Barking and Dagenham Council Planning Committee

Date: 10 December 2018

Application No. 18/00331/FUL
Ward: Abbey

Reason for Referral to Planning Committee as set out in Part 2, Chapter 9 of the Council Constitution:
The application is a strategic development which is of a scale and importance that should be determined at Planning Committee.

Address: Former Abbey Sports Centre, Axe Street, Barking

Development:
Demolition of existing building and redevelopment of site, including erection of buildings ranging in height from 1 to 13-storeys to provide 170 residential units together with the provision of a cinema (Class D2), flexible commercial floor space (Classes A1, A2, A3, A4, B1, D1 and D2), and office accommodation (Class B1) with associated landscaping and public realm improvements.

Applicant:
Lindhill and London Borough of Barking and Dagenham

Summary:
The application proposes the demolition of the former Abbey Sports Centre and the erection of new buildings ranging in height from 1 to 13-storeys to provide a two screen cinema, ground floor office space (Class B1), two ground floor commercial units with a flexible use (Classes A1, A2, A3, A4, B1, D1 and D2) and 170 residential units at first floor level and above, including associated landscaping and public realm improvements.

233 neighbouring occupiers were consulted and 4 objections have been received. The issues raised by the objectors relate to impacts on the amenities of neighbouring occupiers arising from noise disturbance and loss of outlook, privacy and sunlight/daylight; impacts on the amenities of the proposed occupiers from noise and smoke from the adjacent public house; lack of public and welfare amenities to deal with the population increase, including school places and play places; matters of design in relation to height; devaluation of properties; lack of car parking; and that they didn’t feel a cinema was necessary. A response to these objections is set out at section 3 of this report. Officers do not consider that any of these objections amount to a reason for refusal in this case.

The principle of a mixed-use development on the site is supported by officers and meets the requirements of the wider Barking Town Centre Site Specific Allocation Area 5 (BTCSSA5) (Axe Street / Abbey Sports Centre).

The proposed development would provide 65% private rented sector (PRS) units (110 units) and 35% sub-market housing on a habitable room basis (60 units) comprising London Living Rent and Discount Market Rent at 70% and 75% of market rent.

The application proposes a mix of 87 one-bedroom/two-person units, 2 two-
bedroom/three-person units, 77 two-bedroom/four-person units and 4 three-
bedroom/five-person units. The mix and tenure of the development is in keeping
with the Council’s strategy for the town centre, the aim of which is to support a
widening of the town centre’s retail and leisure offer and in particular help support
the evening economy, which is little developed.

The application site comprises public land and therefore in accordance with the
Mayor’s viability guidance, the scheme should seek to provide 50% sub-market
housing subject to viability. The developer’s full viability assessment has been
independently assessed during the application process. The provision of 35% sub-
market housing is supported by officers as being the maximum level of sub-market
housing that the scheme can afford. The GLA has also confirmed that the sub-
market housing offer is acceptable. Early and late stage viability review
mechanisms will be secured by S106 Agreement to assess, at the relevant stage,
whether the scheme can afford any additional sub-market housing units up to a
maximum of 50% provision.

The developer also proposes to construct 525 square metres of ground floor office
space as an in-kind contribution. This will be leased back to the Council for
community initiatives at a peppercorn rent and is likely to be occupied by the NHS /
Care City.

The materials strategy for the development proposes the use of a yellow multi-stock
brick for the 8, 11 and 13-storey blocks and a brown multi-stock brick for the smaller
blocks. Brick detailing is also proposed to break up and add further interest to the
elevations. The materials strategy is consistent with the high-quality expectations of
the development. In the event of planning permission being granted, a condition
would require the developer to work closely with officers in order to ensure that an
exemplar standard of architectural detailing and facing materials is achieved.

Officers consider that the design of the development is a well-considered response
given the mixed-use nature of the site. The architectural and residential quality is
considered to be high throughout and would make for an interesting addition to the
town centre built form. Overall the proposed development is considered to be of an
exemplar design and quality, which in turn justifies the higher density and the tall
building heights.

The design of the proposed development is not anticipated to be detrimental to local
heritage assets.

All residential units would benefit from a private balcony or terrace in keeping with
London Plan policy. The development also includes two landscaped communal roof
gardens, as well as dedicated children’s play space which meets London Plan
requirements. The proposed level of amenity space is supported by officers given
the town centre location and the limited provision of family-sized accommodation on
the site.

The submitted Sunlight and Daylight Report concludes that the proposed
development would not have a significant impact on sunlight and daylight received
by neighbouring properties. It is also considered that the proposed residential units
would benefit from acceptable levels of sunlight and daylight.
The development is car-free due to its high level of public transport accessibility. Eight new on-street blue badge parking spaces are to be provided as part of the development, however these would not be allocated to occupiers of the development. The development also includes the provision of loading bays on Axe Street and St Ann’s Road to accommodate servicing of the development.

The proposed cycle storage for the residential, cinema, commercial and office elements of the development are compliant with London Plan standards.

The proposed development is anticipated to achieve a 39.2% reduction in carbon dioxide (CO$_2$) emissions beyond Part L of the Building Regulations 2013. A carbon offset payment is to be secured in the S106 Agreement to achieve the policy requirement for zero carbon homes.

The application is referable to the Mayor of London. If the Council resolves to make a draft decision on the application, it must consult the Mayor again and allow him 14 days to decide whether to allow the draft decision to proceed unchanged, or direct the Council to refuse the application, or issue a direction that he is to act as the Local Planning Authority for the purpose of determining the application and any connected application.

**Recommendation:**

That the Planning Committee grants planning permission subject to:

1. No Direction from the Mayor of London;

2. A Section 106 legal agreement to secure the matters set out in section 5.9 of this report; and

3. The following conditions (with any amendments that might be necessary up to the issue of the decision, including any other conditions or S106 obligations that may be required as a result of referral to the Mayor of London).

**Conditions**

**Time Limit**

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).

**Plan Numbers**

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

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

Contamination – Investigation and Risk Assessment

3. No development shall commence, excluding demolition of above ground structures, until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;
(ii) an assessment of the potential risks to human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments; and
(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Contamination – Remediation Scheme

4. No development shall commence, excluding demolition of above ground structures, until 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.

Contamination – Verification Report

5. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, excluding demolition of above ground structures and 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.
Contamination – Previously Unidentified Contamination

6. 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 3, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 4, 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 3 to 6: Contamination must be identified prior to commencement of development, excluding demolition of above ground structures, 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.

Construction Environmental Management Plan and Site Waste Management Plan

7. No development shall commence, including any works of demolition, 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.

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

Construction Logistics Plan

8. No development shall commence, including any works of demolition, until a Construction Logistics Plan 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.

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, and in accordance with policy BR10 of the Borough Wide Development Policies Development Plan Document and policy 6.3 of the London Plan.

Archaeological Works

9. A) No development other than site clearance and demolition to existing ground level shall take place until the developer has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme which has been submitted to and approved in writing by the Local Planning Authority and a report on that evaluation has been submitted to the Local Planning Authority.

B) If heritage assets of archaeological interest are identified by the evaluation under A), then before development commences, other than site clearance and demolition to existing ground level, the developer shall secure the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted to an approved in writing by the Local Planning Authority.

C) No development, other than site clearance and demolition to existing ground level, shall subsequently take place other than in accordance with the Written Scheme of Investigation approved under Part B).

D) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part B), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest may survive on the site. The Local Planning Authority wishes to secure appropriate archaeological investigation
prior to development, followed by the publication of results, in accordance with policies BP2 and BP3 of the Borough Wide Development Policies Development Plan Document.

Surface Water Drainage Scheme

10. No development shall commence, except any works of site clearance and demolition, until a Surface Water Drainage Scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: The Drainage Scheme is required prior to commencement of development in order 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.

Construction Working Hours

11. 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 08.00 and 18.00 Monday to Friday and 08.00 and 13.00 Saturday, with no work on Sundays or public holidays without the prior written permission of the Local Planning Authority. Driven piling or ground improvement work which will generate perceptible off-site ground borne vibration is only to be carried out between the hours of 08.00 and 18.00 Monday to Friday only.

Reason: To ensure that the proposed demolition and construction work does not cause nuisance and disturbance to neighbouring occupiers and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

External Materials

12. No above ground new development shall commence until the developer enters into detailed discussions with the Local Planning Authority around the external facing materials for the development, including providing on-site sample boards. Full details, including samples, specifications, annotated plans and fire safety ratings, of all external facing materials shall then be submitted to the Local Planning Authority for approval in writing. The development shall only be implemented in accordance with the approved details and to the satisfaction of the Local Planning Authority.

Reason: To protect or enhance the character and amenity of the area and to ensure an exemplar finish to the building in accordance with policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document and policies 7.1, 7.4 and 7.6 of the London Plan.

Hard Landscaping
13. The development hereby permitted shall not be occupied until full details of the hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include, but not be limited to, details of the following:

a) surface materials;
b) communal roof terraces, including details of balustrading and screening to ensure a secure and sheltered environment;
c) play spaces and any related equipment;
d) street furniture, including on-street cycle stands;
e) boundary treatment; and
f) management and maintenance.

The hard landscaping scheme shall be implemented prior to occupation of the development in accordance with the approved details and thereafter permanently maintained, to the satisfaction of the Local Planning Authority.

Reason: In the interests of design quality, residential amenity, walking, accessibility and public safety, in accordance with policy CP3 of the Core Strategy and policy BP11 of the Borough Wide Development Policies Development Plan Document.

Soft Landscaping

14. The development hereby permitted shall not be occupied until a detailed scheme of soft landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. All trees, shrubs, plants and seeds introduced to the site should generally be native (except for fruit trees) and of local provenance, unless otherwise agreed. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation or completion of the development, whichever is the sooner. Any trees or 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 secure the provision of the landscaping in the interests of the visual amenity of the area and in accordance with policy CP3 of the Core Strategy and policies BR3 and BP11 of the Borough Wide Development Policies Development Plan Document.

Measures to Reduce the Risk of Crime

15. No above ground new development shall commence 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, has been submitted to and approved in writing by the Local Planning Authority. The external lighting of the development is to be designed, installed and maintained so as to fully comply with The Association of Chief Police Officers Secured by Design publication “Lighting Against Crime – A Guide for Crime Reduction Professionals”, ACPO SPD, January 2011. The design shall satisfy criteria to limit obtrusive light presented in Table 1, p25 of the guide, relating to Environmental Zone E3 – medium district brightness areas. The development shall not be occupied until the approved scheme has been
Reason: In the interests of security and safety, to avoid light pollution and safeguard neighbouring amenity and in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.

Refuse Strategy

16. No above ground new development shall commence until a detailed residential and commercial refuse strategy, including the design and location of the refuse stores, has been submitted to and approved in writing by the Local Planning Authority. The approved refuse stores shall be provided before the occupation of the development and thereafter permanently retained.

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.

Cycle Parking

17. No above ground new development shall commence until details of the cycle parking facilities shown on drawing Nos. D-04 Rev A and D-05 Rev A have been submitted to and approved in writing by the Local Planning Authority. The submission should include details of the security, monitoring and access arrangements for the cycle parking facilities. The development shall not be occupied until the approved details have been implemented. Thereafter, the cycle parking facilities shall be permanently retained.

Reason: In the interests of promoting cycling as a safe, efficient and non-polluting mode of transport and in accordance with policy BR11 of the Borough Wide Development Policies Development Plan Document and policy 6.9 of the London Plan.

Scheme of Acoustic Protection

18. No above ground new development shall commence until full details of a scheme of acoustic protection of habitable rooms against road traffic noise has been submitted to and approved in writing by the Local Planning Authority. The scheme of acoustic protection shall be sufficient to secure internal noise levels no greater than 35 dB LAeq in living rooms and bedrooms (07.00 hrs to 23.00 hrs) with windows closed; and 30 dB LAeq in bedrooms (23.00 hrs to 07.00 hrs) with windows closed. Additionally, where the internal noise levels will exceed 40 dB LAeq in living rooms and bedrooms (07.00 hrs to 23.00 hrs) or 35dB LAeq in bedrooms (23:00 hrs to 07.00 hrs) with windows open the scheme of acoustic protection shall incorporate a ventilator system which is commensurate with the performance specification set out in Schedule 1 (paragraphs 6 and 7) of The Noise Insulation Regulations 1975 (as amended). The approved scheme shall be fully implemented before the first occupation of the residential unit to which it relates and shall be maintained at all times thereafter.

Reason: To ensure that the proposed residential units are adequately protected from noise and in accordance with policy BR13 of the Borough Wide Development Policies Development Plan Document.
Blue Badge Car Parking

19. The 8 proposed blue badge car parking spaces, as indicated on drawing No. D-04 Rev A, shall be constructed and marked out prior to the occupation of the development as accessible parking bays (to be clearly marked with a British Standard disabled symbol).

Reason: To ensure and promote easier access for disabled persons in accordance with policies BC2, BR9 and BR10 of the Borough Wide Development Policies Development Plan Document and policy 6.13 of the London Plan.

Revised Energy Statement and Details of Photovoltaic Panels and Pipework to Link to District Heating Network

20. Within 3 months of the commencement of the development a revised Energy Statement shall be submitted to the Local Planning Authority for approval in writing in consultation with GLA officers. The revised Energy Statement shall take into consideration any distribution losses associated with the extension of the District Heating pipework to the development’s heat substation/plate heat exchanger and provide revised calculations for the carbon savings in order to demonstrate that there will be a 35% reduction in carbon emissions over Part L of the Building Regulations 2013. Details of the location and quantum of any photovoltaic panels and a scheme showing the provisions to be made for interconnecting pipework to link into the District Heating Network shall also be submitted to and approved in writing by the Local Planning Authority. In the event that the development is unable to source heating from the District Heating Network any alternative arrangement to heat the scheme shall remain Air Quality Neutral and details shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved details have been implemented.

Reason: In the interests of safeguarding the environment and providing sustainable development in accordance with policies BR1 and BR2 of the Borough Wide Development Policies Development Plan Document and policies 5.2, 5.3, 5.5, 5.6 and 5.7 of the London Plan.

Bird Nesting and Bat Roosting Bricks/Boxes

21. The development hereby permitted shall not be occupied until bird nesting and bat roosting bricks/boxes have been installed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The details shall accord with the advice set out in 'Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build' (Published by RIBA, March 2010) or similar advice from the RSPB and the Bat Conservation Trust.

Reason: In order to preserve and enhance the Borough’s natural environment and to comply with policy CR2 of the Core Strategy, policy BR3 of the Borough Wide Development Policies Development Plan Document and policy 7.19 of the London Plan.

Noise from Plant
22. 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 noise-sensitive room. Any assessment of compliance with this condition shall be made according to the methodology and procedures presented in BS4142:2014.

Reason: To ensure that noise-sensitive rooms within the proposed development and neighbouring developments are adequately protected from noise and in accordance with policy BR13 of the Borough Wide Development Policies Development Plan Document and policy 7.15 of the London Plan.

London City Airport Safeguarding – Details of Cranes

23. Prior to the erection of any crane on the site details of the construction methodology and the use of the crane(s) shall be submitted to the Local Planning Authority for approval in writing in consultation with London City Airport. The details shall include the proposed location(s) and maximum operating height(s) of the crane(s) and the start/finish dates for use of the crane(s).

Reason: To ensure that construction activities will not adversely affect the operation of London City Airport.

Flexible Uses

24. Following the first occupation of each of the two ground floor flexible use commercial units, identified as Commercial 1 and Commercial 2 on drawing No. D-04 Rev A, any further change of use to another use specifically permitted by this permission must be carried out within a period of 10 years from the date of this permission.

Reason: To accord with the provisions of Class E, Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015.

Delivery/Collection of Goods – Commercial Units and Cinema

25. The delivery/collection of goods associated with the commercial units, identified as Commercial 1 and Commercial 2 on drawing No. D-04 Rev A, and the cinema is only permitted to take place between the hours of 07.00 hrs and 21.00 hrs on any day.

Reason: To prevent any undue disturbance to residential occupiers and occupants of neighbouring properties at unreasonable hours and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

Handling of Bottles and/or Movement of Bins and Rubbish – Commercial Units, Cinema and Office Use

26. The handling of bottles and/or the movement of bins and rubbish associated with the commercial units, identified as Commercial 1 and Commercial 2 on drawing
No. D-04 Rev A, the cinema and the office use are not permitted to take place outside the premises between the hours of 23.00 hrs on one day and 07.00 hrs the following day.

Reason: To prevent any undue disturbance to residential occupiers and occupants of neighbouring properties at unreasonable hours and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

Details of Any Commercial Kitchen Extract Ventilation System

27. Prior to occupation of any of the commercial units or the cinema cafe hereby permitted details of the appearance of any kitchen extract ventilation system and associated equipment (which shall include measures to alleviate fumes and odour and incorporating activated carbon filters where necessary), and any other plant or equipment on the roof, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the first use of the relevant commercial unit/cinema cafe and shall thereafter be permanently retained in an efficient manner.

Reason: To safeguard the appearance of the premises and minimise the impact of cooking smells and odours in accordance with policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

Structure Borne Noise Emissions from Any Commercial Kitchen Extract Ventilation System

28. Any commercial kitchen extract ventilation system shall be designed to ensure that structure borne (re-radiated) noise emissions from the kitchen ventilation system do not exceed 35 LAeq dB (5 min) when measured in any habitable room in adjoining residential premises.

Reason: To ensure that the proposed residential units are adequately protected from noise and in accordance with policy BR13 of the Borough Wide Development Policies Development Plan Document and policy 7.15 of the London Plan.

Noise from Entertainment

29. Noise from entertainment including live and amplified music associated with the commercial uses and cinema hereby permitted shall be controlled so as to be inaudible inside adjoining and other noise-sensitive premises in the vicinity of the use. The initial test for compliance with the 'inaudibility' criterion will be that noise should be no more than barely audible outside those noise-sensitive premises. In the event there is disagreement as to whether entertainment noise is or is not audible the following numerical limits shall be used to determine compliance with this condition:

- the LAeq (EN) shall not exceed LA90 (WEN); and
- the L10 (EN) shall not exceed L90 (WEN) in any 1/3 octave band between 40Hz and 160Hz.

EN = entertainment noise level, WEN = representative background noise level without the entertainment noise, both measured 1 metre from the façade of the
noise-sensitive premises.

Reason: To ensure that the proposed residential units and office space and surrounding residential properties are adequately protected from noise and in accordance with policy BR13 of the Borough Wide Development Policies Development Plan Document and policy 7.15 of the London Plan.

Building Regulations M4 (2)

30. 149 of the residential units hereby permitted shall meet Building Regulations Approved Document M Volume 1 (2015 Edition) M4 (2) ‘accessible and adaptable dwellings’. 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 policy BC2 of the Borough Wide Development Policies Development Plan Document and policy 3.8 of the London Plan.

Building Regulations M4 (3)

31. The 21 proposed wheelchair accessible units shall meet Building Regulations Approved Document M Volume 1 (2015 Edition) M4 (3) ‘wheelchair adaptable dwellings’. 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 sufficient accessible housing is provided in accordance with policy BC2 of the Borough Wide Development Policies DPD and policy 3.8 of the London Plan.

Communal Television and Satellite System

32. The development hereby permitted shall not be occupied until details of a communal television and satellite system have been submitted to and approved in writing by the Local Planning Authority. The approved system shall be provided prior to occupation of the development and be made available to each residential unit. No antennae or satellite dishes may be installed on the exterior of the building, with the exception of a single antennae or satellite dish per block to support the communal television and satellite system. The proposed antennae or satellite dishes shall be designed to minimise their visual impact and shall not be mounted on any publicly visible façade.

Reason: To safeguard the external appearance of the buildings in accordance with policy CP3 of the Core Strategy and policies BP2 and BP11 of the Borough Wide Development Policies Development Plan Document.

Delivery and Servicing Plan

33. Prior to the occupation of the development a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority in conjunction with Transport for London. The Plan shall identify efficiencies and
sustainability measures to be undertaken once the development is operational and should incorporate details of deliveries to the site and servicing arrangements, including the size of vehicles, routing and tracking of vehicles and times of deliveries and servicing. The approved Plan shall be implemented and adhered to thereafter.

Reason: In order to minimise the impact of the development on the local highway network and traffic congestion and in accordance with policy BR10 of the Borough Wide Development Policies Development Plan Document and policy 6.3 of the London Plan.

Scheme of Highway Works

34. No above ground new development shall commence until the developer has submitted to the Local Planning Authority for approval in writing, in consultation with the Local Highway Authority, a scheme of highway works associated with the development. The approved works shall be carried out prior to the occupation of the development, or as otherwise agreed in writing with the Local Planning Authority, in consultation with the Local Highway Authority.

Reason: In the interests of highway safety and in accordance with policies BR9 and BR10 of the Borough Wide Development Policies Development Plan Document.

Bat Surveys

35. Prior to demolition of the existing building at least three nocturnal emergence and/or dawn re-entry surveys during the bat activity season which extends from May to September shall be undertaken to establish whether bats are using the building in accordance with the recommendations contained in the submitted Daytime Bat Survey dated November 2015.

Reason: To protect the ecology of the area in accordance with policy CR2 of the Core Strategy.

Piling

36. No piling shall take place until a piling method statement, detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works, has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to, and have the potential to impact on, local underground sewerage utility infrastructure.

Vibration

37. If piling or other ground improvement work is undertaken pursuant to this permission then the 95% 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 reduce the impact of construction on the amenities of neighbouring residents, and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

Green Roofs

38. No above ground new development shall commence until a detailed scheme for the green roofs to the two podium terraces at sixth floor level has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority prior to occupation of the development. The green roofs shall comprise at least 50% native species, not including Sedum species, seeded with an annual wildflower mix or local seed source.

Reason: To protect and enhance the biodiversity of the site and contribute towards sustainable drainage in accordance policy BR3 of the Borough Wide Development Policies Development Plan Document.

Restriction on Uses

39. The two ground floor commercial units hereby permitted, identified as Commercial 1 and Commercial 2 on drawing No. D-04 Rev A, shall only be used for purposes falling within Classes A1, A2, A3, A4, B1, D1 (excluding places of worship and schools and colleges) and D2, and for no other purpose.

Reason: To protect the locality by avoiding the introduction of a use unsuited to the premises in accordance with policies BP8 of the Borough Wide Development Policies Development Plan Document.

Scheme Responding to Climate Change Adaptation

40. No above ground new development shall commence until a detailed scheme responding to London Plan strategic policies regarding climate change adaptation, including use of low energy lighting and energy efficient appliances, metering, high levels of insulation and low water use sanitary-ware and fittings, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Greater London Authority (GLA). The approved scheme shall be implemented to the satisfaction of the Local Planning Authority prior to occupation of the development.

Reason: In the interests of safeguarding the environment and providing sustainable development in accordance with policies 5.9, 5.10, 5.11 and 5.15 of the London Plan.

Water Efficiency

41. The development hereby permitted shall comply with the water efficiency
optional requirement in paragraphs 2.8 to 2.12 of the Building Regulations Approved Document G. 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 minimise the use of mains water in accordance with policy BR4 of the Borough Wide Development Policies Development Plan Document and policy 5.15 of the London Plan.

Car Park Design and Management Plan for Blue Badge Car Parking

42. Prior to occupation of the development, a car park design and management plan shall be submitted to the Local Planning Authority for approval in writing setting out how additional demand for blue badge parking bays beyond the 8 blue badge parking bays shown on drawing No. D-04 Rev A can be met and the approved details shall be implemented prior to occupation of the development.

Reason: To ensure and promote easier access for disabled persons in accordance with policies BC2, BR9 and BR10 of the Borough Wide Development Policies Development Plan Document and policy 6.13 of the London Plan.

Inclusive and Unhindered Access

43. No above ground new development shall commence until details have been submitted to the Local Planning Authority for approval in writing demonstrating that inclusive and unhindered access will be provided to each of the entrances safely, including details of levels, gradients, provision of accessible seating and widths of the paths.

Reason: To ensure inclusive and unhindered access for all within the development in accordance with policy 3.8 of the London Plan.

Arboricultural Assessment

44. No development shall commence until an Arboricultural Assessment to protect any existing trees which are to be retained on and adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The Assessment shall accord with British Standard 5837:2012, 'Trees in relation to design, demolition and construction'.

Reason: The Arboricultural Assessment is required prior to commencement in order to ensure the safety and well-being of the existing trees on and adjacent to the site that are to remain after building works are completed and in accordance with policies BR3 and BP11 of the Borough Wide Development Policies Development Plan Document.

Fire Statement

45. A Fire Statement shall be submitted and approved in writing by the Local Planning Authority before the commencement of any work above ground level. The Fire Statement shall be produced by an independent third party suitably qualified
assessor which shall detail the building’s construction, methods, products and materials used; the means of escape for all building users including those who are disabled or require level access together with the associated management plan; 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 development shall be carried out in accordance with the approved details.

Reason: In order to provide a safe and secure development in accordance with policy CP3 of the Core Strategy.

BREEAM

46. The development hereby permitted shall achieve a BREEAM ‘Excellent’ rating for the non-residential elements, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development is constructed in an environmentally sustainable manner and in accordance with policy CR1 of the Core Strategy and policy BR1 of the Borough Wide Development Policies Development Plan Document.

<table>
<thead>
<tr>
<th>Contact Officer: Adele Lawrence</th>
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<tr>
<td>Title: Team Leader Development Management</td>
</tr>
<tr>
<td>Contact Details: Tel: 020 8227 3552  E-mail: <a href="mailto:adele.lawrence@befirst.london">adele.lawrence@befirst.london</a></td>
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1.0 Introduction and Description of Development

Existing Site

1.1 The application site (0.31 hectares) is bounded by Axe Street to the north, St Ann’s Road to the east, St Pauls Road to the south and the Broadway to the west. The site is located within the Barking Town Centre boundary and the Barking Town Centre Area Action Plan (AAP) area and comprises the former Abbey Sports Centre which has been replaced by a new leisure centre on the opposite side of Axe Street.

1.2 The surrounding area includes a mix of retail, commercial, residential and community uses.

1.3 The site is located in close proximity to the Barking Abbey Scheduled Ancient Monument and falls just outside the Abbey and Barking Town Centre Conservation Area. There are also a number of other heritage assets in close proximity to the site including the Grade I Listed Parish Church of St Margaret, the Grade II Listed Tomb of Captain John Bennett at St Margaret’s Church, the Grade II Listed remains of Barking Abbey and the old churchyard walls and the Grade II* Listed Fire Bell Gate (Curfew Tower).

Proposal
1.4 The application proposes the demolition of the existing building and redevelopment of the site, including erection of buildings ranging in height from 1 to 13-storeys to provide 170 residential units at first floor level and above, together with the provision of a cinema (Class D2), flexible commercial floor space (Classes A1, A2, A3, A4, B1, D1 and D2) and office accommodation (Class B1) at ground floor level, with associated landscaping and public realm improvements. The proposed residential tenure comprises 65% private rented sector (PRS) units (110 units) and 35% sub-market housing on a habitable room basis (153 habitable rooms, 60 units in total).

1.5 The Council issued a formal Environmental Impact Assessment (EIA) Screening Opinion on 22 March 2018 confirming that an EIA was not required for the proposed development.

1.6 The application is referable to the Mayor of London under Categories 1A, 1B and 1C of the Schedule to The Town and Country Planning (Mayor of London) Order 2008. The Greater London Authority (GLA) issued their Stage 1 report for the application on 14 May 2018 and their comments are set out in the ‘Consultation’ section of this report. If the Council resolves to make a draft decision on the application, it must consult the Mayor again and allow him 14 days to decide whether to allow the draft decision to proceed unchanged, or direct the Council to refuse the application, or issue a direction that he is to act as the Local Planning Authority for the purpose of determining the application.

2.0 Background

2.1 The most relevant history of note is:

16/00634/REG3 - Demolition of existing building and redevelopment of site, including erection of buildings ranging in height from 2 to 13-storeys to provide 150 residential units together with the provision of a cinema (Class D2), flexible commercial floor space (Classes A1, A2, A3, A4, D1 and D2), and office accommodation (Class B1) with associated landscaping and public realm improvements. Recommendation to approve following Development Control Board meeting on 10 October 2016 subject to a Stage 2 Referral to the Mayor of London and a S106 Agreement. A draft S106 Agreement was subsequently prepared but delayed due to negotiations. Given the time that has passed since the original Stage 1 Referral to the Mayor and the changes to the Mayor’s viability policies since that time, the GLA require a fresh viability assessment to be submitted prior to any Stage 2 Referral. The application is currently on hold pending the outcome of the current application.


3.0 Consultations
3.1 Neighbours / Publicity

4 site notices were posted on 27 March 2018 and expired on 20 April 2018. A press notice was also published in the Barking and Dagenham Post on 11 April 2018 and expired on 5 May 2018.

233 neighbouring occupiers were consulted on 27 March 2018 and the 24-day consultation period expired on 20 April 2018.

There have been 4 objections to the proposed development from the following addresses, namely 54 Lighterman Court, 104 Axe Street, Barking; Flat 001 87 Axe Street, Barking; Flat 301 87 Axe Street, Barking; and one unknown address. The objections are summarised below:

- Concerned about the provision of 170 more flats on Axe Street where public amenities are already congested.
- We don’t want another tower block.
- There is no planning for basic welfare amenities to cope with the number, or the prospective number, of residents that will be moving in.
- Schools are under-performing and oversubscribed and there are no plans to increase and improve schools for the prospective growth in the number of residents.
- There are no plans shown to increase the number of hospitals, GP surgeries or healthcare facilities to cope with the increase in population.
- Loss of views from existing residential properties.
- Loss of privacy.
- Devaluation of property because of the proposed development.
- Loss of sunlight/daylight into Axe Street and surrounding properties.
- No car parking proposed for the development in an area which already has parking problems. Concerns that the street will become blocked.
- Where is the decent football/basketball play park for kids to play in? The kids in the area already have nothing and crime is high.
- Who would pay for 4 hours parking to watch a movie and also pay to watch it?
- Concerns that noise and smoke from the existing adjacent public house will adversely affect the residential amenity of the proposed occupiers.
- It would be appropriate to include a big name (chain) restaurant which we appear to lack in the area, however, we do not feel a cinema is necessary. One room with a screen may be useful for businesses or leisure but we already have three big cinemas within easy reach.
- We currently struggle with late night noise from a busy road and a public house. Concerned that the noise would increase with the proposed development.

Officer Note: Barking Town Centre has Housing Zone status and the proposed development will contribute to the new housing that the Borough is expected to deliver to meet demand. The site is also considered to be suitable for a building of the heights proposed.

The town centre provides good facilities for the existing population and future residents. Welfare facilities such as GP surgeries and hospitals are
not matters which should affect the determination of this application, but rather are Borough-wide matters which are considered by other parties such as the NHS to provide for the wider population.

It should be noted that there are new schools coming forward in the vicinity of the proposed development which will help cater for new developments such as this. For example, the Gascoigne East redevelopment includes for a new primary and secondary school. A new primary school on The Shaftesburys which is associated with Gascoigne Primary School was also completed in the past few years.

With respect to matters of loss of views and privacy, the proposed development is considered to be sufficiently separated from surrounding residential developments and suitably designed to ensure that the amenities of neighbouring residential occupiers are not significantly affected by the development. The closest relationship between residential properties and the proposed development is approximately 20 metres and this is a building corner to corner relationship rather than direct facing.

The suggested devaluation of property is not a planning consideration.

The application was accompanied by a Sunlight / Daylight Assessment which demonstrates very good levels of compliance with Building Research Establishment (BRE) guidance in terms of sunlight / daylight amenity to surrounding properties.

The application site has excellent public transport accessibility and is within walking distance of Barking Station and local bus routes. Planning policy accepts that the development is suitable as a car-free development. Those moving into the development will be aware from the outset that there is no on-site or allocated car parking and that they will not be eligible for a parking permit within any Controlled Parking Zone (CPZ). It is understood that existing local residents and their visitors find the lack of on-street car parking frustrating (particularly free of charge parking), however, this is inevitably part of town centre living. The proposed occupiers of the development who want a car parking space could purchase a season ticket for the London Road car park.

The application site is well-located opposite Abbey Green which provides both play equipment and green open space for children’s play. There is also some dedicated on-site play space aimed at younger children.

The Environmental Health Officer has considered the impact of noise and air quality on the future occupiers of the development and he has requested that a condition be secured to ensure a satisfactory noise environment is achieved within each residential unit.

The proposed cinema is in accordance with the proposed uses identified for the site under Site Allocation BTCSSA5.

It is not expected that noise would increase significantly as part of the proposed development. The proposed uses are those which you would
expect to find in a town centre. Noisy activities such as deliveries and the handling of bottles and refuse are proposed to be restricted by condition to more sociable hours.

Officers do not consider that any of the above objections amount to a reason for refusal in this case.

3.2 Consultees

a) Greater London Authority (GLA) - The GLA issued their Stage 1 Report on 14 May 2018. This concluded as follows:

London Plan policies on Opportunity Areas, retail and town centre uses, employment, housing, sub-market housing, urban design, inclusive access, sustainable development and transport are relevant to this application. The below issues must be addressed to ensure the proposal complies with the London Plan:

- **Sub-market housing** - All 170 units are to be provided as Private Rented Sector (PRS) units, without any on-site or cash-in-lieu contribution offered towards sub-market housing. The lack of any sub-market housing contribution is wholly unacceptable and not adequately supported by the submitted Financial Viability Assessment (FVA). GLA Officers will work with the Council to robustly interrogate viability and secure the maximum amount of sub-market housing. All PRS homes must be held in a 15-year covenant, with an appropriate clawback mechanism secured within the S106 Agreement. Early and late stage review mechanisms must be secured in line with the Affordable Housing and Viability Supplementary Planning Guidance (SPG).

- **Urban design and heritage** - The applicant should amend the scheme to provide a revised ground floor layout with better activated frontages and reconsider the placement of residential units on the first floor where they will be impacted by poor outlook to surrounding major roads, in line with London Plan policies 7.1, 7.4 and 3.5.

- **Inclusive access** - Further detail should be provided to demonstrate inclusive and unhindered access is provided to each of the entrances safely, including details of levels, gradients, provision of accessible seating and widths of the paths. The Council should secure compliance with appropriate standards in policy 3.8 of the London Plan via condition.

- **Climate change** - Further revisions and information are required before the proposals can be considered acceptable and the carbon dioxide savings verified, in line with London Plan policy 5.2.

- **Transport** - The applicant should improve long-stay cycle parking where possible and set out how additional demand for blue badge parking spaces can be met. A car park design and management plan, travel plan, Delivery and Servicing Plan and Construction Logistics Plan should be secured through conditions and the S106 agreement, in line with London Plan policies 6.9, 6.13 and 6.14.
**Officer Note:** The GLA Officer has confirmed that the majority of matters raised in the Stage 1 Report have now been satisfactorily addressed, including the sub-market housing offer which is discussed in detail later in this report. The exception to this relates to energy calculations in regards to the District Heating Network that the GLA Energy Team are still verifying. This matter will be confirmed as part of the GLA Stage 2 process, if not before. All of the conditions / S106 obligations requested by the GLA will be secured as part of any planning permission granted.

b) **Historic England (Archaeology)** - The site lies in the Barking Archaeological Priority Area, which relates to the potential for evidence of the historic development of the town to be present. Medieval and post-medieval remains similar to those found at the neighbouring new sports centre site can be expected to have survived modern impacts. There is also potential for Roman and prehistoric evidence, as borne out by past finds made nearby. A condition is proposed echoing advice given by this office in relation to the earlier application 16/00634/REG3.

A condition should secure a two-stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

**Officer Note:** The recommended condition will be imposed on any planning permission granted.

c) **Historic England (Buildings)** - The application site is located within 50 metres of the south-eastern extent of the Barking Abbey Scheduled Monument. The monument includes a Benedictine Abbey surviving as upstanding stone remains and archaeological remains. It is situated on low-lying flat ground within a park, east of the River Roding. St Margaret’s Church (Grade I) and graveyard occupy the area immediately south of the monastic ruins but are excluded from the scheduling. The upstanding remains include parts of the foundations and walls of the Abbey which are of ragstone rubble with dressings of Reigate, Binstead and Caen stone. These have been exposed during excavation and other parts have been restored in modern ragstone according to the re-constructed layout. A 15th century gate tower with upper chapel, known as the Fire Bell Gate, also survives but is excluded from the scheduling and is Grade II* listed. The site is also located close to the Abbey and Barking Town Centre Conservation Area.

The Heritage Statement provided does not adequately consider the impact of the new development on the Scheduled Monument and no view assessment has been provided from the location of the Abbey remains. As such it is not possible to meaningfully assess the level of harm the new development will have on the monument, in particular with respect to the taller buildings. We also lament the continual encroachment on the setting of the Abbey and Barking Town Centre Conservation Area that this new development represents, particularly with the addition of a 13-storey building so close to the Town Hall which, although not listed, remains a positive contributor to the Conservation Area.
We would urge you to address the above issues and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

**Officer Note:** In response to the above comments, the applicant submitted wireline images to Historic England. The Assistant Inspector of Ancient Monuments responded as follows:

The images provided by the applicant demonstrate the need for stringent procedures with regard to the assessment of impact on the setting of nationally important heritage assets such as Scheduled Monuments (and indeed also, Listed Buildings and Conservation Areas). The wintertime outline clearly shows an impact on the setting of the Abbey Church remains within the scheduled area. Taking into account the combined impact of other, already approved schemes, closer to and more imposing on the Abbey remains, I am unable to consider this scheme as ‘substantial harm’ to the setting but clearly harm is caused. As such I would expect to see this mitigated in the form of a heritage gain for the Barking Abbey Scheduled Monument. One suggestion would be to ensure that Section 106 funds are allocated for improvements to the monument, in the form of a refresh of the paths and seating which are showing signs of age and neglect. In particular, it should be an aspiration for the Local Authority to procure high specification, resin bonded gravel paths in the area of the Abbey remains and, as such, a S106 allocation could go some way to achieving this. Such improvements to the Scheduled Monument would be seen to balance the harm caused to the setting by the ever-increasing encroachment of insensitive modern development that this latest application site represents.

**Further Officer Note:** Officers have considered Historic England’s request for a S106 contribution and do not consider that there is justification for it in this case given the previous planning application for this site, which had a recommendation to approve, did not include such a contribution.

d) **Designing Out Crime Officer** – No response.

e) **London Fire and Emergency Planning Authority (LFEPA) - Access** at ground floor is considered acceptable. Each of the core stairs will require the installation of a fire main complying with BS 9990:2015 with outlets at all floor levels including the ground and mezzanine floors. Inlets to the mains should be located on the face of the block which they serve, within 18 metres of where a pump appliance can approach and be visible from the appliance. There should be a fire hydrant within 90 metres of the inlet to each fire main. Any block with a floor more than 18 metres above fire and rescue service entry level should be provided with a fire fighting shaft containing a fire fighting lift. Fire fighting shafts should serve all floors through which they pass.

**Officer Note:** The above matters will be dealt with as part of Building Regulations approval.
f) **London Fire Brigade – Water Team** – No additional hydrants are required.

g) **London City Airport** - No safeguarding objection.

h) **Essex and Suffolk Water** – We have apparatus located within the proposed development. Consent is given to this development on the condition that new metered water connection is made onto the Company’s network for the new dwellings for revenue purposes.

i) **Thames Water** – General advice provided, along with a request to impose an informative relating to working near Thames Waters’ assets.

j) **National Grid** – General advice provided, along with a request to impose an informative relating to operational gas apparatus.

k) **UK Power Networks** – No response.

l) **Sustainable Transport in Barking and Surrounding Areas (STIBASA)** - Improvements to Axe Street should be considered to make it better for cycling. As a minor road it would be a good cycling alternative to St Pauls Rd if it were reconfigured to better suit that role.

   The southward curve at its junction with Broadway was put in when it was required to turn south (left) at that point because of a one-way flow, which no longer applies. This junction should be reordered to enable cycling into and out of the junction from both north and south.

   The remainder of the road should be two-way for cycling as far as the junction with Short Street (i.e. the Stag Island gyratory) if it is not already.

   **Officer Note:** The comments above are noted, however, some of the improvements suggested are outside of the scope of this application. As part of the development there will be some general improvements to the layout of Axe Street directly in front of the development and this will be overseen by the Local Highway Authority.

m) **Environmental Health Team** – The following comments which were provided in respect of the earlier application 16/00634/REG3 are still considered relevant.

   **Local Air Quality** - The concentrations of pollutants as identified in the Air Quality Assessment Report will comfortably satisfy national standards set to safeguard health and no air quality mitigation measures will need to be implemented.

   With regard to the mitigation of potential odour emissions from any commercial floor space that is fitted out as a restaurant, the developer has submitted a kitchen extract strategy document. This document demonstrates that risers are provided up through the building to roof level where there is space for any necessary abatement plant. To safeguard the
situation and ensure that any necessary mitigation is implemented I recommend the imposition of a suitable condition.

Noise - I concur with the methodological approach, conclusions drawn and proposed noise mitigation measures outlined in the Noise Impact Assessment and the BREEAM Acoustic Assessment and recommend the imposition of conditions to ensure the implementation of the various proposed acoustic design measures, including the provision of acoustically treated mechanical ventilation.

Noise affecting external amenity areas (balconies) around the building perimeter will be significantly greater than the upper guideline value to secure residential amenity. It is not feasible to reduce noise affecting these areas. However, subject to the provision of a 2 metre high boundary screen 95% of the communal gardens will satisfy the normal design criteria and so, on balance, I am satisfied that in this urban area adjoining the strategic transport network there will be satisfactory provision for relatively quiet relaxation outside the building.

With regard to the mitigation of noise arising from the new ground floor commercial uses I recommend the imposition of a condition to require the submission, approval and implementation of a scheme of acoustic treatment of the party construction. I also recommend the imposition of conditions to limit the times of deliveries and collections and the handling of bottles and rubbish associated with the commercial uses.

Potential Light Pollution - I recommend the imposition of a condition requiring the design and implementation of a lighting scheme which conforms to The Association of Chief Police Officers (ACPO) guidance for lighting.

Construction Phase Impact - The Air Quality Assessment Report provides a detailed risk assessment of the potential for construction phase dust emissions and outlines appropriate mitigation measures. The report also refers to the need to comply with the Mayor of London requirement relating to the control of emissions from non-road mobile machinery. I concur with this assessment and recommend the imposition of a condition to require the submission of a Construction Environmental Management Plan to secure the implementation of the mitigation measures.

In my view construction noise/vibration impacts can be suitably mitigated by way of the imposition of conditions. I note that a piled foundation may be required. Because of the close proximity of neighbouring residential and other sensitive development, I anticipate that any piling that might be needed is likely to have to be by way of a continuous flight auger technique (Officer Note - a process which is virtually vibration free and one of the quietest forms of piling making it ideal for environmentally sensitive areas).

Land Quality - I have reviewed the submitted Phase 1 Geo-Environmental Desk Study Report and accept the conclusion that, whilst in principle the site may be safely developed and securely occupied, an intrusive site investigation will be required to be carried out. I therefore recommend that
any permission that might be granted be subject to the standard land contamination conditions.

Officer Note: The recommended conditions will be imposed on any planning permission granted.

n) Transport Development Management Team - There are no apparent adverse highway implications arising from the proposed development. If the Local Planning Authority is minded to approve the development we recommend that the following matters, as per the previous application 16/00634/REG3, are secured by condition or S106 Agreement:

- To encourage and promote the use of electric cars in accordance with the London Plan two existing car parking spaces in the town centre should be installed with electric vehicle charging points (EVCP). It is recommended that this obligation be in the form of a financial contribution of £10,000 (£5,000 per EVCP).
- As the site is proposed as a car-free development it is recommended that any future occupiers of the development are restricted from obtaining car parking permits within local Controlled Parking Zones (excluding blue badge holders).
- In order to support the car-free development ethos, the developer should provide free membership of a local club car club for the first two years.
- The existing highway will need to be modified beyond the extent of the application red line boundary. To ensure that the proposed on-street parking areas provided will not impede the free flow of traffic to the adjacent roads, nor compromise any mitigating measures needed (e.g. Traffic Management Orders (TMO’s)), we suggest in the interest of highway safety that the appropriate highway consent (s278/38 agreement, Highways Act 1980) is entered into by the developer prior to construction taking place on site.

Officer Note: The recommended conditions/S106 obligations will be imposed on any planning permission granted.

o) Arboricultural Officer – I have no serious objections to this scheme. There is little in the way of significant vegetation around this block. The proposal of new trees and roof gardens is not offensive in species choice or position. I anticipate an improvement in tree presence after this.

The new sports centre opposite in Axe Street has some trees on the street that were retained as part of that scheme but I see no reason they should be affected. However, I would like to be sure they are not impacted by any part of the demolition or build operation. I would expect an impact assessment from an Arboriculturalist unless the site boundary line of work (i.e. fenceline) is outside 12 x the stem diameters (refer BS 5837), in which case a statement it is clear would be acceptable.

The proposed tree planting excludes the St Pauls Road side. I would have liked to have seen some greenery there.
I accept there is little opportunity for large canopy planting with the design offered. I would be looking for around 10 square metre canopies so not massive but medium to large trees like alders and acers if the design opportunity had been presented to secure it. I understand the difficulties to make space for such trees.

The general objective is to try and secure some greenery along the boundary lines of public highways with our developments in the town centre. Mature canopies are the best but, failing that, visible hedges or screening trees should be provided to create tree-lined streets.

4.0 Local Financial Considerations

4.1 The developer would be liable for a Mayoral Community Infrastructure Levy (CIL) contribution based on a rate of £20 per square metre of chargeable floorspace, with indexation applied. Officers have calculated a Mayoral CIL charge of £456,109.78.

4.2 A Borough CIL contribution would be payable based on a rate of £70 per square metre of residential floorspace and assuming a rate of £10 per square metres of commercial space, with indexation applied. The exception to this is the office space which is charged at a nil rate under the Borough’s CIL. It should also be noted that the Borough has differing CIL rates for commercial floorspace and given the flexible uses sought there is the potential for the commercial rate of £10 to increase or decrease depending on the end use. Officers have calculated a Borough CIL charge of £1,294,703.02.

4.3 A discount for the sub-market housing units within the development could be applied, thus reducing these charges, subject to an acceptable application for social housing relief being submitted and approved prior to commencement of the development. It should be noted that these charges have been based on 2018 indexation rates. Indexation rates will change from 1 January 2019 and therefore if any planning permission is granted in 2019 then the new indexation rates will need to be applied.

5.0 Analysis

5.1 Principle of the Development

5.1.1 Barking Town Centre is a key development area within the London Riverside Opportunity Area. The London Riverside Opportunity Area Planning Framework (OAPF) states that the town centre is suitable for high density, mixed-use developments with the potential for tall buildings.

5.1.2 Policy CM1 of the Core Strategy states that residential development (particularly higher density development) will be focussed in the key regeneration areas, which includes Barking Town Centre. Policy CM2 of the Core Strategy sets a target of 6,000 new homes in Barking Town Centre.
5.1.3 As well as falling within the Barking Town Centre Area Action Plan (AAP) area, the proposal site is located within the wider Barking Town Centre Site Specific Allocation Area 5 (BTCSSA5) (Axe Street / Abbey Sports Centre) which proposes a mixed-use development comprising improvements to the Abbey Sports Centre together with commercial and leisure uses such as a cinema, new homes and a multi-storey town centre car park.

5.1.4 Barking Town Centre has been awarded Housing Zone status by the Greater London Authority (GLA) and the application site is one of 10 initial schemes totalling 2,295 homes. A further 12 schemes have been identified in the zone. The Council’s role in each varies from just assessing planning applications through to leading the delivery.

5.1.5 The proposed cinema is in accordance with the uses identified under Site Allocation BTCSSA5 and the proposed commercial units have been designed in accordance with BTCSSA5 which seeks active street frontages and vibrant ground floor uses to enhance the existing town centre offer and complement the existing civic functions of this part of the town centre. The proposed uses would provide a boost to the leisure offer and the poorly developed evening economy in the town centre. It should be noted that the sports centre has already been re-provided on the opposite side of Axe Street and opened in 2015 and there is no longer a need to provide a multi-storey town centre car park as part of policy BTCSSA5 due to the provision of a new car park as part of the ASDA development at London Road.

5.1.6 The provision of B1 office space for the NHS / Care City would also meet the Council’s aspirations for the site and contribute to the strategic aim of providing over 4,000 new jobs in Barking Town Centre.

5.1.7 Overall the principle of a mixed-use development on the site is welcomed and supported, subject to the matters discussed below being satisfactorily addressed.

5.2 Housing

Housing Mix

5.2.1 The application proposes 170 residential units across three blocks (A, B and C) at first floor level and above. 65% of the units would be private rented sector (PRS) units and 35% would be sub-market housing units. The overall proposed mix of 87 one-bedroom/two-person units, 2 two-bedroom/three-person units, 77 two-bedroom/four-person units and 4 three-bedroom/five-person units reflects the nature of the private rented sector which provides rental accommodation of predominantly one and two beds.

5.2.2 The proposed units have been designed to be compliant with the nationally described space standards and the minimum space standards set out in the London Plan.

5.2.3 Barking Town Centre and its environs have a high proportion of social rented housing including larger units and the Council’s strategy which informed the successful Housing Zone bid is to provide additional one and
two bedroom flats (private for sale, private rented sector (PRS) and shared ownership) which attract working residents who can help support a widening of the town centre’s retail and leisure offer and in particular help support the poorly developed evening economy.

5.2.4 Policy CC1 of the Core Strategy states that major housing developments will generally be expected to provide a minimum of 30% family accommodation (3-bedrooms or larger) in Barking Town Centre. The policy goes on to state that not all sites will be suitable for family-sized accommodation, for example in town centre locations where the size and form of the site is too tight, and where it would not be possible to provide a satisfactory environment for young children, particularly in respect of access to external amenity space. For these reasons, officers accept that the development cannot deliver further family-sized units beyond the four proposed.

5.2.5 Overall the proposed housing mix and tenure is considered to be in keeping with the strategy for new housing in Barking Town Centre.

**Density**

5.2.6 The density matrix in the London Plan identifies that a site with a PTAL of 6 in a central setting should provide 140-405 units per hectare (u/ha) or 650-1,100 habitable rooms per hectare (hr/ha). The Barking Town Centre Area Action Plan identifies a similar density for the site.

5.2.7 The proposed density is 1,377 habitable rooms per hectare which therefore exceeds the density guidance in the London Plan.

5.2.8 It is accepted, however, in the Mayor’s ‘Housing’ SPG that there may be exceptional circumstances where densities outside the ranges may occur. In such scenarios the test for acceptability is about the quality of the proposal – the requirement being that housing should be of exemplary design quality. As discussed later in this report, officers consider that the proposed development meets this test. It should be noted that the Draft New London Plan moves away from using the density matrix and focuses instead on matters of design quality, public transport accessibility and surrounding infrastructure as informing the proposed density of developments.

**Sub-Market Housing**

5.2.9 Policy 3.12 of the London Plan and Policy BC1 of the Borough Wide Development Policies DPD seek to achieve the maximum reasonable amount of sub-market housing for individual private residential and mixed-use schemes. Developers will normally be expected to provide their sub-market housing on site, but exceptional circumstances may allow for partial off-site provision and/or commuted payments.

5.2.10 The application site is public land and therefore in accordance with the Mayor’s viability guidance, the scheme should seek to provide 50% sub-market housing subject to viability. The developer’s full viability assessment
has been independently assessed during the application process, as well as by the GLA. As a result of discussions during the application process the sub-market housing offer has increased. The provision of 35% sub-market housing on a habitable room basis, which is to be delivered on-site, is supported by officers as being the maximum level of sub-market housing that the scheme can afford. The GLA has also confirmed that the sub-market housing offer is acceptable. It should be noted that the sub-market housing offer for the previously recommended development on this site (16/00634/REG3) comprised of a financial contribution which could fund approximately 30 off-site sub-market housing units. Accordingly, the current proposal represents a greatly improved sub-market housing offer.

5.2.11 Specifically, the development proposes 35% sub-market housing provision as follows:

- **London Living Rent** – 20 residential units at first floor level (9 x one-bedroom and 11 x two-bedroom units). This equates to 33% provision by habitable room;
- **Discount Market Rent (70% of Market Rent)** - 20 residential units at second floor level (9 x one-bedroom units and 11 x two-bedroom units). This equates to 33.5% provision by habitable room; and
- **Discount Market Rent (75% of Market Rent)** – 20 residential units at third floor level (9 x one-bedroom units and 11 x two-bedroom units). This equates to 33.5% provision by habitable room.

5.2.12 The sub-market housing provision is to be secured in the S106 Agreement. In accordance with the Mayor’s viability guidance, it will also be necessary to secure early and late stage viability review mechanisms in the S106 Agreement. These review mechanisms will be used to assess, at the relevant stage, whether the scheme can afford any additional sub-market housing units up to a maximum of 50% provision.

5.2.13 It should be noted that the ground floor NHS office space would be constructed by the developer as an in-kind contribution and leased back to the Council for community initiatives at a peppercorn rent. This is an additional cost to the developer and therefore has an impact on sub-market housing provision. It is understood that Care City, a research, education, training and innovation venture (part Council and part North East London Foundation Trust) aimed at improving the delivery of health and social care, will occupy the office space.

**Accessible and Adaptable Dwellings**

5.2.14 In accordance with Policy 3.8 of the London Plan, 90% of the proposed residential units are to meet Building Regulation requirement M4(2) ‘accessible and adaptable dwellings’.

**Wheelchair User Dwellings**

5.2.15 The two-bedroom/four-person units in Blocks A and C identified on the drawings as Flat Type T07 are easily adaptable to one-bedroom/two-person wheelchair accessible units and the three-bedroom/five-person units in
Block A identified on the drawings as Flat Type T14 are easily adaptable to two-bedroom/four-person wheelchair accessible units. The developer has advised that overall 14 wheelchair accessible units can be accommodated in Block A and 7 in Block C. In total, 21 wheelchair accessible units are proposed and this exceeds the 10% wheelchair housing requirement set out in Policy 3.8 of the London Plan and Building Regulation M4(3).

5.3 Design and Heritage

5.3.1 Policy BP4 of the Borough Wide Development Policies DPD defines a tall building as any building which is significantly taller than its neighbours, and/or which significantly changes the skyline. The proposed building is considered to meet the definition of a tall building.

5.3.2 Policy BTC17 of the Barking Town Centre Area Action Plan (AAP) states that the Council considers certain locations in the AAP area ‘sensitive’, but as potentially suitable for tall buildings. The proposal site is not one of the locations identified for a tall building. Policy BTC17 goes on to state that elsewhere in the AAP area, tall buildings will be resisted unless particular proposals can demonstrate significant regeneration or townscape benefits and do not cause harm to the historic significance of Barking Town Centre and its component parts. Any tall building should be of exemplary high-quality design and preserve and enhance important views and skylines.

5.3.3 The building height strategy set out in the London Riverside Opportunity Area Planning Framework (OAPF) identifies a cluster of tall buildings around Barking Station and a secondary cluster of tall buildings to the west of the town centre along the River Roding, on the axis from Barking Park to Canary Wharf. The proposal site does not fall within these areas. The OAPF advises that proposals for tall buildings or high density development outside of the identified areas will be considered case by case on individual merit with consideration given to the specific proposals, the location and context and detailed design and layouts.

5.3.4 Site Specific Allocation BTCSSA5 (Axe Street / Abbey Sports Centre) sets out that emerging proposals should provide active street frontages and vibrant ground floor uses; provide a creative design solution and iconic building; in its building heights and design, respect and avoid visual impacts on the nearby Town Hall and Broadway Theatre; use the Barking Code for associated public realm work; and reflect the London Plan density of between 215 and 405 units per hectare in any housing element.

5.3.5 The proposed development comprises three main blocks of 8, 11 and 13-storeys and these would be separated by two podium blocks of 6-storeys and two communal gardens at first floor level. The 13-storey element of the development would be positioned at the Broadway end of the site and the 11 and 8-storey blocks would step down to the east. The 13-storey block would be three sided and have curved ends at its southern and western edges. This arrangement seeks to create a distinctive landmark with high visibility from the southern part of Barking. The development has been designed to interact with the Barking skyline of contemporary buildings but
is not considered to dominate the Town Hall Clock Tower or the 18-storey Lemonade Building.

5.3.6 A two screen cinema (555 square metres GIA) providing 140 seats (Screen 1: 80 seats and Screen 2: 60 seats) is proposed at ground floor level. The cinema would be located within the most prominent part of the development along the curved edge of the site that fronts onto Axe Street, Broadway and St Pauls Road. The entrance to the cinema would be located at the corner of Broadway and Axe Street and the entrance foyer would include a café, seating area, ticket kiosks and a removable performance stage.

5.3.7 The proposed cinema tenant is Arthouse who currently have one other cinema in Crouch End. Arthouse have been consulted throughout the design process to ensure the design and layout meets their needs.

5.3.8 Two commercial units (65 and 62 square metres GIA respectively) are proposed at ground floor level. Flexible planning permission is sought for these units in respect of A1, A2, A3, A4, B1, D1 and D2 uses. One unit would have active frontages onto Axe Street and St Ann’s Road while the other would have active frontages onto St Pauls Road and St Ann’s Road.

5.3.9 The 525 square metres of ground floor B1 office space for the NHS / Care City would have its main entrance on Axe Street. The office space would have its own dedicated refuse store and would share a cycle store with the two commercial units.

5.3.10 The 170 residential units would be located over floor levels 1 to 13 and would be accessed from Axe Street (Blocks A and B) and St Ann’s Road (Block C).

5.3.11 The concierge for all of the residential units would be accessed through the residential entrance to Blocks A and B.

5.3.12 A maximum of eight residential units per floor would be accessed from a single core in accordance with the best practice set out in the Mayor’s ‘Housing’ SPG.

5.3.13 The proposed residential units have been articulated to maximise daylight and sunlight. The application proposes 44 (26%) single aspect units and 126 (74%) dual or triple aspect units. The site plot is orientated south-west to north-east so none of the flats would have an exclusively northern aspect.

5.3.14 The proposed development is considered to be sufficiently separated from surrounding residential developments and suitably designed to ensure that the amenities of neighbouring residential occupiers are not significantly affected by the development. The closest relationship between residential properties and the proposed development is approximately 20 metres and this is a building corner to corner relationship rather than direct facing.

5.3.15 The three main residential blocks have been designed with a 15-metre separation distance between facing residential units. This separation
distance is considered to be acceptable to protect the residential amenities of future occupiers of the development.

5.3.16 Paragraph 192 of the National Planning Framework (NPPF), Policy CP2 of the Core Strategy, Policy BP2 of the Borough Wide Development Policies DPD and Policy BTC19 of the Barking Town Centre AAP seek to protect and enhance the historic environment.

5.3.17 The proposed development would be visible from within the Abbey and Barking Town Centre Conservation Area, despite not being located in the Conservation Area itself. Officers have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the proposal is not considered to cause harm to the character and appearance of the Conservation Area.

5.3.18 As set out in the ‘Consultation’ section of this report, Historic England (Buildings) commented that taking into account the combined impact of other, already approved schemes, closer to and more imposing on the Abbey remains, they are unable to consider this scheme as ‘substantial harm’ to the setting of the Scheduled Ancient Monument and Conservation Area but clearly harm is caused. It is, however, considered that the scheme, which would be located opposite St Joseph’s Primary School on its western frontage, and which would be sited approximately 165 metres from St Margaret’s Church and over 200 metres from the Abbey grounds, would not have a significant adverse impact on neighbouring heritage assets.

5.3.19 The proposed development is not considered to significantly affect the setting of the Barking Abbey Scheduled Ancient Monument, the Grade I Listed Parish Church of St Margaret, the Grade II Listed Tomb of Captain John Bennett at St Margaret’s Church, the Grade II Listed remains of Barking Abbey and the old churchyard walls and the Grade II* Listed Fire Bell Gate (Curfew Tower). In reaching this conclusion, officers have paid special attention to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5.3.20 The proposed design has sought to maximise active frontage to the ground floor of the building by incorporating large windows to the cinema fronting the Broadway, Axe Street and St Pauls Road and glazing to the proposed office, commercial and residential entrances fronting Axe Street, St Ann’s Road and St Pauls Road.

5.3.21 The proposed development incorporates improvements to the public realm and highway, including a widening of the pavement adjacent to the site in Axe Street. The landscaping proposals also include new tree planting and street furniture, along with provisions to accommodate outdoor seating for the commercial unit on Axe Street and vehicular servicing of the site.
5.3.22 The materials strategy for the development proposes the use of a yellow multi-stock brick for the 8, 11 and 13-storey blocks and a brown multi-stock brick for the smaller blocks. Brick detailing is also proposed to break up and add further interest to the elevations. It is proposed that doors, windows, metal cladding and other elements such as louvres and rainwater pipes would be grey so as to contrast with the brickwork.

5.3.23 Officers consider that the materials strategy is acceptable in principle and consistent with the high-quality expectations of the development. In the event of planning permission being granted, a condition would require the developer to work closely with officers in order to ensure that an exemplar standard of architectural detailing and facing materials is achieved.

5.3.24 Officers consider that the design of the development is a well-considered response given the mixed-use nature of the site. The architectural and residential quality is considered to be high throughout and would make for an interesting addition to the town centre built form. Overall the proposed development is considered to be of an exemplar design and quality, which in turn justifies the higher density and the tall building heights.

5.3.25 The proposal is considered to be in keeping with the relevant policies of the National Planning Policy Framework, Policies CP2 and CP3 of the Core Strategy, Policies BP2, BP8 and BP11 of the Borough Wide Development Policies DPD, Policies 7.1, 7.2, 7.3, 7.4 and 7.6 of the London Plan, Policies BTC16, BTC17, BTC19 and BTCSSA5 of the Barking Town Centre AAP and the London Riverside Opportunity Area Planning Framework.

5.4 External Amenity Space

5.4.1 All residential units would benefit from a private balcony or terrace designed in accordance with the space requirements set out in the Mayor’s ‘Housing’ SPG.

5.4.2 Two landscaped communal roof gardens (186 and 200 square metres) are proposed at first floor level. These incorporate a total of 107 square metres of dedicated children’s play space which just exceeds the minimum London Plan requirement in this case of 103.2 square metres.

5.4.3 Due to the town centre location and the constraints of the site, the proposed external amenity space does not meet the quantity requirements sought under Policy BP5 of the Borough Wide Development Policies DPD. Policy BP5 acknowledges, however, that it will not always be possible in town centre locations and strategic regeneration proposals to meet the quantity requirements.

5.4.4 The proposed level of amenity space is supported by officers given the town centre location and the proposed mix of units.

5.5 Amenity Issues

Sunlight / Daylight
5.5.1 Overall the scheme demonstrates very good levels of compliance with Building Research Establishment (BRE) guidance in terms of sunlight/daylight amenity to surrounding properties.

5.5.2 A separate Scheme Internal Daylight Report considered the expected quality of sunlight/daylight to the proposed residential units within the development. The analysis identifies a high degree of compliance with current BRE guidance with any minor detraction from BRE guidance solely as a result of the presence of inset balconies.

Noise

5.5.3 The submitted Noise Impact Assessment and BREEAM Acoustic Assessment have been reviewed by the Council’s Environmental Health Officer. It is considered that suitable noise environments could be created for the various uses within the development subject to the imposition of noise conditions as detailed in the Environmental Health Officer’s comments in the ‘Consultation’ section of this report. Subject to those conditions, the proposal is considered to be in keeping with the relevant noise policies, being Policies BR13 and BP8 of the Borough Wide Development Policies DPD and Policy 7.15 of the London Plan.

5.6 Transport / Parking

5.6.1 The proposed development will be car-free given the high public transport accessibility of the site.

5.6.2 However, the application proposes 8 on-street blue badge car parking spaces (6 on Axe Street and 2 on St Ann’s Road), but these will not be allocated specifically to the proposed development, but rather available for all blue badge holders.

5.6.3 The proposed cycle parking provision for the development is in keeping with London Plan standards.

5.6.4 The development includes the provision of loading bays on Axe Street and St Ann’s Road to accommodate servicing of the development.

5.6.5 As set out in the ‘Consultation’ section of this report the Transport Development Management Officer has confirmed that the development is acceptable as car-free and there are no apparent adverse highway implications arising from the proposed development.

5.6.6 The conditions and S106 obligations recommended by the Transport Development Management Officer and the GLA relating to transport and parking matters will be secured on any permission granted.

5.7 Energy and Sustainability

5.7.1 Policy 5.2 of the London Plan sets a zero-carbon target for new residential development. The ‘Housing’ SPG defines ‘zero carbon’ homes as homes forming part of major development applications where the residential
element of the application achieves at least a 35% reduction in regulated carbon dioxide (CO$_2$) emissions (beyond Part L of the Building Regulations 2013) on-site. The remaining regulated CO$_2$ emissions, to 100%, are to be off-set through a cash in-lieu contribution to the Council, to be ring-fenced to secure delivery of carbon dioxide savings elsewhere.

5.7.2 The London Plan sets a price for carbon off-setting based either on local conditions or a nationally recognised carbon price such as the ‘Zero Carbon Hub’ price of £60 per tonne of carbon over 30 years.

5.7.3 The submitted Energy Statement applies the Mayor of London’s energy hierarchy design approach of ‘Be Lean’, ‘Be Clean’ and ‘Be Green’.

5.7.4 The proposed development features improved insulation and air tightness standards compared to the compliance requirements of Part L of the Building Regulations 2013 and in addition energy efficient lighting is to be provided throughout the residential units in excess of the Part L requirements.

5.7.5 It is proposed to connect to the Borough’s district heating network in order to provide heat to all residential and commercial units, the cinema and the office space. It has been estimated that the proposed district heating network connection would reduce the annual carbon dioxide emissions of the site by 18.6%.

5.7.6 Photovoltaic panels are also proposed at roof level in order to generate electricity for the site. It has been estimated that the proposed photovoltaic panels would reduce the annual carbon dioxide emissions of the site by 8.4%.

5.7.7 The incorporation of the energy efficiency measures, connection to the district heating network and photovoltaic panels equates to a reduction in carbon dioxide emissions of 39.2% over Part L of the Building Regulations 2013.

5.7.8 Through a combination of on-site energy measures and a carbon off-set payment to be secured in the S106 Agreement, the proposed development is considered to be in keeping with the relevant policies.

5.7.9 A BREEAM pre-assessment has also been undertaken for each of the non-residential elements within the proposed development and this has identified how an ‘excellent’ rating could be achieved.

5.8 Biodiversity and Ecology

5.8.1 The introduction of new tree planting and soft landscaped areas as part of the development is welcomed and will improve the biodiversity of the site. The proposed landscaping strategy indicates the provision of larger trees along Axe Street, smaller trees to St Ann’s Road and individual feature shrubs to create defensible planting along St Pauls Road. Two landscaped communal roof garden spaces are also proposed at first floor level and the two podium terraces at sixth floor level are indicated as potential extensive
green roof areas, with maintenance access only. A condition would secure the provision of bird and bat boxes within the development.

5.8.2 The application is supported by a Daytime Bat Survey produced by Middlemarch Environmental wherein further survey work is recommended prior to demolition of the existing building. A condition is proposed accordingly.

5.9 S106 Developer Contributions

5.9.1 Having regard to Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and Policy CC3 of the Core Strategy, a S106 Agreement is required to secure:

**Sub-market Housing**

Secure 35% sub-market housing (on a habitable room basis) on site comprising:

- London Living Rent – 20 residential units at first floor level (9 x one-bedroom and 11 x two-bedroom units).
- Discount Market Rent (70% of Market Rent) - 20 units at second floor level (9 x one-bedroom units and 11 x two-bedroom units).
- Discount Market Rent (75% of Market Rent) - 20 units at third floor level (9 x one-bedroom units and 11 x two-bedroom units).

Secure early and late stage viability reviews in accordance with the Mayor of London’s Affordable Housing and Viability SPG.

**Private Rented Sector Units**

Secure matters pertaining to the provision of Private Rented Sector (PRS) units as set out below:

1. **The Owners shall:**

   1.1 *construct the Private Rented Sector Units in accordance with the Private Rented Sector Unit Mix; and*

   1.2 *provide the units as Private Rented Sector Units for a minimum of 15 (fifteen) years and the Private Rented Sector Units shall not be occupied for any other use other than Private Rented Sector Units within that 15 year period unless otherwise agreed in writing with the Council.*

2. **The Owners shall not Occupy any Private Rented Sector Unit until the Private Rented Sector Marketing Strategy has been submitted to the Council for approval and the Private Rented Sector Marketing Strategy has been approved and is implemented.**

3. **The Owners shall not Occupy any Private Rented Sector Unit until the Private Rented Sector Management Plan has been submitted to the Council**
for approval and the Private Rented Sector Management Plan has been approved and is implemented.

4. The Private Rented Sector Management Plan shall:

4.1 Cover the length of the initial lease which shall be a minimum of 12 months and on renewal if the Owners agree (at their discretion) up to 5 years;

4.2 Demonstrate that a consistent and quality level of housing management will be offered that meets appropriate standards (e.g. set out in the London Mayor’s Rental Standard, required by regulatory and/or voluntary bodies such as the Homes and Communities Agency);

4.3 Cover provision for rent increases (which shall reflect the market) provided always that there can be no more than one rent increase per 12 calendar months.

5. The Private Rented Sector Marketing Strategy shall cover:

5.1 Prioritisation of residents who live and or work in the Borough when marketing and identifying suitable tenants for the scheme. (For avoidance of doubt, this will not require the Owners to exclusively market only to Borough residents but will require that such residents are prioritised for the Private Rented Sector Units available in circumstances where equally acceptable prospective tenants wish to rent a Private Rented Sector Unit, one prospective tenant lives or works in the Borough and others do not);

5.2 Local marketing in the Borough (including in Council publications etc):

PROVIDED THAT the Owners will be able to select the tenants on the basis that the Private Rented Sector Units will be available to working households with a good track record of managing a tenancy (with no history of anti-social behaviour or significant rent arrears).

NHS / Care City Office Space

Secure the provision of the ground floor office space to the Council for community initiatives at a peppercorn rent.

Same Calibre Architects for Construction Drawings

Secure that the architects of the same calibre as BPTW Partnership are retained to produce all construction drawings, or that a budget is allocated to allow them to review these when they are produced.

Public Realm / Highway Works

Secure enhancements to the public realm/highway works in the vicinity of the site (scheme to be agreed).

Local Labour / Local Supply
Secure a commitment to local labour/local supply so that residents and businesses in the Borough will benefit from the proposed development.

*Restrictions on Controlled Parking Zone (CPZ) Permits*

Secure restrictions preventing future residents from obtaining parking permits for any controlled parking zone (CPZ).

*Contribution for New Car Club Space*

Secure a contribution of £5,000 towards a new car club space in the town centre.

*Car Club Membership for Residents*

Secure a commitment to provide two years’ membership to the local car club scheme per residential unit (on their request).

*Contribution for Electric Vehicle Charging Points*

Secure a contribution of £10,000 towards the installation of two electric vehicle charging points in the town centre.

*Travel Plan*

Secure the submission, implementation and monitoring of a Travel Plan for the development.

*Carbon Offset*

The development shall achieve a minimum 35% reduction in carbon emissions over Part L of the Building Regulations 2013 through on-site provisions and the remaining carbon emissions to zero carbon should be offset through a monetary contribution to the Local Authority’s carbon offset fund calculated on the basis of £60 per tonne over 30 years.

*S106 Legal Fees*

Pay the Council’s professional fees associated with the preparation and completion of the S106 Agreement.

**6.0 Equalities**

6.1 The Equality Act 2010 requires the Council to advance equality of opportunity in the exercise of its functions. In this respect, conditions are proposed to ensure that the residential units are accessible and adaptable, with 10% of residential units having a layout and size specifically enabling ease of use by a wheelchair user. The commercial, cinema and office uses would also be fully accessible and provision made for additional parking bays for blue badge holders in the locality.
7.0 Conclusion

7.1 The proposed development is considered to be an interesting addition to the town centre skyline and of an exemplar design quality to justify its location, height and residential density.

7.2 The proposed development would provide 170 high-quality residential units (110 PRS units and 60 sub-market housing units), as well as a cinema, office space and flexible commercial space. The PRS element would help to rebalance the tenure mix in the town centre and the other uses would contribute to the strategic aim of providing new jobs in the town centre. The commercial elements and cinema would also increase the town centre’s leisure offer and, in particular, help grow the poorly developed evening economy. Overall the development has significant regeneration benefits for the town centre.

7.3 The proposal complies with the relevant policies set out in the National Planning Policy Framework, the London Plan and the Local Plan.

7.4 It is recommended that the Planning Committee grants planning permission subject to any direction from the Mayor of London, a S106 Agreement to secure the matters set out in Section 5.9 of this report and the conditions listed in this report (with any amendments that might be necessary up to the issue of the decision, including any other conditions that may be required as a result of referral to the Mayor of London).

Background Papers

- Planning Application File
  [http://paplan.lbbd.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P4LZ32BLIF800](http://paplan.lbbd.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P4LZ32BLIF800)

- Local Plan Policy

  *Borough Wide Development Policies Development Plan Document (March 2011):*

  - Policy BR1 – Environmental Building Standards
  - Policy BR2 – Energy and On-Site Renewables
  - 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 BR13 – Noise Mitigation
  - Policy BR14 – Air Quality
  - Policy BR15 – Sustainable Waste Management
  - Policy BC1 – Delivering Affordable Housing
  - Policy BC2 – Accessible and Adaptable Housing
  - Policy BC7 – Crime Prevention
Policy BC8 – Mixed Use Development
Policy BE2 – Development in Town Centres
Policy BE4 – Managing the Evening Economy
Policy BE5 – Offices – Design and Change of Use
Policy BP2 – Conservation Areas and Listed Buildings
Policy BP3 – Archaeology
Policy BP4 – Tall Buildings
Policy BP5 – External Amenity Space
Policy BP8 – Protecting Residential Amenity
Policy BP10 – Housing Density
Policy BP11 – Urban Design

Core Strategy (July 2010):

Policy CM1 – General Principles for Development
Policy CM2 – Managing Housing Growth
Policy CM5 – Town Centre Hierarchy
Policy CR1 – Climate Change and Environmental Management
Policy CC1 – Family Housing
Policy CC3 – Achieving Community Benefits Through Developer Contributions
Policy CE1 – Vibrant and Prosperous Town Centres
Policy CP1 – Vibrant Culture and Tourism
Policy CP2 – Protecting and Promoting Our Historic Environment
Policy CP3 – High Quality Built Environment

Barking Town Centre Area Action Plan (BTCAAP) (February 2011):

Policy BTC1 – Additional Shopping Floorspace
Policy BTC5 – Leisure Uses and the Evening Economy
Policy BTC13 – Housing Supply
Policy BTC16 – Urban Design
Policy BTC17 – Tall Buildings
Policy BTC19 – Heritage and the Historic Environment
Policy BTC22 – Sustainable Energy
Policy BTC23 – Developer Contributions

Site Specific Allocation BTCSSA5 – Axe Street / Abbey Sports Centre

Other Guidance:

Planning Advice Note - Waste and Recycling Provisions in New and Refurbished Residential Developments (10 February 2013)

- The London Plan (March 2016):

Policy 3.3 – Increasing Housing Supply
Policy 3.4 – Optimising Housing Potential
Policy 3.5 – Quality and Design of Housing Developments
Policy 3.6 – Children and Young People’s Play and Informal Recreation Facilities
Policy 3.8 – Housing Choice
Policy 3.10 – Definition of Affordable Housing
Policy 3.11 – Affordable Housing Targets
Policy 3.12 – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
Policy 3.13 – Affordable Housing Thresholds
Policy 5.2 – Minimising Carbon Dioxide Emissions
Policy 5.3 – Sustainable Design and Construction
Policy 5.5 – Decentralised Energy Networks
Policy 5.6 – Decentralised Energy in Development Proposals
Policy 5.7 – Renewable Energy
Policy 5.9 – Overheating and Cooling
Policy 5.10 – Urban Greening
Policy 5.11 – Green Roofs and Development Site Environs
Policy 5.12 – Flood Risk Management
Policy 5.13 – Sustainable Drainage
Policy 5.14 – Water Quality and Wastewater Infrastructure
Policy 5.15 – Water Use and Supplies
Policy 5.18 – Construction, Excavation and Demolition Waste
Policy 5.21 – Contaminated Land
Policy 6.3 – Assessing Effects of Development on Transport Capacity
Policy 6.9 – Cycling
Policy 6.10 – Walking
Policy 6.13 – Parking
Policy 7.1 – Lifetime Neighbourhoods
Policy 7.2 – An Inclusive Environment
Policy 7.3 – Designing Out Crime
Policy 7.4 – Local Character
Policy 7.5 – Public Realm
Policy 7.6 – Architecture
Policy 7.7 – Location and Design of Tall and Large Buildings
Policy 7.8 – Heritage Assets and Archaeology
Policy 7.13 – Safety, Security and Resilience to Emergency
Policy 7.14 – Improving Air Quality
Policy 7.15 – Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
Policy 8.2 – Planning Obligations

Draft London Plan (consultation draft December 2017)
Draft new London Plan showing Minor Suggested Changes (13 August 2018)

Mayor of London’s Supplementary Planning Guidance:

Shaping Neighbourhoods: Character and Context (June 2014)
Accessible London – Achieving an Inclusive Environment (October 2014)
Sustainable Design and Construction (April 2014)
Town Centres (July 2014)
Housing (March 2016)
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
Affordable Housing and Viability (August 2017)

London Riverside Opportunity Area Planning Framework (September 2015)

- National Planning Policy Guidance