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<th><strong>Barking and Dagenham Council</strong></th>
<th><strong>Date:</strong> 6 February 2017</th>
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<td><strong>Development Control Board</strong></td>
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<th><strong>Application No:</strong></th>
<th>16/01353/FUL</th>
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<td><strong>Ward:</strong></td>
<td>Gascoigne</td>
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**Reason for Referral to DCB as set out in Part 2, Chapter 9 of the Council Constitution:**
The application is recommended for approval with five or more objections from local residents.

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<th><strong>Address:</strong></th>
<th>Boleyn Garage, 87 Movers Lane, Barking</th>
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**Development:**
Demolition of existing buildings and erection of 3 storey building to provide 8 two bedroom flats together with associated cycle and refuse stores

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<th><strong>Applicant:</strong></th>
<th>Plaistow Broadway Filling Stations</th>
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**Contact Officer:**
Simon Bullock

**Title:**
Principal Development Management Officer

**Contact Details:**
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**Summary:**
The proposed development involves the demolition of the existing motor repair garage and its replacement with a three storey L shape block of eight 2 bedroom flats.

The development would result in the loss of a small employment site but one that is poorly located in relation to its potential to impact adversely upon the amenities of immediately adjacent residents, and therefore the change in the use of the site is considered desirable and in accordance with the exceptions set out within policy CE3 of the Core Strategy.

The proposed flats would provide a good standard of accommodation with internal and external space that is in accordance with the requirements of the relevant planning policies.

The architecture and urban design is considered to be of good quality providing visual interest and responding well to the context of the surrounding street scene.

**Recommendation:**

That the Development Control Board grant planning permission subject to 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 Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 16005 102 Rev. A; 16005 103 Rev. B; 16005 104 Rev. B and RP-PRE-
01. Reason: For the avoidance of doubt and in the interests of proper planning.

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

Reason: To protect or enhance the character and amenity of the area in accordance with policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

4. No development above ground level shall take place until a scheme of hard and soft landscaping for the site, including details of materials, species and a planting schedule have been submitted to and approved by the Local Planning Authority in writing. The approved hard landscaping shall be carried out prior to the occupation of the development and thereafter permanently retained. The approved soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or completion of the development, whichever is the sooner. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the development is satisfactorily landscaped in order to improve the visual appearance of the area and in accordance with policies BR3 and BP11 of the Borough Wide Policies Development Plan Document.

5. No development above ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, design, materials and type of boundary treatment to be erected. The development shall not be occupied until the approved boundary treatment has been provided. The approved boundary treatment shall be retained unless the Local Planning Authority gives prior written approval for its removal.

Reason: To ensure the boundary treatment protects or enhances the character and amenity of the area in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.

6. No development above ground level shall take place until a scheme showing the provisions to be made for external lighting, CCTV coverage, access control, and any other measures to reduce the risk of crime, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented. Thereafter the approved measures shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to provide a good standard of security to future occupants and visitors to the site and to reduce the risk of crime in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.

7. The refuse and cycle storage enclosures indicated on drawing No. 16005 102 Rev A;
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 and to promote cycling as a sustainable and non-polluting mode of transport in accordance with policies BR11, BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

8. Prior to the commencement of the development a scheme of highway works shall be submitted to and approved by the Local Planning Authority that shall where feasible secure the provision of an additional on-street parking bay within Gordon Road, and that shall secure the vehicular access to the approved parking bays, and the re-instatement of existing obsolete dropped kerbs; the development shall not be occupied until the completion of the approved scheme.

Reason: Details are required prior to the commencement of the development in order to secure any necessary associated works to the highway to enable the provision of the dropped kerb, in the interests of highway and pedestrian safety and convenience and in view of the low level of on-site parking provision and in accordance with policy BR9 of the Borough Wide Development Policies Development Plan Document.

9. The car parking areas indicated on drawing No. 16005 102 Rev A; shall be constructed and marked out prior to the occupation of the development, and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.

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 in accordance with policy BR9 of the Borough Wide Development Policies Development Plan Document.

10. Prior to the commencement of the development a drainage scheme that seeks to achieve the ‘green field’ rate of run off shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the completion of the approved scheme.

Reason: Details of the drainage scheme are required prior to commencement in order to secure any underground works required to reduce the risk of flooding and in accordance with policy BR4 of the Borough Wide Development Policies Development Plan Document and policy 5.13 of the London Plan.

11. 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:

(i) a survey of the extent, scale and nature of contamination;
(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(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’.

12. 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.

13. 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.

14. 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 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason for Conditions 11 to 14: Details are required prior to the commencement of development in order 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.
15. Before occupation all of the flats 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 London Plan.

1. Introduction and Description of Development

1.1 The site, Boleyn Garage, is a motor repair garage that lies at the junction of Movers Lane and Gordon Road.

1.2 The garage is currently occupied by a tenant of the landlord of the site, but the lease is due to expire shortly. It is understood that the tenant is currently undecided about whether to seek an alternative premises or to wind up the business.

1.3 The existing two storey, and one and a half storey buildings would be replaced by a three storey L shaped building that would front Movers Lane and Gordon Road with a small area of amenity space to the rear, and three undercroft parking spaces accessed from Gordon Road. The building would provide 8 two bedroom flats.

2. Background

2.1 The garage originally included a filling station and planning permission was granted in 1995 for continuation of the use of the filling station forecourt for vehicle sales.

3. Consultations

Adjoining occupiers

3.1 Letters were sent to 52 neighbouring residents, in response a petition in objection to the proposed development was received signed by 8 neighbouring individuals and families, objection on the grounds of loss of privacy, traffic congestion, and lack of parking.

Access Officer

3.2 No objections but recommends changes to the door opening arrangements to improve safety and asks why no lift is provided.

Officer note: In response the applicant has made amendments to the proposed internal layout, and provided a statement prepared by a local surveyor that states that the provision of a lift is not considered financially viable because it would add a significant cost, and the maintenance cost would need to be passed on to future occupiers. Consequently the service charges for residents, for only 8 flats, would be significantly higher than the average for this area which is considered likely to put off potential buyers.
Environmental Health

3.3 No comments received.

Historic England – Archaeology

3.4 The development is unlikely to affect heritage assets of archaeological interest and therefore no further assessment or conditions are necessary.

Lead Local Flood Authority

3.5 Concern is expressed that connecting additional dwellings to the existing surface water drains serving this area could exacerbate existing drainage capacity problems which has previously led to the flooding of Greatfields Park.

*Officer note: Thames Water is responsible for the drains in question and has been made aware of the above comments. However, the body has not identified any issues with drainage capacity in the area, and has not raised any objection to the application.*

London Fire and Emergency Planning Authority

3.6 No objections.

Refuse Services

3.7 No comments.

Transport Development Management

3.8 No comments received.

Thames Water

3.9 In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.

*Officer note: A proposed condition addresses this point.*

4. Local Finance Considerations

4.1 The proposed development would be liable for the Mayoral Community Infrastructure Levy (CIL) at a rate of £20 per square metre (index linked from 2012) resulting in a charge of £7843.05 and the Borough CIL at a rate of £10 per square index linked from 2015 resulting in a charge of £3429.41.

5. Analysis

Principle of the Development
5.1 The lawful use of the site as a garage is an employment use, although it is not within an area of designated employment land, and policy CE3 of the Core Strategy generally seeks to protect such uses. However, the policy allows for exceptions in circumstances where continued use would cause disturbance to residential neighbours, and where there the site is no longer needed for employment purposes.

5.2 The applicant has submitted a report by a local property consultant in response to this issue, that states there is limited demand for such sites, a vehicle related use is likely to cause residential disturbance, the building cannot easily be converted to an alternative employment use, and refers to the wide availability of other more suitable sites for industrial activities in other parts of the Borough.

5.3 The existing garage, due to its longstanding nature, is not subject to any existing planning conditions in relation to matters as such as noise or hours of operation. It is not known whether the previous occupier did cause disturbance to neighbours but this lack of control over the potential impacts of industrial use of the site could result in harm to amenity by a future occupier.

5.4 Given the above considerations it is considered desirable that the employment use should cease and the proposed residential use is appropriate in this location.

5.5 The residential density of the proposal would be 60 units per hectare (u/ha), and this falls within the density recommended by policy 3.4 of the London Plan of between 45–170 u/ha for a site of this nature.

5.6 The proposed tenure is 100% private because at 8 units the scheme falls below the threshold of 10 units where a proportion of affordable housing is required by London Plan policy.

**Design**

5.7 The three storey building would generally have flat roofs roughly at the same height as the ridge height of the adjacent two storey terrace houses. The exception is the eastern end of the Gordon Road elevation which would have a pitched roof roughly aligning with that of the adjacent end of terrace house, No. 1 Gordon Road. There would be a gap of 1m between the flank walls of the building and the adjacent terraced houses at No. 89 Movers Lane and No. 1 Gordon Road.

5.8 First and second floor inset balconies at the corner would help add visual prominence to the corner.

5.9 The design would be contemporary with large windows, inset balconies, and roof terraces. The front elevation facing Movers Lane would be visually divided into two bays by the entrance and stair core in the middle of this elevation and the fact that the front elevation being stepped.

5.10 The Gordon Road elevation is also articulated with a series of small steps in its street elevation designed to create a vertical emphasis and rhythm that is reflective of the surrounding two storey terrace houses.
5.11 The proposed materials are predominantly brick with elements of corten steel, frameless glass balustrades to balconies, and silver/grey window frames. Corten steel is a group of steel alloys which form a stable rust-like appearance.

5.12 The Gordon Road elevation includes an open partially recessed area at ground level providing undercroft parking. Whilst such recesses are not ideal in relation to security and crime prevention the depth of the recess is not excessive given the set back from the main elevation of the first floor of the building at this point. The area would also be relatively easily viewed from Gordon Road thereby providing natural surveillance. It would not be practical to provide gates in front of the parking spaces. Good quality lighting can be provided and on balance it is considered that this aspect of the design is acceptable taking account of the above considerations.

5.13 The design is considered to be of good quality and to respond well to the site context. The development would result in a major improvement to the appearance of the street scene when compared with the existing buildings on the site. The existing site is poorly maintained and comprises a two storey flat roofed building set back from the site frontage, with the forecourt dominated by car parking, and a workshop to the rear. The existing buildings are also covered in a proliferation of signage.

5.14 The proposed building would be set further forward towards Movers Lane relative to the existing building. The resulting development would follow the established Movers Lane front building line. This siting enables the building to create a focal point at the Movers Lane/Gordon Road junction.

Amenity

5.15 Each proposed flat is designed to meet the London Plan standards for internal space, bedroom dimensions and storage space, and each proposed flat has private external amenity space to meet the standards set out within the London Plan Housing Supplementary Planning Guidance. Additionally a communal landscaped amenity space would be provided to the rear of the building.

5.16 The two ground floor flats would both have a small private terrace at the front of the building facing Movers Lane and Flat 2 would additionally have a private amenity area to the rear, backing onto the communal garden. These spaces are designed to provide a degree of privacy without resulting in a blank frontage onto the main road, in the form of a brick boundary wall at a height of 0.7m with piers up to 1.5m in height, with metal railings between piers and shrub planting adjacent to the wall. Flat 1 would have bedroom windows and kitchen/dining room window facing onto Gordon Road 0.6m from the back edge of the pavement. It is considered that the proposed railing along the boundary line, defensive planting, and use of relatively high window cill heights would serve to provide an acceptable degree of privacy for the future occupiers of this unit.

5.17 All flats are designed to meet Building Regulations M4(2) accessibility standards in accordance with London Plan policy and all flats are dual aspect.

5.18 In relation to the privacy of neighbouring residents the first and second floor rear windows of the Gordon Road wing of the building would face towards the rear garden of the neighbouring dwelling at No. 89 Movers Lane at its adjoining
neighbours. For the most part these windows serve non habitable rooms (hall and bathroom) though there is one window on each floor that serves a kitchen/dining room. In addition the first floor flat kitchen/dining room opens onto a small balcony at the rear. The distance from this rear elevation to the nearest part of the garden of No. 89 is 7.5m.

5.19 The kitchen/dining room windows referred to above would face towards the rear part of this adjacent garden. The balcony would have a screen to each side that is designed to hinder direct overlooking from the balcony towards the rear windows of No. 89. The garden of this house also has a large tree at the end of the garden with a large canopy that provides a degree of screening. Taking account of the above factors it is considered that the proposed development would not cause an unacceptable loss of privacy to neighbouring occupiers.

5.20 In relation to bulk it is considered that the proposed development would have a lesser impact on the neighbour at No. 89 than does the existing development. This is because the existing 2 storey building on the site is sited slightly to the rear of this adjoining end of terrace house, and the existing 1 ½ storey building is positioned on the boundary between the site and the rear garden of the above house. This building extends the whole length of the rear garden.

5.21 By comparison the proposed 3 storey building would follow the rear building line of the existing adjacent terrace within Movers Lane, and there would be no building adjacent to the side garden boundary of No. 89 as at present. This part of the site would be utilised as a communal amenity space.

5.22 As referred to above in relation to privacy, the Gordon Road wing of the building would be 7.5m from the nearest part of the garden of No. 89. This element is also to the north-west of the neighbour and therefore would not have any significant impact on sunlight, and this relationship is considered acceptable.

5.23 The proposed development would extinguish the existing industrial lawful use of the site which has the potential to cause harm to residential amenity by way of noise and fumes.

Transport

5.24 The site has a moderate Public Transport Accessibility Level (PTAL) of 3. PTAL is measured on a scale of 0 to 6, where 6 is excellent.

5.25 The site is within a controlled parking zone that restricts on street parking to residential permit holders between the hours of 8am to 9pm Monday to Saturday.

5.26 It is proposed that 3 partially undercroft parking spaces would be provided, one of these being an accessible space. These would be accessed from Gordon Road. There would therefore be 5 new flats without any off street parking space.

5.27 A new widened dropped kerb would be installed to serve these parking spaces. In addition some existing dropped kerbs on other parts of the site would be re-instated with a raised kerb. It appears that the net effect would be to create space for one additional car to park on the street without blocking any access. However, that
potential parking space would be on a single yellow line and therefore only usable outside the hours of the CPZ restriction set out above, so may be of limited benefit.

5.28 It may be possible that an additional formal on street parking bay could be created in this location in place of the current single yellow line. This requires further investigation as part of a highway scheme that will need to be submitted pursuant to a condition.

5.29 It is considered likely that the expiry of the existing use would have some impact on reducing parking demand on street resulting from customers of the garage, given the tightly constrained nature of the site with limited on-site car parking.

5.30 There is limited on street parking availability within Movers Lane, though there are some designated pavement parking bays, although not immediately adjacent to the site. Within Gordon Road there are designated on street parking spaces on both sides of the road, and the parking demand does not appear to be excessive, this may be partly explained by the fact that on the north side of the road it is mainly rear gardens that adjoin the road.

5.31 The applicant has also submitted a ‘parking stress’ survey, that is a night time survey on two occasions of the number of cars parked on the surrounding streets on a weekday during term time, in order to assess the maximum on street parking demand. The outcome showed that within this CPZ zone up to 70% of available on street parking spaces were in use leaving a total of 66 on street car parking spaces which were available.

5.32 Having regard to the above considerations it is concluded that the proposed development would not cause parking congestion that would be harmful to highway safety or the amenities of neighbours, and the proposed parking provision would be in accordance with London Plan policy which sets a maximum parking ratio for developments of this type of 1 for 1 parking.

5.33 Covered cycle parking would be provided sized to accommodate two cycles per flat in accordance with London Plan standards.

Environmental Sustainability

5.34 The use of the site as a garage results in the need for land remediation in order to ensure that there are no harmful contaminants within the development site that could affect future residents. A planning condition is imposed in order to secure this in accordance with the Environmental Health Officer’s advice.

5.35 A flood risk assessment has been submitted including details of a proposed sustainable drainage scheme incorporating underground water storage tanks, and it is stated that the scheme is designed to ensure that the rate of surface water run off does not exceed that of the existing use. However, the London Plan policy requirement is that the drainage scheme should be designed to achieve the ‘green field’ rate of surface water run off or where this is not possible to at least achieve a reduction in the rate of run off. It is therefore proposed that a condition be imposed to secure the implementation of a revised drainage scheme that is in accordance with this policy.
5.36 The proposed layout of the development allows for some areas of soft landscaping where there are none at present. This has the potential to contribute to a reduction in the rate of surface water run-off and to enhance biodiversity. However, in order to properly test this a detailed assessment will be required as set out above.

5.37 With reference to energy, as a minor application, there is no planning policy requirement in relation to the building’s energy performance. However, the applicant has voluntarily submitted an energy statement indicating the proposal to install an array of 16 solar panels on the roof of the building, that together with improved building fabric, would result in a carbon emissions reduction (relative to the minimum requirements of the Building Regulations) of 19.6%.

Background Papers

- Planning Application File: [http://paplan.lbbd.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OCJ0TTBLHQ500](http://paplan.lbbd.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OCJ0TTBLHQ500)

- **Local Plan Policy**
  
  Policy CM1  General Principles for Development  
  Policy CE3  Safeguarding and Release of Employment Land  
  Policy CR4  Flood Management  
  Policy BR3  Greening the Urban Environment  
  Policy BR4  Water Resource Management  
  Policy BR5  Contaminated Land  
  Policy BR9  Parking  
  Policy BR10  Sustainable Transport  
  Policy BR11  Walking and Cycling  
  Policy BC7  Crime Prevention  
  Policy BP3  Archaeology  
  Policy BP8  Protecting Residential Amenity  
  Policy BP10  Housing Density  
  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 5.12  Flood risk management  
  Policy 5.13  Sustainable drainage  
  Policy 6.13  Parking

- **National Policy**

  National Planning Policy Framework  
  National Planning Practice Guidance