

Notice of Meeting

PLANNING COMMITTEE

Monday, 22 April 2024 - 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

Date of publication: 12 April 2024

Fiona Taylor
Chief Executive

Contact Officer: John Dawe
Tel. 020 8227 2135
E-mail: john.dawe@lbbd.gov.uk

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 12 February 2024 (Pages 7 - 12)**

New Planning Applications

Ward

- | | | |
|----|---|----------------------|
| 4. | Segro Plot 2, Segro Park, Dagenham, Choats Road, Barking - 23/01946/OUTALL (Pages 13 - 75) | Barking
Riverside |
| 5. | Minutes of Sub-Committee - To note the minutes of the Planning Performance Review Sub-Committee held on 3 April 2024 (Pages 77 - 86) | |

A report detailing the Sub Committee's findings as attached will be presented by the Interim Head of Development Control, Be First Development Management Team.

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.

Use Classes Order 1987 (as amended)		
Use Class	Use/Description of Development	Permitted Change
A1 Shops	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 – see footnote 2 . Some temporary uses – see footnote 4 . A1 plus two flats above C3 residential use - see footnote 5 Bank, building society, credit union or friendly society (A2) but not for other purposes falling within A2 – see footnote 6 A2 A3 (up to 150 m2) see footnote 9 D2 (up to 200 m2) see footnote 10
A2 Financial and professional services	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 – see footnote 2 . Some temporary uses – see footnote 4 . C3 residential use - see footnote 5 A3 (up to 150 m2) – see footnote 9 . D2 (up to 200 m2) see footnote 10
A3 Restaurants and cafés	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 – see footnote 2 . Some temporary uses – see footnote 4 .
A4 Drinking establishments	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 – see footnote 2 . Some temporary uses – see footnote 4 .
A5 Hot food takeaways	For the sale of hot food for consumption off the premises.	A1, A2 or A3 State funded school for single academic year – see footnote 2 . Some temporary uses – see footnote 4 .
B1 Business	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 - see footnote 1 . State funded school for single academic year – see footnote 2 . State funded school or registered nursery subject to prior approval - see footnote 3 Some temporary uses – see footnote 4 .
B2 General industrial	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 – see footnote 2 .
B8 Storage and distribution	Storage or distribution centre. This class includes open air storage.	B1 (where no more than 500 sqm) State funded school for single academic year – see footnote 2 . C3 (where no more than 500 sqm) see footnote 7 .
C1 Hotels	Hotel, boarding house or guesthouse, where no significant element of care is provided. (Excludes hostels).	State funded school for single academic year – see footnote 2 . State funded school or registered nursery subject to prior approval - see footnote 3
C2 Residential institutions	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 – see footnote 2 . State funded school or registered nursery subject to prior approval - see footnote 3
C2A Secure residential institution	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 – see footnote 2 . State funded school or registered nursery subject to prior approval - see footnote 3
C3 Dwelling houses	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 – see footnote 2

C4 Houses in multiple occupation	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>
D1 Non-Residential Institutions	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> .
D2 Assembly & Leisure	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> .
Sui – Generis	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>

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

Planning Application Procedure

1. The Chair introduces the Planning Officer who will present the item.
2. The Planning Officer presents the report to the 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, 12 February 2024
(7:00 - 7:57 pm)

Present: Cllr Muhammad Saleem (Chair), Cllr Jack Shaw (Deputy Chair), Cllr Muhib Chowdhury, Cllr Edna Fergus, Cllr Cameron Geddes and Cllr Sabbir Zamee

Also Present: Cllr Lee Waker and Cllr Phil Waker

Apologies: Cllr Faruk Choudhury, Cllr Alison Cormack, Cllr Harriet Spoor and Cllr Dominic Twomey

18. Declaration of Members' Interests

There were no declarations of interest.

19. Minutes (16 October 2023)

The minutes of the meeting held on 16 October 2023 were confirmed as correct.

20. Planning Performance Review Sub-Committee

In accordance with the provisions of the Constitution we have agreed to appoint the Planning Performance Review Sub-Committee for 2024 with a membership made up of the Chair and Deputy Chair together with Councillors Cormack, Spoor and Zamee.

The Sub-Committee, which will meet during April on a date to be confirmed, will consider and report back on a random sample of delegated planning decisions taken to assess that the relevant planning policies and criteria were correctly applied in each case as well as review planning appeal performance and scrutinise overturned decisions.

21. Bryson House, 131 Church Elm Lane, Dagenham - Section 73 application

The Senior Development Management Officer (SDMO), Be First, introduced a report on an application from Major Commercial Property Ltd seeking approval for minor material amendments under Section 73 of the Town & Country Planning Act (1990) in respect of a mixed-use development, at the site known as Bryson House, 131 Church Elm Lane, Dagenham RM10 9RR, which was granted planning permission in June 2023 (19/00865/FUL).

The proposed amendments comprised variations of the following conditions: Condition 2 (approved plans), Condition 3 (contamination), Condition 4 (CEMP and SWMP), Condition 5 (Construction Logistics Plan), Condition 6 (Air Quality), Condition 7 (Acoustic Protection), Condition 8 (Plant), Condition 9 (hours of use), Condition 10 (Lighting and CCTV), Condition 11 (Piling), Condition 12 (Flood Risk Assessment), Condition 13 (Materials), Condition 14 (landscaping), Condition 15 (Travel Plan), Condition 16 (Waste), Condition 17 (Car Parking Design and Management Plan), Condition 18 (Cycle Parking), Condition 19 (Delivery and Servicing Plan), Condition 20 (Energy), Condition 21 (Accessible dwellings), Condition 23 (Water efficiency), Condition 24 (Non-residential units), Condition 25 (Fire) and Condition 26 (balustrades, screening and boundary treatments) attached to planning consent 19/00865/FUL (as amended by non-material amendment 23/01795/NONMAT, dated 17.12.2023) dated 10/01/2020 to allow for minor material amendments, including an amended number of units, amended affordable housing provision, amendment from flexible B1/D1 uses at ground floor to 2no. Class E and 1no. Class F2 units, a reconfigured site and internal layout changes; redesigned play space and landscaping; the relocation of balconies; the provision of one additional core; changes to materiality; and internal alterations on upper floors.

A total of 413 notification letters were sent to neighbouring and nearby properties from which four representations were received, of which two objected to the development, the material planning considerations and issues of which were addressed by the SDMO in their planning assessment of the application.

In addition to the published papers, a supplementary report was presented which contained details of a further public representation. At the request of the objector the wording of the objection was read out in full for the Committee's consideration which centred on the proximity of some of the balconies and overlooking windows to the rear gardens of existing adjoining properties, and in that respect the loss of privacy and a reduction in the market value of their property. The SDMO in addressing the points concluded that overall the objection had already been addressed in the report and did not materially alter the officer's recommendation on the application. Impacts on property values were not a material planning consideration.

The supplementary report also contained details of TfL Spatial Planning response which came in after the publication of the main report, and which, other than a proposed minor amendment to the wording of Condition 18 (Cycle Parking), was also considered to have no material impact on the SDMO assessment and/or recommendations as presented. Finally, reference was made to a minor drafting error in the report indicating that there would be an additional six and not four affordable units as set out in the summary section of the published report.

In response to the officer presentation a number of questions were raised by Members. Firstly, the Chair referenced the change in tenure in the Section 73 application which indicated that of the now 40% affordable housing secured

on the development, all would be provided at London Affordable Rent rather than a 50:50 mix of social rent and shared ownership as previously approved. This change would align more closely with the areas of greatest need in LBBB. It was noted that the applicant had an aspiration to achieve 100% London Affordable Rent across the whole development. However this could not be guaranteed as it would be dependent on the applicant securing grant from the GLA, and therefore at this stage it did not form part of the application before the Committee.

Whilst the affordable housing was welcomed, given the amount of new development taking place in the area it was questioned as to whether adequate consideration had been given to the need for additional services to support incoming residents such as local health facilities, dentists and schools. The SDMO responded that the fundamental principle applied to the application was that a consented scheme had been secured for new homes on the site which Planning had robustly assessed, and in that respect neither the NHS nor the Council's Education Service had chosen to comment on the proposed development during the consultation stage. That said irrespective of this Members were mindful of the current pressures on local health facilities and the difficulties experienced by local residents to secure GP appointments etc.

It was also noted that approval to the application was contingent on a financial contribution in lieu of play space to improve facilities at Old Dagenham Park, the precise nature of which had been discussed with LBBB Parks officers, and which dependant on the application being approved, would be subject to consultation with the local community.

Members noted that the proposed changes of layout would on the ground floor include a larger space for commercial/community uses, the precise nature of the latter use, including how many it could potentially cater for, would be dependent on the end user.

With the permission of the Chair, and in accordance with the provisions of the Constitution, verbal representations of objection were presented at the meeting by Councillors Lee and Phil Waker in their capacity as Village ward councillors.

In summary both objected to the development for the following reasons:

- A lack of onsite car parking provision, which would lead to further parking congestion in the area. One option would be to change the ground floor layout by replacing the commercial space for more allocated parking to serve the development. As a matter of principle the Council should oppose developments that did not provide adequate parking.
- London Affordable Rent was out of reach financially for local people. Therefore revisit the tenure mix to achieve more social rented housing.

- Given the lack of shopping facilities at the Heathway the nearest 'big shop' namely Asda on the A13 or Tesco at Rainham Village were both inaccessible without a car.
- The local health centre, main hospitals and GP services were already operating beyond capacity.
- Who would manage the community space.
- Over development. The height of the buildings should be reduced by at least one/two floor(s).
- Most of the changes in the application were disappointing and viewed as a retrograde step which was not good for both existing and future residents
- The Committee was urged to reject the application, and to ask officers to work with the applicant to come back with a better scheme taking into account the above comments.

The SDMO responded that in relation to the community use a management plan would be secured through the Section 106 Agreement, the details of which would follow in due course. The London Affordable Rent was classed in planning policy as a social rented product which was considered as affordable for local residents, and represented a betterment compared to the existing scheme, seeing the increase in the number of units proposed in the application. He outlined the proposed rent levels for the product for 1 to 4 bedroom units that would apply to the Village ward in the coming financial year, and which compared favourably to market rents.

In terms of the proximity of the development to local shops, having more residents in the area would support local business through more customers. The officer acknowledged that health facilities in the locality needed to be improved and extended but made the point that there was a need for more housing to help residents get off temporary accommodation and in so doing improve their living accommodation and support better health.

In respect to parking, incoming residents would not be eligible for parking permits in the controlled parking zone. The starting point for planning policy in the London Plan was to adopt a car free approach to new development, or if that was not achievable then at least car light, given the good local public transport links. Finally as regards the height of the development, the Council could not defend any refusal on those grounds as the original scheme had already secured a consent based on a certain height.

The Committee then heard from the agent acting for the applicant who made the point that the application before the Committee was a series of amendments to an already consented scheme. The main changes concerned the affordable housing element with a significant benefit to the Authority in as much that the change of tenure configuration would mean a greater proportion of 2/3 bed family homes which coupled with way the scheme was funded meant that nominations for the 91 affordable housing units would be offered strictly to those residents on the Council's housing waiting list.

The dedicated community space on the ground floor of the development would be delivered at a peppercorn rent and assistance with the fit out based on the management plan referenced in the officer presentation. The proposed parking provision, whilst seeing a reduction of ten spaces would allow for a significantly larger area on the ground floor for much needed child play space.

Turning to the public objection read out at the Committee, and specifically the overlooking balconies, the approved scheme had a maximum of three balconies on each floor of the rear elevation. The proposed scheme sought to introduce a maximum of two additional balconies on each floor, with conditions to ensure the privacy of the neighbouring properties, and which would not be constructed until felt appropriate by Planning.

In conclusion the agent said the applicant had and continued to work closely with officers to ensure positive changes through the application to deliver high quality homes in the Borough.

Following a question that arose from the presentation, the agent representative confirmed that residents nominated from the Council housing waiting lists would be eligible for housing benefit support towards London affordable rent levels, should this prove unaffordable.

The Committee welcomed the additional affordable housing, and whilst acknowledging the points made by the ward councillors about parking provision for some, did recognise that car use generally across the borough was beginning to fall, that the area was well served by public transport, and that on balance the need for children play space outweighed the need for more car parking.

The SDMO stated that the proposal would result in an increase of 16 units and a greater proportion of family sized affordable homes, helping to address an acute housing need in the Borough. The proposals presented a more deliverable scheme and aligned well with the principles established under the previously approved scheme, in terms of height, scale and mass.

The proposals would secure a development of both high-quality and design that would safeguard nearby residential amenity. Subject to the imposition of recommended conditions and the finalisation of a Section 106 Legal Agreement, the officer had concluded that the development would not cause any notable transport or adverse environmental impacts, and on the basis of according with the adopted Development Plan,

The Committee **resolved** to:

- (i) Agree the reasons for approval as set out in the report,
- (ii) Delegate authority to the Director of Inclusive Growth in consultation with the Head of Legal Services to grant planning permission based on the proposed updates to the legal agreement under s106 of the Town and Country Planning Act 1990 (as amended) set out in the amended

Heads of Terms identified at Appendix 5 and the Conditions listed in Appendix 6 of the report; and

- (iii) That, if by 12 August 2024 the legal agreement has not been completed, the Director of Inclusive Growth be delegated authority to refuse planning permission or extend this timeframe to grant approval.

Working in partnership


LONDON BOROUGH OF BARKING & DAGENHAM
PLANNING COMMITTEE
22nd April 2024
Application for Outline Planning Permission (All Matters Reserved)

Case Officer:	Kathryn McAllister	Valid Date:	09 Jan 2024
Applicant:	SEGRO (East Plus) Ltd	Expiry Date:	09 April 2024
Application Number:	23/01946/OUTALL	Ward:	Barking Riverside
Address:	Plot 2, Segro Park, Dagenham, Choats Road, Barking, RM9 6BF		

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 Plot 2, SEGRO Park Dagenham.

Proposal:

Outline planning application (all matters reserved), for the demolition of existing research building, gatehouse and associated hardstanding; construction of an industrial building (Use Class B2, B8, E(g)(iii)), with ancillary offices, creation of new vehicular accesses from Hitch Street; cycle, motorcycle, car, van and HGV parking; pedestrian access; hardstanding and circulation areas; ancillary infrastructure and all other ancillary and enabling works including landscaping, drainage, engineering, substation, pumping station, ground stability works and boundary treatment.

Officer Recommendations:

Planning Committee is asked to resolve to:

Agree the reasons for approval as set out in this report; and

1. 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 any direction from the Mayor of London and 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; and
2. that, if by 22 October 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:
General

1. Reserved Matters to be Submitted
2. Timing of Reserved Matters Submission
3. Timing of Reserved Matters Commencement
4. Approved Parameter Plans and Documents
5. Phasing Plan

Information required within reserved matters

6. Fire Statement
7. Noise Impact Assessment
8. External Lighting Assessment
9. Transport Assessment
10. In-Principle Highway Works Plan
11. Delivery and Servicing Plan
12. Travel Plan
13. BREEAM Target- Excellent
14. Circular Economy Statement
15. Details of Boundary Treatment and Landscaping
16. Waste and Recycling Strategy
17. Energy Statement
18. Ecological Impact Assessment
19. Foul Sewage and Utilities Assessment
20. Urban Greening Factor and Biodiversity Enhancements

Prior to all works/commencement Conditions

21. Landscape Management Plan
22. Sustainable Drainage System
23. Contamination
24. Construction Environmental Management Plan (CEMP)
25. Construction Logistics Plan
26. Construction Noise

Prior to above ground works Conditions

27. Electric Vehicle Charging Points and Rapid Electric Vehicle Charging Points.
28. Cycle Parking

Prior to first occupation and/or use Conditions

29. Emergency Flood Risk
30. Car Park Management Plan
31. Foul Water Drainage
32. Surface Water Drainage

Compliance

33. Archaeology
34. Whole Life Carbon Assessment- Post-Construction
35. BREEAM
36. Circular Economy Statement- Post Construction
37. Piling, Deep Foundations and Boreholes
38. Maximum Quantum of Floorspace
39. Site Specific Non-Road Mobile Vehicles
40. Flood Risk Assessment
41. Maximum Car Parking Numbers
42. No Open Storage
43. Secure by Design
44. Noise from Non-Residential Uses and Plan and Structure Borne Noise Emissions
45. Industrial use of sites
46. Site clearance

Informative

1. Ground Risk Management Permit

S106 – Summary of Heads of Terms:

Schedule 1- Administrative

- Payment of the Council's professional and legal costs, whether or not the deed completes.
- Payment of the Council's £21,000 fees in monitoring and implementing the section 106, payable on completion of the deed.

- Indexing- all payments are to be indexed linked from the date of the decision notice to grant planning permission to the date on which payment is made, using BCIS.
- The agreement shall allow for the pro rata reduction of the sum of all contributions payable in the event that a reduced floorspace is approved at the Reserved Matters stage in the basis that the current contributions are calculated based on the maximum floorspace of the development of [30,084sqm GEA] and the contributions payable will be reduced at an equivalent reduction to the amount of approved floorspace. The exception to this will be the LSIP Cycle Route Contributions and Bus Service Contributions, which regardless of the floorspace shall remain payable.

Schedule 2- Employment and Skills

➤ Local Employment and Skills Obligations

The Owner will use reasonable endeavours to ensure that jobs are provided to LBBB residents, during the construction of this proposed scheme.

The Owner will use reasonable endeavours to:

- ensure 25% of the total construction jobs (calculated on an FTE basis) created are new jobs filled by LBBB residents, either with the contractor or through the supply chain.
- Advertise all vacancies through the council's job brokerage services, with notification of job vacancies exclusively available to residents for a minimum of 10 days before being advertised more widely.
- Provide a skill forecast for the development and highlight any shortages to the council's job brokerage service at least three months before commencement of the development.

➤ Training during Construction The Owner will use reasonable endeavours to ensure the following:

- Deliver one training opportunity for every 10 construction workers – at least half of which (or 5% of the FTE workforce) must be apprenticeships leading to a full recognised qualification.
- Provide 10 weeks of work experience for every 6 months of the construction phase – with each placement lasting a minimum of 2 weeks.
- Provide at least one educational workshop / visit per educational term for the duration of the construction phase to support local schools and careers services.

➤ Supply chain development during Construction

The Owner will use reasonable endeavours to:

- Submit a Tender Event Schedule detailing the list of work packages being offered to competitive tender for the developer and all sub-contractors, including timeframes, values of packages and framework agreements.
- Source good and services from the borough wherever possible, with an aim that this will represent at least 25% of the value of all goods and services required for the development.
- to ensure companies based in LBBB will be given a genuine opportunity to tender for all contracts and sub-contracts arising from the development.
- Provide details each time a package is awarded including information about any local contractors that have tendered for work (both successful and unsuccessful, with the reasons why).
- Participate in at least two events in each year of the development to promote opportunities to local suppliers and build their capacity and/or contribute financially to the delivery of such activity to ensure local suppliers are able to access opportunities arising from the development.

➤ Employment- End User Obligations

The Owner will use reasonable endeavours to ensure that the Owner/ Occupiers' employees and jobs (including employees and jobs with its contractors) are provided to LBBB residents, during the end user phase in accordance with the following:

- ensure 25% of the total end user jobs (calculated on an FTE basis) created are new jobs filled by LBBB residents within the first 5 years of operation.
- Work closely with the council's employment and skills brokerage to achieve a target of **25% of all jobs** within the tenants' workforce on site to be filled by local residents within 5 years of operation.

- Advertise all vacancies through the council's job brokerage services, with notification of job vacancies exclusively available to residents for a minimum of 10 days before being advertised more widely.

For end-user jobs, encourage tenants to work closely with the applicant and LBBB to advertise all newly created vacancies through the council's Job Brokerage service including through introducing tenants to LBBB's Job Brokerage service to help provide a skills forecast for the development and highlight any shortages to the Council's job brokerage service, a minimum of six months before operational end use commences; and where feasible including relevant commitments within terms and conditions of tenancies.

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 Council's Job Brokerage service.

➤ Monitoring

- Once the development has commenced monitoring forms must be submitted to the Council by the designated coordinator responsible for managing recruitment and training monthly for the first three months and quarterly thereafter.
- This 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.
- Employment and training compensation will be calculated based on: the shortfall against the target number of jobs for LBBB residents X £5,000 (average cost of supporting an unemployed borough resident into work) and the shortfall against the target number of apprenticeship starts X £8,000 (approximate wage costs of a one-year apprenticeship at the minimum apprenticeship rate);
- Subject to the findings of evidence collected through the agreed employment and training processes, the Owner will pay employment and training compensation to the Council within 30 days of the Council's written request if it is found that the shortfall in the delivery of any employment or training specified in this schedule can be attributed to the Owner having not used all reasonable endeavours to follow the agreed processes.
- The Owner shall be responsible for all legal costs incurred by the Council in enforcing or ensuring compliance with this schedule.

- Training and Employment Contribution

Financial contribution of £162,500.00 (BCIS Index Linked) to go towards the cost of training and employment support for local residents in respect of the construction and end user phase of the development.

Trigger: To be paid on commencement of the development.

Schedule 3- Sustainable Development

➤ 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 35% reduction over Part L of the Building Regulations 2021 through on-site provisions.

➤ Carbon Offset Contribution

No later than 3 months from the date of Practical Completion of the development, where it is clearly demonstrated that zero-carbon standards (based on net-zero regulated CO2 emissions) cannot be achieved on-site, any shortfall should be provided through a cash in lieu contribution (£95/per tonne over a 30 year period or at the rate in place at the time of the application's determination) paid to the Council.

The site shall not be occupied until the carbon offset contribution has been paid.

➤ Future proof development in order to ensure it could connect to a District Heating Network.

- Prior to Commencement of Development permitted under subsequent reserved matters the Owner will submit a District Heating Network (DHN) Statement to the Council for approval to detail how the development could connect to the DHN or future DHN.
- Trigger: statement to be submitted prior to commencement of development permitted under subsequent reserved matters.

➤ Dagenham Dock Decentralised Energy Network Potential Study Contribution

- A financial contribution £25,793.00 (BCIS Index Linked) towards a wider study for Dagenham Dock de-centralised energy network potential.
- The Owner and Be First will agree the scope of the study through the steering group at the time of commission. The progress of the study will be reported to the Steering Group.
- Trigger: payment to be made Prior to commencement of development permitted under subsequent reserved matters (excluding demolition/enabling and remediation works).

Schedule 4- Be Seen

- a) 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-wedo/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).
- b) 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-wedo/planning/implementing-londonplan/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.
- c) In the event that the 'In-use stage' evidence submitted under Clause b) shows that the 'As-built stage' performance estimates derived from Clause a) 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 b) 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.

Schedule 5- Revised Car Parking Management Plan

- To use reasonable endeavours to ensure that the End User submits by the 10th anniversary of occupation of the development, a revised Car Park Management Plan (CPMP) to the local planning authority for determination. The revised CPMP shall be accompanied with a report monitoring usage of the car park since first occupation. Subject to the CPMP demonstrating that the spaces are not essential for operation purposes, to use reasonable endeavours to ensure that the End Use removes up to 10% of approved parking spaces shall be removed by the 10th anniversary of first occupation of the development.

Trigger: The Plan must be submitted to the Council before the tenth anniversary of occupation of the development

Schedule 6- Site Wide Travel Plan

- The Owner shall develop a Site Wide Travel Plan that accords with the approved Framework Travel Plan in consultation with TfL and to implement the plan.

Trigger: submitted to the Council for their approval before practical completion.

- On the 1st, 3rd, 5th anniversary of the commencement of the operation of the development, the applicant or successive owner in title shall submit a Travel Plan monitoring report to demonstrate that best and reasonable endeavours have been undertaken to ensure that the occupiers/tenants have aimed to engage and encourage active, inclusive, and carbon-free sustainable travel to and from the site with their associated users.

Schedule 7- Air Quality Off-Setting Contribution

- A payment at the off-setting contribution rate of £29,000 per tonne of NOx over the benchmark (applicable to B2/B8/E(g)(iii) uses (as set out in the Mayor of London's London Plan Air Quality Neutral Guidance applicable at the date of this Agreement (being London Plan Air Quality Neutral Guidance February 2023) will be applied if the approved air quality report concludes that the development is not air quality neutral

Trigger: The assessment must be submitted to the Council prior to practical completion of the development and (if payable) to pay the contribution within 3 months of approval by the Council of the Air Quality Report.

Schedule 8- Transport Contributions

➤ Bus Service Contributions

- The owner for agrees to pay the Council £617,414 (BCIS index-linked from the date of planning permission) towards necessary changes to local bus services (night-time services and morning peak capacity) to serve the development.

Trigger: To be paid prior to commencement of the development.

➤ LSIP Cycle Route Contribution

- A commitment to deliver the LSIP cycle route to Dagenham Dock Station or a financial contribution of £348,011.00 (BCIS Index Linked) if this is not achievable.
- Following receipt of the notice from the Council in accordance with paragraph 7 of Schedule Eight (being the Council notifying the owner once it has sufficient ownership of the land required to carry out the LSIP Cycle Route Works which is unfettered by constraints and that the LSIP Cycle Route Works can be built out in full without further reference to any party other than the Council or Be First, and the Council shall provide to the Owner all such information or other evidence that is

reasonably requested in order that the Owner can satisfy themselves that the LSIP Cycle Route Works can be carried out in full) and the provision of evidence that the LSIP Cycle Route Works can be carried out in full, a scheme shall be submitted to the LPA for approval confirming the design and proposed delivery of the footway / cycleway from the development to Dagenham Dock Station. The footway / cycleway shall be constructed in accordance with the approved details. The existing 3m path to be retained should be inspected and if required resurfaced/reconstructed and lit to the satisfaction of the LPA.

- Following the approval of the scheme for the provision of the LSIP Cycle Route, the owner shall use reasonable endeavours to bring forward the footway / cycleway, with an agreed maximum cap of £348,011 (BCIS index linked) to the cost of delivering the route in full. However, in the event that the Council has not provided notice in accordance with paragraph 7 of Schedule 8 and the evidence that it can be carried out in full by the 10th anniversary of occupation, a financial contribution of £348,011 (index linked) shall be made payable by SEGRO.
 - Following receipt of the notice from the Council in accordance with paragraph 7 of Schedule Eight and the provision of evidence that the LSIP Cycle Route Works can be carried out in full and if required by the Council, to enter into a s.278 agreement with the Council. The works should also detail measures adopted to ensure the safety of Cyclists including a well-lit route with CCTV coverage along its whole length.
- Strategic Infrastructure Masterplan Study Contribution
- A financial contribution of £25,793 (BCIS Index Linked) towards the development of a strategic infrastructure masterplan study focused on modal shift, including the river / rail freight proposition, innovation, promotion and support of low carbon and autonomous vehicles.

The scope will be discussed with relevant members of the Steering Group.

Trigger: Payment to be made prior to commencement of development permitted under subsequent reserved matters (excluding demolition/enabling and remediation works).

➤ S.278 Agreement

Prior to commencement of the Choats Road and Choats Manor Way Highway Works the Owner will enter into a S278 Agreement for carrying out improvements to Choats Road and Choats Manor Way (the 'Choats Road and Choats Manor Way Highway Works')

The works should include:

- Increasing the existing footway width into the site (offering up land in the ownership of the applicant) along the eastern (Choats Manor Way) and southern (Choats Road) boundaries of the development site to create a segregated pedestrian footway & cycleway.

All off-Site highway works comprised within the Choats Road and Choats Manor Way Highway Works shall be practically completed no later than first occupation of the development.

The S278 Agreement (and all related approvals and consents) shall not be unreasonably withheld or delayed by the highway authorities (the highway authority being LBBD and TfL). The highway authority shall use all reasonable endeavours to ensure congestion mitigation measures provided for in the S278 Agreement are in place prior to the intended date of first occupation. An agreed programme specifying all necessary procedural and implementation stages and their anticipated dates shall be included in the S106/278 Agreement and the parties shall carry out such stages in accordance with the programme.

➤ Road Network Improvements

A financial contribution of £255,791 (BCIS Index Linked) towards localised highways improvements or works to the wider A13, to be agreed by the Council and TfL .

Trigger: Payment to be made prior to commencement of development permitted under subsequent reserved matters

Schedule 9- Public Realm Improvement Contribution

A financial contribution of £309,523 towards Public Realm enhancements in and around Dagenham Dock C2C station and Chequers Lane.

The extent of the area this contribution should go towards is to be agreed through discussion between relevant members of the Steering Group and other contributors that may be in place post signature of this agreement.

Trigger: payment to be prior the commencement of development permitted under subsequent reserved matters.

Schedule 10- Steering Group Obligation

A Steering Group set up by the Council on Commencement of Development permitted under subsequent reserved matters which shall deal with the extent of the areas to be benefitted by the Dagenham Dock Decentralised Energy Network Potential Study, the Strategic Infrastructure Masterplan Study and the Public Realm Improvements. The Steering Group to include:

(one) representative on behalf of the Council

(one) representative on behalf of TfL

(one) representative on behalf of the GLA

and other interested parties as agreed by the Council

(one) representative each on behalf of the Owner and the Developer if the Owner and/or the Developer shall request to become a member (but for the avoidance of doubt neither the Owner nor the Developer shall be required to be a member of the Steering Group)

The Owner and the Developer may also attend Steering Group meetings even if they are not formal members provided that notice of the intention to attend is given. The Steering Group shall be required to take into account the views of the Owner and/or the Developer expressed at such meetings.

On or before Practical Completion the Council shall submit a report to the steering group on how the Public Realm Improvements will be implemented.

Schedule 11- Application Implementation.

The Owner agrees and covenants with the Council that:

1. There shall be no Commencement of Development of this planning permission [reference 23/01946/OUTALL] if planning permission reference 21/00023/FULL is commenced and vice versa.

OFFICER REPORT

Planning Constraints:

- Joint Waste Plan- W2/ Schedule 2 Site Allocation
- Strategic Industrial Locations: Dagenham Dock
- Air Quality Management Area
- Dagenham Dock- Existing Waste Site
- Strategic Planning Sub Area Boundaries- Dagenham Dock and Beam Park
- Intelligent Strategic Industrial Land (SIL)
- Riverside Opportunity Area
- Archaeological Priority Area- Tier III- Barking Level and Dagenham Marsh

Site, Situation and relevant background information:

The application site is located on the junction of Choats Road and Choats Manor Way. The site is previously developed vacant land. It benefits from existing planning consent for “the demolition of an existing research building, gatehouse and associated hardstanding; construction of an industrial building (Use Class B2, B8, E(g)(iii), with ancillary offices, entrance building, security hub, gatehouse and access ramps; creation of new vehicular accesses from Hitch Street and Choats Road; pedestrian and cycle access from Choats Manor Way; cycle, motorcycle, car, van and HGV parking; hardstanding and circulation areas; sprinkler tanks; pump house; relocated pumping station; and all other ancillary and enabling works including landscaping, drainage, engineering, ground stability works and boundary treatment.

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 / CO₂ reduction / Water efficiency)
- Biodiversity & Sustainable drainage

Planning Assessment:

Principle of the development:

<i>Existing use(s) of the site</i>	Vacant Brownfield Site
<i>Proposed use(s) of the site</i>	Industrial Building (Class B2, B8 and E(g)(iii))

- 1.1 The National Planning Policy Framework has regard to the need to build strong, competitive economy through creating conditions which allow businesses to invest, expand and adapt. Likewise, decisions should promote an effective use of land in meeting the needs of residents and local businesses whilst ensuring safe and healthy conditions.
- 1.2 Policy GG2 of the London Plan supports the best use of land and properties the development of Opportunity Areas and Brownfield Sites.
- 1.3 Policy E5 seeks to ensure Strategic Industrial Locations are managed proactively to sustain them as London’s largest concentrations of industrial, logistics and related capacity for uses that support the functioning of London’s economy. Policies in particular support opportunities to intensify and make more efficient use of land within SILs and therefore support proposals where the uses proposed fall within the industrial type activities. Details of the activities supported in these areas are outlined in policy E4 of the London Plan.

- 1.4 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. In particular it sets out that flexible Class E(g)(iii), B2 and B8 uses would be supported within SILs.
- 1.5 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 SILs by considering opportunities to intensify and make more efficient use of SIL - in accordance with London Plan Policies E4, E5 and E7, as identified above.
- 1.6 Policy CM1 of the adopted Core Strategy seeks to ensure employment growth is focussed on the borough's industrial locations including Strategic Industrial Land with which the site is located.
- 1.7 Policy CE3 of the Core Strategy DPD outline that the Strategic Industrial Locations at River Road Employment Area, Rippleside and Dagenham Dock will be safeguarded, promoted, and managed. It is noted that the site is located within the Dagenham Dock SIL.
- 1.8 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 LBB's support for proposals which will deliver new employment floorspace.
- 1.9 Policy SP5 of the Draft Local Plan (regulation 19) seeks to ensure land located within designated Strategic Industrial Locations (SIL) is protected, strengthened and intensified. Policy DME1 further sets out that the release of SIL land will only be considered in accordance with policy E7 of the London Plan. With regard to SIL sites policies prioritise the intensification of these sites for warehousing and logistics uses.
- 1.10 Policy SPP3 of the Draft Local Plan regulation 19 designates the site for economic use and locates it within the Dagenham Dock Transformation Area.
- 1.11 As detailed above, policies support developments which contribute to protecting, strengthening and intensifying strategic industrial locations through the retention of the industrial and related functions within these areas. As a result, developments within SIL locations which seek to deliver new employment floor spaces will be supported.
- 1.12 The application site is approximately 3.9 hectares of undeveloped brownfield land. It is mostly vacant, previously developed scrubland except for a carpark and associated access roads and three associated buildings (a gatehouse, pumping station and non-occupied research building) toward the south-western corner of the site. The site is located on the junction of Choats Road, Choats Manor Way and Hitch Street. The site is located within a strategic industrial location (SIL). In line with the above, policies support the protection of this land for industrial and related functions.
- 1.13 This application seeks outline planning permission with all matters reserved for the construction of an industrial building (Use Class B2, B8, E(g)(iii)). As detailed above policies support the protection of SIL site and welcome the introduction of new industrial and related uses. The proposed development is considered to be appropriate in this location given it will contribute to enhancing the provision of industrial and employment floorspace on the site which is in line with policy.
- 1.14 It is noted that the site benefits from full planning consent for "*the demolition of an existing research building, gatehouse and associated hardstanding; construction of an industrial building (Use Class B2, B8, E(g)(iii)), with ancillary offices, entrance building, security hub, gatehouse and access ramps; creation of new vehicular accesses from Hitch Street and Choats Road; pedestrian and cycle access from Choats Manor Way; cycle, motorcycle, car, van and HGV parking; hardstanding and circulation areas; sprinkler tanks; pump house; relocated pumping station; and all other ancillary and enabling works including landscaping, drainage, engineering, ground stability works and boundary treatment*" (21/00023/FUL). It is understood that this outline planning permission has been submitted to provide the site with flexibility and enable occupiers the option to either build out the full planning permission or submit reserved matters. The maximum parameters to be secured by the outline permission will be in line with the parameters secured by the full planning permission. However, this would also provide the option for either a multi-storey or single storey building to be built out.

- 1.15 Officers sought further clarity from the applicant. The applicant stated *“Given the current economic climate, it has been agreed with the GLA that SEGRO will not be speculatively developing these plots in the short-term. The strategy is therefore pre-let dependant and to work in tandem with the City of London Corporation in particular over the short term to address a strategic need for expansion space for their supply chain, requiring SEGRO to be flexible in terms of what can be provided. The outline applications will offer this flexibility and enable the submission of a future reserved matters with an agreed occupier in place. Linked to the flexibility point above, SEGRO has only submitted maximum parameters with the outline planning applications. The consented schemes define the maximum parameters of what could be delivered in terms of floorspace and building height on both plots. We are not intending to submit minimum parameters, however the structural landscaping/green infrastructure shown in green on the parameter plans is a minimum, depending on the proposed building design/footprint/configuration”*.
- 1.16 Officers believe the maximum parameters to be secured by the outline planning permission will align with the maximum parameters of the existing FULL consent. Likewise, this application will increase flexibility on site. However, it is noted that the existing consent is for stacked industrial use. In granting outline planning permission (all matters reserved), occupiers will have the opportunity to submit reserved matters, hence, enabling the detailed design of the scheme to built out as a single storey or multi-storey building. As detailed above only maximum parameters will be secured. Given the existing consent is for stacked industrial, should only single storey industrial be built on site, officers raise concerns that this would result in an overall reduction in industrial and employment floorspace when compared to the existing consent and that this may not make the best use of the land.
- 1.17 The applicant states *“outline permission would provide maximum flexibility for the site to come forward and that the parameters sought comprise the same use class (Use Class B2, B8, E(g)(iii)) and the same maximum floorspace and building height as the extant full consent. This will offer flexible planning permissions that enable SEGRO to strategically adapt to the critical needs of businesses by allowing for a range of different building layouts and formats to be developed. SEGRO can then submit a reserved matters application with an agreed Occupier place. This will accord with the design limits set by the Parameters Plan.... Indeed, if this regeneration opportunity were not to come forward there is a danger that the Site would sit redundant, and this outline application seeks to maximise marketability of the site and therefore maximise the prospect of development delivery at this site”*.
- 1.18 Officers believe the applicant seeks to provide flexibility on site. Noting current market conditions, it is understood the extant permission is unlikely to come forward. The submission of the outline permission (all matters reserved) is proposed to maximise the marketability of the site and therefore the likelihood that development is delivered on site. Whilst officers acknowledge the need for flexibility, it would be regrettable should the maximum employment floorspace was not delivered on site.
- 1.19 Nevertheless, given the proposal will provide the site with flexibility and increase the likelihood of development delivery and the utilisation of a vacant brownfield site. As the proposed uses would enhance the quantum of industrial and employment floorspace on site when compared to the existing vacant on-site provision. Overall, officers consider the principle of development to be supported. A condition requiring the site to remain in use for B2, B8 and E(g)(iii) only will be attached. The applicant notes that given the size of the scheme it is likely this will be delivered in phases. This approach is supported. Whilst no phasing plan has been submitted at this stage officers believe this can be secured through appropriately worded condition.
- 1.20 Should this application be approved, an obligation will be attached restricting development to either the extant full planning permission or the proposed outline planning permission (all matters reserved). Similarly, conditions restricting the use of the site for open storage and conditions securing maximum floorspace, reserved matters to be submitted, timing of reserved matters, reserved matters commencement, approved parameter plans and phasing plan will be attached.
- 1.21 **Waste Allocation**
- 1.22 The application site also falls within the Joint Waste Development Plan Document (JWDPD) for the East London Waste Authorities of Barking and Dagenham, Havering, Redbridge and Newham. The purpose of the Joint Waste DPD which was adopted in 2012 is to set out a planning strategy to

2021 for sustainable waste management which enables the adequate provision of waste management facilities (including disposal) in appropriate locations for municipal and commercial and industrial waste. It is also noted, the emerging local plan includes a number of references to the JWDPD effectively safeguarding the policies regarding to waste sites.

- 1.23 Updated evidence base for the East London Joint Waste Plan was published in November 2022. This evidence base shows that London Borough of Barking and Dagenham has met its apportionment criteria and there is a capacity surplus on waste sites in the Borough. Therefore, it is clear from the evidence that there is no demand for any additional operational capacity required.
- 1.24 The site is located within the JWDPD area. The proposal does not seek to bring forward a waste facility. Noting the current site is vacant and does not accommodate any existing waste facilities and given there is no need for any additional operational waste capacity in the borough. On this basis officers consider the loss of a waste site/ waste capacity to be acceptable noting there is no requirement for this in the borough. This loss was accepted in application 21/01355/FULL, therefore, for consistency officers maintain that this position is acceptable. The GLA was consulted at stage 1 who maintain the position that this site is not being relied upon for the future waste capacity requirements of the JWDPD, as such, the principle of development is supported.
- 1.25 **Summary**
- 1.26 Overall, subject to the imposition of an obligation securing implementation of either extant full permission or outline planning permission (all matters reserved) officers consider the principle of development to be supported. The proposal is acceptable and in keeping with the development policies.

Affordable Workspace

- 2.1 Policy E3 of the London Plan supports the provision of affordable workspace and outlines that in defined circumstances planning obligations may be used to secure affordable workspace at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose.
- 2.2 Policy DME2 of the Draft Local Plan further supports these stating developments of 1,000sqm employment space or greater will be required to incorporate and appropriate provision of affordable workspace on site, offered at below market rate, for shared workspace or small business units through s106 agreements subject to viability. It is noted this policy applies specifically to planning use class E: Commercial, Business and Service. This is also reiterated in the Draft Obligations SPD.
- 2.3 It is noted this application seeks permission for the construction of an industrial building for use in Class B2, B8 and E(g)(iii). The proposed Class E would trigger the need to provide affordable workspace. The GLA at stage 1 raised the point on the provision of affordable workspace and recommended that provision was secured throughout the course of this application. Noting the size and scale of the development it is accepted that the proposal does not lend itself to onsite affordable workspace provision. In lieu of this a financial contribution could be secured through s106 obligation for provision offsite. Officers have discussed this with the applicant; however, they claim that across SEGRO's portfolio affordable workspace has been provided elsewhere. Likewise, they note no provision was secured under the existing full planning permission. Officers note that developments are looked at independently not across a portfolio. Whilst it is accepted affordable workspace has been provided elsewhere it would be expected that this development also contributes to this.
- 2.4 Notwithstanding, it is noted that application 21/00023/FULL did not require provision to be made on site or a contribution to be made in lieu. Given the specific context at this site where the subject Outline application is submitted further to a recently consented Full Planning Permission for the same maximum extent of the development, officers consider it acceptable that affordable workspace will not be secured under this application. Whilst the non-provision of affordable workspace is regrettable, officers maintain the position that the proposal will continue to deliver employment and industrial floor space. The proposal is acceptable and in keeping with the development policies.

Employment

- 3.1 Employment and Skills

- 3.2 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.
- 3.3 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.
- 3.4 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.
- 3.5 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.
- 3.6 Policy SP5 of the Draft Local Plan (reg 19) seeks to ensure the Council delivers at least 20,000 new jobs and wider employment base.
- 3.7 This application is for outline planning permission (all matters reserved) for the construction of an industrial building for flexible use in class B2, B8 and E(g)(iii). Given the nature of the scheme officers acknowledge that employment opportunities will be provided on site. Whilst the exact numbers are unclear at present given the speculative nature of the proposal. It would be expected that the development contributes to providing local employment and skills opportunities. In order to secure the full employment generated on site, and to ensure it is of benefit to local residents a number of planning obligations are considered necessary. The LBBB Employment and Skills Team were consulted who recommended that an employment and skills obligation is secured by obligation. Details of the employment and skills plan should be provided 6 months prior to commencement of the development.
- 3.8 Officers note that policies and the draft obligations SPD (September 2022) requires all new major developments to ensure a minimum of 25% of the total workforce during the construction and occupation phase to be resident of LBBB.
- 3.9 The employment obligations to be secured are broken down further below into the following areas.
- 3.10 Construction related obligations.
- 3.11 Obligations securing reasonable endeavours to ensure jobs created construction phases are provided to LBBB residents are proposed to be secured within the s106 agreement. The reasonable endeavour requirements are detailed further within the s106 Heads of Terms.
- 3.12 In relation to the supply side during construction, officers have secured obligations requiring tender schedules to be submitted to the Council and aiming for at least 25% of the value of all goods and services to be sourced by the borough.
- 3.13 End User obligations
- 3.14 Obligations securing reasonable endeavours to ensure that during the End User Phase a minimum of 25% of full-time jobs are provided to LBBB residents within the s106 agreement.
- 3.15 To meet the policy requirements listed above planning obligations are required to ensure the employment, skill and training benefits which are considered necessary are secured. The imposition of the above obligations is to ensure the employment benefits of the Proposed Development are realised and have wider regenerative benefits, resulting in the Proposed Development becoming a significant employment generator within Barking and Dagenham. As advised by the LBBB Employment and Skills team, the employment and skills plan should be submitted 6 months prior to commencement of the development.
- 3.16 Further, noting the size of the scheme it is likely the proposal will generate significant employment opportunities. It is noted a training and employment contribution of £157,500 was previously secured under the extant permission 21/00023/FULL to go towards the cost of trainings and employment support for residents in respect of the construction and end user phase of the development. This is required to be paid on commencement of the development. In the interest of consistency this will be imposed on this application, however, the figure will be increased to take account of indexation. A s106 obligation will be attached securing a contribution of 162,500.00 to go towards the cost of training and employment support for local residents.
- 3.17 In providing flexibility to the development of the site, officers would expect that the site contributes to provide contribution to training and employment opportunities in the same manner as the extant permission. Therefore, it is proposed to impose two s106 Heads of Terms to secure employment

and skills throughout construction and operation; and a contribution to go towards the cost of training residents.

3.18 Summary

3.19 Subject to the imposition of employment and skills obligations and securing a financial contribution officers consider the proposal to be acceptable and in keeping with the development policies.

Design and quality of materials:

- 4.1 The NPPF sets out the Government's requirement for good design in new developments. It states that good design creates better places in which to live and work and that design should ensure that development functions well and adds to the overall quality of the area and create spaces that are safe, inclusive and accessible.
- 4.2 The NPPF, Policies D1, D4 and D6 of the London Plan expect all development to be of high-quality design. This is echoed at local level through Policy BP11 of the Draft Local Plan.
- 4.3 Policy D3 of the newly adopted London Plan requires all development to make the best use of land through a design led approach which responds to the site's context and capacity for growth.
- 4.4 Policy D9 of the newly adopted London Plan explains that boroughs should determine the locations where tall buildings may be an appropriate form of development.
- 4.5 London Plan Policy D4 sets out how good design can be delivered, including maintaining good design quality. Specifically, it states that the design quality of development should be retained through to completion by ensuring maximum detail appropriate for the design stage, providing clarity within conditions and obligations on design quality, avoiding deferring the assessment of design quality to a condition or reserved matter and retaining the involvement of the original design team.
- 4.6 Policy CP3 of the Core Strategy sets out that all development proposals will be expected to achieve high quality standards of design, including high standards of inclusivity, safety, and sustainability. Whilst Policy BP11 of the Development Policies sets out that the design and layout of new buildings should comply with a set of principles which include the following of relevance to this proposal: provide attractive, high quality architecture and landscaping, provide inclusive features, provide durable, flexible and adaptable buildings, encourage design that improves health, provide safe environments, incorporate sustainable design and construction features, provide suitable waste facilities and storage on site, configure site and building design and layout to minimise and mitigate any impact on flood risk and water quality, use of renewable energy features wherever possible. It also sets out that the design of the public realm should apply the following principles: provide public routes that are attractive and work for all, promote accessibility and local permeability and prioritise pedestrian-orientated modes integrating land use and transport. These principles are further supported by policies SP2 and DMD1 of the draft local plan reg 19 version.
- 4.7 The proposal seeks outline planning permission (all matters reserved). The matters reserved include appearance, means of access, landscaping, layout and scale. Parameter plans have been submitted to accompany this application. It is noted that the maximum parameter plans will align with the design of the scheme consented under application 21/00023/FULL.
- 4.8 Amount
- 4.9 The application site sits at the junction of Choats Road, Choats Manor Way and Hitch Street. A parameter plan has been submitted which set out the maximum parameters of the development. It is noted only maximum parameters have been proposed. The maximum area of the building permissions is 30,084sqm GEA and the maximum building height 31 metres AFL. It is understood that these parameters align with dimensions of the building permitted under application 21/00023/FULL. Noting the amount will align with the previously consented application, officers consider the proposal to be acceptable and in keeping with the character and appearance of the area.
- 4.10 Layout and Access
- 4.11 The parameter plans show access into the site off Hitch Street and Choats Manor Way. Notwithstanding, the plans specify that access for vehicles is only off Hitch Street with pedestrians and cyclists having the option to access off Hitch Street and Choats Manor Way. Noting the proximity to the roundabout. Officers consider these access points to enable permeability into the site without impacting the safety of the highway. It is noted this access aligns with consented scheme.
- 4.12 The proposed layout provides the occupier with flexibility to bring forward a detailed design which optimises the use of the site. Indicative layouts have been provided showing the development as a single storey and multi storey building. The proposed access points, location of structural landscaping, development plot area and height restriction lend itself to the design of both scenarios

which is welcomed. Officers consider the access and outline layout of the development to be acceptable.

4.13 Scale and Design

4.14 The application site is located within a designated SIL site. Noting the size and positioning of the plot, officers consider the maximum proposed scale, mass and bulk to compliment the surrounding uses. Likewise, officers consider the scale of this development to optimise the use of the site. Whilst it is acknowledged that only maximum parameters have been proposed. It would be regrettable if the maximum parameters are not built out. Notwithstanding, given this application seeks to provide flexibility and therefore the delivery of a scheme. On balance officers consider the scale to be acceptable.

4.15 In terms of design, whilst the detailed design of the scheme is not yet available. It is understood from the indicative drawings that the building will be designed practically for its intended use. It would be expected that all external facing materials are high quality, durable and long lasting to compliment the intended use of the building. Details of materials should be submitted with any reserved matters.

4.16 On this basis, officers consider the scale of the development to be acceptable.

4.17 Landscaping

4.18 Structural landscaping is proposed along the boundary with Choats Manor Way and Choats Road. Officers welcome the introduction of landscaping at this location and consider it to provide a buffer between the road and building which improves the overall visual appearance of the building.

4.19 GLA were consulted who noted that at reserved matters appropriate details of landscaping and boundary treatment should be submitted to ensure that the scheme would soften the appearance of the site. It is expected that this is provided with subsequent reserved matters. Further a condition will be attached securing landscaping and boundary treatment details.

4.20 Archaeology

4.21 The NPPF and policy HC1 of the London Plan seeks to ensure developments which affect heritage settings have a clear understanding of the historic environment and heritage values of the site and their relationships with their surroundings and contribute to conserving their significance. This policy speaks to the need to protect significant archaeological assets and landscapes. Care should be taken to identify these assets to minimise harm. This is further supported by policy CP2 of the Core Strategy DPD, BP3 of the Borough Wide DPD and policy DMD4 of the Draft Local Plan reg 19 (December 2021).

4.22 The site is located within an archaeological priority area. An archaeological desk-based assessment has been submitted to accompany this application. Historic England were consulted who agreed that it is unlikely that the development will have an impact on the archaeological or geoarchaeological resource, additional to those assessed in relation to planning consent 21/00023/FULL.

4.23 It is noted that a Written Scheme of Investigation was submitted with application 21/00023/FULL, and a further archaeological desk-based assessment submitted with this application. Owing to the fact it is unlikely that the development a greater impact additional to those previously assessed. Historic England GLAAS have recommended that a condition is secured to ensure that the archaeological commitments of the application are fully met. The condition will require a post-investigation assessment with an updated project design to be submitted in line with the previously approved WSI.

4.24 Subject to the inclusion of this condition, officers consider the proposal to be acceptable.

4.25 Design out Crime.

4.26 The design out crime officer (Met Police) was consulted who confirmed they raised no objections subject to the specific concerns raised in their response letter and a Secure by Design planning condition being attached. Noting the detailed design of the proposal is not yet available a condition will be attached requiring the scheme to be designed to take into account appropriate secure by design standards. Subject to the imposition of conditions officers consider the proposal to be acceptable and in keeping with the development policies.

4.27 Fire Safety

4.28 A fire strategy statement has been submitted to accompany this application. This provides an outline fire safety strategy demonstrating what measures could be taken to ensure the final building is safe. Noting the final design and layout of the scheme has not yet been confirmed, at present officers are unable to make an accurate assessment of measures proposed to ensure fire safety of the building. The GLA were consulted at stage 1 who advised that an up-to-date fire statement should be submitted. On this basis, should the application be approved it is recommended that a condition is attached requiring a fire safety statement to be submitted with the reserved matters application. This should include details of building materials, means of access including for those less able,

management and maintenance plan etc. Subject to the imposition of condition, officers consider the proposal to be acceptable and in keeping with the development policies. The London Fire Brigade was consulted who have no further observations to make on this.

4.29 Public Realm

4.30 Application 21/00023/FULL secured £300,000 towards public realm improvements. The officers in the 2021 application made the following comments “The site has two main access points, the Goresbrook Interchange being the vehicular access point from the A13, and Dagenham Dock C2C station being the nearest rail connection. The existing condition and feel at Dagenham Dock C2C station leading to the application site consists of a poor-quality industrial environment. The application site is likely to generate an increased usage of the station and as discussed further within the transport section there are significant transport related impacts arising from the proposal. Furthermore, there is a strong drive to encourage more sustainable modes of transport, therefore the surrounding public realm needs to be of a high-quality to be able to encourage this. Therefore, it is considered necessary to improve the public realm around Dagenham Dock to deal with the increased footfall, but also to improve it to an acceptable level to encourage use of the C2C station. Taking the above into consideration, a financial contribution towards public realm enhancements have been secured as part of this application. Whilst the final delivery of enhancements will be dependent on the masterplan, officers are satisfied the contribution is proportionate and will go some way to delivering the enhancements necessary to serve the development. These financial contributions have been secured under s106 agreement and will ensure the proposed development and its immediate public realm are enhanced to deal with the increased patronage and promote sustainable modes of transport arising from the development.”

4.31 Officers maintain the position that to increase the use of public transport the development should contribute to public realm enhancements around Dagenham Dock. Whilst it is acknowledged that this application could deliver a smaller scheme than the consented permission. Officers consider it necessary to mitigate the maximum impacts of the development. On this basis, it is recommended that the full contributions adjusted to take account of indexation is secured again. Should this application be approved it is recommended that a contribution of £309,523 (BCIS Index linked) is secured by s106 Legal Agreement.

4.32 Summary

4.33 Subject to the inclusion of conditions and S106 obligation securing public realm enhancements officers consider the design of the proposal to be acceptable and in keeping with the development policies.

Impacts to neighbouring amenity:

5.1 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.

5.2 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.

5.3 Daylight and Sunlight

5.4 The detailed design application site is located within a SIL location. At present the impact of the proposal on daylight and sunlight cannot be fully assessed. Notwithstanding, officers note the maximum parameters of the development will not exceed that of the previous full application. Officers in application 21/00023/FULL found the daylight and sunlight impact to be acceptable. On this basis noting the maximum parameters will align with this permission. Officers maintain the position that the impact will be acceptable.

5.5 Noise

5.6 Policy D14 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 impacts on health and quality of life; reflect the Agent of Change principle set out in policy D13 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.

- 5.7 Policy D13 of the London Plan outlines the agent of change principles. These principles place the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. Development should be designed to ensure that established noise and other nuisance-generating uses remain Viable and can continue to grow without unreasonable restrictions being placed on them.
- 5.8 Policy BR13 of the Borough Wide 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 fully separate noise sensitive and noise generating land uses, planning permission will only be granted if there will be no exposure to noise above an acceptable level.
- 5.9 Policy DMS13 of the draft local plan states that all major development must submit a noise and vibration assessment to reduce any adverse impact to an acceptable level using the most appropriate layouts, orientation, design and use of the building.
- 5.10 A noise impact assessment for Plot 2, SEGRO Park was submitted with this application. This assessment concludes “the noise levels associated with increase in traffic flow on local roads due to the proposed development is likely to be negligible based on the findings of the submitted assessment....to minimise the risk of adverse impacts from operational noise, the implementation of a suitably worded planning condition requiring a noise assessment to support the reserved matters application would be recommended”. Officers acknowledge that the detailed noise impacts are not yet available, and this will need to be submitted in due course with the reserved matters application.
- 5.11 The environmental protection officer was consulted who stated “I have reviewed the Noise Impact Assessment Project Ref: 332611019 Stantec. This is a preliminary assessment, and the findings are based on a limited attended survey and a 24-hour unattended survey. The night time background noise levels taken in the attended survey appear high in comparison with the daytime background levels and might indicate that they have been taken at times that aren't truly representative of the night time period (i.e. four approximate 15 minute monitoring periods taken between 4:09 and 6:41) as they are possibly indicative of increased road traffic and industrial/commercial activity as the working day starts. As the proposal involves 24-hour operation additional representative monitoring especially during the nighttime period needs to be undertaken. The following conditions are recommended: Noise Generating Mechanical Services Plant and Impact Assessment Report”.
- 5.12 It is noted that the site is located within a designated SIL location as such the noise generated from industrial uses is not considered to be out of keeping with the surrounding context. Notwithstanding it is noted that the site is located in close proximity to Barking Riverside residential development. As such, to ensure the development does not result in unacceptable noise impacts it is recommended that a condition securing an update noise impact assessment report. Whilst it is noted the environmental protection officer has recommended that a noise generating mechanical services plant is secured by planning condition, it is noted that in application 21/00023/FULL a condition securing noise from non-residential uses and plant and structure borne noise emissions. Both conditions seek to ensure the noise impacts of the development are acceptable. For the interest of consistency the latter will be imposed again. Further a construction noise condition will be secured by condition. Subject to the imposition of conditions officers consider the noise impacts associated with the application to be acceptable.
- 5.13 Contaminated Land
- 5.14 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 DMS15 of the draft local plan reg 19.
- 5.15 A preliminary risk assessment & Geo-environmental assessment [Revision 01] prepared by DeltaSimons dated 07.12.2023 was submitted. This contains a preliminary investigation of the potential ground/groundwater contamination and ground gas issues on site. The environmental protection officer was consulted. They have reviewed the submitted documents and note given the findings of the assessment are preliminary and without prior knowledge of the layout officers are not able to make a formal assessment of the likely impacts on site. Officers agree with this position. On

this basis it is recommended that a condition is attached this application securing land contamination. Subject to the imposition of condition officers consider the proposal to be acceptable.

5.16 External Lighting.

5.17 An external lighting assessment has been submitted. This document sets out how external lighting should be designed to ensure no loss of amenity and to reduce possible light spill. Officers note that without full details of the layout and design of the scheme it is not possible to make an accurate assessment of the external lighting impacts of the scheme. It is recommended that with the submission of a reserved matters application this is accompanied by details of external lighting. Notwithstanding, regardless of detailed layout of the scheme it would be expected that the site achieved appropriate levels of illumination without having unacceptable impacts on the surrounding area. The environmental protection officer was consulted who agreed with officers' comments. Therefore, it is recommended that a floodlight, secured lights and decorative external lighting condition is attached securing the maximum lux levels. Subject to the imposition of conditions officers consider the proposal to be acceptable and in keeping with the development policies.

5.18 Agent of Change

5.19 The NPPF seeks to ensure new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them because of development permitted after they were established.

5.20 This is carried through Policies E7 and D13 of the London Plan and Policy DMD 1 of the new Local Plan (reg 19 version). London Plan Policy D13 requires applicants to take account of the Agent of Change principles and consider and mitigate for existing noise and other nuisance generating uses in a sensitive manner in new development. London Plan Policy D14 provides further detail on managing noise, such as separating noise sensitive uses from major noise sources and incorporating good acoustic design principles.

5.21 Given the location of the site within a predominantly industrial area and surrounded by major roads and railway lines, the noise and nuisance implications in the immediate vicinity of the site are not considered to raise any agent of change issues and several conditions are imposed to ensure this.

5.22 Overall, officers are therefore satisfied the Proposed Development at this location is an appropriate land use within the SIL and subject to conditions and details required at reserved matters will not have an unduly detrimental impact on surrounding uses.

5.23 Summary

5.24 Subject to the imposition of conditions officers consider the proposal to have an acceptable impact on neighbouring amenity in keeping with the development policies.

Sustainable Transport:

6.1 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.

6.2 This is echoed by the London Plan (2021) through policies T6 and T6.2. It is noted that all car parking provision at use class B2 and B8 should have regard to office parking standards and take account of the significantly lower employment density in such development. 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.

6.3 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 poor access to public transport. The site is 9-minute bus journey/19-minute walk from Dagenham Dock Station. The site is served by the EL2 bus which runs regularly between Becontree Heath Leisure Centre and Dagenham Dock via Choats Road.

6.4 GLA were consulted who highlight that given the maximum parameters of the outline match those of the existing it would be expected that the same levels of contributions are secured. Officers are in agreement with this. The full package of mitigation measures previously approved have been secured again via s106 obligation.

6.5 Car Parking

6.6 An outline transport assessment has been submitted. TfL/GLA have been consulted who confirmed that the transport assessment submitted isn't sufficient to assess the transport impacts which will be provided by the scheme. It is requested that a full transport assessment along with all supplementary analysis and management plans are submitted as part of a reserved matters application. This will be conditioned. Outline planning permission seeks to secure maximum parameters of 30,084sqm. Officers note this aligns with the scale of development which was approved under application 21/00023/FULL. In terms of car parking, it is understood that this outline application will provide an opportunity for a smaller scheme to be brought forward on site.

6.7 The consented scheme granted approval for 172 off-street car parking spaces to serve visitor and future employers. In line with policy developments for B2 and B8 uses in Outer London Opportunity Areas should provide up to 1 space per 600sqm. Noting the maximum parameters of the site, in line with policy only a maximum of 50 parking spaces should be provided on site. Officers note this quantum of car parking is significantly in excess of the London Plan standards. TfL raised concerns regarding the overprovision of car parking in application reference 21/00023/FULL, however, officers in this application found the quantum of parking based on the proposed use and when combined with the package of contribution/mitigation measures to be acceptable. A s106 obligation was attached to application 21/00023/FULL securing a Car Parking Management Plan which required the owner to use reasonable endeavours to ensure car parking is reduced by 10% by the 10th anniversary of the first occupation of the development.

6.8 An illustrative scheme has been submitted showing a single storey building of 18,062sqm. In line with policy, 31 parking spaces should be provided. However, the scheme demonstrates that there will be a car parking demand of 104 space which is a 68-space reduction from the consented development. Whilst it is accepted that a smaller scheme will generate less parking, it is noted that this should be calculated in proportion to the scale of development and should not be delivered in excess of requirement. Officers acknowledged that the car parking provision is more than London Plan Standards. Some justification has been provided to show that this quantum of car parking is required to operate a development of this size. However, officers still maintain the position that the car parking provision still remain excessive and should be reduced where practically possible. In the submission of a reserved matters application, car parking should be clearly assessed and justified.

6.9 Noting the provision of car parking is likely to remain in excess of the London plan. TfL remain concerned that the quantum of car parking is excessive. Officers maintain the position that the s106 obligation attached to application 21/00023/FULL remains relevant to this permission. Therefore, should this application be approved it is recommended that a s106 obligation is attached securing a car parking management plan to ensure reasonable endeavours to achieve a 10% reduction in approved car parking space by the 10th anniversary, subject to a car parking survey demonstrating spaces are not essential for operational purposes. Overall, officers consider the provision of parking on site is considered to be acceptable and in keeping with the development policies.

6.10 The GLA were consulted who highlighted points regarding car parking. They advised further discussions are had regarding the maximum quantum of car parking. In addition, they note that mechanisms should be put in place to ensure that there is no future overprovision. Officers acknowledge these points. Noting the maximum quantum of car parking will not exceed what was previously approved under application 21/00023/FULL the overall impacts are not considered to be greater than the existing consent. Notwithstanding, the need for proportional provision of car parking that is clearly justified and not excessive is recognised. Officers consider the proposed condition requiring a transport assessment to be submitted along with a s106 obligation and condition securing the submission of a Car Park Management Plan to be appropriate to prevent future overprovision. On this basis officers consider the proposed quantum of car parking to be acceptable. It is noted a condition limiting the maximum quantum of car parking will be secured by condition.

6.11 Further, in line with policy it would be expected that 5% of car parking spaces are provided as blue badge spaces with a further 5% provided as enlarged spaces. It is noted that application 21/00023/FULL required a minimum of 5% of all car parking spaces to be Rapid Charging Spaces, a minimum of 25% of all spaces to be active EVCP spaces and the remainder 70% should have passive provision. In the interest of consistency, it would be expected that this is secured again. A condition will be attached requiring this to be provided on site. LBBB Parking Project Officer was consulted who raised no concerns with the proposed parking arrangements.

6.12 Subject to the imposition of conditions and obligations officer consider the parking provision made for this development to be acceptable and in keeping with the development policies.

6.13 Trips Generated

6.14 The approved scheme included a total floor space of 30,084sqm. The transport assessment submitted to accompany application 21/00023/FULL included detailed trip generated for all proposed uses including B8 Last Mile Distribution. Noting the outline scheme also proposes a maximum of 30,084sqm. Officers maintain the position that the most intensive use of the site has been adequately tested.

6.15 As detailed above an illustrative scheme has been presented for an 18,062sqm scheme. This demonstrates a reduction in person and vehicle trips when compared with the existing consent. On this basis, noting the maximum parameters to be secured by this outline permission will not be greater than the scheme already consented under application 21/00023/FULL. Officers are confident the proposal will not have a greater impact on the transport network than the consented scheme. Further a construction logistics plan has been secured by condition.

6.16 Road Network Improvements.

6.17 The consented application 21/00023/FULL secured £238,577 to go towards Road Network Improvements for localised highway improvements or works to the wider A13, to be agreed by the Council and TfL. In granting permission at this site, it would be expected that the development contributes to improving the road network in the immediate area. This application will provide flexibility on site which could result in a smaller scheme to being brought forward. Notwithstanding, noting the maximum parameters to be secured will align with the dimensions of application 21/00023/FULL. Officers consider it to be necessary for the package of mitigation measures secured by this application to mitigate the maximum potential impact the scheme could have. Notwithstanding, it is accepted that contributions should be applied proportionally, as such, a mechanism to enable this to be secured pro-rata will be secured by S106 obligation. TfL/GLA were consulted who agreed with this point. Taking into account indexation officers consider it reasonable for a contribution of £255,791.00 being the contribution to be paid should the maximum parameters are built out to be secured by s106.

6.18 On this basis whilst the design and layout of the scheme is not yet available. Subject to the imposition of s106 obligation officers are satisfied that the trips generated by the scheme and the transport/highway impacts are acceptable and in keeping with the development policies.

6.19 Cycle Parking

6.20 London Plan Policy T2 seeks to promote Healthy Streets and in particular within Opportunity Areas and other growth areas, new and improved walking, cycling and public transport networks should be planned at an early stage, with delivery phased appropriately to support mode shift towards active travel and public transport. Furthermore, Policy T3 of the London Plan seeks to ensure development proposals support capacity, connectivity and other improvements to the bus network and ensure it can operate efficiently to, from and within developments, giving priority to buses and supporting infrastructure as needed.

6.21 In relation to cycling Policy T5 seeks to ensure development proposals help remove barriers to cycling and create a healthy environment in which people choose to cycle. Policy BR11 of the local plan seeks to improve conditions for cyclists and for pedestrians. This is carried through within DMT3 of the Draft Local Plan (Regulation 19). Policy DMT1 requires cycle routes to be segregated from road transport.

6.22 Policy BR10 of the local plan seeks to ensure sustainable Transport. This is carried through within Strategic Policy SP8, and Policy DMT1 of the draft Local Plan seek the development of local public transport networks and sustainable modes of travel such as wider footpaths, good cycling infrastructure and well-designed public realm walking and cycling routes.

6.23 In line with London Plan policy T5 Use class E(g)(iii) should provide 1 long term space per 250sqm and 1 short term space per 1000sqm. For Use Class B2 and B8 provision should be made for 1 long term space per 500sqm and 1 short term space per 1000sqm. It would be expected that cycle parking is provided in line with policy requirements. Details of which will be conditioned.

6.24 s.278 Agreement

6.25 A s.278 agreement will be secured by legal agreement. The highway works to be completed by the application will be agreed in due course. It is noted that application 21/00023/FULL was approved subject to highways improvements along Choats Road and Choats Manor Way. In granting planning permission, it would be expected that the development contributes to improvements to the highway immediately around the site. Application for reserved matters should be accompanied by an 'in-principal' plan which set out the highways works proposed for the site. A condition will be attached requiring this to be submitted. Further, as s106 obligation will be attached requiring the applicant to enter into a s.278 Highways Agreement. Subject to the imposition of conditions and obligations officers consider the proposal to be acceptable and in keeping with the development policies.

6.26 Bus Contribution

6.27 The application site has a PTAL of 1b which represents very poor access to public transport. The site is in close proximity to the EL2 bus stop located on Choats Road between 180m and 290m from the application site. The EL2 runs from Becontree Heath Leisure Centre to Dagenham Dock Terminus between 5:10 am and 23:55pm. The site is also 16-minute walk/11-minute bus journey from Dagenham Dock Station or 36-minute walk/ 22-minute bus journey from Barking Riverside Overground Station. The site is accessible via public transport. The development is likely to be in operation 24 hours a day.

6.28 A package of s106 obligation were previously agreed under application 21/00023/FULL. This included a bus contribution of £600,000 to go towards the enhancement of local bus services at the morning peak capacity and night times. TfL in application 21/00023/FULL advised of the need to increase capacity in the night-time and morning peak capacity to meet demand arising from the development. The contribution was considered proportionate to the development. By providing a good service frequency this would support and encourage modal shift from private vehicles and also support local employment.

6.29 It is acknowledged that with this application there is potential for a smaller development to be brought forward. Officers would continue to seek to secure improvements to the bus services provided to continue to encourage a modal shift away from private cars and support local employment. TfL have been consulted again and recommended the contributions are secured again by s106 obligation. The contribution secured under 21/00023/FULL was considered proportionate to the scale of the development. Officers acknowledged that the development delivered under this permission could be smaller than the consented scheme. However, in granting permission officers need to be sure that the maximum impacts of the scheme have been appropriately mitigated. Nevertheless, careful consideration needs to be given to ensure that the bus contributions can cover the full costs of additional services at the morning and evening peak. It would not be beneficial to the local bus services if a contribution proportional to the scale of the development only covered the cost of half a service as TfL would not be able to run this.

6.30 On this basis, officers consider it necessary for a contribution proportional to the contribution approved under application 21/00023/FULL to be secured by s106 obligation in this application. This will ensure that the impacts of the development are appropriately mitigated. Further, TfL note since the granting of application 21/00023/FULL local buses have moved to a fully electric fleet. The cost of running these services have increased significantly, as such, the contribution should recalculate accordingly. Noting the move to a fully electric fleet and to enable the continued delivery of morning and evening peak service enhancements it is recommended that £617,414.00 is secured by s106 Obligations. This will be payable on commencement of the development. Subject to the inclusion of an obligation officers consider the proposal to be acceptable.

6.31 LSIP Cycle Route

6.32 The 21/00023/FULL application secured requirement to deliver of a combined footway and cycleway linking the application site to Dagenham Dock. However, this would be subject to the Council notifying the owner it has sufficient ownership of the land required to carry out the LSIP Cycle Route Works. If by the 10th anniversary of the Occupation of the Development the council have not notified the owner that the LSIP Cycle Route Works can be carried out in full, to pay a financial contribution of £337,303.00 (Index Linked) to the Council. It is noted that the scheme brought forward could be smaller in scale. However, as policies seek to ensure development proposals help remove barriers to cycling and create a healthy environment in which people choose to cycle. It would be expected that this cycle route continues to be delivered in full. Therefore, in providing flexibility on site it would be expected that the development continues to provide this. For the interest of consistency this obligation will be reimposed on the site. However, the contribution will be increased to take account of indexation. A s106 obligation will be attached to secure a financial contribution of £348,011.00.

6.33 Travel Plan

6.34 It would be expected that a framework travel plan is submitted with the reserved matters application. Notwithstanding, once completed it would be expected that details of a site wide travel plan are provided. A s106 obligation will be attached to this proposal requiring a site wide travel plan to be submitted which sets out how the development will encourage the use of more sustainable modes of transport. A further travel plan will need to be submitted on the 1st, 3rd and 5th year of occupation of the development. This will be secured by s106 obligation, and a monitoring fee attached to enable this work to take place. Subject to the inclusion of s106 obligation officers consider the proposal to be acceptable and in keeping with the development policies.

6.35 A monitoring fee of £5,000 will be attached to the application to cover the cost of the reviews of this plan.

6.36 Delivery and Servicing

6.37 Details of delivery and servicing should be submitted as part of the reserved matters application. Full details of delivery and servicing should be submitted prior to first use of the site. It is recommended that a condition is attached to this application securing this.

6.38 Strategic Infrastructure Masterplan Study Contribution.

6.39 In application 21/00023/FULL officers stated "In relation to River and Rail, to ensure discussions continue on sustainable modes of transport which are yet to be developed A financial contribution has been secured towards a strategic infrastructure masterplan study focused on modal shift, including the river / rail freight proposition, innovation, promotion and support of low carbon and autonomous vehicles. Should these measures be implemented in the future they could lead to a further reduction of trips within the vicinity". To continue supporting the delivery of more sustainable modes of transport, in providing flexibility to the site, it would be expected that a contribution to this study is retained. Consented application 21/00023/FULL secured £25,000 towards this study. Officers accept that the scheme delivered could be smaller in size as such a pro-rata approach should be taken. TfL were consulted who agreed with this position. Appropriate wording will be secured by s106 obligation to enable this pro-rata approach. Should this application be approved it is recommended that contribution towards strategic infrastructure masterplan is secured again by s106 obligation. The proposed contribution will be up to a maximum of £255,791.00 to take account of indexation between the consented scheme and this application. The maximum to be payable should the maximum parameters be built out. The area to be benefitted by this decision should be decided by the Steering Group in consultation with TfL and other stakeholders. Requirement for a steering group to be set up. This will also be secured by S106 obligation.

6.40 Summary

6.41 Overall, subject to the imposition of S106 obligation securing Strategic Infrastructure Masterplan Study Contribution, Travel Plan, LSIP Cycle Route Works, Bus Contribution, s.278, Car Park Management Plan and Road Network Improvement Contributions and conditions officers consider the proposed transport impact of the development to be acceptable and in keeping with the development policies.

Waste management:

- 7.1 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. Likewise, developments should be designed with adequate, flexible, and easily accessible storage space and collection systems that support, as a minimum the separate collection of dry recyclables and food.
- 7.2 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.
- 7.3 Details of waste and recycling shall be submitted at reserved matters stage. A condition will be attached requiring this to be submitted. Subject to the imposition of conditions officers consider the proposed waste management of the scheme to be acceptable and in keeping with the development policies.
- 7.4 Subject to the imposition of conditions officers consider the proposal to be acceptable and in keeping with the development policies.

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

- 8.1 The NPPF emphasises 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 and Sustainability Strategy prepared by MBA consulting engineers [Revision P1] dated 18.12.2023. This sets out how the scheme meets the energy hierarchy set out in policy SI2 of the London Plan. It is understood the development will comply will be zero carbon through application of the energy hierarchy and carbon offset. The GLA reporting tool outputs showing the site wide energy performance provides an example of the carbon dioxide emissions after each phase of the energy hierarchy. This example shows a total cumulative on site saving of 383% which far exceeds policy requirements for 35%. Notwithstanding, as the finalised design of the

development is not yet available. Officers accept that at this time full details of the carbon savings achieved by the development are not available. On this basis it is recommended that a condition is attached securing a minimum of 35% on site carbon reduction. Likewise, an obligation will be attached requiring any emissions over the benchmark to be offset by financial contribution of £95/tonne CO₂. A financial contribution will be required should the development not achieve 100% on site carbon reductions.

8.5 The GLA was consulted at stage 1 who confirmed that the development exceeds the net zero carbon targets, however, they advise that the key energy commitments are secured by condition and s106.

8.6 BREEAM

8.7 The NPPF emphasises 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.

8.8 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. 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.

8.9 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.

8.10 Further, a BREEAM Pre-Assessment document prepared by MBA Consulting Engineers [Revision P1] dated 18.12.2023 has been submitted. This concludes that the BREEAM outline strategy demonstrates that the feasible proposed development is in excess of 70% which is equivalent to a BREEAM 'Excellent' rating. Officers welcome this and consider it to align with policy requirements. Therefore, should this application be approved it is recommended that a condition is attached requiring any future development to achieve BREEAM 'Excellent' as a minimum.

8.11 Dagenham Dock De-Centralised Energy Network

8.12 In order to meet the policy requirements of Policy SI 3 of the London Plan which seeks to establish the future energy and infrastructure requirements arising from large-scale development proposals such as Opportunity Areas, Town Centres, other growth areas or clusters of significant new development. A financial contribution towards a wider study for Dagenham Dock de-centralised energy network potential has been secured. It is noted that application reference 21/00023/FULL secured a contribution of £25,000 It is proposed to secure this again which officers consider to be proportionate to the maximum possible scale of development. It is acknowledged that the scheme brought forward could be smaller in size, as such, the contribution should reflect this proportionally. Therefore, officers accept a pro-rated approach with contributions of £25,793 (index linked) being the maximum contribution should the maximum parameters be built out.

8.13 Air Quality

8.14 An air quality assessment report has been submitted. This assessment states "Due to the proximity of nearby receptors the Site is considered to have a medium risk of impacts with regards to dust soiling and PM10 concentrations. However, following the implementation of appropriate mitigation measures impacts associated with the construction of the development are likely to be insignificant...An Air Quality Neutral assessment has been undertaken which has shown the development proposals will be air quality neutral in relation to both building and transport emissions. No mitigation of operational emissions is therefore considered necessary. The outline application, providing a maximum of 29,063 m³ GIA of employment use, would meet current national and local air quality planning policy and based on the above, air quality does not pose a constraint to

development of the site for E(g)(iii)/B2/B8 purposes". The environmental protection officer was consulted who stated the submitted assessment is based on information from 2018 and would therefore benefit from updating. Noting this application is for outline planning permission, it is recommended that a condition is attached securing the submission of an updated air quality assessment. The GLA was consulted who agreed that additional information need to be submitted to demonstrate the scheme is air quality neutral. The applicant notes that the air quality assessment tested the most intensive use. It is acknowledged that this concludes that the scheme would be air quality neutral. The applicant's notes that even if an updated report was provided it is unlikely the outcome will be affected.

8.15 Officers accept that the document submitted shows that the proposal will be air quality neutral in both building and transport emissions. Subject to the inclusion of a S106 obligation securing the submission which demonstrates the scheme is air quality neutral officers consider the proposal to be acceptable. In the event that an updated assessment does not demonstrate this. Where developments exceed the benchmark value a financial contribution at a rate of £29,000/tonne over the benchmark should be sought and secured by S106 legal agreement. It is recommended that this is secured by planning obligation. Subject to the imposition of an obligation officers consider the proposal to be acceptable. Further, it is noted a Construction Environmental Management Plan (CEMP) and site specific non-road mobile vehicles will be secured by planning condition.

8.16 Circular Economy

8.17 A circular economy statement has been submitted which demonstrates how Plot 2 has considered circular economy principles. It is acknowledged that detailed design of the scheme is not available yet, as such, at present the final details are not available. The GLA commented on the information submitted they advise that a full circular economy assessment should be submitted at reserved matters. A condition will be attached requiring this to be submitted. Should this application be approved it is advised that a whole life carbon post construction monitoring condition is attached to the proposal.

8.18 Whole Life Carbon

8.19 Policy SI2 of the London Plan requires development proposals referable to the Mayor to calculate whole life-cycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment. The applicant has submitted some information on this within the outline section of the GLA template. It is acknowledged that detailed design of the scheme is not available yet, as such, at present the final details are not available. The GLA commented on the information submitted they advise that a full whole life carbon assessment should be submitted at reserved matters. A condition will be attached requiring this to be submitted. Should this application be approved it is advised that a whole life carbon post construction monitoring condition is attached to the proposal.

8.20 Summary

8.21 Overall subject to the imposition of s106 obligation securing net zero carbon development and air quality neutral development as well as several planning conditions. Officers consider the proposed development to be acceptable and in keeping with the development policies.

Biodiversity & Sustainable drainage:

9.1 Urban Greening Factor

9.2 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, however, this excludes use class B2 and B8. 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.

- 9.3 As noted above policies support developments which maximise opportunities for urban greening, including landscaping, street trees, green and brown roofs, green walls, food growing, rain gardens and nature-based sustainable drainage. In line with policy G5 of the London Plan a target score of 0.3 should be achieved for commercial developments. It is noted that B2 and B8 are excluded from having to achieve the minimum UGF score. The proposal is for the construction of a building in use class B2, B8 and E(g)(iii). In line with policy should the detailed design bring forward an industrial building in use Class B2 or B8 they would be excluded from having to achieve UGF in line with policy G5. Notwithstanding, if the final scheme was to deliver a building in E(g)(iii). In line with policy, it is expected that this achieves a UGF of 0.3. Officers are unable to make an accurate assessment of this at this stage noting a detailed design of the scheme has not been submitted.
- 9.4 GLA were consulted who noted the site is predominantly industrial as such there is no requirement to meet UGF score. However, the applicant should demonstrate how urban greening has been considered as a fundamental element of the site and provide a calculation. It is recommended that a condition is attached securing the submission of these details at reserved matters stage.
- 9.5 Biodiversity
- 9.6 An ecological impact assessment was submitted with this application. This confirms that with appropriate mitigation in place for habitats, breeding birds, badgers and LISI species, the overall ecological effects of the scheme are negligible. It is recommended that an updated ecological appraisal is submitted with this application. This should be prepared in line with the ecological impact assessment dated December 2023 and submitted with the reserved matters. This will be conditioned. The development is expected to provide ecological enhancements and provide appropriate mitigation measures to ensure the ecological effects of the development are kept to a minimum. To ensure all enhancements are appropriately managed a Landscape Management Plan (LMP) will be secured by condition.
- 9.7 Since February 2024 it has been a mandatory requirement for all major development. Notwithstanding, this application was submitted prior to this requirement becoming mandatory. To this end, whilst officers can encourage the provision of 10% biodiversity net gain this cannot be enforced at this stage given the requirement came in throughout the determination of the application. The applicant has submitted an ecological impact assessment. In terms of biodiversity net gain this concludes "From the illustrative plans, it will not be possible to achieve a 10 % net gain in biodiversity on-Site. However, in line with the Environment Act 2021 and associated guidance, mandatory BNG will only apply to new applications for planning permission for major development made after January 2024 and reserved matters will not be required to fulfil mandatory BNG if the outline is submitted before BNG is mandated (from Jan 2024)".
- 9.8 Officers believe that the applicant will not be meeting the 10% BNG requirement given it is not a compulsory requirement given the timing of the submission of the application. This is acknowledged and accepted. Notwithstanding, the applicant should demonstrate how biodiversity net gain principles have been implemented in the design and layout of the scheme. Noting this is not a mandatory requirement a condition will be imposed requiring details of the biodiversity enhancements to be provided on site to be submitted.
- 9.9 Further to ensure existing ecological assets and habitats are protected a condition securing site clearance will be attached to the application.
- 9.10 Sustainable Drainage
- 9.11 The NPPF states that new development should be planned for in ways that avoid increased vulnerability to the impacts arising from climate change. Policy 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.
- 9.12 London Plan policy S113 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.

- 9.13 The application site is located in flood zone 3, this presents 1% or greater probability of flooding from rivers or 0.5% or greater probability of flooding from the sea. Noting the nature of the development, officers are satisfied there will be no sleeping accommodation proposed at ground floor level or below the breach flood level. The submitted flood risk assessment confirmed that whilst the building finished floor levels have not been confirmed, once designed these will be set as close to the tidal breach level (or above) as possible which officers welcome. Additionally, the flood risk assessment concludes that the area is understood to benefit from a range of River Thames tidal flood defences which provide a level of protection up to 1 in 1000-year flood event a level of 7.1m AOD. The environmental protection was consulted who raised no objections on flood risk grounds. Notwithstanding, they have recommended conditions relating to previously unidentified contamination, SuDS infiltration of surface water into ground, piling and verification report. The EA consider the development to be unacceptable without the inclusion of these conditions. Officers have reviewed these conditions and recommend these are imposed should the application be approved. It is noted the unidentified contamination and verification report has been included in the contamination condition and details of surface water in the drainage condition. In addition, as condition securing the submission of an emergency flooding plan shall be imposed on this application.
- 9.14 In terms of drainage and outline drainage system has been provided. It would be expected that during reserved matters stage a detailed drainage strategy in line with the drainage hierarchy is submitted. This should incorporate a sustainable drainage and be designed so that it does not increase the flow rates in the receiving watercourses including ensuring that the peak flow during heavy rainfall event can be accommodated within the site without increasing a flood risk to downstream catchments. This is recommended by the submitted flood risk assessment and drainage system report and aligns with the system consented under the full planning application. The GLA was consulted who noted that the GLA drainage team previously raised issues with the SuDs measures proposed under application 21/00023/FULL. It is therefore advised that a range of SuDs are incorporated on site. Noting the detailed design of the scheme is not readily available it is recommended that the submission of a drainage system is secured under planning conditions. The development should only be carried out in accordance with the submitted flood risk assessment. This will be conditioned. This should demonstrate how the development is London Plan compliant.
- 9.15 Subject to the imposition of conditions officers consider the proposed drainage strategy to be acceptable and in keeping with the development policies.
- 9.16 Further, Thames Water was consulted who recommend that a foul drainage condition is attached to this application. This again will be secured by condition.
- 9.17 Utilities Assessment
- 9.18 A utilities assessment report has been submitted with this application. This provides an overview of the utility's services in the area. It is recommended that applications for reserved matters are accompanied by a foul sewage and utilities strategy which sets out how the development will connect to existing utility services. This will be conditioned.
- 9.19 Summary
- 9.20 Subject to the impositions of conditions officers consider the proposed development to be acceptable and in keeping with the development policies.

Conclusions:

This proposal seeks outline permission with all matters reserved for the construction of an industrial building (up to a maximum of 30,084sqm) for use in Class B2, B8 or E(g)(iii). This application will run alongside application 21/00023/FULL providing flexibility to the deliverability of the site. The end user will now have the option to implement the full planning permission or submit reserved matters with this application. Officers consider that the proposed development will continue to promote employment opportunities within the borough and safeguard the vitality and viability of SIL sites through the provision of industrial floor space. It is accepted that this flexibility could result in a smaller building being brought forward, however, given it will enable the deliverability of industrial building on a vacant brownfield site. On balance officers therefore consider the proposal to be acceptable in principle.

The maximum parameters of the scheme align with the mass and bulk of the proposal approved under application 21/00023/FULL officers therefore do not consider the design of the proposal to have a greater impact on the character and appearance of the area than existing planning consent. Conditions have been attached requiring full assessments based on the final detailed design to be submitted with the reserved matters, likewise, a full package of S106 obligations including significant transport contributions have been secured to mitigate the maximum impact of the development.

To this end taking into consideration the points raised above and subject to the imposition of conditions and obligations. Officers consider the benefits arising from the scheme to outweigh any significant harm significantly and demonstrably. To this end the proposal is considered acceptable and in keeping with the development policies. It is recommended that this application is approved.

Appendix 1:

<p>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:</p>	
<p><i>National Planning Policy Framework (NPPF) (December 2023)</i></p>	
<p><i>The London Plan (March 2021)</i></p>	<p>Policy GG2 Making the best use of land Policy E5 Strategic Industrial Locations (SIL) Policy E4 Land for industry, logistics and services to support London’s economic function Policy E7 Industrial intensification, co-location and substitution Policy E3 Affordable Workspace Policy SD1 Opportunity Area Policy E8 Sector growth opportunities and clusters Policy D1 London’s form, character and capacity for growth Policy D4 Delivering good design Policy D6 Housing quality and standards Policy HC1 Heritage conservation and growth Policy GG1 Building Strong and Inclusive Communities Policy GG3 Creating a healthy city Policy D14 Noise Policy D13 Agent of Change Policy SI10 Aggregates Policy E7 Industrial intensification, co-location and substitution Policy T6 Car Parking Policy T6.2 Office Parking Policy T5 Cycling Policy T2 Healthy Streets Policy T3 Transport capacity, connectivity and safeguarding Policy SI7 Reducing waste and supporting the circular economy Policy SI2 Minimising Greenhouse Gas Emissions Policy SI3 Energy Infrastructure Policy SI4 Managing Heat Risk Policy G6 Biodiversity and access to nature Policy G5 Urban Greening Policy D8 Public Realm Policy SI13 Sustainable Drainage</p>
<p><i>Local Development Framework (LDF) Core Strategy (July 2010)</i></p>	<p>Policy CM1 General Principles for Development Policy CE 3 Safeguarding and Release of Employment Land Policy CC3 Achieving Community Benefits through Developer Contributions Policy CP3 High Quality Built Environment Policy CP2 Protecting and Promoting our Historic 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 BP3 Archaeology Policy BP8 Protecting Residential Amenity Policy BR13 Noise Mitigation Policy BR5 Contaminated Land Policy BR9 Parking Policy BR10 Sustainable Transport Policy BR11 Walking and Cycling Policy BR15 Sustainable Waste Management Policy BR2 Energy and On-Site Renewables Policy BR1 Environmental Building Standards 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 Submission Version, December 2021) is now at an “advanced” stage of preparation, having gone through Local Plan Examination in Public in November 2023. Having regard to NPPF paragraph 48, the emerging document is now a material consideration and significant weight will be given to the emerging document in decision-making.</i></p>	
<p><i>The London Borough of Barking and Dagenham’s Draft Local Plan: (Regulation 19 Consultation Version, December 2021)</i></p>	<p>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 SPP3 Dagenham Dock and Freeport Policy DME2 Providing flexible, affordable workspace. Policy SP2 Delivering a high quality and resilient built environment. Policy DMD1 Securing high-quality design. Policy DMD4 Heritage assets and archaeological remains. Policy DMSI3 Nuisance Policy DMSI5 Land Contamination Policy DMT2 Car Parking Policy DMT3 Cycle Parking Policy DMT1 Making better connected neighbourhoods. Policy SP7 Securing a clean, green, and sustainable borough. Policy DMSI8 Demolition, construction, and operational waste Policy DMSI2 Energy heat and carbon emissions Policy DMNE2 Urban Greening Policy DMNE3 Nature conservation and biodiversity Policy DMSI6 Flood risk and defences.</p>

<p>Additional Reference:</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 & 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:

Relevant Planning History:			
<i>Application Number:</i>	21/00023/FULL	<i>Status:</i>	Approved Subject to Legal Agreement
<i>Description:</i>	The demolition of an existing research building, gatehouse and associated hardstanding; construction of an industrial building (Use Class B2, B8, E(g)(iii)), with ancillary offices, entrance building, security hub, gatehouse and access ramps; creation of new vehicular accesses from Hitch Street and Choats Road; pedestrian and cycle access from Choats Manor Way; cycle, motorcycle, car, van and HGV parking; hardstanding and circulation areas; sprinkler tanks; pump house; relocated pumping station; and all other ancillary and enabling works including landscaping, drainage, engineering, ground stability works and boundary treatment.		

Appendix 3:

The following consultations have been undertaken:

- Ward Councillors
- LBBB My Place
- LBBB Inclusive Growth
- LBBB Employment and Skills
- LBBB Leisure, Parks and Heritage
- LBBB Parks, Allotments and Cemeteries
- LBBB Trees
- LBBB Commissioning Lead Sustainability
- LBBB District Heating/Energy
- LBBB Strategic Refuse and Recycling
- LBBB Refuse Services
- LBBB Specialist Services
- LBBB Access Officer
- LBBB Lead Local Flood Authority.
- Essex and Suffolk Water Company
- LFEPA Fire Safety
- Thames Water
- Historic England
- TFL Underground
- TFL Planning
- Environmental Agency
- Be First Transport
- Design out Crime.
- LBBB Highways
- Highways England
- LBBB Employment and Skills
- LBBB Regeneration
- LBBB Parking Enforcement and CPZ
- TfL Overground.

Summary of Consultation responses:		
Consultee and date received	Summary of Comments	Officer Comments
LBBB Employment and Skills Dated 29.01.2024	<ul style="list-style-type: none"> • Please may an obligation be attached requiring an Employment, Skills and Suppliers Plan (ESSP) to be submitted 6 months prior to work commencing on site. • Can the employment and training contributions be secured again under this application. 	Employment and Skills has been assessed in section 3 of this report. The 2 obligations requested have been secured by s106 obligation.
Historic England Dated 31.01.2024	<ul style="list-style-type: none"> • The proposal is unlikely to have impacts on the archaeological or geoarchaeological resource, additional to those assessed in relation to 21/00023/FULL. Since the area of Plot 2 has already been subject to a programme of geoarchaeological evaluation in 2020, no additional fieldwork is recommended in this case. 	This has been assessed in section 4.19 to 4.23. A planning condition has been attached securing the submission of these details.

	<ul style="list-style-type: none"> • A condition is recommended requiring a post investigation assessment and subsequent analysis of the result to be submitted to and approved by the LPA. 	
National Highways Dated 08.02.2024	<ul style="list-style-type: none"> • No objection 	Comment noted.
Environmental Protection Officer Dated 06.02.2024	<p>The following conditions are recommended:</p> <ul style="list-style-type: none"> • Contaminated land • Noise • Noise generating mechanical services plant • Noise Impact assessment report • Air Quality and Air Quality Neutral Assessment • External Lighting • Construction Environmental Management and Site Waste management 	Conditions noted. These have been attached to this application.
Environment Agency Dated 31.01.2024	<p>No objection subject to the inclusion of the following conditions</p> <ul style="list-style-type: none"> • Previously unidentified contamination • SuDs Infiltration of surface water into ground • Piling • Verification Report 	This has been discussed in section 9.8 of this report. The recommended conditions have also been attached to this application.
Thames Water Dated 01.02.2024	<ul style="list-style-type: none"> • No objects to the application with regard to waste water network and sewage treatment works. • It is recommended that an informative is attached regarding Groundwater Risk Management. • Foul Water Drainage and Surface Water Drainage Conditions are recommended. 	
London Underground/DLR Infrastructure Protection Dated 12.01.2024	No comments to make on this application.	
London Fire Brigade Dated 03.02.2024	No objections or further comments to make.	
LBBB Parking Project Officer Dated 25.01.2024	No objections	Noted and assessed in section 6.11 of this report.
Secure by Design Officer Dated 22.02.2024	No objections subject to concerns in section 3 being addressed, and a Secure by Design (SbD) planning condition being attached.	Comments noted. The condition will be attached. Officers consider this to cover the concerns raised by the SbD officer.

		Further details of this can be found in section 4.23 of this report.
TfL Dated 29.02.2024	<ul style="list-style-type: none"> • The general principle should be that the same contributions and mitigations should be secured, applied proportionately to the quantum of development in the RMA. However, there are a few considerations which would alter that: • We would hope to seek a lower contribution to mitigate the road network impact as a result of a lower proportion of commuter car parking. • Bus contributions – we can't charge for half an additional peak hour journey because we can't provide half a service. Whole costs in this case will need to be asked for. • Contribution sums should be increased in line with BCIS to ensure the applicant is paying for indexation between the two consents. • Bus costs have increased disproportionately due to the move to a fully-electric fleet, so the costs would need to be recalculated afresh. • Some of the anticipated contributions for other matters were reduced because SEGRO were going to pay towards improvements at Goresbrook Interchange. There is now much more certainty over the implementation of the City of London's application which will result in improvement works at Goresbrook. This should allow diversion of funds to • On examination of an RMA, other items may come to light. 	This is assessed in section 6 of this report. The full package of mitigation measures have been proposed and secured again via s106 obligation.
GLA Stage 1 Dated 26.02.2024	<p>Land Use Principles: GLA officers remain supportive of the redevelopment of the underutilised site to provide intensified industrial uses within the SIL. • Urban design: GLA officers are generally supportive of the maximum parameters sought for this application. Comments relating to landscaping and boundary treatment</p>	Comments noted and recommended conditions and obligations secured.

	<p>and fire safety should be addressed at reserved matters stage.</p> <p>Transport: It would be appropriate to secure transport contributions and works-in-kind based on the maximum parameters. Appropriate mechanisms to account for any smaller quantum of development will need to be secured. Further comments on the active travel assessment and car parking should be addressed. A number of other matters will need to be secured with any reserved matters application.</p> <p>Sustainable infrastructure: Appropriate conditions and obligations should be secured in relation to energy, WLC, circular economy, flood risk and drainage. A further response is required at this stage in relation to the Air Quality Assessment.</p> <p>Environmental issues: Biodiversity Net Gain and Urban Greening Factor assessments should be secured</p>	
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Appendix 4:

Neighbour Notification:	
Date Site Notice Erected:	25.01.2024
Date of Press Advertisement:	17.01.2024
Number of neighbouring properties consulted:	127
Number of responses:	0

Appendix 5:

Conditions & Informatives:

Conditions:

General

1. Reserved Matters to be Submitted.

Approval of the details of the access, appearance, landscaping, layout and scale for each phase of the proposed development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development begins (excluding demolition, remediation and enabling works) and the development shall not be carried out except in accordance with the details so approved.

Reason: The application is in outline only and these details remain to be submitted and approved.

2. Timing of Reserved Matters Submission

The applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. Timing of Reserved Matters Commencement

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

4. Approved Parameter Plans and Documents

The development hereby permitted shall be completed in accordance with the following submitted Parameter Plans and documents, unless otherwise agreed in writing with the Local Planning Authority:

- 31221-PL-256B Proposed Parameters Plan [Revision B] dated 15.12.2023

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

5. Phasing plan

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

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

Information required within reserved matters.

6. Fire Statement

At application for reserved matters a Fire Safety Statement, produced by a third party suitably qualified assessor shall be submitted to and approved in writing by the Local Planning Authority. The statement shall detail the building construction, methods products and materials uses; the means of escape for all

buildings including those who are disabled or require level access together with the associated management plan; access for fire service personnel and equipment, ongoing maintenance and monitoring and how provision will be made within the site to enable fire appliances to gain access to the building.

The statement shall demonstrate how the development meets the requirements of London Plan Policies D12(B) and D5(B5). The development shall be implemented in accordance with the approved Fire Statement and retained as such for the lifetime of the development.

Reason: In the interests of fire safety

7. Noise Impact Assessment

At application for reserved matters an updated Noise Impact Assessment Report prepared by a competent Acoustic Consultant shall be submitted to and approved in writing by the Local Planning Authority. The updated assessment shall incorporate additional representative modelling showing noise levels during the nighttime period and the reserved matters site layout. The report must identify the impact of the development on existing and proposed noise sensitive uses and where necessary detail the proposed mitigation measures to manage the impacts.

Reason: To ensure that residential and other noise sensitive premises are adequately protected from noise.

8. External Lighting Assessment

Application for reserved matters consent must be accompanied by details of any external lighting associated with the development including levels of illumination, position, structure, direction of illumination, which shall be submitted to and approved in writing by the Local Planning Authority.

The External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the CIE guidance 2003 & 2017 and the ILP Guidance Notes for the Reduction of Obtrusive Light (2021). Lighting should be minimised, and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaries, in accordance with the Guidance Notes.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lightning

9. Transport Assessment

Application for reserved matters consent must be accompanied by a Transport Assessment prepared by a competent transport consultant which provides detailed layout of the vehicle parking spaces (including provision for HGV, LGV and Cars), delivery and servicing, trips generated and circulation within the site (using junction model and VISSIM model submitted with the outline planning application). The assessment shall be submitted to and approved in writing by the Local Planning Authority with consultation from TfL.

The maximum number of vehicle parking spaces shall not exceed 172 parking spaces at any time.

The details should include the design of blue badge disabled parking spaces having regard to the adopted London Plan

Reason: In order to ensure an acceptable level of parking and to ensure that vehicle movements associated with the use hereby permitted remains consistent and that the use shall not represent any unacceptable level of vehicle movements such that the safety of pedestrians shall be unduly prejudiced.

10. In-Principle Highway works Plan

Application for reserved matters consent must be accompanied by a scheme of highways works at the junction of Choats Road and Choats Manor Way has been submitted and approved in writing by the Local Planning Authority.

The scheme shall incorporate the following as a minimum:

- Increasing the existing footway width into the site (offering up land in the ownership of the applicant) along the eastern (Choats Manor Way) and southern (Choats Road) boundaries of the development site to create a segregated pedestrian footways & cycleway.

The development shall not be occupied until the approved works have been implemented in full.

Reason: To ensure the development provides a safe and acceptable impact on the highway.

11. Delivery and Servicing Plan

Application for reserved matters consent must be accompanied by details of a Delivery and Servicing Plan in line with TfL Guidelines shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the first occupation of all industrial 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.

12. Travel plan

Application for reserved matters shall include a Travel Plan which shall be submitted to and approved in writing by the Local Planning Authority in consultation with TfL. That Travel Plan shall include measures for minimising car trips and promoting and encouraging travel to/from the site by sustainable modes such as walking, cycling and public transport. The approved Travel Plan shall provide a programme for monitoring, reviewing, maintaining and developing the Travel Plan in relation to the targets.

Reason: To ensure that the proposal abides by the Council's sustainable transport objectives.

13. BREEAM Target- Excellent

The submission of reserved matters shall be accompanied with a statement demonstrating how the development is designed to achieve an 'Excellent' Building Research Establishment Environmental Assessment Methodology (BREEAM 2018) rating or equivalent.

Reason: In the interest of energy efficiency and sustainability.

14. Circular economy statement

The submission of reserved matters shall be accompanied by an updated Circular Economy Statement, which shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include the principles set out in the Circular Economy Statement prepared by L.C.D Consulting dated 15.12.2023.

Reason: In the interest of creating safer, sustainable communities

15. Details of all boundary treatment and landscaping

The submission of reserved matters shall be accompanied by details of all boundary treatment and landscaping of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and permanently retained thereafter.

Reason: To ensure that the finished appearance of the development will respect the character and visual amenities of the local area.

16. Waste and Recycling Strategy

Prior to occupation of any phase, an Outline Operational Waste and Recycling Strategy providing details of how waste will be managed. The strategy shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate levels of waste managed and recycling within the site.

17. Energy Statement

- a) The submission of reserved matters shall be accompanied by an energy statement which demonstrated that the development will achieve a minimum of 35% reduction over Part L of the Building Regulations 2021 through on-site provisions.
- b) A post completion report demonstrating compliance to the submitted Energy Statement, shall be provided and approved in writing by the Local Planning Authority within SIX (6) months of first occupation of any phase of the development. This report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an energy efficient and sustainable development.

18. Ecological Impact Assessment

The submission of reserved matters shall be accompanied by an updated Ecological Impact Assessment, which shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include the principles set out in the Ecological Impact Assessment Plot 2, SEGRO Park [Issue 1] prepared by DeltaSimons dated December 2023.

Reason: To ensure the development provides biodiversity enhancements on site.

19. Foul Sewage and Utilities Assessment

The submission of reserved matters shall be accompanied by a foul water and utilities assessment, which shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate how the development connects to existing utility services in line with the principles set out in the Foul Sewage and Utilities Assessment Report [Revision P1] dated 15.12.2023 prepared by MBA Consulting Engineers.

Reason: To ensure acceptable impacts on existing drainage and utility provision.

20. Urban Greening Factor and Biodiversity Enhancements

The submission of reserved matters shall be accompanied by an urban greening factor scheme which demonstrates urban greening principles and the measures taken to achieve urban greening on-site in line with London Plan guidelines. The scheme shall be constructed in accordance with the proposals, principles and biodiversity enhancements set out in the Ecological Impact Assessment (December 2023) prepared by Delta Simons.

Reason: To ensure that the development contributes to enhancing the quality and appearance of the urban environment.

Prior to commencement of development

21. Landscape Management Plan

A Landscape Management Plan (LMP) shall be submitted to and be approved in writing by the local planning authority prior to the commencement of any subsequent reserved matters application. The approved plan will be implemented in accordance with the approved details. The content of the LMP shall include the following:

Standard LMP information, including:

- I. Description and evaluation of features to be managed.
- II. Aims and objectives of management.
- III. Appropriate management options for achieving aims and objectives.
- IV. Prescriptions for management actions.
- V. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- VI. Details of the body or organization responsible for implementation of the plan.
- VII. Ongoing monitoring and remedial measures.
- VIII. The funding mechanism by which the long-term implementation of the plan will be secured.

Reason: To preserve and enhance the Borough's natural environment.

22. Sustainable Drainage System.

- a) The development permitted under subsequent reserved matters shall not commence unless and until a surface water drainage scheme for the site (based on sustainable drainage principles SuDS) has been submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme shall include:

- i) a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development.
- ii) a demonstration that the surface water run-off generated up to and including the 100 years plus Climate Change critical storm period will not exceed the run-off from the undeveloped site following the corresponding rainfall event.
- iii) completed Barking and Dagenham Surface Water Drainage Pro-forma for new developments form.
- iv) details of how the proposed surface water drainage scheme will be maintained; and
- v) a drainage scheme nominating the ownership, management and maintenance arrangements.

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

- b) The surface water drainage scheme shall be implemented prior to the first occupation and/or use of the development and be constructed in accordance with the approved details.

Reason: To safeguard the public from surface water flood risk, protect the environment and respond to climate change. The imposition of this prior to commencement planning condition is considered necessary to prevent commencement of works until the requirements have been met because the timing of compliance is fundamental to the decision to grant planning permission.

23. Contamination

The development permitted under subsequent reserved matters shall not commence 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, 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'; and

- b) 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) 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 in accordance with policy BR5 of the Borough Wide Development Policies.

24. Construction Environmental Management Plan (CEMP)

The development permitted under subsequent reserved matters shall not commence until a Construction Environmental Management Plan (CEMP) and a Site Waste Management Plan (SWMP) have been submitted to and approved in writing by the Local Planning Authority. These Plans shall incorporate details of:

- a) construction traffic management;
- b) the parking of vehicles of site operatives and visitors;
- c) loading and unloading of plant and materials;
- d) storage of plant and materials used in constructing the development;
- e) the erection and maintenance of security hoarding(s) including decorative displays and facilities for public viewing, where appropriate;
- f) wheel washing facilities;

- g) measures to control the emission of dust, dirt and emissions to air during construction; such measures to accord with the guidance provided in the document “The Control of Dust and Emissions during Construction and Demolition”, Mayor of London, July 2014; including but not confined to, non-road mobile machinery (NRMM) requirements;
 - h) noise and vibration control;
 - i) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - j) the use of efficient construction materials;
 - k) methods to minimise waste, to encourage re-use, recovery and recycling, and sourcing of materials;
- and
- l) a nominated Developer/Resident Liaison Representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer’s representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.

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

Demolition and construction work and associated activities, other than internal works not audible outside the site boundary, are only to be carried out between the hours of 07:00 and 19:00 Monday to Friday and 07:00 and 18:00 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 07:00 and 19:00 Monday to Friday and between 08:0 and 13:00 on Saturdays.

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

Reason: In order to reduce the environmental impact of the construction and the impact on the amenities of neighbouring occupiers.

25. Construction Logistics Plan

The development permitted under subsequent reserved matters shall not commence until a Construction Logistics Plan (CLP) has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be designed to minimise deliveries of materials and export of any waste materials within the times of peak traffic congestion on the local road network. The Plan shall be implemented in accordance with the approved details and thereafter maintained until the development has been completed.

Reason: The Construction Logistics Plan is required prior to commencement of development in order to minimise the impact of construction on the free flow of traffic on the local highway network and in the interests of highway safety.

26. Construction Noise

The development permitted under subsequent reserved matters shall not commence (excluding demolition, remediation and enabling works) until an acoustic report has been submitted to and approved in writing by the Local Planning Authority. Such a report will demonstrate that construction noise levels at the nearest dwellings should not exceed 75 dB LAeq,10h during weekday daytime (07:00 –19:00) and 75 dB LAeq,5h during Saturday daytime (07:00 – 18:00). Where it is considered impractical to meet this noise limit the report should detail mitigation measures taken to reduce noise to a minimum. The approved measures for the mitigation of construction noise shall be implemented prior to the commencement of all works and be maintained until the development has been completed.

Reason: To ensure that works do not prejudice the ability of neighbouring occupier’s reasonable enjoyment of their properties and to ensure that works shall not represent any unacceptable level of noise. The imposition of this prior to commencement planning condition is considered necessary to prevent commencement of works until the requirements have been met because the timing of compliance is fundamental to the decision to grant planning permission.

Information required prior to above ground floor works.

27. Electric Vehicle Charging Points and Rapid Electric Vehicle Charging Points

- a) Prior to above ground works of any development hereby permitted under subsequent reserved matters, details of any vehicle parking spaces for that phase shall be accompanied by detailed plans showing the provision of Electric Vehicle and Rapid Electric Vehicle Charging Points shall be submitted to and approved in writing by the Local Planning Authority.
- i) A minimum of 5% of all car parking spaces should be provided as Rapid Charging Spaces
 - ii) A minimum of 25% of all spaces (not including those under part (i) shall be active spaces and
 - iii) The remainder 70% shall have passive provision

The details shall be accompanied by a management and maintenance plan including details of key contacts.

b) Prior to first use of site the details approved under part (a) shall be implemented and thereafter retained for the lifetime of the development.

Reason: To restrict car usage and encourage the use of electric vehicles in order to reduce carbon emissions

28. Cycle Parking

a) Prior to above ground works of any development hereby approved under subsequent reserved matters, a detailed layout of cycle parking for that phase including the location, design and number of short and long stay car parking spaces demonstrating compliance with the London Plan 2021 and the London Cycle Design Standards shall be submitted to and approved in writing by the local planning authority (in consultation with TfL).

b) Prior to first use of the site the details approved under part (a) shall be implemented and thereafter retained for the lifetime of the development.

Reason: To ensure reasonable provision of cycle spaces is made within the site for the parking of bicycles and to encourage sustainable modes of transport.

Prior to occupation

29. Emergency Flood Risk

Prior to first use of the site an emergency flooding plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall as a minimum include:

- a) Details of advanced flood warning measures;
 - b) Advanced site preparation measures to be undertaken in the event of a flood warning;
 - c) Site evacuation measures;
 - d) Measures to monitor the surface water drainage system and drainage ditch system in the wider area;
 - e) Dedicated named flood wardens who will be on site during all operational hours of the development, responsible for flood safety measures in accordance with emergency flood management plan.
- The approved emergency flooding plan shall be relayed to all site workers and shall be implemented for the life of the development.

Reason: to ensure future occupiers are not susceptible to unacceptable flood risk.

30. Car Park Management Plan

Prior to occupation of the site, a car parking management plan shall be submitted to and

approved in writing by the local planning authority in consultation with TfL. The car parking management plan should detail how the car parking spaces are allocated, managed and monitored.

The development shall be carried out in accordance with the details approved.

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, to ensure and promote easier access for disabled persons

31. Foul Water Drainage

No development subsequently approved by reserved matters application shall be occupied until confirmation has been provided that either:- 1. Foul water Capacity exists off site to serve the development, or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or 3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

32. Surface Water Drainage

No development shall be occupied until confirmation has been provided that either:- 1. Surface water capacity exists off site to serve the development or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Or 3. All Surface water network upgrades required to accommodate the additional flows from the development have been completed.

Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents.

Compliance

33. Archaeology

The development must be carried out in accordance with the submitted Written Scheme of Investigation for a geoarchaeological evaluation (WSI) prepared by the Museum of London Archaeology (dated December 2020).

The development shall not be occupied until a post-investigation assessment (PXA), with an updated project design and subsequent analysis, publication & dissemination and deposition of resulting material has been submitted to and approved by the Local Planning Authority in writing. The post-investigation assessment shall be carried out in accordance with the recommendations in the submitted Geoarchaeological evaluation report.

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 in accordance with recommendations given by the borough and in the NPPF.

34. Whole Life Carbon Assessment – post-construction

Prior to occupation of the development or each phase of 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 Life Carbon Assessment Guidance. The post-construction 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, along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation.

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

35. BREEAM

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 within SIX (6) MONTHS of occupation, to demonstrate that the development is in accordance with an agreed methodology to ensure that the required minimum rating has been achieved.

Reason: In the interest of energy efficiency and sustainability.

36. Circular Economy Statement- post-construction

A post completion monitoring report should be completed in line with the GLA's Circular Economy Statement Guidance within 6 months of first occupation of a phase of the development. The post-construction monitoring report should be completed in line with the GLA's Circular Economy Statement Guidance within 6 months of first occupation of any part of the development. The post-construction monitoring report shall be submitted to the GLA, currently via email at: circulareconomystatements@london.gov.uk, along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, within 6 months of first occupation of any part of the development.

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

37. Piling, Deep Foundations and Boreholes

- a) Piling, investigation boreholes, tunnel shafts, ground source heating and cooling systems or any other foundation designs using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. Unless details are provided and approved as part of the reserved matters application, prior to above ground works a piling method statement shall be submitted to and approved in writing by the LPA detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out and should demonstrate that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
- b) If piling or ground improvement work is undertaken pursuant to this permission, then the 5% level of vibration attributable to these activities shall not exceed a peak particle velocity of 1.5mm/sec when measured at the point of entry to any adjoining residential development. In the event of reasonable complaint of vibration nuisance and at the request of the Local Planning Authority monitoring to evaluate compliance with this condition is to be carried out and the results submitted to the Local Planning Authority.

Reason: In order to ensure that piling activities do not harm groundwater resources and in order to protect the amenities of neighbouring occupiers in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

38. Maximum Quantum of Floorspace

The development hereby approved shall be limited to a maximum of 30,084sqm and maintained thereafter.

Reason: In order to ensure that the development causes no additional impact that has not been assessed as part of the planning application proposal.

39. Site Specific Non-Road Mobile Vehicles

During onsite construction works, all non-road transportable industrial equipment or vehicles which are fitted with an internal diesel-powered compression ignition engine between 37 and 560KW and not intended for transporting goods or passengers on roads are required to be NRMM registered and comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance 'Control of Dust and Emissions from Construction and Demolition SPG' July 2014. Such vehicles must be run on ultra-low sulphur diesel (also known as ULSD 'cleaner diesel' or 'green diesel'). "Ultra-low sulphur diesel" means fuel meeting the specification within BS EN 590. Where these standards are succeeded, they should be applied no later than 1 year after succession. Exemptions to these standards maybe granted for specialist equipment or for equipment with alternative emission reduction equipment or run-on alternative fuels. Such exemptions shall be applied for in writing to the LPA in advance of the use of such vehicles, detailing the reasons for the exemption being sought and clearly identifying the subject vehicles. Exemptions that are granted will be in writing and such vehicles must not be used until written exemption has been received by the applicant. No vehicles or plant to which the above emission standards apply shall be on site, at any time, whether in use or not, unless it complies with the above standards, without the prior written consent of the local planning authority.

Reason: To ensure that air quality is not adversely affected by the development and to protect the amenity of future occupants and/or neighbours.

40. Flood Risk Assessment

The development permitted by this planning permission shall only be carried out in accordance with the principles set out in the Flood Risk Assessment and Drainage Strategy dated 15.12.2023. There shall be no raising of existing ground levels on the site to facilitate the free passage of flood water in times of flooding.'

Reason: to minimise the risk of internal flooding and to ensure the safety of the occupants during a flood to ensure users of the site

41. Maximum Car Parking Numbers

The maximum number of vehicle parking spaces shall not exceed 172 parking spaces including blue badge disabled parking and thereafter maintained.

Reason: In order to ensure an acceptable level of parking and to ensure that vehicle movements associated with the use hereby permitted remains consistent and that the use shall not represent any unacceptable level of vehicle movements such that the safety of pedestrians shall be unduly prejudiced.

42. No Open Storage

No open storage shall be permitted on site unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of external appearance, in accordance with Policy CP3 of the Core Strategy and policy BP11 of the Borough Wide Development Policies Development Plan Document.

43. Secure by Design

The submission of reserved matters shall be accompanied by a report detailing how the scheme has taken into account the principles and practices of Secured by Design in order to assist in reducing the opportunity for crime, minimising fear of crime, and creating a safer and more secure environment. The scheme shall be constructed in accordance with the approved Report.

Reason: To ensure safe and secure development and reduce crime.

44. Noise from Non-Residential Uses and Plant and Structure Borne Noise Emissions

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

Reason: To ensure that the proposed and surrounding residential properties and other noise sensitive premises in the vicinity of site are adequately protected from noise and in accordance with policy BR13 of the Borough Wide Development Policies Development Plan Document and the London Plan.

45. Industrial use of site

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the development hereby approved is for Use Class B2, B8 and E(g)(iii) only and shall be used for no other purposes within Class E or any provision equivalent to these Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To safeguard the industrial use hereby permitted

46. Site clearance

Any vegetation removal works, including felling or pruning of the broadleaved and scrub clearance works shall be performed either before early March or after late August in order to avoid impacting any birds during the main period in which they are nesting. If, however, works are deemed necessary during the nesting period an experienced ecologist will be required to check the Site habitats to confirm that no nesting birds will be affected by the proposed works.

Reason: to protect potential on site habitats.

Informative:

1. 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. Application forms should be completed online via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

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 £21,000 reasonable fees in monitoring and implementing the Section 106 and payable on completion of the deed.
3. Indexing – all payments are to be index linked from the date of the decision notice to grant planning permission to the date on which payment is made, using BCIS, and
4. The agreement shall allow for the pro rata reduction of the sum of all contributions payable in the event that a reduced floorspace is approved at the Reserved Matters stage in the basis that the current contributions are calculated based on the maximum floorspace of the development of [30,084sqm GEA] and the contributions payable will be reduced at an equivalent reduction to the amount of approved floorspace. The exception to this will be the LSIP Cycle Route Contributions and Bus Service Contributions, which regardless of the floorspace shall remain payable.

Employment and Skills

5. Local Employment and Skills Obligations

The Owner will use reasonable endeavours to ensure that jobs are provided to LBBB residents, during the construction of this proposed scheme.

The Owner will use reasonable endeavours to:

- ensure 25% of the total construction jobs (calculated on an FTE basis) created are new jobs filled by LBBB residents, either with the contractor or through the supply chain.
- Advertise all vacancies through the council's job brokerage services, with notification of job vacancies exclusively available to residents for a minimum of 10 days before being advertised more widely.
- Provide a skill forecast for the development and highlight any shortages to the council's job brokerage service at least three months before commencement of the development.

6. Training during Construction The Owner will use reasonable endeavours to ensure the following:

- Deliver one training opportunity for every 10 construction workers – at least half of which (or 5% of the FTE workforce) must be apprenticeships leading to a full recognised qualification.
- Provide 10 weeks of work experience for every 6 months of the construction phase – with each placement lasting a minimum of 2 weeks.
- Provide at least one educational workshop / visit per educational term for the duration of the construction phase to support local schools and careers services.

7. Supply chain development during Construction

The Owner will use reasonable endeavours to:

- Submit a Tender Event Schedule detailing the list of work packages being offered to competitive tender for the developer and all sub-contractors, including timeframes, values of packages and framework agreements.
- Source good and services from the borough wherever possible, with an aim that this will represent at least 25% of the value of all goods and services required for the development.
- to ensure companies based in LBBB will be given a genuine opportunity to tender for all contracts and sub-contracts arising from the development.
- Provide details each time a package is awarded including information about any local contractors that have tendered for work (both successful and unsuccessful, with the reasons why).
- Participate in at least two events in each year of the development to promote opportunities to local suppliers and build their capacity and/or contribute financially to the delivery of such activity to ensure local suppliers are able to access opportunities arising from the development.

8. Employment- End User Obligations

The Owner will use reasonable endeavours to ensure that the Owner/ Occupiers' employees and jobs (including employees and jobs with its contractors) are provided to LBBB residents, during the end user phase in accordance with the following:

- ensure 25% of the total end user jobs (calculated on an FTE basis) created are new jobs filled by LBBB residents within the first 5 years of operation.
- Work closely with the council's employment and skills brokerage to achieve a target of **25% of all jobs** within the tenants' workforce on site to be filled by local residents within 5 years of operation.
- Advertise all vacancies through the council's job brokerage services, with notification of job vacancies exclusively available to residents for a minimum of 10 days before being advertised more widely.

For end-user jobs, encourage tenants to work closely with the applicant and LBBB to advertise all newly created vacancies through the council's Job Brokerage service including through introducing tenants to LBBB's Job Brokerage service to help provide a skills forecast for the development and highlight any shortages to the Council's job brokerage service, a minimum of six months before operational end use commences; and where feasible including relevant commitments within terms and conditions of tenancies.

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 Council's Job Brokerage service.

9. Monitoring

- Once the development has commenced monitoring forms must be submitted to the Council by the designated coordinator responsible for managing recruitment and training monthly for the first three months and quarterly thereafter.
- This 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.
- Employment and training compensation will be calculated based on: the shortfall against the target number of jobs for LBBB residents X £5,000 (average cost of supporting an unemployed borough resident into work) and the shortfall against the target number of apprenticeship starts X £8,000 (approximate wage costs of a one-year apprenticeship at the minimum apprenticeship rate);
- Subject to the findings of evidence collected through the agreed employment and training processes, the Owner will pay employment and training compensation to the Council within 30 days of the Council's written request if it is found that the shortfall in the delivery of any employment or training specified in this schedule can be attributed to the Owner having not used all reasonable endeavours to follow the agreed processes.
- The Owner shall be responsible for all legal costs incurred by the Council in enforcing or ensuring compliance with this schedule.

10. Training and Employment Contribution

Financial contribution of £162,500.00 (BCIS Index Linked) to go towards the cost of training and employment support for local residents in respect of the construction and end user phase of the Development.

Trigger: To be paid on commencement of the development.

Energy and Sustainability

11. 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 35% reduction over Part L of the Building Regulations 2021 through on-site provisions.

12. Carbon Offset Contribution

No later than 3 months from the date of Practical Completion of the development, where it is clearly demonstrated that zero-carbon standards (based on net-zero regulated CO2 emissions) cannot be achieved on-site, any shortfall should be provided through a cash in lieu contribution (£95/per tonne over a 30 year period or at the rate in place at the time of the application's determination) paid to the council.

The site shall not be occupied until the carbon offset contribution has been paid.

13. Future proof development in order to ensure it could connect to a District Heating Network

Prior to Commencement of Development permitted under subsequent reserved matters the Owner will submit a District Heating Network (DHN) Statement to the Council for approval to detail how the development could connect to the DHN or future DHN.

Trigger: statement to be submitted prior to commencement of development permitted under subsequent reserved matters.

14. Dagenham Dock Decentralised Energy Network Potential Study Contribution

A financial contribution £25,793.00 (BCIS Index Linked) towards a wider study for Dagenham Dock decentralised energy network potential.

The Owner and Be First will agree the scope of the study through the steering group at the time of commission. The progress of the study will be reported to the Steering Group.

Trigger: payment to be made Prior to commencement of development permitted under subsequent reserved matters (excluding demolition/enabling and remediation works).

15. Be Seen

- d) 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-wedo/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).
- e) 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-wedo/planning/implementing-londonplan/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.

- f) In the event that the 'In-use stage' evidence submitted under Clause b) shows that the 'As-built stage' performance estimates derived from Clause a) 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 b) 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.

Air Quality

16. Submission of a revised Car Parking Management Plan

To use reasonable endeavours to ensure that the End User submits by the 10th anniversary of occupation of the development, a revised Car Park Management Plan (CPMP) to the local planning authority for determination. The revised CPMP shall be accompanied with a report monitoring usage of the car park since first occupation. Subject to the CPMP demonstrating that the spaces are not essential for operation purposes, to use reasonable endeavours to ensure that the End Use removes up to 10% of approved parking spaces shall be removed by the 10th anniversary of first occupation of the development.

Trigger: The Plan must be submitted to the Council before the tenth anniversary of occupation of the Development

17. Site Wide Travel Plan

- The Owner shall develop a Site Wide Travel Plan that accords with the approved Framework Travel Plan in consultation with TfL and to implement the plan.

Trigger: submitted to the Council for their approval before practical completion.

- On the 1st, 3rd, 5th anniversary of the commencement of the operation of the development, the applicant or successive owner in title shall submit a Travel Plan monitoring report to demonstrate that best and reasonable endeavours have been undertaken to ensure that the occupiers/tenants have aimed to engage and encourage active, inclusive, and carbon-free sustainable travel to and from the site with their associated users.

18. Air Quality off-setting contribution.

A payment at the off-setting contribution rate of £29,000 per tonne of NOx over the benchmark (applicable to B2/B8/E(g)(iii) uses (as set out in the Mayor of London's London Plan Air Quality Neutral Guidance applicable at the date of this Agreement (being the Air Quality Consultants, Air Quality Neutral Planning Support Update: GLA 80371, April 2021) will be applied if the approved air quality report concludes that the development is not air quality neutral

Trigger: The assessment must be submitted to the Council prior to practical completion of the development and (if payable) to pay the contribution within 3 months of approval by the Council of the Air Quality Report.

Transport

19. Bus Service Contribution

The owner for agrees to pay the Council £617,414 (BCIS index-linked from the date of planning permission) towards necessary changes to local bus services (night-time services and morning peak capacity) to serve the development.

Trigger: to be paid prior to commencement of the development

20. LSIP Cycle Route Contribution

A commitment to deliver the LSIP cycle route to Dagenham Dock Station or a financial contribution of £348,011.00 (BCIS Index Linked) if this is not achievable.

Following receipt of the notice from the Council in accordance with paragraph 7 of Schedule Eight (being the Council notifying the owner once it has sufficient ownership of the land required to carry out the LSIP Cycle Route Works which is unfettered by constraints and that the LSIP Cycle Route Works can be built out in full without further reference to any party other than the Council or Be First, and the Council shall provide to the Owner all such information or other evidence that is reasonably requested in order that the Owner can satisfy themselves that the LSIP Cycle Route Works can be carried out in full) and the provision of evidence that the LSIP Cycle Route Works can be carried out in full, a scheme shall be submitted to the LPA for approval confirming the design and proposed delivery of the footway / cycleway from the development to Dagenham Dock Station. The footway / cycleway shall be constructed in accordance with the approved details. The existing 3m path to be retained should be inspected and if required resurfaced/reconstructed and lit to the satisfaction of the LPA.

Following the approval of the scheme for the provision of the LSIP Cycle Route, the owner shall use reasonable endeavours to bring forward the footway / cycleway, with an agreed maximum cap of £348,011 (BCIS index linked) to the cost of delivering the route in full. However, in the event that the Council has not provided notice in accordance with paragraph 7 of Schedule 8 and the evidence that it can be carried out in full by the 10th anniversary of occupation, a financial contribution of £348,011 (index linked) shall be made payable by SEGRO.

Following receipt of the notice from the Council in accordance with paragraph 7 of Schedule Eight and the provision of evidence that the LSIP Cycle Route Works can be carried out in full and if required by the Council, to enter into a s.278 agreement with the Council. The works should also detail measures adopted to ensure the safety of Cyclists including a well-lit route with CCTV coverage along its whole length.

21. Strategic Infrastructure Masterplan Study Contribution

A financial contribution of £25,793 (BCIS Index Linked) towards the development of a strategic infrastructure masterplan study focused on modal shift, including the river / rail freight proposition, innovation, promotion and support of low carbon and autonomous vehicles.

The scope will be discussed with relevant members of the Steering Group.

Trigger: Payment to be made prior to commencement of development permitted under subsequent reserved matters (excluding demolition/enabling and remediation works).

22. S.278 Agreement

Prior to commencement of the Choats Road and Choats Manor Way Highway Works the Owner will enter into a S278 Agreement for carrying out improvements to Choats Road and Choats Manor Way (the 'Choats Road and Choats Manor Way Highway Works')

The works should include:

- Increasing the existing footway width into the site (offering up land in the ownership of the applicant) along the eastern (Choats Manor Way) and southern (Choats Road) boundaries of the development site to create a segregated pedestrian footway & cycleway.

All off-Site highway works comprised within the Choats Road and Choats Manor Way Highway Works shall be practically completed no later than first occupation of the development.

The S278 Agreement (and all related approvals and consents) shall not be unreasonably withheld or delayed by the highway authorities (the highway authority being LBBB and TfL). The highway authority shall use all reasonable endeavours to ensure congestion mitigation measures provided for in the S278 Agreement are in place prior to the intended date of first occupation. An agreed programme specifying all necessary procedural and implementation stages and their anticipated dates shall be included in the S106/278 Agreement and the parties shall carry out such stages in accordance with the programme.

23. Road Network Improvements

A financial contribution of £255,791 (BCIS Index Linked) towards localised highways improvements or works to the wider A13, to be agreed by the Council and TfL.

Trigger: Payment to be made prior to commencement of development permitted under subsequent reserved matters

Public Realm

24. Public Realm Improvement Contribution

A financial contribution of £309,523 towards Public Realm enhancements in and around Dagenham Dock C2C station and Chequers Lane.

The extent of the area this contribution should go towards is to be agreed through discussion between relevant members of the Steering Group and other contributors that may be in place post signature of this agreement.

Trigger: payment to be prior the commencement of development permitted under subsequent reserved matters.

Steering Group

25. Steering Group Obligation.

A Steering Group set up by the Council on Commencement of Development permitted under subsequent reserved matters which shall deal with the extent of the areas to be benefitted by the Dagenham Dock Decentralised Energy Network Potential Study, the Strategic Infrastructure Masterplan Study and the Public Realm Improvements. The membership to include:

(one) representative on behalf of the Council
(one) representative on behalf of TfL
(one) representative on behalf of the GLA
and other interested parties as agreed by the Council
(one) representative each on behalf of the Owner and the Developer if the Owner and/or the Developer shall request to become a member (but for the avoidance of doubt neither the Owner nor the Developer shall be required to be a member of the Steering Group).

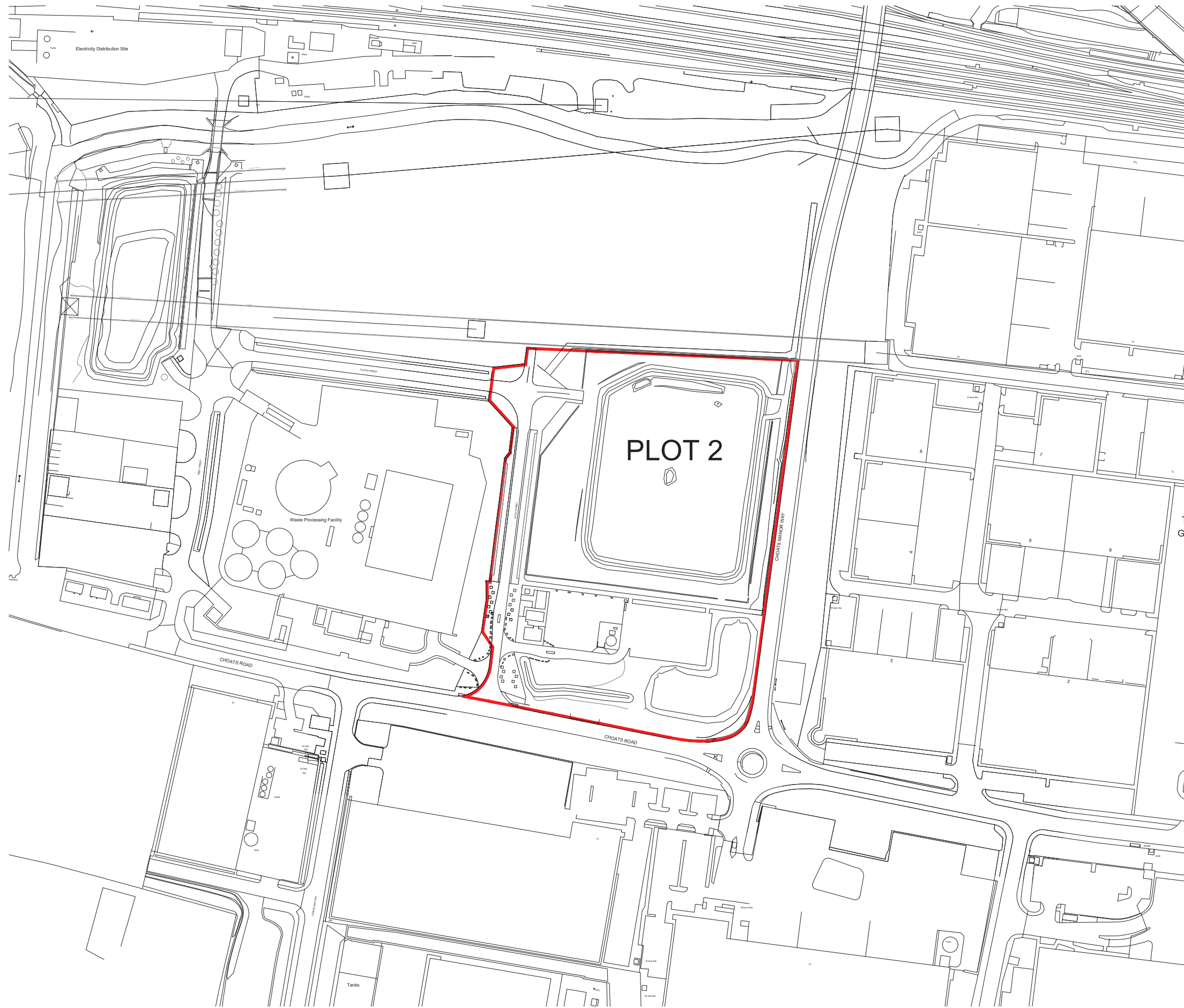
The Owner and the Developer may also attend steering group meetings even if they are not formal members provided that notice of the intention to attend is given. The Steering Group shall be required to take into account the views of the Owner and/or the Developer expressed at such meetings.

On or before Practical Completion the Council shall submit a report to the steering group on how the Public Realm Improvements will be implemented.

26. Application Implementation

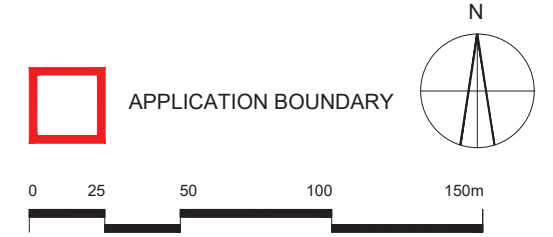
The Owner agrees and covenants with the Council that there shall be no Commencement of Development of this planning permission [reference 23/01946/OUTALL] if planning permission reference 21/00023/FULL is commenced and vice versa.

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PLANNING				
-	16/11/2020	PLANNING SUBMISSION	LW	AC
REV	DATE	NOTE	DRAW	CHK



CHARTERED ARCHITECTS
 11 PLATO PLACE
 ST. DIONIS ROAD
 LONDON SW6 4TU
 TELEPHONE 020 7736 6162
 FAX 020 7736 3896
 www.msa-architects.co.uk



TITLE
**SEGRO PARK DAGENHAM
 PLOT 2**

DRAWING
SITE LOCATION PLAN

CLIENT
SEGRO (EAST PLUS) LIMITED

DATE NOVEMBER 2020	SCALE 1:2500 @ A3	DRAWN LW
	STATUS PLANNING	CHECKED AC

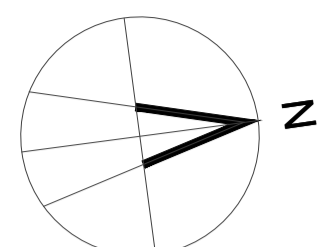
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31221-PL-201

01 SITE LOCATION PLAN
 201 1:2500

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APPLICATION BOUNDARY



ENTRANCE LOCATIONS BETWEEN ARROWS ON HITCH STREET FOR VEHICLES/PEDESTRIANS/CYCLE

PEDESTRIAN / CYCLE ACCESS BETWEEN ARROWS ON CHOATS MANOR WAY

STRUCTURAL LANDSCAPING/ GREEN INFRASTRUCTURE

REDUCED MAXIMUM HEIGHT AT 24M UNDER CABLES

DEVELOPMENT PLOT
 Industrial Buildings (B2,B8,EGiii)
 Ancillary Offices
 Gatehouses/Entrance Buildings
 Plant
 Ramps
 Servicing areas
 Parking/cycle storage
 Industrial landscaping
 Ancillary Infrastructure
 Substation

PLANNING

B	15/12/2023	UPDATED	GZ	AC
A	27/11/2023	UPDATED	GB	AC
-	29/08/2023	PLANNING SUBMISSION	GB	AC
REV	DATE	NOTE	DRAW	CHK



11 PLATO PLACE
 STATIONS ROAD
 LONDON SW6 4TU
 TELEPHONE 020 7736 6162
 FAX 020 7736 3896
 www.mso-architects.co.uk

TITLE
SEGRO PARK DAGENHAM, PLOT 2
 DRAWING
PROPOSED PARAMETERS PLAN

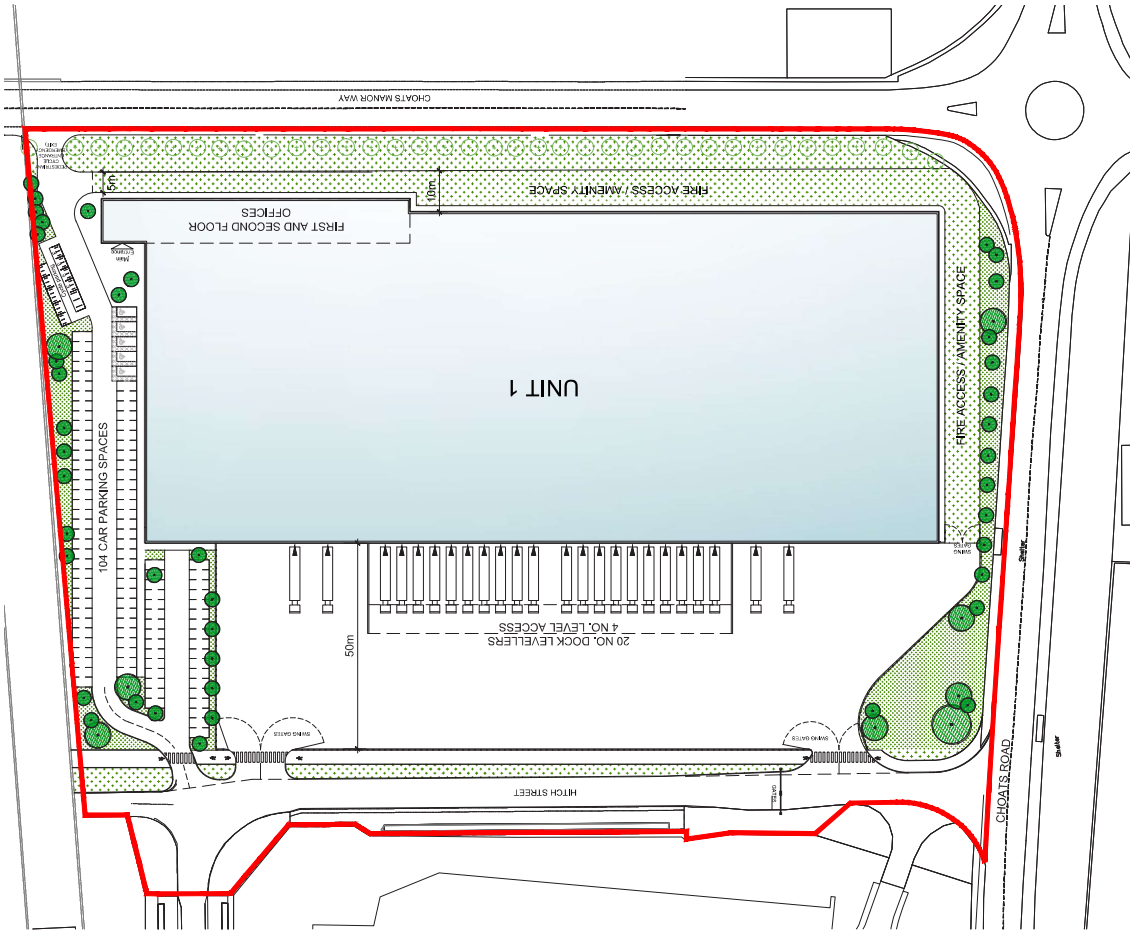
CLIENT
SEGRO (EAST PLUS) LIMITED

DATE	SCALE	DRAWN
AUGUST 2023	1:500@A1	GB
	STATUS	CHECKED
	PLANNING	AC

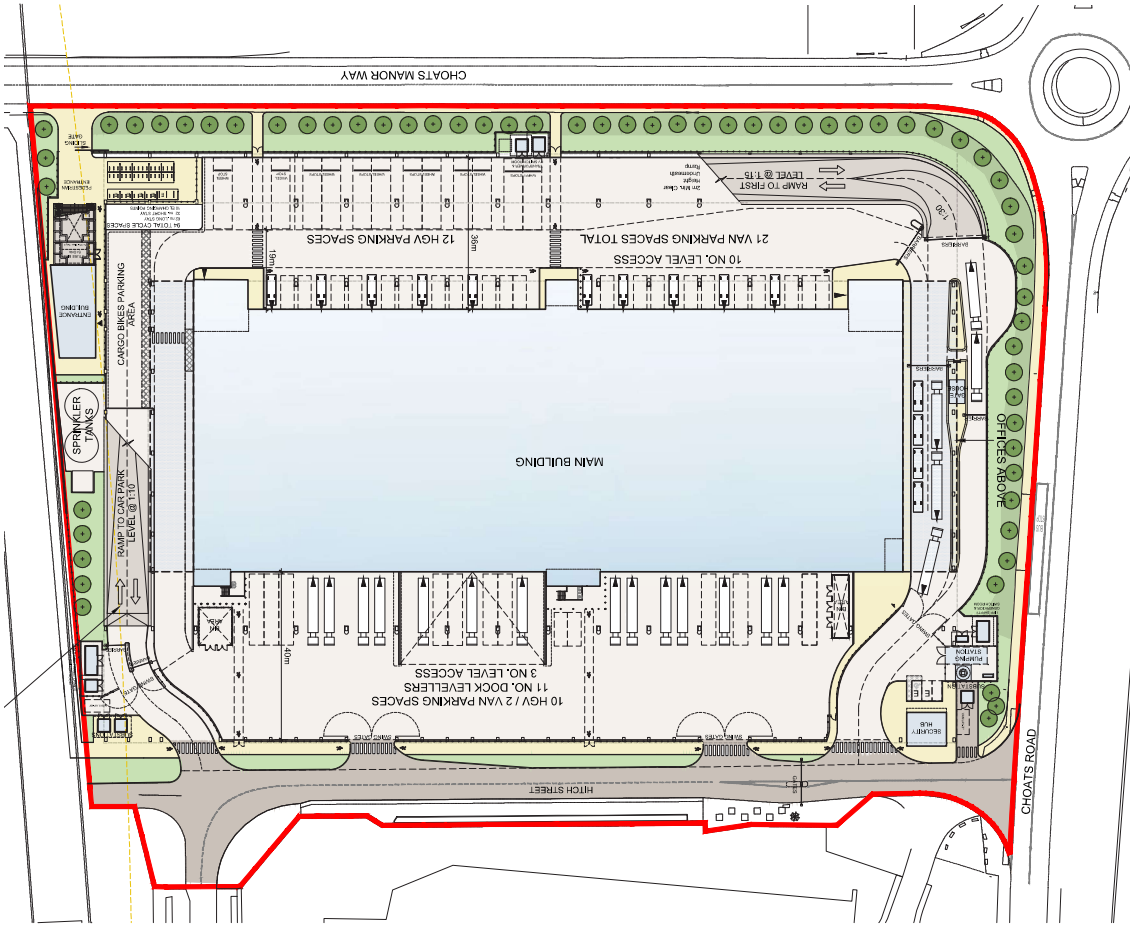
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 256
PARAMETERS PLAN
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Indicative Site Layout Plan - Single Storey



Indicative Site Layout Plan - Multi Storey

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CGI View from Choats Manor Way - Single Storey



CGI View from Choats Road - Multi Storey

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PLANNING PERFORMANCE REVIEW SUB-COMMITTEE

Wednesday, 3 April 2024
(6:07 - 6:57 pm)

Present: Cllr Muhammad Saleem (Chair), Cllr Jack Shaw (Deputy Chair) and Cllr Alison Cormack

1. Apologies For Absence

Apologies were submitted by Councillors Spoor and Zamee

2. Declaration of Interests

There were no declarations of interest.

3. Review of Planning Decisions- Performance Report (April 2023 - March 2024)

The purpose of the meeting was to consider and report back annually to the Planning Committee on a random sample of ten delegated planning decisions and ten appeal decisions, both sets of which were previously selected by the Chair, taken from the total number of those decisions/appeals determined between April 2023 and March 2024, as detailed in the appendices to the covering report.

Barry Coughlan, Interim Head of Development Management (IHDM) presented a report providing an overview of all decisions taken during the period which showed that when considered against the latest available DLUHC performance data produced for all 330 local authorities in England, LBBD were placed joint first (1st) both nationally and in London for determining major development decisions (100%). For the record Barking and Dagenham has maintained top ranking for 15 consecutive months. Furthermore, the Authority was placed first (1st) nationally and in London for determining non-major development decisions (92.97%) within the statutory eight-week statutory period.

These statistics indicated a continuing performance improvement linked to Be First's aspirations to accelerate development, aligning more widely to the government's aspiration to 'speed up' the planning process.

The report included a breakdown within the date period of approvals/refusals across various application types and included commentary about householder applications, where approvals during the period achieved 65% against a challenging and aspirational target of 67% given the quality of submissions at receipt were very poor and propose extremely unneighbourly development. Whilst this was marginally below target and what was achieved in the previous 12 months, the quality of decision making had remained high, and the timely determinations represented a nationally best position.

Finally in respect of certificates of lawful development and prior notifications, the performance levels of determination 'within time' were 100% respectively

Appendix 1 and 2 contained the bundle of the randomly selected delegated planning and appeal decisions which included an overview title page, key

drawings, together with the officer delegated report and decision notice. At the meeting one delegated planning and one appeal decision was selected by the Members, to which the IHDM provided a summary overview of both. A number of questions/comments arose in respect of both cases which the IHDM supported by Marilyn Smith, Head of Planning Assurance responded to.

The Sub-Committee were satisfied that the relevant planning policies and criteria had been applied correctly to both cases.

A full report detailing the Sub Committee's findings would be presented by the IHDM for comment and noting at the Planning Committee on 22 April 2024.

In conclusion the Chair and Members placed on record thanks to Barry Coughlan and his staff in the Be First Management team together with Marilyn Smith, and support from officers in Law and Governance, who collectively had worked hard to achieve such outstanding performance outcomes over the past year.



Be First Regeneration Ltd
9th Floor, Maritime House
1 Linton Road
Barking
IG11 8HG

Working in partnership with



Performance Review Sub-Committee Report

Performance Report
1st April 2023 – 31st March 2024

Barry Coughlan
Interim Head of Development Management

Introduction

The Planning Performance Review Sub-Committee is appointed by the Planning Committee each year to consider and report back on an annual basis a random sample of delegated planning decisions. A number of these cases are then selected for examination/evaluation to assess whether relevant planning policies and criteria were applied in each case. In addition to this, the Planning Performance Review Sub-Committee will review planning appeal performance and have scrutiny of overturned decisions.

As part of the review process the Chair of Planning Committee has randomly selected 10 planning applications determined and 10 appeals decided between 1 April 2023 and 31st March 2024. To add context to this sample, an overview of all decisions taken within the period 1 April 2022 and 31st March 2024 is provided below.

PART 1: DLUHC PERFORMANCE DATA

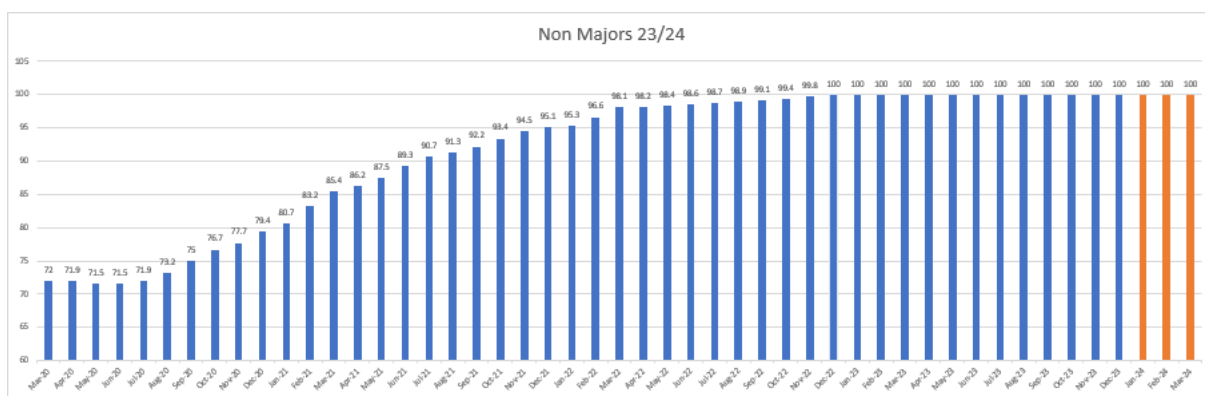
Major Development Performance (24 months to March 2024): Benchmarked against DLUHC Table 151

100% (51 out of 51) of all ‘major’ applications were determined within time April 2022 – March 2024. This performance places LB Barking & Dagenham **joint 1st nationally** when compared against all 330 Local Planning Authorities and **joint 1st in London** when compared against all 32 London Planning Authorities. *It is important to note that 38x authorities nationally and 7 other London authorities all share 1st place achieving 100% of all major applications determined within time.*

Our performance for the timely determination of Major developments over the past 24 months could not have been improved against the parameters of DLUHC performance data but the team are continuing to work to bring through efficiencies and improvements to accelerate growth within the Borough.

Non-Major Development Performance (24 months to March 2024): Benchmarked against DLUHC Table 153

The graph below represents the Development Management’s service performance for the determination of ‘Non-Major’ applications in accordance with DLUHC reporting criteria. Each bar below represents the cumulative average performance of the previous 24 months. (e.g. ‘Oct 21’ below returns data for Nov 2019 - Oct 2021)



- The bars in blue represent the performance of the team as published quarterly by DLUHC.
- The bars in orange represent performance based on monthly performance data.

100% (1,754 out of 1,754) of all ‘non-major’ applications were determined ‘within time’ April 2022 – March 2024. This performance has placed LB Barking & Dagenham **1st nationally** (up 337 places from June 2020) when compared against all 330 Local Planning Authorities and **1st in London** (up 29 places from June 2020)

when compared against all 32 London Planning Authorities. **LB Barking has now maintained this first-placed ranking for 15 consecutive months.**

In addition to the above, it is also important to report on the timeliness of determinations 'within 8 weeks' as this links to Be First's aspirations to accelerate development aligning more widely to the government's aspiration to 'speed up' the planning process. The table below shows the top ranked local authorities for non-major decisions made within 8 weeks as a percentage of total decisions made. It is important to note that the below table illustrates planning performance where no extension of time has been necessary.

Pos	Local Authority	% within 8 weeks no EOT
1	Barking and Dagenham	92.97%
2	Watford	86.17%
3	Arun	81.59%
4	North Tyneside	81.43%
5	Tunbridge Wells	79.98%
6	Chelmsford	78.96%
7	Coventry	78.78%
8	Medway	78.44%
9	Three Rivers	78.29%
10	Redbridge	77.58%

As per DLUHC data published December 2023 (based on the 24-month average prior to Sept 2023), **93%** of all 'non-major' applications were determined 'within 8 Weeks'. This performance places LB Barking & Dagenham **1st nationally** when compared against all 330 Local Planning Authorities and **1st in London** when compared against all 32 London Planning Authorities.

PART 2: FINANCIAL YEAR 2023-2024 PERFORMANCE DATA

Applications determined:

	Q1 <i>Apr 23 – Jun 23</i>	Q2 <i>Jul 23 – Sep 23</i>	Q3 <i>Oct 23 – Dec 23</i>	Q4 <i>Jan 24 – Mar 24</i>	12 Month Total <i>Apr 23 – Mar 24</i>
Majors (Determined in time)	100% (5 out of 5)	100% (2 out of 2)	100% (7 out of 7)	100% (3 out of 3)	100% (17 out of 17)
Minors (Determined in time)	100% (57 out of 57)	100% (52 out of 52)	100% (46 out of 46)	100% (33 out of 33)	100% (188 out of 188)
Others (Determined in time)	100% (127 out of 127)	100% (160 out of 160)	100% (133 out of 133)	100% (94 out of 94)	100% (514 out of 514)
CLE's & CLP's (Determined in time)	100% (91 out of 91)	100% (99 out of 99)	100% (87 out of 87)	100% (71 out of 71)	100% (348 out of 348)

The above table confirms that 100% of all decisions taken on the above applications within the previous financial year were taken within time.

Appeals:

	Q1 <i>Apr 23 – Jun 23</i>	Q2 <i>Jul 23 – Sep 23</i>	Q3 <i>Oct 23 – Dec 23</i>	Q4 <i>Jan 24 – Mar 24</i>	12 Month Total <i>Apr 23 – Mar 24</i>
Planning Appeals (Dismissed)	56% (9 out of 16)	77% (10 out of 13)	64% (9 out of 14)	75% (21 out of 28)	69% (49 out of 71)

The most recent national average published by the Planning Inspectorate is at 68% dismissed. This places the quality of decision taking by LB Barking and Dagenham above to the national average. This is an excellent result given the speed of determination and the ageing local policy context (2010/2011) against which decisions are determined.

Householder

The Development Management Team have set an aspirational target to approve 67% of all 'Householder' applications. This is an extremely ambitious challenge given the quality of submissions at receipt is generally very poor and propose extremely unneighbourly development. It must be noted that this aspirational target does not prejudice officers assessment in any way and that each application is assessed on its own merits. Nevertheless, officers work hard to engage with applicants and seek meaningful improvements and amendments to proposals (where possible).

Through the period April 2023- March 2024 achieved a **66% (270 out of 410)** approval of all Householder applications, equalling last year's performance. Whilst this is marginally below the team's aspirational target, the quality of decision making (*as reflected above in the appeals data*) remains high and the timely determinations (*as demonstrated in the applications determined data*) represents a nationally best position.

This aspirational target has been in place since 2021. In 2021/22 the average across the year was 65% of applications approved and in 2022/23 the average across the year was 67%. This illustrates that the

aspirational target of 67% is very difficult to achieve. Nevertheless, the team shall endeavour to exceed the target next year with a view to reviewing the target level for 2025/26.

PART 3: APPLICATIONS SAMPLE FOR DETAILED REVIEW

The following table provides a key summary of the sample of randomly selected applications determined within the period of 1 April 2022 and 13th March 2023 out of a total of 987 decisions issued. The applications are listed in date order of the date of the decision being issued. The Sub-Committee will select 3-4 of the reports below for a further detailed review and the outcome of this will be reported back to the Full Planning Committee following this review.

App. Ref:	Address:	Decision:	Within Statutory period?	Within time agreed?
24/00025/Full	476, Ripple Road, Barking	Refused	YES	n/a
23/01965/Hse	106, Manor Road, Dagenham, RM10	Approved	YES	n/a
23/01902/ Hse	11, Stratton Drive, Barking	Approved	YES	n/a
23/01447/Full	3, Seagull Close, Barking, IG11 OGX	Approved	YES	n/a
23/01197/ Hse	28, Western Avenue, Dagenham, RM10 8XH	Refused	NO	YES
22/00025/Full	108, Hatfield Road, Dagenham, RM9 6JS.	Refused	YES	n/a
22/02100/Full	97, Gay Gardens, Dagenham, RM10 7TH	Refused	YES	n/a
22/02117/Full	144, Marston Avenue, Dagenham, RM10 7LJ	Approved	YES	n/a
23/00248/Full	229, Westrow Drive, Barking, IG11 9BS	Refused	YES	n/a
23/00327/Full	733, Becontree Avenue, Dagenham, RM8 3HH	Refused	YES	n/a

Further Detailed Review

The sub-committee received a bundle at Appendix 1 providing further detail on each of the applications identified for review in the table above. The bundle contains the following information for each application:

- Overview title page
- Key Drawings(s)
- Key aerial imagery provided for wider site context
- Officer Delegated Report
- Decision Notice

The following table records a summary of the performance and quality indicators for each application the Sub-Committee considered in further detail along with a summary of the matters reviewed on each application.

App. Ref:	22/02100/FULL		Date Received:	02/03/2023	
App. Address:	97, Gay Gardens, Dagenham, RM10 7TH		Date Determined:	21/04/2022	
Proposal:	Conversion of existing shed into a 1x bedroom bungalow				
Time Taken (weeks)	Within statutory period or agreed time?	Correct planning history noted?	Correct policies applied?	Officer report published to file?	Decision notice published to file?
6	Yes	Yes	Yes	Yes	Yes
<p>Summary of Discussion and Comments of the Sub-Committee:</p> <ul style="list-style-type: none"> The application relates to the conversion of a shed in a rear garden to a bed. It was noted that this is a common type of application received by the LPA and that there is an issue within the borough of sub-standard self-contained accommodation being provided within rear gardens. Members considered the existing and proposed plans along with photographs of the rear elevation and aerial imagery. In considering the reasons for refusal members were satisfied that a correct decision had been taken that the proposal would represent a sub-standard form of accommodation. It was noted by the Head of Planning Assurance that the approach taken to 'bed in sheds' application was a good example of cross working between Be First and different LBBB departments (in this case enforcement and private sector housing). This approach was welcomed by members. There was some discussion on the wider approach to this type of application that has been adopted which takes into account recent decisions by the inspector but adopts an enhanced approach to enforcement in order to ensure that any ancillary out buildings consent are not unlawfully occupied as self-contained units. 					

PART 4: APPEALS SAMPLE FOR DETAILED REVIEW

The following table provides a key summary of the sample of randomly selected appeals decisions received within the period of 1 April 2023 and 13th March 2024 out of a total of 65 appeals determined by the Planning Inspectorate. The appeals are listed in date order of the date of the decision being issued. The Sub-Committee will select 3-4 of the reports below for a further detailed review and the outcome of this will be reported back to the Full Planning Committee following this review.

Appeal. Ref:	Address:	Appeal Outcome
APP/Z5060/W/22/3304836	75 Longbridge Road, Barking, Barking And Dagenham, IG11 8TG	Appeal Dismissed
APP/Z5060/W/22/3311509	345 Hedgemans Road, Dagenham, Barking And Dagenham, RM9 6DR	Appeal Allowed
APP/Z5060/X/22/3294717	195 Morley Road, Barking, Barking And Dagenham	Appeal Allowed
APP/Z5060/D/22/3306726	14 Thornhill Gardens, Barking, Barking And Dagenham, IG11 9TX	Appeal Allowed
APP/Z5060/D/22/3313390	128 Western Avenue, Dagenham, Barking And Dagenham, RM10 8UH	Appeal Allowed
APP/Z5060/W/22/3313463	2 Dewey Road, Dagenham, Barking And Dagenham, RM10 8AR	Appeal Allowed
APP/Z5060/D/23/3321946	20 Oval Road North, Dagenham, Barking And Dagenham, RM10 9EL	Appeal Allowed
APP/Z5060/D/23/3329141	231 Westrow Drive, Barking, Barking And Dagenham, IG11 9BS	Appeal Allowed
APP/Z5060/W/23/3326911	135 Hatfield Road, Dagenham, Barking And Dagenham, RM9 6JT	Appeal Allowed
APP/Z5060/W/23/3328582	20 Tenby Road, Chadwell Heath, Romford, Barking And Dagenham, RM6 6NB	Appeal Allowed

Further Detailed Review

The sub-committee received a bundle at Appendix 2 providing further detail on each of the applications identified for review in the table above. The bundle contains the following information for each application:

- Overview title page
- Key Drawings(s)
- Key aerial imagery provided for wider site context
- LBBDD Decision Notice
- Planning Inspectorate Appeal Decision (and any associated cost decision if relevant)

The following table records a summary of the performance and quality indicators for each application the Sub-Committee considered in further detail along with a summary of the matters reviewed on each application.

Appeal Ref:	APP/Z5060/D/22/3306726	Planning App Ref:	22/01189/PRIEXT
Appeal Address:	14 Thornhill Gardens, Barking, Barking And Dagenham, IG11 9TX	Planning App (decision date)	16/08/2022
Proposal:	Prior notification application for the construction of a single storey rear extension. The proposed extension will extend beyond the rear wall by 6.00 metres. The maximum height of the proposed extension from the natural ground level is 3.00 metres. The height at eaves level of the proposed extension measured from the natural ground level is 2.80 metres.		
<p>Summary of Discussion and Comments of the Sub-Committee</p> <ul style="list-style-type: none"> The application in question is for prior approval, meaning that an assessment of the impact of the application is only necessary if an objection is received from an adjoining neighbour. If no neighbour objects, then prior approval is not required, and the proposal is considered permitted development. In this case, an objection was received so an assessment of the development was carried out. Officers found that the impact of the proposed extension upon neighbouring amenity would be unacceptable. The inspector disagreed stating that there were mitigating factors which reduce the harm on neighbours. Officers were of the view that the inspector took an overly relaxed approach to the impact on neighbouring amenity. Officer also brought to members attention one aspect of the inspector's assessment which it was considered misapplied the relevant guidance in the Residential Extensions SPD Members considered the proposed development in full and considered both the officer assessment and the assessment of the Planning Inspector. Members agreed that officers' resistance to the application was reasonable, and that the inspector's position was arguable. Members queried whether there was a means of appealing to the inspector if we felt that they had erred in their assessment. It was explained that a legal challenge could be mounted but that would generally only be considered on a large strategic scheme. The inspector could be written to to raise the issue if it was considered that there was a persistent problem but that wasn't considered appropriate in this case. 			