted the viability report was prepared by James. R. Brown and the Co Ltd, dated 22/12/2022 was submitted in support of the application. The viability report was updated on 11/04/2023 following the amendments to the application being made to add a secondary staircase.
- 3.26 The viability report dated 22/12/2022 tested two options A and B:
- **Option A:** tested the scheme with 253 new residential units, 40 of which were London Affordable Rent, alongside a Section 106 and CIL assumption of £1 million.
  - **Option B:** tested the scheme without any affordable housing and with an increased Section 106 and CIL assumption of £1.4 million.
- 3.27 The appraisal results from the viability assessment submitted by the applicant were:

Scenario	Residual profit (%)	Target profit (%)	Surplus / deficit (£) / (%)
Option A	-9.57% on Cost	22.5% on Cost	-32.07% on Cost
Option B	-3.01% on Cost	25% on Cost	-28.01% on Cost

*Independent review of the viability report(s)*

3.28 The submitted viability reports were reviewed by the Council independent viability experts, BNP Paribas Real Estate (BNP). Their viability review was provided in June 2023 and their appraisal resulted were:

Scenario	Residual profit (% of GDV)	Target profit (% of GDV blended)	Surplus / deficit (%)
Option A	-1.15%	16.29%	-17.44%
Option B	4.50%	17.32%	-12.82%

3.29 Although BNP found a smaller surplus, the scheme has still been found to be unviable in both options. The proposed affordable housing offer of 40 units as detailed in table linked to paragraph 3.19 is therefore acceptable.

*Other schemes*

3.30 The Council's vision is to transform the Thames Road and wider area into a modern mixed-use neighbourhood. To do this, it is important that the scheme(s) coming forward in the area contribute to the cost of the land that can be given towards the school and open space to support the future residents and tenants.

3.31 It is understood that the viability is a challenge. The Council have negotiated with the applicant(s) a way to unlock the money to provide the above-mentioned social infrastructure that is crucial to unlocking this area for residential use. It was agreed that the intermediate (shared ownerships) tenure is converted into private rent tenure. The money that is 'freed' up by doing this is going to be secured by Section 106 legal agreement towards the cost of the land that can be given towards the school and open space. To date the three schemes that received a resolution to grant planning consent at 7 Thames Road, 3 Gallions Close, and 17-19 Thames Road provided the following level of contribution:

Site address	No of residential units	No of Affordable Housing units	S106 – Education and Open space	CIL and MCIL
7 Thames Road (21/01232/FULL)	131	26 (London Affordable Rent)	£400,000	£355,332.76
17-19 Thames Road (22/01701/FULL)	249	42 (Discounted Market Rent)	£760,306.56	£830,230.10
3 Gallions Close (21/01180/FULL)	233	38 (London Affordable Rent)	£710,000	£409,411.28

*Assessment of the proposed affordable housing offer*

3.32 In this case, the application is proposing 34 units (13%) / 108 habitable (16%) of London Affordable Rent units and £1million in Section 106 legal agreement obligations and CIL combined.

3.33 It is noted that this offer is significantly under that secured at other schemes in the area who were in a similar financial situation.

**Wheelchair Accessible Housing**

- 3.34 Policy D7 (Accessible housing) of the London Plan requires residential developments to provide at least 10% of dwellings that would meet the Building Regulation Part M4(3) “Wheelchair user dwellings requirements”, and all other dwellings (90%) to meet Building Regulation M4(2) “Accessible and adaptable dwellings”.
- 3.35 The scheme would provide 44 dwellings designed to Part M4(3), equating to 18% which complies with the above guidance. All the remaining units are designed to Part M4(2) of all units proposed. The table below provides a breakdown of the proposed accessible mix:

Unit size	Private			London Affordable Rent
	Block A	Block B	Block C	Block D
1B2P	16	16	-	-
2B3P	-	-	-	7
2B4P	-	-	-	-
3B4P	-	-	-	-
3B5P	-	5	-	-
<b>Total</b>	<b>37</b>			<b>7</b>

- 3.36 The accessible housing will be secured by a planning condition.

### Children’s play space

- 3.37 Policy S4 (Play and informal recreation) of the London Plan seeks to ensure that development proposals that include housing make provisions for good quality accessible play provision for all ages. The Mayor’s Supplementary Planning Guidance Providing for Children and Young People’s Play and Recreation sets out guidance to assist in this process. In summary it is recommended that 10sqm of play space is provided per child.
- 3.38 Policy DMNE 1 (Parks, open spaces and play space) of the draft Local Plan 2037 requires major development to increase opportunities for play and informal recreation in line with Policy S4 (Play and informal recreation) of the London Plan.
- 3.39 The level of play space that is required was calculated using the GLA child yield calculator. The breakdown for required and proposed play space that was calculated using the GLA calculator for various age groups is shown on the table below:

Age group	Market and Intermediate	Social	Yield Required	Sqm Required
0-4	30.5	20.3	50.8	508
5-11	20.9	16.6	37.6	376
12-15	6.2	9.1	15.3	153
16-17	3.3	4.8	8.1	81
<b>Total</b>			<b>107.9</b>	<b>1,118</b>

- 3.40 The development is required to provide 1,118sqm of children’s play space. The submitted Landscape Design and Access Statement (dated December 2022, revision 1), play strategy (page 19) provides yield calculations but there are discrepancies with the amounts that were calculated by officers. The applicant calculation suggests that only 551sqm of play space is required and the proposal is providing 700sqm as follow:

Age group	Provided by applicant	Difference with table above
0-4	363	-145
5-11	262	-114

12-15	75	-159
16-17		
<b>Total</b>	<b>700</b>	<b>-418</b>

- 3.41 The proposal fails to provide designated play space for all age groups. The deficit is equating to 379sqm. The applicant is therefore required to provide a contribution towards improving the existing play equipment off-site that's charged at £300 per square metre (£300 x 418sqm = £125,400.00) will be requested and secured via s106 legal agreement.

### **Summary on Housing**

- 3.42 The proposed development would positively contribute towards housing numbers and it would provide acceptable dwelling mix and tenure split. Whilst the level of the affordable housing is below the targeted 50%, the applicant has submitted a viability assessment which was reviewed by the GLA and Be First's appointed independent reviewer. It was agreed that the level of the affordable housing is acceptable in this instance given that the Council is seeking to deliver a brand-new neighbourhood in previously industrial area. To achieve the vision that is set out in Area Policy SSP2 of the Draft Local Plan for the area is necessary to secure other financial obligations that will help to deliver the infrastructure needed along Thames Road. The proposed affordable housing will be secured by a s106 legal agreement with early and late-stage reviews to ensure that any uplift is captured.

## **4. Housing standards**

### **Internal and external space standards for the proposed development**

- 4.1 Parts A and F in Policy D6 (Housing quality and standards) and Table 3.1 of the London Plan sets the expected minimum internal and external space requirements for new dwellings. The minimum requirements are in line with national standards. The policy sets out requirements for the Gross Internal Area (GIA) of all new dwellings at a defined level of occupancy, as well as floor area and dimensions for key parts of the home, notably bedrooms, storage, floor to ceiling height, and outdoor private amenity space. The standards seek to ensure that amongst other things new homes have adequately sized rooms and convenient and efficient room layouts which are functional, fit for purpose and meet the changing needs of Londoners.
- 4.2 Policy BP5 (External amenity space) states that planning permission for new dwelling will only be granted where they provide appropriate external private and/or communal amenity space to meet the needs generated by the development.
- 4.3 As it can be seen from the submitted Accommodation Schedule, including Nett and Gross Floor Area (file reference PF-AS-003, dated 03/02/203), all the proposed dwellings would meet or exceed standards in terms of overall unit sizes, bedroom size and built-in storage. Each residential dwelling benefits from private amenity space, predominantly in the form of a cantilevered balcony, or modest private garden in the case of the townhouses. Each block benefits from its own lobby area. The standard of residential accommodation is therefore considered to comply with the currently adopted standards.

### **Aspect for the proposed development**

- 4.4 Part C in Policy D6 (Housing quality and standards) of the London Plan requires maximisation of dual aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Part B in Policy D3 (Optimising site capacity through the design-led approach) than a

dual aspect dwelling, and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating.

- 4.5 Housing Design Guide SPG (HDG SPG), Standard 29, states that *'developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided'. Supporting text goes on to state that 'where possible, the provision of dual-aspect dwellings should be maximised in a development proposal'.*
- 4.6 The proposed development would provide 245 flats and 114 (that's 48.2%) would be single aspect, and 131 (that's 51.8%) would be dual aspect. The applicant confirmed that the scheme has been designed in line with this guidance, maximising dual-aspect units and taking account of the site-specific context, alongside ensuring the sufficient provision of enhanced industrial floorspace in line with the co-location principles for the site.
- 4.7 The challenges in providing more dual-aspect units on site are largely around the footprint of the building and where the flats on the upper floors can be located. To ensure that the scheme is functional and well-designed it was crucial that appropriate segregation between vehicle and pedestrian movements is provided on ground floor, that there is greater activity at the ground floor level, The provision of the dual aspect units also needs to be considered in light of the recent requirement to incorporate secondary staircases whilst maintaining the key co-location principles for the site and notably a varied unit mix, including the high provision of family units.
- 4.8 The proposals have also always been designed to ensure that sufficient natural ventilation and good daylight and privacy are maintained, alongside overheating and noise impacts being negated. This is also further evidenced within the supporting technical material submitted with the planning application. The majority of the single aspect units are smaller dwellings. As a high-density scheme, it is to be expected that the development will provide some units with a single aspect. On balance, the extent of single aspect units is considered acceptable, and would not warrant a reason for refusal of this planning application.

#### **Overheating for the proposed development**

- 4.9 Policy SI4 (Managing Heat Risk) of the London Plan states that development proposals should minimise adverse impacts on urban heat island through design, layout, orientation, materials and the incorporation of green infrastructure and that major development proposals should demonstrate through an energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems.
- 4.10 The scheme is supported by an TM59 Thermal Comfort Analysis, prepared by The PES, dated 05/12/2022. The overheating assessment was based on a sample of the topmost three floors of the development as they are clearly the most exposed units. This also gives a representative example of different flat types and orientations. The design of the dwellings has been assessed against the CIBSE guidance TM59 Design methodology for the assessment of overheating risk in homes (2017) and Approved Document O (2021) under the mandatory weather file (DSY1 for the 2020s, high emissions, 50% percentile scenario). The submitted overheating assessment of representative dwellings demonstrates that an acceptable overheating risk can be achieved.

#### **Daylight and sunlight for the proposed development**

- 4.11 Paragraph 125(c) of the NPPF states local planning authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they

would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

- 4.12 Part D in Policy D6 (Housing quality and standards) of the London Plan requires development to provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing, and maximising usability of outside amenity space.
- 4.13 Policies BP8 (Protecting Residential Amenity) and BP 11 (Urban Design) of the Borough Wide Development Management Policies DPD seeks to protect residential amenity, by ensuring new developments to not expose existing and proposed occupiers to unacceptable levels of pollution that may arise.
- 4.14 Policy DMD1 (Securing high-quality design) sets out that among other things, all development proposals should consider the impact on the amenity of neighbouring properties with regard to significant overlooking, privacy and immediate outlook, and should mitigate the impact of air, noise and environmental pollution.
- 4.15 The relevant guidance for assessing daylight and sunlight levels is contained in the Building Research Establishment (BRE) guide to good practice 'Site Layout Planning for Daylight and Sunlight' (2022) (Referred to as BR 209). The updated guidance replaces the previous primary method of assessment of new build accommodation through calculating the average daylight factor (ADF) and No Skyline (NSL). The BRE sets out the methods for assessing daylight within a proposed building based on methods detailed in BS EN 17037: 2018 "Daylight in buildings", the UK National Annex of the British Standard and the CIBSE publication LG 10 'Daylighting – a guide for designers.
- 4.16 It is noted that 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.
- 4.17 The application is supported by Daylight and Sunlight Report prepared by eb7, dated 22/12/2022 and Addendum Report dated 24/03/2023.

#### *Daylight*

- 4.18 The report confirmed that that 84% of the proposed habitable rooms assessed would satisfy the BRE guidelines for internal daylighting. Where levels fall below the BRE recommendations, these are generally isolated to bedrooms and open plan living spaces served by balconies. Balconies typically result in lower daylighting levels to the spaces but provide the units with well-lit private amenity space. Open plan living spaces are also more desirable in flatted developments though inevitably lead to the kitchens being task lit. These trade-offs are recognised by the BRE guidelines and flexibility is appropriate in this regard.

#### *Sunlight*

- 4.19 The report also confirmed that circa 61% of the units containing at least one habitable would meet or exceed BRE target level of 1,5 hours of sunlight on the 21/03. This is considered good level of sunlight exposure and considered typical of denser flatted development where site layout has an effect on unit orientation.

#### *Summary*



- 4.20 Overall, the submitted reports confirm that the proposed development including changes to the development layout will provide a good level of adherence to daylight and sunlight guidelines for a dense housing development.

#### **Noise and Agent of change for the proposed development**

- 4.21 Policy D14 (Noise) of the London Plan requires developments to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development proposal by avoiding significant adverse noise impact on health and quality of life; reflect the Agent of Change principles set in the Policy D13 (Agent of change) of the London Plan; mitigate and minimise the existing and potential noise on, from, within the site; and improving and enhancing the acoustic environments and promoting appropriate soundscapes.
- 4.22 Policy BR13 (Noise mitigation) of the Borough Wide Development Policy DPD requires any new development likely to generate harmful levels of noise to be directed away from existing noise sensitive locations, or areas allocated for noise sensitive developments. Where it is not possible to full separate noise sensitive and noise generating land uses, planning permission will only be granted if there will be no exposure to noise above an acceptable level.
- 4.23 Policy DMSI 3 (Nuisance) of the draft Local Plan states that all major development must submit a noise and vibration assessment to reduce any adverse impacts to an acceptable level using most appropriate layouts, orientation, design, and use of the building.
- 4.24 The application is supported by a Noise Assessment prepared by KP Acoustics, dated 07/02/2022, refence 23704.NIA.01 Rev A. The submitted report was reviewed by the LBBD Environment Protection Officers who advised that the assessment included a background noise survey and assessment of the potential noise impact at the proposed residential element of the development against national guidance and standards. The outcome of the assessment indicates that subject to acoustic design and ventilation measures, internal amenity standards can be suitably protected. Regarding amenity space standards the development site is predicted to broadly be within recommended guideline levels.
- 4.25 The assessment has not taken into account the mixed-use element of the proposal which includes B2 and B8 uses which have the potential for generating adverse noise impact. The applicant has provided amended Noise Assessment (Rev C) that considered this and the Environment Protection team confirmed that the revised report is acceptable.

#### **Privacy for the proposed development**

- 4.26 Standard 28 of the Mayor's Housing SPG requires that design proposal demonstrated how habitable rooms within each dwelling are provided with an adequate level of privacy in relation to neighbouring property, street, and other public spaces.
- 4.27 The application site is surrounded by single or two storey industrial buildings. Therefore, there are no concerns with loss of privacy or overlooking. The proposed building has been in a way that would prevent any future overlooking when the adjected sites are developed.

#### **Summary on Housing Standards**

- 4.28 Overall, the residential quality of the proposed dwellings will meet or exceed the relevant standards both internal and externally. Some of the proposed dwellinghouse would be

single aspect, in accordance with planning policy the applicant has demonstrated that they have been suitably designed and that they would not suffer from overheating. The scheme is also considered to achieve acceptable daylight, sunlight, and noise levels subject to proposed conditions being add and implemented.

## 5. Design

### Site layout

- 5.1 Policy D3 (Optimising site capacity through the design-led approach) of the London Plan states that proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness throughout their layout, orientation, scale, appearance, and shape, with due regard to existing and emerging street hierarchy, building types, forms, and proportions.
- 5.2 Policy D4 (Delivering good design) describes development's design should cover its layout, scale, height, density, land uses, materials, and architecture treatment.
- 5.3 Policy CP3 (High quality built environment) of the Core Strategy states that all development proposal will be expected to achieve high quality standards in relation to the design and layout if new building and spaces. Policy BP11 (Urban design) of the Borough Wide DPD sets design principles that new development should follow.
- 5.4 Policy SP 2 (Delivering a high-quality and resilient built environment) and DMD 1 (Securing high-quality design) of the emerging Local Plan aligns with the London Plan to ensure that development is designed in a sensitive and appropriate manner which minimises impact on surrounding neighbours and respects the character of the area.

### *Application site layout*

- 5.5 The proposed development would provide two separate entrances, residential on the western side and industrial on the eastern side. Those entrances would be shared with the neighbouring sites in the future as mentioned in paragraph 5.8 below.
- 5.6 The residential area would be through a double height passage that would lead to residential cores at the northern and southern end of the site as well as provide entrance to six duplex flat that would provide active frontage and natural surveillance to the north-south passage provided through the site on along the western site boundary.
- 5.7 The industrial area would also be through a double height passage and it would provide access to industrial cores as well as the front doors to the larger individual units. The industrial yard has been designed to cater for a variety of uses and a wide range of potential occupiers responding to specific demands that have been outlines in the principle of development section of the report.

***Figure 5: Proposed site layout plan showing how the application site can share vehicular access with its neighbours and CGI images showing the entrance the residential and industrial area - extract taken from Part 3 of the Design and Access Statement***



*Application site and the neighbouring sites*

- 5.8 The proposed development layout has been designed in line with the agreed and prepared mini masterplan that was prepared jointly by the applicant and the owner of the site at 17-19 Thames Road (this is an unadopted document). The mini masterplan covers the north section of Thames Road running east-west (stretching from No 7 to No 21) within the co-location zone. The purpose of the mini masterplan was to minimise the number of vehicular entrance point from Thames Road and to ensure that a mixed-use community is created. The mini masterplan also seeks to ensure that the proposals in this area come forward in a comprehensive manner. The rights of way for the neighbouring uses would be secured via a Section 106 legal agreement to ensure that the aims and objectives of the plan are achieved.

**Height and massing**

- 5.9 Policy D9 (Tall buildings) of the London Plan seeks to ensure that tall buildings are appropriately located, well designed and able to enhance their immediate and wider setting. In accordance with Policy D9, tall buildings should only be developed in locations that are identified as suitable in development plans, and proposals should address visual, functional, environmental, and cumulative impacts of tall buildings.
- 5.10 Policy BP4 (Tall buildings) of the Borough Wide Development Policies states that “a tall building is defined as any building which is significantly taller than its neighbours, and/or which significantly changes the skyline”. Furthermore, Policy BP4 states that “for tall buildings to be considered acceptable, they should be located in areas of high public transport accessibility (PTAL) levels or as set out in the Site-Specific Allocations DPD or Barking Town Centre Area Action Plan”.
- 5.11 The draft Thames Road masterplan on page 54 states that “*general height datum of 6-7 storeys is appropriate and generally blocks should aim for this as a maximum height. However, there is scope for well-designed taller elements within plots of 10-14 storeys, to support commercial viability and increase density, where this can be justified in townscape terms such as to mark significant corners, on key north cross routes, nearer to taller industrial plots at west end of the road.*”

*Application site height and massing*

- 5.12 The application site is situated within an area with industrial character. Building heights are typically 5-10m, mainly single storey sheds with some 2-3 storey offices. The wider surrounding area is generally 2-4 storeys terraces houses or residential blocs (located to the south), with a few taller blocks of 6-9 storeys (located to the north).

**Figure 6: Google Earth image showing the existing townscape in the surrounding area to the application site**



- 5.13 The application site is one of the more westerly sites within the co-location zone. The proposed development would have a height ranging between 9-15 storeys. The highest parts of the building would be off centre to the west. Where the masterplan allows greater heights to be accommodated. The position of the highest part of the building here would also allow appropriate set back to be achieved with any emerging development at 11 Thames Road and taking into consideration the development which secured a resolution to grant planning permission at Nos 17-19 Thames Road. The lower parts of the building would be located towards the Thames Road and the Ripple Greenway and the playing field beyond it.
- 5.14 It is considered that a balance needs to be struck between seeking to respect aspects of the existing industrial character whilst addressing and realising the aims of the draft Local Plan and SPD that seeks to inform it. Taking the location of the application site and the aspirations of the SPD into consideration officers consider that the proposed height is acceptable. The taller element would be sufficiently articulated to ensure that the mass of the building is broken up and that the development would be well designed and would be of high architectural quality and finish.

*Application site and the neighbouring sites*

- 5.15 Several sites have already come forward and either got planning permission (12 Thames Road) or secured the resolution to grant planning permission (7 Thames Road, 3 Gallions Close, and 17-19 Thames Road). The figure below shows how the proposed development (shaded in pink) would look in the context of those schemes mentioned.

**Figure 7: The proposed massing at the application site vs the emerging context**



- 1 7 Thames Road, residential-led mixed use
- 2 12 Thames Road, residential-led mixed use
- 3 17 Thames Road, residential-led mixed use (application submitted)
- 4 13-15 Thames Road, residential-led mixed use (application scheme)



**Appearance**

5.16 The proposed building would be constructed in three different brick tones (light red, rich red, and grey), corrugated metal, metal mesh, and dark grey aluminium for window frames and balcony balustrades. The CGI showing the view of the development along Thames Road looking west and the proposed material palette can be seen in figure 9 below.

***Figure 8: CGI image of the proposed development and the proposed material palette - taken from Part 4 of the Design and Access Statement***



- 5.17 The light red and rich red brick would be used for most of the buildings. The bricks would be alternated to break the building down into a series of terraces. All brick work would use light mortar.
- 5.18 The grey engineering brick would be used to express the commercial uses at ground and first floor. The grey brick would be combined with expanded metal mesh façade to give an industrial aesthetic.
- 5.19 The proposed materials and the design of the scheme are of a high quality and would positively contribute to the emerging character on Thames Road.

**Design conclusion**

5.20 The layout, scale, height, and massing of the proposed building would comply with the aspirations of the emerging masterplan plan. The architectural form for the building will be of high quality and it will positively contribute to the emerging townscape on Thames Road.

## **6. Wind assessment**

- 6.1 Part 3(a) in Policy D9 (Tall buildings) of the London Plan states that wind, daylight, sunlight penetration and temperature conditions around the building and neighbourhood must be carefully considered and not compromise comfort and the enjoyment of open space, including water spaces, around the building.
- 6.2 The application is supported by a by Wind Assessment – Revision A prepared by Create Consulting Engineers Ltd, dated December 2022. Findings of the report show that the introduction of the proposed development is not likely to result in considerable wind acceleration. Balconies from Floor 7 upwards are seen as likely to experience corner accelerations from North-East and South-West winds due to no protection by surrounding building heights. The north façade is likely to experience the greatest wind effects comparative to other façades of the proposed development due to no protection from surrounding development in proximity. Although, reduced height in exiting surrounding buildings indicates that façade downwash will not be experienced at the site boundary façades and is unlikely within the proposed development due to the variable building heights.
- 6.3 Regarding conditions for pedestrians, those would only be more difficult in extreme gales. However, due to the moderately low height of the majority of the building footprint that form the site it is unlikely that conditions will be above the safety threshold.
- 6.4 The overall conclusion was that the development would not result in any unreasonable impacts with respect to wind within or outside of the development boundaries.

## **7. Fire safety**

- 7.1 Policy D12 (Fire Safety) of the London Plan requires all development proposals to achieve the highest standards of fire safety and to requires all major proposals to be supported by a Fire Statement. The Mayor of London has also published pre-consultation draft London Plan Guidance on Fire Safety Policy D12 (A).
- 7.2 Part B (5) in Policy D5 (Inclusive design) of the London Plan states that new development should be designed to incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessment) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.
- 7.3 The application is supported by a RIBA Stage 2 Outline Fire Strategy (ref: OF-000615-OFS-01-B, dated 09/02/2022) Gateway One Fire Statement (ref: OF-000615-FSS-01-B, dated 09/02/2023) both prepared by Orion Fire Engineering.
- 7.4 The Health and Safety Executive (HSE) reviewed and commented on the application with their final comments being issues on 26/05/2023. The addition of the second staircases was welcomed. However, the HSE noted that the proposal would continue to be subject to later regulatory assessment. Overall, the HSE was satisfied with the fire safety design, to the extent that it affects land use planning.
- 7.5 The London Fire Brigade also reviewed and comments on the application with their comments issued circa 25/01/2023. Their consultation response confirmed that no additional hydrants are required and no further action is required.

- 7.6 Considering the received consultation responses, the Councils is satisfied that the submitted reports demonstrate that the development would achieve good levels of fire safety and that it would meet the recommendation on Policy D12. This was also confirmed by the GLA in their Stage 1 report. The submitted plans would be conditioned to secure compliance and details of the fire evacuation lift(s) would be secured by a suitably worded planning condition.

## **8. Design out Crime**

- 8.1 Policy D11 (Safety, security, and resilience to emergency) of the London Plan states that development proposals should maximise building resilience and minimise potential physical risks, including measures to design out crime. This approach is supported by Policy CP3 (High quality built environment) of the Core Strategy and Policy BC7 (Crime prevention) of Borough Wide Development Policies DPD.
- 8.2 The Metropolitan Police Design Out Crime reviewed and commented on this application on 06/01/2023. The police raised no objection to the proposed development, subject to adding the requested condition and Informative requesting the applicant's team to achieve security standards based on the Secured by Design principles. The recommended condition and informative are considered necessary and they will be added.

## **9. Trees**

- 9.1 Policy DMNE 5 (Trees) of the emerging Local Plan states that development proposals in the first instance should retain existing trees, shrubs and vegetation of value where possible unless it can be demonstrated that their removal would provide substantial public benefit or if they are considerably damaged or deceased.
- 9.2 The scheme is supported by an Arboricultural Survey, Impact Assessment & Method Statement Report (BS5837:2012) prepared by Marcus Foster Arboricultural Design & Consultancy, reference AIA/MF/0110/22, dated December 2022 and an email dated 09/03/2023 confirming that changes to the scheme to include secondary stair core do not materially affect the conclusions of the report.
- 9.3 The report provides an assessment of the arboriculture value of the trees on site based on their current quality and provides arboriculture recommendations. 7x trees and 1x group of 3x shrubs within and neighbouring the site. The trees have been categorised as falling in category C (low quality) and U (trees in such a condition that they cannot be retained as living trees for the next 10 years). All but one of the trees is proposed to be removed to facilitate the development. The removal of the trees is considered acceptable given their classification and the uplift in planting of new trees across the site.

## **10. Public realm and landscape**

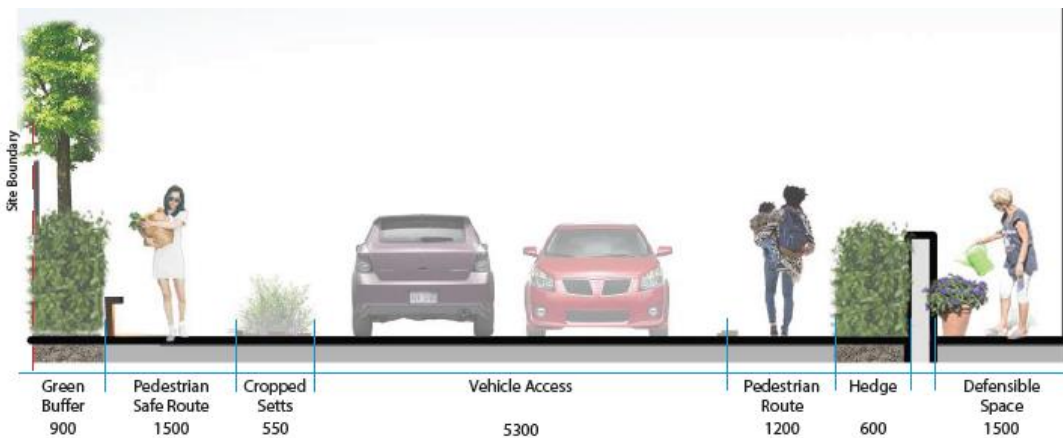
- 10.1 Policy D8 (Public realm) of the London Plan requires development proposal to amongst other things, ensure the public realm is well-designed, safe, accessible, inclusive, attractive, well-connected, related to the local and historic context, and easy to understand, service and maintain.

- 10.2 Policy BP11 (Urban Design) of the Borough Wide Development Policies DPD in one of the design principles requires that development provide attractive and high-quality landscaping.
- 10.3 The scheme is supported by Landscape Design and Access Statement, revision 1, dated December 2022. The report provided an overview for the landscaping strategy at the site.

**Ground floor (within site)**

- 10.4 The ground floor of the proposed development would be split into two parts, residential on the western side and industrial on the eastern side. Those spaces have been designed to be functional.
- 10.5 The residential side starting from the west would be made up of a landscaped buffer area measuring 0.9m in width, a pedestrian route measuring 1.5m in width and which is sufficient for a wheelchair user and a non-wheelchair user walking side-by-side running north to south across the whole site, a further landscaped buffer measuring 0.55m in width, a vehicle access measuring 5.3m in width that allows car entering and leaving the site at the same time, a further pedestrian route measuring 1.2m in width, a hedge measuring 0.6m in width and a defensible space measuring 1.5m in width serving the duplex houses provided on the ground floor.

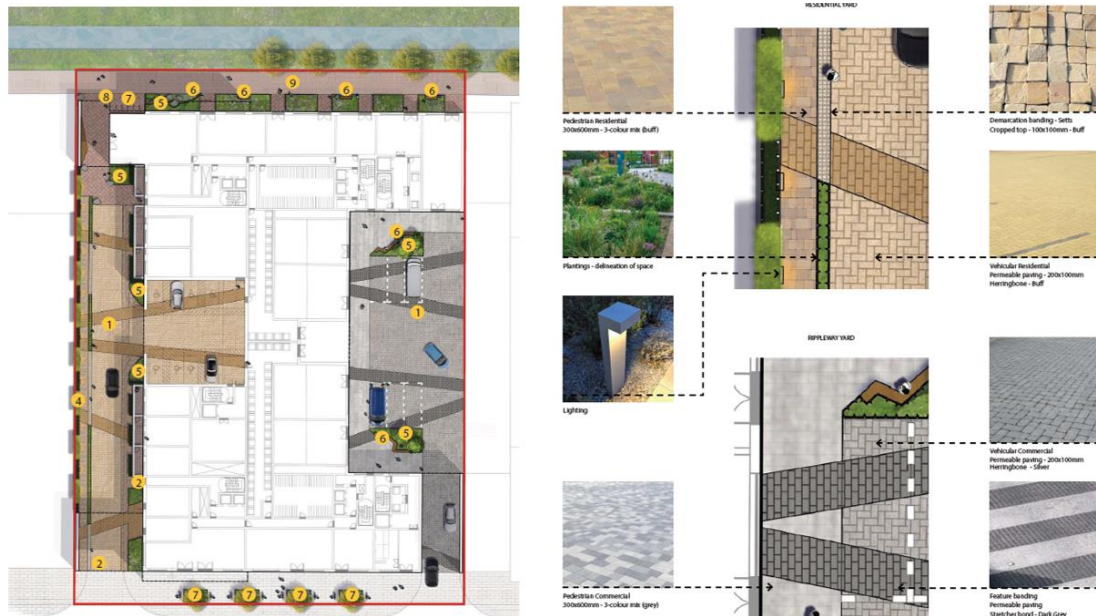
***Figure 9: Section showing the design and measurement for each section on the residential side of the application site***



- 10.6 The industrial side would provide vehicular access that allows car entering and leaving the site at the same time. Within the industrial site there would be a courtyard which provided safe pedestrian walkway on the eastern site. The industrial side have been designed to use colder tones and materials (light grey, dark grey, and black). Both sides have been designed with similar paving bands that traverse from each side. The architect has used paving bands, paving colours, and contrasting textures to ensure safe pedestrian routes through the shared surfacing.

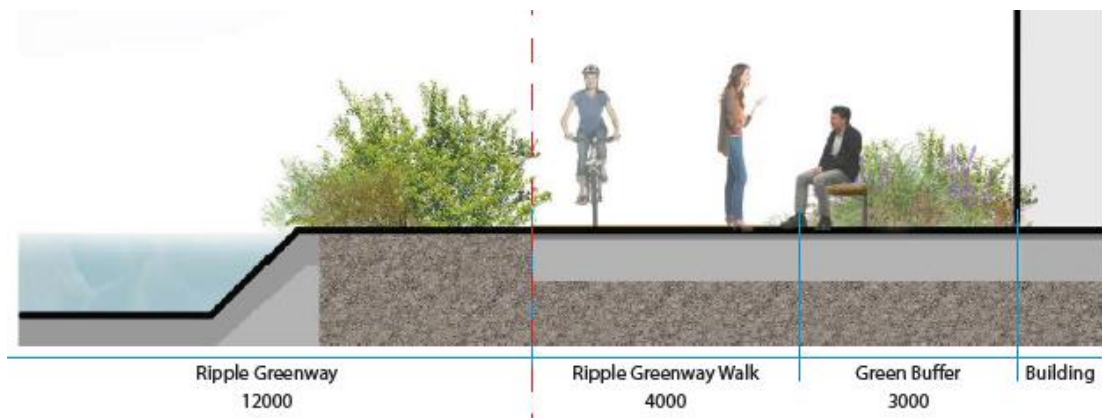
***Figure 10: Proposed site layout plan and ground floor landscaping***





- 10.7 North of the side and facing the Ripple Greenway the proposed would provide a landscaped buffer area measuring 3m in width, a pedestrian Ripple Greenway walk measuring 4m in width, and a further landscapes buffer which is beyond the application site. South of the side and facing Thames Road, the building line has been appropriately set back in line with the other schemes to allow for creation of pleasant public realm that accommodated pedestrian and potentially cyclists as well as provided opportunity and space for tree planting, bus stops, street light, and street furniture to be places (once the overall strategy for the road is develop) to come forward without negatively impacting on the pedestrian experience.

**Figure 11: Section showing the design and measurement for each section on the residential side of the application site**



- 10.8 The design also uses an integrated SuDs strategy that combines permeable paving and ground floor rain gardens. Tree planting have been made where possible to align to the streetscape precedent at 7 Thames Road.

**Roof levels**

- 10.9 The podiums would provide communal green space(s) for residents. The podiums would accommodate a range of external spaces including open lawn areas incorporating play features, biodiverse planting and intimate spaces to provide a greater sense of privacy. The podium planting has been selected for the microclimate.

## **Soft landscaping across the site**

- 10.10 The site currently comprises warehouse buildings, with areas of hardstanding, and limited number of trees and shrubs. The proposal includes new trees, grasses, lawn, planting, permeable paving, and green roofs. The choice of soft landscaping as shown within the submitted Landscape Design and Access Statement is considered appropriate. However, to ensure that the development is of high quality it is recommended that a condition is added requestion details landscape plans and implementation of the soft landscaping strategy that is approved.

## **11. Urban Greening Factor (UGF)**

- 11.1 Policy G5 (Urban greening) states that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls, and nature based sustainable drainage. The policy encourages boroughs to develop an Urban Greening Factor (UGF) to identify an appropriate amount of urban greening required in new developments.
- 11.2 Policy DMNE 2 (Urban greening) of the LBBB draft Local Plan 2037 stated that development proposal will be supported where they maximise opportunities for urban greening. The policy also states that applicant will be expected to apply UGF in line with Policy G5 (Urban greening) of the London Plan.
- 11.3 Point 10 in Area Policy SSP2 (Thames Riverside), Thames Road Transformation Area states that development should create improved streetscape and active frontages to industrial and commercial plots. Part 3 (b) in Policy DMD 1 (Securing high-quality design) specifically states that major and strategic planning proposals should “clearly demonstrate consideration of the individual and cumulative impact on amenity, neighbouring buildings, skyline, infrastructure and the natural and historic environments, provision of public realm, amenity space (private, communal and child play space”.
- 11.4 The proposal includes the providing of new trees, grasses, lawn, planting, permeable paving, and green roofs. The submitted Landscape Design and Access Statement, revision 1, dated December 2022, states that the scheme would achieve UGF score of 0.404, which meets the policy requirement.

## **12. Biodiversity**

- 12.1 Part D in Policy G6 (Biodiversity and access to nature) specifically talks about development proposals resulting in net biodiversity gain. Part D goes further to say that proposal which reduce deficiencies in access to nature should be considered positively.
- 12.2 Part 2a and 4c in Policy DMNE 3 (Nature conservation and biodiversity) of the LBBB draft Local Plan 2037 states that developments are required to submit an ecology assessment demonstrating biodiversity enhancements that demonstrate minimum 10% biodiversity net gain using DEFRA metric (or agreed equivalent) and submit.
- 12.3 The application is supported by a Preliminary Ecological Appraisal as well as Biodiversity Net Gain Proposal, both documents were prepared by The Ecology Partnership and they

have been dated October 2021 and 20/12/2022 retrospectively. On 28/03/2023 a letter confirming that changes to the scheme to include secondary stair core do not materially affect the conclusions of the report.

- 12.4 The site currently comprises warehouse buildings, with areas of hardstanding, and limited number of trees and shrubs. The habitat on site is considered to have little to no ecological value. As such, the loss or removal of these habitats are considered negligible and would not warrant objecting. Ecological enhancement and mitigation measures are recommended to remove existing building outside of the breeding bird season, bat and next boxes being integrated into the new development, proposed lighting taking account of bats in the surrounding area, and incorporation of green roofs. The application includes details of the proposed improvements to biodiversity. These are expected to result in a net gain of approximately 1,122.33%. The biodiversity improvement proposed would be in line with policy requirements and they will be secured by a planning conditions.

### **13. Archaeology**

- 13.1 Paragraph 194 of the NPPF states in determining application, the Local Planning Authorities (LPAs) should require an applicant to describe the significance of any heritage asset affected, including any contribution made by their setting. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 13.2 Policy HC1 (Heritage and Conservation Growth) of the London Plan; Policy CP2 (Protecting and Promoting our Historic Environment) of the Core Strategy; Policy BP3 (Archaeology) of the Borough Wide Development Policies DPD; and Policy DMD 4 (Heritage Assets and Archaeological remains) of the LBBD the Draft Local Plan support the NPPF and seek to protect all heritage assets in a suitable way.
- 13.3 The application is supported by Archaeology & Heritage Assessment prepared by ACD Environmental, file reference PRI23681-AHA, dated December 2022 and an email dated 09/03/2023 confirming that changes to the scheme to include secondary stair core do not materially affect the conclusions of the report.
- 13.4 The Greater London Archaeological Advisory Service (GLAAS) was consulted, and they reviewed the application and advised that the development is not in an area of archaeological interest.
- 13.5 The site lies immediately north of 12 Thames Road, where geoarchaeological borehole survey and modelling has identified an apparent prehistoric channel running north south across the buried Barking Eyot, a former island in the Thames floodplain identified as having potential for past human activity. It also neighbours 17-19 Thames Road, where GLAAS provided pre-determination archaeological advice recently.
- 13.6 The presence of the channel raises the potential for cultural activity and well-preserved remains, including in and on the associated peat deposits. On current understanding, the prehistoric channel can be projected across the current application site. Although likely to survive at some depth, the dense piling that would require for the up to 14 storey buildings has potential to create harm to buried archaeology. In keeping with our advice at 12 Thames Road and 17-19 Thames Road, it was recommended that a planning application here be informed by borehole assessment and modelling and further detail on piling harm. Should planning permission be granted for this development, an archaeological condition will be added.

## 14. Impact on amenity of adjoining occupiers

### **Daylight and sunlight**

- 14.1 The application is supported by Daylight and Sunlight Report, prepared by EB7, dated 22 December 2022, and Addendum report issues on 24/03/2023. The report considered the closest neighbouring residential properties with windows overlooking the proposed development. Those neighbouring site were, 78 Curzon Crescent, 1-3 Sayer Close, 12 Thames Road, 7 Thames Road, and 17-19 Thames Road.

#### *7 Thames Road*

- 14.2 With regards to daylight, the result show that out of the 141 habitable rooms assessed, 111 retain the ADF level recommended by the BRE guidelines for the specific room use. 30 rooms that would be affected would not see a noticeable difference. With regards to sunlight, none of the windows within the scheme face the proposal within 90 degrees of due south. As such, there is no material effect on sunlight levels because of the proposal.

#### *12 Thames Road*

- 14.3 With regards to daylight, the result show that out of the 253 habitable rooms assessed, 200 retain the ADF level recommended by the BRE guidelines for the specific room use. The rooms below target are located underneath circulation / access decks and the guidance advised to be flexible in such circumstances. The shortfall is not significant and it is considered at an acceptable level. With regards to sunlight, the scheme is situated to the south of the application site and therefore there would be no change to sunlight levels because of the proposal.

#### *1-3 John Sayer Close*

- 14.4 With regards to daylight, the effects of the proposed scheme would be acceptable given the separation distance. With regards to sunlight, the levels would remain unchanged.

#### *78 Curzon Crescent*

With regards to daylight, there is a good separation between the development site and this neighbouring property the level of daylight received would be acceptable. With regards to the sunlight, all rooms would meet targets set within the BRE guide.

### **Outlook and privacy**

- 14.5 The layout, position, and design of the proposed development is considered unlikely to give rise to an unacceptable impact upon the neighbouring properties in relation of loss of privacy and loss of outlook to the existing and emerging development in the local area.

### **Noise and disturbance**

- 14.6 The site is an industrial site and located within an established industrial area where noise and vibration are not alien factors. The proposed development would intensify the use of the site by introducing the residential use at the site. The impact the proposed development would have on neighbouring properties in relation to can be adequately controlled by planning conditions.



- 14.7 To mitigate the impact of the development a few conditions have been recommended by the LBB Environmental Health Officer. These include a scheme of acoustic protection, details of noise insulation party construction, detailing of any kitchen extraction ventilation system (if applicable). With the proposed conditions being discharge and implemented, officers are satisfied that the building would be designed to ensure that the existing uses surrounding the site would not be affected.

### **External lighting**

- 14.8 The submitted Landscape Design and Access Statement, revision 1, dated December 2022 provides some information about the external lighting that would be fitted around the application site. The document does not identify the levels of output from the lighting, and as such it is recommended that a condition is attached requiring the submission of a full lighting scheme to be submitted to ensure that there would be no detrimental impact to safeguard neighbouring amenity and to avoid light pollution.

### **Conclusion on impact on residential amenity**

- 14.9 The proposed development has been carefully assessed in relation to the residential amenity. Officers are satisfied that subject to the recommended conditions identified above the proposed development would not give rise to significant concerns with respect to neighbouring amenity that would justify a reason for refusal of the scheme.

## **15. Transport**

- 15.1 The application is supported by Transport Assessment (14/12/2022) and Travel Plan (dated 12/12/2022) prepared Markides Associates. A Transport Addendum, Technical Note was issued on 04/04/2023 to reflect the changes made to the scheme to include secondary stair core.

### **Access to the site**

- 15.2 Access to the site will be taken directly from the north side of Thames Road for vehicles, pedestrians, and cyclists. There are footways on either side of Thames Road, connecting the site to the surrounding area. There is a table zebra pedestrian and cyclist crossing close to the site allowing pedestrians to cross Thames Road.

***Figure 12: Aerial image showing the Thames Road looking west and towards the site, taken from Google Earth***



- 15.3 The development itself offers improvement in north-south permeability, proposing a link between Thames Road and the Ripple Greenway on the wester site as shows in Figure 10 and 11 above. The link would be close to a proposed bridge across The Ripple (this bridge is to be secured with the adjacent development 17-19 Thames Road to the east if granted).
- 15.4 The development has been set back from the property boundary to the north and south to allow public realm and highways improvement project to encourage Active Travel within the rapidly transforming Thames Road. The project aims are to address obstacles to active travel by creating a high quality, sustainable and inclusive piece of public realm, in line with wider design aspirations set within the River Road Employment Area SPD (albeit unadopted). To allow the Council to deliver on this work a contribution of £61,500.00 (£250 per unit x 245 new houses) will be secured through Section 106 legal agreement towards transport and highway improvement works.

### **Sustainable transport**

- 15.5 The site has a Public Transport Access Level (PTAL) of 1b, on a scale of 0 to 6b where 6b is the best. There are no tube stations within the immediate vicinity of the site and Barking Riverside London Overground Station is the nearest station to the site, being a circa 20-minute walk away.
- 15.6 The area is served by buses, with the EL3 service stopping around 100 metres to the west, and the EL1 and EL2 stopping at Bastable Avenue approximately 500 metres (5 minutes' walk) to the north, giving a combined daytime frequency of around 23 buses per hour. Barking rail station, which has Underground, Overground and National Rail services, is around 2.2km away and accessible by all three bus services. Barking Riverside Overground Station, which opened in July 2022, is slightly nearer at 1.8km away, but all London Overground services go via Barking.
- 15.7 The development on Thames Road transformation area will increase the need and it would be necessary to fund bus services servicing the site and its future residents. Recognizing that this is an evolving area, Be First Officers develop a tariff for financial contribution towards public transport at a rate of £458 per residential unit. The proposed development is proposing 245 dwelling therefore the required contribution is £112,210.00 (245 dwelling x £458 = ££112,210.00).

### **Travel Plan**

- 15.8 A Travel Plan has been submitted with the planning application showing how the owner will ensure that sustainable modes of transport: walking, cycling, and public transport will be encouraged.
- 15.9 The Travel Plan will be secured via a s106 legal agreement and the owner will need to pay the Travel Plan Monitoring Fee of £6,000 (3 monitoring plans x £2,000) for reviewing and monitoring of the travel plan on 1st, 3rd, and 5th anniversary.

### **Car parking and Electric Car Parking**

- 15.10 Policy BR9 (Parking) of the Borough Wide Policies DPD states that car parking standards set out in the London Plan will be used as a maximum parking standard for new development. Policy DMT 2 (Car parking) also adopts the maximum London Plan car parking standards and other aspirations.
- 15.11 Policies T6 (Car parking) together with Table.10.3 of the London Plan provide maximum parking standards for new residential developments. The policy aims to restrict car parking in line with levels of existing and future public transport accessibility and

connectivity. Car-free development should be the starting point for all development proposals, if this cannot be achieved a car lite approach should be taken. Car-free development has no general parking but should still provide disabled persons parking in line with Part E in Policy T6. The policy also required that any car parking providing include electrical charging points.

#### *Car parking*

- 15.12 The development would provide two crossover accesses for vehicles, segregated by use (residential and industrial). The residential side on the western half of the site will be car free apart from 8 x blue badge parking bays from the outset (3% of 245 = 7.35). This equates to 3% provision, in line with the London Plan 2021. Swept path analysis demonstrating the manoeuvre of vehicles accessing the disabled parking area is provided. The commercial side will provide a total of 6 x logistic vehicle spaces suitable for panel vans, box vans and Luton vans. The site is not expected to require access by HGVs, excepting emergency vehicle access. A Parking Design and Management Plan would be secured through planning condition.
- 15.13 Thames road and the surrounding area is part of LBBD's wider regeneration masterplan. As part of the masterplan on-street parking is proposed to be removed or greatly reduced on Thames Road, River Road, Creek Road and Longreach Road with the use of new Parking Restrictions in place. This will ensure that there will not be an overspill of residential parking in this area. Therefore, a car free development is supported, and this must be agreed through a s106 agreement and planning conditions.

#### *Electrical car parking*

- 15.14 All residential car parking spaces must provide infrastructure for electric or Ultra-Low Emission vehicles. At least 20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces. Therefore minimum 2 residential parking spaces must have active EV charging facility with rest have access to passive EV charging portals. Rapid and Fast charging EV charging points should be considered for the commercial parking area. The provision of the electric charging points will be secured by a planning condition.

#### **Car club**

- 15.15 To support a low car environment, it is recommended that planning obligation requiring the applicant to fund Car Club membership for two calendar years on application to all residents to the nearest car club operating in the Borough. This will be secured in the s106 legal agreement.

#### **Cycling**

- 15.16 Policy BR9 (Parking) of the Borough Wide Policies DPD states that in relation to cycle parking TfL cycle parking standards, will be used as a minimum parking standard of new development.
- 15.17 Policy DMT 3 (Cycle parking) of the draft Local Plan states that all development must adopt the maximum London Plan cycle parking standards with the design and layout of cycle parking being in accordance with the London Cycling Design Standards.
- 15.18 Policy T5 (Cycling) and Table 10.2 of the London Plan states that Development Plans and development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. This will be achieved through securing the

provision of appropriate levels of cycle parking which should be fit for purpose, secure and well-located.

- 15.19 Applying the standards from the London Plan, 439 cycle parking spaces would need to be provided. The submitted document and drawings show that there would be 426 long-stay spaces for residents, 7 short-stay spaces for residents, and 6 for employees. The proposal would provide a total of 427 long-term cycle parking spaces of which 21 are adapted cycle accessible (5%), and 7 short-stay cycle parking spaces. The provision outlined above is therefore more than the requirement.
- 15.20 Be First Highway Officer recommended adding a planning condition requiring submission of a cycle parking management plan prior to the occupation of the development and the document shall contain information regarding the management of the cycle parking facility, safety arrangement, details of the stands used, signage, layout etc. The proposed condition is considered necessary and relevant to the development.

### **Delivery and Servicing**

- 15.21 Policy T7 (Deliveries, servicing, and construction) of the London Plan states that development proposal should facilitated safe, clean, and efficient deliveries and servicing.
- 15.22 All waste collection will be undertaken from the commercial yard, using the dedicated turning space, and stored in a single large waste store in the centre of the building. Waste storage requirements have been calculated according to the relevant British Standards and local policy.
- 15.23 Residents will be able to access the store from the residential courtyard; however, bins will only be removed via the commercial yard and no waste vehicles will enter the residential yard. It is expected that residential waste will be collected by public collection service and commercial waste by private collection service. The store itself will be overseen by the appointed Site Management or Operator. A Delivery and Servicing Management Plan should be conditioned to be submitted prior to the occupation of the development. The proposed arrangements are considered acceptable and in line with the emerging strategies adopted on the other sites which benefits from planning permission and resolution to grant planning permission.

### **Demolition and Construction Traffic**

- 15.24 The application is supported by a Construction Logistics Plan (CLP), prepared by Markides Associates, dated 20/12/2022.

Construction Environment Management Plan and Site Waste Management Plan will be secured via a planning condition. The document will consider the impact on pedestrians, cyclists, and vehicles as well as full consider the impact on other development in proximity.

### **Summary of Transport**

- 15.25 Overall, based on the information that has been provided it would appear that subjecting to securing various information through planning conditions there would be no significant impact on the transport network or apparent adverse highway safety implications to suggest that there are any substantial reasons that this application should not be approved because of issued relating to the transport.

## **16. Sustainable Development**



## **Energy and CO2 reduction**

- 16.1 Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate and should help to shape places that contribute to radical reductions in greenhouse gas emissions and encourage the reuse of existing resources.
- 16.2 Policies GG5 (Growing a good economy), SI2 (Minimising greenhouse gas emissions), SI 3 (Energy infrastructure) and SI 4 (Managing heat risk) of the London Plan are all relevant. The policies require all major developments to meet a net-zero carbon target. Reductions in carbon emissions beyond Part L of the 2021 Building Regulations should be met on-site. Only where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site a contribution to a carbon offset fund or reductions provided off site can be considered.
- 16.3 Policy BR1 (Environmental Building Standards) of the Borough Wide Development Policies DPD states that all developments are expected to meet high standards of sustainable design and construction. The policy also expects non-residential major developments to achieve BREEAM Very Good-Excellent. Policy BR2 (Energy and on-site renewables) outlines the expectations for significant carbon reduction targets to be achieved.
- 16.4 Policy DMSI 2 (Energy, heat, and carbon emissions) of the draft Local Plan 2037 sets out the Council's expectations for major development to contribute and where possible exceed the borough's target of becoming carbon neutral by 2050 by maximising potential carbon reduction on-site and demonstrating the achievement of net zero carbon buildings.

### *Energy strategy compliance*

- 16.5 The application is supported by Energy & Sustainability Statement, prepared by The PES, dated 14/12/2022 and an email dated 02/03/2023 confirming that changes to the scheme to include secondary stair core do not materially affect the conclusions of the report. The email also noted that any issues are expected by the picked up by the GLA at Stage 1 and 2 referrals.
- 16.6 The GLA have reviewed the submitted energy statement and advised that it does not yet comply with London Plan Policies [SI2, SI3 and SI4]. The applicant is required to further refine the energy strategy and submit further information to fully comply with London Plan requirements. Full details have been provided to the Council and applicant in a technical memo that should be responded to in full. The applicant is working on resolving the outstanding issues with the GLA and this is not considered to warrant significant concerns with the application or its determination.

### *Carbon savings*

- 16.7 For the domestic element, the development is estimated to achieve a 79% reduction in CO2 emissions compared to 2021 Building Regulations. For the non-domestic element, an 8% reduction is expected.
- 16.8 The London Plan requires developments to meet the zero-carbon standards but a 100% carbon reduction is not expected to be feasible or viable at this stage. A legal obligation will be secured so that a minimum on-site reduction is achieved.

### **Whole Life Carbon**

- 16.9 Part F in Policy SI 2 (Minimising greenhouse gas emissions) of the London Plan requires developments to be supported by Whole Life Cycle Carbon Assessment (WLCCA) and demonstrate that actions were taken to reduce life-cycle carbon emissions.
- 16.10 The application is supported by Whole Life Carbon & Circular Economy prepared by The PES, dated 14/12/2022 and an email dated 02/03/2023 confirming that changes to the scheme to include secondary stair core do not materially affect the conclusions of the report. The email also noted that any issues are expected by the picked up by the GLA at Stage 1 and 2 referrals.
- 16.11 The submitted document was reviewed by the GLA and it was confirmed that it does not yet comply with London Plan Policy SI2. The applicant is working on resolving the outstanding issues with the GLA and this is not considered to warrant significant concerns with the application or its determination.

### **Circular Economy**

- 16.12 Policy SI 7 (Reducing waste and supporting the circular economy) of the London Plan requires development application to submit Circular Economy Statements. Policy D3 (Optimising site capacity through the design-led approach) require development proposals to integrate circular economy principles as part of the design process.
- 16.13 The application is supported by Whole Life Carbon & Circular Economy prepared by The PES, dated 14/12/2022 and an email dated 02/03/2023 confirming that changes to the scheme to include secondary stair core do not materially affect the conclusions of the report. The email also noted that any issues are expected by the picked up by the GLA at Stage 1 and 2 referrals.
- 16.14 The submitted document was reviewed by the GLA and it was confirmed that statement is in general accordance with the with London Plan Policy SI 7, however the statement did not include a completed GLA Circular Economy (CE) template.
- 16.15 The GLA requested that completed GLA CE template is provided and that the applicant provides the following supporting information in line with the minimum submission requirements of the GLA guidance as appendices to the CES: Pre-Redevelopment Audit, Pre-Demolition Audit and Operational Waste Management Plan. The applicant is working on resolving the outstanding issues with the GLA and this is not considered to warrant significant concerns with the application or its determination.

### **Water efficiency**

- 16.16 Part C in Policy SI 5 (Water infrastructure) of the London Plan requires development proposal through the use of planning conditions minimise the use of mains water in line with Building Regulations.
- 16.17 The application is supported by Energy & Sustainability Statement, prepared by The PES, dated 14/12/2022 and an email dated 02/03/2023 confirming that changes to the scheme to include secondary stair core do not materially affect the conclusions of the report.
- 16.18 The report notes that the development minimise water use as far as practicable by incorporating appropriate water efficiency and water recycling measures. All dwellings would meet the required level of 105 litres maximum daily allowable usage per person in accordance with Level 4 of the Code for Sustainable Homes. The commercial spaces

will reduce water use by a minimum of 25% against the BREEAM benchmark. This would be secured by a suitable worded planning condition.

### **Digital connectivity**

- 16.19 Policy SI 6 (Digital connectivity infrastructure) of the London Plan states that the provision of digital infrastructure is as important for the proper functioning of development as energy, water and waste management services. The development must ensure that sufficient ducting space for full fibre connectivity infrastructure is provided to all end users unless an affordable alternative 1GB/s-capable connections is made available to all end users.
- 16.20 A condition is added requiring that the building will have sufficient provision of ducting space for full fibre connectivity infrastructure.

### **Summary on Sustainable Development**

- 16.21 It is considered that the proposal is in accordance with the adopted policies for sustainability and CO2 emissions reductions and it is recommended they are secured through appropriate conditions as well as carbon off-setting contribution that would be secured via the s106 legal agreement.

## **17. Air quality**

- 17.1 Policy SI 1 (Improving air quality) of the London Plan requires amongst other things that development proposals must be at least Air Quality Neutral. The policy is supported by supplementary London Plan Guidance (LPG) documents. The Greater London Authority (GLA) carried out three months consultation of the Draft Air Quality Positive LPG. The consultation ended on 27th February 2022.
- 17.2 Policy CR1 (Climate change and environmental management) of the Core Strategy and Policy BR14 (Air quality) of the Borough Wide Development Policies DPD states that to contribute towards global, national, regional, and local sustainability the Council will protect water and air quality.
- 17.3 Policies SP7 (Securing a clean, green and sustainable borough) and DMSI 4 (Air quality) of the draft Local Plan support the aims of the London Plan and require proposals to be air quality neutral.
- 17.4 The application is supported by an Air Quality Assessment prepared by Air Quality Assessments Ltd, number J0630/1/F2, dated 15/12/2022 and a letter dated 09/03/2023 confirming that changes to the scheme to include secondary stair core do not materially affect the conclusions of the report.
- 17.5 The submitted assessment was reviewed by the GLA officers and further information is required to determine compliance with certain London Plan air quality policies. To address these deficiencies, it is recommended that the following conditions are added to any consent issued. The proposed conditions include:
- On-site plant and machinery must comply with the London Non-Road Mobile Machinery (NRMM) Low Emission Zone standards for the London Riverside Opportunity Area (London Plan Policy SI 1 (D)).
  - Measures to control emissions during the construction phase relevant to a medium risk site should be written into an Air Quality and Dust Management Plan (AQDMP), or form part of a Construction Environmental Management page 22

Plan, in line with the requirements of the Control of Dust and Emissions during Construction and Demolition SPG. The AQDMP should be approved by the LPA and the measures and monitoring protocols implemented throughout the construction phase (London Plan Policy SI 1 (D)).

- The construction dust assessment will need to be updated for Earthworks.

17.6 Similar conditions have been suggested by the LBBB Environment Protection Officers and all recommended conditions will be added to ensure that the development achieve the higher level of air quality.

## **18. Contamination**

18.1 Policy CR1 (Climate change and environmental management) of the Core Strategy promotes the remediation of contaminated land. Policy BR5 (Contaminated land) of the Borough Wide Development Policies DPD states that development on or near land that is known to be contaminated or which may be affected by contamination will only be permitted where an appropriate site investigation and risk assessment has been carried out as part of the application to identify any risk to human health. This is supported by Policy DMSI 5 (Land contamination) of the draft Local Plan.

18.2 The application is supported by a Phase I Geo environmental Assessment Report prepared by Symbiotic, dated December 2022 and a letter dated 16/03/2023 confirming that changes to the scheme to include secondary stair core do not materially affect the conclusions of the report.

18.3 The Council Environment Protection team revised the documents and confirmed that it is satisfactory. As a result of the historic use of the land further assessments which are compliant with the Environment Agency's LCRM Guidance 2021 must be completed. Should approval be granted then they recommended further conditions to be added.

## **19. Flood risk and Sustainable drainage**

### **Flood risk**

19.1 Policy SI 12 (Flood risk management) of the London Plan required development to minimise and mitigate the risk of flooding. Policies CR1 (Climate change and environmental management) and CR4 (Flood management) of the Core Strategy and Policy BR4 (Water Resource Management) of the Borough Wide Development Policies DPD (March 2011) echo the requirements above.

19.2 The site is located in Flood Zone 3, in an area benefitting from the Thames Tidal Defences. The submission of an FRA is a requirement under the National Planning Policy Framework (NPPF). The application is supported by a Flood Risk Assessment (FRA) and Flood Warning and Evacuation Plan, prepared by Whitby Wood, dated 21/12/2022 and a letter dated 10/03/2023 confirming that changes to the scheme to include secondary stair core do not materially affect the conclusions of the report.

19.3 The GLA officers reviewed the document in their Stage 1 report noted that the submitted assessment complied with the London Plan. However, further information was requested in relation to:

- the resistance/resilience flood measures proposed at ground level, in particular to protect sensitive plant

- information on how the communal areas at upper floors will be accessible for occupants from the ground floors to congregate in a flood event to provide a safe haven
- a Flood Warning and Evacuation Plan (FWEP) should be prepared (secured by condition) providing further detail, including consideration of the identified risk from reservoir flooding.

19.4 All the above points will be secured by a planning condition that will be required prior to commencement of the development to ensure that the development is flood resilient and safe for future residents.

19.5 The Environment Agency (EA) have also commented on the application and stated that they have no objection to the submitted assessment on flood risk ground.

### **Sustainable drainage**

19.6 Policy SI 13 (Sustainable drainage) states that Lead Local Flood Authority (LLFA) should manage area affected by surface water flooding. The policy also states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

19.7 Policy BR4 (Water resource management) of the Borough Wide Development Policies DPD states that development must ensure that greenfield surface water run-off rates are achieved where possible through the use of Sustainable Urban Drainage System (SUDS).

19.8 Policy DMSI 7 (Water management) of the draft Local Plan states that development should be managed in line with Policy SI 13 (Sustainable drainage) of the London Plan and the drainage hierarchy.

19.9 The application is supported by Drainage Strategy Report, prepared by Whitby Wood, dated 21/12/2022 and a letter dated 10/03/2023 confirming that changes to the scheme to include secondary stair core do not materially affect the conclusions of the report.

19.10 The GLA officers reviewed the submitted document and advised that the submitted strategy is in general accordance with Policy SI 13 of the London Plan. The Council was advised to secure rainwater harvesting. The dimensions and location of any SuDS proposed should also be clearly shown on the drainage plan (only the proposed permeable paving is currently shown). The drainage strategy proposes to restrict runoff to 2l/s for the 100-year event plus 40% climate change, which is equivalent to the 30-year greenfield rate which is supported. Those changes will be secured by a planning condition.

### **Summary on Flood risk and Sustainable drainage**

19.11 It is considered that the submitted FRA including surface water drainage demonstrated that the proposed development would be compliant with the relevant planning policies and guidance and it will not increase the risk of flooding to others subject to including the above-mentioned conditions.

## **20. Community engagement**

20.1 The application is supported by a Statement of Community Involvement, prepared by The Terapin Group, dated December 2022. The document confirms that the applicant

sought to consult with neighbouring residents, businesses, and other local stakeholders, including local politicians.

- 20.2 A total of 1,454 residential properties and 186 business were send a newsletter identifying the site and providing information about the proposed development. The newsletter directed the reader to a dedicated website where they could view more information about the scheme, complete feedback form and leave further comments. A contact number, email address, and freepost address were also provided for people to leave comments or request more information if they did not have internet access.
- 20.3 The applicant also carried out a virtual consultation which was designed to provide a level of detail similar to that which would be displayed un a conventional in =person public exhibition. The consultation lasted three weeks, during which time 85 people visited the dedicated website. 7 people has completed the feedback form, 6 people had left further comments, 1 person had emailed, 1 person had telephones, and no one had posted material using the freepost service.
- 20.4 Respondents recognised the need for new homes in the local area and believed that the provision of affordable housing was a good thing. They believed that the 800sqm of landscaping would improve the local environment. On balance, respondents believed that the scheme would fit into the wider regeneration of the local area. Concerns existing about the ground and first floor commercial space. Respondents were concerns as to whether this would fully benefit the local community and provide jobs. As it is noted under Section 2 of the report (Employment) the Council will be securing the need to provide a level of local jobs in the end-user phase (i.e. when the industrial floorspace is operational).
- 20.5 Officers support the robust and thorough public consultation that the applicant has taken and are satisfied that they have reached out to many the local community in the process before the planning application was submitted.

## 21. Delivery of the River Road (Thames Road) Masterplan SPD

- 21.1 The River Road (Thames Road) Masterplan SPD sets out guidance for the improved and enhanced infrastructure which is expected to be delivered alongside any land use redevelopment. Developers are expected to make provisions towards the key priorities for the area which are affordable housing, education, public transport improvement, environment enhancements, public space, and placemaking, etc.
- 21.2 Development proposals are required to facilitate and contribute to the delivery of the wider regeneration objectives set out in this SPD and that they do not in any way prejudice their delivery. The Council has prepared a tariff that is required to be per dwelling proposed:

Item	Cost per dwelling	No dwelling	Total cost
Education and open space	£3,053.44	245	£748,092.80
Public transport	£458	245	£112,210.00
Ripple Greenway (remediation and landscaping work)	£426	245	£104,370.00

## 22. Community Infrastructure Levy and S106 Planning Obligations

22.1 It is estimated that the proposed development would be liable for LBBB Community Infrastructure Levy (CIL) and Mayoral CIL. The total estimated CIL liability in this case, would be £1,102,855.19. It is important to note that this figure is likely to change after the social housing exemptions and lawful use is applied. This is comprised of:

Item	Charging schedule	Rate including indexation 2020 (£ per sqm)	Chargeable Area (sqm)	Liable Amount	Total
MCIL 2 (2019)	£25	25(R)*355(IP)/330(IC) = <b>£26.89</b>	27,486	£739,098.54	£739,098.54
LBBB Residential 3	£10	10(R)*355(IP)/255(IC) = <b>£13.92</b>	24,772	£344,865.09	£344,865.09
LBBB Business	£5	5(R)*355(IP)/255(IC) = <b>£6.96</b>	2,714	£18,891.56	£18,891.56
CIL liability for LBBB					<b>£363,756.65</b>
Total CIL liability (LBBB and Mayor of London)					<b>£1,102,855.19</b>

22.2 Alongside CIL, development plan policies seek financial contributions to be secured by way of planning obligations to offset the likely impacts of the proposed development on local services and infrastructure.

1.1 The applicant has agreed to meet the following financial contributions that are sought by the Council's Planning Obligations SPD as follow including monitoring:

- £125,400.00 towards provision of improved off-site play space
- £104,370.00 towards Ripple Greenway improvements
- £112,210.00 towards improvement to public transport in the local area
- £748,092.80 towards education and open space
- £61,250 towards health care improvements
- £61,250 towards improvements to Thames Roads
- £17,500 monitoring:

1.2 The total for the financial contributions is £1,230,072.80 and the total CIL payments is £1,102,855.19. This brings the total payment required by the development to £2,332,927.99.

### Conclusion

The proposed development is for change of use to allow a mixed-use residential-led development. As it stands the application site sits within the designated SIL and it offers 3,985 sqm floorspace industrial warehouse. The proposal includes 2,714 sqm GIA of new internal industrial floorspace which is a reduction of 1,200 sqm (-31.9%) and 245 new and additional residential units in a range of different tenure and size.

As it stands the development represents a departure from the adopted development plan Policy CE3 (Safeguarding and release of employment land) of the Core Strategy and E5 (Strategic Industrial Locations (SIL)) of the London Plan owing to the introduction of residential use in the designated SIL.



Whilst the development represents a departure from the adopted Local Plan, the Council is in the process of preparing draft Local Plan 2037 which is an ambitious and forward-looking vision for the borough which sets out how the housing, economic and social targets will be met. The draft Local Plan 2037 and the Thames Road Masterplan (albeit unadopted) guides the transformation of the strategic industrial land into a new community offering high quality housing addressing the local need and annual housing target. The proposal includes de-designation of parts of RREA through release of industrial land and intensification the lost employment capacity elsewhere within the designated area. The proposed development is line within the emerging development plan (this includes the adopted London Plan) and the proposed transformation would be plan-led. The proposed development is line within the emerging development plan (this includes the adopted London Plan) and the proposed transformation would be plan led. In light of this, the principle of development is supported in land use terms.

The proposed development would positively contribute towards housing numbers and it would, on balance, provide an appropriate dwelling mix, tenure split, accessible housing, and play space. Whilst the level of the affordable housing is below the policy level, the under delivery is acceptable, in this instance, given that the scheme will contribute to provision of needed social infrastructure. The contributions will be secured by a s106 legal agreement.

The siting, scale, massing, and height of the development is considered appropriate to the site's context and will result in a high-quality finish. The proposed building will respect the amenity of the existing and future neighbouring occupiers. The proposed landscaping strategy will positively contribute to the appearance and public realm in the area and enhance the arboricultural, biodiversity and environmental value of the site and the surrounding area.

The residential quality of the proposed dwellinghouses will meet or exceed the relevant standards both internal and externally. Some of the proposed dwellinghouse would be single aspect, in accordance with planning policy the applicant has demonstrated that they have been suitably designed and that they would not suffer from overheating. Officers are also satisfied that subject to the recommended planning condition the development can achieve suitable internal and external noise level for future residents.

The development adopts sustainable approach to transport whilst ensuring an acceptable impact on local highway and infrastructure. The Energy Strategy submitted as part of the proposed development demonstrates that the proposals would sufficiently reduce carbon dioxide emissions, with any off set to be secured through the s106 agreement. It is also noted that it as demonstrated that the development would be acceptable in terms of sustainable and impact on air quality.

In assessing the application, officers find the proposed development to be acceptable following careful consideration of the relevant provisions of the NPPF, the Development Plan and all other relevant material considerations. Officers are satisfied that any potential material harm in terms of the impact of the proposal on the surrounding area would reasonably be mitigated through compliance with the listed conditions and associated legal agreement.

## **Appendix 1:**

### **Development Plan Context**

The Council has carefully considered the relevant provisions of the Council's adopted development plan and of all other relevant policies and guidance. Of particular relevance



to this decision were the following Framework and Development Plan policies and guidance:

*National Planning Policy Framework (NPPF) (MHCLG, July 2021)*

*The London Plan –  
March 2021*

Chapter 1 Planning London's Future – Good Growth:

- Policy GG2 (Making the best use of land)
- Policy GG4 (Delivering the homes Londoners need)

Chapter 2 Spatial development policies:

- Policy SD1 (Opportunity Areas)

Chapter 3 Design:

- Policy D1 (London's form, character and capacity for growth)
- Policy D3 (Optimising site capacity through the design-led approach)
- Policy D4 (Delivering good design)
- Policy D5 (Inclusive design)
- Policy D6 (Housing quality standards)
- Policy D7 (Accessible housing)
- Policy D8 (Public realm)
- Policy D9 (Tall buildings)
- Policy D11 (Safety, security and resilience to emergency)
- Policy D12 (Fire safety)
- Policy D13 (Agent of change)
- Policy D14 (Noise)

Chapter 4 Housing:

- Policy H1 (Increasing housing supply)
- Policy H4 (Delivering affordable housing)
- Policy H5 (Threshold approach to applications)
- Policy H6 (Affordable housing tenure)
- Policy H7 (Monitoring of affordable housing)
- Policy H10 (Housing size mix)

Chapter 5 Social infrastructure:

- Policy S4 (Play and informal recreation)

Chapter 6 Economy:

- Policy E4 (Land of industry, logistics and services to support London's economic function)
- Policy E5 (Strategic Industrial Locations (SIL))
- Policy E7 (Industrial intensification, co-location and substitution)

Chapter 7 Heritage and culture:

- Policy HC1 (Heritage conservation and growth)

Chapter 8 Green infrastructure and natural environment:

- Policy G1 (Green infrastructure)
- Policy G5 (Urban greening)
- Policy G6 (Biodiversity and access to nature)

Chapter 9 Sustainable infrastructure:

	<ul style="list-style-type: none"> <li>• Policy SI 1 (Improving air quality)</li> <li>• Policy SI 2 (Minimising greenhouse gas emissions)</li> <li>• Policy SI 6 (Digital connectivity infrastructure)</li> <li>• Policy SI 7 (Reducing waste and supporting the circular economy)</li> <li>• Policy SI 12 (Flood risk management)</li> <li>• Policy SI 13 (Sustainable drainage)</li> </ul> <p>Chapter 10 Transport:</p> <ul style="list-style-type: none"> <li>• Policy T1 (Strategic approach to transport)</li> <li>• Policy T3 (Transport capacity, connectivity and safeguarding)</li> <li>• Policy T5 (Cycling)</li> <li>• Policy T6 (Car parking)</li> <li>• Policy T6.1 (Residential parking)</li> <li>• Policy T7 (Deliveries, servicing and construction)</li> </ul>
<p><i>Local Development Framework (LDF) Core Strategy - July 2010</i></p>	<p>Chapter 4 Managing growth:</p> <ul style="list-style-type: none"> <li>• Policy CM1 (General principles for development)</li> </ul> <p>Chapter 5 Sustainable resource and the environment:</p> <ul style="list-style-type: none"> <li>• Policy CR1 (Climate change and environment management)</li> <li>• Policy CR2 (Preserving and enhancing the natural environment)</li> <li>• Policy CR3 (Sustainable Waste Management)</li> <li>• Policy CR4 (Flood management)</li> </ul> <p>Chapter 6 Creating a sense of community:</p> <ul style="list-style-type: none"> <li>• Policy CC1 (Family Housing)</li> </ul> <p>Chapter 7 Ensuring a vibrant economy and attractive town centres:</p> <ul style="list-style-type: none"> <li>• Policy CE3 (Safeguarding and release of employment land)</li> </ul> <p>Chapter 8 Creating a sense of place:</p> <ul style="list-style-type: none"> <li>• Policy CP2 (Protecting and Promoting our Historic Environment)</li> <li>• Policy CP3 (High quality-built environment)</li> </ul>
<p><i>Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) – March 2011</i></p>	<p>Chapter 2 Sustainable resource and the environment:</p> <ul style="list-style-type: none"> <li>• Policy BR2 (Energy and on-site renewables)</li> <li>• Policy BR3 (Greening the Urban Environment)</li> <li>• Policy BR4 (Water Resource Management)</li> <li>• Policy BR5 (Contaminated land)</li> <li>• Policy BR9 (Parking)</li> <li>• Policy BR10 (Sustainable Transport)</li> <li>• Policy BR11 (Walking and cycling)</li> <li>• Policy BR13 (Noise mitigation)</li> <li>• Policy BR14 (Air quality)</li> <li>• Policy BR15 (Sustainable Waste Management)</li> </ul> <p>Chapter 3 Creating a sense of community:</p> <ul style="list-style-type: none"> <li>• Policy BC1 (Delivering affordable housing)</li> <li>• Policy BC2 (Accessible and Adaptable housing)</li> <li>• Policy BC7 (Crime prevention)</li> </ul>

	<p>Chapter 5 Creating a sense of place:</p> <ul style="list-style-type: none"> <li>• Policy BP3 (Archaeology)</li> <li>• Policy BP4 (Tall buildings)</li> <li>• Policy BP5 (External amenity space)</li> <li>• Policy BP6 (Internal space standards)</li> <li>• Policy BP8 (Protecting Residential Amenity)</li> <li>• Policy BP10 (Housing density)</li> <li>• Policy BP11 (Urban design)</li> </ul>
<p><i>The London Borough of Barking and Dagenham’s Draft Local Plan (Regulation 19 Consultation Version, Autumn 2021) was submitted for examination in public to the Planning Inspectorate in December 2021. Having regard to NPPF paragraph 216 the emerging document is now a material consideration and considerable weight will be given to the emerging document in decision-making, unless other material consideration indicate that it would not be reasonable to do so.</i></p>	
<p><i>The London Borough of Barking and Dagenham’s Draft Local Plan (Regulation 19) – Submission version December 2021</i></p>	<p>Chapter 3 Transforming LBBDD:</p> <ul style="list-style-type: none"> <li>• Strategic Policy SPDG 1 (Delivering growth in Barking and Dagenham)</li> <li>• Area Policy SPP2 (Thames and the Riverside)</li> </ul> <p>Chapter 4 Design:</p> <ul style="list-style-type: none"> <li>• Strategic Policy SP 2 (Delivering a high-quality and resilient built environment)</li> <li>• Policy DMD 1 (Securing high-quality design)</li> <li>• Policy DMD 2 (Tall buildings)</li> <li>• Policy DMD 4 (Heritage Assets and Archaeological remains)</li> </ul> <p>Chapter 5 Housing:</p> <ul style="list-style-type: none"> <li>• Strategic Policy SP 3 (Delivering homes that meet people’s needs)</li> <li>• Policy DMH 1 (Affordable housing)</li> <li>• Policy DMH 2 (Housing Mix)</li> </ul> <p>Chapter 7 Economy:</p> <ul style="list-style-type: none"> <li>• Policy DME 1 (Utilising the borough’s employment land more efficiently)</li> </ul> <p>Chapter 8 Natural environment:</p> <ul style="list-style-type: none"> <li>• Policy DMNE 1 (Parks, open spaces and play space)</li> <li>• Policy DMNE 2 (Urban greening)</li> <li>• Policy DMNE 3 (Nature conservation and biodiversity)</li> </ul> <p>Chapter 9 Sustainable infrastructure:</p> <ul style="list-style-type: none"> <li>• Strategic Policy SP7 (Securing a clean, green, and sustainable borough)</li> <li>• Policy DMSI 2 (Energy, heat, and carbon emissions)</li> <li>• Policy DMSI 3 (Nuisance)</li> <li>• Policy DMSI 4 (Air quality)</li> <li>• Policy DMSI 5 (Land contamination)</li> <li>• Policy DMSI 6 (Flood risk and defences)</li> <li>• Policy DMSI 7 (Water management)</li> </ul>

	<p>Chapter 10 Transport:</p> <ul style="list-style-type: none"> <li>• Policy DMT 1 (Making better connected neighbourhoods)</li> <li>• Policy DMT 2 (Car parking)</li> <li>• Policy DMT 3 (Cycle parking)</li> <li>• Policy DMT 4 (Deliveries, servicing, and construction)</li> </ul>
<i>Supplementary Planning Document</i>	<ul style="list-style-type: none"> <li>• London Riverside Opportunity Area Planning Framework</li> <li>• River Road Employment Area (including Kingsway Industrial Estate) SPD</li> <li>• DCLG Technical Housing Standards (Nationally described space standards) (DCLG, March 2015) (as amended)</li> <li>• London Borough of Barking and Dagenham, Archaeological Priority Area Appraisal dated July 2016 by Historic England</li> <li>• Adopted Site Allocations Document 2010</li> <li>• Mayor of London Housing Supplementary Planning Guidance (March 2016)</li> <li>• Mayor's Affordable Housing and Viability SPG</li> <li>• The Mayor's Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation SPG</li> <li>• The BRE Report, Site layout planning for daylight and sunlight: a guide to good practice (2nd Edition 2011)</li> </ul>
<p><i>Human Rights Act</i> The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.</p> <p><i>Equalities</i> In determining this planning application, the Be First on behalf of the London Borough of Barking and Dagenham has had regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010 (as amended). For the purposes of this application there are no adverse equalities issues.</p>	

## Appendix 2:

Internal and External Consultees
<p><b>Internal Consultees</b></p> <p><u>LBB Employment (date comments received 06/01/2023)</u></p> <p>Having reviewed the letter and attached plans through the portal, I can see an Employment Strategy has been uploaded. We request that an employment and skills supplier plan (ESSP) would be relevant to both the construction and also as part of the end user agreement, if possible. We would request that there is a minimum 6 months lead in time for these, please.</p> <p>We will endeavour to make contact with the developer to begin the informal discussions around these plans in preparation for formal sign off.</p> <p><u>LBB Environment Protection (date comments received 17/01/2023)</u></p> <p>Thank you for consulting the Environment Protection Team on the above application. Based on the information provided with the application I make the following comments</p>

### *Noise*

A Noise Impact Assessment Report ref: 23704.NIA.01 Rev A has been submitted by KP Acoustic dated 07/02/2022. The assessment has included a background noise survey and assessment of the potential noise impact at the proposed residential element of the development against national guidance and standards. The outcome of the assessment indicates that subject to acoustic design and ventilation measures, internal amenity standards can be suitably protected. With regards to amenity spaces standards the development site is predicted to broadly be within the recommended guideline levels. The assessment has not taken into account the mixed-use element of the proposal which included B2 and B8 uses which have the potential for generating adverse noise impacts and I recommend that this included as an addendum to the report and provides details on limited levels for plant and machinery associated with the B2/B8 uses as well as a commercial vehicle noise impact assessment.

It is considered, given the context of the existing use, that the development will not negatively impact neighbouring properties. However, construction of the development may cause negative environmental impact and a Construction Management Plan is recommended.

### *Air Quality*

The borough is part of an Air Quality Management Area, and the development site is just outside of the AQ Focus area. The number of units are above the Section 106 AQ contribution threshold and therefore subject to a Section 106 contribution.

The Air Quality Impact Assessment Report submitted by Air Quality Assessment Ltd ref J063/1/F2 dated 15/12/2022 provides an impact assessment of the construction and operational stages of the development and concluded that the impact would be acceptable.

### *Land Contamination*

The report Phase I Geoenvironmental Assessment Report dated December 2022 submitted by the applicant is satisfactory. As a result of the historic use of the land further assessment which are compliant with the Environment Agency's LCRM Guidance 2021 must be completed.

### *Summary*

I do not have any in principle objection to the development and recommend the following consent condition:

- Noise Protection Scheme
- Mechanical & Building Service Noise Assessment
- Commercial Vehicle Transportation Noise Impact Assessment
- Vehicle Deliveries Activity
- Noise Transmission from Commercial Use to Noise Sensitive Receiver
- Construction Environment Management and Site Waste Management
- Land Contamination condition and informative
- Air Quality S106 contribution

Be First Highway (date comments received 24/01/2023)

Comments were provided on a range of areas relating to transport issued. It is noted that no objection was raised and the response recommended that:

- Car free and Car Permit Free residential development is secured
- Free car club membership and location of car club bays to be identified and installed at the cost of the applicant.
- Restriction on the operational hours of the commercial units to avoid 24/7 activities from taking place
- Parking/Cycling Design and Management Plan (include disabled parking/EV charging)
- Delivery & Servicing Plan
- Travel Plan and monitoring fees
- Construction Logistics Plan
- Highways works (S278)
- Transport Contributions and other fundings to be secured through legal obligation.

LBBB Access (date comments received 27/01/2023)

It would appear M4(3) units are all within market value, therefore there's no accessible units within affordable tenure which is a real concern.

**External Consultees**

Metropolitan Police, Design out Crime (date comments received 06/01/2023)

In opening, the Metropolitan Police has no objection to the proposed, subject to the specific concerns stated in Section 3, being addressed. This is to focus the mind of the developer towards security and crime prevention, in turn ensuring such measures are not value engineered out a later stage of the construction process. A condition to address these issues have been added.

TfL, infrastructure Protection Safeguarding Team (date comments received 10/01/2023)

I can confirm that the London Underground /DLR Infrastructure Protection has no comments to make on this planning application.

TfL, Spatial Planning

Having assessed the proposal, I can confirm that TfL Spatial Planning has no strategic comments to make on this planning application other than to emphasise the development should comply with the transport policies set out in the London Plan 2021. In particular, the car and cycle parking standards in tables 10.2 – 10.6 (inclusive). Cycle parking should comply with the London Cycling Design Standards including the provision of at least 5% wider bike spaces.

Thames Water (date comments received 20/06/2023)

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water would advise that with regard to SURFACE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission.

*“No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.”*

*Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.*

Please read our guide ‘working near our assets’ to ensure your workings will be in line with the necessary processes you need to follow if you’re considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes> Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Environment Agency (date comments received 15/02/2023)

Thank you for consulting us on the planning application of 06/01/2023. Based on a review of the submitted information, we have no objection to the proposed development. EA issue advises to Local Planning Authority as follow:

- In accordance with the NPPF (paragraph 161) development should not be permitted if there are reasonable available site appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the sequential test must be applied and whether or not there are other sites available at lower flood risk. EA floor risk standing advise reminds you (LPA) of this and provides advice on how to apply the test.
- EA strongly recommend the use of resistance and resilience measures. Physical barriers raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. If you would like to find out more about reducing flood damage visit the Flood Risk

and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found in the government guidance on floor resilient construction.

All new residential development is required to achieve a water consumption limit of a maximum of 125 litres per person per day as set out within the Building Regulations &c. (Amendment) Regulation 2015. However, we recommend that in areas of serious water stress (as identified in our report Water stressed areas- final classification) a higher standard of a maximum of 110 litre per person per day is applied. This standard or higher may already be a requirement of the local planning authority.

Health and Safety Executive (HSE) (date comments received 26/05/2023)

HSE issues an initial response, a substantive response (concern) on 03/02/2023 in relation to a consultation received by the LBBB on 06/01/2023.

Following amendments being made to the scheme, a second consultation was carried out on 05/05/2023. HSE noted that second staircase have been added to the proposed blocks. This is welcomed and will also be subject to later regulatory assessment.

Following a review of the information provided with this consultation. HSE is satisfied with the fire safety design, to the extent that it affects land use planning.

London Fire Brigade (Hydrant Officer) (date comments received 25/01/2023)

Thank you for your email and plans received 06/01/2023 regarding fire hydrant requirement for the development at the above address. I can confirm no additional hydrants are required and no further action is required by our office. We are happy for the works at this site to go ahead as planned.

Please see the attached copy of Emergency Fire Vehicle Access Information, we advise you take time to read this, the above development may require an additional fire hydrant but our fire appliances do need to gain access and manoeuvre on site. If you required any additional guidance regarding fire safety, advice on the requirement of dry and wet risers, sprinklers system or fire alarms, please contact our Fire Safety Team via our main switchboard on 0280 555 1200.

NHS – North East London (date comments received 07/02/2023)

The NHS has reviewed the planning documentation submitted on the LBBB portal. In line with recommendations set out in the Health Impact Assessment of the development the NHS would be seeking a s106 capital contribution of £636,655.00 attributed to the increase in residential properties proposed on the development. We note within the viability report in outlines £1.4m is the total CIL & s106 contributions to maintain viability of the scheme, as such the NHS has asked for an appropriate level of contribution.

The contribution has been calculated using the Heath Urban Development Units planning contribution model, which is the accepted & adopted method for calculating required contribution for health in London and the summary is attached of the output.

Historic England – Greater London Archaeological Advisory Service (GLAAS) (date comments received 18/01/2023)

Thank you for consultation received 06/01/2023. The Greater London Archaeological Advisory Service (GLAAS) give advice on archaeology and planning. Our advice follows the National Planning Policy Framework (NPPF) and the GLAAS Charter.



The site lies immediately off 12 Thames Road, where geoarchaeological borehole survey and modelling has identified an apparent prehistoric channel running north south across the buried Barking Eyot, a former island in the Thames floodplain identified as having potential for past human activity. It also neighbours 17-19 Thames Road, where GLAAS provided pre-determination archaeological advice last year. The presence of the channel raised the potential for cultural activity and well preserved remain, including in and on the associated peat deposit. On current understanding, the prehistoric channel can be projected across the current application site. Although likely survey at some depth, the dense piling that would require for the tall building has potential to create harm to buried archaeology.

Having looked at this proposal and at the Greater London Historic Environment Record but I need more information before I can advise you on the effect on archaeological interest and their implications for the planning decision. If you do not receive more archaeological information before you take a planning decision, I recommend that you include the applicant's failure to submit that as a reason for refusal.

**Appendix 3:**

<b>Neighbour Notification:</b>	
Number of neighbouring properties consulted:	428
Number of responses:	0

**Appendix 4:**

<b>Planning conditions:</b>
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**SITE WIDE – COMPLIANCE**

**1. Time Limit**

The development hereby permitted shall commence before the expiration of three years from the date of this permission.

*Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).*

**2. Approved Plans and Documents**

The development hereby approved shall only be carried out in accordance with the approved drawing and documents.

Drawings:

<b>Drawing Title</b>	<b>Drawing Number</b>	<b>Revision</b>
<b>Floor Plans</b>		
Existing Site Location Plan	(00)_020	PL01
Proposed Ground Floor Plan	(20)_100	PL03
Proposed Upper Ground Floor Plan	(20)_100 A	PL03
Proposed 1 <sup>st</sup> Floor Plan	(20)_101	PL04

Proposed 2 <sup>nd</sup> Floor Plan	(20)_102	PL03
Proposed 3 <sup>rd</sup> – 5 <sup>th</sup> Floor Plan	(20)_103	PL02
Proposed 6 <sup>th</sup> Floor Plan	(20)_106	PL04
Proposed 7 <sup>th</sup> Floor Plan	(20)_107	PL04
Proposed 8 <sup>th</sup> Floor Plan	(20)_108	PL04
Proposed 9 <sup>th</sup> Floor Plan	(20)_109	PL03
Proposed 10 <sup>th</sup> Floor Plan	(20)_110	PL03
Proposed 11 <sup>th</sup> -13 <sup>th</sup> Floor Plan	(20)_111	PL03
Proposed Roof Plan	(20)_114	PL01
<b>Elevations</b>		
Proposed Thames Road Elevation	(20)_300	PL01
Proposed Rippleway Elevation	(20)_301	PL01
Proposed West Elevation	(20)_302	PL01
Proposed East Rippleway Yard Elevation	(20)_303	PL02
Proposed Elevation Looking towards South of the Yard	(20)_304	PL01
Proposed Elevation Looking towards North of the Yard	(20)_305	PL02
Proposed Thames Road Elevation	(20)_310	PL01
Proposed Rippleway Elevation	(20)_311	PL01
Proposed Elevation Looking towards South of the Yard	(20)_314	PL01
Proposed Elevation Looking towards North of the Yard	(20)_315	PL02

Documents:

Document title	Author	Date	Document number	Revision
Air Quality Assessment	Air Quality Assessments Ltd	15/12/2022	J0630/1/F2	-
Archaeology and Heritage Assessment	ACD Environmental	12/2022	PRI23681-AHA	Final
Arboricultural Survey Impact Assessment & Method Statement & Report	Marcus Foster Arboricultural Design & Consultancy	12/2022	AIA/MF/0110/22	-
Preliminary Ecological Appraisal	The Ecology Partnership	10/2022	-	-
Foul Sewage and Utility Statement	Seneca	08/2022	21087	00
Outline Fire Strategy (RIBA Stage 2)	Orion Fire	09/02/2022	OF-000615-OFS-01-B	
Gateway One Fire Statement	Orion Fire	09/02/2022	OF-000615-FSS-01-B	
Landscaping Design and Access Statement	-	12/2022	-	1
Noise Impact Assessment Report	KP Acoustics	22/06/2023	23704.NIA.01	C
Transport Assessment	Markides Associates	14/12/2022	TA01and Addendum Technical Note	E

				TN01	
Framework Travel Plan	Sitewide	Markides Associates	12/12/2022	TP01	B
Construction Plan	Logistics	Markides Associates	20/12/2022	CLP01	A
Wind Assessment		Create Consulting Engineers Ltd	12/2022	ML/CC/P22-2664/01 Rev A	A
Whole Life Carbon & Circular Economy		The PES	14/12/2022	-	-
Energy and Sustainability Statement		The PES	14/12/2022	-	V2
TM59 Thermal Comfort Analysis		The PES	05/12/2022	-	-
Commercial Report	Strategy	AND	12/2022		
Phase I Geoenvironmental Assessment Report		Symbiotic	12/2022	1475 R01	2
BREEAM Accredited Professional Stage 2/3 Pre-assessment Report		The PES	05/12/2022	-	-
Daylight & Sunlight Report		eb7	22/12/2022	4897	-
Flood Risk Assessment		Whitby Wood	21/12/2022	P450657-WW-XX-XX-RP-C-0001	P2
Drainage Report	Strategy	Whitby Wood	21/12/2022	P450657-WW-XX-XX-RP-C-0003	P3
Flood Warning and Evacuation Plan		Whitby Wood	21/12/2022	P450657-WW-XX-XX-RP-C-0001	P3
Design and Access Statement		Carey Jones Chapman Tolcher	22/12/2022	35015-CJCT-XX-XX-RP-A-0101	P01

*Reason: To ensure that the development is undertaken in accordance with the approved plans and documents.*

### 3. Accessible Housing

- a) All new build dwellings shall be constructed to comply with Building Regulations Optional Requirement Approved Document M4(2): Accessible and adaptable dwellings (2015 edition) as a minimum.
- b) 44 dwellings shall be constructed to or be capable of easy adaptation to Building Regulations Optional Requirement Approved Document M4(3): Wheelchair user dwellings (2015 edition) as demonstrated in the submitted Accommodation Schedule including Net & Gross Floor Area (file reference PF-AS-003 dated 22.06.23).

*Reason: To ensure that sufficient accessible housing is provided.*

### 4. Industrial Use of the Site

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the approved flexible industrial floorspace of 2,714sqm proposed by this development as shown on Proposed Ground Floor Plan (drawing number (20)\_100 Rev PL03), Proposed Upper Ground Floor Plan (drawing number (20)\_100 A Rev PL03), and Proposed 1<sup>st</sup> Floor Plan (drawing number (20)\_101 Rev PL04), shall only be used for flexible Use Class E(g)(iii)/B2/B8 (commercial, general industry, storage, and distribution) only. The approved industrial and commercial floorspace shall not be used for any other purposes within Class E or any provision equivalent to these Classes in any statutory instrument revoking and re-enacting that Order with or without modification).

*Reason: To safeguard the industrial use hereby permitted.*

#### **5. Hours of Use for Non-Residential Use**

The approved 2,714sqm of industrial floorspace that could be split into smaller and separate units as shown on Proposed Ground Floor Plan (drawing number (20)\_100 Rev PL03), Proposed Upper Ground Floor Plan (drawing number (20)\_100 A Rev PL03), and Proposed 1<sup>st</sup> Floor Plan (drawing number (20)\_101 Rev PL04), are permitted to trade between the hours of 06:00 and 23:00 on any day and at no other time.

*Reason: To protect the amenity of the surrounding residential building.*

#### **6. Vehicle Deliveries Activity**

Vehicle delivery and collections (including loading and unloading) shall only be made to or from the site outside of hours of 07:00 and 21:00 Monday to Saturday and 09:00 to 18:00 Sunday and Bank Holidays or other Public Holidays.

Applications which seek to use the site for deliveries and collections outside of the controlled hours must submit a Vehicle Delivery Noise Management Plan (VDNMP) to the satisfaction of the Local Planning Authority and shall thereafter be retained as approved. The VDNMP must demonstrate that deliveries will be made using the procedures outlined Quiet Deliveries Guidance produced by Transport for London (TfL) including the predicted noise impact at the residential properties in the vicinity of the application site.

*Reason: To prevent any undue disturbance to residential occupiers and occupants of neighboring properties at unreasonable hours.*

#### **7. Vents, Pipes and Extracts**

No vents, plumbing or pipes, other than those shown on the drawings hereby approved and listed under Condition 2 (Approved Plans), shall be fixed to the external faces of the buildings.

*Reason: To safeguard the external appearance of the building.*

#### **8. Communal Television and Satellite System**

No antennae or satellite dishes may be installed on the exterior of the building, except for 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 building.*

#### **9. Digital Connectivity**

Sufficient ducting space must be provided within the proposed buildings for full fibre connectivity infrastructure shall be provided within the development and maintained as such in perpetuity.

*Reason: To provide high quality digital connectivity infrastructure to contribute to London's global competitiveness.*

#### **10. Urban Greening Factor**

The development shall be completed in accordance with the Urban Greening Factor (UGF) *scoring as mentioned* Landscape Design and Access Statement, revision 1, dated December 2022, and achieve at least a score of 0.4. All greening measures shall thereafter be adequately maintained.

*Reason: Improve the natural environment and biodiversity.*

#### **11. Landscape Implementation**

- a) The development shall be completed in accordance with the Landscaping Design and Access Statement prepared by Macfarlanes (Rev 1) (dated December 2022), unless otherwise agreed in writing by the Local Planning Authority, and thereafter be adequately maintained.
- b) The approved scheme of planting, shrubs, and trees shall be carried out in full prior to first occupation of the development or no later than during the first planting season following practical completion of the development. The landscaping scheme shall be retained thereafter for the lifetime of the development.
- c) All planting, shrubs, and trees which are found to be dead, dying, severely damaged or diseased within five years of the practical completion of the development or five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

*Reason: To ensure a high quality of the public realm; to ensure residential amenity; to ensure that the development creates a safe and secure environment; ensure provision of biodiversity improvements; ensure that the development provides inclusive access.*

#### **12. Biodiversity**

The development shall be completed in accordance with recommendations and Preliminary Ecological Appraisal as well as Biodiversity Net Gain Proposal, both documents were prepared by The Ecology Partnership and they have been dated October 2021 and 20/12/2022 retrospectively, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently maintained for the stated purposes of biodiversity conservation.

*Reason: Improve the natural environment and biodiversity.*

#### **13. Construction Waste Management Plan**

The development shall be completed and be operational in accordance with Waste Management sections included in the Construction Logistic Plan, prepared by Markides Associates, dated 20/12/2022, reference CLP01, revision A.

*Reason: To ensure that waste is disposed appropriately.*

#### 14. Residential Waste Management Plan

The development shall be completed and be operational in accordance with proposed Vehicle Access and Parking Provision, Servicing Strategy and LBBB Planning Advice Notes sections included in the Transport Assessment, prepared by Markides Associates, dated 14/12/2022, reference CLP01, revision A.

*Reason: To ensure that waste is disposed appropriately.*

#### 15. Water Efficiency

- a) 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.
- b) The proposed industrial development shall achieve at least the BREEAM excellent standard for the 'Wat 01' water category or equivalent.

*Reason: To minimise the use of mains water.*

#### 16. Fire Strategy

The development shall be completed in strict accordance with submitted RIBA Stage 2 Outline Fire Strategy (ref: OF-000615-OFS-01-B, dated 09/02/2022) Gateway One Fire Statement (ref: OF-000615-FSS-01-B, dated 09/02/2023) both prepared by Orion Fire Engineering.

*Reason: To achieve the highest standards of fire safety and ensure the safety of all building users.*

#### 17. Noise Protection Scheme

1. Internal Noise Protection Scheme. The external fabric building specification and ventilation and overheating strategy detailed within Sections 5 and 6 respectively, of the Noise Impact Assessment Report ref 23704.NIA.01 Rev. C dated 22/06/2022 submitted by KP Acoustics, shall be installed, and implemented in full. The scheme shall thereafter be retained as approved.
2. External Noise Amenity Area Protection Scheme. The external amenity area noise protection scheme detailed within Section 7 of the Noise Impact Assessment Report ref 23704.NIA.01 Rev.C , dated 22/06/2022 submitted by KP Acoustics shall be implemented in full. The scheme shall thereafter be retained as approved.
3. Commissioning Acoustic Report. A commissioning acoustic test and report shall be undertaken within 3 months of completion of the residential development, in order to demonstrate that conditions a and b above have been achieved. The results of the tests shall be submitted to and approved in writing by the LPA.

**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.

## **PRIOR TO WORKS STARTING ON SITE**

### **18. Site Contamination**

No development shall commence (excluding demolition to ground level), until:

- a) an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
  - i. a survey of the extent, scale and nature of contamination;
  - ii. an assessment of the potential risks to human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments; and
  - iii. an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)'; and

- b) In the event that contamination is found to be present, a detailed remediation scheme, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared and submitted to the Local Planning Authority for approval in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- c) If remediation is required, the approved remediation scheme must be carried out in accordance with its terms prior to commencement of the development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met.

- d) 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 (a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b), 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: 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.*

#### **19. Piling Method Statement**

- a) No development shall commence (excluding demolition to ground level), 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 sub-surface sewerage infrastructure and the programme of works has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water.
- b) The approved piling method statement under part A shall be fully implemented. Any changes to the statement must be submitted to and agreed in writing by the Local Planning Authority in consultation with Thames Water.

*Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact and/or cause failure of local underground sewerage utility infrastructure.*

#### **20. Archaeology Written Scheme of Investigation**

No development (excluding demolition and ground remediation to a depth of 1m) 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, development (excluding demolition and ground remediation to a depth of 1m) 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 the Stage 1 evaluation, a stage 2 WSI outlining the parts of the site which have archaeological interest 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. Where appropriate, details of a programme for delivering related positive public benefits.

C. 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: Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation followed by the subsequent recording of significant remains prior to development (including preservation of important remains), in accordance with recommendations given by the borough and in the NPPF.*

## **21. Archaeology Foundation Design**

No development shall commence (excluding demolition to ground level and ground remediation works to a depth of 1m), until a detailed scheme showing the complete scope and arrangement of the foundation design and other below ground works, which have been submitted to and approved by the local planning authority.

*Reason: Heritage assets of archaeological interest survive on the site. The planning authority wishes to ensure that significant remains are not disturbed or damaged by foundation works but are, where appropriate, preserved in situ.*

## **22. Construction Environmental Management Plan (CEMP) and a Site Waste Management Plan (SWMP)**

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

- i. construction traffic management;
- ii. the parking of vehicles of site operatives and visitors;
- iii. loading and unloading of plant and materials;
- iv. storage of plant and materials used in constructing the development;
- v. the erection and maintenance of security hoarding(s) including decorative displays and facilities for public viewing, where appropriate;
- vi. wheel washing facilities;
- vii. noise and vibration control;
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- ix. the use of efficient construction materials;
- x. methods to minimise waste, to encourage re-use, recovery and recycling, and sourcing of materials; and
- xi. 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
- xiii. questions related to the ongoing development.

Demolition and construction work and associated activities, other than internal works inaudible 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.

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.

- b) Once approved the Plans shall be adhered to throughout the construction period for the development.

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

### **23. Construction Logistic Plan**

- a) No development shall commence on site (excluding demolition and ground remediation works) until a Construction Logistic Plan (CLP) that is in line with the TfL guidelines shall be submitted to and approved in writing by the Local Planning Authority in consultation with TfL. The details shall include the numbers, size, and routes of construction vehicles, provisions within/around the site to ensure that all vehicles associated with the construction works are properly managed to prevent any unwanted disruption to other highway users, and other matters relating to traffic management to be agreed with the licencing officers of the council.
- b) Approved details shall be implemented throughout the project period and any changes to the document must be reported back to the council's planning and highways department.

*Reason: To ensure that appropriate steps are taken to limit the impact of the proposed demolition and construction works on the operation of the public highway, the amenities of local residents.*

### **24. Air Quality and Dust Management Plan (AQDMP)**

- a) No development shall commence on site (excluding demolition and ground remediation works) until a full detail/s of the proposed mitigation measures for impact on air quality and dust emissions, in the form of an Air Quality and Dust Management Plan (AQDMP), must be submitted to and approved in writing by the Local Planning Authority.

In preparing the AQMDP the applicant should follow the guidance on mitigation measures for sites set out in Appendix 7 of the Control of Dust and Emissions during Construction and Demolition SPG 2014. Both 'highly recommended' and 'desirable' measures should be included.

The AQDMP can form part of the Construction Environmental Management Plan (CEMP). The AQDMP shall include the following for each relevant of work (demolition, earthworks, construction and trackout):

- i. A summary of work to be carried out;
- ii. Proposed haul routes, location of site equipment including supply of water for damping down, source of water, drainage and enclosed areas to prevent contaminated water leaving the site;
- iii. Inventory and timetable of all dust and NO<sub>x</sub> air pollutant generating activities;
- iv. List of all dust and emission control methods to be employed and how they relate to the Air Quality (Dust) Risk Assessment;
- v. Details of any fuel stored on-site;
- vi. Details of a trained and responsible person on-site for air quality (with knowledge of pollution monitoring and control methods, and vehicle emissions);
- vii. Summary of monitoring protocols;

- viii. A log book for action taken in response to incidents or dust-causing episodes and the mitigation measure taken to remedy any harm caused, and measures employed to prevent a similar incident reoccurring.
- b) The demolition and development shall thereafter be carried out and monitored in accordance with approved AQDMP under part A of this condition.

*Reason: To manage and mitigate the impact of the development on the air quality and dust emissions in the area and London as a whole, and to avoid irreversible and unacceptable damage to the environment.*

## **25. Non-Road Mobile Machinery**

- a) No development shall commence on site, including any works of demolition, until:
  - i. detail of all plant and machinery to be used at the demolition and construction phases shall be provided, and
  - ii. proof of registration at <http://nrmm.london/> for all Non-Road Mobile Machinery (NRMM) and plant to be used on the site of net power between 37kW and 560 kW,

must be submitted to and approved in writing by the Local Planning Authority

- b) An inventory of all NRMM must be kept on site during the course of the demolitions, site preparation and construction phases. All machinery should be regularly serviced, and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment. This documentation should be made available to local authority officers as required until development completion.

*Reason: To ensure that air quality is not adversely affected by the development.*

## **26. Fire Evacuation Lift**

No development shall commence on site (excluding demolition and ground remediation works) until details of fire evacuation lift shall be submitted to and approved in writing by the Local Planning Authority. The application shall demonstrate that at least one lift per core (or more subject to capacity assessments) will be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building. The development shall be carried out in accordance with these details and maintained as such in perpetuity.

*Reason: In the interests of fire safety.*

## **PRIOR TO ABOVE GROUND WORKS**

### **27. London City Airport**

Prior to the commencement of above ground works the method of construction including details of the use, location and height of cranes and other plant and equipment or temporary structures in that Plot or part thereof, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the operator of London City Airport.

*Reason: To ensure that safeguarded surfaces for London City Airport are not infringed.*

### **28. Materials**

- a) Notwithstanding any indicative materials specified in Design and Access Statement (prepared by Carey Jones Chapman Tolcher, dated 22/12/2022, number 35015-CJCT-XX-XX-RP-A-0101 Rev P01), prior to above ground floor slab works starting on site, detail of all external materials to be used for the construction of the development (including hard landscaping) shall be submitted to and approved in writing by the Local Planning Authority.

Details submitted pursuant to this condition shall include:

- i. Detailed schedule of all materials to be used
  - ii. Detailed schedule and drawings of fenestration. Details of fenestration, where relevant, shall include reveals, sills and lintels. Drawings shall be at a scale of no less than 1:20
  - iii. Detailed schedule of materials used for hard landscaping within the site and along Thames Road and Ripple Greenway that demonstrated that the scheme is responding to the emerging design detail
  - iv. Drawings and details of entrances, where relevant, shall include doors, reveals, canopies, signage, entry control, post boxes, CCTV, lighting and soffit finishes
  - v. Details of roofing.
  - vi. Details of any balconies, terraces or wintergardens and associated balustrades, soffits and drainage.
  - vii. Details of any external rainwater goods, flues, grilles, louvres and vents.
  - viii. Details of any external plant, plant enclosures and safety balustrades.
  - ix. A Green Procurement Plan for sourcing the proposed materials. The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste.
- b) The development shall be constructed in full accordance with the approved materials under part a) of this condition.

*Reason: In order to ensure that design makes an acceptable contextual response in terms of materials to be used and achieve a satisfactory quality of design and detailing.*

## **29. Details of Boundary Treatment**

- a) Prior to above ground works starting on site, drawings that show the design and material finish of the western boundary shared with No 11 Thames Road shall be submitted to and approved in writing by the Local Planning Authority.
- b) The approved design and finish of the western boundary treatment shall be in place prior to the occupation of the buildings hereby approved, and permanently maintained thereafter unless the neighboring site comes forward for development.

*Reason: To ensure adequate security and a satisfactory appearance of the completed development.*

## **30. Bird Nesting and Bat Roosting Bricks/Boxes**

- a) Prior to above ground works starting on site, details (size, type, and number) and location of the bat and bird boxes and swift bricks that are incorporated into building fabric must be submitted to and approved in writing by the Local Planning Authority.

- b) The approved bird and bat boxes shall be installed on the building and permanently retained thereafter.

*Reason: In the interest of promoting and enhancing biodiversity on the site.*

### **31. Noise Transmission from Industrial Use to Noise Sensitive Receiver**

A scheme for the sound insulation of the partition party wall/floor/ceiling between commercial units/premise(s) and the structurally adjoining noise sensitive residential property shall be submitted to and approved in writing by the LPA. The scheme shall be in accordance with the details regarding construction and limiting noise levels provided in section 8 of the Noise Impact Assessment Report ref 23704.NIA.01 Rev. C dated 22/06/2022 submitted by KP Acoustics.

The scheme approved by the LPA shall be fully implemented in accordance with the approved details before the use, hereby permitted, commences. The works and scheme shall thereafter be retained in accordance with the approved details.

No alteration to the separating partition which undermines the sound insulation integrity shall be undertaken without the grant of further specific consent of the LPA.

**Reason:** To ensure that noise sensitive premises 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.

### **32. Noise Transmission from Residential Use to Shared Space on the Roof**

- a) Prior to above ground works starting on site, a scheme for protecting the proposed upper floor residential units from structure borne noise through the roof(s) used for recreation shall be submitted to and approved in writing by the Local Planning Authority.
- b) The scheme shall be fully implemented in accordance with the approved details under part a) of this condition. The works and scheme shall thereafter be retained in accordance with the approved details. No alteration to the separation partitions which undermines the sound insulation integrity shall be undertaken without the grant of further specific consent in writing from the Local Planning Authority.

*Reason: To achieve the highest standards of residential standards and to protect future occupiers from noise.*

### **33. Mechanical & Building Service Noise Assessment**

Before any mechanical services plant including heating, ventilation, and air conditioning (HVAC), refrigeration and kitchen extraction plant, to which the application refers, is used, a scheme shall be submitted to and approved in writing by the LPA. The scheme shall be in accordance with the details regarding the maximum noise emission for mechanical plant and equipment, at the nearest residential receiver, provided in section 9 of the Noise Impact Assessment Report ref 23704.NIA.01 Rev. C dated 22/06/2022 submitted by KP

Acoustics and shall demonstrate that the following noise design requirements can be complied with. The scheme shall thereafter be retained as approved.

1. The cumulative measured or calculated rating level of noise emitted from the mechanical services plant to which the application refers, shall be lower than the existing background noise level by 10dB at all times when the plant is in operation.
2. The plant shall be supported on adequate proprietary anti-vibration mounts to reduce the structural transmission of vibration and regenerated noise within adjoining premises, and these shall be so maintained thereafter.
3. A commissioning acoustic test and report shall be undertaken within 3 months of mechanical services commissioning in order to demonstrate that condition a and b above has been achieved. The results of the test shall be submitted to and approved in writing by the LPA.

**Reason:** To ensure that the proposed residential premises 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

#### 34. **Cycle Parking**

- a) Notwithstanding the detail provided in the submitted documents and approved drawings in relation to the cycle parking, prior to above ground works starting on site, details of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The required information to address this condition is:
  - Demonstrate that the development can accommodate 427 long-stay spaces for residents, 7 short-stay spaces for residents, and 6 for employees.
  - Demonstrate that out of the 436 cycle parking spaces at least 5% would be wider/larger cycle parking spaces.
  - Demonstrate that out of the 436 cycle parking spaces at least 20% would be accessible to users who cannot use two-tier racks.
  - Provide drawings to demonstrate that the cycle parking spaces would fully comply with the London Cycling Design Standards Chapter.
- b) The approved cycle parking under part a) of this condition shall be fully implemented and installed prior to the first occupation of the building and it shall be permanently retained thereafter for the users of the development and for no other purposes.

*Reason: To ensure that there is satisfactory provision of cycle/mobility parking facilities for users of the development.*

#### 35. **Flood Risk Assessment and Flood Warning and Evacuation Plan**

- a) Notwithstanding the submitted Flood Risk Assessment (FRA) and Flood Warning and Evacuation Plan (FWEP), prepared by Whitby Wood, dated 21/12/2022 and a letter dated 10/03/2023, prior to above ground works starting on site, revised FRA and FWEP shall be submitted to and approved in writing by the Local Planning Authority. The revised document must address the comments issued within Stage 1 report (paragraph 109) issued by the Greater London Authority (GLA).



- b) The approved FRA and FWEP shall be fully implemented before first occupation of the development and they shall be permanently retained thereafter.

*Reason: To safeguard the public from surface water flood risk, protect the environment and respond to climate change.*

### **36. Sustainable Drainage**

- a) Notwithstanding the submitted Drainage Strategy Report, prepared by Whitby Wood, dated 21/12/2022 and a letter dated 10/03/2023, prior to above ground works starting on site, a revised Drainage Strategy Report shall be submitted to and approved in writing by the Local Planning Authority. The revised strategy shall include detail for the rainwater harvesting including its dimensions and location of the rainwater harvesting shown on the drainage plan with all other proposed measures.
- b) The approved Drainage Strategy Report approved under part a) of this condition shall be fully implemented prior to first occupation of the development across the whole site and it shall be permanently retained thereafter.

*Reason: To safeguard the public from surface water flood risk, protect the environment and respond to climate change.*

### **PRIOR TO FIRST OCCUPATION (of relevant use)**

### **37. External Lighting**

- a) Prior to first occupation of the approved development, a full Lighting Strategy shall be submitted to and approved in writing by the Local Authority. The Lighting Strategy should include details of lighting within the scheme to illuminate the road and public realm to create a safe and welcoming environment.
- b) 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 the interests of security and safety, to avoid light pollution and safeguard neighbouring amenity.*

### **38. Secure by Design**

- a) The proposed development shall achieve security standards (based on Secured by Design principles) to the satisfaction of the Local Planning Authority and Metropolitan Police, Design Our Crime team, details of which shall be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of the approved development.
- b) All security measures applied to the approved development shall be permanently retained thereafter.

*Reason: In the interest of creating safer, sustainable communities.*

### **39. Green Roof System**

- a) Prior to first occupation of the residential development a maintenance plan of the green roof systems is submitted and approved by the Local Planning Authority.
- b) The approved maintenance plan shall be implemented and retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

*Reason: To promote biodiversity on the site and to prevent an increased risk of flooding.*

**40. Parking Design and Management Plan**

- a) Prior to the first occupation of the residential use within the development, a Parking Design & Management Plan demonstrating how the eight Blue Badge Car Parking Spaces would be marked, distributed and managed, including the design, specification, and exact location for the electric vehicle charging points serving all eight spaces provided, shall be submitted and approved in writing by the Local Planning Authority.
- b) The approved Parking Design & Management Plan under part a) of this condition shall be implemented and retained thereafter.

**41. Commercial Vehicle Transportation Noise Impact Assessment**

Prior to the first occupation of the development, a commercial vehicle transportation noise impact assessment, including the cumulative impact from vehicles, delivery and servicing vehicles accessing/egressing the proposed development shall be submitted to and approved in writing by the Local Planning Authority.

The assessment must consider the advice contained in the Guidance for Noise Impact Assessment form the Institute of Environment Management and Assessment (IEMA) 2014 which assess environmental noise impact with regards to different noise indices as LAeq, T, LA90, T and LAMax at different times of the day. It is considered that if the outcome of the assessment is greater than moderate, this would be considered unacceptable and further mitigation measures would be required to be proposed. The following Semantic Noise Impact Assessment presented below provided an example of approximate impact of change in noise level:

Sound Level Change sB(A)	Subjective Impression	Impact description
0.0	No Change	None
0.1 to 2.9	Imperceptible changes in loudness	Slight
3.0 to 4.9	Perceptible changes in loudness	Moderate
5.0 to 9.9	Up to doubling or halving of loudness	Substantial
10.0 or more	More than doubling or halving of loudness	Severe

*Reason: To ensure that the proposed residential units are adequately protected from noise.*

**42. Delivery and Servicing Plan**

- a) Prior to the first occupation of the development, a Delivery and Servicing Plan for all the proposed uses shall be submitted to an approved in writing by the local planning authority.

- b) The approved Delivery and Servicing Plan under part a) shall be fully implemented before the first use of the relevant residential and non-residential units and shall thereafter be permanently retained in an efficient manner.

*Reason: In order to ensure the design has suitably considered the transport needs of the development in the interests of highway safety.*

#### **43. BREEAM**

Prior to the first occupation of the non-residential development, the BREEAM 2018 post-construction assessment demonstrating how the development will achieve (BREEAM Excellent), shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the proposed development is sustainable.*

#### **44. Whole Life Carbon (post-construction assessment in consultation with GLA)**

The development shall not be occupied until confirmation of submission of the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance is submitted to and approved in writing by the Local Planning Authority.

The post-construction assessment should be submitted to the GLA at: [ZeroCarbonPlanning@london.gov.uk](mailto:ZeroCarbonPlanning@london.gov.uk), along with any supporting evidence as per the guidance.

*Reason: In the interests of sustainable development and to maximise on-site carbon dioxide savings.*

#### **45. Circular Economy (post-construction monitoring report in consultation with GLA)**

The development shall not be occupied until confirmation of submission of the post-construction monitoring report in line with the GLA's Circular Economy Statement Guidance is submitted to and approved in writing by the Local Planning Authority.

The post-construction monitoring report shall be submitted to the GLA, currently via email at: [circulareconomystatements@london.gov.uk](mailto:circulareconomystatements@london.gov.uk), along with any supporting evidence as per the guidance.

*Reason: In the interests of sustainable waste management and in order to maximise the re-use of materials.*

### **OTHER**

#### **46. Non-Residential Unit with a Commercial Kitchen**

- a) If any of the industrial units as shown on Proposed Ground Floor Plan (drawing number (20)\_100 Rev PL03), Proposed Upper Ground Floor Plan (drawing number (20)\_100 A Rev PL03), and Proposed 1st Floor Plan (drawing number (20)\_101 Rev PL04), are leased/occupied/sold to a business that operates as a commercial kitchen for any purpose. Prior to the first use details of the ventilation system for the removal and treatment of cooking odours from any commercial catering, including its appearance and measures to mitigate system noise, should be submitted to and approved in writing by the Local Planning Authority. The system and mitigation 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
- Publication, "Control of Odour and Noise from Commercial Kitchen Exhaust Systems – Update to the 2004 report prepared by NETCEN for the Department for Environment, Food and Rural Affairs", Ricardo.com, 2018.

b) The approved details under part a) of this condition shall be fully implemented before the first use of the relevant non-residential 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 odours and noise.*

## **INFORMATIVE**

### **1. Permission subject to Section 106 Legal Agreement**

This permission is subject to a Section 106 of the Town and Country Planning Act 1990 legal agreement. The legal agreement shall be read in conjunction with the associated officer report and decision notice.

### **2. Evidence of compliance with Section 106 Legal Agreement Obligations**

Section 106A of the Town and Country Planning Act 1990 makes provisions for a person bound by a Section 106 legal agreement to apply to the Local Planning Authority to have the obligation discharged. The obligation will only be discharged if the Local Planning Authority is satisfied that it has been complied with or when it no longer serves a useful purpose.

To discharge obligation/s from the Section 106 Legal Agreement you must submit an application to the Local Planning Authority in accordance with the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992.

### **3. Discharge of planning conditions**

All relevant planning conditions must be discharged in accordance with the triggers given. Requests to discharge conditions must be made by formal application. Fees are £116 per request.

### **4. Building Control**

The approved development is required to comply with the Building Regulations. Please contact Be First Building Control at [BuildingControl@befirst.london](mailto:BuildingControl@befirst.london) will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process.

### **5. Community Infrastructure Levy**

This application is liable for the Community Infrastructure Levy (CIL) raised by the Mayor of London and London Borough of Barking and Dagenham Council.

You have completed and submitted Form 1: CIL Additional Information. We now require Form 2: Assumption of Liability to be submitted within the next two weeks after the decision notice being issued. This must be completed in order to produce a Liability Notice. This form tells us who is responsible for paying the CIL charge. If this form is not

completed within two weeks of the issue of the planning decision notice we will make a Land Registry search and send the CIL Liability Notice to the landowner and any other interested parties noted on the register.

If you wish to apply for an exemption from the levy, for example, for charitable or social housing relief, then please complete one of the forms below:

- Form 7: Self Build Exemption Claim – Part 1 & Part 2
- Form 8: Residential Annex Exemption Claim
- Form 9: Residential Extension Exemption Claim
- Form 10: Charitable and/or Social Housing Relief Claim

Exemption forms must be submitted before commencement of the development. Please provide these forms in good time as commencement should not start before the council has issued a Relief Decision Notice.

#### **6. Street naming and numbering**

Please note that you will be required to submit an application for new names or numbers for streets or buildings together with right supporting documentation. More information on how to apply can be found on our website at: <https://www.lbbd.gov.uk/street-naming-and-numbering>

#### **7. London City Airport - Crane Methodology**

You are advised that once crane methodology is chosen, the crane operator must inform the CAA as per CAP1096. The CAA would then notify the affected aerodromes of the proposed temporary obstacles.

#### **8. Design out Crime**

In aiming to satisfy this condition the applicant should seek the advice of the Police Designing out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via [docomailbox.ne@met.police.uk](mailto:docomailbox.ne@met.police.uk) or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).

#### **9. Contaminated Land**

Pursuant to the provision of the National Planning Policy Framework responsibility for securing a safe development rest with the developer and/or landowner. It is recommended that a watching brief is implemented for the presence of unexpected land contamination throughout the construction works (if during any groundwork contaminated land or suspected contaminated land is discovered or identified, this should be report to the [environmentalprotection@lbbd.gov.uk](mailto:environmentalprotection@lbbd.gov.uk)). In the event that contamination is found at any time when carrying out the development it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, implemented and verified with copied of all relevant records being provided to the Local Planning Authority.

#### **10. Thames Water - Discharging groundwater into a public sewer**

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry

Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

## Appendix 5:

### Heads of Terms:

#### SCHEDULE ONE – ADMINISTRATIVE

- Payment of the Council's professional and legal costs, whether the Section 106 Agreement completes or not.
- Payment of £17,500 for the Council fees for monitoring and implement the Section 106 Agreement, payable on completion of the deed

#### SCHEDULE TWO - AFFORDABLE HOUSING

- Provision of on-site affordable housing consisting of 40 units / 126 habitable rooms of London Affordable Rent consisting of all units in Block D alongside 6x duplex units in Blocks A and B.
- Submission of an Early-Stage Review.
- Submission of the Late-Stage Review.

#### SCHEDULE THREE – PROVISION OF INDUSTRIAL FLOORSPACE OBLIGATIONS

- The Owners covenant that prior to first Occupation of any of the Residential Units within the Development:
  - the 2,714 square metres of the Industrial Gross Internal Area as shows on Proposed Ground Floor Plan (drawing number (20)\_100 Rev PL03), Proposed Upper Ground Floor Plan (drawing number (20)\_100 A Rev PL03), and Proposed 1st Floor Plan (drawing number (20)\_101 Rev PL04) shall be delivered to Shell and Core;
  - the 1,572 square metres of External Shared Amenity that is ancillary to the Industrial floorspace provided as shows on Proposed Ground Floor Plan (drawing number (20)\_100 Rev PL03) shall be provided in full; and
  - that the provided industrial units mentioned in paragraph(s) 1.1 and 1.2 of this Schedule will be marketed at least three months prior to their completion to local businesses.
- Shell and Core means provision of the outer building envelope (including walls, windows, doors, plumbing, lighting, internet connection) but excluding furnishings, interior lighting fixtures, interior walls or ceilings.

#### SCHEDULE FOUR – LOCAL EMPLOYMENT, SKILLS, AND SUPPLIERS OBLIGATIONS

### **Local Employment, Skills, and Suppliers Plan**

- The Owner covenants to submit at least six months prior to the Commencement of the Development, an Employment, Skills and Suppliers Plan to be agreed in writing by the Council's Enterprise and Employment team (such approval not to be unreasonably withheld or delayed); an to cascade the approved Employment, Skills and Suppliers Plan to contractors and sub-contractors, but on the basis that the obligation remains of the Owner to comply with the approved plan.

### **Construction Phase Employment**

- The Owner covenants to use Best Endeavours through the Construction Phase of the Development to:
  - ensure a minimum of 20% of the total jobs (calculated on a Full Time Employment basis ('FTE') created in the construction phase of the Development shall be new jobs;
  - ensure a minimum of 25% of the total FTE jobs created by the construction phase shall be filled by Residents of the Council's Area;
  - advertise all vacancies for the construction phase of the Development through the council's job brokerage services, with notification of job vacancies being made exclusively available to Residents of the Council's Area for a minimum of 10 days before being advertised more widely;
  - ensure compliance with the Unite Construction Charter, of which the Council and Be First are signatories. This includes ensuring that all operatives on site are directly employed on a PAYE basis under a contract of employment and paid no less than the London Living Wage.
  - work with the Council to achieve above targets including by providing skills forecast for the Development which highlights any shortages which should be reported to the Council's job brokerage service;
  - ensure that all sub-contractors are made aware of the requirements of this paragraph.

### **Construction Phase Training**

- The Owner covenants to use Best Endeavours through the Construction Phase of the Development to:
  - provide at least one training opportunity for every 10 construction workers is delivered, including short courses, work experience, internship and other training related opportunities to support Residents of the Council's Area to obtain and progress within employment and at least half of which (or 5% of the



FTE workforce, whichever is the greater) must be provided for apprenticeships leading to a full recognised qualification.

- provide at least one apprenticeship for every 20 full time workers, delivered at or progressing to at least a Level 3 occupational qualification;
- provide at least 10 weeks of work experience for every 6 months of the duration of the construction phase of the Development;
- provide at least one educational workshop and or visit during each educational term for the duration of the construction phase to support local schools and careers services.
- the Owner shall secure that in delivering the required training outputs they and their sub-contractors will support the Council's efforts to create a clear route into the construction sector for Residents of the Council's Area by using the Council's preferred local education and training providers where possible.

### **Supply Chain during the Construction Phase**

- The Owner covenants to use Best Endeavours through the Construction Phase of the Development to:
  - ensure that the Council's Construction Team is supplied with a detailed plan showing procurement for the Development which will identify the different trades which will be working on the Site, the tender event schedule, and how they will seek to achieve a minimum of 25% of goods and services through the local supply chain if possible. This will include, but is not limited to, goods, materials, and services;
  - companies based in the Council's Area shall be given a genuine opportunity to tender for all contracts and sub-contracts arising from the Development, ensuring feedback where possible when a business is unsuccessful;
  - a list of work packages being offered to competitive tender shall be submitted for the contractor and all sub-contractors, showing timeframes, values of packages and framework requirements;
  - details of when a package is awarded shall be submitted, including information about any local contractors that have tendered for work (both successful and unsuccessful, showing reasons for the decision);
  - there shall be participation in at least two events in each year of the life of the Development to promote opportunities to local suppliers to help them build their capacity, making an additional (or as an alternative) financial contribution to the delivery of such activity to ensure local suppliers are able to access opportunities arising from the Development;
  - support shall be provided to local businesses through the Council's Business Forum and events such as 'Meet the Buyers'.

### **Employment and Training Monitoring**

- Prior to Commencement of the Development, the Owner shall appoint and employ a Construction Employment Co-ordinator for the duration of the Construction Phase of the Development.
- Once the Employment, Skills and Suppliers Plan has been approved and the Development has Commenced, the Owner shall submit monitoring forms to the Council by the designated coordinator responsible for managing recruitment and training on a monthly basis for the first three months and quarterly thereafter.
- Construction Employment Co-ordinator shall be responsible for:
  - submitting monitoring forms to the Council's employment team;
  - attending site visits or meetings with the Council job brokerage team to discuss the progress of the Development and compliance with the obligation in the schedule, such meeting is to be held on a quarterly basis PROVIDED THAT in cases where the Council has concerns regarding compliance with schedule, the Council may require the Construction Employment Co-Ordinator to meet on a monthly basis until such concerns are resolved.
  - attending the Council quarterly Construction Advisory Forum meetings, which enable the Council to identify challenges facing developers, to coordinate efforts to resolve these across the construction sector;
  - to provide documentation of the efforts made to discharge the obligations in this Schedule Two as requested by the Council.

### **Financial Contributions for Failure to Comply with Employment and Training Targets**

- If the Employment and Training Monitoring Report(s) submitted in accordance with above paragraphs demonstrated a failure to use Best Endeavours to achieve the Local Employment Targets, the Owner covenants to pay employment and training compensation based on the shortfall against: to the Council within 30 days of agreement between the Owner and the Council of the amount due, based on the following calculations:
  - in the employment during construction phase, if the Owner are unable to meet the employment during construction targets, a financial contribution shall be made to the Council calculated with a formulae:
  - a multiple of the target number of jobs for Residents in the Council's Area and the sum of £5,000.00, which is the average cost of supporting an unemployed resident within the Council's Area into work;
  - if the owner/developer is unable to meet the training and apprenticeship targets, a multiple of the number of expected jobs for Residents in the Council's Area and the sum of £1,820.00, (which sum is based on 35 hours a week for

52 weeks in the year x the most recent hourly London Living Wage rate as set by the Living Wage Foundation).

- in the Occupation / End User phase, the target number of jobs for residents in the Council's Area multiplied by £5,000.00, which is the average cost of supporting an unemployed resident in the Council's area into work
- The Council will take into account the following when assessing whether reasonable endeavours have been achieved:
  - whether developer has provided a designated coordinator to manage recruitment, training and supply chain commitments;
  - whether this person has responded positively to requests for meetings, monitoring information, and evidence as required;
  - whether all vacancies have been advertised through the Council's job brokerage services; and
  - whether any problems affecting the owner/developer ability to meet targets have been raised with the council's job brokerage services and alternative options agreed, such as appropriate financial compensation.
- The Owner covenants to be responsible for any and all reasonable legal costs incurred by the Council in enforcing or ensuring compliance with the employment and training obligations in the event of a breach of this agreement.

#### **End-user Phase**

- Following completion of the Development, the Owner covenants to use Best Endeavours to ensure that any future tenant or owner of the industrial floorspace approved by the development, procure that:
  - at least 10% of the estimated total jobs (calculated on an FTE basis) created are filled by Residents of the Council's Area;
  - new apprenticeships shall be created for Residents of the Council's Area, to be calculated on a case-by case basis with the Council, based on an FTE basis;
  - all vacancies are advertised through the Council's job brokerage service, with notification of job vacancies exclusively available to residents for a minimum of 10 days before being advertised more widely; and
  - that staff are paid at least the London Living Wage.

#### **SCHEDULE FIVE – RIGHTS OF WAY OBLIGATIONS**

- Following the receipt of a written request from the freehold owner of Number 11 and/or 17 Thames Road together with the grant and implementation of the Number 11 and/or 17 Development, the Owner agrees on Practical Completion of the Owner's Development at 7 Thames Road to provide a right of way in the following terms:
  - for the owners of the Number 11 and 17 Development, future residents of the Number 9 Development, and tenants of the Number 9 Development over the area shaded yellow on the Right of Way Plan, twenty-four hours a day and

seven days a week throughout the calendar year in perpetuity for the lifetime of the Number 9 Development;

- on foot and with or without private motor vehicles and for refuse collection and emergency vehicles but not (for the avoidance of doubt) any construction vehicles);
- on terms that the cost of the maintenance and repair of the Right of Way would be shared equally between the Owners and the owner/occupiers of Number 9, provided that Number 9 shall be responsible for the reasonable legal costs of the Owner and on other terms which are reasonable and agreed between the Owner and Number 9.

## **SCHEDULE FIVE – VEHICLE PARKING CONTROLS OBLIGATIONS**

### **Controlled Parking Zone**

- To inform the First Occupier(s) of each Residential Unit within the Development prior to their First Occupation of the Council's policy that they shall not be entitled (unless they are a holder of a disabled person's badge issues pursuant to section 21 of the of the Chronically Sick and Disabled Persons Act 1970 (as amended)) to a Parking Permit to park a vehicle in an on-street Parking Bay in existing and any future Controlled Parking Zone and that they will not be able to buy a contract to park within any car park owned, controlled or licenced by the Council.
- To include the following in any new agreement, lease, and/or freehold transfer in respect to any part of the Site for the purposes of selling or letting any Residential Unit contains the following covenants (or a covenants in similar form):

*“the [insert details as appropriate] and (their successors in title) being the Owner or Owner for the time being of the terms of years hereby granted covenants with the ....[insert details as appropriate] and separately with the Mayor and Burgesses of the London Borough of Barking & Dagenham not to apply for nor knowingly permit an application to be made by any person residing in the premises to the London Borough of Barking and Dagenham (“the Council”) for a residents or visitors car parking permit in respect of such premises and if such a permit is issued then it shall be surrendered within 7 days of written request to do so from the Council and this covenants shall also be enforceable by the Council under the Contracts (Rights of Third Parties) Act 1999 Section 1”.*

- For the avoidance of doubt the provisions under paragraph 1.1 of this Schedule shall apply to each new and subsequent owner, resident, and occupier of any Residential Unit within the Development.

### **Car Parking Spaces for Disabled Persons**

- The provided eight Car Parking Spaces as shown on Proposed Ground Floor (drawing number (20)\_100 Rev PL03) will only be made available on a lease basis to a holder of a disabled person's badge issues pursuant to section 21 of the of the Chronically

Sick and Disabled Persons Act 1970 (as amended) that is owning or renting a Residential Unit within the Development, and to no other persons or entities.

- The provided eight Car Parking Spaces as shown on Proposed Ground Floor (drawing number (20)\_100 Rev PL04) shall not be disposed of by way of outright sale to any Occupier or tenant within the Development.

## **SCHEDULE SIX – CAR CLUB MEMBERSHIP OBLIGATION**

The Developer shall ensure that each household Occupying any Dwelling will be offered the opportunity of membership to a car club on the Development and that should that household take up such an offer the Developer will pay the full costs of membership to the car club for a period of two years from the date of first membership of the car club.

## **SCHEDULE SEVEN – TRAVEL PLANS OBLIGATION**

### **Travel Plan**

- Prior to first Occupation of the Development the Owner shall submit to the Council a Residential Travel Plan and Industrial Travel Plan.
- The Owner shall fund and procure the implementation of the Residential Travel Plan and Industrial Travel Plan in accordance with the actions and timetable specified therein; and thereafter comply with the Travel Plan for the Monitoring Period.

### **Travel Plan Co-Ordinator**

- Three months prior to the first Occupation of the Development the Owners shall appoint and fund a suitable qualified Travel Plan Coordinator and notify the Council in writing of the name, address, telephone number and email address of the person appointed.

### **Travel Plan Monitoring**

- On the 1st, 3rd, and 5th anniversary of the Residential Travel Plan and Industrial Travel Plan, the Owners or the appointed Travel Plan Coordinator shall undertake and submit an Annual Monitoring Report to the Council for approval, which shall demonstrate to the Council's reasonable satisfaction how the Travel Plan has been implemented and include the following:

- measures introduced and actions taken to promote the Travel Plan;
- a statistical summary of the modal split of employees/residents/users disclosed by the monitoring surveys;
- the progress of the Travel Plan in achieving targets and identifying any amendments to be agreed in writing by the Council in the event that targets are not achieved;
- a plan for future actions to be implemented.

### **Travel Plan Welcome Packs**

- Prior to Occupation of the Development, the Owner shall agree with the Council in writing the details of the Residential Travel Plan Welcome Pack and Industrial Travel Plan Welcome Pack to be provided prior to first Occupiers moving in (such approval not to be unreasonably withheld or delayed).
- Prior to Occupation of the Development, the Owner shall provide the approved Residential Travel Plan Welcome Pack and Industrial Travel Plan Welcome Pack to each first Occupiers of the Residential Units and Industrial Units on Occupation of the Residential Units.
- Prior to Occupation of the Development, the Owner shall agree with the Council in writing details of information boards to be provided within the communal areas of the relevant Block(s) to provide details of the Travel Plan to all Occupiers of the Residential Units and Industrial Units.
- The Owner shall ensure that the approved Travel Plan Welcome Pack information is appropriately displayed on board in all shared and common areas within the residential block(s) and industrial space(s) prior to Occupation of the Development.

## **SCHEDULE EIGHT – HIGHWAY OBLIGATIONS**

### **Off Site Highway Works**

- Prior to Occupation of the Development the Owner shall submit to the Council a detailed highway design relating to access and egress and enter into the Highway Agreement to undertake the Traffic Management and Highways Works which will include new Traffic Management Orders.
- The Owners shall apply for and meet the full cost of any necessary Traffic Management Order(s) required to carry out the Traffic Management Measures.

### **Public Roads**

- On Practical Completion of the Development the Owner shall repair any damage to the public highways (if required and warranted by the Council through the issue of sufficient photographic evidence to the Owner) and which the Council can reasonably

demonstrate arose because of the construction of the Development at their own cost and at nil cost to the Council.

## **SCHEDULE NINE – CARBON OFFSET OBLIGATIONS**

### **Energy Performance**

- Best Endeavours shall be used to ensure that the Development is constructed and delivered in accordance with the Energy & Sustainability Statement (prepared by The PES, dated 14/12/2022, version V2) and that the Development achieves a minimum of 76.87% reduction in carbon emissions over Part L of the Building Regulations 2021 (as at the date of this agreement) (when applying SAP 10 emission factors) through On-Site provisions. The remaining carbon emissions to achieve zero carbon of 23.13% shall be calculated at practical completion using Carbon Offset Contribution and they shall be paid to the Council upon Implementation of the Development.

### **Energy Performance Monitoring**

- Prior to first Occupation of the Development, the Owners shall upload to the GLA Energy Monitoring Portal:
  - updated accurate and verified 'as-built' design estimates of the 'Be seen' energy performance indicators for each Reportable Unit of the relevant Block, as per the methodology outlined in the 'As-built stage' chapter / section of the Energy Monitoring Guidance; and
  - evidence that suitable monitoring devices have been installed and maintained for the monitoring of the in-use energy performance indicators, as outlined in the 'In-use stage' of the Energy Monitoring Guidance.
- On the first anniversary of the Occupation Date for each Block or following the end of the relevant Block's Defects Liability Period (whichever is the later) (the "Energy Performance Date") the First and Second Owners shall upload to the Energy Monitoring Portal accurate and verified annual in-use energy performance data for all relevant indicators under each Reportable Unit(s) and Industrial Unit(s) of the Development as per the methodology outlined in the 'In-use stage' chapter / section of the Energy Monitoring Guidance.
- The Owner shall submit to the Energy Monitoring Portal accurate and verified updates of the information specified in paragraph 3.1 on the first, second, third and fourth anniversaries of the Energy Performance Date for each Block.
- If the in-use energy performance information submitted under paragraphs 2.1 and 2.2 of this Schedule demonstrate that the as-built energy performance estimates submitted under paragraph 1.1 have not been or are not being met, the Owner shall investigate and identify the causes of underperformance and the potential mitigation measures and set these out in the relevant comment box of the 'Be seen' spreadsheet through Energy Monitoring Portal.



- An action plan comprising measures identified in paragraph 3.4 shall be submitted to the Council for written approval with copy to the GLA identifying measures which would be reasonably practicable to implement and a proposed timescale for implementation. The Council shall fully consult the GLA prior to granting approval for any action plan submitted and shall consider all representations of the GLA. The action plan and measures so approved shall be fully implemented by the Owners in accordance with the timescales set out in the approved action plan.
- If it is not possible to agree on the proposal set out Action Plan, the Council may require the Owners to pay a further Carbon Offset Contribution which shall be paid by the Owner to the Council in full within 28 days of written request for payment to be made.

## **SCHEDULE TEN – DISTRICT CHP OBLIGATIONS**

- Development will not be Implemented until the District Heat Network Strategy that complies with the submitted Energy & Sustainability Statement and/or Addendum Energy & Sustainability Statement has been submitted to and approved in writing by the Council. The District Heat Network Strategy shall include but not be limited to:
  - measures to be taken to ensure that the Development will be designed and built so that it will be capable of connection from the Site boundary to the District CHP;
  - demonstration that the service interface within the Development can accommodate all known or expected and reasonable service entry routes including sleeves, pipework, reasonable access and space necessary for the purpose of connecting the development to the District CHP;
  - confirmation that individual supplies to the units will be metered;
  - confirmation that the pipework to each Block in the Development will be fitted with isolation valves and a heat meter so that consumption of energy can be monitored (if such technology is available for use at a reasonable cost);
  - confirmation that allowance has been made within the Development for hot water generation by way of heat exchanges connected to localised heating mains;
  - as far as practical, confirmation that the necessary equipment, plants, ducts or routes for pipes, meters, materials and other technology reasonably required (including plate heat exchanger and absorption chiller) are or will be available to facilitate connection to the District CHP.
- The Council shall provide to the Owners with a written response to the District Heat Network Strategy within 8 weeks of receipt of the same.
- If the Council's written response is to the effect that the District Heat Network Strategy is not approved the Council shall set out its reasons for not approving the said strategy and the Parties shall each use reasonable endeavours to discuss and reach agreement to the District Heat Network Strategy within the period of 8 weeks from the receipt by the Council of the District Heat Network Strategy or such other period as the Parties may agree.

- Following receipt of the Council's written approval to the District Heat Network Strategy the Owners shall carry out the Development in accordance with the approved the District Heat Network Strategy.

#### **SCHEDULE TEN – AIR QUALITY OBLIGATIONS**

- Prior to Practical Completion of the Development the Owner shall submit the Revised Air Quality Report to the Council for approval in writing. In the event that the Revised Approved Air Quality Report concludes that the Development is not Air Quality Neutral as per the Approved Air Quality Report (prepared by Air Quality Assessment Ltd, dated 15/12/2022, number J0630/1/F2) to pay the Council the Air Quality Neutral Contribution within 30 working days.

#### **SCHEDULE ELEVEN – EDUCATION AND OPEN SPACE OBLIGATIONS**

- Prior to first Occupation of any part of the Development the Owner covenant to pay to the Council a financial contribution of £748,092.80 Index Linked towards the land need for the provision of: a secondary school, and two new primary schools; and open space improvements.

#### **SCHEDULE TWELVE – RIPPLE GREENWAY OBLIGATIONS**

- Prior to first Occupation of any part of the Development the Owner covenant to pay to the Council a financial contribution of £104,370.00 Index Linked towards improvements to the Ripple Greenway.

#### **SCHEDULE THITEEN – PLAY SPACE OBLIGATIONS**

- Prior to first Occupation of any part of the Development the Owner covenant to pay to the Council a financial contribution of £125,400.00 Index Linked towards the upgrading of the existing facilities and/or the provision of new play facilities within public parks located within a 2-mile proximity to the Site suitable for use by age groups between 12 and 17-years.

#### **SCHEDULE FOURTEEN – NHS OBLIGATIONS**

- Prior to first Occupation of any part of the Development the First and Second Owners covenant to pay to the Council a maximum financial contribution of £61,250.00 Index Linked towards improvements to health care provision relating to existing and/or new General Practitioner and Primary Care Services located within a two 2 miles radius of the Site.

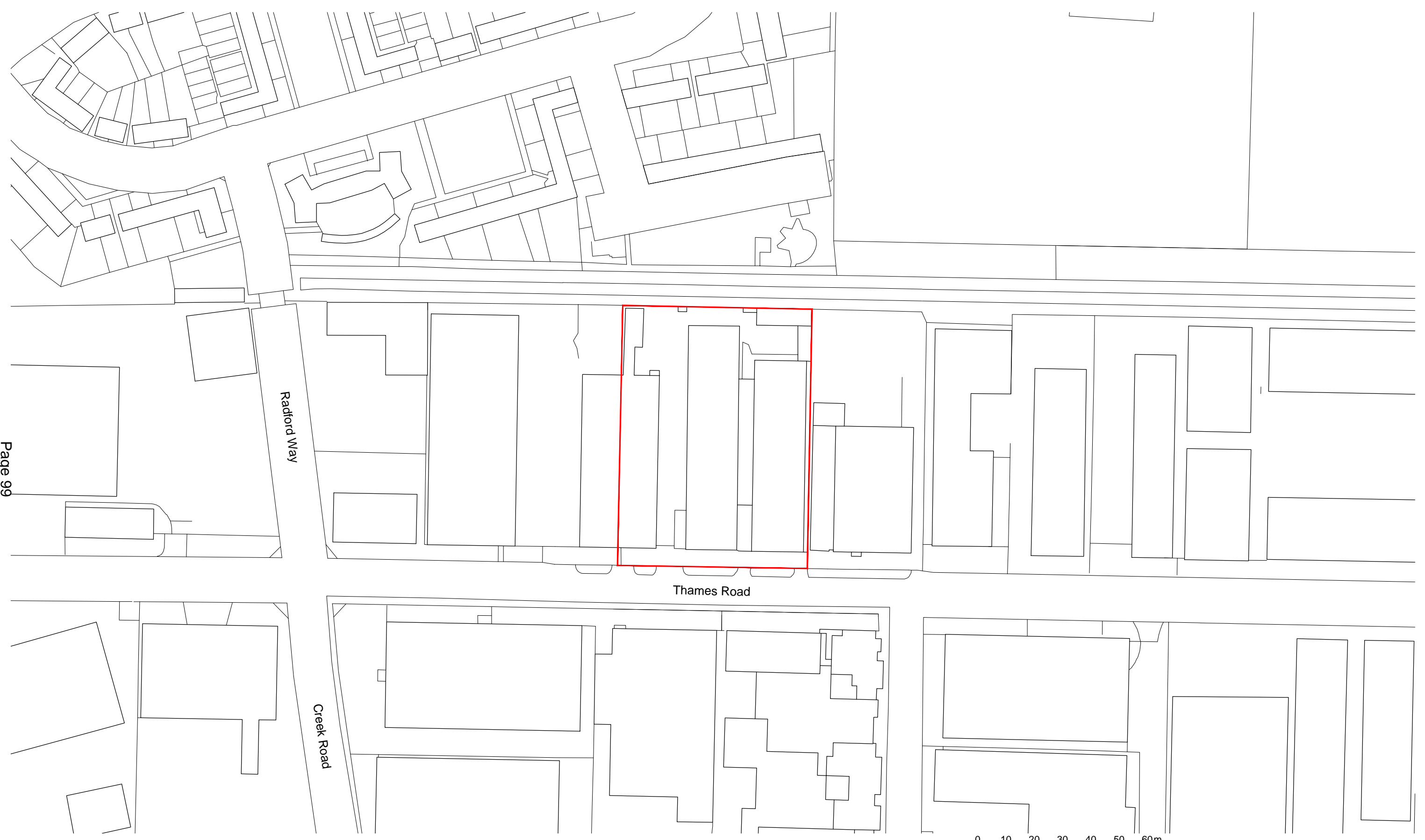
#### **SCHEDULE FIFTEEN – THAMES ROAD IMPROVEMENT OBLIGATIONS**

- Prior to first Occupation of any part of the Development the Owner covenant to pay to the Council a financial contribution of £61,250.00 Index Linked towards improvement and provision of public realm along Thames Road.

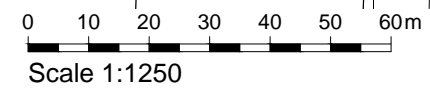
#### **SCHEDULE SIXTEEN – TRANSPORT OF LONDON OBLIGATIONS**

- Prior to first Occupation of any part of the Development the Owner covenant to pay to the Council a financial contribution of 112,210.00 Index Linked which will be transferred by the Council to Transport for London towards improvement and provision of public transport along Thames Road.

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00 Existing Site Location Plan  
Scale - 1:1250



North arrow symbol.

Location Plan

PL01	Planning Issue	NXM	22.12.22	OXK
Rev.	Des.	By	Date	Ch.

— Site Boundary

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A3

Client:

Project: 13 Thames Road Barking	Job No. 35013
Title: Existing Site Location Plan	Status:
Scale: 1250 @A3	Drawn By: AGB
Date: 19.12.2022	Checked By: TNT
Drawing No: (00)_020	Revision: PL01

**Carey Jones Chapman Tolcher**

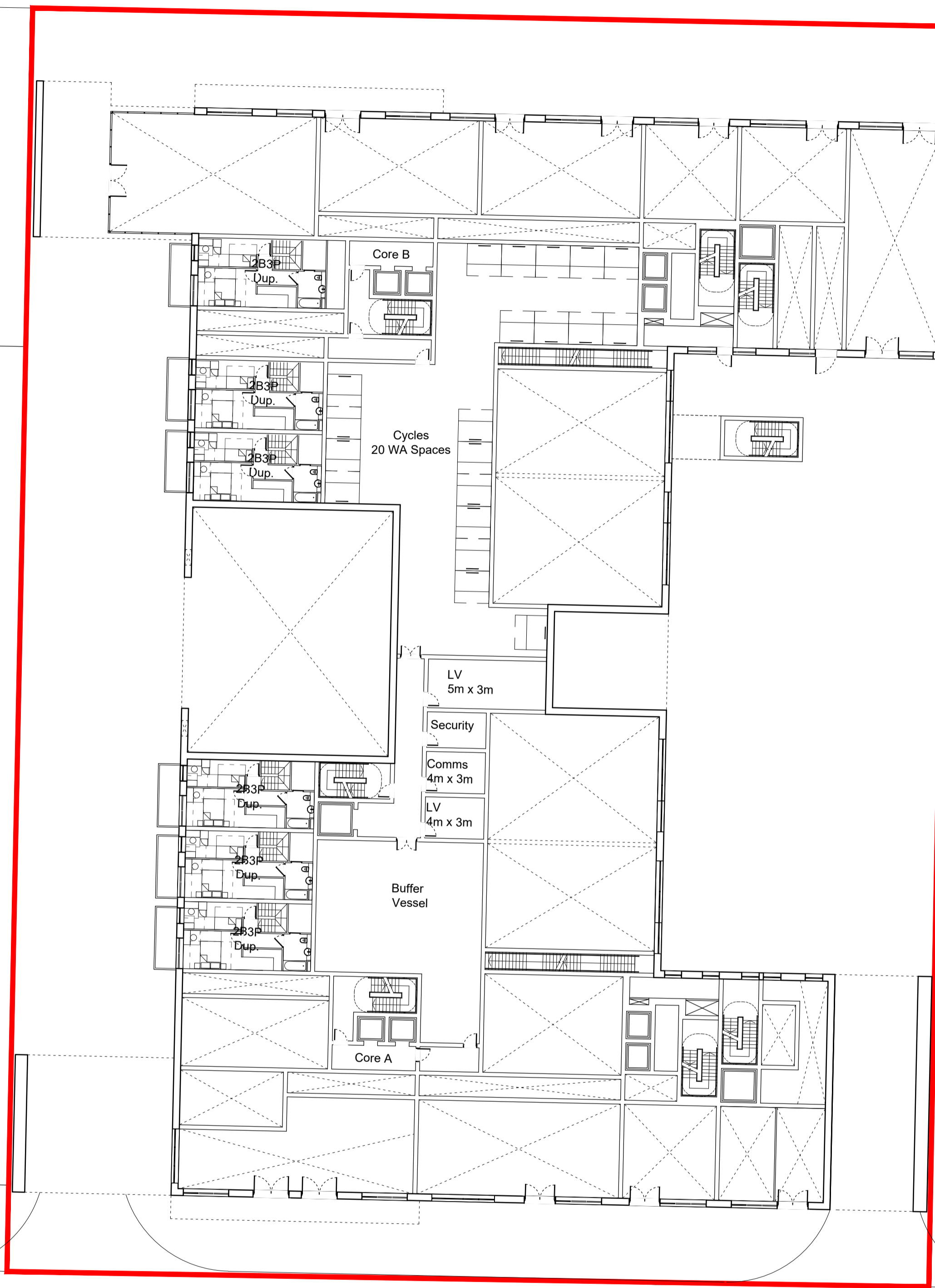
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**PLANNING**

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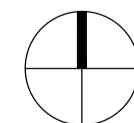
The Ripple



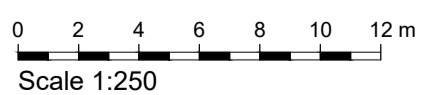
Thames Road

# UG Proposed Upper Ground Floor Plan

Scale - 1:250



— Site Boundary



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A1



PL03	Corridor and Duplex arrangement updated
PL02	Second staircase added to all cores
PL01	Planning Issue
Rev.	Des.

TRT	02.02.23	OXX
TRT	18.01.23	OXX
NXM	22.12.22	OXX
By	Date	Ch.

Project:	13 Thames Road Barking	Job No.:	35013 -
Title:	Proposed Upper Ground Floor Plan	Status:	HMS
Scale:	1:250 @A1	Drawn By:	AGB
Date:	19.12.2022	Checked By:	AGB
Drawing No.:	(20)_100 A	Revision:	PL03

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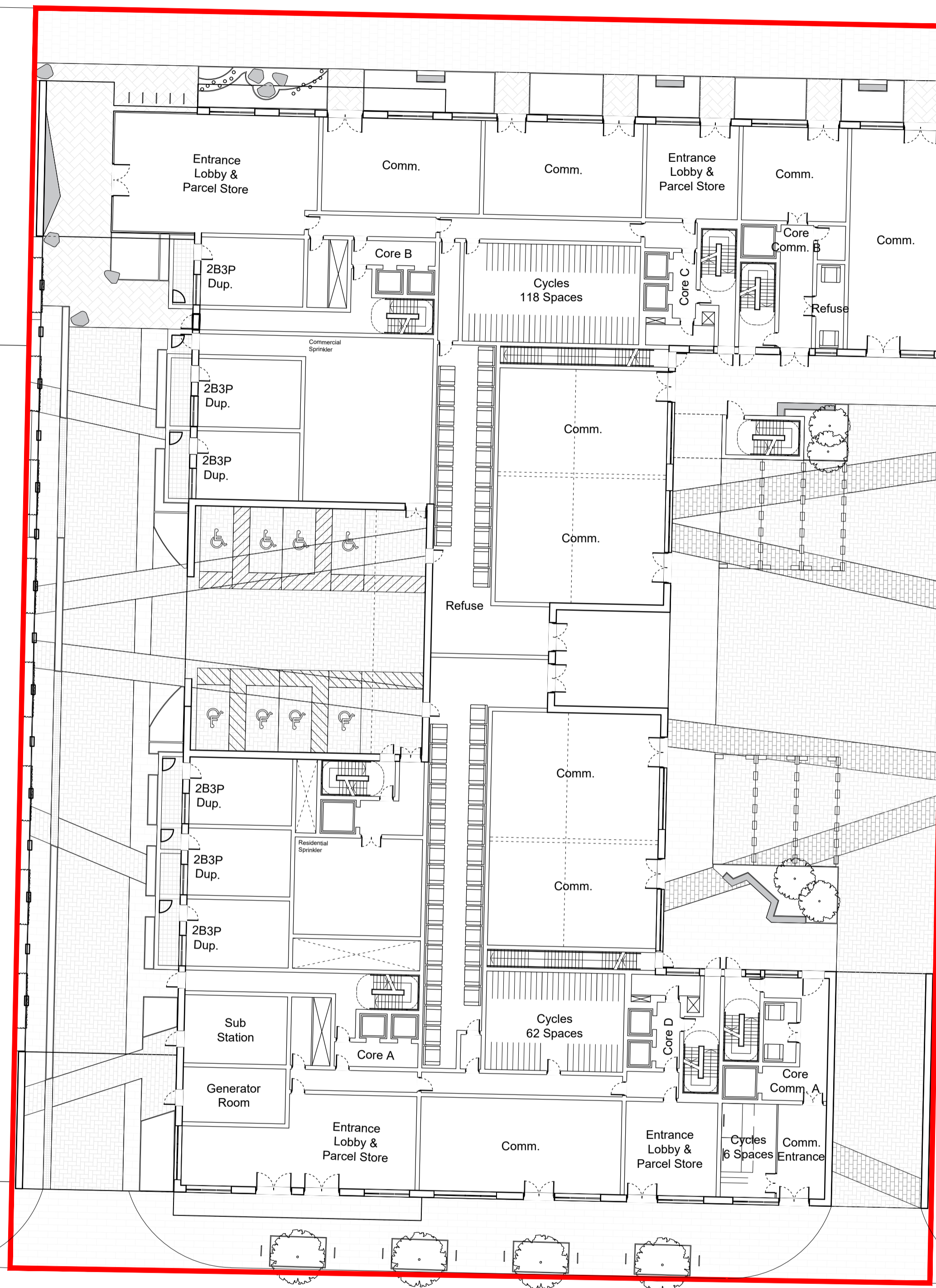
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**PRELIMINARY**

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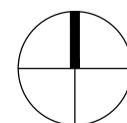


The Ripple

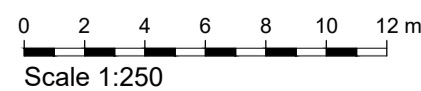


Thames Road

**G** Proposed Ground Floor Plan  
Scale - 1:250



— Site Boundary



A1

Client:



Project:  
13 Thames Road  
Barking

Job No.  
35013

Title:  
Proposed Ground Floor Plan

Scale:  
1:250 @A1

Status:  
HMS

Date:  
19.12.2022

Checked By:  
AGB

Drawing No:  
(20)\_100

Revision:  
PL03

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Chapman  
Tolcher**

Studio 104, 338 Goswell Road  
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**PRELIMINARY**

PL03	Duplex sizes updated
PL02	Second staircase added to all cores
PL01	Planning Issue
Rev.	Des.

TRT	02.02.23	OXX
TRT	18.01.23	OXX
NXM	22.12.22	OXX
By	Date	Ch.

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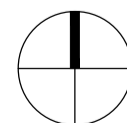
The Ripple



Thames Road

# 07 Proposed 7th Floor Plan

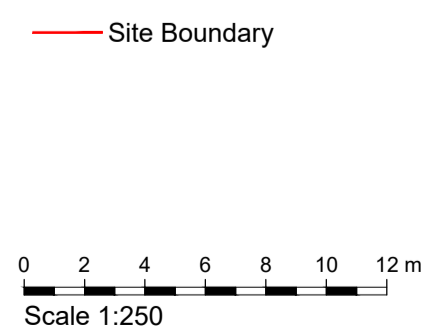
Scale - 1:250



- PL04 Unit mix revised
- PL03 Unit replaced with WA unit
- PL02 Additional staircase added to all cores
- PL01 Planning Issue

Rev. Des.

- |     |          |     |
|-----|----------|-----|
| SLW | 21.02.23 | OXX |
| TRT | 02.02.23 | OXX |
| TRT | 18.01.23 | OXX |
| NXM | 22.12.22 | OXX |
| By  | Date     | Ch. |



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A1



Project: 13 Thames Road Barking	Job No. 35013
Title: Proposed 7th Floor Plan	Status: HMS
Scale: 1:250 @A1	Drawn By: AGB
Date: 19.12.2022	Checked By: AGB
Drawing No: (20)_107	Revision: PL04

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## PRELIMINARY

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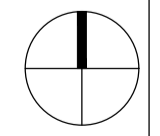
The Ripple



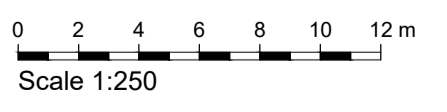
Thames Road

# 11 Proposed 11th - 13th Floor Plan

Scale - 1:250



— Site Boundary



PL03 Unit mix revised  
 PL02 Second staircase added to all cores.  
 PL01 Planning Issue  
 Rev. Des.

SLW 21.02.23 OXK  
 TRT 18.01.23 OXK  
 NXM 22.12.22 OXK  
 By Date Ch.

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A1



Project: 13 Thames Road Barking	Job No. 35013
Title: Proposed 11th - 13th Floor Plan	
Scale: 1:250 @A1	Status: HMS
Date: 19.12.2022	Checked By: AGB
Drawing No: (20)_111	Revision: PL03

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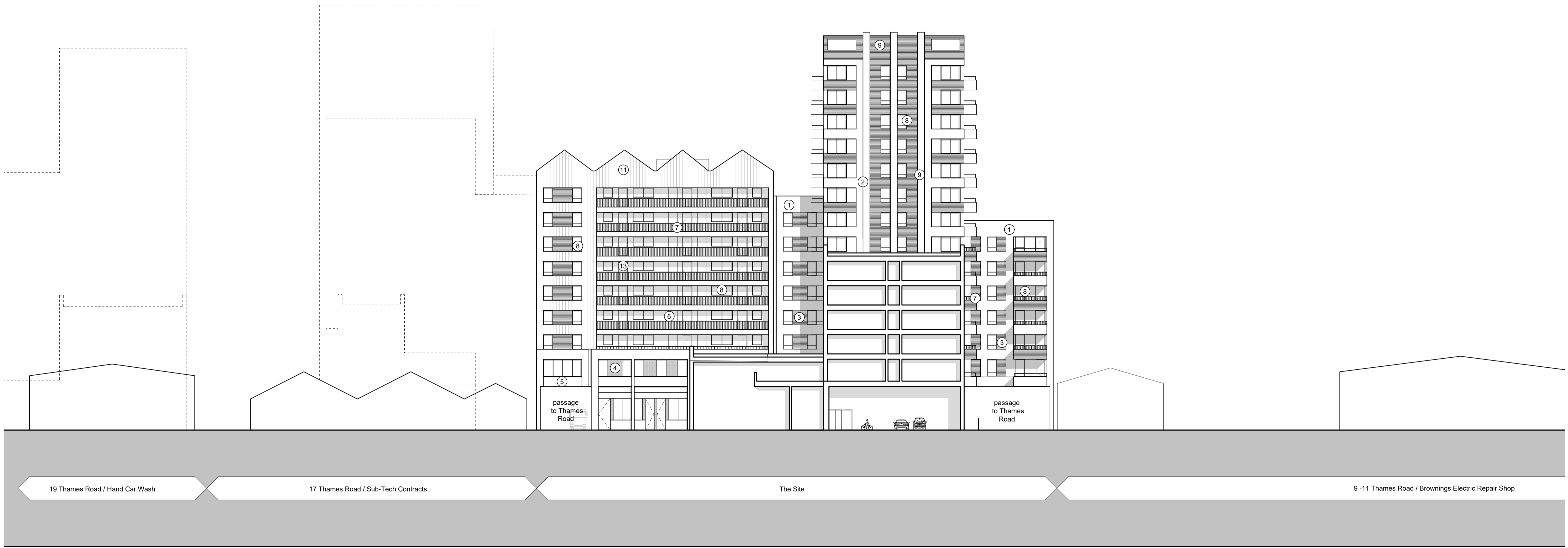
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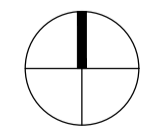
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# 04 Proposed Elevation Looking towards South of the Yard

Scale - 1:250



PL01 Planning Issue  
Rev. Des.

NXM 22.12.22 OXK  
By Date Ch.

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**KEY**

- |   |  |
|---|--|
| 1. Dark Red Brickwork   | 8. PPC Windows (Dark Grey)                 |
| 2. Light Red Brickwork  | 9. Light Red Brickwork Corbelled           |
| 3. Dark Red Brickwork Corbelled   | 10. PPC Curtain Walling ( Dark Grey)       |
| 4. Expanded Aluminium Mesh  | 11. Corrugated Aluminium Cladding (Silver) |
| 5. Grey Engineering Brickwork (Dark Grey)                                 | 12. Flat Panel Aluminium Cladding (Grey)   |
| 6. Flat Panel Aluminium Cladding (Red)                                    | 13. Apartment Entrance Door (Dark Grey)    |
| 7. Metal Balustrade (Dark Grey) with solid backing to deck access walkway |  |

A1



Client:

Project: 13 Thames Road Barking	Job No. 35013
Title: Proposed Elevation Looking towards South of the Yard	
Scale: 1:250 @A1	Status: HMS
Date: 19.12.2022	Checked By: TNT
Drawing No: (20)_304	Revision: PL01

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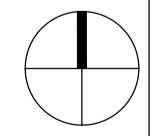
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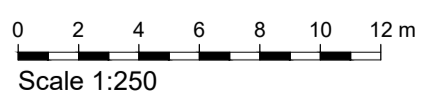
**02 Proposed West Elevation**  
Scale - 1:250



PL01 Planning Issue  
Rev. Des.

NXM 22.12.22 OXK  
By Date Ch.

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- KEY**
- |   |  |
|---|--|
| 1. Dark Red Brickwork   | 8. PPC Windows (Dark Grey)                 |
| 2. Light Red Brickwork  | 9. Light Red Brickwork Corbelled           |
| 3. Dark Red Brickwork Corbelled   | 10. PPC Curtain Walling ( Dark Grey)       |
| 4. Expanded Aluminium Mesh  | 11. Corrugated Aluminium Cladding (Silver) |
| 5. Grey Engineering Brickwork (Dark Grey)                                 | 12. Flat Panel Aluminium Cladding (Grey)   |
| 6. Flat Panel Aluminium Cladding (Red)                                    | 13. Apartment Entrance Door (Dark Grey)    |
| 7. Metal Balustrade (Dark Grey) with solid backing to deck access walkway |  |

A1



Project: 13 Thames Road Barking	Job No. 35013
Title: Proposed West Elevation	Status: HMS
Scale: 1:250 @A1	Drawn By: TNT
Date: 19.12.2022	Checked By: TNT
Drawing No: (20)_302	Revision: PL01

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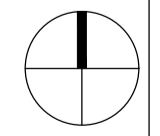




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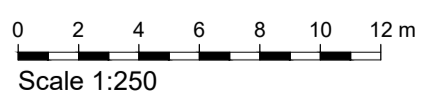
**00 Proposed Thames Road Elevation**  
Scale - 1:250



PL01 Planning Issue  
Rev. Des.

NXM 22.12.22 OXK  
By Date Ch.

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- KEY**
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|---|--|
| 1. Dark Red Brickwork   | 8. PPC Windows (Dark Grey)                 |
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| 5. Grey Engineering Brickwork (Dark Grey)                                 | 12. Flat Panel Aluminium Cladding (Grey)   |
| 6. Flat Panel Aluminium Cladding (Red)                                    | 13. Apartment Entrance Door (Dark Grey)    |
| 7. Metal Balustrade (Dark Grey) with solid backing to deck access walkway |  |



Project: 13 Thames Road Barking	Job No. 35013
Title: Proposed Thames Road Elevation	
Scale: 1:250 @A1	Status: HMS
Date: 19.12.2022	Checked By: TNT
Drawing No: (20)_300	Revision: PL01

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Working in partnership


**Barking &  
Dagenham**
**LONDON BOROUGH OF BARKING & DAGENHAM**
**PLANNING COMMITTEE**
**17<sup>th</sup> July 2023**
**Application for Planning Permission**

<b>Case Officer:</b>	Kathryn McAllister	<b>Valid Date:</b>	25.04.2023
<b>Applicant:</b>	The Department of Education	<b>Expiry Date:</b>	25.07.2023
<b>Application Number:</b>	23/00631/FULL	<b>Ward:</b>	Alibon
<b>Address:</b>	LBBD Repairs & Maintenance Service, Pondfield House, Wantz Road, Dagenham, Barking and Dagenham, RM10 8PP		

The purpose of this report is to set out the Officer recommendations to Planning Committee regarding an application for planning permission relating to the proposal below at LBBD Repairs & Maintenance Service, Pondfield House, Wantz Road, Dagenham, RM10 8PP.

**Proposal:**

Demolition of existing industrial building and construction of a part single store, part two storey special education needs (SEND) school, together with associated access, parking and landscape works.

**Officer Recommendations:**

Planning Committee is asked to resolve to:

1. agree the reasons for approval as set out in this report; and
2. delegate authority to the London Borough of Barking & Dagenham's Director of Inclusive Growth 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 of this report and the Conditions listed in Appendix 5 of this report, confirmation of approval at GLA Stage 2 and;
3. that, if by 17<sup>th</sup> January 2024 the legal agreement has not been completed, the London Borough of Barking & Dagenham's Director of Inclusive Growth is delegated authority to refuse planning permission or extend this timeframe to grant approval.

**Conditions Summary:**
Mandatory conditions

- Time
- Approved Drawings & Documents

Prior to all works/commencement Conditions

- Contaminated Land
- Construction Logistics Plan
- Non-Road Mobile Machinery

#### Prior to above ground works Conditions

- Materials
- Boundary Treatment
- Soft and Hard Landscaping and Planting Plan
- Fire Statement
- Digital Connectivity

#### Prior to first occupation and/or use Conditions

- Landscape Ecological Management Plan
- Surface Water Drainage
- Car and Cycle Parking Management Plan
- Refuse and Waste
- Electrical Vehicle Charing Points
- Disabled Parking
- Cycle Parking
- Delivery and Servicing
- Energy and Sustainability
- Circular Economy- Post Construction Assessment
- Whole Life Carbon- Post Construction Assessment
- Bird, Bee and Invertebrate Boxes
- Energy Efficiency
- School Travel Plan
- Secure by Design

#### Monitoring & Management Conditions

- Noise Insulation and Ventilation Scheme
- Construction Management Plan
- Secure by Design
- External Lighting
- Odour Control
- Air Quality
- Badgers
- Tree Protection During Construction

### **S106 – Summary of Heads of Terms:**

#### **Administrative:**

1. Payment of the Council's professional and legal costs, whether or not the deed completes;
2. Payment of the Council's £3,000 fees in monitoring and implementing the Section 106 and payable on completion of the deed; and,
3. Indexing – all payments are to be index linked from the date of the decision to grant planning permission to the date on which payment is made, using BCIS index.

#### **Employment and Skills**

##### 4. Employment and Skills

Prior to commencement of the development, an employment and skills plan providing a forecast of the employment and skills opportunities available to local residents over the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. This must be accompanied by a

method statement setting out how this will be delivered, including who in the organisation will be responsible for managing recruitment and training, how they will ensure compliance by trade contractors and how this will be managed, how health and safety issues will be managed, and how they will engage with the local community and schools.

The owner will use reasonable endeavours to ensure that jobs and work placement opportunities are provided to LBBB residents during the construction and end user phase of the development.

#### *Employment during construction:*

The Owner will use reasonable endeavours to:

- Ensure opportunities for educational visits/engagement/activities are made available during the period with which development is underway.
- Ensure one- or two-week work placement opportunities are made available to allow LBBB residents to shadow staff during the construction phase of the development.
- Ensure 1 per 10 FTE members of staff on site upskilling or renewing tickets throughout the course of construction.

#### *Employment- End user obligation*

The Owner will use reasonable endeavours to:

- Creation of 1 new FTE job on site for a local person e.g. grounds keeper,
- Access to or an introduction to end user jobs created e.g. who will be doing catering/cleaning/facilities.

A commitment to collaborative working through the employment of a designated Employment co-ordinator to liaise with and where feasible provide access on site for the Councils Job Brokerage service.

#### *Monitoring*

- The designated employment coordinator will attend with the Council regular site visits or meetings to ensure compliance with this schedule and discuss how the obligations contained in this schedule are progressing. These site visits and meetings will take place quarterly in cases where the Council has concerns that the Owner or its contractors/sub-contractors have not been adequately complying with their obligations contained in this schedule. Where the Owner can demonstrate to the Council that they are complying with their obligations in this schedule, such site visits and meetings will be held on a less regular basis at the Council's discretion.
- Confirmation that all obligations have been met – or appropriate employment and training compensation agreed – must be provided before the Council will approve a developer's application for discharge of the obligations in this Agreement.
- The Owner shall be responsible for all legal costs incurred by the Council in enforcing or ensuring compliance with this schedule.

## **Transport and Highways**

### S.278 Highways Agreement

5. Prior to first use of the development the Owner shall submit to the Council for its approval the specification and detailed drawings for the Off-Site Highway Works and a programme for carrying out and completing the said Off Site Highway Works. This would include the scope of works shown on the 'in principle' drawings (Drawings FS0704-ROB-XX-00-D-H-0001-PM404034 Outline Access Design Junction 1 [Revision P03] dated 20.03.2023; FS0704-ROB-XX-00-D-H-0002-PM404034-P03 Outline Access Design Junction 2 [Revision P03] dated 20.03.2023 and FS0704-ROB-xx-00-

D-H-0011-PM404034-P01 TMO Design Plan [Revision P02] dated 19.04.2023) which includes improvements to access/egress of the site, traffic calming measures, implementation of 20mph speed limit and introduction of CCTV for monitoring and enforcement.

6. Prior to commencement of the Off-Site Highway Works the applicant must enter into a s.278 agreement (Highways Act 1980). The applicant will agree a scheme of highway works and implement all off-site highway works to an agreed schedule prior to occupation.

The applicant is responsible for covering the costs of all associated works.

All highway works must be completed prior to first occupation of the development.

#### Road Safety Contribution

7. On completion of the deed the application shall pay a Road Safety Contribution of £15,000 (indexed linked) towards road improvements on Wantz Road to reduce vehicle speeds and ensure vehicles, pedestrian and cyclists can access and egress from the proposed school safely. The contribution will go towards the additional highway works required which sit outside the scope of the s.278 to implement the 20mph speed limit.

#### **Carbon Offset Obligations**

8. Carbon Reduction

On practical completion of the development, the Developer shall submit to the Council an assessment of the carbon reduction measures implemented within the Development demonstrating it achieves a minimum of 109% reduction over Part L of the Building Regulations 2021 through on-site provisions.

9. Carbon offset financial contribution.

On practical completion of the development the Developer shall pay in full to the Council, the figure for any Carbon Offset Contribution payable for the Development to meet zero carbon.

#### **Air Quality Obligation**

10. Air Quality Neutral

Prior to Practical Completion of the development, the Owner shall undertake an Air Quality Neutral Assessment of the Development by suitably qualified expert and provide the assessment to the Council. The Air Quality Neutral Assessment should show how the air quality neutral score has changed from the previous assessment (Air Quality Impact Assessment, prepared Stroma dated May 2023) and set out the reasons for this change.

11. Air Quality Financial Contribution

Air quality off-setting contribution. A payment at the off-setting contribution rate of £29,000.00 per tonne of NOx over the benchmark (or the equivalent rate at the time of reassessment) will be applied if the scheme does not meet air quality neutral standards. The development shall not be occupied until the air quality contribution if applicable has been paid in full to the Council.

#### **Be Seen Obligation- post construction monitoring**

12. Within 8 weeks of the grant of planning permission, the Owner shall submit to the GLA accurate and verified estimates of the 'Be Seen' energy performance indicators, as outlined in the 'Planning stage' section / chapter of the GLA 'Be Seen' energy monitoring guidance document (or any document that may replace it), for the consented development. This should be submitted to the GLA in accordance with the 'Be Seen' energy monitoring guidance using the 'Be Seen' planning stage reporting webform (<https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/london-plan-guidance-and-spgs/be-seen-energy-monitoring-guidance>).



13. Prior to each Building being occupied, the Owner shall provide updated accurate and verified 'as-built' design estimates of the 'Be Seen' energy performance indicators for each Reportable Unit of the development, as per the methodology outlined in the 'As-built stage' chapter / section of the GLA 'Be Seen' energy monitoring guidance (or any document that may replace it). All data and supporting evidence should be submitted to the GLA using the 'Be Seen' as-built stage reporting webform (<https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/london-plan-guidance-and-spgs/be-seen-energy-monitoring-guidance>). The owner should also confirm that suitable monitoring devices have been installed and maintained for the monitoring of the in-use energy performance indicators, as outlined in the 'In-use stage' of the GLA 'Be Seen' energy monitoring guidance document (or any document that may replace it).
14. Upon completion of the first year of Occupation or following the end of the Defects Liability Period (whichever is the later) and at least for the following four years after that date, the Owner is required to provide accurate and verified annual in-use energy performance data for all relevant indicators under each Reportable Unit of the development as per the methodology outlined in the 'In-use stage' chapter / section of the GLA 'Be Seen' energy monitoring guidance document (or any document that may replace it). All data and supporting evidence should be submitted to the GLA using the 'Be Seen' in-use stage reporting webform (<https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/london-plan-guidance-and-spgs/be-seen-energy-monitoring-guidance>). This obligation will be satisfied after the Owner has reported on all relevant indicators included in the 'In-use stage' chapter of the GLA 'Be Seen' energy monitoring guidance document (or any document that may replace it) for at least five years. Timings may need to be adjusted to account for the large phased developments, particularly for energy centre reporting, as per the relevant section of the 'Be Seen' energy monitoring guidance document.
15. In the event that the 'In-use stage' evidence submitted under Clause c) shows that the 'As-built stage' performance estimates derived from Clause b) have not been or are not being met, the Owner should investigate and identify the causes of underperformance and the potential mitigation measures and set these out in the relevant comment box of the 'Be Seen' in-use stage reporting webform. An action plan comprising measures identified in Clause c) shall be submitted to and approved in writing by the GLA, identifying measures which would be reasonably practicable to implement and a proposed timescale for implementation. The action plan and measures approved by the GLA should be implemented by the Owner as soon as reasonably practicable.

#### **Community Use Obligation**

16. Prior to the first use of the development hereby approved, a community use agreement must be submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the Hydrotherapy Pool and any facilities that would be available for hire and include details of pricing policy, hours of use, changing rooms, car park, access by non-educational establishment users, responsibilities of non-education establishments, and a mechanism for review. The development shall not be used at any time other than in strict compliance with the approved agreement.

## OFFICER REPORT

### Planning Constraints:

#### Adopted Policies

- Locally Significant Industrial Site (LSIS)

#### Draft Local Plan (regulation 19, submission version) Dated December 2021

- Air Quality Management Area
- Strategic Planning Sub Area Boundaries- Dagenham East and The Village
- Intelligent Locally Significant Industrial Sites (LSIS)
- Proposed Education Site

### Site, Situation and relevant background information:

The application site is located on Wantz Road and is currently the LBBD Repairs & Maintenance Site. The site is located within a designated Locally Significant Industrial Site (LSIS). However, this site has been allocated within the Draft Local Plan Regulation 19 Submission Version for educational use. The draft local plan is currently under examination, with hearing scheduled for Autumn 2023. In line with national planning policy and national planning guidance this plan and in turn the site allocation can be afforded substantial weight. Notwithstanding, as the plan has not been adopted the site formally remains designated as LSIS. This represents a departure from the adopted Development Plans.

The site is located at the edge of the designated LSIS area. To the south and west lie residential dwelling and to the north and east industrial uses.

This application seeks permission for the demolition of all buildings and construction of a new special education needs (SEND) school, together with associated access, parking and landscape works.

### Key issues:

- Principle of the proposed development
- Design and quality of materials
- Impacts to neighbouring amenity
- Sustainable Transport
- Meeting the needs of local residents
- Employment
- Impact to existing Education Provision
- Accessibility and Inclusion
- Waste management
- Delivering Sustainable Development (Energy / CO<sub>2</sub> reduction / Water efficiency)
- Biodiversity & Sustainable drainage
- Habitat Regulation Assessment: Epping Forest Special Area of Conservation (SAC)

## Planning Assessment:

### 1.0 Principle of the development:

- 1.1 The proposal seeks permission for the construction of a new SEND School together with associated access, parking and landscape works. The application site is located within the Wantz Road industrial estate. The Wantz Road industrial estate is a designated Locally Significant Industrial Location (LSIS). The Draft Local Plan (reg 19 version) policy SPP5 again allocates the Wantz Road Industrial Estate as a designated LSIS. However, within the draft local plan the application site 'Pondfield House' has been allocated for educational use. Notwithstanding, officers note that the draft local plan is currently under examination. Given the advance stages of the plan officers afford substantial weight to this document. It is noted a statement of common ground between the Council and GLA was signed in May 2022 which confirms the positive proposed changes in both LSIS and SIL floorspace over the plan period. Therefore, an on-balance assessment of the principle of

development will need to be carried out to confirm the acceptability of the loss of industrial and employment floor space and the introduction of a new school.

## 1.2 Loss of Industrial Floor Space

- 1.3 Paragraph 8 of the National Planning Policy Framework seeks to ensure sustainable development with three overarching objectives: Economic, Social and Environmental.
- 1.4 Policy GG2 of the London Plan supports the best use of land and properties the development of Opportunity Areas and Brownfield Sites.
- 1.5 Policy E6 seeks to ensure designated locations that have particular local importance for industrial and related functions are safeguarded and protected as local employment land. Policy E7 further supports this noting that developments within LSIS should be proactive and encourage the intensification of business uses in Use Classes B1c, B2 and B8 occupying all categories of industrial land to provide additional industrial capacity in these locations. With regard to acceptable uses policy E6 outlines that boroughs should make clear what range of industrial and related functions would be acceptable in LSIS, where appropriate this should include hybrid or flexible B1c/B2/B8 uses.
- 1.6 Policy E7 'Industrial intensification, colocation and substitution' supports the intensification of land for industry, logistics and services. In relation to Opportunity Areas London Plan Policy SD1 seeks to promote ongoing growth. This policy supports and sustains the growth of LSIS by considering opportunities to intensify and make more efficient use of LSIS. Part B of this policy supports the consolidation of identified LSIS to support the delivery of residential and other uses, such as social infrastructure, or to contribute to town centre renewal. Nevertheless, policy notes this approach should only be considered as part of a plan-led process LSIS intensification and consolidation (and the areas affected clearly defined in Development Plan policies maps) or as part of a co-ordinated master planning process in collaboration with the GLA and relevant borough, and not through ad hoc planning applications. In LSIS the scope for co-locating industrial uses with residential and other uses may be considered. This should also be part of a plan-led or master planning process.
- 1.7 Policy CM1 of the adopted Core Strategy seeks to ensure employment growth is focussed on the borough's industrial locations including LSIS Land with which the site is located.
- 1.8 Policy CE3 of the Core Strategy DPD outlines that the partial release of sites within a designated LSIS will only be acceptable where can be demonstrated that the remaining part of the designated site will be more intensively development to ensure no net loss in employment.
- 1.9 Policy E4 sets out the need for a sufficient supply of land within London to meet the current and future demand for industrial and related functions should be provided and maintained. This policy details what uses would be considered industrial and related functions.
- 1.10 Draft Local Plan Policy SPDG1 'Delivering Growth' supports the delivery of distinct places and ensures that the Council will take a positive approach to development which reflects a presumption in favour of sustainable development. Draft Local Plan Policy DME1 'Utilising the borough's employment land more efficiently' sets out the LBBD's support for proposals which will deliver new employment floorspace.
- 1.11 Policy SP5 of the Draft Local Plan (regulation 19) seeks to ensure land located within designated Locally Significant Industrial Locations (LSIS) are protected, strengthened and intensified to support employment and economic growth. Policy DME1 further sets out that the release of LSIS land will only be considered in accordance with policy E7 of the London Plan. With regard to LSIS sites policies support co-location of industrial land uses were appropriate and where this can meet the requirement of policy E7 of the London Plan. This could involve a mix of industrial and residential and/or other uses on the same site, either side-by-side or through vertical stacking.
- 1.12 The proposal seeks permission for the construction of a new SEND school. The relevant policies are detailed below.  
New SEND School
- 1.13 The NPPF seeks to ensure that developments contribute to providing healthy, inclusive and safe places which make provision for social, recreations and cultural facilities and services the community needs. In particular it is important that a sufficient choice of school places are available to meet existing and new communities. As such local planning authorities should take a proactive, positive,

and collaborative approach to meeting this requirement, and developments that will widen choice in education.

- 1.14 Policy S1 of the London Plan outlines that borough's should ensure that the social infrastructure needs of London's diverse communities are met. As such, developments that provide high quality, inclusive social infrastructure that addresses a local or strategic need and supports service delivery strategies should be supported.
- 1.15 Policy S3 of the London Plan has regard to education facilities and seeks to ensure that these facilities are located in areas of identified need, within accessible locations, away from busy road, link to existing footpaths and cycle networks and maximise the extended or multiple use of educational facilities for community or recreational use, through appropriate design measures.
- 1.16 Policy CC2 of the Core Strategy DPD outlines that support will be given to proposals and activities that protect, retain or enhance existing community facilities or lead to the provision of additional community facilities.
- 1.17 Policy SP4 of the Draft Local Plan sets out that a development which provide a range of high quality social and cultural infrastructure facilities will be supported in particular where they will contribute to promoting the growth and expansion of education facilities (both mainstream and special needs) to meet an identified need and demand.

#### Assessment

- 1.18 The proposal seeks permission for the construction of a new special education needs school. As noted above the application site is located within the Wantz Road industrial estate. The adopted Development Plan designate this site as a LSIS. In the Draft Local Plan the site remains designated LSIS, however, it has been allocated for educational use.
- 1.19 As detailed in policy E7 of the London Plan and policy DME1 of the Draft Local Plan there is support for co-location of industrial uses, however, this approach should only be considered as part of a plan-led approach. It is noted that the Draft Local Plan has not been adopted as such the application is referable to the GLA under category 3E of the Mayor of London Order 2008.
- 1.20 As outlined above, policies protect LSIS as local employment land, however, they also support the collocation of industrial uses where they meet the requirements of policy E7. Co-location would involve a mix of industrial and residential and/or other uses on the same site, either side-by-side or through vertical stacking. The introduction of educational use within this site would result in the loss of industrial uses on the subject site, hence, this would not be considered co-location. However, when looking at the designated LSIS area as a whole officers note this could be considered co-location given the scheme would result in the positioning of industrial and social infrastructure side by side. The Council, as Local Planning Authority, has therefore pursued a plan-led approach. Given the advance stage of the Draft Local Plan the designation for educational use can be given substantial weight.
- 1.21 The draft local plan is supported by the borough's industrial land strategy prepared by Avison Young dated July 2021. This report sets out the boroughs industrial land strategy and how the Borough proposed to plan, manage and monitor our industrial capacity over the next plan period. The review confirms that by combining the planning pipeline, intensification opportunities and general densification compared with future requirements, an oversupply of industrial floor space is expected. The borough therefore meets and exceeds its industrial floorspace requirements. This was confirmed in the Statement of Common Ground Dated May 2022, signed by the GLA.
- 1.22 The outcome of this industrial land strategy forms the basis of justification for the sites LSIS designation and educational use allocation in the Draft Local Plan. This sets out how a plan-led approach has been taken in line with policy E7 of the London Plan to evidence the acceptability of co-location at this location.
- 1.23 At stage 1 the GLA note "The proposed development would accord with the draft site allocations aspiration to deliver a SEND school at this site. The proposed use of the site as a school compromises a use that is not in accordance with the LSIS designation. GLA officers note that the emerging site allocation designates this site for redevelopment to provide a SEND school, however this has not yet been adopted. They state that the Applicant/Council must demonstrate at Stage 2 how these proposals would result in the consolidation and intensification of industrial uses in the wider body of industrial land around the site and how these accords with the requirements of Policy E7, which allows for the provision of social infrastructure on industrial land where it is plan-led and results in the intensification of other existing LSIS sites".

- 1.24 LBBB Policy Officers were consulted regarding the above. They outline the details as set out above regarding the industrial land strategy which justifies the allocation within the Draft Local Plan. As part of the draft local plan examination documents a Statement of Common Ground relating to industrial sites has been signed showing the GLA and LBBB agreed on the proposed findings strategy, although this is not yet incorporated in the Plan they note there should not be a requirement for this information to be submitted again.
- 1.25 Officers, note the GLA policy position needs to be confirmed prior to stage 2 and it would be expected that full details to confirm that a plan led approach has been taken in line with policy E7 of the London Plan are provided ahead of the Stage 2 referral. The Be First Policy Team have met further with the GLA Policy Team to discuss the points raised in the Stage 1 report. The following scheme of proposed works were confirmed at the meeting: *“Officers from Be First and the GLA have agreed to update the Statement of Common Ground signed in May 2022 to reflect the loss of an industrial site within a Locally Significant Industrial Site at Wantz Road. This will be done following the Initial Main Modifications Consultation for the draft London Borough of Barking and Dagenham Local Plan, which closes on Monday 7<sup>th</sup> August 2023”*. Officers therefore believe that a strategy to address the concerns raised by the GLA has been agreed. It is noted the current Statement of Common Ground does not have special regard to the LSIS at Wantz Road. Nevertheless, it has been confirmed by the GLA that providing an updated Statement of Common Ground to include this will be sufficient to overcome the concerns set out in the Stage 1 report. Officers therefore consider this to have been appropriately addressed at this stage.
- 1.26 Notwithstanding, in terms of local evidence provided it is clear that the loss of the LSIS site has been justified through the intensification of existing LSIS resulting in evidence demonstrating that the borough will meet and exceed its industrial floor space.
- 1.27 The advance stage of the Draft Local Plan also should be considered, with this small site allocated in a plan-led way for educational uses.
- 1.28 On this basis officers consider the loss of LSIS to be supported and in keeping with the development policies.
- 1.29 In terms of the proposed development policies strongly support developments for new educational facilities which address a local need.
- 1.30 *The applicant states “The wider need- The Council has a statutory obligation to provide a school place for every child or young person who wants one in the borough. In short, the demand for places from pupils who have Special Educational Needs and Disabilities (SEND) is steadily increasing and, in response, the London Borough of Barking and Dagenham (LBBB / the Council) plans to create some additional capacity as outlined below. Local authorities have a statutory duty under the 1996 Education Act to provide sufficient school places and to have “particular regard for the need to secure special educational needs provision for pupils with special educational needs.” Further, the Children and Families Act 2014 introduced significant reforms to the special educational needs system which effectively increased the number of children and young people for whom a Local Authority must ensure suitable provision is available. The Council’s Cabinet of 13 July 2021 received a report, minute 24 (Review of School Places and Capital Investment), which provided the background as to why the demand for places for pupils with Special Educational Needs and Disabilities is increasing and the £2.1m made available by the DfE to support the provision of capital grant for SEND places. The DfE have reported in their SEND publication (2020/21) that nationally, the proportion of pupils with an Educational Healthcare Plan has gone up from 3.3 per cent to 3.7 per cent in the last year and the proportion of pupils receiving SEND support has also gone up from 12.1 to 12.2 per cent in the last year. Barking & Dagenham are also following this trend with increased numbers of pupils with either an EHCP or needing SEND support. The local need- As noted in the Council’s Cabinet meetings for the last 2/3 years, the provision of school places is a national issue and in particular, London due to the rising population which has impacted on the demand for school places in general. For Barking and Dagenham, the provision of school places has been a major area of capital investment over the last 12 years and since 2007 there has been a continuous need to create additional high-quality provision to meet that demand. The forecasting of the pupil population is continually reviewed and twice yearly reported to the Council’s Cabinet. This is to ensure that long term plans are developed to ensure that there are sufficient school places for every pupil who lives in the Borough and wants a school place. As noted above, the provision of a school place is a statutory function of the Council, so it is vitally important to balance the demand for school places with the right number of additional school places being created. With regards to Special Educational Needs and Disabilities (SEND), many local authorities particularly in London and this includes*

*Barking and Dagenham have tracked information which indicates a significant and progressive rise in pupils and young people with SEND”.*

- 1.31 From the evidence provided it is clear that there has been a steady rise in the number of young people who require SEND support. As such, in ensuring that there are sufficient education facilities within the borough to accommodate rising population growth. It is key that sufficient SEND places are provided to responding to this growing demand. As such, officers acknowledge that it is in the Department of Education’s best interest to find suitable sites to provide additional SEND school places to address this growing need. Officers therefore believe that this proposal seeks to substantially address this growing demand. It is clear from the details above that there is a clear need for new SEND school places within the borough. The applicant goes on to state “This proposal is for a Special School, specifically set up to cater for pupils and Profound and Multiple Learning Difficulties (PMLD), most of whom will have associated Physical Difficulties (PD) and Multi-Sensory Impairments (MSI). This school will cater for a broad range of needs with 80-85% pupils non-ambulant from the outset, with this proportion projected to rise to 100%. This is a key factor in future proofing the design of this school. Children with PMLD have more than one disability, the most significant of which is a profound intellectual disability. These individuals all have great difficulty communicating, often requiring those who know them well to interpret their responses and intent. They frequently have other, additional, disabling conditions”.
- 1.32 In terms of the proposed use of the site. It is understood the development will provide a new SEND school to be occupied by 100 pupils and 129 staff. The range of years will run from primary to secondary. The proposed school is required to address a growing need and demand for special educational places within the borough and its wider context. In particular it is clear that this school will cater for those with profound and multiple learning difficulties which will contribute to enhancing educational facilities by ensuring there is a sufficient choice of school places which the borough that meet the needs of existing and new communities.
- 1.33 Officers therefore consider there to be a need for this type of development within the borough which the proposal will address. Additionally, the development will contribute to enhancing the quality and provision of school places to meet the needs of existing and future communities in line with the development policies.
- 1.34 Further, the applicant states that the main hall and hydrotherapy pool will be available for community use during the evenings and weekends on a pre-booking basis. Officers welcome the provision of community facilities on site. It is recommended that an obligation is attached requiring details of how the site will provide community facilities and how these will be managed and maintained. The GLA were consulted who accept the use of the site for community uses and note that a community use agreement should be formalised. Officers consider the obligation proposed to address these points raised, with a pre-occupation requirement to submit a full and robust community use plan.
- 1.35 The GLA Stage 1 report requires a community use agreement to be submitted prior to commencement. Officers acknowledge that the applicant does not yet have the full details of the community use given an end-user has not yet been confirmed. As such, it is accepted that the details provided to the GLA pre-commencement and ahead of Stage 2 will be a framework agreement which outlines how the site will be made available for community use. The obligation will secure the submission of final and complete details once an end-user has been appointed prior to first use of the site. The prior to first use obligation is required to confirm that the arrangements proposed and agreed with the appointed end-user are acceptable and provide reasonable access and opportunities for the site to be used by the local community.
- 1.36 Notwithstanding, as noted above the site is located within a designated LSIS. Policies note that release of sites will only be deemed acceptable where it can be demonstrated that the remaining parts will be more intensively developed to ensure that there is no loss of employment space.
- 1.37 Further, to the policy position detailed above it is acknowledged that the proposal is for a new school which by nature will create new employment opportunities. Further, noting the specialist nature of the development there will be a greater demand for staff with the applicant stating, “given its specialist nature and the need for 1:1 staff per pupil ratio, will employ approximately 120 staff”. At present the site is a repairs and maintenance service building owned by LBBD. The applicant notes “The site is owned by LBBD and is currently occupied BDTP (a property and facilities services group operating on behalf of the Council and its housing stock). BDTP have arranged to move to a new location on the London East (UK) in Rainham Road South, Dagenham. Consequently, the site has been declared surplus to requirements as noted in the Council’s Cabinet report of March 2020”. Further, in its current state “the site employs 4no. of staff by the London Borough of Barking and

Dagenham and informal agreements with local businesses are in place for the use of the car parking on site”.

- 1.38 Officers believe that the proposed use will contribute to enhancing the quality of employment floor space and in return provide much greater employment opportunities than the current use whilst meeting an identified local educational need. It is noted that the development will contribute to providing additional employment floor space which contributes to protecting and enhancing this local employment area and will support wider economic and employment growth within the borough. This speaks directly to the aims of these policies and has taken place in a plan-led way with a Statement of Common Ground agreed by the GLA.
- 1.39 On this basis, noting the development addresses a local need for SEND school places and contributes to enhancing the local employment area through the provision of additional employment opportunities officers consider the benefits arising from the proposal to demonstrably outweigh the harm caused by the release of designated LSIS land. On balance the proposal is considered acceptable and in keeping with development policies and the Draft Local Plan.
- 1.40 Should this application be approved it is recommended that a condition is attached limiting the use of the site to Use Class F1(a) Provision of Education.

Summary

- 1.41 Overall, officers consider the principle of development to be acceptable and in keeping with the development policies and the Draft Local Plan, meeting substantial local need for specialist educational places, offering greater employment opportunities beyond the current use and not compromising the availability of industrial land within the borough.

<b>2.0 Design and quality of materials:</b>	
<i>Does the proposed development respect the character and appearance of the existing dwelling?</i>	Yes
<i>Does the proposed development respect and accord to the established local character ?</i>	Yes
<i>Is the proposed development acceptable within the street scene or when viewed from public vantage points?</i>	Yes
<i>Is the proposed development acceptable and policy compliant?</i>	Yes

- 2.1 Objective 126 of the NPPF outlines that “good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”
- 2.2 Objective 127 states “plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable”
- 2.3 Objective 130 outlines that “planning policies and decisions should ensure that developments:
  - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.



- 2.4 Objective 133 states “local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development”.
- 2.5 Objective 134 further outlines that “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to: development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 2.6 Policy D1 of the London Plan states that development design should respond to local context by delivering buildings and spaces that are positioned and of a scale, appearance and be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan, through appropriate construction methods and the use of attractive, robust materials which weather and mature well. This is also reiterated in Policy D2 of the London Plan which seeks good design.
- 2.7 Policy D3 outlines the need for development to take a design led approach that optimises the capacity of sites. This accordingly requires consideration of design options to determine the most appropriate forms of development that responds to the site’s context and capacity for growth. Proposals should enhance the local context delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape with due regard to existing and emerging street hierarchy, building types, forms and proportions. Likewise, the proposal should contribute to achieving safe, secure and inclusive environments which provide active frontages and positive reciprocal relationships.
- 2.8 Policy D4 has regard to securing sufficient level of detail at application stage to ensure clarity over what design has been approved and to avoid future amendments and value engineering resulting in changes that would be detrimental to the design quality.
- 2.9 Policy D5 of the London Plan seeks to deliver an inclusive environment and meet the needs of all Londoners. Development proposals are required to achieve the highest standards of accessible and inclusive design.
- 2.10 This is further supported by policies SP2 and DMD1 which seeks to ensure development promote high-quality design which makes a positive contribution to the character of the surrounding area. This is further supported by policy BP11 of the Borough Wide DPD and policy CP3 of the Core Strategy DPD.

Mass, Bulk and Layout

- 2.11 The proposal seeks to demolish all existing buildings and construct a new part single, part two storey SEND School together with associated access, parking, and landscaping works. As detailed above policies support developments which are high quality which contribute to promoting the character and appearance of the surrounding area.
- 2.12 The proposed development is a linear building. It is predominantly single storey extending approximately 120 metres in length and 28 metres in width. The single storey areas will have a height of 5.24 metres. The building sits within the south/ southwestern part of the site and comprises of two sections.
- 2.13 The first section makes up the entrance and the schools’ ancillary facilities such as a double height dining room, meeting hall, kitchen etc and classrooms. This part of the building sits adjacent to the southern boundary. The main entrance to the school sits 2.67 metres from the southern boundary with the first set of classrooms sitting 4.57 metres. Officers note the front elevation of the building, and its entrance has a two-storey massing. Further details of this will be provided below. To the rear of this is the second section of the school made up of classrooms and play areas. This part of the building offsets the southern boundary by 14.39 metres and northern boundary by 11.66 metres to make provision for play space to both the north and south of the building.
- 2.14 As noted, the two-storey part of the building is located at the front elevation. This area is 13.93 metres long, 29.99 metres wide and 9.31 metres high. The first floor provides staff office space and



facilities and allows height for a double storey dining room. It is noted that the first-floor level offsets the southern boundary by 4.4 metre.

- 2.15 The applicant states “With the school’s projected rise of accommodating non-ambulant pupils to 100%, the design approach has progressed towards a future-proofed layout, in order to meet the broad range of needs of the non-ambulant pupils while simultaneously respecting the character of the local area. The design approach strategically responds to the constraints of a linear shaped site, surrounded by established and some sensitive land uses, and configuration of existing access points. This presented an opportunity to deliver a north / south classroom orientation for optimum natural daylight, which also prevents overheating. The initial noise survey work determined that the most dominant noise source is from traffic on Wantz Road. Accordingly, the teaching block has been set back (as much as practicably possible) from Wantz Road and from the wider industrial estate to minimise noise disturbance and the impact from air pollution. On the southern boundary, classrooms have been set back into the school site, and new landscaping and fencing has been introduced, to help minimise any opportunity of overlooking the neighbouring land uses and to protect existing residential amenity. Internally, the classrooms have been designed to have direct access to external play. Shared facilities are centrally placed within the teaching block and the strategic positioning of the hydrotherapy pool and the main hall in the support block, at front of the school building, will enable controlled access outside school operation for community use”.
- 2.16 Officers believe that the school has been designed sensitively for its intended uses as such the provision of a predominantly single storey building is welcomed in this location. The ground floor layout is considered to optimise classroom and play space whilst also providing sufficient level access to all amenities. Additionally, officers welcome the two-storey massing at the school’s entrance and consider this to provide a clearly defined entrance and provides it with a presence from the street scene.
- 2.17 The Agent of Change Principles set out in policy D13 of the London Plan places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise sensitive development. The application is located within a designated LSIS. However, the site borders’ residential units on Alibon Road to the south and Hunter’s Hall Road to the west. Wantz Road sits to the east and an industrial site sits to the north. The site has been designed sensitively so that the main building is positioned to the southwest of the site away from noise sensitive area. The car park has been located to the northeast of the site and sits on the boundary with Wantz Road. This area is likely to be impacted by greatest level of noise generated from the road. As such, the positioning of the car park is welcomed in this location given this use is not likely to be noise sensitive. The main playground areas are located to the south of the site along the boundary shared with residential properties. This area includes a sensory garden, break out space, play areas, seating and outdoor classrooms. Officers welcome the location of these uses and consider the location of these play areas to be positioned away from noise generating location to reduce the impacts of existing noise on this space. It is noted that outdoor space has also been provided to the north of the site including outdoor classrooms, break out rooms and outdoor interactive play. These are positioned adjacent to the boundary with the industrial site to the north. Notwithstanding, it is noted that the area immediately to the north of this space is used for carparking. Similarly, substantial green buffering has been proposed which include perimeter planting- flower mix and hedging. Officers consider this green buffer to further provide separation from the development and its neighbours and act as a boundary to mitigate the noise impacts from surrounding site. It is clear that the development has been designed sensitively to ensure that the existing noise and other nuisance generating activities have been accounted for. The proposed design and location of play areas, outdoor space and car parking ensures that the impacts of existing sites have been mitigated. Officers note the environmental protection officer was consulted who confirmed the proposed noise insulation and ventilation scheme was acceptable. This further supports officers’ comments above. It is considered that sufficient measures have been proposed to mitigate any existing noise impacts on noise sensitive receptors. Officers there consider the proposed design, layout and siting of the development to be compatible with the surrounding existing uses in this location and will not yield further concerns regarding existing noise and other noise generating activities in the future. Therefore, the development is considered acceptable in relation to the agent of change principle and in terms of providing suitable acoustic environment for a use of this nature.
- 2.18 A car park with a one-way system is proposed to the front of the building. This provides staff parking and has a clear entrance and exist point onto Wantz Road. This area also makes provision for drop off and pick up. Care has been taken to ensure that there is an efficient system to prevent congestion. Whist officers note the location, and the siting of the car park provides a very car

dominated appearance from the public realm. Officers acknowledge that this layout has been proposed to minimise noise disturbances on the classroom environment. Additionally, the set back from the highway and introduction of a green buffer further minimised the impact of the bulk and massing on the street scene.

- 2.19 The access officer was consulted who noted some of the accessible WC doors open inwards, these should be revised to sliding or doors which open outwards. Likewise, clarity on whether the Hygiene rooms contain changing rooms should be provided. The GLA also raised concerns here. In particular they note policy D5 seeks to ensure that proposals achieve the highest standard of accessible and inclusive design. To overcome these concerns the GLA have advised that an inclusive design statement should be provided before Stage 2 to explain how the development accords with policy D5 and how an inclusive design approach has been incorporated. Officers therefore consider the concerns raised by the access officer and GLA can be addressed latterly through the submission of additional information prior to stage 2.
- 2.20 Overall, officers consider the mass, bulk and layout of the building to be acceptable and in keeping with the development policies.

### Architecture

- 2.21 The site is located on the edge of an existing designated LSIS. To areas to the north and east of the site comprise primarily of industrial buildings. To the south and west sit residential buildings. As noted above the proposal is a linear building which has been designed sensitively to meet the needs of the school. Officers welcome the proposed design and form of the building.
- 2.22 Whilst a large car park has been proposed to the north and northeast of the site. Care had been taken to introduce planting along the boundaries to soften the visual impact of the car park from the public realm. This is design feature is welcomed.
- 2.23 Additionally, the applicant's proposed material palette has been taken from the site's immediate context. They have proposed a brick plinth to base of the development with vibrant, but not basic in colour metal flat cladding to the upper parts of the building. Officers welcome the proposed materials and consider these to speak to the immediate industrial context whilst also remaining sensitive to the nearby residential areas. Officers consider the proposed material palette to be acceptable. Nevertheless, to ensure these materials are high quality officers recommend that a condition requiring all details of external materials to be submitted prior to above ground works is imposed on this application.
- 2.24 Overall, subject to the imposition of conditions officers consider the proposed architecture of the building to be acceptable and remains in keeping with the character and appearance of the area.
- 2.25 The national grid protection team were consulted who confirmed that there are no national grid electricity transmission assets or national gas transmission gas assets affected by this proposal as such they raise no concerns.

### Landscaping

- 2.26 The existing site is largely hardstanding. The site currently benefits from a green buffer around the boundary as well as a number of trees on site. It is noted that there are several TPOs which sit to the north of the site. However, these are not included within the redline boundary.
- 2.27 Noting the specialist nature of the school. the building has been designed sensitively to ensure all external spaces have been designed appropriately to meet the required need. Breakout rooms and external play space are located away from Wantz Road. Trees and hedging are proposed along the boundary of the site for screening and privacy. The applicant states "The landscape proposal seeks to create a safe, calming and relaxing environment for the pupils of the SEND school whilst also creating an interactive and enjoyable experience for both pupils and staff. The external environment provides a variety of spaces that have distinct character and different uses to support interactive and positive learning, making use of the outdoors. The proposals include spaces for outdoor learning, outdoor play, discovering, reflecting and growing plants or food within designated raised beds".
- 2.28 A landscape strategy has been submitted to support this application. The proposed landscaping plan shows a series of different external play areas and makes provision for a sensory garden, open play areas, play zone, outdoor classrooms and breakout areas. The majority of these spaces are hard landscaped; however, care has been taken to ensure areas of soft landscaping and planting. Officers

note the proposed scheme reintroduces soft landscaping on site. It is clear that all external spaces have been designed sensitively to meet the needs of the end users of the school.

- 2.29 Further, a green buffer has been proposed along the boundary of the site as well as between different areas of the site. This acts as screening and also improves the overall visual appearance of the site. It is noted that the proposal will reintroduce soft landscaping and planting to an area which was predominantly hard standing previously. Officers consider the proposed landscaping strategy to be acceptable and contribute to improving the visual appearance of the site. Should this application be approved it is recommended that a condition securing details of soft and hard landscaping are submitted.
- 2.30 The GLA were consulted who note that the applicant should explore further opportunities to create a landscape buffer between the proposed development and neighbouring properties. From the details submitted officers acknowledge that attention has been paid to the relationship between the site and neighbouring residents. It is noted that there are significant improvements to the provision of trees and soft landscaping on site. Likewise, it is noted that several trees have been proposed to improve the visual appearance and greening of the site but also to act as a barrier to improve privacy between the site and its neighbours. Notwithstanding, to ensure that the landscape buffer and biodiversity improvements of the site are of high-quality officers have imposed a boundary treatment and hard and soft landscaping conditions. It is considered that these conditions will overcome the concerns raised by the GLA.

### Trees

- 2.31 There are a number of existing trees on site. Nevertheless, as shown on the proposals map none of these are TPO trees. Notwithstanding, there are TPO's on the adjoining site which sit close to the shared boundary. The application is accompanied by an Arboricultural survey and implications assessment. A total of 9 trees and three groups were surveyed. It is noted that none of the trees or groups were classed as Category A with 4 trees being classified as Category B and four trees and three groups classed as Category C and one tree was categories U tree.
- 2.32 It is proposed to remove 4 trees and 3 groups of trees. These are all classified as Category C. These trees are located within the site and the groups along the boundary. It is proposed to remove these trees to facilitate the development. Further the groups of trees located at the southern boundary are proposed to be removed to facilitate the retaining wall and group level change.
- 2.33 Further, the 4 trees to the north of the site and the tree to the south of the site which sit adjacent to the site boundary but not within the application site are proposed to be retained. The applicant notes "these trees will have resurfacing works within the root protection areas. This must be done using a no dig methodology and permeable surface". Officers therefore note that a scheme of tree protection works will need to be carried out during the construction phase of the development to ensure that the trees to be retained are protected. Officers note that an Arboricultural method statement is included in this assessment which outlines the proposed tree protection plan. Should this application be approved it is recommended that a condition is attached requiring construction works to be carried out in accordance with this method statement.
- 2.34 It is proposed to plant 33 new trees with the development to mitigate the loss of the trees and shrubs to be removed. These will be located across the site and within the new landscaped areas of the site and along the site boundary. Officers welcome this provision and consider the addition of new trees to enhance the quality and appearance of the site. The LBBD trees officer was consulted who confirmed they had no objections to the proposal.
- 2.35 It is recommended that a condition securing details of hard and soft landscaping including a tree planting strategy is attached to this application.

### Crime/Safety

- 2.36 The Met Police's design out crime officer was consulted who confirmed that they had no objections to the proposal subject to the specific concerns set out in their consultation response being addressed. Likewise, they recommend that a secure by design condition is attached to this application. Officers note the details of the specific concerns to be addressed can be submitted latterly and approved via the discharge of condition. Therefore, officers are of the view that subject to the imposition of a secure by design condition the proposal will be acceptable in design terms and will contribute to reducing the risk of crime on site. Subject to the imposition of condition officers

consider the development to be acceptable and in keeping with the development policies.

2.37 Fire

2.38 Policy D12 outlines the need for adequate fire safety to ensure the safety of all building users. As such, all major development proposals should be submitted with a Fire Statement, which is produced by a third-party qualified assessor. London Plan policy D5 seeks to ensure development incorporate safe and dignified emergency evacuation of all building users. The application is accompanied by document number AFF\_20831\_01\_Oxlow Bridge\_FSR\_05 Fire Strategy Report [Revision 05] dated 21.04.2023 and a Fire Statement Form prepared by Affinity dated 12.05.2023.

2.39 Officers have reviewed these assessments and note they provide details of building construction, methods, products and materials used; means of escape; fire safety and fire prevention measures. Nevertheless, these documents do not reference policy and do not set out how the proposed fire safety measure meet the requirements of the London Plan or policy. It is therefore recommended that should this application be approved a condition is attached requiring an updated fire statement to be submitted which outlines what the proposed fire safety measures are and how they accord with the requirements of the London Plan. This plan should also set out how the development will enable safe and dignified emergency evacuation for all users of the site in line with policy D5. It is noted that the GLA raised similar concerns in their Stage 1 report. Notwithstanding, as detailed above officers consider that the imposition of a condition would address these concerns.

2.40 Subject to the imposition of condition officers consider the development to be acceptable and in keeping with the development policies.

Summary

2.41 Overall, subject to the imposition of condition, officers consider the design of the development to be high quality and safe for all users in keeping with the development policies.

**3.0 Impacts to neighbouring amenity:**

3.1 The NPPF, The London Plan Policies GG1, GG3 and D14, all have relevance to the importance of quality development which addressing neighbouring amenity and avoiding unacceptable impacts. Policy DMD1 of the Draft Local Plan Reg 19 seeks to ensure all development proposals consider the impact on neighbouring amenity with regard to significant overlooking (loss of privacy and immediate outlook) and overshadowing (unacceptable loss of daylight/sunlight). Policy DMSI3 further expands on this noting development proposals which generate an unacceptable level of nuisance including noise, waste, comings and goings and general disturbances will be resisted. This is supported by policy BP8 of the Borough Wide DPD.

Daylight and Sunlight

3.2 As detailed above policies seek to ensure new developments do not have an adverse impact on neighbouring amenity. The proposal is located on Wantz Road and sits on the edge of a LSIS. To the north and east the site adjoins industrial uses and to the south and west the site is bounded by residential properties. As detailed above in the design section given the nature of use the site and building has been designed so that the building is located away from the main road. As a result, the proposed play areas are located to the western edge of the site and these adjoin residential properties.

3.3 Officers will review the proposal impact on daylight and sunlight below. Following this a review of the noise and odour impacts will be carried out.

3.4 *Properties along Hunter Hall Road*

These properties sit to the west of the application site. The rear gardens of these dwellinghouses create a separation of approximately 19 metres between the main dwellings and the shared boundary. Similarly, the proposed school building offset the shared boundary by 2.8 metres at the narrowest point. Noting the proposed building will be single storey in height at this location and given the separation officers are confident that the proposal will have an acceptable impact on neighbouring amenity. A daylight and sunlight façade analysis report has been submitted to accompany this application. This assessment supports the above statement and finds the impact

on residents along Hunter Hall Road to be negligible. Further, noting the building adjacent to this boundary will be single storey in height officers are confident it will have an acceptable impact on the outlook and privacy of neighbouring residents.

### 3.5 *Properties along Alibon Road.*

These properties sit to the south of the site and abut the shared boundary. The rear boundary abuts that of the application site. Notwithstanding, the development has been designed so that the building is set back from the shared boundary by 14 metres at the widest point and 2.95 metres at the narrowest point. At first floor level the building is set back by 4.57 metres. Officers also note that the rear gardens of the properties along Alibon Road provide a further separation of 20 metres between the main dwellinghouse and application site. Noting the proposals sitting officers are confident that the development will have an acceptable impact on daylight and sunlight to neighbouring properties. It is noted that the submitted daylight and sunlight assessment confirms that the proposal will result in acceptable daylight and sunlight on neighbouring gardens.

A number of windows have been proposed on the southern elevation at first floor level. Noting the separation between the proposed building and shared boundary officers consider this to reduce the visual mass and bulk of the development and hence mitigate any negative impacts on outlook. The GLA noted that the council should ensure there would be no undue overlooking or loss of privacy to the residential neighbours as a result of the proposed first floor. Officers note that the development has been design with a setback which will mitigate any loss of privacy as it will reduce overlooking. It is clear that care has been taken to ensure the boundary treatments and proposed trees and landscaping add as a further privacy barrier between the proposal and neighbouring properties. On this basis officers consider sufficient measures have been put in place to reduce the risk of overlooking and the loss of privacy. It is noted that a boundary treatment condition has been attached to this application to ensure that the boundary treatment proposed is of high quality and reduces any unacceptable impact on neighbouring amenity.

### 3.6 *Industrial Units North of the Site along Wantz Road.*

These units sit to the north of the site. The proposed development will offset the shared boundary by 11.58 metres and will be single storey in height. Additionally, the existing unit to the north already offsets the shared boundary by 7.0 metres. The existing unit has a number of windows which sit on the southern boundary. Notwithstanding, noting the separation officers are confident the development will have an acceptable impact on daylight, sunlight, outlook and privacy.

3.7 Further, it is noted the building has been designed so that the noise sensitive receptors have been designed and located away from this industrial unit and Wantz Road. The main building and main play spaces are positioned along the southern boundary. Noting the distance and location officers consider this to mitigate any noise impacts from the existing industrial site. Whilst officers acknowledged some outdoor spaces such as outdoor classrooms and breakout areas are positioned adjacent to the northern boundary with this industrial site. Care has been taken to ensure these are not the most noise sensitive uses. Likewise, a large green buffer has been proposed along the boundary to further increase the separation. Further details of this can be found in section 2.18 of this report. Officers consider the development has been designed appropriately to take into account the agent of change principles. It is clear that the building has been designed in a way that is compatible with existing uses and will not be negatively impacted by existing noise and noise generating activities.

3.8 Overall, officers consider the proposed development to have an acceptable impact on neighbouring amenity.

#### Neighbour Comments

3.9 One comment was received regarding this application which raised concerns these are as follows:

- The proposed school was not big enough to support this quantum of students.
- The proposed school does not provide sufficient outdoor and green space.
- The development will be surrounded by busy constant flow of traffic, lorries and industrial buildings.
- 2 existing schools nearby will result in further congestion at pick up and drop off and potential collision or accidents.

In terms of the first two points officers note the applicant is the department for education who has designed the school. As such, officers are confident that the proposed development has been

designed sensitively to provide the facilities and meet the needs of the pupils who will attend. Details of this can be found in section 2.18 of this report.

Regarding the points about the sites location whilst officers accept that this is in an industrial area it is noted that care has been taken to design the building to reduce noise impacts from the surrounding area. Further, details on noise will be assessed below.

In terms of pick up and drop off. Officers acknowledge these points and note a further assessment of this will be carried out in the section below on transport.

#### Noise

- 3.10 An environmental noise assessment submitted by MACH Acoustics Ltd reference FS0704-MAL-ZZ-ZZ-RP-J-9003 dated 14/04/2023 has been submitted to accompany the application. This document includes a noise break-in assessment and a noise break-out assessment. These assessments confirm the proposed noise insulation and ventilation scheme required for the development to ensure that effects of noise break in and break out are adequately managed.
- 3.11 The environmental protection officer was consulted who reviewed the submitted document and confirmed that the details submitted are acceptable and provide adequate noise insulation and ventilation scheme. Officers have reviewed the submitted document and agree with the points raised by the environmental protection officer. Further, it is noted that the main operating hours will be from 9am to 3pm. Given the specialist nature of the school overall officers consider the harm caused to neighbouring residents is considered to be negligible.
- 3.12 The proposal is for a SEND school for use by 100 pupils and 129 staff. Similarly, the development will have facilities for community use at the weekend. As such, the development is likely to generate more noise, comings and goings and disturbances than currently existing on site given the proposal will result in a greater number of people on site at any given time. Nevertheless, as shown in the documents submitted a system of noise insulation and ventilation has been proposed to prevent noise breakouts. Further, noting the school is a SEND school which is in high demand within the borough. Whilst the proposal will generate some harm to neighbouring residents. Given the site will only be in operation during the main school hours and at reduced capacity at the weekend. On balance officers consider the benefits provided by the scheme to outweigh the harm caused to neighbouring residents. On balance the proposal is considered to have an acceptable impact on neighbouring amenity.
- 3.13 Should this application be approved it is recommended that 2 conditions are attached. The first requiring the development to be constructed in accordance with the environmental noise assessment report and the second requiring all building services plant to comply with the noise limiting levels set out in the noise report. Subject to the imposition of these conditions officers consider the proposal to be acceptable and in keeping with the development policies.

#### Odour

- 3.14 An odour assessment prepared by noise air acoustics and air quality dated 26<sup>th</sup> April 2023 has been submitted to accompany this application. The proposal includes the construction of a new kitchen to support the school. As such an odour assessment has been carried out to determine the potential odour impacts as a result of cooking processes within the school kitchen. The assessment concludes that the odour risk of the site is classed as medium. A number of recommendations have been made to mitigate the odour impacts of the new kitchen on sensitive receptors adjoining. It is noted that the proposed kitchen is located adjacent to the shared boundary with the properties along Alibon Road. Finally, the report concludes that if the recommendations are implemented the odour levels produced by the site will be reduced to an acceptable level.
- 3.15 The environmental protection officer was consulted who confirmed the details contained in the submitted documents are acceptable. In particular they note that subject to the recommendations being put in place they consider the development odour control to be acceptable. Should this application be approved it is recommended that a condition is attached requiring the development to be constructed in accordance with the submitted odour assessment.

#### External Lighting

- 3.16 An external lighting report has been submitted which outlines the development external lighting strategy. The environmental protection officer was consulted who confirmed that the proposed lighting strategy detailed within the lighting strategy is sufficient and will not result in unacceptable light pollution. LBD Street Lighting Team were consulted who confirmed that the lighting is 'off-highway' and not to be adopted as such they have no objections to the proposal. Whilst officers acknowledge that the proposed strategy will not result in unacceptable light pollution. It is noted that the proposed

lighting should result in adequate lighting to minimise the risk of crime. The proposed secure by design condition attached to this application will ensure that the lighting proposed meets this requirement.

- 3.17 Notwithstanding, officers consider the proposed lighting strategy to be acceptable. As such, it is recommended that a condition is included to secure a requirement for the development to be constructed in accordance with this document.

#### Summary

- 3.18 Overall, subject to the imposition of conditions officers consider the proposed development to have an acceptable impact on neighbouring amenity. The proposal is acceptable and in keeping with the development policies.

### **4.0 Sustainable Transport:**

- 4.1 The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. It offers encouragement to developments which support reductions in greenhouse gas emissions and those which reduce congestion. The NPPF also outlines that developments which generate significant vehicle movements should be located where the need to travel will be minimised and the use of sustainable transport options can be maximised. It is also expected that new development does not give rise to the creation of conflicts between vehicular traffic and pedestrians. However, it also stated that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 4.2 This is echoed by the London Plan (2021) through policies T6. It is noted that policy does not provide parking standards for educational use. Nevertheless, it is expected that all parking proposed is sufficiently justified. Further policies require all operational parking to provide infrastructure for electrical charging points. Regarding cycle parking policy T5 sets out the requirements for cycle parking provision and design. This is further supported by policies DMT 2 and DMT3 of the Draft Local Plan Reg 19 and policies BR9, BR10 and BR11 of the Borough Wide DPD.

- 4.3 As detailed above policies support developments which facilitate the use of more sustainable modes of transport. The application site is located within PTAL 1b which represents low access to public transport. The application site is located 15 minutes' walk/ 11-minute bus journey from Dagenham East Tube Station; 17-minute walk/14-minute bus journey from Dagenham Heathway. The site is located in close proximity to a number of bus services along Heathway, Rainham Road South and Oxlow Lane. The application is accompanied by a transport assessment.

#### Car Parking

- 4.4 A transport assessment was submitted to support this application. The development is proposed to provide a total of 64 car parking spaces of which three will be accessible spaces, three will be enlarged spaces that can be converted to accessible spaces in the future and a further 3 will be minibus spaces for the minibuses owned by the school. As detailed above policies support the use of more sustainable transport. Policy T6 sets out that car-free development should be the starting point for all development proposals in places that are well-connected with developments elsewhere designed to provide a 'car-lite' approach to parking. It is noted that there are no limits to parking for educational uses, however, in line with policies it is expected that car parking is kept to a minimum to encourage the use of more sustainable modes of transport.

- 4.5 As existing the site has provision for 155 spaces as such a reduction to 64 is welcomed. Notwithstanding, officers note this level of provision will need to be justified. The applicant states "58 spaces will be available for use by staff. This includes three enlarged bays which may in due course be required for accessible spaces. The need for staff parking has been considered based on the specialist nature of the school... In particular, it is difficult for schools for pupils with severe needs to recruit from a localised area because highly specialised staff are required to provide the curriculum and necessary supports to the children. This results in a trend of staff living across a wide area and travelling over long distances. In turn this trend results in limited mode choice for staff, with the majority travelling by private car". Officers therefore believe that given the specialist nature of the school staff will need to be recruited from a much wider catchment area, as such, provision needs to be made for those driving to and from the site, given it may not always be feasible for them to travel via more sustainable modes. This level of parking has therefore been proposed to accommodate staff traveling to and from the site. Officers note that prior to this quantum of parking being accepted this needs to be justified. It is understood that pupils will be dropped off by mini-bus



or private car as such the proposed parking provision is not intended for use by pupils or carers. Further details of this will be discussed in the section below.

- 4.6 The school will have capacity for 100 pupils and 129 staff. Information has been provided on where staff are likely to live, based on experience at other SEND Schools in the LBBB area. This includes services contracted out such as catering, part time roles etc. It is clear from the information submitted that not all 129 staff will require access to the site via car. However, there is clear evidence that where staff have to travel from a further distance, they are more likely to arrive by car. The applicant has modelled the likely number of trip generated based on experiences from other SEND Schools in the LBBB area. Similarly, they have carried out a parking stress survey of on-street parking along Wantz Road, Alibon Road and Pondfield Road. It is noted that both CPZ and non-CPZ sections were assessed.
- 4.7 The survey concludes that there is a high demand for on street parking during the school's peak pick up and drop off times some of which is expected to relate to the impact of the local primary school. It is clear that whilst there is some capacity at these times on street capacity is limited. It is noted that the non-CPZ section of Wantz Road which sits immediately outside of the site experiences high demand for on-street parking during business hours. A survey during non-business hours was carried out to compare numbers and it is clear that the high demand is generated by local businesses, their staff visitors and operators. The applicant also carried out a site visit and public consultation which confirmed this. Based on the evidence officers believe that there is limited additional on street capacity to accommodate additional cars. Noting the proposal will bring 129 staff and 100 pupils on site it is considered that where possible the development should be provided additional off-street parking to support the additional cars which will be arriving and requiring parking.
- 4.8 Therefore, based on this information provided regarding the proposed staff travel distance bands, modes of transport, trips generated, and parking stress survey officers consider the provision of car parking proposed to directly meet the requirements of the school without having a further impact on local highways or on street parking provisions. The details submitted clearly justify why this quantum of car parking has been proposed.
- 4.9 TfL were consulted who raised concerns with regard to the provision of on site parking. Notwithstanding, based on this information provided officers consider the evidence to confirm that there is a need for this quantum of parking on site. On this basis officers consider a reduction in parking would result in further harm to the highway and on street parking provision. The transport officer was consulted and agreed with officers.
- 4.10 The LBBB transport officer was consulted who states "The former Council depot had approximately 155 parking spaces and the site was recently used as a car park. Both these previous uses operated with the same number of spaces and generated moderate volumes of traffic. The proposals will retain a total of 64 car parking spaces, of which 58 parking spaces for staff and three will be accessible spaces. The site will also have a drop-off zone. The Transport Assessment (TA) states that due to pupils needs most will travel by mini-bus, taxi or private car. There is an expectation that the specialist staff will be regional rather than local. This will likely necessitate high demand for travelling by private vehicles. To mitigate the impact during the peaks in traffic generation it will require a robust Parking Design and Management Plan (PDMP) and Delivery and Service Plan that promotes as suggested in the TA staggered arrivals and departures to avoid any queuing to get into the site". Officers therefore believe that the proposed quantum of car parking has been sufficiently justified and is acceptable subject to details of parking design and management. It is noted that a framework car park management plan has been submitted which this application, however, It is recommended that should this application be approved a condition is attached securing the submission of an updated parking design and management plan which includes specific details.
- 4.11 Regarding, disabled parking Policy T6.5 note that educational facilities should provide 5% designated blue badge bays with a further 5% as enlarged bays which can be converted to disabled bays should they be required to in the future. The proposal seeks to provide 64 parking spaces of which 3 are blue badge from onset and 3 enlarged bays. Officers consider this to be in line with policy and considers this to be acceptable. Should this application be approved it is recommended that a condition is included requiring the blue badge bays to be installed prior to first use of the site.
- 4.12 In terms of electrical charging points policy T6 states that all operational parking should make provision for EVCP. The applicant states 20% of parking provision has been allocated EV charging points. On review of drawing FS0704-3BM-ZZ-00-D-A Proposed Ground Level Planning [Revision P10] date 21.03.2023 officers note there is provision for 13 active EVCP and 12 passive EVCP. Officers welcome this provision. Notwithstanding, it is noted that none of the minibus or disabled



parking bays have made provision for EVCP. This was raised as a concern by TfL and the access officer. Should this application be approved it is recommended that a condition is included requiring details of the EVCP to be submitted and implemented prior to first use.

- 4.13 Overall, subject to the imposition of conditions officers considered the proposed parking provision to be accountable and in keeping with the development policies.

#### Cycle Parking

- 4.14 Policy T5 of the London Plan states long stay cycle provision should be provided at 1 space per 8 FTE staff and space per 8 students. Short Stay cycle parking should be provided as 1 space per 100 students. The applicant states "The development proposals are being funded by the DfE and seek to provide a new SEND School for LBBB. The majority if not all will be non-ambulant. It is understood that there is significant need for additional places for children with PMLD in the Borough". Officers acknowledge that due to the needs of the pupils attending the school it is unlikely that they will be able to cycle to school. As such, it would be unreasonable to request excessive cycle parking provision for pupil use. Notwithstanding, it would be expected that cycle parking is provided for staff. Similarly, where possible provision should be made for larger cycle.
- 4.15 The development will provide a new bike store with provision for 16 regular sized cycle parking spaces in the form of two tiered racks and a Sheffield stand to accommodate two larger bicycles. In addition, a Sheffield stand will be provided adjacent to the school entrance for use by visitors. Officers consider the quantum of cycle parking to be sufficient and in keeping with policies. Should this application be approved it is recommended that a condition is attached requiring cycle parking to be implemented prior to first use of the site.
- 4.16 Officers consider the details above to address the points raised by TfL and the LBBB transport officers. Should this application be approved a condition securing a car and cycle parking design management plan should be included.

#### School Operation

- 4.17 The proposal seeks permission for the construction of a new SEND school which at maximum capacity will be occupied by 129 staff and 100 pupils. It is understood that the staff to pupil ratio will be 1:1 given the highly specialist nature of the school. The applicant notes "Travel choice for pupils will be very limited due to their needs. Local authority transport will be provided using minibuses carrying a maximum of four pupils. This is expected to be the main mode of transport for pupils. A smaller proportion will be brought by parents or guardians in adapted cars. No taxi or private hire transport is envisaged".
- 4.18 As discussed in the section above given the wide catchment ratio for specialist teachers it is likely that there will be a much higher demand for car parking spaces to allow staff to travel to and from the site. It is noted that were staff are employed locally it would be expected that they arrive at the site via more sustainable modes of transport. The applicant has confirmed that they will be encouraging this, and a Schools Travel Plan will be prepared to demonstrate how they will encourage the use of more sustainable modes of transport. This will be discussed further in the section below.
- 4.19 In terms of pupils, it is understood that they will arrive on site via minibus owned by the school or via private car. The applicant states "The school buildings will be open from 06:00 to 18:00 Monday - Friday. Staff will arrive from 06:00 onwards and be on-site prior to the start of the drop-off period for pupils. For pupils the school day will start at 09:15, which is later than other primary schools in the area. Afternoon finish times will be staggered, with three different intervals e.g. 15:00, 15:10 and 15:30. This is proposed to manage demand for transport arriving to collect pupils and to avoid as far as possible the school finish time at nearby primary schools. For pupils, drop-off is expected to occur from 08:45 – 09:15 when the school day starts. Occasionally vehicles could be delayed due to road conditions and pupils needing more time boarding at their home address, or alighting at school, and the drop-off time is extended from 30– 45 minutes. In the afternoon, pupils will be collected at three different finish times. Buses are expected to arrive ahead of the first finish time of 15:00, and will continue arriving ahead of other intervals until 15:30 when the last group of pupils will finish. It is expected that the last busses will leave the site between 15:30 and 16:00".
- 4.20 Officers believe that the operation of the school has been organised so that staff arrive first followed by pupils allowing staff to assist with pick up and drop off. This is considered to limit congestion on site and accessing the site given staff will not be arriving and parking at the same time as pupils arriving. Further, officers note there are two other primary schools in close proximity to this site 'Richard Alibon' and Hunter Hall Primary School'. Access to these schools will be via Alibon Road,

as such, the proposed 30-minute arrival window in the morning and staggered exist in the evening is welcomed to minimise the impact on the highway and transport infrastructure noting neighbouring schools are likely to be arriving and leaving at the same times.

- 4.21 The school has been designed so that entry is from the east of the site and exist from the north. The applicant has modelled the proposed school based on information from a sample school. It is understood that of the 100 pupils to attend 50 will be primary and 50 secondary pupils. At full capacity the school is likely to operate with 75% arriving from within the Borough with 25% arriving from outside the borough. This will be at a model split of 80% via minibus and 20% via private car. The worst-case scenario would result in 25 minibuses and 20 cars arriving and leaving the site. The site has been designed with 4 drop off zones. The applicant notes that “evidence from a sample school suggests dwell times in the morning of average 7 minutes. With a planned drop-off window of 30 minutes, this suggests each space in the drop-off zone could be used four times. The drop-off zone has therefore theoretical capacity for 28 minibuses in the morning. With regard to parent drop-off evidence from the sample school suggests dwell times were quicker than minibuses, at an average of six minutes. This suggests in a 30-minute window, each space would be used five times. The accessible parking spaces (three number) will be used by parents in the morning. Capacity would be 15 on the basis that each bay is used five. Based on a worst-case scenario of 25 minibuses and 20 parent cars would require access to the site in the 30-minute drop-off window. All minibuses would be accommodated. Some short-term queuing of parent cars could be expected, but as identified above some of this accommodated at the site entrance. This is based on a worst-case scenario.”. Officers believe that the proposed layout and design will be able to accommodate all minibuses, similarly provision has been made to allow for short queuing off street. Officers welcome the staggered exist and consider this to further reduce congestion and impact on the highway.
- 4.22 The transport officer was consulted who raised no concerns with regard to the proposed pick up and drop off. However, as stated above they note “To mitigate the impact during the peaks in traffic generation it will require a robust Parking Design and Management Plan (PDMP) and Delivery and Service Plan that promotes as suggested in the TA staggered arrivals and departures to avoid any queuing to get into the site”. As such, should this application be approved it is recommended that these conditions are secured. The GLA were consulted who agreed with the imposition of this condition.
- 4.23 Further, regarding visitors it is understood that 7 specialist visitors would regularly visit the school. Likewise, staff it is understood that visitors will arrive by car. It is noted that all visitors will be made by appointment only, as such, parking demand can be managed. Officers welcome this and note that details of this should be included in the updated car parking management plan. Additionally, during the school day pupils who need to be taken off site will go in the school owned mini-bus. Provision for 3 have been provided as such, officers consider movements and parking can be appropriately managed.
- 4.24 Overall, officers consider the proposed school operation, pupil drop off and pick up to be acceptable and have an acceptable impact on the highway.

#### Delivery and Servicing

- 4.25 The applicant has submitted a framework delivery and servicing plan. It is noted this provides details of how refuse and waste collection, deliveries and visitors will be managed. Officers welcome the proposed framework plan. However, should this application be approved it is recommended that a condition is attached requiring an updated copy to be submitted. The transport officer and TFL were consulted who agreed with the points raised by officers above.

#### Access

- 4.26 The existing access points into the site from the north and east will be retained. A separate pedestrian access point has been proposed to the east of the site. There is a dedicated footpath which leads from the public realm into the site. Officers consider the proposed design and landscape improvements to create clear and safe pedestrian access and egress into the site. TfL were consulted who agreed with the points raised by officers noting “the proposed landscaping with the inclusion of trees and other planting, cycle parking and better natural surveillance make the pedestrian areas of the site more pleasant creating a safer enclosed area for the school children and staff”. Similarly, the one-way route through the site further limits the need for vehicles to reverse or turn around on site creating a safer environment. The applicant has submitted two drawings to show the highway improvements proposed to improve access into and out of the site. These are shown in

drawings FS0704-ROB-XX-00-D-H-0001-PM404034 Outline Access Design Junction 1 [Revision P03] dated 20.03.2023 and FS0704-ROB-XX-00-D-H-0002-PM404034-P03 Outline Access Design Junction 2 [Revision P03] dated 20.03.2023. The transport officer was consulted who stated “A proposed mitigation strategy including demand management and physical measures has been submitted to address the impacts of the development These should be secured with the applicant separately in a section 278 agreement (Highways Act 1980). We suggest that in the interest of highway safety, the applicant should enter a section 278 agreement prior to occupation, and this secured in a legal agreement”. Therefore, should this application be approved it is recommended that an obligation is attached requiring the applicant to enter into a s.278 agreement. Officers note that the two drawings submitted will be secured as ‘In principle’ plans, however, the final details will need to be confirmed and agreed with the council through the course of the s.278 agreement.

#### Road Safety Improvements- s.278

- 4.27 The applicant has provided 3 drawings to detail the preliminary access design. Drawings FS0704-ROB-XX-00-D-H-0001-PM404034 Outline Access Design Junction 1 [Revision P03] dated 20.03.2023; FS0704-ROB-XX-00-D-H-0002-PM404034-P03 Outline Access Design Junction 2 [Revision P03] dated 20.03.2023 and FS0704-ROB-xx-00-D-H-0011-PM404034-P01 TMO Design Plan [Revision P02] dated 19.04.2023. The transport officer was consulted who stated “ In terms of these measures the proposed preliminary traffic design appendix K to address issues with protecting the pedestrian environment, parking restrictions and road speeds the drawing is not acceptable for the following reasons. The school “keep clear” markings (SKC) are in front of the DYLS, which you can't do as they are two different restrictions which will conflict each other as the DYLS are 24/7 and the SKC will normally be Monday to Friday and during the school hours. These can be enforced by CCTV camera's possibly 2 needed and we would assume these would form part of the mitigation measures and consequently, supplied and installed as part this work. On the vehicle entrance to the school there are some DYLS being proposed but there is a section of single yellow line, but no time associated to it. It might be sensible to use double yellow lines with blips adjacent to the school frontage with single yellow on the opposite side of the road. It also proposed that the road is to become 20mph so two TMO's will be required one for the static restrictions and one for the speed limit. Due to no physical measures to self-enforce the new 20mph speed limit restriction the proposed stretch of road will need to be shortened”. It is noted that the submitted transport assessment provides recommendations for the 20mph zone to be extended up Wantz Road to the junction with Oxlow Lane. Officers believe that the transport officer raise concerns with the current proposed markings noting that the double yellow lines and school keep clear zig zag marking conflict as they are two different restrictions, hence, they would not work in practice. Officers note the current proposed designed measures are unacceptable. However, if this application is it approved it is recommended that a s.278 agreement is secure by obligation to secure works to Wantz Road. Whilst it is accepted that the proposed details submitted at this stage are not acceptable it is noted that these can be further amended and finalised to an acceptable standard through the course of the s.278 agreement. Subject to the imposition of this obligation officers therefore consider the details to be acceptable.
- 4.28 Further, the transport officer has sought the implementation of CCTV cameras. These will be used to monitor the zig zag lines. The transport officer notes it will be the responsibility of the applicant to purchase and install the camera's, however, these will then go back to the council for enforcement and monitoring. The installation of these cameras and the associated works will also be covered by the s.278 agreement. Finally, as detailed in the submitted transport statement and submitted ATZand as detailed by the transport officer. It is recommended that the 20mph zone to the south of Wantz Road is extended up to the junction with Oxlow Lane. Officers welcome this and consider a reduction in speed to improve the local environment and encourage the use of more sustainable modes of transport. Officers welcome this introduction of a 20mph speed limit. Notwithstanding, they note the stretch of road that the applicant proposes to apply this to is limited to the introduction of traffic calming measures and lining along the Wantz Road S bend immediately outside the site and the introduction of a new 20mph speed sign on the junction with Oxlow Lane. The transport officers note a further transport management order (TMO) will be required which sets out the traffic calming measures, and signage proposed to enable this speed reduction. Noting this will sit within the proposed scope of highway works to be carried out by the applicant the transport officer confirms that this too can be covered under the s.278 agreement. However, a separate TMO specific to the road speed reduction will need to be provided.

- 4.29 Notwithstanding, whilst officers welcome the scope of highways works proposed in the submitted TMO Design Plan and Outline Access Design Junction 1 and 2 only show the scope of works to be covered under the s.278 agreement. Further consultation with the transport officer has outlined that these enhancements are to the area of road immediately outside the site with limited works to the site's wider context. It is acknowledged that a 20mph speed limit is proposed to be implemented, however, as proposed the transport officers consider this to only work in practice along the S bend section of the road immediately outside the site given traffic calming measures and lining have been proposed. They note that whilst a sign has been proposed and is welcomed at the junction between Wantz Road and Oxlow Lane. There is a long straight section of road between this junction and the S-bend immediately outside the school. No traffic calming measures, or lining have been proposed along this section. Therefore, whilst the installation of a sign would suggest a 20mph in this area, no measures have been put in place to enforce and implement it. It is unlikely a 20mph speed limit will be kept to along this section. To ensure a 20mph speed limit Officers would expect to see the introduction of additional speed humps, speed radar signs road cushions etc. The transport officer notes that these additional speed reduction measures and lining are not captured in the scope of the s.278.
- 4.30 School safety is the upmost priority. Noting the site is located at the entrance of an industrial estate along a 30mph road. It is important that the development contributes to enhancing the safety of the road through the reduction of speed limits. The transport officer notes all roads immediately outside schools are 20mph and this applies to this new development regardless of the fact that pupils are arriving by vehicle or minibus. As such, the transport officer has recommended that a financial contribution of £15,000 is sought to cover the cost of the introduction of a 20mph speed reduction, traffic calming measures and lining above that of what will be covered by the s.278 agreement. This way officers can be assured that the whole of Wantz Road is a 20mph speed restriction which has suitable measures to reduce the speed of vehicles and allow safe access and egress for pedestrians, cyclists and vehicles. Officers do not consider this to be double counting of requirements noting the scope of works to be covered by the £15,000 contribution would be different and in addition to the works to be carried out under the s.278 agreement.
- 4.31 The £15,000 would cover the cost of installing traffic calming measures, lining and signing between the Oxlow Lane junction and the development, closing the road to carry out the works, permits, and a traffic management order. Noting this area of road does not fall within the scope of works to be carried out under the s.278. This contribution will allow the council to carry out the works required to Wantz Road to ensure it is safe.
- 4.32 Further, The applicant has submitted an active travel assessment with this application which considered the quality of existing pedestrian and cycling infrastructure. This assessment highlights a number of improvements which could made to the wider site to improve and encourage more active modes of transport. TfL and GLA were consulted who note that improvements identified through the ATZ should be secured. As detailed above officers discussed the need for parking and stopping controls outside the site. The details of this can be finalised in the s.278. Likewise, they note that the submitted ATZ does not include any route to the nearby housing estate to the west with all routes being located north, east and south of the site. Whilst officer accept the desire for an east west link through to the site. It is noted that access is not provided from the west. All access will be from the east of the site approaching from the north of Wantz road or south of Wantz road. As such, officers consider it unreasonable to request specific routes from the west.
- 4.33 Notwithstanding, the submitted ATZ highlights opportunities to improve the active travel environment along Wantz Road immediately outside the site. At present there is a speed limit of 30mph directly outside the site. Therefore, for the safety of pedestrians, cyclist and pupils and staff access and egressing the site, in addition to stopping and parking controls officers consider it essential for improvements to be carried out to Wantz Road to reduce the speed, limits and improve lining and traffic calming measures. As a minimum in addition to this development the scheme should contribute to making improvements to Wantz Road. Officers consider the imposition of an obligation securing a s.278 agreement and an obligation securing a financial contribution of £15,000 will improve the environment at Wantz Road and encourage safer pedestrian, vehicle and cyclist access and movement in and out of the site.
- 4.34 Therefore, overall subject to the implementation and obligation securing a s.278 agreement and £15,000 financial contribution to cover the points raised above and ensure improvements to Wantz Road to improve the safety of the road and the pedestrian and cyclist environments. Officers consider the proposal to be acceptable and in keeping with the development policies. The

implementation of these obligations are considered to overcome concerns raised by the transport officer, GLA and TfL.

#### Construction Logistics Plan

- 4.35 The transport officer and TfL were consulted who recommended that a construction logistics plan is submitted in line with TfL guidance. To ensure the development has an acceptable impact on the highway throughout the construction phase. Should this application be approved it is recommended that this is secured by condition.
- 4.36 Network Rail and London Overground were consulted who raised no objections to this application.

#### School Travel Plan

- 4.37 The applicant has submitted an outline School Travel Plan. This School Travel Plan confirms that the school aims to obtain TfL STARS bronze accreditation at opening year 2024 and maintain this going forward.
- 4.38 It is noted that given the nature of the proposed use pupils will have to arrive by mini-bus or private car. Nevertheless, officers would still expect that steps are taken to encourage the use of more sustainable modes of transport particularly amongst members of staff which is evident in the submitted School Travel Plan. The transport officer was consulted who agreed with the points noted above. In particular they note "We are satisfied with the detailed programme of suggested travel initiatives to be implemented by the school as shown in Table 9.1, monitoring and review submitted by the applicant which is to be implemented by the whole school community / Applicant to evaluate the effectiveness of the Travel Plan measures".
- 4.39 Officers note London Plan and local policies support developments which encourage the use of more sustainable modes of transport. In particular developments should encourage the use of more sustainable and active travel modes in line with TfL Guidance. For Schools there is a specific requirement for new schools to achieve TfL STARS Accreditation. This is a 3-tiered accreditation which seeks to encourage more active modes of travel through introducing travel activities.
- 4.40 Officers have reviewed this guidance and support the need for London's schools to commit to more active, safe and sustainable travel. Notwithstanding, officers note that this will be a special needs school. Given the special nature of the school whilst the school may be able to set up active travel activities it is unlikely that pupils will be able to take part in these given their special needs. As such, it would be unreasonable to expect the school to achieve all three levels of STARS accreditation.
- 4.41 As such, officers welcome the schools plans to achieve TfL STARS Bronze accreditation and for this to be maintained from the date of occupation. It is therefore recommended that a condition is imposed on this application requiring the applicant to register as a STARS school and complete a TfL STARS travel plan via the online portal.
- 4.42 TfL were consulted who agree to the imposition of a Travel Plan. Whilst they are accepting of the proposed pupil trip generation, they not specific measures should be incorporated to encourage the use of more sustainable modes of transport.

#### Summary

- 4.43 Overall, subject to the imposition of conditions and obligations securing s.278 agreement and Road Safety Contribution the proposal is considered acceptable and in keeping with the development policies.

### **5.0 Employment:**

#### 5.1 Employment and Skills

- 5.2 Policy SD1 of the London Plan support development which create employment opportunities, support wider regeneration, and ensures that development proposal integrate into the surrounding areas. This is further supported by policy GG5 of the London Plan which seek to ensure development contribute to providing sufficient employment and industrial space in the right locations to support economic development and regeneration.
- 5.3 Policy E4 of the London Plan outlines that land for industrial and related functions should be provided and maintained, considering strategic and local employment land reviews.
- 5.4 Policy E8 of the London Plan sets out that employment opportunities across a number of sectors should be promoted and supported as such developments should contribute to ensuring the availability

of suitable workspaces. This is further supported by policy E11 which states development proposals should support employment, skills development, apprenticeships, and other education and training opportunities in both the construction and end-use phases, including through Section 106 obligations where appropriate.

5.5 Policy CC3 of the Core Strategy further notes that in order to achieve sustainable growth and maximise the quality and contribution of new development. Developer contributions could be used to provide employment, skills and training initiatives and premises.

5.6 Policy SP5 of the Draft Local Plan (Regulation 19, Submission Version) seeks to ensure the Council delivers at least 20,000 new jobs and wider employment base.

5.7 The application is for a special needs school. Given the nature of the school officers accept that the end user jobs are likely specialist jobs so as to provide the services and care the pupils of the school require. Notwithstanding, it would be expected that the development provides some benefit to local residents through both the construction and end user phase. Officers note that whilst jobs such as teachers may need to be carried out by specialist trained individuals. To run, the school will require support staff such as cleaners, caterers etc. Hence, it would be expected that local LBBB residents are looked at to fill these roles where possible. Further, it is noted the councils draft obligations SPD excludes the need for developments of new schools to secure local employment during construction and end use. Nevertheless, noting this is a new school and a public funded project. Officers would expect the development to provide some benefits to local residents. A lighter touch approach is therefore sought and officers consider it necessary to secure this via planning obligation.

5.8 The obligation will require an employment and skills plan to be submitted prior to commencement providing a forecast of employment and skills opportunities available to local residents over the lifetime of the development. This plan should be accompanied by a method statement setting out how this will be delivered, including who will be responsible for managing recruitment and training, how they will ensure compliance by trade contractors and how this will be managed, how health and safety issued will be managed, and how they will engage with the local community and schools.

5.9 The obligations to be secured can be broken down as follows:

Employment during construction:

Obligations securing reasonable endeavours to ensure opportunities for educational visits/engagement/activities are made available during the period with which development is underway; Ensure one- or two-week work placement opportunities are made available to allow LBBB residents to shadow staff during the construction phase of the development and Ensure 1 per 10 FTE members of staff on site upskilling or renewing tickets throughout the course of construction.

Employment- End user obligation

Obligations securing reasonable endeavour to ensure creation of 1 new FTE job on site for a local person e.g. gate keeper, welfare labourer/cleaner, site admin for example and access to or an introduction to end user jobs created e.g. who will be doing catering/cleaning/facilities.

5.10 The LBBB employment and skills team were consulted who welcome with the imposition of the above obligation. They are in agreement that a token contribution to local employment should be provided. It is considered the employment benefits secured via obligation are strongly supported by officers.

Summary

5.12 Subject to the imposition of employment and skills obligations officers consider the proposal to be acceptable and in keeping with the development policies.

## **6.0 Waste management:**

### Waste and Refuse

- 6.1 The NPPF and policy SI7 of the London Plan outlines that waste planning authorities should encourage waste minimisation and waste prevention through the reuse of material and using fewer resources in the production and distribution of products.
- 6.2 Policies CR3 and BR15 of the Core Strategy and Borough Wide policy document outline the need for development in the Borough to minimise waste and work towards a more sustainable approach for waste management. These objectives are further emphasised in the emerging Local plan (Regulation 19) through Strategic Policy SP7 and Policy DMSI8.
- 6.3 A bin store has been proposed on site. The outline delivery and servicing plan provides details of the proposed waste management strategy which officers support in principle. However, the plan submitted is only a framework at this stage as such it lacks sufficient details. Therefore, should this application be approved it is recommended that an updated delivery and servicing plan to be submitted which provides full details of the waste management strategy once these can be confirmed.
- 6.4 Further, the LBBB Waste and Refuse Officer was consulted who stated “the swept path analysis indicates reversing of RCVs during the collection process. This distance should not exceed 15 metres. The proposed bin store is in proximity to car parking spaces. Access issues for RCVs due to parked cars should be carefully considered keeping the RCV path relaxed due to length of collection vehicles. There should be provision for Refuse as well as Recycling streams in the refuse provisions. Number of bins should be adequate to service all activities in the school and office. Euro bins should be provided and on hire basis from LBBB commercial services. The bins store should be with secured access”. Officers note the submission of these details can be conditioned and provided latterly it is therefore recommended that a refuse management condition is attached to this application requiring details of storage, design, quantum and capacity to be submitted prior to first use of the development.
- 6.5 Subject to the imposition of conditions, officers consider the proposed development to be acceptable and in keeping with the development policies.

## 7.0 Land Contamination

### Land Contamination

- 7.1 The NPPF sets out at paragraph 174 that policies and decisions should contribute to and enhance the natural and local environment by remediation and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Policy SI10 of the London Plan seeks to ensure steps are taken to reduce the environmental impact of aggregate sites and facilities by ensuring that potential impacts, in particular to the natural and historic environment and to human health, are assessed and effectively controlled. Policy BR5 of the Borough Wide DPD further supports this states that development on or near land that is known to be contaminated or which may be affected by contamination will only be permitted where appropriate site investigation and risk assessment has been carried out and if contamination is found suitable remediation measures have been carried out. This is supported by policy DMSI5 of the draft local plan reg 19.
- 7.2 The applicant has submitted a detailed quantitative risk assessment prepared by Soiltechnics [Revision A] dated June 2023. The LBBB Environmental Protection officer was consulted who stated “Soiltechnics Ltd. on behalf of the Client was appointed to investigate any potential pollutant linkages, which could affect the proposed construction of a special needs school with parking and landscaping works. The results of the intrusive site investigation showed risk to human health and controlled waters. Additional Detailed Quantitative Risk Assessment was undertaken to assess the risk of the solvent plume. The outcome of the assessment concluded minimal risk from vapour intrusion affecting nearby residents and no risk to surface waters. A risk identified to groundwater, will decline over time and no remediation is required. The applicant's proposal includes the following points to support site development:
1. Installation of clean cover system in all soft landscape areas or undertake further testing to refine risk assessment,



2. Installation of vapour membrane in all structures with independent verification,
3. Protect water supply pipes from contamination,
4. In the event of reusing any of the site won materials, chemical testing will be provided,
5. Any imported material will be tested to ensure is suitable for the proposed use,
6. School foundations should not impact the existing barrier,
7. A Remediation Strategy, followed by Verification Report will be provided,
8. A watching brief will be applied during the development works.

Due to the sensitive nature of the proposed use, I recommend that the land contamination condition be attached to any approval. Once a contaminated land assessment document has been received and reviewed the attached condition will be considered for discharge”.

- 7.3 Noting the sites’ location and its proposed use it is important that any land contaminants are appropriately removed to reduce the risk of health of proposed users of the site and neighbouring site. Therefore, officers agree with the recommendations made by the environmental protection officer. Should this application be approved it is recommended that a condition is imposed securing contaminated land details.
- 7.4 Further, the environmental agency was consulted who recommended officers sought advice from the local environmental protection officer on aspects of land contamination. Likewise, they recommended that developers follow the approach set out in paragraph 170 of the NPPF to in terms of their land contamination assessments. As detailed above the LBB environmental protection officer notes the details of the report submitted. However, they have recommended that a condition is secured requiring a further land contamination assessment, remediation and verification to be submitted prior to commencement of the development. Officers are confident that this condition will address the points raised by the EA and ensure that the site is of an acceptable state prior to development commencing.
- 7.5 Overall, subject to the imposition of sufficient conditions. Officers consider the proposal to present an acceptable impact to human health in keeping with the development polices.

## **8.0 Delivering Sustainable Development (Energy / CO2 reduction / Water efficiency):**

- 8.1 The NPPF emphasises at paragraph 152 that the planning system should support the transition to a low carbon future in a changing climate and should help to shape places that contribute to radical reductions in greenhouse gas emissions, and encourage the reuse of existing resources, including the conversion of existing buildings.
- 8.2 The Mayor of London has set ambitious targets for London to be net zero-carbon. London Plan Policy SI2 ‘minimising greenhouse gas emissions’ directs that major development should be net zero-carbon, through reducing greenhouse gas emissions in accordance with the Be Lean, Be Clean, Be Green, Be Seen hierarchy. The policy requires a minimum on-site reduction of at least 35% beyond Building Regulations for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough. Policy SI 3 states that major development proposals within Heat Network Priority Areas should have a low-temperature heating system. The heat source for the communal heating system should be selected in accordance with the following heating hierarchy: a) connect to local existing or planned heat networks b) use zero-emission or local secondary heat sources (in conjunction with heat pump, if required) c) use low-emission combined heat and power (CHP) (only where there is a case for CHP to enable the delivery of an area-wide heat network, meet the development’s electricity demand and provide demand response to the local electricity network) d) use ultra-low NOx gas boilers. Policy SI4 sets policies to minimise adverse impacts on the urban heat island and requires major development proposals to demonstrate through an energy strategic how they will reduce potential for internal overheating, following a cooling hierarchy.
- 8.3 Policy CR1 of the Core Strategy sets out measures to address the causes and potential impacts of climate change, requiring all new development to meet high environmental buildings standards and encourage low and zero carbon developments. Policy BR2 ‘Energy and on-site renewable of the Borough Wide Development Policies DPD outlines the expectations for significant carbon reduction targets to be achieved. Draft Local Plan Policy DMSI2 ‘Energy, heat and carbon emissions’ sets out



the Council's expectations for major development to contribute and where possible exceed the borough's target of becoming carbon neutral by 2050 by maximising potential carbon reduction on-site and demonstrating the achievement of net zero carbon buildings. The policy also prioritises decentralised energy and sets an expectation for development proposals to connect to any existing or planned low carbon district energy networks.

- 8.4 The application is accompanied by an Energy Statement [Revision P06] dated 05.04.2023 which confirms how the development meets the requirements of the energy hierarchy set out in policy SI2 of the London Plan. This document sets out how the development will achieve 109% on site carbon reduction through a fabric first approach ("Be Lean") and the provision of Air Source Heat Pumps and PV Panels ("Be Green"). The development will achieve a 23% on site carbon reduction through energy efficiency measures ("Be Lean") which speaks to the requirements of policy SI2. Officers note the development will not meet the "Be Clean" stage of the hierarchy. Notwithstanding, the applicant notes there is an absence of a local heat network, as such, it is not possible to connect to any district heating network. Officers accept this reasoning and note that given the development will achieve 109% on site carbon reduction whereby 23% is achieved through energy efficiency measure the development is considered to meet the requirements of the policy. The proposal is considered to present sustainable development in keeping with the development policies. It is advised that a "Be Seen" obligation is attached to this application to ensure that energy performance is continually monitored post construction.
- 8.5 Further, it is recommended that a condition is attached to this application requiring the development to achieve a minimum of 109% on site carbon reduction. An additional Carbon Offset Contribution Obligation should also be secured requiring a financial contribution at a rate of £95/tonne of carbon over the benchmark to be paid in the event that the development fails to achieve net zero carbon targets. The GLA were consulted who agreed with the imposition of this condition and obligation.

#### Overheating

- 8.6 Policy SI4 of the London Plan requires major developments to demonstrate through an energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems. Details of cooling and overheating have been provided in the submitted energy statement. The applicant proposes to manage this through the use of energy efficient design, orientation, shading, albedo, fenestration, insulation, green roofs and walks; use of exposed internal thermal mass and high ceiling; use of passive and mechanical ventilation and active cooling systems. Officers welcome these measures and consider the development has met the requirements of the cooling hierarchy in line with policy SI4 of the London Plan.

#### Circular Economy

- 8.7 Policy SI7 of the London Plan requires referable application to promote circular economy outcomes and aim to be net zero waste. A circular economy statement should be submitted to accompany this application. The applicant has submitted a circular economy statement and GLA circular economy statement template. The statement concludes "This Circular Economy statement aims to showcase the commitment of the proposed Oxlow Bridge School development in the London Borough of Barking and Dagenham to the principles of the circular economy. This has been achieved by prioritising the minimisation of embodied carbon, the maximisation of material value retention, and the promotion of reuse or recycling to minimise residual waste".
- 8.8 The GLA were consulted who noted that these documents had not been submitted as such the scheme does not yet comply with policy SI7 of the London Plan. Notwithstanding, officers note that the documents were provided a few days before the Stage 1 report was published. As such, the GLA did not have an opportunity to review the details submitted. Nevertheless, noting a statement has now been provided as required by policy SI7 the GLA just need to review and confirm that they are happy that this complies with policy SI7 of the London Plan. Officers consider this can be done prior to the stage 2.
- 8.9 Overall, officers are confident the requirement of policy SI7 can be met through the stage 2 process. It is recommended that a condition is attached securing a post construction assessment condition so that circular economy can be managed following the completion of the development.

#### Whole Life Carbon

- 8.10 In line with policy SI2 part F of the London Plan developments which are referable to the mayor should calculate whole life carbon emissions (WLC). The applicant has submitted a whole life carbon assessment on the GLA template. The GLA stage 1 report requires this whole life carbon assessment to be submitted to the GLA prior to stage 2 for review. Officers note that the copy submitted by the applicant was submitted only a few days before the stage 1 report was issued, as such, there was insufficient time for the GLA to consult internally and confirm the acceptability of the details.
- 8.11 Notwithstanding, officers note that an assessment has been submitted in line with policy SI2. The details of which should be confirmed with the GLA ahead of stage 2. Noting an assessment has been submitted at this stage and it is clear conversations have commenced with the GLA to ensure that the details are acceptable. On this basis officers consider the proposed requirements of the policy have been met. Noting this is a requirement of the GLA the details should be finalised prior to stage 2.
- 8.12 Overall, officers are confident the requirement of policy SI2 part F can be met through the stage 2 process. It is recommended that should this application be approved a condition is attached securing post-construction monitoring of whole life carbon.

#### Digital Connectivity

- 8.13 Policy SI6 of the London Plan seeks to secure digital connectivity infrastructure to ensure London's global competitiveness now and in the future. Developments should ensure sufficient ducting space for full fibre connectivity infrastructure is provided to all end users within new development, meet expected demand for mobile connectivity generated by the development, take appropriate measures to avoid reducing mobile connectivity in surrounding areas, support the effective use of rooftops and the public realm to accommodate well-designed and suitably located mobile digital infrastructure. This is supported by policy DMSI 9 of the Draft Local Plan (reg 19) which states development policies should accord with policy SI6 of the London plan and will support where they directly provide and demonstrate in their design and flexibility and adaptability to incorporate smart utilities.
- 8.14 No details of digital connectivity have been provided. It is therefore recommended that a condition is attached to this application which requires these details to be submitted prior to first use of the development. The GLA were consulted who agree to the imposition of this condition. Subject to the details of the condition being agreed. Officers consider the development to be in keeping with policy SI6 of the London Plan.

#### BREEAM

- 8.15 The NPPF emphasises at paragraph 152 that the planning system should support the transition to a low carbon future in a changing climate and should help to shape places that contribute to radical reductions in greenhouse gas emissions, and encourage the reuse of existing resources, including the conversion of existing buildings.
- 8.16 Policy SI2 of the London Plan seeks to ensure developments contribution to reducing operation carbon on site. This policy seeks to ensure that this is achieved from energy efficiency measures. Achieving energy credits as part of the BREEAM rating can demonstrate that energy efficiency targets have been met. As such, boroughs are encouraged to include BREEAM targets within their local policies.
- 8.17 Policy CR1 of the Core Strategy sets out measures to address the causes and potential impacts of climate change, requiring all new development to meet high environmental buildings standards and encourage low and zero carbon developments. Policy BR1 of the Borough Wide DPD seeks to ensure all developments meet high standards of sustainable design and construction. As a result, all non-residential major developments should achieve a minimum standard of BREEAM 'Very Good-Excellent' rating.
- 8.18 Policy SP7 of the Draft Local Plan seek to ensure major development are new zero carbon and employ low carbon technologies. This is further supported by policy DMSI 1 which outlines that all new non-residential developments over 500sqm floorspace must be designed and built to meet or exceed a BREEAM 'Excellent' rating.

- 8.19 As detailed in the policies above to contribute to achieving energy efficiency measures in line with policies all non-residential developments over 500sqm shall achieve a BREEAM 'Excellent' rating.
- 8.20 It is understood that the applicant (The Department of Education) does not fund BREEAM 'Excellent' projects because it requires all of its appointed contractors to meet the DfE's own specification. The applicant states the DfE specification not only achieves net zero carbon in operation, but also better BREEAM 'Excellent' in many areas.
- 8.21 Officers have sought further evidence from the applicant to justify how the proposed development when constructed in accordance with DfE specification will meet and exceed the requirements of BREEAM Excellent which policy requires. The applicant has submitted a document called Supporting Statement: BREEAM v the Department for Education's S21 prepared by Willmott Dixon dated 14.06.2023. This document states " Since 2021, the DfE have required that all new schools are to be Net Zero Carbon in Operation as part of the S21 Output Specification. S21 embodies an emphasis on a fabric first approach, renewables, green infrastructure, biodiversity, and use of landscape to help deal with issues of climate change. The intention of this approach is to have a meaningful impact on the environmental outcomes and is also viewed by the DfE as a means of embracing innovation as part of modern methods of construction. It is important to note that the S21 also aligns with the DfE's procurement timeframe, compared to BREEAM which requires early engagement and commitment and due to the nature of the DfE's framework; this proves challenging. Whilst BREEAM and S21 are different in their approach to achieving energy efficiencies (S21 is a briefing document whereas BREEAM is a validation system), there are numerous similarities between the two approaches as can be seen from the list of current sustainability measures which are currently being considered as part of the design of the Oxlow Bridge School". The applicant has provided a table which set out the intensions of BREEAM and how the DfE specification is considered to align with this. Officers welcome this detail and are happy that the development whilst not built to BREEAM Excellent Standards will be built to an equivalent standard of energy efficiency. energy efficient.
- 8.22 Noting the application is for a school and given the development will be constructed in accordance with DfE specification to achieve energy efficiency. Whilst it is acknowledged that the proposal will not meet the requirements of the policy. Given the standard of construction will be on par if not better to that required by policy and noting the development will provide an additional SEND school in the borough which is high demand. On balance officers consider the proposed energy efficiency standards to be acceptable and in keeping with the development policies.
- 8.23 It is recommended that a condition is attached requiring a post construction assessment to be submitted within three months of first use to demonstrate that the proposal has been constructed in accordance with the agreed DfE Specification methodology.

#### Air Quality

- 8.24 The NPPF sets out at paragraph 186 that decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants taking into account the presence of AQMAs and the cumulative impacts from individual sites in local areas.
- 8.25 Policy SI1 of the London Plan also states that all development should be air quality neutral as a minimum. This is supported by Policy DMSI4 of the draft Local Plan (Regulation 19 version). Core Strategy CR1 sets a policy requirement to protect air quality.
- 8.26 The application is accompanied by an air quality assessment. This assessment concludes "The Air Quality Neutral Building Assessment for the proposed development demonstrated that it is below the benchmark. As such, the development is considered air quality neutral with regards to building emissions and therefore no further mitigation is required'. Officers therefore believe that the development is air quality neutral and no further mitigation measures are required. The environmental protection officer was consulted and raised no objections with regard to the proposal. However, they recommend that a condition securing details of Non-Road Mobile Machinery and a demolition/construction management plan. Officers note that a construction management plan and air quality constraints assessment was submitted with the application. The environmental protection officer was consulted on these and considered the details provided to be acceptable. They recommended a compliance condition to secure this which will be attached should this application be approved. On this basis officers do not consider a revised construction logistics plan needs to be

submitted and the impact of air quality through the course of construction have been assessed and found to be acceptable. In terms of the non-road machinery condition the environmental agency was consulted who recommend that the control of emissions from Non-Road Going Mobile Machinery (NRMM) is conditioned. Officers note that should this application be approved it is recommended that this is included as a condition to ensure acceptable air quality impacts during construction.

- 8.27 The GLA were consulted who confirmed that the Air Quality assessment did not accord with policy SI1 of the London Plan. It is noted that the original assessment did not set out whether the development was air quality neutral or not. A revised assessment was submitted which confirmed that the development was neutral. Officers sought further clarity on this. The GLA officer noted the revised air quality neutral assessment was missed hence the details were not reflected in their stage 1 report. This will be captured at stage 2. Nevertheless, noting the updated air quality assessment confirms the development is air quality neutral officers consider the requirements of the policies have been met.
- 8.28 Officers acknowledge that the submitted assessment confirms an air quality neutral development. Nevertheless, an obligation and condition will be imposed on these applications securing an updated air quality assessment to be submitted. Should the updated assessment find that the development is not air quality neutral. A financial contribution of £29,000/tonne over the benchmark will be required to make the scheme air quality neutral.

## **9.0 Biodiversity & Sustainable drainage:**

- 9.1 The NPPF states that planning systems should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Policy G6 of the London Plan requires new developments to make a positive contribution to the protection, enhancement, creation and management of biodiversity wherever possible. Policy G5 of the London Plan requires major developments to contribute to the greening of London by including urban greening as a fundamental element of site and building design. Boroughs should develop and Urban Greening Factor (UGF) to identify the appropriate amount or urban greening required. The mayor recommends a UGF target of 0.4 for residential developments and 0.3 for commercial developments. Policy D8 encourages the incorporation of green infrastructure to the public realm to support rainwater management. Policies CR2 and BR3 of the Core Strategy and Borough Wide policies echo the London Plan in its strategic approach to protect and enhance biodiversity and to provide a net gain in the quality and quantity of the Borough's natural environment. This approach is also set out in Policy SP6 of the emerging Local Plan (Regulation 19 stage). Emerging policy DMNE2 of the draft local plan supports developments that maximise opportunities for urban greening. This policy requires developments to calculate their UGF in line with policy G5 of the London Plan. Policy DMNE3 of the draft local plan seeks to enhance nature conservation and biodiversity within scheme, as such, all development proposals are required to minimise the impact of development on biodiversity and nature in accordance with policy G6 of the London Plan.
- 9.2 As detailed above in granting planning permission policies seek to ensure that development contribute to enhancing the greening of sites its ability to support of habitats and biodiversity.
- 9.3 The application is accompanied by a landscape statement and biodiversity net gain design report. These set out how the scheme meets policy requirements on UGF and biodiversity net gain. The proposal seeks to enhance the quality of the site through the planting of 33 new trees, flower-rich perennial planting, hedges and the introduction of a new green roof. Likewise, the development will be designed to use permeable paving. The site at present is predominantly hardstanding. Officers welcome the introduction of more planting and green areas and consider this to improve the visual appearance of the development. It is noted that the landscaping statement confirms that the proposed interventions will allow the development to achieve an urban greening factor of 0.3 which meets the requirements of policy G6 of the London Plan.
- 9.4 Further, the applicant has submitted a biodiversity net gain report. The Environmental Act 2021 advocates a biodiversity net gain of 10% on all major developments. The submitted report concludes

that the development will result in a net increase of +0.64 area habitat units (141.87%) and 2.94 hedgerow habitat units (1212.03%). These have been created through the introduction of native plant species which will provide additional habitats and food sources for reptiles, birds, bats and hedgehog as well as bat, bird, bee and other invertebrates boxes. Officers have reviewed the site and note it is currently predominantly hardstanding with minimal opportunities for habitat. As such, it is clear that the proposed landscaping, planting and habitat enclosure will further improve the natural landscape by intensifying and creating a more biodiverse environment which will be able to support new habitats and wildlife. On this basis officers consider the development to speak to policy noting it makes a positive contribution to the enhancement and creation of biodiversity. The GLA were consulted who notes the development has achieved biodiversity net gain. They recommend that the ecology appraisal should be conditioned. Officers note this will be included within the approved documents.

9.5 Notwithstanding, it is recommended that a landscape environment management plan (LEMP) is conditioned to outline how the new habitats will be managed and maintained for a minimum of 30 years. The LEMP should include details of the proposed green roof and how this achieves the intensive green roof condition assessment criteria as well as the positioning and design of the proposed habitat boxes.

#### Badgers

9.6 A badger survey report was submitted to accompany this application. The report confirms there are 5 disused badger holes present onsite. As such a site monitoring visit was undertaken comprising of a total of 6 repeat visits. No evidence of badger activity was noted during this period. On the final visit sandbags were placed over the open holes, which showed no signs of activity or any mammals. The report therefore concludes that a licence is not required to disturb the holes as they are disused, as such, it is possible to remove the holes under supervision of the ecological clerk of works. However, once removed works should be implemented as soon as possible to reduce the chance of badgers returning to site. Notwithstanding, should works not start immediately following the removal of disused holes it is recommended that further checks for potential badger activity is undertaken no earlier than 3 months prior to commencement of the proposed works. It is recommended that a compliance condition is imposed requiring a revised badger survey report to be submitted should works not take place within 3 months of the existing disused badger holes being removed.

9.7 Noting the potential presence of badgers on site it is recommended that a condition is imposed which requires the development to be constructed in accordance with the recommended measures set out in paragraph 4 of document number 7195,E,Badger,AS,TC, KL,22-03-23,V2 Badger Survey Report dated 22.03.2023. This will ensure that the site remains safe during construction and prevents the risk of badgers returning during this period. Similarly,

#### Bird and Bats

9.8 An ecological appraisal has been submitted which outlined the result of a desk study. This assessment confirmed that there was a negligible potential for Great Crested Newts, badgers, hazel dormouse, otters, water voles and invertebrates on site. Similarly, the existing structures and trees have been assessed and found to have negligible suitability to support roosting bats. Notwithstanding, the desk study returned a moderate suitability to support nesting birds. It was confirmed that the buildings had no suitability, however, scattered trees and introduced shrubs could provide nesting opportunities. The report therefore recommends that site clearance takes place between October to February inclusive to avoid disturbing/destroying nesting birds. It is recommended that this is conditioned.

9.9 Further, the ecological appraisal recommend that bird, bee and other invertebrate boxes are attached are installed as part of this application to contribute to enhancing the quality and provision of suitable habitats. It is recommended that a condition is placed on this application requiring the details of the design and location of these boxes to be submitted. It is noted that Natural England were consulted and raised no concerns with regard to the proposed application.

9.11 Overall, subject to the imposition of conditions officers consider the development to contribute to providing net biodiversity gains through the introduction of more planting and greening on site as well as providing opportunities to enhance to quality of in site biodiversity.

#### 9.12 Sustainable Drainage

- 9.13 The NPPF states that new development should be planned for in ways that avoid increased vulnerability to the impacts arising from climate change. Paragraph 167 highlights that inappropriate development in areas at risk of flooding should be avoided, and that where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 9.14 London Plan policy SI13 supports sustainable drainage. This policy states that development proposals should aim to achieve greenfield runoff rates and ensure that surface water run-off is managed as close to the source as possible. There should be a preference for green over grey features, in line with the drainage hierarchy. Drainage should be designed and implemented to promote benefits including urban greening, improved water quality and water efficiency. Policies CR4 and BR4 of the Core Strategy and Borough Wide Policies and Policy DMS16 of the emerging Local plan (Regulation 19 stage), set out the local policy position.
- 9.15 The application site is located within Flood Zone 1 which is an area deemed to have less than 0.1% chance of flooding in any year. A flood risk assessment and drainage strategy has been submitted with this application. The assessment summary concludes that “the report demonstrates that the proposed development has conformed with the requirements of the planning policy and has a positive impact on the site’s condition. A desktop assessment of geological mapping and nearby borehole records indicated that the disposal of surface water runoff by infiltration is not feasible... In the surface water design it has been proposed that a created attenuation tank is used under the car park to be discharged at a rate of 2.7l/s into Manhole 6405. Additionally, a full bypass separator has been used to filter suspended solids, metals, and hydrocarbons... Foul water drainage is proposed to discharge to Thames Water sewer utilising the existing connection that discharged to a 375mm diameter pipe... The responsibility for the continuous operation and maintenance of the SuDS will fall on the care take or a maintenance company and is included in the Maintenance and Management Strategy”.
- 9.16 The drainage officer and Thames water were consulted as part of this application. Thames Water confirmed that they would expect developers to demonstrate what measures will be undertaken to minimise groundwater discharges into public sewers. Should water be discharged into the public sewer a permit will be required. The applicant confirmed that no discharge into the public sewer will take place without the necessary permits. It is recommended that an informative is placed on this application providing details of how to acquire a groundwater risk management permit from Thames Water.
- 9.17 Further Thames water confirmed they raised no objections to surface water drainage providing the developer follows the sequential approach to the disposal of water. The applicant was consulted for more details on this. They confirmed “We confirm that a sequential approach to the disposal of surface water has been applied in the design as detailed in Section 6 of the submitted Canham Consulting Flood Risk Assessment and Drainage Strategy document”. On this basis officers are satisfied that the Thames water requirements have been met and that they present no objections to the proposal. Thames water advise no objections to the waste water network and sewage treatment works infrastructure capacity.
- 9.18 Officers also sought comments from the LBBB Flood Risk Manager who raise no objections. Nevertheless, they recommend a condition requiring the development to be constructed in accordance with the approved surface water drainage works.
- 9.19 The environmental agency was consulted who note they support the use of SuDs to ensure development does not increase flood risk elsewhere in line with the NPPF. They note that surface water run off should be controlled as near to source as possible through a sustainable drainage approach to surface water management (SuDs). Officers note that SuDs have been proposed and these have been detailed in the section above. As noted, the LBBB drainage officer have reviewed the

proposal and consider the proposed surface water drainage strategy to be acceptable. On this basis officer are confident that sufficient measures have been put in place to mitigate the risk of surface water flooding which addresses the points raised by the EA. The GLA were consulted who confirmed the submitted details comply with the requirements of policy SI12 of the London Plan. Nevertheless, full details of how the scheme complies with policy SI3 of the London Plan should be provided ahead of stage 2.

9.20 Overall, subject to the imposition of conditions and an informative officers consider the development to provide sustainable drainage on site.

9.21 Further, in terms of water efficiency the GLA were consulted who note that no “No information has been provided as to the targeted Wat 01 credits for the non-residential uses on site. This should be submitted prior to Stage 2 to ensure compliance with London Plan Policy SI 5”. The applicant should provide this detail to the GLA ahead of stage 2

9.22 Summary

9.23 Overall, subject to the imposition of conditions and informative the proposal is considered to make a positive contribution to biodiversity through the implementation of trees, planting, and habitats. Likewise, the development seeks to ensure sustainable drainage is proposed. On this basis officers consider the proposal to be acceptable and in keeping with the development policies.

<b>Conclusions:</b>
<p>The proposed development seeks permission for the construction of a new SEND school. Whilst located on designated LSIS policies permits the co-location of industrial uses with residential and/or other uses side by side or stacked. In the Draft Local Plan the site has been designated LSIS with allocation for educational use with the release of the land undertaken in a plan-led way. Further, as shown in the evidence submitted there is a need for a new SEND school within the borough.</p>
<p>The proposal will generate employment of up to 129 staff. Whilst the development is not an industrial use it will contribute to enhancing and providing new employment opportunities within the borough whilst addressing an important identified local need for special educational needs school.</p>
<p>The development will have an acceptable impact on the character and appearance of the area, neighbouring amenity, the highway, providing a state-of-the-art new facility. The proposal has been designed to minimise the risk of crime and ensure noise sensitive receptors are positioned away from the surrounding industrial sites and the highway.</p>
<p>The proposed design and layout of the building is compatible in this location and care has been taken to ensure noise impacts from existing noise and noise generating activities have been mitigated. There will be a significant uplift in the number of trees, planting and greening of the site which enhances the visual appearance of the site, acts as a buffer and screening between neighbouring sites and encourages biodiversity enhancements.</p>
<p>The development will encourage the use of more sustainable modes of transport; however, it makes sufficient provision for car parking, cycle parking and school pick up and drop off. Measures have been put in place to ensure that access and egress into and out of the site is safe. A Road Safety contribution has been sought to go towards reducing the speed on Wantz Road to improve the safety of the highway immediately outside and ensure safe pedestrian, driving and cycling to and from the site.</p>
<p>The development is also highly sustainable, offering substantial carbon reductions, air quality neutral development and enhancements to the natural environment on site. All existing land contamination will be cleaned up with the site prepared appropriately for this use. An adequate sustainable drainage strategy has been proposed to ensure the risk of flooding is mitigated.</p>

Officers therefore consider the benefits of the scheme to significantly and demonstrably outweigh any loss of local significant industrial land and attribute significant weight to the site allocation in the Regulation 19 Draft Local Plan which is at an advance stage. Subject to the imposition of conditions and obligations officers consider the proposal to be acceptable and in keeping with the development policies and the Development Plan. It is recommended that planning permission is granted.



**Appendix 1:**

<p><b>Development Plan Context:</b>          The Council has carefully considered the relevant provisions of the Council’s adopted development plan and of all other relevant policies and guidance. Of particular relevance to this decision were the following Framework and Development Plan policies and guidance:</p>	
<p><i>National Planning Policy Framework (NPPF) (DLUHC, 2021)</i></p>	
<p><i>The London Plan (March 2021)</i></p>	<p>Policy GG2 Making the best use of land            Policy E6 Locally Significant Industrial Sites            Policy E7 Industrial intensification, co-location and substitution.            Policy E4 Land for industry, logistics and services to support London’s economic function            Policy S1 Developing London’s social infrastructure.            Policy S3 Education and childcare facilities            Policy D1 London’s form, character and capacity for growth            Policy D3 Optimising site capacity through the design-led approach            Policy D4 Delivering good design.            Policy D5 Inclusive design            Policy D12 Fire safety            Policy GG1 Building strong and inclusive communities.            Policy GG3 Creating a healthy city.            Policy D14 Noise            Policy T6 Car Parking            Policy T5 Cycling            Policy T6.5 Non-residential disabled persons parking            Policy SD1 Opportunity Areas            Policy E8 Sector growth opportunities and clusters            Policy SI7 Reducing waste and supporting the circular economy.            Policy S10 Aggregates            Policy SI2 Minimising greenhouse gas emissions            Policy SI4 Managing heat risk.            Policy SI7 Reducing waste and supporting the circular economy.            Policy SI6 Digital connectivity infrastructure            Policy SI1 Improving air quality.            Policy G6 Biodiversity and access to nature            Policy G5 Urban greening            Policy D8 Public Realm            Policy SI13 Sustainable Drainage            Policy S13 Agent of Change</p>
<p><i>Local Development Framework (LDF) Core Strategy (July 2010)</i></p>	<p>Policy CM1 General Principles for Development            Policy CE3 Safeguarding and Release of Employment Land            Policy CC2 Social Infrastructure to Meet Community Needs            Policy CP3 High Quality Built Environment            Policy CR3 Sustainable Waste Management            Policy CR1 Climate Change and Environmental Management            Policy CR2 Preserving and Enhancing the Natural Environment            Policy CR4 Flood Management</p>

<p><i>Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)</i></p>	<p>Policy BP11 Urban Design  Policy BP8 Protecting Residential Amenity  Policy BR9 Parking  Policy BR10 Sustainable Transport  Policy BR11 Walking and Cycling  Policy BR15 Sustainable Waste Management  Policy BR5 Contaminated Land  Policy BR2 Energy and On-Site Renewables  Policy BR3 Greening the Urban Environment  Policy BR4 Water Resource Management</p>
<p><i>The London Borough of Barking and Dagenham’s Draft Local Plan: (Regulation 19 Consultation Version, December 2021) is at an “advanced” stage of preparation. Having regard to the NPPF the emerging document is now a material consideration and substantial weight will be given to the emerging document in decision-making, unless other material considerations indicate that it would not be reasonable to do so.</i></p>	
<p><i>The London Borough of Barking and Dagenham’s Draft Local Plan: (Regulation 19, December 2021)</i></p>	<p>Policy SPP5 Dagenham East  Policy SPDG1 Delivering growth in Barking and Dagenham  Policy SP5 Promoting inclusive economic growth.  Policy DME1 Utilising the borough’s employment land more efficiently.  Policy SP4 Delivering social and cultural infrastructure facilities in the right locations.  Policy DMD1 Securing high-quality design.  Policy DMSI3 Nuisance  Policy DMT2 Car parking  Policy DMT3 Cycle parking  Policy SP5 Promoting inclusive economic growth.  Policy DMSI8 Demolition, construction, and operational waste  Policy DMSI5 Land contamination  Policy DMSI2 Energy, heat and carbon emissions  Policy SP7 Securing a clean, green and sustainable borough.  Policy DMSI4 Air quality  Policy SP6 Green and blue infrastructure  Policy DMNE3 Nature conservation and biodiversity  Policy DMS16 Flood risk and defences</p>

<p><b>Additional Reference:</b></p>
<p><i>Human Rights Act</i></p> <p>The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.</p> <p><i>Equalities</i></p> <p>In determining this planning application, the BeFirst on behalf of the London Borough of Barking &amp; Dagenham has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010 (as amended).</p> <p>For the purposes of this application there are no adverse equalities issues.</p>

**Appendix 2:**

<b>Relevant Planning History:</b>			
<i>Application Number:</i>	N/A	<i>Status:</i>	N/A
<i>Description:</i>	N/A		

**Appendix 3:**

The following consultations have been undertaken:

- LBBB Education
- LBBB Employment and Skills
- LBBB Trees
- LBBB Refuse and Waste
- LBBB Access
- LBBB Local Flood Authority
- National Grid- Electricity
- UK Power Networks
- London Fire Brigade
- Thames Water
- Historic England
- TfL Planning
- Natural England
- Be First Transport
- Deign out Crime Officer
- LBBB Environmental Protection
- TFL Overground
- GLA
- LBBB Street Lighting

<b>Summary of Consultation responses:</b>		
<b>Consultee and date received</b>	<b>Summary of Comments</b>	<b>Officer Comments</b>
Network Rail dated 22.05.2023	I would like to inform you that Network Rail have no objections to the proposals.	Noted
Natural England dated 23.05.2023	Natural England has no specific comments to make on this proposal or issue	Noted
LBBB Employment and Skills dated 15.06.2023	<p>Noting the site is not proposed for residential or commercial use there is no requirement for the development to provide employment and skills.</p> <p>Notwithstanding, noting the scheme is for the construction of a new school on public sector land it is expected that a light touch contribution to employment and skills is secured.</p> <p>A light touch would look like this-</p> <ul style="list-style-type: none"> <li>• Educational visits/engagement/activities (how many would depend on the size and duration of the build), usually one per academic term the development is underway.</li> <li>• Work placements – these could be one or two week placements shadowing staff on site such as site managers, surveyors etc as these are usually not subbed out to sub-contractors and managed in house</li> <li>• Training outcomes could still be achieved – 1 per 10 FTE members of staff on site upskilling or renewing tickets. This is highly achievable</li> </ul>	Comments have been reviewed in the employment and skills section. An obligation has been included securing employment and skills.

	<ul style="list-style-type: none"> <li>• A token gesture of one new job created on site for a local person – could be a gate keeper, welfare labourer/cleaner, site admin for example</li> <li>• Access to or an introduction to end user jobs created. I appreciate these will be specialist teaching staff but if we could find out who will be doing catering/cleaning/facilities</li> </ul>	
London Overground dated 21.05.2023	No comment. Please ensure consultation is carried out with Network RAIL.	Noted
Access Officer 19.05.2023	<p>I would like to make the following comments: Some of the accessible WC's doors open inwards, this should be revised so doors are sliding or open outwards. At least one accessible parking bay should have an electric charging point. I would imagine the pupil WCs are within the hygiene rooms and will these contain Changing Places?</p>	This has been reviewed in the design section. It is noted that an inclusive design statement needs to be submitted to the GLA prior to stage 2. Officers therefore are confident that these comments will be addressed.
National Grid Asset Protection Team dated 19.05.2023	<p>Regarding planning application 23/00631/FULL, there are no National Grid Electricity Transmission assets affected in this area.</p> <p>Regarding planning application 23/00631/FULL, there are no National Gas Transmission gas assets affected in this area</p>	Noted
Design out Crime Officer Met Policy dated 05.05.2023	The Metropolitan Police have no objection to the proposed development, subject to the specific concerns stated in Section 3 being addressed, and a Secured by Design (SbD) planning condition being attached to the permission, as detailed in Section 4. This is to focus the minds of the developer towards security and crime prevention, in turn ensuring such measures are not value engineered out at a later stage of the construction process.	Recommended condition has been imposed
LBBD Street Lighting 03.05.2023	The lighting here is all "off-highway" and not to be adopted. This will have no impact on the highway lighting outside of the premises and we therefore will not be maintaining and have no comments or issues with this proposal.	Noted
Historic England dated 02.05.2023	No requirement for Historic England to be consulted	Noted
Thames Water dated 0.05.2023	<p>Waste Comments</p> <p>We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing</p>	Clarity on these points have been reviewed in the sustainable drainage section of this report. Recommended conditions and informative have been included.

and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.  
<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

#### Water Comments

With regard to water supply, this comes within the area supplied by the Essex and Suffolk Water Company. For your information the address to write to is -Essex and Suffolk Water Company, Sandon Valley House, Canon Barns Road, East Hanningfield, Essex CM3 8BD Tel - (03457) 820999

<p>LBBB Flood Risk Manager dated 30.05.2023</p>	<p>I have reviewed the application and raise no objection. Please consider adding the following condition: 1. 'Prior to the occupation of the site hereby approved the surface water drainage works shall be carried out and the sustainable urban drainage system shall thereafter be managed and maintained in accordance with the agreed management and maintenance plan.'</p>	<p>The recommended conditions have been imposed on this application.</p>
<p>LBBB Environmental Protection Officer dated 16.06.2023</p>	<p><b>Noise</b> 1. The noise insulation and ventilation scheme hereby permitted shall be installed in strict accordance with the details provided in section 3 of the acoustic report submitted by MACH Acoustics Ltd reference FS0704-MAL-ZZ-ZZ-RP-J-9003 dated 14/04/2023. The noise insulation and ventilation scheme shall thereafter be retained as approved.  2. All building services plant associated with the development shall comply with the noise limiting levels set out in section 4 of the acoustic report submitted by MACH Acoustics Ltd reference FS0704-MAL-ZZ-ZZ-RP-J-9003 dated 14/04/2023.</p> <p><b>Odour Control</b> The installation of commercial kitchen extraction scheme hereby permitted shall be installed in strict accordance with the details provided in section 4 of the Odour Assessment submitted by Noise Air Acoustics &amp; Air Quality reference P6325-R1-V2 dated 26/04/2023. The installation of commercial kitchen extraction scheme shall thereafter be retained as approved.</p> <p><b>External Lighting</b> The installation of external lighting scheme hereby permitted shall be installed in strict accordance with the details provided in section 4 of the External Lighting Report submitted by Van Zyl &amp; de Villiers Ltd reference FS0704-VZV-ZZ-XX-RP-E-0001 dated 06/04/2023. The installation of external lighting scheme shall thereafter be retained as approved.</p> <p><b>Construction</b> The Construction Management Plan hereby permitted shall be installed in strict accordance with the details provided in Construction Management Plan submitted by Willmott Dixon reference G00716 dated 21/04/23 and the Air Quality Constraints Assessment submitted by NALO, Tetra Tech reference 784-B029066 dated 17/03/2022. The Construction Management Plan shall thereafter be retained as approved.</p> <p><b>Contaminated Land</b></p>	<p>The recommended conditions and obligations have been imposed on this application.</p>

Soiltechnics Ltd. on behalf of the Client was appointed to investigate any potential pollutant linkages, which could affect the proposed construction of a special needs school with parking and landscaping works. The results of the intrusive site investigation showed risk to human health and controlled waters. Additional Detailed Quantitative Risk Assessment was undertaken to assess the risk of the solvent plume. The outcome of the assessment concluded minimal risk from vapour intrusion affecting nearby residents and no risk to surface waters. A risk identified to groundwater, will decline over time and no remediation is required.

The applicant's proposal includes the following points to support site development:

1. Installation of clean cover system in all soft landscape areas or undertake further testing to refine risk assessment,
2. Installation of vapour membrane in all structures with independent verification,
3. Protect water supply pipes from contamination,
4. In the event of reusing any of the site won materials, chemical testing will be provided,
5. Any imported material will be tested to ensure is suitable for the proposed use,
6. School foundations should not impact the existing barrier,
7. A Remediation Strategy, followed by Verification Report will be provided,
8. A watching brief will be applied during the development works.

Due to the sensitive nature of the proposed use, I recommend that the land contamination condition be attached to any approval. Once a contaminated land assessment document has been received and reviewed the attached condition will be considered for discharge.

#### **Air Quality**

Thanks for contacting the Environmental Protection Team (AQ) regarding the above planning application for the demolition of existing industrial building and construction of a part single storey, part 4

two storey special education needs (SEND) school, together with associated access, parking and landscape works and I would like to comment as follows.

Having taken time to consider the applicant submitted Energy Strategy with reference FS0704 – VZV – ZZ – ZZ – RP – Z – 0001 with the proposed Air Source Heat Pumps & Roof mounted Photovoltaic Panels as the most



	<p>favourable source of energy to the building as well as the Air Quality Constraints Assessment report with reference 784 – B029066 prepared by Tetra Tech. Limited dated 17th March 2022 taken note of sections 3 (Assessment Methodology), 4 (Survey Methodology), 5 (Baseline Conditions), 6 (Assessment of Air Quality impacts (Construction Phase)), 7 (Assessment of Air Quality (Operational Phase)) and 8 (Mitigation), we are satisfied with the submitted AQ report though the applicant did not make any reference to an AQ neutral assessment in the report.</p> <p>Therefore, whilst we have no objection to the proposed development in relation to AQ; the following planning conditions in relation to AQ are recommend should the application be approved.</p> <ol style="list-style-type: none"> <li>1. NRMM</li> <li>2. Demolition/Construction Environmental Management Plans</li> </ol>	
<p>Be First Transport Policy Manager dated 13.06.2023</p>	<p>As a borough we want more 20mph roads, and in the 20mph consultation we did recently, lots of feedback was relating to having 20mph by schools. There is tonnes of evidence relating to severity of injury at 20mph vs 30mph. Therefore, I recommend that we ask them to contribute to a speed reduction along Wantz Road. At present there is a 20mph zone on the southern end of Wantz Road. However, this should be extended from the junction with Alibon Road, all the way up to Oxlow Lane.</p> <p>I suggest the following obligation</p> <p><u>Road Safety Contribution</u></p> <p>Road Safety contribution of £15,000 (indexed) on Wantz Road to reduce vehicle speeds and ensure vehicles, people cycling and pedestrians can safely access and egress the proposed school. The development is expected to increase the number of vehicles on the street at drop-off and pick-up times. Lowering speeds from 30mph to 20mph improves air quality and lowers carbon emissions, which is important for students at the school. Lowering speeds also contributes towards making the street safer and reaching the Mayor's target of Vision Zero. The level of contribution sought will contribute towards the implementation of 20mph signing, lining and minor traffic calming.</p>	<p>Comments have been reviewed in the transport section and the recommended obligation secured.</p>
<p>Be First Transport Officer dated 15.06.2023</p>	<p>It's understood the application site is allocated in the Emerging Local Plan for education use. The proposal to build a new special education needs for 100 pupils and 129 staff. In addition, the school will be visited regularly by specialist</p>	<p>Comments have been reviewed in the transport section. Recommended conditions and obligations have been included.</p>

therapists to help with students needs. The PTAL of the site has low level of accessibility (1B).

The former Council depot had approximately 155 parking spaces and the site was recently used as a car park. Both these previous uses operated with the same number of spaces and generated moderate volumes of traffic. The proposals will retain a total of 61 car parking spaces, of which 58 parking spaces for staff and three will be accessible spaces. The site will also have a drop-off zone.

The Transport Assessment (TA) states that due to pupils needs most will travel by mini-bus, taxi or private car. There is an expectation that the specialist staff will be regional rather than local. This will likely necessitate high demand for travelling by private vehicles.

To mitigate the impact during the peaks in traffic generation it will require a robust Parking Design and Management Plan (PDMP) and Delivery and Service Plan that promotes as suggested in the TA staggered arrivals and departures to avoid any queuing to get into the site.

The London Plan states that this should be “car-lite” but it has been explained during the pre-app process the proposed number of spaces is required to meet the operational needs of the school.

We consider this layout should be able to contain parking demand from the proposals within the site and prevent overspill parking occurring in Wantz Road and neighbouring streets.

The Transport Assessment states that cycle parking provision will be provided in accordance with London Plan standards. The cycle storage and equipment must comply with London Cycle Design Standards (LCDS). These facilities should also come with lockers and showers on site to support staff who opt to cycle.

Electric vehicle charging points will be provided in the school car park. This will be in accordance with the London Plan, 20% of the spaces will have active provision and 20% will have passive provision. Locations of the EVCP don't appear to have been identified. Can you please request a plan showing the locations,

A proposed mitigation strategy including demand management and physical measures has been submitted to address the impacts of the development These should be secured with the

applicant separately in a section 278 agreement (Highways Act 1980). We suggest that in the interest of highway safety, the applicant should enter a section 278 agreement prior to occupation, and this secured in a legal agreement.

In terms of these measures the proposed preliminary traffic design appendix K to address issues with protecting the pedestrian environment, parking restrictions and road speeds the drawing is not acceptable for the following reasons.

The school “keep clear” markings (SKC) are in front of the DYLS, which you can’t do as they are two different restrictions which will conflict each other as the DYLS are 24/7 and the SKC will normally be Monday to Friday and during the school hours. These can be enforced by CCTV camera’s possibly 2 needed and we would assume these would form part of the mitigation measures and consequently, supplied and installed as part this work.

On the vehicle entrance to the school there are some DYLS being proposed but there is a section of single yellow line, but no time associated to it. It might be sensible to use double yellow lines with blips adjacent to the school frontage with single yellow on the opposite side of the road.

It also proposed that the road is to become 20mph so two TMO’s will be required one for the static restrictions and one for the speed limit. Due to no physical measures to self-enforce the new 20mph speed limit restriction the proposed stretch of road will need to be shortened.

In terms of the School Travel Plan the applicant has primarily aimed it at staff and visitors. It sets out the aim of the STP submitted to obtain TfL STARS bronze accreditation at opening year (2024) and maintain this going forward. We are satisfied with the detailed programme of suggested travel initiatives to be implemented by the school as shown in Table 9.1, monitoring and review submitted by the applicant which is to be implemented by the whole school community / Applicant to evaluate the effectiveness of the Travel Plan measures.

We recommend within 6 months of occupation, the applicant must register to become a STARs school committing to more active, safe and sustainable travel. A School Travel Plan shall then be completed via TfL STARs online portal and submitted to and approved in writing by the

	<p>Local Planning Authority in line with TfL Stars requirements with the aim to achieve bronze accreditation. On approval the Travel Plan shall be implemented and maintained</p> <p>The following documents will need to be secured and be prepared in accordance with relevant TfL guidance.</p> <ul style="list-style-type: none"> <li>• A detailed Delivery and Servicing Plan.</li> <li>• A detailed Construction Logistics Plan</li> </ul>	
TfL dated 02.06.2023	<ul style="list-style-type: none"> <li>• The development should seek to improve Wantz Road and consider parking controls to improvement pedestrian access on Wantz Road are implemented.</li> <li>• Improvements thorough the ATZ assessment should be secured.</li> </ul> <p><b>Trip Generation</b></p> <ul style="list-style-type: none"> <li>• Whilst the pupil trip gen is considered acceptable given the nature of the school although we would encourage initiatives to support pupils who are able and keen to cycle, the staff trip generation is low on active travel modes, especially cycling. The Travel Plan should include specific measures to promote walking and cycling and as set out above improvements to the active travel environment are justified.</li> </ul> <p><b>Cycle Parking</b></p> <ul style="list-style-type: none"> <li>• Details of cycle parking should be provided. Arrangements for cycle parking management should be contained with the Parking Design Management Plan (PDMP).</li> </ul> <p><b>Car Parking</b></p> <ul style="list-style-type: none"> <li>• Concerns that the quantum of car parking is too high. Opportunities to reduce this number should be explored.</li> <li>• EVCP should be provided for the minibus and disabled parking bays.</li> </ul> <p><b>Travel Plan</b></p> <ul style="list-style-type: none"> <li>• A travel plan should be secured in line with relevant TfL guidance.</li> </ul> <p><b>Other</b></p> <ul style="list-style-type: none"> <li>• A delivery and servicing plan should be secured by condition.</li> <li>• Construction logistics plan should be secured by condition.</li> </ul>	These comments have been addressed in the transport section of the report. Recommended conditions have been imposed.
GLA dated 12.06.2023	<p><b>Land use principles:</b> The Applicant/Council must demonstrate at Stage 2 how these proposals would result in the consolidation and intensification of industrial uses in the wider body of industrial land around the site.</p> <ul style="list-style-type: none"> <li>• <b>Urban Design:</b> Further information is required on fire safety and inclusive access, and the</li> </ul>	These comments have been addressed in the principle of development, design, transport, sustainable development and biodiversity/sustainable drainage sections of the report. Recommended conditions have been imposed.

	<p>Applicant should explore opportunities for further boundary planting prior to Stage 2.</p> <ul style="list-style-type: none"> <li>• <b>Transport:</b> Reduction or further justification is required for the quantum of staff car parking. Further work is also required on the Health Streets Assessment and staff cycle storage. The Council should secure management plans.</li> <li>• <b>Sustainable development:</b> The Applicant is required to submit a Circular Economy Statement and a Whole Life-Cycle Carbon Assessment prior to Stage 2.</li> <li>• <b>Environmental issues:</b> Require resolution prior to the Mayor's decision-making stage. <ul style="list-style-type: none"> <li>•</li> </ul> </li> </ul>	
<p>LBBD Trees Officer dated 26.06.2023</p>	<p>From a removal perspective. I have no concerns, and the landscaping looks to offset the removals.</p>	<p>Noted and detailed in the tree section of the report.</p>

**Appendix 4:**

<b>Neighbour Notification:</b>	
<b>Date Site Notice Erected:</b>	11.05.2023
<b>Date of Press Advertisement:</b>	03.05.2023
<b>Number of neighbouring properties consulted:</b>	134 sent on 28.04.2023
<b>Number of responses:</b>	1
<b>Address:</b>	<b>Summary of response:</b>
<i>Unknown Address</i>	<p>As a person that has a SEN sister and also works with teenagers and adults with special needs, I am all for a new SEN school in the borough. However, looking at the purposed development, its lacking enough green space and outdoor facilities. Fair enough you do have pondfield park within walking distance but with the busy constant flow of traffic, lorries and industrial buildings this could be a trigger for some of the pupils. I have worked in Riverside Bridge school and a few years ago it was a building site and this did interfere with the pupils ability to learn. In comparison to Riverside Bridge School, this was a 4 level school and transitioning the pupils to classes/playground/lunch hall and pick up and drop off made it tiring for all, and some pupils did go into crisis. My SEN sister went to Trinity school and it had a ground level school making access easier. Lots of outdoor space so pupils can play and not have to be near each other if they didn't want too. I think that this school would not be big enough for a huge amount of students. Another point, there is already two schools either end of Alibon Road and with the school zone in place as well this will push out of the borough and also parents will not make it on time to school. Being a mum is stressful enough without trying to hurry their kids into school in case they get a fine. My kids don't go to the local school as it does work around my work. Wantz road is an extremely busy road for a lot of the businesses around there and daily there a lorries doing their drop offs next door to the purposed site. I believe that if you put a school in the purposed site then it would mean a lot more congestion, potential collisions or accidents, also children going into crisis if they are triggered. I want to know that the children, the surrounding businesses and also the congestion is kept in mind. Because a lot of building developments have gone unnoticed by the developers and they have gone ahead and done it anywhere and not considered the opinions of those that they have asked for. thanks</p>

<b>Officer Summary:</b>
Officers note receipt of the objections listed above. The material planning considerations are addressed comprehensively within the planning assessment above.

## Appendix 5:

### Conditions & Informative:

#### Conditions:

##### 1. Time Limit

The development hereby permitted shall be commenced before the expiration of THREE YEARS from the date of this permission.

*Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).*

##### 2. Approved Drawings

The development hereby approved shall only be carried out in accordance with the approved plans and documents listed below:

#### Approved Drawings:

- FS0704 - 3BM - ZZ - 00 - D – A Site Location Plan [Revision P05] dated 15.11.2022.
- FS0704 - 3BM - ZZ - 00 - D – A Proposed Ground Level Plan [Revision P10] dated 21.03.2023.
- FS0704 - 3BM - ZZ - 01 - D – A Proposed Level 1 Plan [Revision P09] dated 21.03.2023.
- FS0704 - 3BM - ZZ - RL - D – A Proposed Lower Roof Plan [Revision P07] dated 11.01.2023.
- FS0704 - 3BM - ZZ - RH - D – A Proposed Upper Roof Plan [Revision P08] dated 21.03.2023.
- FS0704 - 3BM - ZZ - ZZ - D – A Proposed Elevations [Revision P06] dated 24.03.2023.
- FS0704 - 3BM - ZZ - ZZ - D – A Proposed Site Sections [Revision P04] dated 11.01.2023.
- FS0704 - 3BM - ZZ - ZZ - D – A GA Sections [Revision P06] dated 19.07.2022.
- P474 - 3BM - ZZ - ZZ - I – A Proposed 3D Views 01 [Revision P05] dated 11.01.2023.

#### Approved Documents

- Badger Survey Report prepared by Geosphere Environmental dated 22.03.2023.
- Fire Strategy Report prepared by Affinity dated 21.04.2023.
- Fire Statement Form prepared by Affinity dated 12.05.2023.
- Air Quality Impact Assessment prepared by Stroma dated May 2023
- Landscape Statement prepared by PRP dated 17.04.2023.
- Ecological Appraisal [Revision 1] prepared by Tetra Tech dated 08.06.2021.
- Environmental Noise Assessment Report prepared by MACH Group [Revision P01] dated 14.04.2023.
- Arboricultural Survey and Implications Assessment prepared by Geosphere Environmental Ltd dated 17.01.2023.
- Delivery and Servicing Plan [Revision P01] prepared by Robert West dated 18.04.2023.
- Design and Access Statement dated 17.04.2023.
- Transport Assessment [Revision P03] dated 18.04.2023.
- Car Park Management Plan [Revision P01] dated 18.04.2023.
- Flood Risk Assessment and Drainage Strategy [Revision P5] prepared by Canham Consulting dated 20.04.2023.
- Biodiversity Net Gain Design Report prepared by Geosphere Environmental dated 18.01.2023.
- Odour Assessment prepared by NoiseAir dated 36.04.2023
- Daylight and Sunlight Façade Analysis Report prepared by Stroma dated 27.04.2023.
- External Lighting Report [Revision P01] prepared by Van Zyl & de Villiers Ltd Consulting Engineers dated 06.04.2023.
- Construction Management Plan [Revision 3] prepared by Willmott Dixon dated 21.04.2023.

No other drawings apply.

*Reason: To ensure that the development is undertaken in accordance with the approved drawing(s) and document(s) to ensure that the finished appearance of the development will enhance the character and visual amenities of the area and to satisfactorily protect the residential amenities of nearby occupiers.*

### 3. Use of the approved building

The development hereby permitted shall only be used for uses falling in Use Class F1(a) Provision of education.

*Reason: To ensure that the development contributes to local economy and job creation.*

### 4. Contaminated Land

No development shall commence until:

- a) a detailed remediation scheme, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared and submitted to the Local Planning Authority for approval in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- b) The approved remediation scheme must be carried out in accordance with its terms prior to commencement of the development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met.
- c) 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 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'.

Where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (a), 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: 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.*



## 5. Construction Logistics Plan

Prior to commencement of the development, a CLP in line with the TfL guidelines shall be submitted to and approved in writing by the Council. The details shall include the numbers, size and routes of construction vehicles, provisions within/around the site to ensure that all vehicles associated with the construction works are properly managed to prevent any unwanted disruption to other highway users, and other matters relating to traffic management to be agreed with the licencing officers of the council. Approved details shall be implemented throughout the project period and any changes to the document must be reported back to the council's planning and highways department.

*Reason: To ensure that appropriate steps are taken to limit the impact of the proposed demolition and construction works on the operation of the public highway, the amenities of local residents and the area generally in accordance with Policy DMT 4 of The Local Plan.*

## 6. Non Road Mobile Machinery

No works shall commence on the site until all plant and machinery to be used at the demolition and construction phases have been submitted to, and approved in writing by, the Local Planning Authority. Evidence is required to meet Stage IIIB of EU Directive 97/68/ EC for both NOx and PM. No works shall be carried out on site until all Non-Road Mobile Machinery (NRMM) and plant to be used on the site of net power between 37kW and 560 kW has been registered at <http://nrmm.london/>. Proof of registration must be submitted to the Local Planning Authority prior to the commencement of any works on site. An inventory of all NRMM must be kept on site during the course of the demolitions, site preparation and construction phases. All machinery should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment. This documentation should be made available to local authority officers as required until development completion.

*Reason: To protect local air quality and comply with Policy SI1 of the London Plan and the GLA NRMM LEZ*

## 7. Materials

Prior to above ground works details of all external facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved materials and thereafter retained permanently.

*Reason: To ensure the development remains in keeping with the character and appearance of the area.*

## 8. Boundary Treatment

Prior to above ground works details of all boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first use and thereafter permanently retained.

*Reason: To safeguard the visual amenity of the site and to ensure a high-quality built environment which remains in keeping with the character and appearance of the area.*

## 9. Soft and Hard Landscaping and planting plan

Prior to above ground works details of all hard and soft landscaping including a planting strategy as shown in drawing number FS0704-PRP-XX-XX-D-L-3000 Landscape GA Plan [Revision P03] dated 30.03.2023 shall be submitted to and approved in writing by the Local Planning Authority.

The approved hard and soft landscaping shall be carried out prior to first use of the development and thereafter permanently retained.

*Reason: To safeguard the visual amenity of the site and to ensure a high-quality built environment which remains in keeping with the character and appearance of the area.*

#### 10. Fire Statement

Prior to above ground works an updated Fire Statement which demonstrates how the development accords with policy D12 of the London Plan shall be submitted to and approved in writing. 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; details of active and passive fire safety measures and associated management and maintenance 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. A minimum of at least one lift per core (or more subject to capacity assessments) will be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building. The Fire Safety Scheme shall be implemented in accordance with the approved detailed prior to first occupation of the development and permanently maintained thereafter.

*Reason: In order to provide a safe and secure development*

#### 11. Digital Connectivity

Prior to above ground works detailed plans shall be submitted to and approved in writing by the local planning authority demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development. The development shall be carried out in accordance with these plans and maintained as such in perpetuity.

*Reason: To provide high quality digital connectivity infrastructure to contribute to London's global competitiveness.*

#### 12. Landscape Ecological Management Plan

Prior to first use, a Landscape and Ecological Management Plan (LEMP) should be submitted to and approved in writing by the Local Planning Authority. The LEMP should set out the detailed establishment and management of all on site landscape and ecology compensation and enhancement measures. The LEMP should cover a period of 30 years from the date of commencement with provisions for long-term monitoring and contingency actions linked to the Biodiversity Net Gain objectives of the project. The LEMP shall be produced in accordance with Biodiversity Net Gain Best Practice Principles, and the principles of the Environment Act 2021.

The LEMP should be implemented prior to first use and thereafter permanently retained.

*Reason: To ensure the development contributes to improving the natural environment.*

#### 13. Surface Water Drainage

Prior to the occupation of the site hereby approved the surface water drainage works shall be carried out in accordance with document FS0704-CCL-XX-XX-RP-C-3200 Flood Risk Assessment and Drainage Strategy [Revision P5] prepared by Canham Consulting dated 20.04.2023. The sustainable urban drainage system shall thereafter be managed and maintained in accordance with the agreed management and maintenance plan.

*Reason: To prevent any increased risk of flooding and to prevent pollution of the water environment.*

#### 14. Car and Cycle Park Management Plan

Prior to first use of the site, a car and cycle parking design and management plan shall be submitted to and approved in writing by the local planning authority. The car parking design and management plan should detail how the car parking space will be designed, allocated, managed and monitored. The development shall be carried out in accordance with the details approved and be thereafter retained for the lifetime of the development.

*Reason: To ensure that sufficient off-street parking areas are provided and not to prejudice the free flow of traffic or conditions of general safety along the adjoining highway.*

#### 15. Refuse and Waste

Prior to first use of the development details of refuse and waste including storage design, quantum and capacity shall be submitted to and approved in writing by the Local Planning Authority. Sufficient number of euro bins for refuse and recycling should be provided made to service all activities in the school. The approved details shall be implemented prior to first use of the development and thereafter permanently retained.

*Reason: To ensure sufficient refuse and water provision on site.*

#### 16. Electrical Vehicle Charging Points

Prior to first use of the site, details of the thirteen (13) Active Electric Vehicle Charging Points and twelve (12) Passive Electric Vehicle Charging Points shall be submitted to and approved in writing by the Local Planning Authority.

Details should include:

- i. Location of charging points
- ii. Detail of signage of charging points and road markings
- iii. Charging equipment product specification

The spaces shall be constructed, marked out and the charging points installed. The charging points shall thereafter be permanently retained.

*Reason: To encourage the use of electric cars in order to reduce carbon emissions.*

#### 17. Disabled Parking

The proposed blue badge car parking space shown on drawing number FS0704-3BM-ZZ-00-D-A Proposed Ground Floor Level Plan [Revision 10] dated 21.03.2023 shall be constructed and marked out prior to the first use of the development as accessible parking bays (to be clearly marked with a British Standard disabled symbol). The spaces must be retained as disabled car parking spaces and not used for any other use thereafter for the lifetime of the development.

*Reason: To ensure and promote easier access for disabled persons*

#### 18. Cycle Parking

Prior to first use of the site the approved cycle store and cycle parking spaces shown on drawing FS0704-3BM-ZZ-00-D-A Proposed Ground Floor Level Plan [Revision 10] dated 21.03.2023 and Bike Storage and Tree Strategy Report prepared by PRP dated 09.06.2023 which include 8 internal two tiered racks for 16 regular bikes, 1 internal Sheffield Stand for larger bikes and 1 external Sheffield Stand for visitors. Cycle storage shall be implemented prior to first use and thereafter retained for the lifetime of the development. Cycle parking should be designed in accordance with the London Cycle Design Guidance.

*Reason: In order to promote alternative, sustainable forms of transport, in accordance with policy DMT3 of the Draft Local Plan and policy T5 of the London Plan.*

#### 19. Delivery and Servicing

Prior to first use of development, a Delivery and Servicing Plan for the proposed use shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented before the first use of the non-residential unit and shall thereafter be permanently retained in an efficient manner.

*Reason: In order to ensure the design has suitably considered the transport needs of the development in the interest of highway safety.*

#### 20. Energy and Sustainability

Prior to first use, the development hereby permitted shall be constructed in accordance with the submitted Energy Statement [Revision P06] dated 05.04.2023 prepared by Van Zyl & de Villiers Consulting Engineers to achieve a minimum 109% reduction in carbon dioxide emissions over Part L of the Building Regulations (2021).

*Reason: In the interests of safeguarding the environment and providing sustainable development and to ensure measures are implemented to reduce carbon emissions.*

#### 21. Circular Economy- Post Construction Assessment

Prior to the first occupation of the development, a Post Completion Report setting out the predicted and actual performance against all numerical targets in the relevant Circular Economy Statement shall be submitted to the GLA at: [CircularEconomyLPG@london.gov.uk](mailto:CircularEconomyLPG@london.gov.uk), along with any supporting evidence as per the GLA's Circular Economy Statement Guidance. The Post Completion Report shall provide updated versions of Tables 1 and 2 of the Circular Economy Statement, the Recycling and Waste Reporting form and Bill of Materials. Confirmation of a satisfactory submission to the GLA shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the last building within each Phase.

*Reason: In the interests of sustainable waste management and in order to maximise the re-use of materials.*

#### 22. Whole Life Carbon - Post Construction Assessment

Prior to the first occupation of the development, the post-construction tab of the GLA's whole life carbon assessment template should be completed accurately and in its entirety in line with the GLA's Whole Lifecycle Carbon Assessment Guidance. The postconstruction assessment should provide an update of the information submitted at planning submission stage, including the whole life carbon emission figures for all life-cycle modules based on the actual materials, products and systems used. This should be submitted to the GLA at: [zerocarbonplanning@london.gov.uk](mailto:zerocarbonplanning@london.gov.uk) along with any supporting evidence as per the guidance. Confirmation of a satisfactory submission to the GLA shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the last building within each Phase.

*Reason: In the interests of sustainable development and to maximise on -site carbon dioxide savings.*

#### 23. Bird, Bee and Invertebrate Boxes

Prior to first use of the development details of the bird, bee and invertebrate boxes including their design and location shall be submitted to and approved in writing by the Local Planning Authority. The approved bird, bee and invertebrate boxes shall be installed prior to occupation and thereafter retained for the lifetime of the development.

*Reason: In the interest of promoting and enhancing biodiversity on the site.*

#### 24. Energy Efficiency

Within THREE (3) MONTHS of the first use of the site a Post Construction Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall demonstrate that the development is in accordance with the agreed methodology set out in the Supporting Statement: BREEAM v the Department for Education's S21 prepared by Willmott Dixon dated 14.06.2023 to ensure that the minimum rating has been achieved and can be maintained.

*Reason: In the interest of energy efficiency and sustainability.*

#### 25. School Travel Plan

Within 6 months of occupation of the site the Owner/Occupier shall register to become a STARs school committing to more active, safe and sustainable travel. A School Travel Plan prepared in line with TfL STARs requirements and guidance with the aim to achieve bronze accreditation. The Plan shall be completed via TfL STARs online portal (<https://stars.tfl.gov.uk/>) and submitted to and approved in writing by the Local Planning Authority.

The approved plan shall be implemented and thereafter retained for the lifetime of the development.

*Reason: To encourage the use of more sustainable modes of transport.*

#### 26. Noise Insulation and Ventilation Scheme

The noise insulation and ventilation scheme hereby permitted shall be installed in strict accordance with the details provided in section 3 of document FS0704-MAL-ZZ-ZZ-RP-J-9003 Environmental Noise Assessment Report [Revision P01] prepared by MACH Acoustics Ltd dated 14/04/2023. The noise insulation and ventilation scheme shall thereafter be retained for the lifetime of the development.

*Reason: To ensure that the proposed development has adequate noise protection and ventilation.*

#### 27. Noise from Building Services Plant

All building services plant associated with the development shall be constructed in accordance with the noise limiting levels set out in section 4 of document FS0704-MAL-ZZ-ZZ-RP-J-9003 Environmental Noise Assessment Report [Revision P01] prepared by MACH Acoustics Ltd dated 14/04/2023. All building services plant shall thereafter be retained for the lifetime of the development.

*Reason: To ensure the development has an acceptable impact on neighbouring amenity.*

#### 28. Construction Management Plan

The development hereby approved shall be constructed in accordance with the Construction Management Plan [Revision 3] prepared by Willmott Dixon dated 21.04.2023 and the Air Quality Constraints Assessment [Issue 2] prepared by Tetra Tech dated 17.03.2022. The approved plan and assessment shall be adhered to throughout the construction period of the development.

*Reason: 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. Secure by Design

The proposed development shall achieve a Certificate of Compliance in respect of the Secured by Design scheme, to the satisfaction of the local authority & Metropolitan Police. Details of which shall be provided to the Local Planning Authority for its written approval prior to the first occupation of the approved development. All security measures applied to the approved development shall be permanently retained thereafter.

*Reason: To ensure safe and secure development and reduce crime.*

### 30. External Lighting

The installation of external lighting scheme hereby permitted shall be installed in strict accordance with the details provided in section 4 of the External Lighting Report submitted by Van Zyl & de Villiers Ltd reference FS0704-VZV-ZZ-XX-RP-E-0001 dated 06/04/2023. The installation of external lighting scheme shall thereafter be retained as approved.

*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 Plan Document.*

### 31. Odour Control

The installation of commercial kitchen extraction scheme hereby permitted shall be installed in strict accordance with the details provided in section 4 of the Odour Assessment submitted by Noise Air Acoustics & Air Quality reference P6325-R1-V2 dated 26/04/2023. The installation of commercial kitchen extraction scheme shall thereafter be retained as approved.

*Reason: In the interest of ensuring the development has an acceptable impact on neighbouring amenity.*

### 32. Badgers

The development hereby approved shall be constructed in accordance with the recommendations set out in the Badger Survey Report prepared by Geosphere Environmental dated 22.03.2023. Should development not commence within 3 months of the disused badger holes being removed an updated report shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: To limit harm to badgers during the proposed works.*

### 33. Tree Protection during construction

The development hereby approved shall be constructed in accordance with the tree protection method statement set out in the approved Arboricultural Survey and Implications Assessment and Arboricultural method statement prepared by Geosphere Environmental dated 17.01.2023 and drawing 7194,AR/003/Rev0 Tree Protection Plan dated 16.01.2023. The approved protection plan shall be implemented prior to commencement of the development and thereafter retained for the duration of construction works.

*Reason: To ensure sufficient protection of existing trees during the development's construction.*

Informative:

1. Pursuant to the provisions of the National Planning Policy Framework responsibility for securing a safe development rest with the developer and/or landowner. It is recommended that a watching brief is implemented for the presence of unexpected land contamination throughout the construction works (if during any groundwork contaminated land or suspected contaminated land is discovered or identified, this should be reported to the below email). In the event that contamination is found at any time when carrying out the development it should be reported in

writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken and where remediation is necessary a remediation scheme must be prepared, implemented and verified with copies of all relevant records being provided to the Local Planning Authority.

In the first instance contact [environmentalprotection@lbbd.gov.uk](mailto:environmentalprotection@lbbd.gov.uk)

2. In aiming to satisfy any Secured by Design condition, the applicant must seek advice of the Metropolitan Police Service Designing out Crime Officers (DOCOs) to achieve accreditation. The services of MPS DOCOs are available free of charge and can be contacted via [docomailbox.ne@met.police.uk](mailto:docomailbox.ne@met.police.uk)
3. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.
4. Eurobins for refuse and recycling should be provided and hired from LBBD Commercial Services.

## Appendix 6:

### s.106 Proposed Heads of Terms:

The proposed heads of terms to be secured through a Section 106 Legal Agreement (agreed between the Council and the Applicant) are set out below:

1. Payment of the Council's professional and legal costs, whether or not the deed completes;
2. Payment of the Council's £3,000 fees in monitoring and implementing the Section 106 and payable on completion of the deed; and,
3. Indexing – all payments are to be index linked from the date of the decision to grant planning permission to the date on which payment is made, using BCIS index.

## Employment and Skills

### 4. Employment and Skills

Prior to commencement of the development, an employment and skills plan providing a forecast of the employment and skills opportunities available to local residents over the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. This must be accompanied by a method statement setting out how this will be delivered, including who in the organisation will be responsible for managing recruitment and training, how they will ensure compliance by trade contractors and how this will be managed, how health and safety issues will be managed, and how they will engage with the local community and schools.

The owner will use reasonable endeavours to ensure that jobs and work placement opportunities are provided to LBBD residents during the construction and end user phase of the development.

#### *Employment during construction:*

The Owner will use reasonable endeavours to:

- Ensure opportunities for educational visits/engagement/activities are made available during the period with which development is underway.

- Ensure one- or two-week work placement opportunities are made available to allow LBBD residents to shadow staff during the construction phase of the development.
- Ensure 1 per 10 FTE members of staff on site upskilling or renewing tickets throughout the course of construction.

#### *Employment- End user obligation*

The Owner will use reasonable endeavours to:

- Creation of 1 new FTE job on site for a local person e.g. grounds keeper,
- Access to or an introduction to end user jobs created e.g. who will be doing catering/cleaning/facilities.

A commitment to collaborative working through the employment of a designated Employment co-ordinator to liaise with and where feasible provide access on site for the Councils Job Brokerage service.

#### *Monitoring*

- The designated employment coordinator will attend with the Council regular site visits or meetings to ensure compliance with this schedule and discuss how the obligations contained in this schedule are progressing. These site visits and meetings will take place quarterly in cases where the Council has concerns that the Owner or its contractors/sub-contractors have not been adequately complying with their obligations contained in this schedule. Where the Owner can demonstrate to the Council that they are complying with their obligations in this schedule, such site visits and meetings will be held on a less regular basis at the Council's discretion.
- Confirmation that all obligations have been met – or appropriate employment and training compensation agreed – must be provided before the Council will approve a developer's application for discharge of the obligations in this Agreement.
- The Owner shall be responsible for all legal costs incurred by the Council in enforcing or ensuring compliance with this schedule.

## **Transport and Highways**

### S.278 Highways Agreement

5. Prior to first use of the development the Owner shall submit to the Council for its approval the specification and detailed drawings for the Off-Site Highway Works and a programme for carrying out and completing the said Off Site Highway Works. This would include the scope of works shown on the 'in principle' drawings (Drawings FS0704-ROB-XX-00-D-H-0001-PM404034 Outline Access Design Junction 1 [Revision P03] dated 20.03.2023; FS0704-ROB-XX-00-D-H-0002-PM404034-P03 Outline Access Design Junction 2 [Revision P03] dated 20.03.2023 and FS0704-ROB-xx-00-D-H-0011-PM404034-P01 TMO Design Plan [Revision P02] dated 19.04.2023) which includes improvements to access/egress of the site, traffic calming measures, implementation of 20mph speed limit and introduction of CCTV for monitoring and enforcement.
6. Prior to commencement of the Off-Site Highway Works the applicant must enter into a s.278 agreement (Highways Act 1980). The applicant will agree a scheme of highway works and implement all off-site highway works to an agreed schedule prior to occupation.

The applicant is responsible for covering the costs of all associated works.

All highway works must be completed prior to first occupation of the development.

### Road Safety Contribution



7. On completion of the deed the application shall pay a Road Safety Contribution of £15,000 (indexed linked) towards road improvements on Wantz Road to reduce vehicle speeds and ensure vehicles, pedestrian and cyclists can access and egress from the proposed school safely. The contribution will go towards the implementation of 20mph speed limit between the junction with Oxlow Lane and the development which sits outside the scope of the s.278.

### **Carbon Offset Obligations**

8. Carbon Reduction  
On practical completion of the development, the Developer shall submit to the Council an assessment of the carbon reduction measures implemented within the Development demonstrating it achieves a minimum of 109% reduction over Part L of the Building Regulations 2021 through on-site provisions.
9. Carbon offset financial contribution.  
On practical completion of the development the Developer shall pay in full to the Council, the figure for any Carbon Offset Contribution payable for the Development to meet zero carbon.

### **Air Quality Obligation**

10. Air Quality Neutral  
Prior to Practical Completion of the development, the Owner shall undertake an Air Quality Neutral Assessment of the Development by suitably qualified expert and provide the assessment to the Council. The Air Quality Neutral Assessment should show how the air quality neutral score has changed from the previous assessment (Air Quality Impact Assessment, prepared Stroma dated May 2023) and set out the reasons for this change.
11. Air Quality Financial Contribution  
Air quality off-setting contribution. A payment at the off-setting contribution rate of £29,000.00 per tonne of NOx over the benchmark (or the equivalent rate at the time of reassessment) will be applied if the scheme does not meet air quality neutral standards. The development shall not be occupied until the air quality contribution if applicable has been paid in full to the Council.

### **Be Seen Obligation- post construction monitoring**

12. Within 8 weeks of the grant of planning permission, the Owner shall submit to the GLA accurate and verified estimates of the 'Be Seen' energy performance indicators, as outlined in the 'Planning stage' section / chapter of the GLA 'Be Seen' energy monitoring guidance document (or any document that may replace it), for the consented development. This should be submitted to the GLA in accordance with the 'Be Seen' energy monitoring guidance using the 'Be Seen' planning stage reporting webform (<https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/london-plan-guidance-and-spgs/be-seen-energy-monitoring-guidance>).
13. Prior to each Building being occupied, the Owner shall provide updated accurate and verified 'as-built' design estimates of the 'Be Seen' energy performance indicators for each Reportable Unit of the development, as per the methodology outlined in the 'As-built stage' chapter / section of the GLA 'Be Seen' energy monitoring guidance (or any document that may replace it). All data and supporting evidence should be submitted to the GLA using the 'Be Seen' as-built stage reporting webform (<https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/london-plan-guidance-and-spgs/be-seen-energy-monitoring-guidance>). The owner should also confirm that suitable monitoring devices have been installed and maintained for the monitoring of the in-use energy performance indicators, as outlined in the 'In-use stage' of the GLA 'Be Seen' energy monitoring guidance document (or any document that may replace it).
14. Upon completion of the first year of Occupation or following the end of the Defects Liability Period (whichever is the later) and at least for the following four years after that date, the Owner is required

to provide accurate and verified annual in-use energy performance data for all relevant indicators under each Reportable Unit of the development as per the methodology outlined in the 'In-use stage' chapter / section of the GLA 'Be Seen' energy monitoring guidance document (or any document that may replace it). All data and supporting evidence should be submitted to the GLA using the 'Be Seen' in-use stage reporting webform (<https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/london-plan-guidance-and-spgs/be-seen-energy-monitoring-guidance>). This obligation will be satisfied after the Owner has reported on all relevant indicators included in the 'In-use stage' chapter of the GLA 'Be Seen' energy monitoring guidance document (or any document that may replace it) for at least five years. Timings may need to be adjusted to account for the large phased developments, particularly for energy centre reporting, as per the relevant section of the 'Be Seen' energy monitoring guidance document.

15. In the event that the 'In-use stage' evidence submitted under Clause c) shows that the 'As-built stage' performance estimates derived from Clause b) have not been or are not being met, the Owner should investigate and identify the causes of underperformance and the potential mitigation measures and set these out in the relevant comment box of the 'Be Seen' in-use stage reporting webform. An action plan comprising measures identified in Clause c) shall be submitted to and approved in writing by the GLA, identifying measures which would be reasonably practicable to implement and a proposed timescale for implementation. The action plan and measures approved by the GLA should be implemented by the Owner as soon as reasonably practicable.

### **Community Use Obligation**

16. Prior to the first use of the development hereby approved, a community use agreement must be submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the Hydrotherapy Pool and any facilities that would be available for hire and include details of pricing policy, hours of use, changing rooms, car park, access by non-educational establishment users, hours of use, changing rooms, car park, access by non-educational establishment users, responsibilities of non-education establishments, and a mechanism for review. The development shall not be used at any time other than in strict compliance with the approved agreement.



1 Proposed Ground Level Plan  
Scale 1 : 200

By Department Legend

- Admin
- Circulation
- Classroom
- Extra curriculum
- Hall
- Plant
- Storage



Rev	Date	Description	Issue

Client  
**Willmott Dixon**

Project Name  
**Oxlow Bridge SEND school**

Drawing Title  
**Proposed Ground Level Plan**

Issue Status  
**PLANNING ISSUE**

Designed ID	Drawn	Checked	Approved

Scale & Paper Size  
**1:200 @ A1**

Date Originated  
**21/03/23**

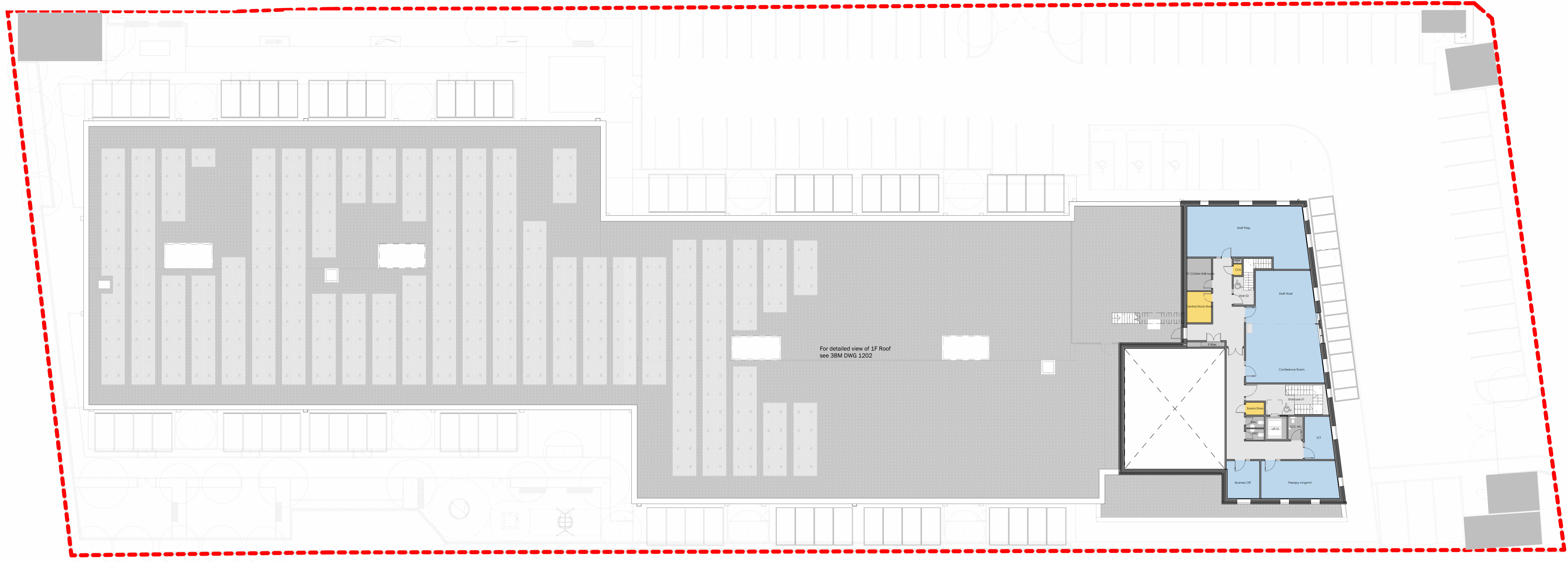
Drawing Number  
**FS0704 - 3BM - ZZ - 00 - D - A**

Number	Subsidiary	Revision
1200P	S08	P10



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For detailed view of 1F Roof see 3BM DWG 1202

1 Proposed Level 1 Plan  
Scale 1 : 200

By Department Legend

- Admin
- Circulation
- Plant
- Storage



Rev	Date	Description	Issue
Client			
Willmott Dixon			
Project Name			
Oxlow Bridge SEND school			
Drawing Title			
Proposed Level 1 Plan			
Issue Status			
PLANNING ISSUE			
Designed ID	Drawn ID	Checked CG	Approved CG
Scale & Paper Size			Date Originated
1:200 @ A1			21/03/23
Drawing Number			
Number	Originator	Volume	Level
FS0704	3BM	ZZ	01
Number	Subsidiary	Revision	
1201P	S08	P09	

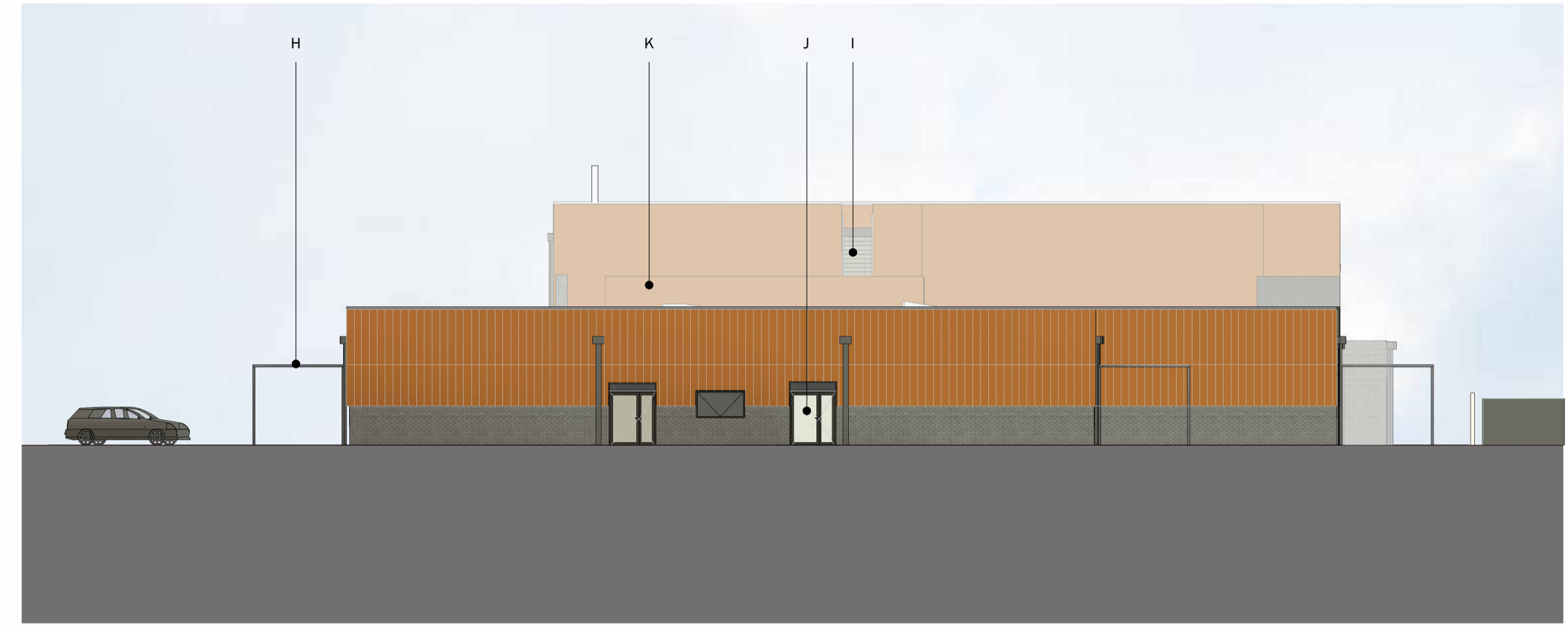
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 Architecture + Planning  
 Unit LM07 G01  
 The Leather Market  
 Weston Street  
 London, SE1 3ER  
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1 Proposed East Elevation  
Scale 1 : 200



2 Proposed West Elevation  
Scale 1 : 200



3 Proposed North Elevation  
Scale 1 : 200

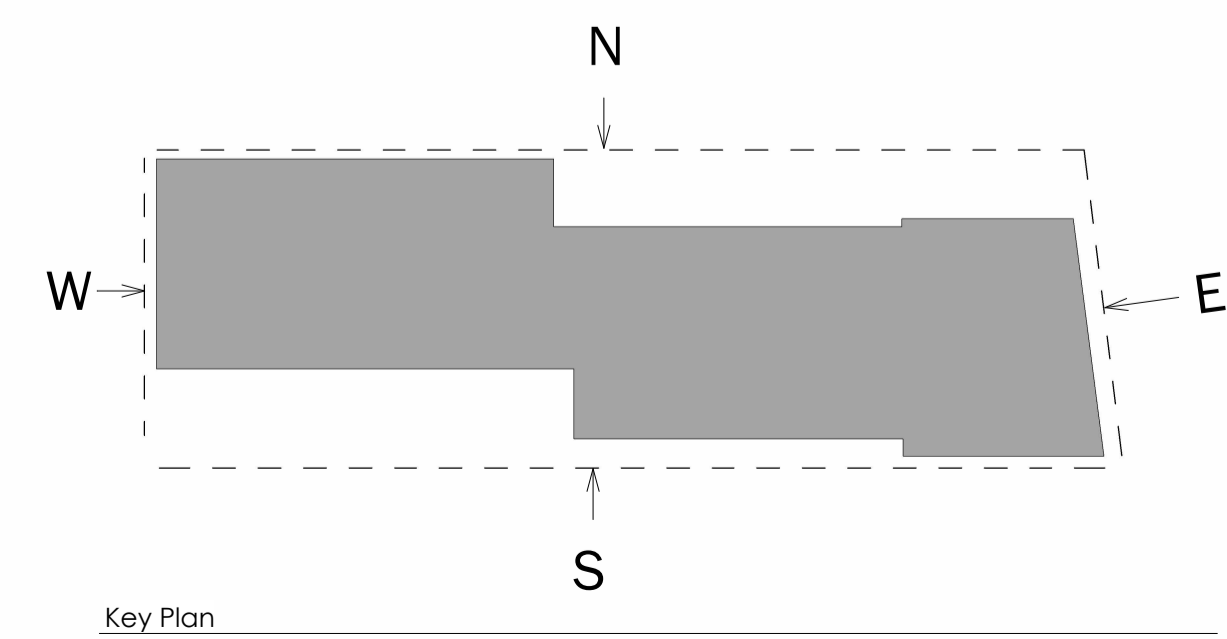


4 Proposed South Elevation  
Scale 1 : 200

A- Aluminium Cladding PPC powder coated.  
Lower band grey-Blue. Upper band Copper orange  
B- 500mm metal school sign. Colour tbc  
C- Aluminium window PPC powder coated. Top hung grey  
D- Main entrance clear glazing. Frame grey

E- Opaque glazing panel. Frame grey  
F- Louvres above glazing grey  
G- Main entrance polycarbonate canopy. Frame grey  
H- Classroom polycarbonate canopy. Frame grey  
I- Upper roof maintenance galvanised metal stairs

J- PPC powder coated glazed doors. Colour grey  
K- Roof plant acoustic partitions. Cladding as per point A.  
L- Metal rectangular downpipes with hoppers. grey  
M- Brick plinth -grey concrete



Rev	Date	Description	Initials

Client  
**Willmott Dixon**

Project Name  
**Oxlow Bridge SEND school**

Drawing Title  
**Proposed Elevations**

Issue Status  
**PLANNING ISSUE**

Designed	Drawn	Checked	Approved
VO	VO	CG	CG

Scale & Paper Size  
**1:200 @ A1**

Date Originated  
**24/10/23**

Drawing Number  
**FS0704**

Originator	Volume	Level	Type	Description
3BM	ZZ	ZZ	-	D - A

Number  
**2200P**

Subsidiary  
**S08**

Revision  
**P06**

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Unit LM07 G01  
The Leather Market  
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London, SE1 3ER  
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Artist's impression

3D View of main entrance gate -The morning drop-off.

Rev	Date	Description	Issued
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Client

Willmott Dixon

Project Name

Oxlow Bridge SEND school

Drawing Title

Proposed 3D View 01

Issue Status

PLANNING ISSUE

Designed	Drawn	Checked	Approved
VO	T2	CG	

Scale & Paper Size

NTS

Date Originated

01/11/23

Drawing Number

P474 - 3BM - ZZ - ZZ - I - A

Number

0005P - S08 - P05

Architecture - Planning

Unit LM07 G01

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London, SE1 3ER

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Artist's impression

3D View of South-facing green space- Afternoon play.

Rev	Date	Description	Issued
Client			
Willmott Dixon			
Project Name			
Oxlow Bridge SEND school			
Drawing Title			
Proposed 3D View 02			
Issue Status			
PLANNING ISSUE			
Designed	Drawn	Checked	Approved
VO	T2	CG	
Date Originated			01/16/23
Scale & Paper Size			
Drawing Number			
Project	Originator	Volume	Level
FS0704	3BM	ZZ	ZZ - I - A
Number	Subsidiary	Revision	
0006	S08	P02	

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