Application No: 16/00504/FUL
Ward: Abbey

Reason for Referral to DCB as set out in Part 2, Chapter 9 of the Council Constitution:
Any application recommended for approval with five or more objections from local residents

Address: 9-10 The Triangle, Tanner Street, Barking

Development:
Redevelopment of site involving construction of 3 storey building to provide retail space (Class A1) at ground floor and 8 residential units (7 one bedroom and 1 two bedroom flats) above.

Applicant:
Regent Land and Development Ltd

Contact Officer:
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Summary:
The application site comprises 9-10 The Triangle, Tanner Street which is a plot of land that sits in the middle of a 1-14 The Triangle which is a retail parade that forms part of the Triangle and Fanshawe Avenue Neighbourhood Centre.

The site has a number of vacant single storey buildings that are concealed from the street by three large advertisement hoardings. The site has been used for many years for car repairs.

The application seeks planning permission for the redevelopment of the site involving the construction of a 3 storey building to provide retail space at ground floor and 8 residential units (7 x one bedroom and 1 x two bedroom flats) above.

The provision of a new commercial unit thus increasing the retail frontage of this neighbourhood centre is supported.

The scale, form, massing and design of the proposed building are considered to be acceptable and will enhance the appearance of the host parade and surrounding area.

All the flats have been designed in accordance with internal space standards set out in the Minor Alterations to the London Plan (March 2016).

The development will provide easterly facing wintergardens fronting Tanner Street for 6 of the flats and large balcony areas for two of the flats facing the rear. This is considered to be in accordance with policy which states that development in town centre sites, where it is not often feasible to provide large garden areas, can provide alternatives such as balconies and roof terraces. It is not typical of flats above shops to have large amenity areas and, in this instance the provision of wintergardens and balconies are considered to
be acceptable.

Two responses and a petition with 9 signatures have been received from the public consultation exercise raising concerns with regards to car parking, the three storey building being out of character with the existing two storey buildings, overcrowding in the streets and loss of light (objection received from 11 The Triangle).

It is not considered that the development will result in any material loss of light, outlook or privacy detrimental to the living standards and amenities enjoyed by neighbouring occupiers.

The site has a Public Transport Accessibility Level (PTAL) of 6a which is high and is very well served by public transport. The development would be ‘car free’ with a restriction imposed preventing future occupiers from obtaining residential parking permits.

The applicant has agreed to a contribution of £3,000 for the implementation of double yellow lines within the immediate vicinity of the site. This would be secured through a S106 legal agreement.

**Recommendation(s):**

That the Development Control Board grant planning permission subject to the completion of a Section 106 agreement securing the payment to the Council of £3,000 for the cost of making an appropriate Traffic Management Order to allow the implementation of double yellow lines in the vicinity and the following conditions:

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

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


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

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

   Reason: To protect or enhance the character and amenity of the area in accordance with policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.
4. The residential occupiers of the proposed development shall not be eligible for a parking permit within any adjoining Controlled Parking Zones (CPZ).

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

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

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

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

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

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.
7. The refuse enclosures indicated on drawing No. TRI-DS-01-GR-DR-A-P100 Rev P1 shall be constructed in accordance with the approved plans prior to the occupation of the development hereby approved and thereafter permanently retained for the use of the occupiers of the premises.

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

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

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

9. Notwithstanding the requirement to provide a lift at entrance level for each dwelling, the dwellings shall comply with Building Regulations Optional Requirement Approved Document M4(2) Category 2: Accessible and adaptable dwellings (2015 edition). Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure that accessible housing is provided in accordance with policy 3.8 of the Housing Standards Minor Alterations to the London Plan March 2016.

10. The proposed green roof indicated on drawing number TRI-DS-01-GR-DR-A-P100 shall be constructed prior to the occupation of the development and thereafter maintained in accordance with the Bauder Green Roof Maintenance Plan (submitted 28 July 2016).

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

11. The ground floor commercial premises shall only be used for purposes within Class A1 of the Town & Country Planning (Use Classes Order) 1987 or in any provision equivalent to these Classes in any statutory instrument revoking and re-enacting that Order, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the locality by avoiding the introduction of a use detrimental to its amenities and for which there is no local need.

12. The cycle parking areas indicated on drawing number TRI-DS-01-GR-DR-A-P100 Rev P1 shall be implemented prior to the occupation of the development and permanently retained for the accommodation of bicycles of occupiers and visitors to the premises and not used for any other purpose unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of promoting cycling as a sustainable and non-polluting mode of transport and in accordance with Policy BR11 of the Borough Wide Development Policies Development Plan Document.

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

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

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

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

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

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

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

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.

16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing
immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 14 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15 which are subject to the approval in writing of the Local Planning Authority.

Reason (for conditions 13-16): Contamination must be identified prior to commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy BR5 of the Borough Wide Development Policies Development Plan Document and policy 5.21 of the London Plan.

1. Introduction and Description of Development

1.1 The application site comprises a vacant plot of land that has a site area of 476 square metres and forms part of ‘The Triangle’ located on the north western side of Tanner Street. The site is concealed behind three advertisement hoardings fronting Tanner Street however there are a number of single storey buildings that occupy the land. The existing buildings and land are used for car repairs. Access to this site is via a narrow (approximately 3 metres wide) service road which runs between 1 The Triangle and 95/97 Tanner Street and then behind the rear yards of 2-4 and 7-8 The Triangle.

1.2 The surrounding area is a mixture of commercial and residential with two storey dwellings and 3 to 4 storey blocks of flats within the immediate vicinity. The site occupies the central portion of a retail parade comprising numbers 1-17 The Triangle with numbers 1-8 The Triangle to the south and 11-14 The Triangle to the north of the site. The host parade which comprises two storey buildings with commercial uses at ground floor with residential above also forms part of the Triangle and Fanshawe Avenue Neighbourhood Centre.

1.3 To the south west of The Triangle is Sixpenny Court, a 4 storey residential development; to the north west are the rear of residential properties in Victoria Road and to the north is Barking Mosque.

1.4 This application relates to the redevelopment of the site involving the construction of a 3 storey building to provide retail space at ground floor level and 8 residential units above. The development will provide 7 one bedroom flats and 1 two bedroom flat.

1.5 Internally the flats will comprise a combined living/dining/kitchen area, the bedroom(s), a bathroom and storage areas.

2. Background

2.1 There is no relevant planning history relating to this application.
3. Consultations

3.1 Adjoining Occupiers

27 neighbouring occupiers were notified during the public consultation exercise and two responses (from 4 Loxford Terrace and 11 The Triangle) and a petition with 8 signatures have been received objecting to the proposal. The following objections and concerns have been raised;

- Increase in parking pressure
- Overcrowding in the streets
- A three storey building will be out of character with the two storey buildings either side.
- Loss of light (to number 11 The Triangle)

*Officer Note:* A development of this size is unlikely to result in overcrowding and as such little weight can be given to this objection. All other objections have been considered in the main body of this report.

3.2 Access Team

A number of comments and recommendations have been made with regards to door widths, requirement for colour contrasted hand rails, step nosings, décor and signage. The Access Team have stated that they are happy with the internal layouts and the dwellings would potentially be suitable for ambulant disabled people however would seek justification for the absence of lift provision.

*Officer Note:* These matters will be dealt with under the Building Regulations. The agents have submitted a viability statement which suggests that to provide a lift on this scheme would unacceptably increase the service charge to potential occupiers of the development.

3.3 Environmental Health – No response received.

3.4 Transport Development Management

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

There is a very high demand for on-street parking in this area which has limited parking spaces. This is managed by way of a controlled parking zone (CPZ) in Tanner Street and the surrounding streets.

Given the high PTAL rating and the site’s proximity to Barking Town Centre, we have no objection to this proposal being a car-free development. However, we are of the opinion that the prospective residents and businesses at this development should be restricted from the CPZ so as not exacerbate the already high parking pressures in this area, and this will need to be conditioned.

We should also explore the possibility of obtaining some contribution from the developer to implement a scheme to provide double yellow lines in order to deter illegal/inconsiderate parking in Tanner Street at the junction with Ilford Lane.
3.5 **Waste and Recycling Policy Manager** – No response received.

3.6 **Environment Agency** – No response received.

4. **Local Finance Considerations**

4.1 The development would result in an estimated Mayoral Community Infrastructure Levy of £18,152, which is to be utilised towards the funding of the Cross Rail project, and a Borough Community Infrastructure Levy of £43,654. If a supermarket of any size selling mainly food was to come forward the commercial space would be charged at a rate of £175 per square metre.

5. **Analysis**

5.1 **Principle of Development**

5.1.1 The site is designated as part of the Triangle and Fanshawe Avenue Neighbourhood Centre as defined by Site Specific Allocations Development Plan Document and the Barking Town Centre Area Action Plan Proposals Map. The proposed use of the ground floor for retail purposes would therefore be appropriate and support the retail function of this Neighbourhood Centre.

5.1.2 The mixed use of the proposed development with flats above would also be in accordance with planning policy, and help to maximise the use of the site, and contribute to housing supply.

5.1.3 With 8 private units, the scheme is below the threshold of 10 above which London Plan policy 3.13 seeks the provision of affordable housing where viable. It is considered that the scheme maximises the use of the site and therefore it is in accordance with this policy.

5.1.4 The site currently comprises a number of single storey buildings and the rear part of the site is used for car repairs. The site is concealed behind advertisement hoardings and thus is not visible from the street.

5.1.5 The proposed use of the site is in accordance with policy and would benefit the locality in terms of providing an additional retail unit and residential flats.

5.2 **Siting, Layout and Design**

5.2.1 The building would be three storey and therefore higher than the rest of the buildings within this parade. However, given its centrally located position within the parade and the location of the site on a fairly prominent bend, it is considered that the development would provide an appropriate focal point for the host retail parade. The manner in which the building connects to the adjacent buildings of two storey shops with flats above is also considered appropriate.

5.2.2 The building will entirely cover the footprint of the site at ground floor level with the first and second floor levels largely spanning the frontage of the site. The building
narrows at first and second floor level towards the rear forming a two storey rectangular shaped projection which would be the most visible part of the development from the rear of neighbouring properties. The two storey projection would extend 6 metres from the rear building line of the neighbouring property to the north east number 11 The Triangle and be set in at least 2.2 metres from the boundary with an overall distance of 3.9 metres between the flank walls of the development and 11 The Triangle. The rear projection will be set in between 3.0 to 6.3 metres from the south western boundary with number 8 The Triangle thus the separation between the rear projection and the neighbouring property is greater to the south west. In view of the separation distance between the development and neighbouring properties it is not considered that there would be any appreciable amenity loss to adjacent occupiers.

5.2.3 The scale, form and massing of the proposed building is considered to be acceptable and will not impact on neighbouring amenities in terms of loss of light, outlook or privacy or detract from the character of the area.

5.2.4 The development will be contemporary and modern comprising an uncomplicated brick building that follows the existing building line created by the adjacent properties. The ground floor retail unit will comprise full height glazing allowing for an active frontage to the street. The upper floors of the development rely on large windows and winter gardens set within deep reveals and in places injected with patterned brickwork embedded horizontally between the winter gardens, to articulate visual interest on the upper floors of the building.

5.2.5 Given the relatively simple built form and design of the development, the use of good quality materials will be particularly important to enhance its presence in the street scene. These will include the quality of the brickwork, mortar and window and door surrounds. However these matters can be addressed via the imposition of a suitable condition.

5.2.6 Overall the building is considered to be well proportioned and attractively designed and would provide visual interest to the street and therefore accords with policies CP3 of the Core Strategy and policies BP11 and BP8 of the Borough Wide Development Polices Development Plan Document (DPD) which relate to urban design and seek to protect residential amenities.

5.3 External Amenity Space

5.3.1 Policy BP5 of the Borough Wide Development Policies DPD seeks to ensure that appropriate external private and/or communal amenity space to meet the needs generated by the development is provided. Where developments in town centre locations are not able to provide external amenity space on the site the application should demonstrate that suitable alternatives such as useable roof terraces, roof gardens and balconies have been considered and incorporated wherever possible. The site forms part of the town centre hierarchy as it forms part of the Triangle and Fanshawe Avenue Neighbourhood Centre.

5.3.2 The development proposes winter gardens fronting Tanner Street for flats 1-3 and 5-7. These winter gardens will measure between 5.77m² and 6.12m² in area. Flats 4 and 8, facing the rear of the site, would have large 12.44m² balconies. It is quite typical of flats above shops to have very little or no external amenity space.
and the proposed winter gardens and roof terrace areas will comply with the standards set by the Mayor’s Supplementary Planning Guidance for Housing. It is considered that the applicant has maximised the provision of external amenity space having regard to the constraints of the site, and therefore the development would be in accordance with this policy BP5 of the Borough Wide Policies Development Plan Document.

5.4 Internal Design

5.4.1 In relation to internal space standards all the flats will meet the standards for gross internal area, storage space, room sizes and layout, set out within the Government’s ‘nationally described space standard’ and the London Plan (consolidated with alterations since 2011)

5.4.2 All units are designed with the exception of lift access, to achieve optional Building Regulations requirement M4 (2) ‘accessible and adaptable dwellings’ (equivalent to Lifetime Homes Standards) in accordance with policy 3.8 of the Minor Alterations to the London Plan.

5.5 Transport

5.5.1 The site has a very high Public Transport Accessibility Level (PTAL) of 6a on a scale of 0 – 6b where 6b is excellent.

5.5.2 The proposed development would be ‘car free’ whereby no on-site parking is provided, and the applicant has agreed to a condition whereby future residents will not be entitled to obtain a residents parking permit for on street parking within the adjacent Controlled Parking Zone (CPZ). The applicant has also agreed to provide a contribution of £3,000 to implement double yellow lines in front of the premises where there is currently a single yellow line. The implementation of double yellow lines will remove the opportunity to park in this location after operational hours.

5.5.3 The edge of town centre location and high level of public transport accessibility makes this an appropriate location for a car free development. The imposition of the proposed condition would prevent potential nuisance to existing neighbouring residents caused by additional parking congestion.

5.5.4 The lack of on-site parking also allows the development potential of the site to be maximised.

5.5.5 Cycle parking would be provided within various parts of the site to London Plan standards. The cycle parking provision for the residential dwellings will be secure and contained within the building.

6 Conclusion

6.1 The proposed development would result in a well designed building of appropriate scale and relationship with neighbouring buildings, which would make good use of the site.

6.2 The scheme would protect the amenities of neighbouring occupiers and provide a good standard of residential amenity for future occupiers.
6.3 The site is a highly accessible location and is suitable for a ‘car free’ development as proposed and will provide a contribution of £3,000 for the implementation of a scheme to provide double yellow lines outside the site.

**Background Papers**

- Planning Application File:
  

- **Local Plan Policy**

  Policy CM1  General Principles for Development  
  Policy CP3  High Quality Built Environment  
  Policy BR5  Contaminated Land  
  Policy BR10  Sustainable Transport  
  Policy BR11  Walking and Cycling  
  Policy BC7  Crime Prevention  
  Policy BP5  External Amenity Space  
  Policy BP8  Protecting Residential Amenity  
  Policy BP11  Urban Design

- **London Plan Policy**

  Policy 3.4  Optimising Housing Potential  
  Policy 3.5  Quality and Design of Housing Developments  
  Policy 3.8  Housing Choice  
  Policy 6.13  Parking

  Minor Alterations to the London Plan March 2016

- **National Policy**

  National Planning Policy Framework  
  National Planning Practice Guidance