### RECOMMENDATION

1. That the Planning Committee grant planning permission subject to the conditions set out in full at section 10 of this report and summarised below:

   1. Period of compliance
   2. In accordance with approved plans
   3. Compliance with materials
   4. Project execution plan
   5. Landscaping details

### SUMMARY

#### KEY PLANNING CONSIDERATIONS

**Neighbour Consultation (see section 4.2)**

- 417 letters sent to surrounding properties and site notices placed around the site.
- 2 responses received. The first requesting clarification on whether the steel frame is able to support the aluminium. The second objecting to the proposed...
Design (see section 7.2)

- The proposed replacement of all timber with metal alternatives is considered to be a sensitive design response following the fire that occurred on 9th June 2019 which damaged 8 flats and balconies on Samuel Garside House.
- The proposed design is a close like for like replacement of the timber in terms of appearance and will ensure the original design approach is retained.
- Conditions are recommended to ensure the development is carried out in accordance with the materials specified and in a timely manner.
- Overall, officers consider the proposed design to be acceptable.

Fire Safety (see section 7.3)

- The proposed materials are non-combustible and this is considered to be an appropriate design response following the fire.

1.0 SITE, SURROUNDINGS AND BACKGROUND

1.1 The application site consists of two linear residential buildings located within Phase 1 of the wider Barking Riverside development.

1.2 Samuel Garside House consists of a lower ground floor car park with residential units above. The residential units are located within three components; the central area consists of three storeys and this is bookended by four and five storey elements.

1.3 Ernest Websdale House runs parallel to Samuel Garside House and is accessed from Harlequin Close. It also has a central three storey element which is bookended by four and five storey elements.

1.4 Both buildings were constructed from a grey concrete brick, with a large expanse of full height timber cladding set on a steel frame. The timber also forms the balustrades of the projecting balconies of both buildings.

1.5 On the 9th June 2019, a fire on one of the balconies at Samuel Garside House spread to other balconies within the same cluster and by the time the fire was extinguished eight flats had been damaged by the fire. Following the fire, and as an interim measure while planning permission is sought for replacing all timber used as part of the buildings’ construction, all non-essential timber that was on the external façade for aesthetic purposes was removed.

1.6 This proposal seeks to resolve the external appearance of the buildings by removing the remaining timber and replacing with suitable non-combustible materials.
2.0 THE PROPOSAL

2.1 The proposal is for the removal of all the timber balustrading, screening, decking, soffits and fascias from the balconies of both buildings and their replacement with a metal alternative. The design has been informed following consultation with residents.

3.0 RELEVANT HISTORY

3.1 04/01230/OUT - this is the outline planning permission for the entire site. Development comprising or to provide a mixed-use development of up to 10,800 residential dwellings and in addition up to 65,600 sqm. of built floorspace for retail uses (Classes A1 to A3), business premises (Class B1), hotel (Class C1), communal care home and other residential institutions (Class C2), sui generis live work units, community and social facilities (Classes D1 and D2) (for uses such as libraries, primary health care facilities, places of worship and assembly, community facilities, creche and pre-school facilities, care facilities for the young, old and/or infirm, sport and leisure development). Approved on 7th August 2006.

3.2 The following applications are the relevant applications for reserved matters and discharge of conditions which relate to the subject buildings.

3.3 08/00895/CDN - Application for approval of details reserved by conditions 7 (partial discharge), 33 (sub-framework plan) and 34 (sub-framework plan) for planning permission 04/01230/OUT. Approved on 20th August 2009.

3.4 08/00896/REM - Approval of reserved matters (access, appearance, landscaping, layout and scale) together with additional zone details set out at condition 45 (A)-(P) of outline planning permission 04/01230/OUT. Discharge of condition 7 (partial discharge) is also sought insofar as it relates to the reserved matters submission. Approved on 20th August 2009.

3.5 10/01050/FUL - Application for variation of condition 2 (noise) of Sub Framework Plan 08/00895/CDN and variation of condition 2 (noise) of reserved matters approval 08/00896/REM. Approved on 19th July 2011.

3.6 11/00530/CDN - Application for approval of details reserved by conditions 7 (partial discharge statement), 13 (remediation), 34(b) (tenure), 45(b) (material samples), 49 (landscaping), 51 (archaeology), 52 (London City Airport), 55 and 56 (plot level access statements) in respect of planning permission 08/00887/FUL and condition 2 (acoustic report) in respect of planning permission 10/01050/FUL (08/00896/REM). Approved on 21st October 2011.

4.0 CONSULTATIONS

4.1 Non-statutory Pre-application Discussions

4.1.1 As detailed within the applicant’s Design and Access Statement, the current proposals have been informed by two consultation meetings which the applicant held with residents: 25th July 2019 and 29th August 2019. The following is a short summary of the meetings from the applicant’s submission.
4.1.2 On 25\textsuperscript{th} July 2019, residents were shown variations of two alternatives to the timber. The first consisted of a like for like metal alternative and the second was a perforated sheet alternative. Various discussions took place on the design and this informed what was presented at the second meeting.

4.1.3 At the second meeting (29\textsuperscript{th} August), residents were presented with a third option. The three options were as follows:
Option 1 - Metal like for like;
Option 2 - Perforated sheet;
Option 3 – Perforated sheet with more glass.

4.1.4 The resulting feedback from residents favoured Option 1 and this has been pursued within this application.

4.2 Neighbouring Properties

4.2.1 Publicity

| Site Notice | Yes – 29\textsuperscript{th} October 2019 |
| Press Notice | No |

4.2.2 Neighbouring Properties

| Date of consultation | 29\textsuperscript{th} October 2019 |
| Total letters sent | 417 |
| Total responses received | 3 |
| Number of objections | 1 |
| Number in support | 1 |
| Number of other representations (neither objecting nor supporting) | 1 |

4.2.3 The first response came via a local Ward Councillor and queried whether the steel frame would be able to support the load of the metal railings. The applicant has provided a letter from a structural engineer explaining the steel frame is able to support the proposed design. The second response was an objection from a resident of Samuel Garside House, who preferred Option 2. The points raised in the objection are summarised below:

1. Wind - Option 2 would provide more screening from high wind.
2. Internal Temperature - Option 2 would provide more screening from the sun and allow doors to be opened without the excessive wind problem.
3. Light - The addition of one more glazing panel to the front corner of the balcony will offset concerns of a dark feeling on the balcony that could exist due.
4. Property Value – Option 2 is likely to have a better effect on the value of the property.
5. A standard for the development - The apartment balcony cladding design and colours will most likely set the basis of the future house façade replacement work on the houses.

4.2.3 Officer comment: Whilst there may be some merits in an alternative design, it is a requirement that officers consider what is being proposed as opposed to
alternatives. For the reasons listed in this report, officers consider the proposed design to be acceptable. Furthermore, the option pursued is effectively a like for like replacement that is not envisaged to have a further impact on matters 1 to 3 listed above. Matter 4 concerning property value is not material to this application. Lastly, in relation to the standard of development, officers are satisfied that the proposed design will follow the design approach of the consented development which was, and still is, considered acceptable. Officers will consider any replacement for the timber on the houses should any application come in for these works.

4.2.4 The third response came from a local resident who supports the works and would like them to happen as soon as possible.

4.3 **External and Internal Consultations**

A summary of the responses received is set out in the table below.

<table>
<thead>
<tr>
<th>Consultee Response</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secure by Design</td>
<td>These comments have been passed to the applicant.</td>
</tr>
<tr>
<td>1. The metal / steel railing design that is proposed should be robust and constructed to frustrate climbing, both internally and externally.</td>
<td></td>
</tr>
<tr>
<td>2. The metal / steel used in construction should be coated or treated where possible to resist graffiti or assist its speedy removal.</td>
<td></td>
</tr>
<tr>
<td>3. Ensure a level of permeability remains in the design to assist good levels of natural surveillance.</td>
<td></td>
</tr>
<tr>
<td>4. Fixed permanent signage at all levels informing residents and their visitors that there shall be no naked flame/fire or BBQ’s permitted.</td>
<td></td>
</tr>
<tr>
<td>Be First Building Control (BC)</td>
<td>Building Control continues to advise and assess the ongoing works to ensure these adhere to Building Control requirements.</td>
</tr>
<tr>
<td>Following the fire, Be First BC provided pre-application building control advice to the applicant.</td>
<td></td>
</tr>
<tr>
<td>A building control application was subsequently submitted on 1st October 2019 for “Internal reinstatement works and rebuilding of external wall to eight flats following fire damage” (LPA Ref: 19/06828/OTH). This application is on going until the works are complete.</td>
<td></td>
</tr>
<tr>
<td>A separate building control application has to be submitted for the balconies, and the applicant has advised that this will be submitted by the end of November 2019.</td>
<td></td>
</tr>
<tr>
<td>To date, Building Control has attended site</td>
<td></td>
</tr>
</tbody>
</table>
Further site inspections have been scheduled and will be undertaken as part of the building control application process, to ensure that the building works meet the required regulations.

As part of the pre-application advice for the balconies, Building Control notes that the applicant is using a Chartered Engineer to assess the structural load of the new balconies, and that the proposed design conforms to Building Regulations Approved Document K (Protection from falling, collision and impact) section 2. This will be confirmed on submission and assessment of the forthcoming building control application.

London Fire Brigade
The London Fire Commissioner (the Commissioner) is the fire and rescue authority for London. The Commissioner is responsible for enforcing the Regulatory Reform (Fire Safety) Order 2005 (The Order) in London.

The Commissioner has reviewed the submission and is satisfied with the proposals.

Barking Riverside Limited (BRL)
BRL have advised they support the application in principle.

5.0 LOCAL FINANCIAL CONSIDERATIONS
5.1 The proposal is not liable for the Mayoral Community Infrastructure Levy (CIL) or the Borough’s CIL.

6.0 PLANNING DOCUMENTS AND GUIDANCE

- National Planning Policy Framework (NPPF) (February 2019)
- Planning Practice Guidance
- The London Plan (March 2016)
7.0 ANALYSIS

7.1 The principle matter under consideration is the design and appearance of the proposed timber replacements and also whether it would reduce any potential fire risk. Other matters, such as land use, amenity and transport matters have been considered within the original planning permissions and there are no grounds to reconsider these here.

7.2 Design

<table>
<thead>
<tr>
<th>ASSESSMENT AGAINST KEY POLICIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed design seeks the replacement of timber on the building facades with metal alternatives. The timber battens on the balconies will be replaced with vertical aluminium slats which are to be set out with the same spacing as the timber. This approach represents a close like for like replacement and will ensure the original design intent is maintained.</td>
</tr>
<tr>
<td>Aluminium handrails and decking are also proposed on the balconies as replacements for the timber.</td>
</tr>
<tr>
<td>The applicant has taken onboard comments during consultation with residents and the balconies have been designed to incorporate drainage which did not exist in the original design.</td>
</tr>
<tr>
<td>In addition, soft landscaping is proposed to the ground floor to screen the car park and this is considered to be an improvement on the existing situation.</td>
</tr>
<tr>
<td>In order to ensure residents are not deprived of external amenity space, a condition is recommended requiring works to be completed within one year of the date of planning permission.</td>
</tr>
<tr>
<td>Overall, the proposal is considered to be acceptable in terms of design and appearance.</td>
</tr>
</tbody>
</table>

(Draft London Plan policies D2 and HC1; London Plan policies 7.4, 7.5, 7.6 and 7.7; and Local Plan policies BP2, BP8 and BP11)

CONCLUSION

The proposed external materials are considered to be of a suitable quality and appearance and are appropriate for Samuel Garside House and Ernest Websdale House having regard to the surrounding context.
7.3 **Fire Safety**

### ASSESSMENT AGAINST KEY POLICIES

| The proposed metal replacement materials are fully non-combustible and given the sensitive nature of the site, early engagement has taken place with Building Control and the London Fire Brigade. The Fire Brigade welcome the works. *(Draft London Plan policy D11)* |

### CONCLUSION

The proposed changes to the materiality of the buildings will address fire safety issues associated with the existing timber battens. Building Control continues to advise on the project to ensure that the materials and construction meet Building Control regulations.

7.4 **Other Matters – Implementation**

7.4.1. Officers are keen for the development to be carried out as soon as possible, so residents are able to return to their property and are able to access and enjoy their external amenity space. As such, a condition is recommended to ensure the works are carried out within one year. Officers will seek to work with the applicant to ensure the works if approved are carried out as soon as possible. The applicant has advised they are preparing a programme for the implementation of the development which will require access to eight properties at a time and this will need to be agreed with Southern Housing and Residential Management Group who own/manage the blocks.

7.4.2. At the time of publishing the report, officers are yet to receive a programme and as such, a condition requiring it is recommended. Southern Housing and Residential Management Group have also been invited to the planning committee should members have any questions for them.

8.0 **EQUALITIES**

8.1 The Equality Act 2010 requires the Council to advance equality of opportunity in the exercise of its functions. The proposed development is not envisaged to impinge on the rights of residents.

9.0 **CONCLUSION**

9.1 The proposed replacement of all timber on the facades of Samuel Garside House and Ernest Websdale House with a non-combustible metal alternative is considered acceptable in terms of design and appearance. It is also considered an appropriate and sensitive design response following the fire that took place in June 2019. Building Control will continue to provide advice on the project to ensure the materials and works meet Building Control regulations. The proposal once complete will allow residents to be able to access their private amenity space whilst having the added peace of mind that the fire risk of the timber has been suitably negated.
9.2 The proposal generally complies with the relevant policies set out in the National Planning Policy Framework, the London Plan and the Local Plan.

9.3 It is recommended that the Planning Committee grant planning permission subject to the conditions listed at section 10 of this report.

10.0 PLANNING CONDITIONS

1. Period for compliance

The development hereby permitted shall be completed in full within one year of the date of this permission.

Reason: To ensure an acceptable design and appearance and that the residential accommodation provides safe and secure external amenity space in accordance with policy CP3 of the Core Strategy and policies BP5, BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

2. Plan Numbers

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.

3. Details of Materials

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

<table>
<thead>
<tr>
<th>Product</th>
<th>Finish</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balustrade and Fascia</td>
<td>10mm x 40mm Aluminium Flats</td>
</tr>
<tr>
<td>Handrail</td>
<td>Aluminium box section</td>
</tr>
<tr>
<td>Rainwater Downpipes</td>
<td>Aluminium box section downpipe</td>
</tr>
<tr>
<td>Decking</td>
<td>Ali-Deck Aluminium balcony board</td>
</tr>
<tr>
<td>Gutter</td>
<td>Aluminium box gutter</td>
</tr>
<tr>
<td>Paving to Terraces</td>
<td>450mm x 450mm paving slabs</td>
</tr>
</tbody>
</table>

Reason: To protect or enhance the character and amenity of the area in accordance with policy CP3 of the Core Strategy and policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.
4. **Project Execution Plan**

Within 6 weeks of the date of this decision a Project Execution Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure works are carried out in a timely manner without additional disruption to residential amenity in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

5. **Landscaping Details**

Within 2 months of completion of the works, a scheme showing details of the soft landscape screening to the ground floor car park, including details of materials, species and a planting schedule, shall be submitted to and approved in writing by the Local Planning Authority. The approved soft landscaping shall be carried out in the first planting and seeding seasons following the completion of the development, and thereafter permanently retained. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To 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, BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.